

Criminal Defence Service

KEYCARD NO 44a - Issued April 2008

General

This card is intended as a quick reference point only when assessing financial eligibility for those Units of Work for which the supplier has responsibility: 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. Suppliers 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 2008.

Eligibility Limits

The summary of the main eligibility limits from 7 April 2008 are provided below:

Level of Service	Income Limit	Capital Limit
Advice and Assistance	<p>Disposable income not to exceed £99 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Income Based Employment and Support Allowance, Guarantee State Pension Credit, 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 £209 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Income Based Employment and Support Allowance, Guarantee State Pension Credit, 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, Income Based Job Seekers' Allowance or Guarantee State Pension Credit.</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, Income Based Job Seekers' Allowance or Guarantee State Pension Credit 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 2008

Dependants Allowances	Partner	£33.65
	Child aged 15 or under	£47.45
	Child aged 16 or over	£47.45

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.