



Legal Aid  
Agency

# Help Us Say Yes Webinar: Getting your criminal applications right first time

National Crime Applications Team (NCAT)

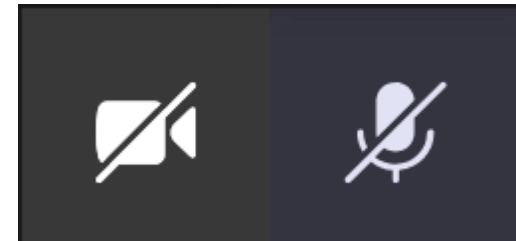
13 July 2023

## Technical tips for this webinar

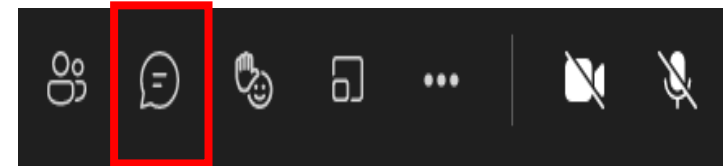
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# Content

**Introduction**

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# Getting your criminal applications right first time

## Purpose of the webinar:

- To highlight the top 5 most common recent causes of CRM14 application rejects and how to avoid them



By the end of the session you will have an understanding of:

- The top 5 most common recent causes for criminal application rejections
- How to avoid the common pitfalls which cause rejects
- The information you do, and do not, need to provide on your eForm

# Introduction



## Introduction: Common reject reasons

### CAT Reject rate breakdown: January to March 2023

Total number of applications received:	72,664
Number of eForms rejected:	7,194
Percentage reject rate:	9.9

Reject and return reasons:	No of rejects:	Percentage of applications
Clarification required:	4090	57
Evidence issue:	1500	21
Duplicate application:	1553	22
Case has already concluded:	51	1

## Introduction: Volumes of rejects

Top 5 Reject Reasons: January - March 2023	Reject Percentage
Issues relating to income / benefits / savings	43
Duplicate applications	13
Co-defendants represented by another firm (no mention of possible conflict)	11
Either-way offences applied for, but 'Summary only' case type selected	7
CRM15 needed: Household income exceeds £12,475 p.a.	6

The top 5 were closely followed by: Missing National Insurance numbers (NINOs) at 4.5 percent



# Additional information: National Insurance Number (NINO)





# Missing National Insurance number (NINO)

## Passported benefits: NINO: (CLAM 10.1)

- We need the NINO to complete a Department for Work and Pensions (DWP) passported benefits check.
- Please ensure you select 'Guaranteed State Pension Credit' when completing the benefit check for universal credit.

**Please note:** A NINO must be added to the e-Form as Universal Credit is a passported benefit

- Do not input 'dummy' NINOs onto the eForm
  - It is not a mandatory field.
  - We cannot accept applications when a 'dummy' NINO is inputted for clients on passported benefits.

**Please note:** The NINO will be needed if the case goes to trial in the Crown Court.

# Mandatory and non-mandatory NINO:

Scenario	NINO Mandatory	NINO Not Mandatory
Means assessed Magistrates Cases		✓
Crown court cases	✓	
Passported cases where the applicant is remanded into Court custody	Summary Only case	✓
	Committal for sentence	✓
	Either way resolved in the Magistrates court	✓
	Crown Court case	✓
Applicant produced from police custody	✓	
Passported applicant where applicant provides evidence of receiving appropriate benefit		✓
Applicants passported on an age basis		✓
Foreign national applicant living in UK	✓	
Illegal immigrant applicant living in the UK		✓
Applicant a tourist visiting the UK		✓
Partner NINOs	If the benefits claim is made by the partner	✓
	If the benefits claim is made by the applicant	

**Number Five: CRM15 needed: Household income exceeds £12,475 p.a.**



## 5: CRM15 needed: Household income exceeds £12,475 p.a.

- A fully completed CRM15 is needed when pre-tax income exceeds £239.90 per week (£12,475 pa)
- Check their total income from all sources when answering this question.
- Remember to declare gross income figures where possible on the eForm:
  - If providing net amounts, include details of deductions such as tax and National Insurance
  - Inform us if tax and NI deductions are zero.
  - Remember to declare partner's gross income, and inform us if it is zero
- When available, provide the year-to-date (YTD) income amount
- If we reject your application and request a CRM15, you will need to change the answer from 'No' to 'Yes' for the CRM15 questions to be presented

### **Year to date (YTD) income figure: (CLAM 12.6)**

- To check the income shown on the wage is reflective of the usual income earned for that year, we divide 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 YTD figure are significantly higher (10% or more) we will use the YTD average figure for the means assessment.
- Please ensure the YTD figures (where available) are visible on the wage slip.

**Number Four: Either-way offences applied for,  
but 'Summary only' case type selected**



## 4: Either-way offences applied for, but 'Summary only' case type selected

When offences applied for are not 'Summary only', more information is needed on the eForm

### Selecting the correct case type: (CLAM Annex Q)

- Please select the correct case type on the application to avoid it looking like a duplicate.
- Only select 'summary only' case type if there are definitely no 'either way' or 'indictable' offences being applied for.
- Always select 'either way' case type if there are any theft or criminal damage offences, even if the court has indicated they will be dealt with summarily.
- Specific care should be taken with changes in financial circumstances (CIFC) and appeal to Crown Court applications.

**Please note:** Do not submit a CIFC application until the initial application has been processed.

# Common causes for rejections

## If the applicant's financial circumstances have changed: (CLAM 14.1)

- Submit a CRM14 eForm. Select 'this application relates to a change of financial circumstances'.
  - Fully explain exactly what has changed
- If paying privately will cause hardship, ask us to consider expenditure that has not already been taken into account, such as debts, and the likely costs of the case.
- **Please email CRM16 forms to:** [Nationalcrimeteam@justice.gov.uk](mailto:Nationalcrimeteam@justice.gov.uk) (CLAM 15 & 31, Annex Q)

## Information omitted:

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

- Amend, sign and date the printout of the financial assessment
- Email the omitted information to [BirminghamCAT@Justice.gov.uk](mailto:BirminghamCAT@Justice.gov.uk)
- Provide a new CRM14 eForm, with an explanation to distinguish it from a duplicate

**Please note:** Evidence of omitted income and / or outgoings must be provided

**Number Three: Co-defendants represented by another firm (no mention of possible conflict)**





### 3: Co-defendants represented by another firm (no mention of possible conflict)

- Give names of all co-defendants:
  - 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.

Refer to:

- [The Criminal Legal Aid \(Determinations by a Court and Choice of Representative\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- [Criminal Legal Aid Manual \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) 3.5.5.1 'Completeness of CRM14 eForm' footnote #10

# Number Two: Duplicate applications



## 2: Duplicate applications

### **Right to Representation has already been granted to your, or another, firm**

- If your prospective client does not inform you they have already applied successfully for Legal Aid with another firm, it is unlikely you will be aware you are making a duplicate application.
- However, please do what you can to ensure another solicitor within your firm does not already have a representation order, for example, in another department or at a different office location
  - For larger provider firms, review your system for how this is communicated or checked internally.

**Number One:  
Issues relating to income / benefits / savings**



# 1: Issues relating to income / benefits / savings

The following is the information we need:

- How applicants support themselves
- Frequency and amount of income / financial support / benefits received is needed if:
  - Your client is not remanded in custody (RIC), or
  - Your clients' remand into court custody was within last 3 months

The following are common issues:

- Income evidence missing / incomplete / unclear
- Missing bank statements, for example, if living from savings

## **Wage slips: (CLAM 3.5.10)**

We require the full wage slip showing:

- The employees name (and NI number where included)
- The employers name
- Income
- Deductions such as tax and NI
- Year to date figures (where included)
- If you are providing an online wage slip, please ensure any expandable sections are visible
- Photographs or screenshots should be clear and glare-free

## Help to reduce CRM 14 rejects: Evidence required

### **Legibility and date of evidence: (CLAM 3.5.2)**

- Information on any evidence provided should be clear and visible.
- Please ensure the evidence is dated within the permitted timescales (usually 14 – 21 days).

### **Living off savings: (CLAM 33 Annex P)**

- Bank statements for all accounts covering a 3-month consecutive period leading up to the eForm date stamp.
- The total amount of savings including the average amount and frequency of withdrawals.

### **Living in rented property: (CLAM 11.1.1)**

- 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, please explain that rent is met by housing benefit.
- If friends or family are helping by paying their rent, please 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, please clarify which is correct.

### **Supported by family and friends: (CLAM 9.4)**

- If the applicant is being supported by family and friends, clearly explain the nature of the support.
- Include the amount and frequency of any financial support.

## Help to reduce CRM 14 rejects: Evidence

Employment status	Income Evidence Required for Magistrates' Court	Timeframe for evidence
Unemployed: No income received	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Unemployed: Supported by family / friends	<ul style="list-style-type: none"> <li>• None. However, we need a declaration of the amount and frequency of money received to process the application</li> </ul>	N/A
Unemployed: (with private Pension over 1k per month)	<ul style="list-style-type: none"> <li>• Bank Statement; or</li> <li>• Pension Statement with tax deductions</li> </ul>	3 months bank statements up to the date stamp <ul style="list-style-type: none"> <li>• Must not be more than one month after the date stamp</li> </ul> Pension statement <ul style="list-style-type: none"> <li>• If annual must be the most recent one</li> <li>• If monthly, no more than 3 months prior to the date stamp</li> <li>• Must not be after the date stamp</li> </ul>
Passported	<ul style="list-style-type: none"> <li>• National insurance number</li> </ul>	N/A
Youth	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Employed	<ul style="list-style-type: none"> <li>• Wage slip</li> </ul>	<ul style="list-style-type: none"> <li>• Within 3 months of the date stamp</li> <li>• Must not be after the date stamp</li> </ul>
Employed: Benefits in kind	As above, but may also require a P11D, if details are not included in the wage slip	<ul style="list-style-type: none"> <li>• Most recent year available</li> </ul>

## Help to reduce CRM 14 rejects: Evidence continued

Employed: Cash in hand	<ul style="list-style-type: none"> <li>• Letter from Employer, or</li> <li>• Bank Statement</li> </ul>	<p>3 months bank statements up to the date stamp</p> <ul style="list-style-type: none"> <li>• Must not be more than one month after the date stamp</li> </ul> <p>Letter from employer</p> <ul style="list-style-type: none"> <li>• Dated within 3 months of the date stamp, but, can be after the date stamp if it identifies the pay the applicant was receiving prior to the date stamp.</li> </ul>
Maintenance income	<ul style="list-style-type: none"> <li>• Bank Statements</li> <li>• Court order, or</li> <li>• CSA agreement</li> </ul>	<p>3 months bank statements up to the date stamp</p> <ul style="list-style-type: none"> <li>• Must not be more than one month after the date stamp</li> </ul> <p>Court order and CSA agreement</p> <ul style="list-style-type: none"> <li>• <i>Do not</i> have a timeframe.</li> </ul>
Student Income	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Rent from another property	<ul style="list-style-type: none"> <li>• Bank statements</li> </ul>	<p>3 months bank statements up to the date stamp</p> <ul style="list-style-type: none"> <li>• Must not be more than one month after the date stamp</li> </ul>
Board from family or lodgers	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Interest from savings	<ul style="list-style-type: none"> <li>• Bank statements</li> </ul>	<p>3 months bank statements up to the date stamp</p> <ul style="list-style-type: none"> <li>• Must not be more than one month after the date stamp</li> </ul>
Erratic income i.e. seasonal employee	<ul style="list-style-type: none"> <li>• Last wage slip</li> <li>• Bank statement</li> </ul>	<p>Within 3 months of the date stamp</p> <ul style="list-style-type: none"> <li>• Must not be after the date stamp</li> </ul>



**Additional guidance / contact us**



## Helpful links / Contact us

- [Help us say yes: Criminal applications](#)
- [Rejects guidance - a guide to reducing CRM14 rejects \(justice.gov.uk\)](#)
- [Criminal Legal Aid Manual \(publishing.service.gov.uk\)](#)
- [Criminal legal aid - Non-means tested funding \(justice.gov.uk\)](#)
- [Change in financial circumstances - a guide to reporting a change correctly \(justice.gov.uk\)](#)
- [Application by person with legal aid to change solicitor - GOV.UK \(www.gov.uk\)](#)
- Contact us: [birminghamCAT@justice.gov.uk](mailto:birminghamCAT@justice.gov.uk)
- IT Issues: Online Support Team on 0300 200 2020 (option 3), or
- Email: [Online-Support@justice.gov.uk](mailto:Online-Support@justice.gov.uk)

## Our training website:



### LAA Training Website

- click [here](#) to access guidance documents, webinars with accompanying slideshows and videos

### 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

## 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

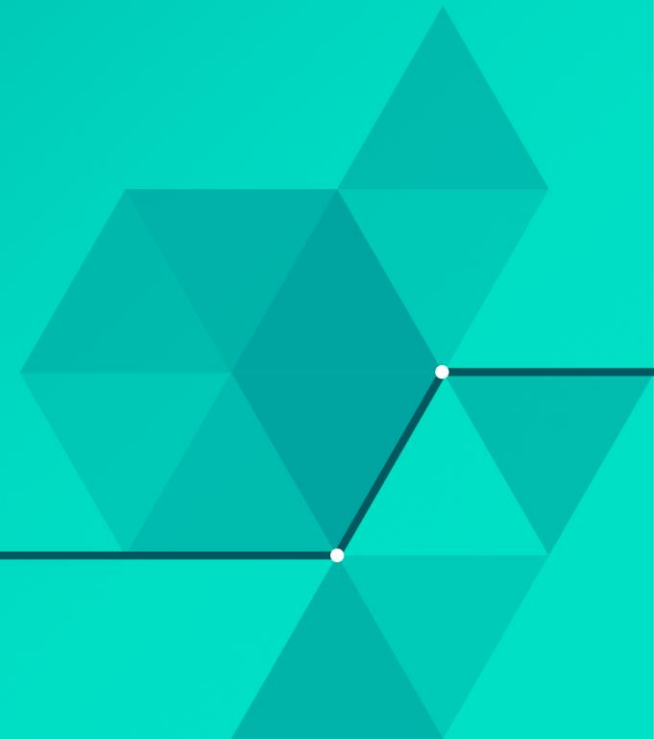


### LAA Portal

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



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