



Legal Aid
Agency

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

Your Questions Help Us Say Yes Webinar:

National Crime Applications Team: eForm and hardship evidence

December 2022



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Application

Q: Why is the applicant's signature not requested first on the hardship application? The partner's signature is on page 3, but the applicant's is on page 4 and sometimes they get them mixed up. The applicant signs the wrong page because their signature requirement comes in second and not first.

A: The applicant signs the CRM16 after their partner as they are signing to confirm that the whole form is both accurate and complete and includes their partner's signature. If it were to be reversed on the form, there is the potential for the partner's signature to be omitted which would result in the application being rejected.

Ineligibility / refusals

Q: If there is a refusal (means) from the LAA, what are the current options to help and support applicants?

A: Where an applicant is deemed financially ineligible in the magistrates' court, they can ask for:

- a reassessment (if their circumstances change)
- a recalculation (if they believe we have made an error)
- a hardship review (whilst their case is ongoing, if they believe they cannot afford to pay the cost of their case - because of their high legal costs and / or additional expenditure not included in the original means assessment)

Where an applicant is determined as financially ineligible in the Crown Court, they can request a redetermination in three ways:

Eligibility Miscalculation (EM)

An Eligibility Miscalculation is where the applicant believes the ineligible decision is incorrect.

A review can be requested by correspondence, telephone call or post submission evidence. An EM request must be submitted and received by the LAA within 21 calendar days of the ineligible decision.

Eligibility Review (ER)

An Eligibility Review is where an applicant believes they do not have sufficient means to pay privately. This could be because of their high legal costs and / or additional expenditure not included in the original means assessment.

Applicants must submit a CRM16 form. This must be received by the LAA within 21 calendar days of the ineligible decision

New Application Following Ineligibility (NAFI)

Applicants must submit a new CRM14 eForm where:

- Their financial circumstances have changed since our original decision
- They believe we have made an error on the original means assessment, but they failed to request an EM within 21 days of the ineligible decision
- Where they wish to submit an eligibility review after 21 calendar days of the ineligible decision
- They wish to request an EM or ER within 21 days, but a new firm of solicitors is now representing

The Ministry of Justice proposed a removal of the upper disposable income threshold for legal aid in the Crown Court as part of the Means Test Review. ([Legal Aid Means Test Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/legal-aid-means-test-review)). *“The government is carefully considering responses to the consultation and will publish its response early in 2023”.*

Q: If legal aid is refused in the magistrates’ court, but an error has occurred in the assessment, can the representation order be backdated if it is sent in?

A: If an applicant believes we have incorrectly refused legal aid in the magistrates’ court, they can ask for a recalculation. If we identify an error and reassess them as eligible, we will backdate the representation order to the date of submission of the eForm.

If an applicant omitted information or made an error in their previous application, they can do one of the following:

- provide a new CRM14 eForm
- amend, sign and date the printout of the financial assessment
- put the omitted information in a letter

Evidence of the omitted income / outgoings must be provided. We will only backdate the reassessment if the applicant notifies us within 28 days.

Additional questions

Q: Are there any plans for the Legal Aid Agency to develop an API (Application Programming Interface) so the case management systems can integrate with the eForms now?

A: There are no plans to implement an API for providers' case management systems to integrate directly with eForms. The development of current eForms is focused on developing a more stable platform. The database is incredibly large due to many years of submissions across the five processes eForms support. The large database is increasing the risks of the system becoming unstable; therefore, action is being undertaken to minimise those risks. The other area of eForms development is to implement the Criminal Legal Aid Independent Review (CLAIR) reforms within CRM5 submissions. These areas are our current priority when it comes to the eForm system.

Q: Have or are there any plans for the personal allowance to be increased to consider the increases in the cost of living and heating bills etc?

A: The Ministry of Justice proposed increases to the cost-of-living allowance for criminal legal aid means testing as part of the Means Test Review. ([Legal Aid Means Test Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/legal-aid-means-test-review)). *“The government is carefully considering responses to the consultation and will publish its response early in 2023”.*



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