



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

data.access@justice.gov.uk

9th September 2020

Dear [REDACTED]

Freedom of Information Act (FOIA) Request – 200817020

Thank you for your request dated 17th August 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

- ***Any internal policy or guidance on the assessment of prospects of success in relation to section 21A proceedings; and***
- ***Any internal policy or guidance on the funding of repeat applications to the Court of Protection under s.21A MCA 2005.***

Your request has been handled under the FOIA.

The MoJ does not hold any information in the scope of your request.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Outside the scope of the Act, the above explanation notwithstanding, it may be helpful to note that the guidance in use by decision makers considering applications for civil legal aid is published at <https://www.gov.uk/guidance/civil-legal-aid-civil-regulations-civil-contracts-and-guidance> (and is thus exempt from disclosure under s.21 of the Act, given it is already reasonably accessible).

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice,

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Information Governance
Legal Aid Agency**