

Focus

ON CDS

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- **TERMINATION OF THE CRIMINAL CONTRACT**

ON 26 MARCH WE WROTE TO THE PROFESSION ABOUT TERMINATION OF THE CRIMINAL CONTRACT. THE LETTER IS REPRODUCED IN FULL ON PAGE 03.

- **AVOIDING CDS 7 REJECTS**

THE LSC IS COMMITTED TO PROCESSING CDS7 CLAIMS AS QUICKLY AS POSSIBLE. THIS ARTICLE HIGHLIGHTS COMMON ERRORS WHICH RESULT IN THESE CLAIMS BEING REJECTED. WE ALSO INCLUDE A CHECKLIST WHICH HOPEFULLY WILL ACT AS A QUICK REFERENCE GUIDE TO AVOID SIMPLE ERRORS CAUSING PROBLEMS - SEE PAGE 03.

- **CRIMINAL DEFENCE SERVICE SIMPLIFICATION PROJECT**

THE LSC HAS BEGUN WORK ON A PROJECT WITH A VIEW TO SIMPLIFYING THE ARRANGEMENTS UNDER WHICH CDS SUPPLIERS UNDERTAKE WORK ON BEHALF OF THE COMMISSION. FULL DETAILS ON PAGE 05.

- **ELIGIBILITY UPDATE**

NEW CDS ELIGIBILITY LIMITS FROM 7 APRIL 2003, INCLUDING UPDATED KEY CARDS - FROM PAGE 05.

WHO CAN UNDERTAKE POLICE STATION WORK?

WE CONTINUE TO RECEIVE ENQUIRIES AS TO WHO CAN UNDERTAKE WORK AT THE POLICE STATION.

DUTY SOLICITOR WORK

Unless written agreement to the contrary has been provided by us in accordance with Part B paragraph 8.2.5 of the General Criminal Contract Specification, the initial call from the duty solicitor call centre must be accepted by a duty solicitor.

Initial advice must be provided to the client by a duty solicitor.

After initial advice has been given by the duty solicitor, attendance at the police station can be undertaken by a duty solicitor or accredited representative.

If the individual is not a duty solicitor or accredited representative e.g. a partner in the same firm or a solicitor who is not a duty solicitor or accredited representative, they **MAY NOT** undertake duty solicitor work (Part B paragraph 8.2.1).

OWN SOLICITOR WORK

The initial call can be accepted by any individual whom the firm nominates.

Initial advice and attendance at the police station may be undertaken by:

- A duty solicitor
- An accredited representative
- A probationary representative (not indictable only cases)
- A solicitor or partner who is neither a duty solicitor nor a representative.

FOCUS ON CDS IS PRODUCED BY THE **LEGAL SERVICES COMMISSION PRESS OFFICE**.

PLEASE CONTACT **CHRIS DAVIES** ON **020 7759 0523** OR E-MAIL christopher.davies@legalservices.gov.uk

CDS NEWS IN BRIEF

UPDATE ON CONSULTATION TO THE CRIMINAL BILLS AND PACE COST ASSESSMENT MANUALS

Details of the proposed changes to our costs assessment guidance manuals were included in *Focus on CDS* 10. Consultation has now closed and we anticipate that revised guidance will be available on our website from April/May 2003. We are grateful for the constructive and helpful responses received.

DUTY SOLICITOR CALL CENTRE

The Legal Services Commission (LSC) has signed a contract with FirstAssist Group Ltd to continue to operate the 24-hour Duty Solicitor Call Centre for a further five years. The Call Centre service handles over 1 million calls a year on behalf of the LSC. The contract was subject to a rigorous competitive tender process covering both the quality and price of the bids submitted.

FirstAssist have continued to demonstrate their commitment to providing a cost effective service which meets our requirements and we look forward to continuing to work in partnership.

DUTY SOLICITOR CASES CONFLICT OF INTEREST

Duty Solicitors are reminded that if a conflict of interest occurs and a case needs to be handed back to the Duty Solicitor Call Centre (DSCC), the duty solicitor must make the telephone call to the Call Centre to confirm this. The instructions to the DSCC are that such advice should not be accepted from the police. If the police provide such advice, the DSCC will not re-open the case until the duty solicitor allocated has confirmed the position.

DUTY SOLICITOR SLOTS/DUTY SOLICITOR MOVING SUPPLIER

Most suppliers will be aware that Part B paragraph 8.4.1 of the General Criminal Contract and paragraph 6.3 of the Duty Solicitor Arrangements 2001 make it clear that duty solicitor slots are allocated to the supplier and remain the responsibility of the supplier to cover.

Slots do not move with the duty solicitor if the duty solicitor moves to another supplier. In the event that the supplier no longer employs any duty solicitors, the regional office will reallocate slots to a new supplier.

Duty solicitors are reminded that if sufficient notice is given to the regional office, on a confidential basis, when a move to another supplier is to take place, slots can be allocated to that supplier when the next rota is produced. Regional offices usually produce a rota at least one month in advance.

PROBATIONARY REPRESENTATIVES

A reminder that Part B Rule 3.3 of the General Criminal Contract includes the following requirement:

"From 1 April 2003, a Probationary Representative may only provide Police Station Advice and Assistance for the firm at which his or her supervising solicitor is based".

The firm must hold a General Criminal Contract. Suppliers will wish to ensure that, particularly when Police Station Advice and Assistance is provided by a representative who is not in the supplier's full time employment, this requirement is adhered to so that any future reduction of a claim is avoided.

PROCEEDS OF CRIME ACT 2002

Further to an article on this subject in *Focus on CDS* 10, the General Criminal Contract has been amended from 1 April 2003 to extend the scope of the Associated CLS Class of Work to cover proceedings under the Proceeds of Crime Act. This means that all firms with either a General Criminal Contract or a General Civil Contract will be able to undertake civil cases under the Act. All applications for civil funding should be made to the Commission's London Regional Office. For further information, please see *Focus* 41, page 19. Detailed guidance will appear in the forthcoming update to the LSC Manual in Volume 3. This guidance is also available on both the criminal and civil guidance sections of our website at www.legalservices.gov.uk

GENERAL CRIMINAL CONTRACT Update

ON 26 MARCH WE WROTE TO INFORM THE PROFESSION ABOUT TERMINATION OF THE CRIMINAL CONTRACT. THE LETTER IS REPRODUCED HERE:

"As you may be aware, the initial term of the current General Criminal Contract ends on 31 March 2004. However, the Contract itself provides that it will automatically extend for one year from that date, on the same terms, unless the Commission gives at least one year's notice to the contrary.

This letter gives you the required formal notice that there will be no automatic extension to the General Criminal Contract on 31 March 2004.

At that stage the current contract will have been in existence for some three years. Both the Commission and solicitors operating under it will have gained significant experience of its operation and identified areas where it could be amended to improve it. We are seeking to facilitate, and focus the process of identifying areas for improvement, by undertaking a specific project aimed at simplifying the

Contract and the processes and procedures underlying it. In particular we will be seeking to remove or reduce any unnecessary administration or bureaucracy associated with the Contract. We are undertaking a programme of consultation with solicitors and representative bodies as a part of this project.

In addition there are significant and continuing changes to the wider Criminal Justice System within which the Contract must operate. It is important that we have the flexibility to ensure that the Contract – being the framework within which solicitors deliver services to suspects and defendants – continues to mesh effectively with this wider environment.

Given these issues it is appropriate that we create the opportunity to revise the current Contract in April 2004 and to issue a new one.

Any amendments which we propose to the contract will be the subject of full consultation and discussion with all contract holders and with representative bodies.

We are determined to maintain a national network of high quality, private practice,

solicitors to provide members of the public with access to the CDS services they require. In the coming year we will continue to work with contracted firms, through the contract management and audit process, to identify and acknowledge excellent performance and to identify, and work with, suppliers whose performance needs to improve - in terms of both quality and value for money. Given this, we expect to continue, and build upon, our contractual relationship with the many excellent and committed suppliers with whom we currently work. However, we will be discussing with the Law Society, and other representative bodies whether it would be appropriate to offer new contracts to firms confirmed to be in Category 3 audit rating following the conclusion of any appeal process. This would be consistent with the approach which we have already signalled in other areas of work.

If you wish to discuss the contents of this letter please do not hesitate to contact your Regional CDS Manager or the central CDS team."

Richard Collins Director of CDS

AVOIDING CDS 7 REJECTS

WE ARE COMMITTED TO PROCESSING CDS7 CLAIMS AS QUICKLY AS POSSIBLE SO THAT YOU CAN RECONCILE YOUR ASSESSED WORK AGAINST SMP WITHOUT DELAY.

Rejecting your CDS7 causes double-handling at your office and at our Process Centres, affecting the turn-round time of properly-completed bills. Our top 5 reject reasons are:

- No signature
- No Representation Order (stamped Board/ LSC copy)
- No CDS8 (where counsel assigned)
- Form not fully completed
- File not submitted

An article in *Focus 40* ('Stamping out rejects') explained that, in order to reduce the number of rejected forms, the LSC is introducing initiatives which involve, wherever possible, requesting missing information by telephone.

At the three Crime Process Centres, we have, where feasible, telephoned suppliers in order to request missing information. Where

the information is provided within 24 hours, your form will not be rejected. Please do not rely on this "safety net" as there will be circumstances when retention of large files of papers pending call-backs is simply not an effective use of resources. We would far rather resolve the problem at source.

We are scrutinising claims more closely to ensure that they are only rejected once. To further address the problem, we have produced a reject checklist opposite which will act as a quick and easy reminder of what information, and what attachments, we need to process your bill.

Reduced backlogs will help us to avoid occasional misdirection of papers and we are liaising with the Document Exchange company to try and address any (hopefully rare) losses without delay. In turn, we ask that you package your claims and files as securely as you can. **To avoid delay the file must be sent with all CDS7 bills. This change takes immediate effect.**

CDS7 CHECKLIST

- DO THE CORE COSTS AMOUNT TO A NSF?
- IS THE REPRESENTATION ORDER (STAMPED BOARD/LSC COPY) ENCLOSED?
- IS THE BILL SIGNED WITH AN ORIGINAL SIGNATURE AND DATED?
- HAVE ALL PARTS OF THE FORM BEEN COMPLETED? (E.G. VOLUME OF EVIDENCE, ATTENDANCE AND HEARING CODES)
- HAVE YOU PROVIDED RECEIPTS FOR ALL THE DISBURSEMENTS CLAIMED? (EXCEPT WHERE UNDER £10 OR MILEAGE)
- HAS THE FILE BEEN PROVIDED?
- IF COUNSEL WAS ASSIGNED, HAVE YOU ENCLOSED THE CDS8 AND REPRESENTATION ORDER SHOWING DATE COUNSEL WAS ASSIGNED? (STAMPED BOARD/LSC COPY)
- HAS THE RELEVANT CASE INFORMATION (PAGE 6) BEEN COMPLETED? THIS IS PARTICULARLY IMPORTANT WHEN CLAIMING ENHANCEMENTS (UNLESS YOU HAVE PROVIDED AN ADDITIONAL LETTER EXPLAINING THE CIRCUMSTANCES)

REMUNERATION OF PAROLE BOARD HEARINGS

LAST DECEMBER, WE PUBLISHED AN ARTICLE IN FOCUS ON CDS 10 EXPLAINING THAT NEW LEGISLATION DEALING WITH THE RELEASE OF MANDATORY LIFERS IS EXPECTED TO BE INTRODUCED IN AUTUMN 2003, AND UNTIL THEN, INTERIM ARRANGEMENTS WOULD APPLY. THE ARTICLE EXPLAINED THE ARRANGEMENTS FOR CDS FUNDING IN SUCH MATTERS.

As a result of that article, we have received further enquiries. This article is intended to explain the funding arrangements in more detail.

The normal process of events will be that a client requiring assistance with a parole matter will contact a solicitor supplier. That supplier will then consider whether to accept the application for Advice and Assistance and whether the matter meets the Sufficient Benefit Test and relevant Financial Criteria. If the supplier is satisfied that the relevant tests are met, the supplier will begin to provide Advice and Assistance to the client. When that matter concludes, the supplier will report the work as Advice and Assistance using the relevant Advice and Assistance rates (£46.90 for preparation outside of London, £49.70 within the London region).

The matter may progress to the extent that the Parole Board decides to convene an oral hearing. In those circumstances, the

supplier may then consider whether to self-grant an application for Advocacy Assistance. If the Parole Board decides to convene an oral hearing, the Advocacy Assistance merits test will usually be met (General Criminal Contract, Part B, Rule 4.3 and paragraph 6.5.2).

The Financial Criteria should be revisited when considering whether to grant Advocacy Assistance. The Financial Criteria for Advocacy Assistance are more generous than for Advice and Assistance. Consequently, a client who is financially ineligible at the Advice and Assistance level of service may be financially eligible at the Advocacy Assistance level of service. Therefore, you may be unable to assist a client for a paper-based Parole Board hearing, but able to assist that same client at an oral Parole Board hearing.

If the supplier is satisfied that the relevant tests are met, the supplier may self-grant Advocacy Assistance. Where Advice and Assistance was previously provided on the same matter, the level of service provided to the client moves from Advice and Assistance to Advocacy Assistance, and the upper limit increases from £300 to £1500. Where Advice and Assistance was previously provided on the same matter and the upper limit has been extended to a level below £1500, the upper limit will automatically increase to £1500. Where Advice and Assistance was previously

provided on the same matter and the upper limit has been extended to a level exceeding £1500, that upper limit will stand and may be extended further on application.

When the matter concludes, all work is reported as Advocacy Assistance using the relevant Advocacy Assistance rates (£56.15 for preparation outside of London). This means that even work conducted as Advice and Assistance prior to Advocacy Assistance being granted, is remunerated at Advocacy Assistance rates. This is the case even where the Parole Board decide to convene an oral hearing but that hearing does not subsequently take place, provided that the relevant qualifying criteria were met.

If you have any further enquires, contact Gary Winter, CDS Team, Legal Services Commission, 85 Gray's Inn Road, London WC1X 8TX (DX 450 London), telephone 020 7759 0455, or e-mail gary.winter@legalservices.gov.uk.

CRIMINAL CONTRACT AMENDMENTS

A consultation paper setting out proposed amendments to the General Criminal Contract has been sent to all representative bodies. The consultation paper is available in the criminal consultation section of our website. It has not been sent to all contractors as many firms have told us they would prefer not to receive consultation papers, (see *Focus* 40, p7).

The consultation includes proposals on costs assessment and termination of contract for fundamental breach (these are similar to the proposals for the General Civil Contract), minor amendments to the Contract Specification and Standard Terms and minor changes to the Duty Solicitor Arrangements 2001.

Once the proposed changes have been finalised, a notice of amendment will be issued to all suppliers.

LSC HAS NEW CHIEF EXECUTIVE

Clare Dodgson has been appointed Chief Executive of the LSC. Clare is currently acting Chief Executive at Jobcentre Plus, Department for Work and Pensions. Clare's early career was in the National Health Service. She joined the Employment Service in 1999 as Director of Jobcentre Services and then became Chief Operating Officer of Jobcentre Plus.

Clare was due to take up the post at the start of April. She has had to postpone her start date at the Commission due to senior civil service movement in Whitehall but she looks forward to joining the LSC as soon as possible. In the meantime, Steve Orchard has agreed to stay on beyond 1 April.

VICTIM SUPPORT WITNESS SERVICE

Giving evidence in the courtroom can be an intimidating experience for many people, especially if they are not prepared and do not understand the process they are involved in. The Witness Service, provided by the charity Victim Support, aims to help people in this situation cope in court.

Trained staff and volunteers offer free and confidential support and information to adult and child witnesses, victims of crime and their family and friends. There is a Witness Service at every criminal court in England and Wales, so this source of advice is easily obtainable. It should be stressed that this service is available to witnesses for the prosecution and the defence.

The Witness Service will contact witnesses in advance, or the CPS, police or solicitors can refer them to the service. Witnesses may also refer themselves before or on the day of the trial. They are offered pre-trial visits to the courtroom and someone can accompany them into the courtroom at the hearing. For further information visit www.victimsupport.org.uk

CRIMINAL DEFENCE SERVICE Simplification Project

THE COMMISSION HAS BEGUN WORK ON A PROJECT WITH THE OBJECTIVE OF SIMPLIFYING THE ARRANGEMENTS UNDER WHICH CRIMINAL DEFENCE SERVICE SUPPLIERS UNDERTAKE WORK ON BEHALF OF THE LEGAL SERVICES COMMISSION. THIS WILL BE A FUNDAMENTAL REVIEW OF ALL THE RELEVANT REQUIREMENTS AND GUIDANCE IN ORDER TO REDUCE THE ADMINISTRATIVE BURDEN ON SUPPLIERS AND TO MAKE THE ARRANGEMENTS SIMPLER, MORE STRAIGHTFORWARD AND EASIER TO UNDERSTAND.

The scope of the project is wide ranging and will include a review of the following:

- CDS Regulations
- General Criminal Contract
- Duty Solicitor Arrangements
- Specialist Quality Mark (SQM)
- Transaction Criteria
- Standard forms and letters
- Guidance, e.g. Criminal Bills Assessment Manual

The project seeks to identify "quick wins" that can be introduced quickly, with the minimum of change for suppliers and the Commission, in addition to more radical changes that may need to be introduced over a period of time. There will be an opportunity to implement

some of the more significant changes in April 2004 when the General Criminal Contract may be amended.

We want to be as radical as possible in identifying areas for simplification, however, it is important to ensure that we maintain a system that provides the Legal Services Commission with assurance of:

- Quality of advice and service to clients
- Propriety of expenditure
- Value for money

We want input from as many CDS Suppliers as possible to ensure that all opportunities for simplification are identified and investigated. We have undertaken a survey of a small number of suppliers in each Region, invited Regional Duty Solicitor Committees to contribute suggestions and are arranging meetings with interested suppliers. Members of the Criminal Contract Consultative Group are also being consulted.

A similar project is planned for civil contracting, and in a separate, but related piece of work, the Supplier Development Group has begun work on an audit simplification project to consider how to make best use of existing, new and yet to be developed processes designed to identify

quality supplier performance, the aim of which will be to:

- Reward stronger performers with a simpler, more efficient working relationship with the Legal Services Commission, and
- Develop a benchmark against which strong supplier performance can be assessed, looking in particular at the quality of advice provided.

The audit project aims to identify how best to incorporate indicators of quality of advice alongside the measures for financial and contractual compliance that are already in place. As well as considering the implications that any developments have for reducing audit scope and replacing requirements in the SQM, the project also aims to review and reduce the existing level of bureaucracy for all suppliers, which can result from compliance with the SQM and its audit.

If you have any suggestions of how the current arrangements could be simplified please get in touch with your Account Manager or contact the following:

Maryvonne Islip, Project Manager CDS Simplification Project, on 0121 665 4737 or e-mail maryvonne.islip@legalservices.gov.uk

Alison Brown, Project Coordinator Audit Simplification Project on 020 7759 0379 or e-mail alison.brown@legalservices.gov.uk

CDS FINANCIAL ELIGIBILITY from 7 April 2003

The Criminal Defence Service (General) (No 2) (Amendment) Regulations 2003 provide for the following changes in financial eligibility. These changes will apply to all applications for funding made on or after 7 April 2003. (New passporting arrangements will apply from 6 April 2003.)

- 1) Changes to the passporting arrangements on income following the introduction of New Tax Credits for people in work (NTCs) which replace existing Tax Credits from April.
- 2) An uprating of financial eligibility limits representing a 1.7% increase in line with welfare benefit provision.

These changes are set out below.

NEW TAX CREDITS

Working Tax Credit and Child Tax Credit will replace Working Families Tax Credit (WFTC)

and Disabled Person's Tax Credit (DPTC) from 6 April 2003. Passporting arrangements on **INCOME ONLY** will apply to the NTCs where these are claimed as follows:

- Working Tax Credit claimed together with Child Tax Credit where gross annual income is not more than £14,213;
- Working Tax Credit with a disability element or severe disability element (or both) where the gross annual income is not more than £14,213.

A client will be deemed to automatically qualify on income grounds where Working Tax Credit is claimed together with Child Tax Credit or the award of Working Tax Credit includes a disability/severe disability element, subject to the gross income limit of £14,213. Disposable capital will need to be assessed in each case to determine whether the client's

means falls within the capital limit. A Tax Credit Award Notice will be issued to the client by the Inland Revenue upon determining his/her NTCs claim and, as appropriate, will confirm entitlement to the relevant tax credit(s) and provide a detailed breakdown of the award. This notice will therefore contain the information necessary to determine whether the client is passported on income or will require a full assessment.

It will no longer be necessary for practitioners to obtain details of the abatement figure from the award as was previously the case under the old passporting arrangements for WFTC and DPTC. (A person directly or indirectly in receipt of WFTC or DPTC on or after 6 April 2003 shall be treated as if draft Regulation 5 (i.e. passporting arrangements for NTCs) had not come into force. For these cases, the client continues to be passported

for funding if the abatement from the award is £70 per week or less). The new passporting arrangements represent a positive step forward in the LSC's continuing efforts to simplify the assessment process and improve the transparency of passporting arrangements.

SATISFACTORY EVIDENCE

In accordance with Rule 2.6 of the General Criminal Contract, satisfactory financial evidence will need to be supplied. A copy of the Tax Credit Award Notice issued to the client should be accepted as satisfactory evidence of the claim. Otherwise any relevant correspondence from the paying agency in the client's possession would be acceptable. Evidence must also be obtained of the client's other income i.e. salary, child benefit, maintenance payments.

Where the client does not have a partner it is likely that a single award notice will provide the necessary details covering all entitlements to the NTCs. Couples must make a joint tax credits application, i.e. they cannot decide to apply as a single person, however separate award notices may be issued. For example, in the case of a married couple the husband may be awarded Working Tax Credit while Child Tax Credit is awarded to the wife as the main carer of the children. The client must therefore provide a copy of all notifications pertaining to his/her financial circumstances including those issued to a partner.

The introduction of a gross income cut-off set at £14,213 will ensure that the global numbers entitled to remission from court fees are maintained and the current passported client groups are protected. The gross income cut-off is specific to the passporting arrangements for NTCs only, it is **NOT** applicable to the claims passported on the basis of Income Support or Job Seekers' Allowance (Income Based) entitlement. Similarly the £14,213 limit is not to be otherwise factored into the full income assessment for non-passported cases. The updated Keycard (38a) provides a step-by-step guide to assessment.

ADVICE AND ASSISTANCE

DISPOSABLE INCOME LIMIT	INCREASED FROM £89 TO £91 PER WEEK
CAPITAL LIMIT	REMAINS £1,000 FOR THOSE WITH NO DEPENDANTS REMAINS £1,335 FOR THOSE WITH ONE DEPENDANT REMAINS £1,535 FOR THOSE WITH TWO DEPENDANTS WITH £100 INCREASE FOR EACH EXTRA DEPENDANT

Clients in receipt of Income Support, Income Based Job Seekers' Allowance, Working Tax Credit + Child Tax Credit* or Working Tax Credit + a disability element* will continue to be automatically eligible on income, but their capital will still need to be assessed.

**gross income not to exceed £14,213 for passporting.*

This level of service remains non-contributory. Clients are ineligible if their income or capital exceeds the above limits.

ADVOCACY ASSISTANCE

DISPOSABLE INCOME LIMIT	INCREASED FROM £189 TO £192 PER WEEK
CAPITAL LIMIT	REMAINS £3,000 FOR THOSE WITH NO DEPENDANTS REMAINS £3,335 FOR THOSE WITH ONE DEPENDANT REMAINS £3,535 FOR THOSE WITH TWO DEPENDANTS WITH £100 INCREASE FOR EACH EXTRA DEPENDANT

Clients in receipt of Working Tax Credit + Child Tax Credit* or Working Tax Credit + a disability element* will continue to be automatically eligible on income, but their capital will still need to be assessed.

**gross income not to exceed £14,213 for passporting.*

Clients in receipt of Income Support or Income Based Job Seekers' Allowance will continue to be automatically eligible on both income and capital.

This level of service remains non-contributory. Clients are ineligible if their income or capital exceeds the above limits.

DEPENDANTS' ALLOWANCES

Following the uprating of 1.7% to the Income Support (General) Regulations 1987, the following increases to the allowances for dependants will apply to applications for funding for all of the above levels of service made on or after 7 April 2003.

PARTNER	INCREASED FROM £30.70 TO £31.10 PER WEEK
CHILD AGED 15 OR UNDER	INCREASED FROM £37.00 TO £38.50 PER WEEK
CHILD AGED 16 OR OVER	INCREASED FROM £37.80 TO £38.50 PER WEEK

KEYCARD No 38^A from 7 April 2003

GENERAL

This card is intended as a quick reference point only when assessing financial eligibility for Advice and Assistance and Advocacy Assistance. Full guidance on the assessment of means is set out in Part E of Volume 4 of the Legal Services Commission Manual. References in this card to volume and section numbers e.g. volume 4E-section 1 are references to the relevant parts of that guidance. Practitioners should have regard to the general provisions set out in guidance volume 4E-section 3, particularly those set out in sub paragraph 2 regarding the documentation required when assessing means. This keycard and the guidance are relevant to all applications for funding made on or after 7 April 2003.

ELIGIBILITY LIMITS

The summary of the main eligibility limits from 7 April 2003 are provided below:

LEVEL OF SERVICE	INCOME LIMIT	CAPITAL LIMIT
ADVICE AND ASSISTANCE	<p>DISPOSABLE INCOME NOT TO EXCEED £91 PER WEEK</p> <p>PASSPORTED IF IN RECEIPT OF INCOME SUPPORT, INCOME BASED JOB SEEKERS' ALLOWANCE, WORKING TAX CREDIT PLUS CHILD TAX CREDIT* OR WORKING TAX CREDIT WITH DISABILITY ELEMENT*</p> <p><i>*Gross Income not to exceed £14,213 for passporting</i></p>	<p>£1,000 FOR THOSE WITH NO DEPENDANTS</p> <p>£1,335 FOR THOSE WITH ONE DEPENDANT</p> <p>£1,535 FOR THOSE WITH TWO DEPENDANTS WITH £100 INCREASE FOR EACH EXTRA DEPENDANT</p> <p>NO PASSPORTING - CAPITAL MUST BE ASSESSED IN ALL CASES</p>
ADVOCACY ASSISTANCE	<p>DISPOSABLE INCOME NOT TO EXCEED £192 PER WEEK</p> <p>PASSPORTED IF IN RECEIPT OF INCOME SUPPORT, INCOME BASED JOB SEEKERS' ALLOWANCE, WORKING TAX CREDIT PLUS CHILD TAX CREDIT* OR WORKING TAX CREDIT WITH DISABILITY ELEMENT*</p> <p><i>*Gross Income not to exceed £14,213 for passporting</i></p>	<p>£3,000 FOR THOSE WITH NO DEPENDANTS</p> <p>£3,335 FOR THOSE WITH ONE DEPENDANT</p> <p>£3,535 FOR THOSE WITH TWO DEPENDANTS WITH £100 INCREASE FOR EACH EXTRA DEPENDANT</p> <p>PASSPORTED IF IN RECEIPT OF INCOME SUPPORT OR INCOME BASED JOB SEEKERS' ALLOWANCE</p>

STEP BY STEP GUIDE TO ASSESSMENT

STEP ONE Determine whether or not the client has a partner whose means should be aggregated for the purposes of the assessment (see guidance in volume 4E-section 4).

STEP TWO (A) Determine whether the client is directly or indirectly in receipt of either Income Support or Income Based Job Seekers' Allowance in order to determine whether the client automatically satisfies the relevant financial eligibility test as indicated by the 'passported' arrangements stated in the table on reverse.

STEP TWO (B) Assess gross income for all other cases. Determine whether the client is directly or indirectly in receipt of Working Tax Credit along with Child Tax Credit or Working Tax Credit with disability element. The client will be 'passported' on income where gross limit £14,213 not exceeded.

STEP THREE For any cases that are not 'passported' determine the client's disposable income (see guidance in volume 4E-section 5). Fixed allowances are made for dependants and these are set out in the table below. Other allowances can be made for: tax; national insurance and maintenance paid. Certain sources of income can be disregarded. If the resulting disposable income is above the relevant limit then funding should be refused across all levels of service without any further calculations being necessary.

FIXED RATE ALLOWANCES (PER WEEK) FROM 7 APRIL 2003	
DEPENDANTS' ALLOWANCES	
PARTNER	£31.10
CHILD AGED 15 OR UNDER	£38.50
CHILD AGED 16 OR OVER	£38.50

STEP FOUR Where a client's disposable income is below the relevant limit then it is necessary to calculate the client's disposable capital (see guidance in volume 4E-section 6). If the resulting capital is above the relevant limit, then the application should be refused.

STEP FIVE For those clients whose disposable income and disposable capital have been assessed below the relevant limits then for all levels of service the client can be awarded funding.