



Legal Aid  
Agency

# Discretionary Disregard of Payments made to Victims of Grenfell Tower Fire

## Guidance for providers

Version	Issue date	Last review date	Owned by
1	July 2017	July 2017	Service Development

## Summary

**Financial support provided to victims of the Grenfell Tower fire to pay for essentials can be disregarded from civil legal aid eligibility assessments.**

**We have urgently amended the legal aid legislation to ensure that victims of the Grenfell Tower fire are not disadvantaged in applying for legal aid because of these payments.**

## Disregarded payments

The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2017 amends the means testing rules governing eligibility for civil legal aid. The changes allow payments made to support victims of the Grenfell Tower fire with the cost of essentials to be disregarded from the civil legal aid means test; this covers payments such as those from the Government's **Grenfell Tower Resident's Discretionary Fund** or charities to pay for clothes, food, transport and funeral costs following the fire.

The new statutory instrument which has now come into force amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013; specifically, Regulation 24 (disregards when assessing gross or disposable income) and Regulation 40 (disregards when assessing disposable capital). The amendments add a new disregard to both lists.

The new disregard set out under Regulations 24(3) and 40(2) covers payments made to victims of the fire at Grenfell Tower, so long as the payment is provided *because* they are victims of the fire (rather than because, for example, it is their birthday or it is an entitlement such as their usual payment of state benefit) and is not made by someone 'known personally' to the legal aid applicant.

## Delegation

**Responsibility for means assessment decisions for controlled work and family mediation is delegated to providers; providers may exercise discretion to disregard payments under Regulations 24(3) and 40(2), made to victims of the Grenfell Tower fire.**

The discretionary disregard can cover payments such as those from the Government's Grenfell Tower Resident's Discretionary Fund (DF) as well as those from other charities such as the London Emergencies Trust. The disregard does **not** cover payments made to the victim by family and friends.

The discretion to disregard payments will apply for all types of civil legal aid applications where eligibility is means tested, as opposed to applications solely concerning legal issues associated with the fire (e.g. assistance in relation to a homelessness application).

In defining victims to whom the disregard will apply, we have sought to cover: residents of the tower, whether they were present at the time of the fire or not, those who were visiting the tower at the time of the fire, those who were injured (which could include emergency personnel, including those doing body recovery), those in the area surrounding the tower whose homes were evacuated and relatives of those deceased or missing. This largely mirrors the definition of Grenfell Tower victim that Government is using for other support, e.g. via DF payments.