

# Financial assessment form

For people who receive Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Guarantee Credit or Universal Credit (Pathfinder).

Please Note: You may have to pay back your legal costs from money or property, kept or gained, as a result of your case.

Making a false declaration is an offence. If you are found doing so, you may be prosecuted and asked to repay your costs in full.

- 4 Fill in this form if you, your partner (or if you are applying for someone else, that person or their partner) receive any of the state benefits listed above. Do not fill in this form if you or your partner only get Working Tax Credit or contribution-based Jobseekers Allowance or contribution-based Employment and Support Allowance. Fill in form CIVMEANS 1 instead.
- 4 By 'partner' we mean someone you are married/civil partner to or normally live with as a couple.
- 4 You must answer all the questions on this form or it will be rejected. We will check the information you give with the benefit office.
- 4 If you are applying for Legal Aid, you must send us this form within two months of signing it. Otherwise we will reject your application. You must report changes in your financial circumstances as soon as possible. This form must be completed in ink.

If you already have Legal Aid a should use this form to tell us:	and are reporting a change i	n your financial circumstances you
Your legal aid reference number	er	
What the change is (please tic	k relevant box below):	
	, , ,	its listed at the top of this form. receive passporting benefit).
If you no longer receive passp	orting benefit, fill in CIVME	ANS 1 instead.
Please now complete the rest	of this form.	
	You	Your partner
Surname:		
Surname at birth:		
Other Names:		
Date of birth:		
(This must be the place where you usually live)		
Daytime phone number:		
Mobile phone number:		
National Incurance No:		
National insurance No		1

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Which benefit is being received? (Please tick relevant box)	☐ Income S ☐ Guarante ☐ Income-b Allowance	ee Credit based Jobseeker's	Sup     Ini	ome-related E oport Allowand oversal Credit	
Who receives the benefit? (Please tick relevant box)	Someone	e else: please stat			
What is the full address You must tell us this to	-				
If you are currently not ${ m v}$ When did the person first ${ m 4}$ Please answer the ren	st get the bene	fit?	/	/ e declaration (	on page 16
Other people  Give details of everyone Include your children an	e who lives in ye	our home other tha	an you an	d your partne	
Full name [	Date of birth	Relationship	Do they work full time?	In full time education?	If in F/T education amount of any loan/grant received?
	/ /		Yes No	Yes No	received?
					£
					£
	//				£
Does anyone else give y	ou or your par	tner any financial	help?		
4 This might be somed allowing use of asse including loans prov stopped, please tick	ts/money. Yo vided to you. I	u should include f you received su	details oupport in	f all capital l	ump sums
No: please go Capital section		Yes: ple	ase give t	he details on	page 3:

Company or per	son Type of supp	oort received	you ii years	n each of t	een worth he last 3 with the la	
			_ 1	2	3	
				2	3	
			1	2	3	
may also be relev	ources of someone provant to your application of a CIVMEANS 1	n. Further infor	mation ma	y be reque		ort
Capital and	d other assets.					C1
1. Do you or your p	partner have any of the fo	ollowing:-	Yes	No		C2
Bank current acco	ounts					<u> </u>
Bank savings acc			H	$\Box$		
Building Society a						
ISAs						
	Post Office accounts					
Other accounts	r out omico accounto					
Cash at home				H		
If YES to any of the	e above, please give de	ails helow:-				
Bank/Building	Name of account	Account	Type of	account	Current	
Society name	holder	number	e.g. curr deposit,		balance	
					£	□
					£	□
					£	
					£	Ц
of the row.	nto which account you	_	_	_		d
	etails of any savings a	-	•	-		
building society/ophotocopies cert	tatements covering the other financial account ified by a solicitor or in show the name and ac	t held. The stat nternet banking	ements mu g printouts	ist be orig	inals,	C3
2. Do you or your	partner have any of the	following:-	Yes	No	Current	Value
National Savings	Certificates				£	
Premium Bonds					£	
Capital Bonds					£	
Stocks or Shares					£	
Any other type of	savings				£	
4Please provide	e evidence for all inves	tments shown	above e.g.	share cert	tificates etc	<b>).</b>

Capital and other assets continued	
3. Do you have any valuable possessions (valued greater antiques, paintings, collectable items, horses or boats?	, , ,
Yes No No	
If YES, please give details below:-	
What these items are	The sale value of these items
	£
	£
	£
4. Do you or your partner own or have a financial interest	in the property you live in?
No: please go to question 8 on page 5	Yes: please tell us
The current market value of the property you live in: £	
Please tick the box which applies to you or your partner:	
The property is held in my or my partner's sole name. F	Please state who holds the legal title:
The property is held in our joint names. I own	% My partner owns %
I have a charge on the property to secure my financial The current value of your charge £	
$4$ Please do not include here any details relating to $\mathfrak p$ proceedings	
5. What is the amount outstanding on any mortgage or loar £	ns secured on the house you live in?
Are there any endowment policies linked to this mortgage	? Yes No
6. Please tell us whether the property is	
☐ Detached ☐ Semi-detached ☐ Terraced	Bungalow Flat/Maisonette
7. Number of bedrooms in the property	_

Capital and	other assets o	ontinued		
other than wher 4 Tick yes to th	is question if you reta			
live elsewher	e. Yes [	☐ No ☐		
If YES, please give	_			
Its address	Market valu	e Amount of any mortgage or loan	How do you use the property e.g. rent it out or live in it part time?	What share do you or your partner own?
	£	£		
				_
	£	£		
				_
If YES, please give		s No		<u>C5</u>
When was the policy t	VVI	at is the loan value?		e surrender value?
			£	
against the polic	olicies have a surre y. You will need to o partner have the use	contact your policy	r provider for these v	values.
If YES, please give		53		
Who owns the car?	•	Their relationship to	you?	
11. Do you or your	partner own a car or	any other vehicle?	Yes No	☐ <u>C6</u>
If YES, please give	details below:-			
Make and model	Registration number	Purchase price	Loan outstanding	Date of purchase
		£	_£	//
		_ £	_£	//
		£	_£	//

Ca	pital and other as	ssets contin	ued
12.	Are you or your partner or due to be paid?	wed any money (	e.g. this may include a redundancy payment that is
		Yes	No
13.	Have you or your partner who has died, or from a t	•	rou likely to receive anything from a will of someone
		Yes 🗌	No
14.		ny company or bo	or given any money, property or possessions to ody) since you became aware that these
		Yes	No
15.	Have you made any purch 12 months?	nases or paid out	any sum of money, over £2,500, in the last
		Yes 🗌	No
16.	Do you or your partner havincluded in this section?	ve any other capit	al or other assets which have not been
		Yes	No
lf y	ou have answered YES to	o any of the abo	ve questions please give full details below:-
17	. Are you or your partner s	subject to a bankr	ruptcy order?
•••	. The year of year partitor of	Yes 🗍	No 🗆
	4 If YES, please attach a This will speed up the $_{ m I}$	copy of the orde	er and latest schedule of assets and liabilities.
18	<ol> <li>Do you or your partner h freezing order so that yo</li> </ol>	•	capital or assets which are subject to a m?
		Yes	No Please go to question 20.
	4 If YES, please attach a application.	copy of the orde	er. This will speed up the process of your

Capital and other assets continu	ued
19. Has an application been made to apply (o	or reapply) to discharge or vary the
freezing order? Yes	No 🗌
${4}$ If YES, please provide a copy of the appli	cation and amended order as applicable.
<ol> <li>Use this section to tell us anything we nee such as any likely changes.</li> </ol>	ed to know that is not already on this form
Yes If YES, please provide details below:-	No 🗌
Self-employment, partnerships	and directorships C8
You must answer all the questions in to Do not strike through or write 'not app	
Are you self employed?	
a sole trader (i.e. you have sole ownership anyone who is required to complete a self- person. If you operate in partnership with	engaged in a trade, profession or vocation as of the business and its profits). This includes assessment tax return as a self employed someone else (i.e. you share the ownership of ore other person) you should answer no to v.
you	your partner
No: please go to question 2	☐ No: please go to question 2
Yes: please tell us	Yes: please tell us
How many different forms of self employment do you have?	How many different forms of self employment do you have?
each trade, profession or vocation which y	VMEANS2A (available from your solicitor) for you are involved in and attach it to this form. e not currently trading, unless you have wound

# Self-employment, partnerships and directorships continued 2. Are you a partner in a business partnership? 4 By business partnership we mean anyone who is engaged in a trade, profession or vocation which is operated in partnership with someone else (i.e. you share the ownership of the business and its profits with one or more other person) but the business is not incorporated as a company. This includes anyone who is required to

complete a self-assessment tax return as a partner.

You should answer yes to this question even if you are a sleeping partner (i.e. you are not actively involved in the partnership, but you are entitled to a share of the business and its profits).

and its profits).	
you	your partner
☐ No: please go to question 3	☐ No: please go to question 3
Yes: please tell us	Yes: please tell us
How many partnerships you have?	How many partnerships you have?
4 Please also complete a supplementary form solicitor) for each partnership you are involved A CIVMEANS2A should be completed even it unless the partnership has been dissolved.	ved with and attach it to this form.
3. Are you a shareholder in a private limited comp	any and/or a company director?
4 By company director we mean anyone regis company (excluding charities), whether or n	
you	your partner
No: please go to question 4	No: please go to question 4
Yes: please tell us	Yes: please tell us
How many companies are you a director or shareholder of?	How many companies are you a director or shareholder of?
4 You will need to ask the company accounta CIVMEANS1C (available from your solicitor CIVMEANS1C should be completed even if significant accounting transactions). The coaccounts should be attached to this form.	) for each directorship you hold. A the company is dormant (i.e. it has no

<ol> <li>Have you submitted any self assessment tax re commenced your self employment, partnership,</li> </ol>	turn in respect of your income since you
you	your partner
No: please tell us when you expect to make a return / / (go on to the "About your case" section below).	No: please tell us when you expect to make a return / / (go on to the "About your case" section below).
Yes: please tell us	Yes: please tell us
Date of most recent submission / /	Date of most recent submission / /
Name of Tax Office	Name of Tax Office
Date when next return due / /	Date when next return due / /
About your case - What is the d	ispute about? C9
Please consult your solicitor before answering the	ese questions.
	ou or your opponent have made a
Please list any property, assets or possessions y claim to in your case.  4 Please include the address of any property a dispute. We do not take account of property where your interest in these assets does not	y in dispute at the beginning of the case,
claim to in your case.  4 Please include the address of any property a dispute. We do not take account of property	y in dispute at the beginning of the case, t exceed £100,000, but if you win or keep
claim to in your case.  4 Please include the address of any property dispute. We do not take account of property where your interest in these assets does not	y in dispute at the beginning of the case, t exceed £100,000, but if you win or keep
claim to in your case.  4 Please include the address of any property dispute. We do not take account of property where your interest in these assets does not	y in dispute at the beginning of the case, t exceed £100,000, but if you win or keep

Insurance	
1. Do you have contents / building / motor / other insurance?	
Yes please go to question 2  No please go to next section	
2. Does the policy include insurance in relation to legal fees?	
Yes No No	
If YES, please provide details:	
If you are not sure whether your policy covers legal fees, please refer it to your solicitor for checking.	
Extra information not provided earlier in this form  4 If you know of an event that will change your financial circumstances in the next 12 months we need to know the date of that event and how it will change your circumstance. This might be that you are going to have a baby (we will need to know the expected date birth) or that you know that you will be starting a new job.	

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# LEGAL AID AGENCY PRIVACY NOTICE

#### **Purpose**

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

#### **About personal information**

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in a legal aid application such as your financial circumstances and information relating to any current or previous legal proceedings concerning you.

We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

#### Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided in your legal aid application will only be used for the purposes set out below.

#### Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided in a legal aid application is for the purposes of providing legal aid. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a
  contribution towards the costs of this legal aid and to assist the Legal Aid Agency in
  collecting those contributions, if appropriate.
- In assessing claims from your legal aid Provider(s) for payment from the legal aid fund for the work that they have conducted on your behalf.
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately.
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

We collect 'special categories of personal data'. This data is collected where necessary for the purposes set out above. The condition under which we process this data is Article 9(g) of UK GDPR – Reasons of substantial public interest. Our associated Schedule 1 condition is Statutory and Government purposes. We also collect this data for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data will be treated with the strictest confidence and any information published under the Equality Act will not identify you or anyone else associated with your legal aid application.

We collect 'personal data relating to criminal convictions and offences or related security measures'. This data is collected where relevant for the purposes set out above. The Legal Aid Agency is an Executive Agency of the MoJ, an Official Authority for the purposes of Article 10 of UK GDPR.

#### Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Your instructed legal aid Provider(s), including any advocate instructed by a legal aid solicitor;
- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP), Home Office and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings
- If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering. We may specifically share data with HMRC and DWP for fraud prevention, investigation and prosecution purposes; and
- Where a debt is owed to the Legal Aid Agency, we may share your data with public authorities such as HMRC and DWP and with debt collection partners such as Marston Holdings for the purposes of tracing, debt collection and enforcement.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

#### **Data Processors**

We may contract with third party data processors to provide email, system administration, document management and IT storage services. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

We contract with Marston Holdings as a data processor for the collection and enforcement of criminal legal aid contributions. Any personal data shared with the data processor for this purpose is governed by model contract clauses under data protection law.

#### **Automated decision making**

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision on an application for legal aid or a claim for costs in a legal aid case will always be made by a human decision maker. This could be a member of our staff, or a staff member of a legal aid Provider acting under delegated authority from the Legal Aid Agency.

#### Details of transfers to third country and safeguards

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our IT services. Such transfers are made on the basis of Adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

In limited and exceptional circumstances, where required for the provision of technical support, personal data stored in our call centre software may be accessed by support staff located in USA, Romania, Philippines, Singapore or Australia. Where transfers for this purpose are made to locations without Adequacy decisions the transfer is made on the basis of exceptions under Article 49 of UK GDPR and is required for the legitimate interests of the Ministry of Justice. The software provider maintains the same standards of IT and personnel security for its services overseas as it does for services in the UK.

#### Retention period for information collected

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

https://www.gov.uk/government/publications/record-retention-and-disposition-schedules

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

#### Access to personal information

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team - Post point 10.25 Ministry of Justice 102 Petty France London SW1H 9AJ

Data.access@justice.gov.uk

#### When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

#### You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the;

The Data Protection Officer Ministry of Justice 102 Petty France London SW1H 9AJ

dataprotection@justice.gov.uk

#### **Complaints**

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Tel: 0303 123 1113 www.ico.org.uk

## Declaration and authority by person receiving the benefit

- $4\,\mathrm{The}$  declaration should be signed by the person receiving the benefit if they are not the person applying for legal aid.
- I consent to the Legal Aid Agency (LAA) disclosing information about me to the Department of Work and Pensions and making such enquiries as may be necessary to check the information provided in this application. The Department of Work and Pensions may carry out such processing as is necessary to check this information remains correct and may inform the Legal Aid Agency of any relevant changes.
- I understand that the Legal Aid Agency can make any enquiries and get any information it needs
  to deal with this application. I agree to the Legal Aid Agency checking these facts with others
  such as credit reference agencies, the Department of Work and Pensions and HM Revenue and
  Customs and I authorise those people/organisations to provide the information they are asked
  for.

Signature:	Date:	<u>/ /</u>	

### **Declaration and authority by partner**

- 4 If you have a partner whose details have been completed on this form who has not signed the declaration above (i.e. they are not the person receiving the benefit), then they must sign the authority below:
- This is a true statement of all my income and assets in the UK and abroad.
- I understand that the Legal Aid Agency can make any enquiries and get any information it needs to deal with this application. I agree to the Legal Aid Agency checking these facts with others such as credit reference agencies, the Department of Work and Pensions and HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.

Signature:	 Date:	/	1
9			

# Declaration and authority by applicant

Please check that you have answered all the questions, as there will be a delay in considering your application if all the information needed is not provided. Please read each of the following statements carefully.

- I, my partner, the person I am applying for or their partner get Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Guarantee Credit or Universal Credit (pathfinder).
- This is a true statement of all my and my partner's assets in the UK and abroad.
- I understand that if I am found to have knowingly made a false declaration about my assets or the benefit I receive, or to be dishonestly claiming benefits or not properly entitled to benefits, my legal aid may be revoked i.e. cancelled, at which point I will become liable to pay all the costs that have been incurred and may be prosecuted.
- I understand that the Legal Aid Agency will regularly undertake checks to confirm my and/or my partner's receipt of and continuing entitlement to benefits with the Department of Work and Pensions or their agents.
- I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances including a change in benefits. Failure to notify changes may lead to my legal aid being revoked and I may be prosecuted.
- I understand that the Legal Aid Agency can make any enquiries and get any information it
  needs to deal with this application. I agree to the Legal Aid Agency checking these facts with
  others such as credit reference agencies, the Department of Work and Pensions and HM
  Revenue and Customs and I authorise those people/organisations to provide the information
  they are asked for.
- I understand that I must co-operate fully and immediately with any enquiry into my financial circumstances by the Legal Aid Agency; if I do not, my legal aid certificate may be revoked.
- I understand that legal aid is not always free. I may have to pay a contribution towards my legal costs from my capital.
- I understand that the statutory charge may arise if I keep or gain money or assets as a result of my case. This means that I may have to pay back my legal costs at the end of my case from money or assets kept or gained, or costs awarded in my favour.
- I understand that the LAA may register an interest bearing charge against my property.
- The more work my solicitor does, the more I may have to pay back.

Please now sign and date the form and give it to	o your solicitor.			
Signature:	Date:	/	/	

#### **Evidence Checklist**

All financial assessment forms must be sent to the LAA with supporting evidence for the circumstances declared. Please use the following checklist to ensure you submit the correct information with the CIVMEANS2.

If the correct information is not enclosed it could lead to rejection of the application or delays while we request further evidence in support of the means assessment.

Page 2 final	ancial help	from	someone	else
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If you receive money or support from a trust fund you must send a copy of the trust deed,
attached to form CIVMEANS 2. If this is not attached we will request it and your application for
legal aid will be delayed

#### Page 3 Capital and other assets

Bank statements - please ensure you send three months statements for all bank/building
society/ other financial accounts held in you or your partner's name. These need to be for the
three consecutive months prior to the date of submission of the application. The statements must
be originals, photocopies certified by a solicitor or internet banking printouts (for "paperless"
e-accounts) that show the name and account number.

☐ If you or your partner have investments, please send copies of the certificates held for them.

#### Page 6 Capital and other assets

Where you or your partner has answered 'yes' to any of questions 12 to 16, please ensure that full details are provided in the space available on page 6.

#### Page 6 Bankruptcy or Freezing Order

- Where you and/or your partner have answered 'yes' to being subject to a bankruptcy order, please ensure that a copy of the order and latest schedule of assets and liabilities is attached to this form.
- Where you and/or your partner have answered 'yes' to being subject to a freezing order, please ensure that a copy of the original order is attached. If you have applied to discharge or vary the order attach a copy of the application and amended order as applicable

#### Page 7 Self employment, partnerships and directorships

- If you or your partner are self employed in a business partnership or as a company director please send:
  - your latest trading accounts (including a balance sheet if you have one)
  - vour most recent HMRC self assessment return
  - bank statements for any account for which you and/or your partner are an authorised signatory

Form CIVMEANS2A must be completed for each trade, profession or vocation with which you or your partner are involved and must be attached to the CIVMEANS2 form.

If you or your partner are a Partner in a business, a supplementary form CIVMEANS2A must be completed for each partnership you are involved in.

If you or your partner are a shareholder in a private limited company and/or company director, the company accountant needs to complete a supplementary form CIVMEANS1C for each directorship held.

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