

# Help us to say yes Webinar: E-form and hardship evidence

**National Crime Applications Team** 

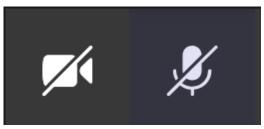
**08 December 2022** 

### Technical tips for this webinar

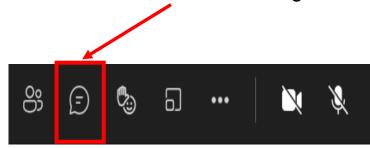
- 1. Please put yourself on mute during the webinar
- 2. You can ask us questions at the end of each session through the 'meeting chat'
- 3. Click on the 'meeting chat' to ask a question
- 4. You can keep the meeting chat open throughout to view other people's questions
- 5. Email us if you experience technical issues during the webinar:

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### **Content**

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### E-form and hardship evidence

### **Purpose of the webinar:**

• The purpose of this webinar is to assist you in providing the required evidence, and what is deemed as acceptable, for eForms and CRM16 hardships to reduce reject rates.



By the end of the webinar, you will have an understanding of:

- The evidence required to process your applications
- The evidence we deem as insufficient
- Where you can find additional guidance

## **About us**

### National criminal applications team (NCAT)

On 01 April 2022, the national crime team (NCT) and the crime applications team (CAT) were merged. They are now referred to as the national criminal applications team (NCAT).

- The merger has been a long-term plan since the work transferred to the LAA in 2013. Pre-2013
   CRM14 applications were processed by HMCTS, with the NCT processing more complex
   CRM14/15 and CRM16 applications. NCT also provided guidance and a customer service line for courts and providers.
- NCAT has two sections:
  - Category 1 (CAT1): Process employed, unemployed and passported benefits applications.
  - Category 2 (CAT2): Process CRM 14 applications, CRM16 applications, self-employed applications, including directorships, and non-means tested applications
  - The caseworkers are based in Nottingham, Liverpool and Birmingham

### National criminal applications team applications:

### September 2022:

CRM14 applications:	No:	CRM 16 applications:	No:
Number received	708	Number received	152
Number processed	482	Number processed	125
Number returned to provider	226	Number returned to provider	27
Monthly reject rate (%)	31.9	Monthly reject rate (%)	17.8
Average annual reject rate (%)	30.2	Average annual reject rate (%)	19.8

#### October 2022:

CRM14 applications:	No:	CRM 16 applications:	No:
Number received	722	Number received	168
Number processed	501	Number processed	139
Number returned to provider	221	Number returned to provider	29
Monthly reject rate (%)	30.6	Monthly reject rate (%)	17.3
Average annual reject rate (%)	17.7	Average annual reject rate (%)	11.4

## Self-employed applicants

### **Self-employed applicants:**

Self-employed applicants need to provide a range of evidence dependent on the work they undertake:

- If your client's case is within the crown court or indictable, the application can be processed on their initial declaration
- If the case is within the magistrates'' court, we require evidence of their income at the point of submission
- All evidence that will be discussed must include your client's full name

### Self-employed client in custody:

This relates to when your client is in 'court custody'

- Your client's case can be processed without evidence if they are remanded in custody
- If your client was self-employed prior to remand and will be unable to earn whilst remanded in custody the application can be submitted as nil income

### Key information to be declared for self-employed applicants:

Please ensure the following is included on the eForm:

- Turnover
- Drawings
- Profit
- Percentage share
- Trading start date

Business Type	Previous 12 Months' Financials	Director's Salary Total Income from Share Sales	Trading Name & Address	Business Details	In business with anyone else
Self- employed	Turnover: £7,800.00 per year  Drawings: £7,800.00 per year  Profit: £7,800.00 per year  Percentage share	Director's salary: £7,800.00 Total income from share sales: £0.00		Started trading: 01/05/2022	
	of profit: 100%				

### **Trading start dates:**

The trading start date governs what evidence is required for your client's self-employment.

The following is the evidence of your client's self-employment required, depending on the trading start date:

- Trading for one year or longer:
  - Tax return or accounts
- Trading less than one year:
  - Running accounts or invoices up to the 'date stamp' of the application.

If your client has been trading for less than one year and the application is being processed on the declared finances:

- The declared figure will be annualised for the length of time since trading commenced If your client's application is being processed on declaration:
- The highest figure out of their 'Drawings' and 'Profit' will be used

Please note: Contradictions between declaration and evidence will require clarification

### **Tax returns: Mandatory requirements:**

Tax returns provide us with a comprehensive picture of your client's financial position.

On receipt of a tax return, we look for the following:

- Your client's full name is input
- All pages of the document, with all figures clearly visible, are included
- It is dated within two years of the application
- A full breakdown of your client's business expenses if their net profit is above £12,475 is provided

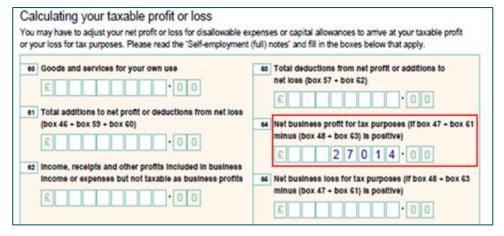
**Please note:** The above are mandatory requirements. If these requirements are not met, your application will be delayed.

### Tax returns: Additional information:

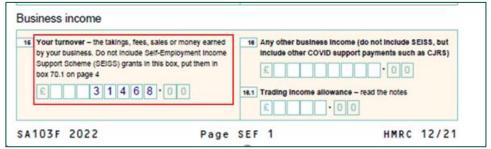
- A breakdown of business expenses should be included within the tax return. This breakdown is mandatory when the net profit is above £12,475
  - The breakdown is used to assess any necessary add backs to your client's net profit
- We require the full tax return document. The full document provides a comprehensive account for your client's finances. Tax returns include any grants that applicants have received, for example the self-employment income support scheme grant (SEISS), and can be used as evidence of your client's rental income.
- The document must show the following figures:
  - Gross income
  - Net profit
  - Total taxable profit
  - Drawings
  - Tax and national insurance figures
- Please note: Slide 14 contains visual aids of the aforementioned figures

### **Additional information:**

Net business profit for tax purposes is the figure HMRC use to calculate the tax owed for the period.



Turnover is the gross income the business receives over the period:



Self-employment income support scheme grant The grant is included within the calculated profit figure for your client's self-employment.

o make any adjustments and fill in the boxes which apply to arriv 27 Goods and/or services for your own use	29 Loss brought forward from earlier years set off against
27.1 Self-Employment Income Support Scheme grant received in the year to 5 April 2022  28 Net business profit for tax purposes (if box 21 + (boxes 26 to 27.1) minus (boxes 22 to 25.2) is positive). Or if you've completed box 10.1 (box 21 + boxes 26 to 27.1 minus box 10.1	this year's profits - up to the amount in box 20  E

Net profit or loss is the turnover figure minus any business expenses:

Net	profit or loss	
	Net profit – if your business income is more than your expenses (if box 15 + box 16 minus box 31 is positive)	48 Or, net loss – If your expenses are more than your business income (if box 31 minus (box 15 + box 16) is positive)

### **Business expenses:**

The rules for assessing legal aid contributions:

- These differ to HMRCs. HMRC look at tax liability and we consider the eligibility or ability to contribute a monthly income contribution.
- The expenses are reviewed to evaluate if any need to be 'added back' on to the net profit. We
  refer to these as 'add backs. Add backs are designed to ensure that we do not allow an
  expense twice.
- The following are some examples of add backs when your client is trading from their home address:
  - Rent / mortgage
  - Heating
  - Lighting
  - Use of home

The following are some examples of add backs for all types trading premises:

- Depreciation
- Clients' salary

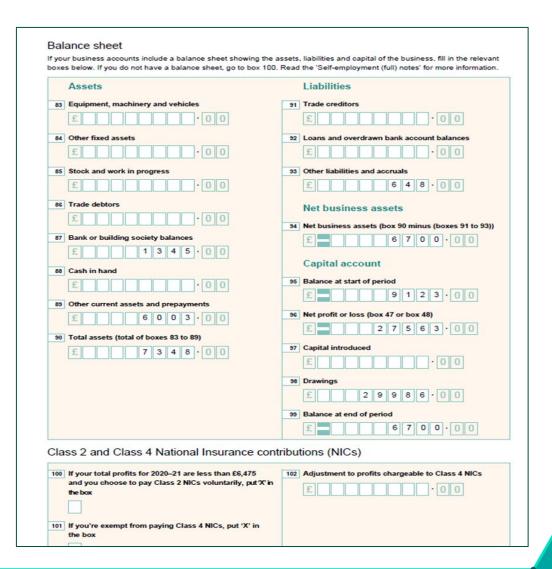
### **Drawings:**

- If drawings on the balance sheet are higher than the revised net profit, we will use the drawings figure as the client's self-employment income.
- The example shows:

• Net profit: £27,563

Drawings: £29,986

To clarify: In this instance, we would use the drawings figure as your client's self-employment income



### Tax calculation sheet:

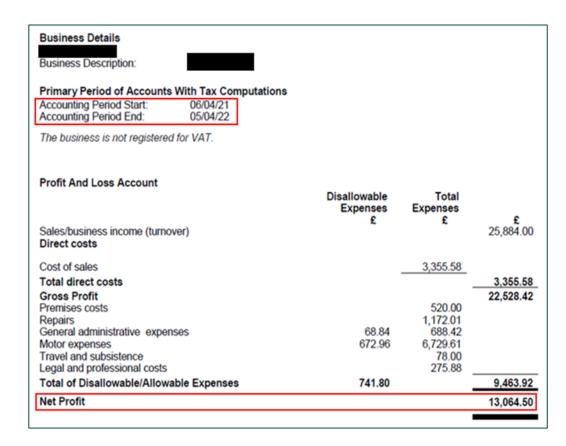
- A tax calculation sheet can be used within the means assessment without the corresponding tax return, if the self-employment profit is below £12,475
  - Please note: If the figure is above the threshold, a full tax return with a breakdown of expenses will be required
- If your client has provided a tax return and a tax calculation sheet, please ensure they are for the same financial year
- A tax calculation sheet can be used without a tax return:
  - Please note: It does not cover all types of income that a self-employed applicant may receive.
     It will not provide a breakdown of expenses or show the date the business commenced
- On receipt of a tax calculation sheet, we look for the following mandatory evidential requirements:
  - Your client's full name is included
  - Profit from self-employment, tax and national insurance are included
  - It is dated within two years of the application
  - All figures must be legible

### **Profit and loss accounts:**

- We accept profit and loss accounts as acceptable evidence for sole traders of their self-employment
- Profit and loss accounts adhere to the same rules as tax returns.

#### They must include the following:

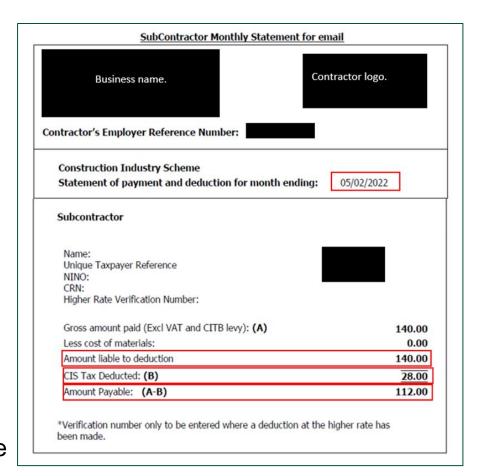
- The period the profit and loss account relate to
  - Please note: If the period is less than one year, the profit figure will be annualised
- · Your client's full name.
- If the profit is above £12,475.00, a full breakdown of expenses is required.
- All figures must be clearly visible



### Construction industry scheme (CIS) statements:

We accept CIS statements as evidence of income if your client is a sub-contractor

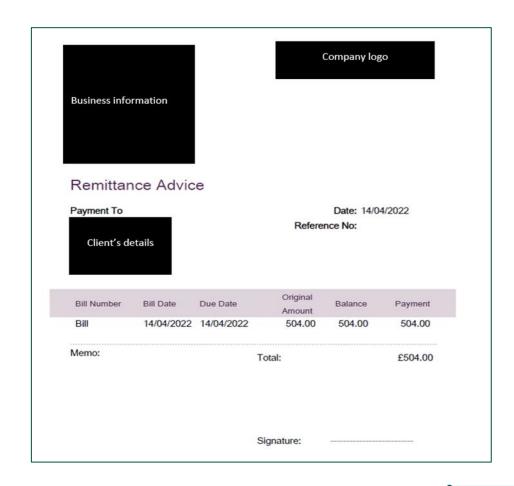
- CIS slips include the following information:
  - Details of gross amount paid
  - Cost of materials,
  - Amount liable to deduction
  - Amount deducted
  - Amount payable
- Applications can be processed by using just one CIS statement that is dated within three months of the date stamp
- On receipt of a CIS statement, we look for the following mandatory evidential requirements:
  - Your client's full name is included
  - It is dated within three months of the application with the date clearly displayed.
  - · All figures must be legible



### **Invoices:**

We accept invoices and receipts as evidence if your client has been trading less than a year and does not have a tax return or a tax calculation sheet.

- Invoices must be consecutive and / or cover the full period of self-employment
- Your client's income will be annualised over the length of time covered by the invoices submitted
- Invoices must include the following:
  - Your client's full name
  - The date of each invoice
  - A gross figure and any deductions
- The evidence must demonstrate the financial position of the business through the normal operation of the business



### **Bank statements:**

We accept bank statements as evidence if your client receives their income through their account and do not have formal evidence of their self-employment income.

- Please ensure all bank statements are fully annotated:
  - If the bank statements are not annotated, all credits will be included as your client's selfemployment
- Explain the nature of each credit and whether they relate self-employment income or something else
- Please ensure the period covered by the bank statements relates to the applicant's current circumstances
- Bank statements must:
  - Cover three consecutive months up to the date stamp
  - Include full account and holder details and a running balance
  - Be clearly annotated to show the income from self-employment being received

**Please note:** If your client provides bank statements as evidence of their self-employment income, we are unable to take into consideration any business expenses, tax or national insurance (NI) liability.

### **Insufficient evidence:**

The following are instances that we are unable to accept as evidence:

- Evidence that has been created for the purposes of showing what the applicant's income and outgoings are
- Evidence that does not include your client's name
- If the figures are not legible
- Evidence that shows their expected earnings
- Dated over two years than the date of application, for tax returns, tax calculation sheets and profit and loss accounts
- Bank statements that do not include full account holder details and a running balance

Please note: We can only assess with evidence that has been used to monitor business activity

## **Directorships**

### **Directorships:**

Directors are considered self-employed for legal aid purposes.

A directorship is when your client is:

- The director of a limited (LTD) company
- The director with a controlling share in a LTD company

### Information to alert you to a possible directorship:

- Does the company include the applicant / partner's name?
- Is the company address the same as the home address?
- Wage slips: Is the employee no.1 / no.2 (indicates director / company secretary)
- Paying themselves less than the tax allowance
- 'Limited (LTD)' in the business / company title

#### Please note:

- All E-forms with an undeclared directorship will automatically be returned to the solicitor as an incomplete E-form
- If there are any doubts on directorships, here is a useful link to Companies house:

Find and update company information - GOV.UK (company-information.service.gov.uk)

#### Additional useful information:

**Evidence:** Please try to keep everything the same way round and scanned. PDF is the preferred document method

### **Key information requirements for directorships:**

**CRM15:** The key information we require to be declared includes:

- Turnover
- Profit
- Director's salary
- Date of incorporation of the company
- Applicant's percentage of shares in the limited company
- Any dividend income received (if applicable)
- Any sale of shares (if applicable)
- If the offence is indictable, or the case is already in Crown court:
  - The above information can be declared on the initial submission.
  - The evidence will be requested at a later date.
- If the case is still in magistrates' court:
  - The evidence will be mandatory on initial submission.

### Directorship scenario number one:

Client owns over 50% share of the company, and it has been running longer than 12 months:

### **Mandatory evidential requirements:**

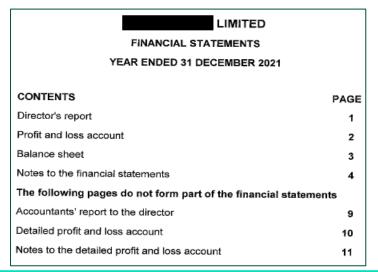
- A complete set of financial statements / accounts for the company dated within the last two financial years.
- A wage slip dated within the last 3 months.

#### Additional evidential information:

- Company tax returns are deemed insufficient evidence provided in isolation
- Micro-entity accounts are deemed insufficient
- If the financial accounts show the net profit or loss, dividends and director's salary, no further evidence will be required
- When multiple sources of evidence are submitted together, they must be dated within the same tax year:
  - For example: Tax return and financial accounts must both be 2020-2021 or 2021-2022

A personal tax return for an applicant who is a director of a limited company is insufficient as evidence on its own as it will not show the adjusted profit after deduction of corporation tax as this is included on the corporation tax return of the company.

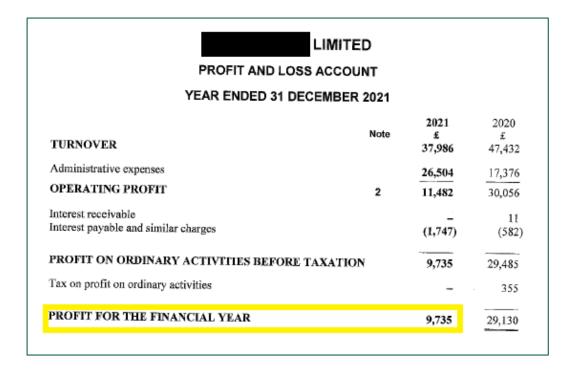
Example of contents for complete financial statements:



### **Example of Financial Accounts**

In this example we would use a self-employment income of £9735.00 per annum (which is the company profit after corporation tax) and a director's salary of £8,700.00 per annum. (See slide 18)

NOTES TO THE DETAILED YEAR ENDED 3	LIMITED PROFIT AND LOSS ACCOUNTS 1 DECEMBER 2021	JNT	
ADMINISTRATIVE EXPENSES	2021 £	£	2020 £
Personnel costs Directors salaries	8	,700	6,525
General expenses			
Motor expenses	37		987
Travel and subsistence	175		-
Telephone	230		513
Health Care Costs	269		602
Training Camp Costs	799		84
Competition Costs	2,777		264
Computer Costs	60		135
General expenses	753		16
Use of home office	520		520
Accountancy fees	1,555		1,345
Depreciation of motor vehicles	10,300		5,989
Depreciation of office equipment	239		281
	17,	714	10,736
Financial costs			
Bank charges		90	115
-	~	504	
	26,	504	17,376
INTEREST RECEIVABLE			
Bank interest receivable		_	11



### **Example of financial accounts continued:**

	LIM	ITED		
BALA	NCE SHEET	-		
31 DEC	EMBER 202	94		
0,020	PENDER 202			
	Note	2021 £	£	2020
FIXED ASSETS	Note	£	£	£
Tangible assets	3		43,354	53,093
CURRENT ASSETS				
Debtors	4	5,016		6,762
Cash at bank		33,775		40,411
CDEPTEODS: 1 A PL		38,791		47,173
CREDITORS: Amounts falling due within o year	ne 5	1.020		1.000
NET CURRENT ASSETS	5	1,020		1,020
			37,771	46,153
TOTAL ASSETS LESS CURRENT LIABIL	TTIES		81,125	99,246
CREDITORS: Amounts falling due after mo	re			
than one year	6		46,982	66,088
			34,143	33,158
CAPITAL AND RESERVES				
Called-up equity share capital Profit and loss account	8		101	101
	9		34,042	33,057
SHAREHOLDERS' FUNDS			34,143	33,158

For the year ended 31 December 2021 the company was entitled to exemption from audit under section 477 of the Companies Act 2006 relating to small companies.

Director's responsibilities:

- The members have not required the company to obtain an audit of its accounts for the year in question in accordance with section 476; and
- The director acknowledges his responsibilities for complying with the requirements of the Act
  with respect to accounting records and the preparation of accounts.

These accounts have been prepared in accordance with the provisions applicable to companies subject to the small companies regime and with the Financial Reporting Standard for Smaller Entities (effective January 2015).

These accounts were approved and signed by the director and authorised for issue on 5 August 2022.

Director

Company Registration Number:

#### LIMITED

#### NOTES TO THE FINANCIAL STATEMENTS

#### YEAR ENDED 31 DECEMBER 2021

#### 1. ACCOUNTING POLICIES (continued)

Compound instruments

Compound instruments comprise both a liability and an equity component. At date of issue, the fair value of the liability component is estimated using the prevailing market interest rate for a similar debt instrument. The liability component is accounted for as a financial liability.

The residual is the difference between the net proceeds of issue and the liability component (at time of issue). The residual is the equity component, which is accounted for as an equity instrument.

The interest expense on the liability component is calculated applying the effective interest rate for the liability component of the instrument. The difference between this amount and any repayments is added to the carrying amount of the liability in the balance sheet.

#### 2. OPERATING PROFIT

Operating profit is stated after charging:

	2021	2020
Director's remuneration	8,700	6,525
Depreciation of owned fixed assets	10,539	6,270

#### 3. TANGIBLE FIXED ASSETS

COST	Motor Vehicles £	Equipment £	Total £
At I January 2021 Additions	57,490	1,873 800	59,363 800
At 31 December 2021	57,490	2,673	60,163
DEPRECIATION At 1 January 2021 Charge for the year	5,989 10,300	281 239	6,270 10,539
At 31 December 2021	16,289	520	16,809
NET BOOK VALUE At 31 December 2021 At 31 December 2020	41,201 51,501	2,153 1,592	43,354 53,093

### **Example of financial accounts continued:**

		LIMI			
	NOTES TO THE F	INANCIAL ST	ATEMEN	rs	
	YEAR ENDED	31 DECEMB	ER 2021		
4.	DEBTORS				
				2021 £	2020 £
	Other debtors			5,016	6,762
-	CDENTIONS				
5.	CREDITORS: Amounts falling due wi	thin one year			
				2021	2020
	Other creditors			£	£
				1,020	1,020
6.	CREDITORS: Amounts falling due aft	er more than on	e year		
				2021	2020
	Bank loans			£	£
	Other creditors			46,939	56,288
	omer eredning			43	9,800
				46,982	66,088
7.	RELATED PARTY TRANSACTIONS				
	The company was under the control of year. is the managing dir	Mr ector and majorit	throughout y shareholde	the current an	d previous
	No transactions with related parties were Financial Reporting Standard 8.	undertaken such	as are requi	red to be disck	sed under
8.	SHARE CAPITAL				
	Allotted, called up and fully paid:				
		2021		2020	
	Ordinary chasses of \$1	No	£	No	£
	Ordinary shares of £1 each Ordinary Class 2 shares of £1 each	1 34	1 34	1	1
	Ordinary Class 3 shares of £1 each	33	33	34 33	34 33
	Ordinary Class 4 shares of £1 each	33	33	33	33
		101	101	101	101

LIMI	TED	
NOTES TO THE FINANCIAL ST	ATEMENTS	
YEAR ENDED 31 DECEMB	ER 2021	
. PROFIT AND LOSS ACCOUNT		
Balance brought forward	2021 £	2020 £ 23,927
Profit for the financial year Equity dividends	9,735 (8,750)	29,130 (20,000)
Balance carried forward	34,042	33,057

### Example of a director's salary wage slip:

- It is in your client's interest to provide the tax return, or wage slip, if they are paying any tax and national insurance as this is not detailed on the financial accounts.
  - This is not mandatory. However, providing this information may reduce any contribution payments calculated.
- As financial accounts can be dated within the last two financial years, we may request a copy of the client's latest wage slips (dated within the last 3 months) to ensure that the director's salary has not increased.

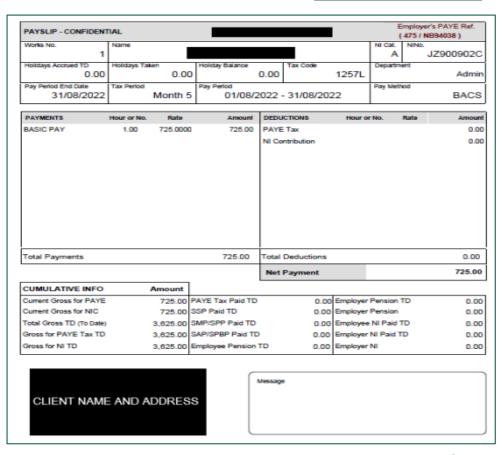
#### **Explanation of figures:**

 We use the gross pay before tax unless the year-to-date figure is more than 10% higher than the monthly gross.

#### Wage slips mandatory content:

- Client's name and address (personal identifiers)
- Company name
- Gross monthly pay
- Deductions (tax / national insurance)
- Pension payments if applicable
- Cumulative or year to date figures





### **Micro-entity accounts:**

- We cannot accept micro-entity accounts or abbreviated accounts as they only show the balance sheet of the company
  - They do not include the necessary trading information required to carry out an accurate means assessment.

Micro-entity Balance Sheet as at 31 Dece	mber 2021		
	Notes 20	)21	2020
		£	£
Called up share capital not paid		1	1
Fixed Assets	49,0	81	8,691
Current Assets	5	500	35,575
Creditors: amounts falling due within one year	(4,4	58)	(7,498)
Net current assets (liabilities)	(3,9	58)	28,077
Total assets less current liabilities	45,1	24	36,769
Creditors: amounts falling due after more than one year	(66,6	14)	(48,500)
Accruals and deferred income		-	(240)
Total net assets (liabilities)	(21,4	90)	(11,971)
Capital and reserves	(21,4	90)	(11,971)

- For the year ending 31 December 2021 the company was entitled to exemption under section 477 of the Companies Act 2006 relating to small companies.
- The members have not required the company to obtain an audit in accordance with section 476 of the Companies Act 2006.
- The directors acknowledge their responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and the preparation of accounts.
- The accounts have been prepared in accordance with the micro-entity provisions and delivered in accordance with the provisions applicable to companies subject to the small companies regime.

Approved by the Board on 1 September 2022

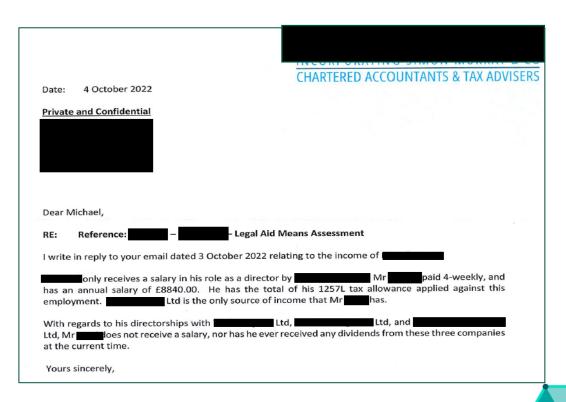
And signed on their behalf by:

### **Directorship scenario number two:**

### The applicant has controlling interest greater than 51% and trading less than 12 months

- If the applicant's company was recently incorporated and as such no accounts have been prepared. While we understand that the applicant is not yet obliged to submit returns for the company, we still require evidence of the applicant's income or profit from the company.
- We can accept running accounts that the applicant maintains to monitor the business, details of the director's salary paid to the applicant and any other expenses paid by the company to the applicant.
- We can also accept a letter from the client's accountant confirming the details of the income or any profit that the client receives from the company.

Example of a letter we have accepted as sufficient evidence in a similar scenario:



### **Directorship scenario number three:**

If the client's company was recently incorporated and they hold less than 51% of the shares in the company:

- We still require evidence of the applicant's income from the company.
  - We can accept running accounts that the applicant maintains to monitor the business, details
    of the director's salary paid to the applicant and any other expenses paid by the company to
    the applicant.
- As evidence, we can accept:
  - A copy of the applicant's full personal tax return which shows any dividends or director's salary received from the company. Payslips could also be used to confirm the director's salary (If applicable)

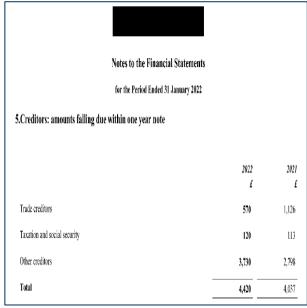
Please note: We cannot carry out an assessment using the bank statements of the limited company.

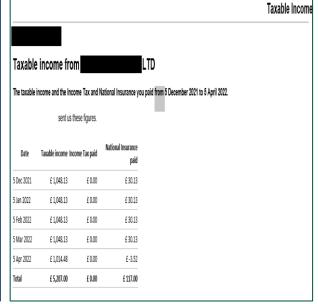
### **Insufficient evidence:**

Example of insufficient financial accounts:

### This example:

- The financial accounts do not include a trading, profit and loss account and balance sheet
- There is insufficient information on the following pages to complete a means assessment





Corporation tax computation			
			5911117
Tax reference			е
Period beginning			1/04/2
Period ending			31/03/2
Accounts period beginning Accounts period ending			1/04/2 31/03/2
Accounts period ending			31/03/2
Adjustment of trading profits			
Profit before tax per the accounts			13,60
Add back disallowable expenses			
Depreciation and (profit)/loss on			
sale of assets			6,94
Adjusted trading profit		-	20,5
Taxable profits			
Trading profit		20,551	
ridding profit		20,551	20,5
Taxable profit		-	20,55
- Charle pront		-	20,00
Days in accounting period falling in each tax year		D	
		Days falling	
		in tax	Days
Tax year		year	ye
2020		365	,
		365	36
Corporation tax payable	_	_	
Tax year	Taxabl	Tax	Com T
Tax year 2020	e profit 20,551	rate 19%	Corp Ta 3,904.6
	20,551	15/6	3,304.0
2020	20,551		

### **Insufficient evidence continued:**

### Example of insufficient financial accounts:

EMPIRE ENTERTAINMENTS LIMITED			
Corporation tax computation			
			59111171
Tax reference			62
Period beginning			1/04/20
Period ending			31/03/21
Accounts period beginning			1/04/20
Accounts period ending			31/03/21
Adjustment of trading profits			€
			*
Profit before tax per the accounts			13,609
Add back disallowable expenses			
Depreciation and (profit)/loss on			
sale of assets			6,942
			-,
		-	
Adjusted trading profit		-	20,551
Taxable profits			£
Trading profit		20,551	
		20,00.	20,551
			20,00
Taxable profit		-	20,551
raxable profit		-	20,331
Days in accounting period falling in each tax year			
		Days	
		falling	
		in tax	Days in
Tax year		year	year
2020		365	
		365	365
Corporation tax payable			
	Taxabl	Tax	
Tax year	e profit	rate	Corp Tax
2020	20,551		3,904.69
2020	20,551	1376	3,304.03
Corporation tax payable		-	3.904.69
			0,00000

## Change in financial circumstances (CIFC)

## Change in financial circumstances (CIFC):

#### **Key information:**

- It is a mandatory requirement to provide the evidence with the CIFC Eform
- When submitting a CIFC, it is important to evidence each change individually
- During processing, caseworkers will check the original E-form and document all differences / changes between the original Eform and the CIFC Eform
- If there are multiple changes, and some are not evidenced, we will return the Eform for the appropriate evidence and / or clarification
- A CIFC assessment will only be back-dated to the date the change occurred if the Eform is received within 28 days, unless there is a reasonable explanation for the delay (additional guidance is available on this, please see section 14.1.1 of the CLAM).

#### **Helpful information:**

 Please state the change, and the date the change occurred, in the notes section to assist us when processing the CIFC Eform

### **Examples of change in financial circumstances:**

If a client has changed from being employed to self-employed (S/E), we will need the following evidence:

- Evidence of the employment ceasing, ideally a P45 or letter from ex-employer and evidence of their new income:
- For newly S/E applicants this could be any of the following:
  - Running accounts from date of commencement to the sign date of the application
  - Cash book
  - Invoices (must be consecutive)
  - Other business records that the applicant maintains to monitor the business
  - Annotated bank statements from date of commencement to the sign date of the application
- If the change is that the client is newly employed and wage slips are not yet available, they could
  provide a letter from the employer on business headed paper confirming their new salary and any
  deductions.

### Change in financial circumstances: New home:

- If the client has moved to a new house, there are likely to be multiple changes that will require
  evidence in these scenarios, for example:
  - Rent:
    - This may have increased or decreased: We would require a copy of the new tenancy agreement
  - Mortgage:
    - A letter from mortgage company or new mortgage statement confirming the amount and frequency of the repayments
  - Council tax statement for the current year
  - Do they live with the same person / people, or do they now live alone?
    - Evidence to prove this could include:
      - Notification to council of single person occupancy
      - Separation petition
      - Application for a change in benefits
      - Annotated bank statements etc.

### Change in financial circumstances: Additional information:

#### Additional helpful information:

- Please ensure all changes are evidenced at the same time to prevent any delays
- Side notes: Additional useful information
- Evidence: Please try to keep everything the same way round, scanned. PDF is preferred
- Capital evidence
- Three months consecutive bank statements are required to evidence all bank accounts held by the client. This relates to accounts with savings and current accounts, and includes accounts with a balance of zero or below

# **CRM16: Hardship applications**

## Hardship applications: Avoiding rejects

The core principle of a CRM16 hardship application is to review an applicant's ability to pay for their legal costs

- In practice the hardship review process works in different ways depending on:
  - If a defendant's case is being heard in the magistrates" or crown court.
- A hardship application can be submitted if the applicant:
  - Has either failed the means test in the court, or
  - Is subject to an income contribution order in the crown court
- We reject a hardship application if:
  - It is not signed and dated by both the applicant and partner:
    - This can be submitted via a scanned copy of a wet signature
      - · You must keep a wet signature for the applicant and partner on file
    - Please note: We can accept a 'docu-sign' signature
  - If the application was received for the first-time post case conclusion:
    - Please note: We can accept a magistrate's court application if it post-dates the case conclusion but hasn't proceeded to crown court

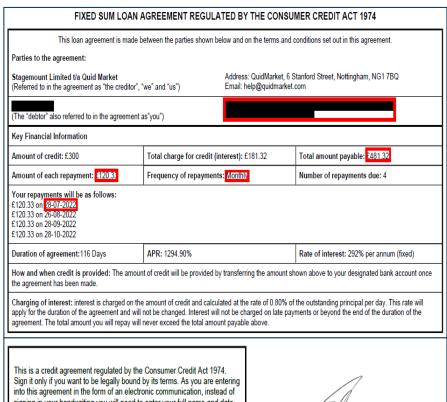
## Hardship applications: Avoiding rejects

- We do not reject for evidence for CRM16 hardship applications but will only allow deductions that are evidenced
- Solicitor's costs can only be considered on a magistrates'' court CRM16 hardship application.
  - Please compare your costs against the DCA rates and if excessive please provide an explanation.
  - **Please note:** We do not require evidence of your costs, but we do require the application being completed in full if you are declaring costs.
- On occasion, the applicant may have expenses that are allowable deductions that either have been omitted from the original assessment or are changes to those expenses. For these items a CRM14 is not required and can be considered on the hardship application if accompanied by evidence:
  - Mortgage / rent if it's the same property as declared on the eForm
  - Council tax if it's the same property as declared on the eForm
  - Childcare
  - Maintenance
- Any other changes must to be submitted as a change of financial circumstance on a CRM14 application.

### Hardship applications: Avoiding rejects continued:

- In all hardship applications the evidence must clearly specify the following:
  - Applicant's, or partners, name. This assures us the evidence provided is for the applicant or partner
- In magistrate court applications, where proof of payment is required, please provide recent annotated bank statements showing the ongoing payment. However, this is not mandatory and therefore other means of proof of payment will be acceptable
- Please note: There is a time period from which evidence should be provided:
  - As a general benchmark evidence 3 months either side of the application signed date should be accepted.
  - Evidence should be reflective of the applicant's circumstances when signing the initial CRM14, as any expenditure that has been incurred since this time may be classed as possible deprivation of income
  - We may consider expenditure that has been incurred after applying for legal aid which will be considered on its individual merits, for example: Is the expenditure essential to the applicant?

#### Loans: Secured / unsecured



signing in your handwriting you will need to enter your full name and date

Once you insert your name and date of birth below, and you confirm you agree to the terms and conditions you should click complete application. This will have the same effect as if you had signed the agreement in your

Signature of Debtor:



Signed for and on behalf of Stagemount Limited Date: 4-07-2022

The loan agreement must have:

- Name of the applicant / partner
- Date the loan agreement commences
- Confirmation of the frequency and repayment amount
- Confirmation of the outstanding debt amount
- We require the information to match the evidence to the applicant and to identify whether the debt could be settled in less than 12 months. If so, we would allow the remaining balance as an annual sum and not the monthly payment.

**Please note:** If the loan post-dates the application for legal aid, we would expect the applicant to justify this and explain what the loan was used for, for example: To pay for essential repairs or essential household items such as fridges, cookers, washing machines.

Loans taken out to pay for income contributions relating to the case you are looking at will not be allowed.

## Car finance (hire purchase agreements):



#### TERMINATION: YOUR RIGHTS

You have a right to end this Agreement. To do so, you should write to the person you make your payments to. They will then be entitled to the return of the goods and to half the total amount payable under this Agreement, that is £9,109.90. If you have already paid at least this amount plus any overdue instalments and have taken reasonable care of the goods, you will not have to pay any more.

This is a Hire-Purchase Agreement regulated by the Consumer Credit Act 1974. Sign it only if you want to		Signed for and on behalf of Blue Motor Finance
be legally bound by its terms		
-irst Customer Signature: 8636	Second Customer Signature:	Signature:
-	-	<u> </u>
Date of Signature: 13-Mar-2021	Date of Signature: 13-Mar-2021	Date of Signature: 13-Mar-2021

The hire purchase agreement must include the following information:

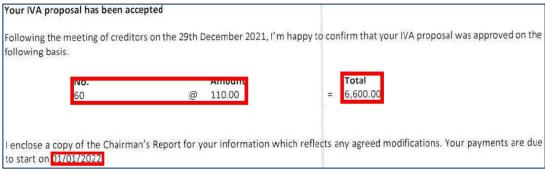
- Name of the applicant / partner
- Date the hire purchase agreement commences
- Confirmation of frequency and repayment amount
- Confirmation of initial deposit
- Confirmation of termination rights
- Signed and dated by applicant / partner

## Car finance (hire purchase agreements) continued:

- We need this information so we can match the evidence to the applicant and to identify whether the
  early termination figure could be reached in less than 12 months, if so, we would allow the
  remaining payments up to the early termination figure as an annual sum otherwise we would allow
  the monthly repayment amount if the early termination figure has not been met.
- The reason why we won't allow the evidence if the termination figure has been met is because the applicant / partner can return the vehicle.
- Please note: If the hire purchase agreement post-dates the application for legal aid, we would expect the applicant to justify their need to incur the costs of a vehicle, for example: To travel to their place of employment if there is no other transport available to them.

## Individual voluntary arrangement (IVA):





The IVA agreement must have the following:

- Name of the applicant / partner
- Date the agreement commences
- Confirmation of frequency and repayment amount
- Confirmation of outstanding debt amount
- We need this information so we can match the evidence to the applicant and to identify whether the debt could be settled in less than 12 months. If so, we would allow the remaining balance as an annual sum and not the monthly payment.

### **Credit card / store card payments:**

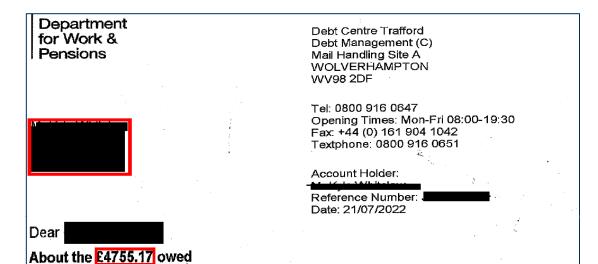


Please note: We require the bill / statement from when legal aid was applied for / liability commenced. However, we can accept evidence that is dated three months either side of this date

The credit card bill / statement must include the following:

- Name of the applicant / partner
- Date of the bill / statement
- Confirmation of the minimum repayment amount
- Confirmation of the outstanding debt amount
- Confirmation of arrears (if the account is in arrears)
- We need this information so we can match the evidence to the applicant and to identify whether the outstanding debt could be settled in less than 12 months. If so, we would allow the remaining balance as an annual sum and not the monthly payment
- If the minimum payment includes arrears because the previous month's payment has not been made, we will deduct the arrears from the monthly payment and allow the arrears amount as a one-off payment instead of an annual figure.

### Department for Work & Pensions (DWP) overpayments:



We can confirm that the direct debit instruction has now been sent to the bank.

#### What happens next

The first instalment of £150.00 will be taken from the account on 02/09/2022

We will take subsequent payments of £150.00 on the same date each month. Payments will be stopped once the amount owed has been paid back. The final payment may differ from previous amounts to ensure the account is settled.

If someone else is paying back the money by direct debit please confirm with them the details below.

#### IMPORTANT INFORMATION

If you are unable to pay your agreed payments you must contact us at the earliest opportunity and before the due date. Please use the above number to discuss options.

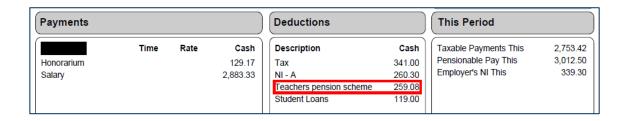
If any of the information below is incorrect, please contact us promptly.

The DWP repayment must include the following:

- Name of the applicant / partner
- Date the repayment commences
- Confirmation of repayment amount
- Confirmation of outstanding debt amount
- We need this information so we can match the evidence to the applicant and to identify whether the outstanding debt could be settled in less than 12 months. If so, we would allow the remaining balance as an annual sum and not the monthly payment.

### **Pension payments:**



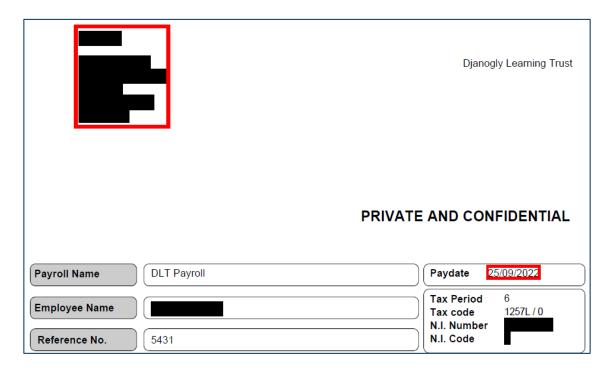


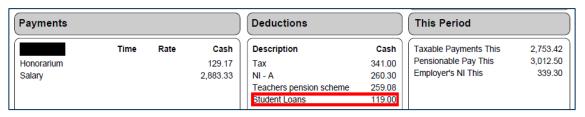
The wage slip covering the private pension must include the following information:

- Name of the applicant / partner
- Date of the wage slip
- Confirmation of private pension amount
- We need this information so we can match the evidence to the applicant and to identify the wage slip is the same one used to calculate income in the initial assessment.

Please note: Pension payments are not allowable in the means test as the annual living allowance is intended to cover them. Generally, most schemes charge up to 6% of the applicant's salary. As such, only those pension payments made in excess of the 6% are claimable as an additional expense

### **Student loan payments:**





The wage slip covering the student loan must include the following information:

- Name of the applicant / partner
- Date of the wage slip
- Confirmation of student loan amount
- We need this information so we can match the evidence to the applicant and to identify that the wage slip is the same one used to calculate income in the initial assessment.

### **Additional expenditure:**

Please note: The extra expenditure scenarios are non-exhaustive

- We may also consider hardship applications, if the necessary evidence is provided:
  - Arrears
  - Bankruptcy payments
  - County Court Judgements
  - Fines
  - Medical costs
  - Prescription charges
  - Dental treatment
  - Eye care
  - Mortgage on a second property
  - Supporting extended family
  - Other debts
- If the case is in magistrates'' court, proof of payment is required alongside the evidence.

### **Additional expenditure:**

The following additional expenditures cannot be taken into consideration on assessment:

- Loan from friends and family:
  - Loans from family and friends are not allowable under hardship:
    - Due to the relationship with the lender, these are not considered to be a priority debt
- Pay day loans:
  - Pay day loans are not allowable as they are considered to be a salary advance to be repaid at the end of the month, as it is similar to a bank overdraft.
- Travel costs:
  - Travel costs of less than 100 miles a day are considered a part of the annual living allowance.

#### Additional information re: Evidence:

We cannot accept evidence that:

#### Does not include identifiers:

- The name of the applicant or partner that matches the declaration on the eForm
- Has no date
- Is not legible
- Does not confirm the repayment figure
- Does not confirm the outstanding debt amount
- Contains quotes in place of the full agreement or repayment plan
- Screen shots from mobile telephones

#### For cases in magistrates'' court:

We require evidence of proof of payment

# Additional guidance / contact us

#### Helpful links and contact us:

- Companies House: Find and update company information - GOV.UK (companyinformation.service.gov.uk)
- Criminal Legal Aid Manual (CLAM): <u>Criminal</u> <u>Legal Aid Manual - GOV.UK (www.gov.uk)</u>)
- Criminal Legal Aid (Contribution Orders)
   Regulations 2013:
   <u>www.gov.uk/guidance/criminal-legal-aid-crime-regulations-crime-contracts-and-guidance</u>
- LAA Training Website: Ministry of Justice for a range of guidance and useful information

For additional guidance please contact:

Customer service team:
 Tel: 03002002020

National Criminal Applications team via email:

- NationalCrimeTeam@justice.gov.uk
- NottinghamCAT@justice.gov.uk
- BirminghamCAT@justice.gov.uk
- <u>LiverpoolCAT@justice.gov.uk</u>

### **Our training website**

#### **LAA Training Website**

- Self Employed Defendants providers guide
- Quick guide to submitting form CRM15 for directorships
- How to complete a change in financial circumstances application
- Guide to reduce CRM14 rejects
- Hardship and eligibility reviews quick guide

#### **Online Support Webchat**

Use Webchat for help with IT system issues

#### **Webinar Recordings**

- Our 'Help Us Say Yes' webinars focus on areas where there have been issues or high enquiry levels
- Popular sessions are posted on the training website: Ministry of Justice



#### **Our communications channels**

#### **Legal Aid Bulletin**

- A fortnightly e-alert with links to relevant pages
- Join our thousands of subscribers



#### **Social Media**

- Follow us on Twitter
- Get help from our customer service twitter account
- Read our blog



#### **LAA Portal**

 We post the status of our online systems on the portal's home page

