

27. Exceptional Funding

27.1 General

1. Exceptional funding covers two closely related types of application:
 - (i) Applications for funding individual excluded cases under section 6(8)(b) of the Access to Justice Act 1999;
 - (ii) Applications to cover representation in inquest proceedings pursuant to the Lord Chancellor's authorisation on inquest funding.
2. Once it has been determined that an application relates to services that are excluded by Schedule 2 of the Access to Justice Act 1999, and that are not able to be funded within the Lord Chancellor's directions on scope; the only way that funding may be provided is by way of exceptional funding under section 6(8)(b). In such cases the Commission itself cannot grant legal aid, it is only able to recommend a grant of funding to the Lord Chancellor. The final decision to fund an individual excluded case rests with the Lord Chancellor. However, the Act requires the Commission to recommend funding before he is able to grant it under this provision. Therefore all applications for funding under Section 6(8)(b) must be made to the Commission in the first instance. The procedure for doing so is described in section 27.6 below.
3. The Lord Chancellor's guidance on funding individual cases under this provision is set out at 27.2 below and in Volume 1, Part C of this manual. This guidance is taken into account by the Commission in deciding whether funding should be requested from the Lord Chancellor under Section 6(8)(b).
4. As is clear from the Lord Chancellor's guidance below, inquest funding raises different considerations from all other proceedings. The Commission's guidance on inquests is at 27.4 below – this includes funding of inquests which have been brought into scope by the Lord Chancellor's direction. The text of that Direction is at 27.3. The Commission's guidance on other proceedings is at 27.5.

27.2 Lord Chancellor's Guidance on Exceptional Funding

Individual cases

1. Section 6(8)(b) of the Act empowers the Lord Chancellor to authorise funding in individual cases, following a request from the Commission. The Lord Chancellor has issued the following guidance to the Commission under section 23 of the Act, to indicate the types of case he is likely to consider favourably under this power:

2. "Schedule 2 of the Act, together with the general exceptions I have authorised, is designed to ensure that money is not spent on cases that do not have sufficient priority to demand a share of the available resources. I would therefore expect it to be extremely unusual for me to authorise the Commission to fund an individual case that remained outside scope.
3. Schedule 2 excludes funding for personal injury cases because they are generally suitable for conditional fees. I have authorised the Commission to fund personal injury cases with very high investigative or total costs, because this may not always be true of these cases. If a particular client was having difficulty finding a solicitor to take a case that was objectively suitable for a conditional fee, that is a case with reasonable prospects of success but not requiring very high costs, I would generally expect the Commission, through the Community Legal Service, to advise the applicant about solicitors willing to take cases under conditional fee agreements, rather than apply to me for exceptional funding.
4. The other categories in paragraph 1 of Schedule 2 are excluded because they are of low priority. However I do accept that within those categories there will be exceptional individual cases which may justify funding under the approach described below.
5. Paragraph 2 of Schedule 2 excludes the provision of advocacy services before coroners' courts and most tribunals. Coroners' courts are excluded because the inquisitorial nature of the process means that public funding for legal representation is not usually appropriate. Historically, most tribunals have been excluded from legal aid on the grounds that their procedures are intended to be simple enough to allow people to represent themselves. The 1999 Act excludes advocacy before the Lands Tribunal and Commons Commissioners for the first time because they do not have sufficient priority to justify public funding.

Funding for Representation at Inquests

6. The then Lord Chancellor issued an Authorisation with effect from 1 November 2001 bringing representation at certain inquests within the normal scope of CLS funding (see section 3.13 of this guidance). The following guidance should be taken into account by the Commission both when considering applications which fall within that Authorisation and when considering applications relating to other inquests under the section 6(8)(b) procedure.
7. It is only advocacy before the coroner that is excluded by paragraph 2 of Schedule 2. Therefore any funding under 6(8)(b) would take the form of a grant (under level 7 of the Funding Code) to cover attendance on the day and the incidental costs (where appropriate) of advocacy, such as conferences.
8. Before approving an application I would expect the Commission to be satisfied that either:
There is a significant wider public interest, as defined by the funding code guidance, in the applicant being legally represented at the inquest; or,
Funded representation for the family of the deceased is likely to be necessary to enable the coroner to carry out an effective investigation into the death, as required by Article 2 of ECHR. For this purpose 'family' should be given a wide interpretation, in line with the funding code guidance.

9. For most inquests where the Article 2 obligation arises, the coroner will be able to carry out an effective investigation into the death, without the need for advocacy. Only exceptional cases require the public funding of advocacy in order to meet the Article 2 obligation. In considering whether funded representation may be necessary to comply with this obligation, all the circumstances of the case must be taken into account, including:
- The nature and seriousness of any allegations which are likely to be raised at the inquest, including in particular any allegations against public authorities or other agencies of the state.
- Whether other forms of investigation have taken place, or are likely to take place, and whether the family have or will be involved in such investigations.
- Whether the family may be able to participate effectively in the inquest without funded legal representation. This will depend on the nature of the issues raised and the particular circumstances of the family. In most cases, a family should be able to participate effectively in the inquest without the need for advocacy on their behalf. Legal Help can be used to prepare a family for the inquest; to prepare submissions to the coroner setting out the family's concerns and any particular questions they may wish the coroner to raise with witnesses.
10. The views of the coroner, where given, are material though not determinative. There is however no expectation that the coroner's views should be sought before making an application, or that the coroner will wish to express a view.

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11. In general applicants must also satisfy the eligibility limits for Legal Representation as set out in regulations. However, the Commission has the discretion to waive the financial eligibility limits relating to representation at those inquests brought into scope by the Authorisation on Inquest Funding and I have the discretion to waive the financial eligibility limits for all other inquests where the Commission requests me to do so (Regulation 5C of the CLS (Financial) Regulations 2000 as amended). The Commission and I will consider such a waiver in relation to inquests that satisfy the guidance set out above if, in all the circumstances, it would not be reasonable to expect the family to bear the full costs of representation at the inquest. Whether this is reasonable will depend in particular on the history of the case and the nature of the allegations to be raised, the applicant's assessed disposable income and capital, other financial resources of the family, and the estimated costs of providing representation.
12. Where funding is granted to provide advocacy at an inquest into the death of a member of the client's family, the Commission may, for inquests brought into scope by the Authorisation on Inquest Funding, waive contributions in whole or in part (Regulation 38(8A) and (9) of the CLS (Financial) Regulations 2000 as amended). I have the discretion to waive contributions in whole or in part for all other inquests (Regulation 38(10) of the CLS (Financial) Regulations 2000, as amended). Where it is appropriate for a contribution to be payable this may be based upon the applicant's disposable income and disposable capital in the usual way ignoring upper eligibility limits. As funding will cover only one off advocacy services at the inquest, an appropriate total contribution will normally consist of one month's assessed income contribution, and a proportion of the assessed capital

contribution. Contributions should always be based on what can reasonably be afforded by the applicant and his or her family in all the circumstances of the case.

Exceptional Funding for Other Proceedings

13. Before requesting funding for an individual case under section 6(8)(b) for proceedings other than inquests the Commission must first be satisfied in each case that:
 - (a) The services applied for are services which are excluded under Schedule 2 of the Act and are not covered by any of my general directions under section 6(8).
 - (b) The client is financially eligible for Legal Representation.
 - (c) All relevant criteria in the Funding Code are satisfied. Usually these will be the criteria for Legal Representation in the General Funding Code, but certain criteria will not be relevant in certain types of case. For example prospects of success criteria may not be appropriate for inquisitorial proceedings such as a public inquiry.
 - (d) The client has produced evidence to demonstrate clearly that no alternative means of funding is available, whether through conditional fees or otherwise.
14. Where the Commission is so satisfied I would be prepared to consider funding under section 6(8)(b) where any of the following apply:
 - (a) There is a significant wider public interest (as defined in the Funding Code) in the resolution of the case and funded representation will contribute to it. This will only need to be considered for cases which are not within the scope of paragraph 10 of my general Direction on exclusions, which authorises the funding of non-business public interest cases before the courts.
 - (b) The case is of Overwhelming Importance to the Client as defined in the Code.
 - (c) There is convincing evidence that there are other exceptional circumstances such that without public funding for representation it would be practically impossible for the client to bring or defend the proceedings, or the lack of public funding would lead to obvious unfairness in the proceedings.

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15. I should emphasize that each of these considerations is exceptional in nature. When considering funding under paragraph 8(c) above the nature of the case and particular circumstances of the client need to be taken into account. The fact that the opponent is represented does not necessarily make the proceedings unfair. Courts are well used to assisting unrepresented parties in presenting or defending their cases. Similarly most tribunals are designed to be accessible to unrepresented clients. Language difficulties alone are very unlikely to be a justification for funding legal representation, since if the client has no friend or family able to act as interpreter, the court or tribunal concerned will normally be able to assist. There must be something exceptional about the client or the case such that for the client to proceed without public funding would be practically impossible or would lead to obvious unfairness. I will use as a benchmark those very exceptional cases where the ECHR at Strasbourg has indicated that the right of access to the courts has effectively been denied because of the lack of public funding.”

27.3 Lord Chancellor's Authorisation on Inquest Funding

1. This is an authorisation by the Lord Chancellor under Section 6(8) of the Access to Justice Act 1999 ("The Act"). It authorises the Legal Services Commission ("the Commission") to fund in specified circumstances services generally excluded from the scope of the Community Legal Service Fund by Schedule 2 to the Act.
2. The Lord Chancellor authorises the Commission to fund advocacy services on behalf of the immediate family of the deceased at an inquest concerning a death;
 - (i) in police or prison custody,
 - (ii) during the course of police arrest, search, pursuit or shooting; or
 - (iii) during the compulsory detention of the deceased under the Mental Health Act 1983.
3. Such services may be funded where the Commission is satisfied that funded representation is necessary to assist the coroner to investigate the case effectively and establish the facts. The Commission should have regard to my guidance on funding individual cases under Section 6(8)(b) of the Act when considering applications under this Authorisation.

~~1. 4.~~ Services funded under this Authorisation should be funded under Level 7* of the Commission's Funding Code (which covers "such other services as are authorised by specific orders or directions from the Lord Chancellor"). Applications under this Authorisation remain subject to the relevant regulations under the Act and all relevant criteria in the Code.

** Note that following the abolition of certain family levels of service in October 2007 other levels of service have been re-numbered. The relevant level of service for inquest funding is now Level 6 rather than Level 7.*

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27.4 Inquest Funding – Commission Guidance

1. Cases within the scope of the above Authorisation are not subject to the section 6(8)(b) procedure. Instead, the Commission can make the final decision on funding without reference to the Lord Chancellor. However, cases within the Authorisation follow a similar procedure to section 6(8)(b) applications – all applications must be made to the Special Cases Unit at ~~29-37 Red Lion Street, London WC1R 4PP~~Exchange Tower, 2 Harbour Exchange Square, London E14 9GE. See further, section 27.6 below.
2. The same criteria are applied to in-scope as to out-of-scope inquests, although inquests into deaths in custody or detention are in practice the category most likely to qualify for funding. As the guidance at 27.2 above makes clear, there are two grounds for providing funding:
 - (a) cases of significant wider public interest; or
 - (b) cases where funding for the family of the deceased is likely to be necessary to enable the coroner to carry out an effective investigation into the death, as required by Article 2 of the ECHR.

Significant Wider Public Interest in Inquest Cases

3. As for all cases, an inquest case is only accepted as having significant wider public interest under the Code where the proceedings have the potential to produce real benefits for members of the public other than the client and their family.
4. However, the Guidance requires in relation to inquests that there must be “significant wider public interest in the client being represented at the inquest” for funding to be made available. This means that an applicant must be able to demonstrate that representation is necessary to obtain any benefits that may arise, not just that the inquest itself may provide benefits.

Representation is Likely to be Necessary

5. This category of cases arises from the need under Article 2 of the ECHR to ensure that certain deaths are effectively investigated by the state.
6. The Commission, in assessing this category of case looks to the guidance provided in the judgement in *R (Khan) v Secretary of State for Health* [2003] EWCA Civ 1129 as to the particular circumstances in which the Article 2 investigative obligation requires funding to be provided for the deceased’s family to be legally represented at the inquest or at an equivalent investigation.
7. Khan states that the coroner’s inquest is the natural occasion for the effective judicial inquiry into the cause of a death that the Convention requires. However, the court also recognised that the holding of an inquest could not fulfil the Article 2 obligation if the family of the deceased was unable to play an effective part in it. The court accepted that in the overwhelming majority of cases the coroner would be able to conduct an effective judicial investigation himself without there being any need for the family of the deceased to be represented. However, there would be exceptional cases where such representation was necessary for the Article 2 obligation to be fulfilled. The court considered that the case in *Khan* was such a case.
8. The Commission, in considering whether a case can reasonably be said to fall into the ‘exceptional’ category, takes into account the following:
 - (a) The nature and seriousness of any allegations which are likely to be raised at the inquest, in particular any allegations against public authorities or other agencies of the state. Particular regard will be given to any of the following circumstances: closely related multiple and avoidable deaths from the same cause within the same institution; criminal conduct; attempts to conceal information or otherwise interfere with an investigation into the circumstances surrounding the death.
 - (b) Whether other forms of investigation have taken place, or are likely to take place, and whether the family have or will be involved in such investigations.
 - (c) Whether the family may be able to participate effectively in the inquest without funded legal representation. This generally depends on the nature of the issues raised and the particular circumstances of the family.
 - (d) Any views, concerning the necessity of representation, expressed by the coroner, although these are not determinative.

9. The starting point for our consideration in these cases is that in the majority of cases, a family can participate effectively in the inquest without the need for advocacy on their behalf. In general, the ability to attend and understand the proceedings together with an opportunity to raise any particular matters of concern to them with the coroner would be sufficient to ensure participation.
10. Legal Help is available to prepare a family for the inquest; to prepare submissions to the coroner setting out the family's concerns and any particular questions they may wish the coroner to raise with witnesses. It is only advocacy before the coroner that is an excluded service under the Code.

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Financial Eligibility Waiver in Inquest Cases and the Collection of Contributions

11. The Commission has the discretion to waive financial eligibility limits relating to representation, for inquests brought into scope by the Authorisation on Inquest Funding, and the Lord Chancellor has the discretion to waive financial eligibility limits relating to representation at all other inquests, where the Commission requests this (Regulation 5C of the CLS (Financial) Regulations 2000 as amended). The Lord Chancellor and Commission would only waive eligibility limits where, in all the circumstances, it would not be reasonable to expect the family to bear the full costs of representation at the inquest. Whether this is reasonable will depend in particular on the history of the case and the nature of the allegations to be raised, the applicant's assessed disposable income and capital, other financial resources of the family, and the estimated costs of providing representation.
12. Whether or not eligibility limits are waived, the Commission has power to waive any contributions which would otherwise be due from the immediate family of the deceased for inquests brought into scope by the Lord Chancellor's Authorisation on Inquest Funding (Regulation 38(8A) and (9) of the CLS Financial Regulations 2000 as amended). The Lord Chancellor has the power to waive contributions for all other inquests (Regulation 38(10) of the CLS Financial Regulations 2000 as amended). Where it is appropriate for a contribution to be payable this may be based upon the applicant's disposable income and disposable capital in the usual way ignoring upper eligibility limits. Overall contributions, including those from capital, are always based on what can reasonably be afforded by the applicant and his or her family in all the circumstances of the case. Income contributions in inquest cases will usually not exceed one month's assessed contribution. Capital contributions will not take into account the client's home.
13. The view of the Lord Chancellor and Commission is that the purpose of providing public funding in these cases is to ensure that an applicant has a reasonable opportunity to participate in the inquest, where this is considered necessary in order to meet the State's obligations under Article 2 of the ECHR. This is fully consistent with requiring a contribution from a client provided that the amount sought is fair and affordable in all the circumstances of the case. It is significant that the court in *Khan* emphasised that it was the fact that Mr Khan was being required to fund the full cost of being represented at the inquest that was problematic.

Detention under the Mental Health Act 1983

14. From 2 October 2006, the Lord Chancellor's Authorisation on Inquest Funding has been amended so that deaths which occur while detained under the Mental Health Act 1983 are treated in a similar way to deaths in custody. This means that the Commission can make the final decision on funding without reference to the Lord Chancellor, although the application procedure is similar to that for a request for funding under the 6(8)(b) procedure (see 27.6).
15. The Lord Chancellor's Authorisation on Inquest Funding covers those mental health deaths where the deceased died while compulsorily detained under the 1983 Act. Powers of detention arise in sections 2, 3, 4, 5, 18, 35, 36, 37, 38, 44, 45A, 47, 48, 51(5), 135, and 136 of that Act.

Exclusions

16. Inquests into the deaths of persons who have died while subject to other sections of the Mental Health Act 1983 – for example, while subject to guardianship or supervision under sections 7, 25D, or 37 - are not covered by the Authorisation, as amended. However, for inquests which fall outside the Authorisation, but which meet ...

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the strict criteria for exceptional funding, the usual 6(8)(b) application procedure can be used.

17. The Lord Chancellor's Authorisation on Inquest Funding only extends to inquests where the deceased died while they were actually detained. If the deceased dies while subject to the relevant sections of the Mental Health Act 1983 cited above, but while not detained – for example, while on a leave of absence – the Authorisation does not apply. Again, for inquests which fall outside the Authorisation, but which meet the strict criteria for exceptional funding, the usual 6(8)(b) application procedure can be used.

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27.5 Exceptional Funding for Other Proceedings – Commission Guidance

1. Before recommending a case for exceptional funding under section 6(8)(b) of the Act, the Commission must be satisfied that all relevant Code criteria for funding are satisfied, including the appropriate cost benefit test and prospects of success level as well as establish that no alternative funding is available.
2. In addition, exceptional funding cases must have one of the following:
 - ● Significant wider public interest; or
 - ● Overwhelming importance to the client; or
 - ● There is convincing evidence that there are other exceptional circumstances such that without public funding for representation it would be practically impossible for the client to bring or defend the proceedings, or the

lack of public funding would lead to obvious unfairness in the proceedings (Jarrett Complexity).

3. Significant wider public interest and overwhelming importance to the client have the meanings given to them by the Code.

Jarrett Complexity

4. This criterion provides that exceptional funding may be granted where there is convincing evidence that the case involves exceptional circumstances such that without public funding for representation it would be practically impossible for the client to bring or defend the proceedings, or the lack of public funding would lead to obvious unfairness in the proceedings.
5. When considering this criterion, the Commission takes into account the nature of the case and the particular circumstances of the client. The fact that the opponent in any proceedings will be represented does not necessarily make the proceedings unfair. Courts are well used to assisting unrepresented parties in presenting or defending their cases. There must be something exceptional about the client or the case such that for the client to proceed without public funding would be practically impossible or would lead to obvious unfairness.
6. In general, the Commission uses those cases where the European Court has indicated that the right of access to the courts has effectively been denied because of the lack of public funding, as a benchmark. This is because the reasoning in these cases is essentially the same test for complexity set out in the Jarrett case, upon which this criterion is based.
7. In particular, account is taken of the European Court in *Steel and Morris v the United Kingdom* (application number 68416/01), which states:

The question whether the provision of legal aid is necessary for a fair hearing must be determined on the basis of the particular facts and circumstances of each case and will depend inter alia upon the importance of what is at stake for the applicant in the proceedings, the complexity of the relevant law and procedure and the applicant's capacity to represent him or herself effectively.

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8. In any case, therefore, the key question is whether legal representation is necessary for a particular applicant.

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27.6 Exceptional Funding Procedures

1. The Lord Chancellor has power to authorise any level of service under the Funding Code when funding a case under section 6(8)(b). If services are excluded under paragraph 2 of Schedule 2, for example, representation at tribunals and enquiries, the most likely type of funding will be level 7 of the Code which is "such other services as are authorised by specific orders or directions from the Lord Chancellor". This means that funding will not involve the issue of a funding certificate as for Legal Representation but will take the form of a one-off grant up to a sum specified by the Lord Chancellor in each case. The grant will

only cover advocacy at the hearing, but this may be taken to include, where it is reasonable and justified in the individual case:

- (a) Counsel or solicitor's fees for acting as advocate at the hearing;
- (b) The costs of any other legal representative attending the hearing;
- (c) The cost of instructing counsel for the hearing;
- (d) The cost of any conference with counsel prior to the hearing;
- (e) Costs in relation to any preliminary hearing at which advocacy is required.

Any other work including work preparatory to the hearing must instead be covered under Legal Help. In the overwhelming majority of cases Legal Help to cover preparatory work associated with an exceptional funding application should be carried out and claimed as Controlled Work in the normal way. However, if the amount of preparatory work involved is exceptionally high, and well beyond the normal limits for Legal Help fixed fees, application can be made to fund such preparatory work as part of the exceptional funding application. This is because applications which are ancillary to exceptional funding can be administered outside the usual Controlled Work procedures – see Rules A3 and D10 of the Funding Code Procedures.

(f) The cost of any counsel's fees for preparing written submissions prior to the hearing.

2. If services are excluded under Paragraph 1 of Schedule 2, for example, business cases in the High Court or County Court it is likely that any funding under section 6(8)(b) will take the form of Legal Representation. The usual remuneration and eligibility rules for Legal Representation will apply.
3. Applications for all forms of exceptional funding come within the category of "Other Grant or Contract Work" under the Code Procedures. The process is set out in section D4 of the Procedures. Even where the services granted include Legal Representation, the Commission will not usually issue a certificate. The grant itself is the authority for payment.
4. Applications under section 6(8)(b) should not be made to the Regional Office. Instead all applications should be sent directly to the Commission's Special Cases Unit at [29-37 Red Lion Street, London WC1R 4PP](#) Exchange Tower, 2 Harbour Exchange Square, London E14 9EG. The heading to the application letter should state that it concerns an application for exceptional funding.
5. All applications under Section 6(8)(b) must be accompanied by a completed CLSAPP1 form together with all relevant Means forms as if applying for a certificate for Legal Representation. Some parts of the APP1 form will not be relevant to certain applications under Section 6(8)(b). For example, Prospects of Success is not relevant to representation at an inquest. Applications should concentrate on addressing the issues set out in the Lord Chancellor's guidance at 27.2 above. One of the considerations in the guidance is whether the case may be suitable for a conditional fee agreement or other private funding. This issue should always be addressed in ...

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applications relating to court proceedings, even outside the area of personal injury cases.

6. The level of remuneration for work under level 76 of the Code is discretionary. For the time being representation at inquests will be paid at the following rates with an uplift of up to 50%:

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Preparation		
Senior Solicitor	53.00	(London 55.75)
Solicitor, fee earner (or equivalent)	45.00	(London 47.25)
Trainee (or equivalent)	29.75	(London 34.00)
Advocacy		
Senior solicitor	64.50	
Solicitor	56.00	
Attendance at court		
Senior Solicitor	42.25	
Solicitor	34.00	
Trainee	20.50	
Travelling and waiting		
Senior solicitor	24.75	
Solicitor	24.75	
Trainee	12.50	

7. Where use of counsel is justified, a brief fee of £1000 and refreshers of £500 per day will be the starting rate. However, in some cases the length and complexity of the inquest may justify payment of counsel at a higher rate. The Commission will consider any representations made on this point at the time of the application. Representation for other tribunals will be paid at mental health review tribunal rates. Where funding is provided for counsel to attend any tribunal or inquest, it is not generally appropriate to claim the costs of senior solicitor attendance as well. Where such costs are claimed, they must be supported by evidence to justify such a claim.
8. Every application under Section 6(8)(b) must specify a figure for the total amount of funding required, broken down to specify the hours claimed and rates charged. Grants under Section 6(8)(b) will usually be subject to a binding cost limit specified in the grant. Payment will only be made for work reasonably carried out up to that cost limit.
9. The Lord Chancellor's guidance makes it clear that when considering funding representation at an inquest the applicant should be a member of the deceased's immediate family and it will sometimes be necessary to give information not just about the means of the applicant but also other members of the family. "Family" is a wide concept as described in our family guidance. In practice, the Commission will generally expect to receive the following information:
- if the deceased was a child, means forms from the parent or parents;
 - if the deceased was an adult, means forms from his or her partner and adult children;

(c) if the deceased was an adult who had not partner, means information concerning the deceased's parents, children and siblings.

10. It is important that applications are made as early as possible to allow time for us to decide whether to request funding from the Lord Chancellor and for the papers to be passed to the Lord Chancellor for a final decision. We will try to deal with applications as quickly as possible but inevitably there will be some cases where a
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final decision cannot be made before the hearing has taken place. Since funding under Section 6(8)(b) is usually by way of a one-off grant and does not involve the issue of a certificate, it is within the Lord Chancellor's power to approve funding retrospectively if necessary. However, this will only be considered if the application to the Commission for funding was made at the earliest opportunity. Generally funding will take effect from the date of the Commission decision to request funding from the Lord Chancellor. However in appropriate cases it may be backdated to the date of the initial application to the Commission.

11. If an application to the Special Cases Unit is refused, a client can apply within 14 days for the decision to be reconsidered. If so the application will be considered afresh by the Commission's Funding Policy Team. Reasons will be given for all decisions made.
12. If the Lord Chancellor approves funding, the case will be returned to the Special Cases Unit who will deal with assessment of the bill and payment, up to the cost limit on the Lord Chancellor's grant.

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