



Legal Aid
Agency

Working with others to achieve excellence in the delivery of legal aid

Rejects guidance

A guide to reduce CRM14 rejects

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Guidance

IT issues

If you have any problems accessing the eForm portal or completing a CRM14 contact the Online Support Team on 0300 200 2020 or email Online-Support@justice.gov.uk. Information on using the portal is available [here on GOV.UK](#). Please provide a reference number and explanation of the IT issues faced on the CRM14 if asking for a date stamp to be backdated. **CLAM 3.2**

Co-defendants

If there are co-defendants, you must give their names. If you do not represent them, you must give reasons why your client requires a different representative. Co-defendants should be represented by the same solicitor unless there is, or is likely to be, a conflict of interest. **CLAM 3.5.5.1**

Case concluded

If a case concludes in the magistrates' court before you get a date stamp, you must meet the criteria for pre order work. You should tell us the date of initial instruction, which must be no more than 10 working days prior to the hearing, and get a date stamp within five working days of the hearing. **CLAM 18 Annex A**

Pre order work is not available for Crown Court proceedings. This means you must submit your eForm on the day of the hearing, otherwise we cannot consider it.

Remanded in court custody

If the applicant is in custody, even where they have been remanded by the court, we do not assume that their household income ceases. Applicants should therefore declare their usual income as custody may be temporary.

Although not currently working, an applicant may also carry on being employed and paid wages until they are bailed, or the employer sees that the applicant will be unavailable for some time. The applicant may have other passive income such as from savings and investments, rental properties, and pensions.

Applicants who have been remanded into custody can self-certify. If the case is in the Crown Court or later progresses, we will issue an evidence request for the NINO. **CLAM 3.5.1, 9.6, 11 and 14**

Police custody versus court custody

The rules allowing an applicant to self-certify their income applies only to court custody. They do not extend to those held in police custody for whom any appropriate documentary evidence is required before an application can be processed. Where an applicant does not know their NINO and they are being produced from police custody, their application for legal aid should not be submitted until the court has determined the issue of custody or bail. The expectation is that the applicant can locate their NINO.

Transfers

The LAA has no authority to transfer legal aid and an application must be made to the relevant court. Go to [Justice website: procedure rules](#) to download 'Application by Person with Legal Aid to Change Solicitor' and scroll down to 'other proceedings' (part 46 representatives). Please refer to the **CLAM 7.1**.

Selecting the correct case type

Please select the correct Case Type on the application to avoid it looking like a duplicate. Specific care should be taken with Changes in Financial Circumstances and Appeal to Crown Court applications.

A change in financial circumstances application should not be submitted until we have processed the initial application.

Non means tested applications

Some applications are not means tested due to the nature of the proceedings and where they are being heard. This includes some proceedings in the Crown Court and all proceedings in civil venues. There's a quick guide to help you identify and submit non means tested applications on our [training and support website](#).

On the first page of the eForm select 'No' to the question 'Is this application subject to the usual means / passported test?'

Means

Living off savings

Bank statements for all accounts covering a 3-month consecutive period leading up to the date of declaration are required. Tell us the total amount of savings and also the average amount and frequency of the withdrawals. **CLAM 33 Annex P**

Other regular credits into bank accounts

If there are regular credits into their accounts, we will need these to be annotated and explained as these may form part of their income. This enables us to include regular sources of income without having to ask further questions.

Supported by family and friends

If the applicant is being supported by family and friends, clearly explain the nature of the support. If the applicant is receiving financial support from them, you must include the amount and frequency. **CLAM 9.4**

Outgoings exceed their income

If the applicant's outgoings exceed their income, tell us how they are supporting themselves, including the amounts and frequency of any money paid to the applicant by friends, family, and any other source.

It helps us build a clear picture of their financial circumstances if you can detail any support they are receiving. Similarly, providing details of arrears, a very recent drop in income, or use of savings helps avoid further questions.

CLAM 11.1.1

Living in rented property

If the applicant has declared they are living in a rented property, we would expect to see a source of income to pay rent. Although applicants do not need to declare the amount of housing benefit, if they have otherwise declared nil income, it would be helpful to explain that rent is met by housing benefit. Similarly, if friends or family are helping by paying their rent provide the amount and frequency of payments.

If the residential status is shown as a tenant, but the income section states the applicant is living with parents, we would need clarification as it is unclear which is correct.

Year to date figure (YTD)

We check the income shown on the wage slip to make sure it is reflective of the usual income earned for that year. We do this by dividing the total gross pay to date (year to date) by the number of pay periods (as shown on the payslip). If the earnings calculated from the year to date figure are significantly higher (10% or more) we will use the year to date average figure for the means assessment. If it appears the wage slip includes year to date figures, but these are not visible we will need to reject. **CLAM 12.6**

Passported benefits – NINO

If the applicant is on passported benefits, we need the National Insurance Number (NINO) to complete a benefits check. Please note, Universal Credit is a passported benefit therefore we require the NINO to complete the benefits check. You should select Guaranteed State Pension Credit when completing the benefit check for Universal Credit. **CLAM 10.1**

CRM15 – earnings over £239.90 a week

If the applicant's total income is more than £239.90 gross per week, we require a fully completed CRM15. It's a good idea to check their total income from all sources when answering this question. £239.90 equates to the annual lower income threshold below which applicants pass the means test. If their total income is more than this, we also need their outgoings and family circumstances to calculate their disposable income.

We may also need to reject if the year to date figure is more reflective of their employed income (see YTD section above). If we do, then you will need to change the answer from No to Yes for the CRM15 questions to be presented.

Loss of employment

If the applicant has lost their job in the last 3 months, we require a P45 or letter of dismissal with the eForm - unless they are in court custody. Ensure the letter includes the last day of employment. You must also include an explanation as to how they are supporting themselves. It is critical to assess their eligibility or liability to a contribution based on what their circumstances are now. This also enables us to prevent fraud with applicants potentially declaring they are no longer employed when in fact they are.

If they have been remanded into court custody, they can self-certify. We will only request evidence if the case is in the Crown Court or later progresses (14-day time limit). **CLAM 12.13**

Change in financial circumstances

Evidence of all changes should be attached to the application. Sometimes it's not clear what change is being reported so an explanation in the message field may help us avoid rejecting for clarification. A reassessment based on a change in financial circumstances can only be completed after the initial application has been processed. This is because we have to establish their financial eligibility or liability to a contribution at the point of application before reassessing on the new financial circumstances. **CLAM 14.1**

Evidence

File format and passwords

We can access the following file format extensions: PDF, JPG, JPEG, XLS, DOC, DOCX, XML, ZIP, PPT, HTML, PNG. We may need to reject other file formats.

Provide a password on the eForm for any evidence that is password protected.

Legibility and date of evidence

Information on any evidence provided should be clear and visible.

The evidence should also be dated within the permitted timescales. **CLAM Annex Q**

Matching evidence to the applicant or partner

Evidence should include personal information that links it to the applicant or their partner.

An explanation should be provided where information differs between the evidence provided and details submitted on the application, such as name and address.

If any additional names appear on the evidence, then an explanation should be provided of their connection to the applicant.

Mortgage agreements or statements

Mortgage agreements or statements must be dated within 12 months and include personal information that links the document to the applicant or their partner. If additional mortgage holders are named on the statement, then an explanation should be provided of their connection to the applicant.

Tenancy agreements

If the initial period of the tenancy agreement has expired but the agreement continues on a rolling contract basis, you must also provide bank statements showing annotated rent payments.

The agreement should include personal information that links the document to the applicant or their partner. If additional tenants are named, then an explanation should be provided of their connection to the applicant.

Wage slips

We require the full wage slip, showing:

- employee's name (and NI number where included)
- employer's name
- income
- deductions such as tax and NI
- year to date figures (where included)

If you are providing an online wage slip, ensure any expandable sections are visible.

Photographs or screenshots should be clear and glare free.

Bank statements as proof of income

We cannot accept bank statements as proof of income, unless the applicant is paid cash in hand. For all other employed applicants, we require their latest wage slip, or a wage slip dated within the last three months. **CLAM 3.5.10** shows the evidential requirements for all employed applicants.

Duplicate applications

Tools to avoid duplicate applications

It may be good practice to create an internal process, within your firm, to detail the applications submitted by each solicitor. Before generating a new application, this can then be cross referenced to ensure an application has not already been submitted.

Help us locate the applicant's case

Providing aliases, alternate spellings or different dates of birth can help us locate applicants on the court system.

Submit the eForm promptly

You should submit the application at the earliest opportunity. Delay can cause defendants to seek representation elsewhere.

Applicants instructing both you and the duty solicitor

Some applicants appear to be unaware that they have instructed the duty solicitor for future representation. Believing them to be court appointed for the first hearing, they are then approaching a different firm. It is advisable to check this before submitting an application. This avoids having to resolve the situation of two firms having a representation order for the same person.

Offences split under different case numbers

Sometimes providers attend a hearing and find that the court have listed offences under separate case numbers. So, you may not be aware that we have already granted legal aid to another provider for one of the offences. This means you cannot apply in relation to any of the offences under that Libra case number. You should be alert to this and check with your client.

Amending a representation order

A new application is only required if new offences are to be heard as a separate set of proceedings.

If new offences are added to the same case number in the magistrates' court, ask us to amend the existing representation order. There is a [pro forma on GOV.UK](#).

No amendment is needed for offences added to the same case number in the Crown Court. This is because we refer to the indictment to determine the fee. **CLAM 6.17 and 6.18**

Requesting a review if the applicant failed the IOJ

You should submit an IOJ appeal using the [pro forma on GOV.UK](#).

Requesting a review if the applicant failed the means tests in the magistrates' court

If the applicant's financial circumstances have changed, submit a CRM14 eForm. Select 'This application relates to a change of financial circumstances'. You should also explain what the change is. **CLAM 14.1.1 to 14.1.3**

If paying privately will cause hardship they can ask us to consider expenditure not already taken into account, such as debts, and the likely costs of the case. You should email a CRM16 form to Nationalcrimeteam@justice.gov.uk **CLAM 15 and 31 (Annex Q)**

If the applicant omitted information (for example, they forgot to tell us their childcare costs, they can do one of the following:

- amend, sign and date the printout of the financial assessment
- put the omitted information in a letter
- provide a new CRM14 eForm – with an explanation to distinguish it from a duplicate

Evidence of the omitted income/outgoings must be provided **CLAM 14.2**

Requesting a review if we have refused legal aid in the Crown Court

If the applicant's financial circumstances have changed, submit a CRM14 eForm. Select 'This is a new application' and using the messaging function tell us it is a 'New Application Following Indelibility'. **CLAM 14.1.1 to 14.1.3**

If paying privately will cause hardship they can ask us to consider expenditure not already taken into account in the means test and the likely case costs. You should email a CRM16 form to Nationalcrimeteam@justice.gov.uk. You will need to do this within 21 days of the issue date on the refusal notice. **CLAM 15 and 31 (Annex Q)**

If the applicant made a mistake with their declaration, they can tell us using one of the options set out in the magistrates' section above. They must do this within 21 days

otherwise a new application is required. As above you should tell us that it is a ‘New Application Following Ineligibility’.

New application following withdrawal

If you represented the applicant prior to withdrawal you must provide an explanation as to why the applicant withdrew to pay privately, and what now leads them to re-apply.

If another provider represented the client prior to withdrawal the LAA requires written confirmation from the courts that they agree legal aid can be granted to a new provider. This confirmation should be attached to the new application. Regulation 15(2) of The Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013 where legal aid is granted again following a withdrawal, it does not include a right to select a provider other than the provider named in the original representation order. In addition, as per Regulation 15(3) it is a decision of the court whether there is good reason why a provider other than the original provider can now represent the applicant.

Please refer to the **CLAM (7.2.2)**.



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