

Means Assessment Guidance Under Annex 6 of the Draft Contract

Community
Legal Service



Legal Help

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Legal Service



To ensure we give out advice funded by the Legal Services Commission fairly we need you to:

- * Check the details we have filled in from the telephone assessment are correct and change them if they are not
- * Attach any evidence requested and return the form to us
- * Sign the declaration **on page 3**

Your Details

Surname _____

First Name _____

Surname at birth _____

(if different)

Unique Client Number _____

(given by us)

Date of Birth _____ NI Number _____

Sex _____

Current Address _____

Town _____

County _____ Postcode _____

Your Finances

Do you have a partner that you live with?

NO

Do you, or your partner, get **Income Support, Income Based Job Seekers Allowance, or Guarantee State Pension Credit?**

NO

Who receives this benefit?

As your partner is in receipt of this benefit we will need their details

Partner's Surname _____

Partner's First name _____

Date of Birth _____

NI Number _____

Your partner must sign the following declaration

I consent to the Legal Services Commission disclosing information about me to the Department of Work and Pensions and making such enquiries as may be necessary to check the information provided in this application. The Department of Work and Pensions may carry out such processing as necessary to check this information remains correct and may inform the Legal Services Commission of any relevant changes.

Signed _____

Dated _____

Your Capital

Do you own your home?

YES

Estimated Value of Property _____ £0.00

Outstanding Mortgage(s) _____ £0.00

Equity in Home for Assessment purposes _____ **£0.00**

(We disregard up to £100,000 of mortgage and £100,000 of the value of your main home)

	You	Your Partner
Savings <i>(Bank, building society etc)</i>	_____ £0.00	_____ £0.00
Investments <i>(Including shares and insurance policies)</i>	_____ £0.00	_____ £0.00
Valuable Items <i>(eg. Boat, caravan, jewellery etc.)</i>	_____ £0.00	_____ £0.00
Other Capital <i>(Including money due to you)</i>	_____ £0.00	_____ £0.00
TOTAL CAPITAL for assessment purposes	_____	_____ £0.00

Capital does not include

Household furniture and effects (unless of exceptional value)

Clothes, Tools of the Trade

Your Income

When looking at your income we will consider how much income you have and then deduct any outgoings up to a certain limit. The remaining amount (disposable income) tells us whether you are eligible. We look at this from **monthly** income (i.e. by calendar month).

	You	Your Partner
Wages Received (Before tax)/Self Employed Drawings	_____ £0.00	_____ £0.00
Benefits and Tax Credits <i>(Including child benefit, pensions, tax credits, benefits in kind)</i>	_____ £0.00	_____ £0.00
Maintenance Received	_____ £0.00	_____ £0.00
Any Other Income	_____ £0.00	_____ £0.00
TOTAL INCOME	_____ £0.00	_____ £0.00

Less monthly allowances

Tax and National Insurance	_____ £0.00	_____ £0.00
Dependents Allowance <i>(We allow you a certain amount for each dependent)</i>	_____ £0.00	_____ £0.00
Mortgage	_____ £0.00	_____ £0.00
Rent	_____ £0.00	_____ £0.00
Employment Expenses <i>(This is a standard amount, if you are employed we allow £45)</i>	_____ £0.00	_____ £0.00
Maintenance Payments being made <i>(e.g. for children and/or a former/separated spouse)</i>	_____ £0.00	_____ £0.00
Childcare costs due to work	_____ £0.00	_____ £0.00
TOTAL ALLOWANCES	_____ £0.00	_____ £0.00

TOTAL MONTHLY DISPOSABLE INCOME _____ **£0.00**



Evidence we need from you

To ensure that the details you have given us are correct we will require the following evidence from you and your partner



Your Declaration

Please tick the box that applies to you

I have not been to an advisor or solicitor about this problem before to get advice on it paid for by the Legal Services Commission

I have already been to an advisor or solicitor about this problem, and had advice paid for by the Legal Services Commission.

I received advice on this problem on _____

As far as I know all the information I have given is true including information as to my means and I have not withheld any relevant information

I agree that the Legal Services Commission (LSC) can contact other parties to obtain information about my or my partner's financial circumstances and I authorise those parties to provide the information they are asked for. I understand that the LSC will confirm my or my partners receipt of and continuing entitlement to benefit with the Department of Work and Pensions (DWP) the DWP may carry out such processing as is necessary to check this information remains correct and may inform the LSC of any relevant changes.

I understand that if I give false information the services provided to me may be cancelled and I may be prosecuted

Signed _____

Dated _____

Your Personal Data

The information you provide in this form and any subsequent information we may receive will be used to process your application for Legal Aid. It will be kept in accordance with the Principles of the Data Protection Act 1998 and any relevant confidentiality provisions.

If necessary, we may verify or share the information you provide with other organisations, such as: the Department of Work and Pensions, the Inland Revenue, Customs and Excise, Land Registry, Companies House and on occasion Credit Reference Agencies. We will only share the information if it is necessary to protect public funds or where we are lawfully required to do so.

The Legal Services Commission may also process your information to produce management information or research information. The results of our research will only be published in a statistical or anonymised form.

The information will be kept for as long as is necessary in order for the Legal Services Commission to fulfil its functions under the Access to Justice Act 1999. You have the right to make a formal request in writing for access to personal data held about you, to inspect it, and to have it corrected if it is wrong.

Notes

1. By "partner" we mean anyone (including a person of the same sex) that you live with as a couple. Your partner "lives with" you even if they are not living in the same house as you (e.g. because you or your partner works away from home) unless one of you considers that your relationship is over. You should not give details of your partner's money if the problem you are seeking advice about is a dispute with your partner.

2. If you get Income Support, Income Based Jobseeker's Allowance or Guarantee State Pension Credit (under section 1(3)(a) of the State Pension Credit Act (a)) you do not need to tell us about 'Your Capital' or 'Your Income', but you do need to tell us about your benefits claim ('Your Finances'). If your partner gets the benefit and you are included in your partner's benefit claim, you count as someone who gets benefit "indirectly". However, if your partner gets one of these benefits as a single person (e.g. if they are the same sex as you), you will need to fill out this form in full, and count your partner's benefit as a source of income.

3. The equity in your home is how much your house is worth once you take off the mortgage you still owe. The first £100,000 of the value of your house is not counted, so the equity is worked out as follows. Take the market value of your property and subtract the amount you have left to pay on your mortgage up to a maximum of £100,000. If the result is £0 or less write the value in the 'Equity in the home for assessment purposes' box. If the result is £1 or more take off £100,000 (the amount of equity that we allow). Write the result in the box. If the result is £0 or less, write £0 in the box. Here is an example:

Mr Smith has a home worth £215,000	
Value of home:	£215,000
Take away first £100,000 of mortgage	-£100,000
Take away £100,000 of value	-£100,000
Number to put in box	£15,000

4. The figure for your gross monthly income is the total amount that you received last month before tax, national insurance etc, excluding the following welfare benefits attendance allowance, disability living allowance, constant attendance allowance, invalid care allowance, severe disablement allowance, exceptionally severe disablement allowance, war and war widows pensions, independent living fund payments, fostering allowance (to the extent that it exceeds the relevant dependant's allowance) back to work bonus under section 26 of the Job Seeker's Act 1995, payments made under the Earnings Top-up Scheme, payments under the Community Care Direct Payment Scheme, council tax benefit, housing benefit and any payment made from the social fund. Normally you will not qualify for funding if your gross income is more than £2,288. However, if you have more than four dependant children, for each extra child you are allowed £145 more gross income. So if you have six children, your gross income can be £2,288 + £145 + £145 = £2,578 and you may still qualify for funding.

5. You should put down the amount you pay in rent after Housing Benefit as your housing costs. If you have no dependents, the maximum allowance for housing costs is £545.

6. Dependent relatives are your partner, children under 16, or children between 16 and 19 still at school, who live in the same house as you and who rely on you to support them. There is a standard allowance of £183 for each dependent relative who lives with you.

7. There is a standard allowance of £45 if you or your partner is working. If you both work, you both get the allowance.

8. You should put in the box the actual amount that you spent on childcare so that you can work.

9. Your monthly disposable income is your (and your partner's) gross income take away your (and your partner's) total allowances.

For use by your advisor

Tick the relevant boxes if you have:

Accepted an application from a child or patient or someone on their behalf

Provided Legal Help to a client who has already received it on the same matter within the last 6 months

If you have ticked any of the above boxes, please provide the circumstances justifying this in accordance with the relevant Rule in the Specification

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Legal Help Financial Assessment

v3.0

This means test form should only be used by CLS Direct Operators.

For applications made on or after **11-Apr-05**

Assessor Initials

Pale blue boxes should be filled in with text or figures.
 Yellow boxes have drop down menus for you to select from.

Client Details	
Surname	<input type="text"/>
Forename(s)	<input type="text"/>
Surname at Birth	<input type="text"/>
Date of Birth	<input type="text"/> 106
NI Number	Should be ll-nn-nn-nn-l
Sex	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>

D.O.B must be completed

Do you have a partner that you live with?

Passporting benefits	
Question 1	Do you or your partner receive any of the following means tested benefits?
	Income Support <input type="text"/>
	Income-based Jobseeker's Allowance <input type="text"/>
	Guarantee State Pension Credit (under section 1(3)(a) of the State Pension Credit Act 2002(a)) <input type="text"/>
	<input type="text"/> 0
	<input type="text"/>
	<input type="text"/>
Result 1	Client not in receipt of passporting benefit GO ON TO QUESTION 2

Capital	
Question 2	Do you and/or your partner have capital and other assets (including property) worth over £8,000?
	Do you own your own home? <input type="text"/> YES
	Give amount if possible: Value of Property <input type="text"/>
	Less: Outstanding mortgage <input type="text"/>
	Less: Equity Disregard <input type="text"/>
	Total Property <input type="text"/> £100,000.00
	<input type="text"/> £0.00
	Your Partner
	Savings <input type="text"/>
	Investments <input type="text"/>
	Valuable Items <input type="text"/>
	Other Capital <input type="text"/>
	Total Capital <input type="text"/> £0.00
	Are you or your partner over 60? <input type="text"/> Yes
	Capital Disregard (if any) <input type="text"/> -£100,000.00
	Total Capital <input type="text"/> £0.00
Result 2	Client may be eligible on capital GO ON TO QUESTION 3 - REVIEW AFTER NET INCOME CHECK

Is client's partner over 60?

Dependent relatives	
Question 3	How many dependent relatives do you have?
	<input type="text"/> Partner
	<input type="text"/> 0 Children

Gross Income	
Question 4	Before deductions such as tax, do you receive more than the amount shown below in income each month?
	£2,350.00 <input type="text"/>
Result 3	Client eligible on gross income GO ON TO QUESTION 5

Question 5 **Net Income**
What is your and/or your partner's monthly income and expenditure?

	Your partner	
Gross Income Breakdown		
Wages/Salary		
Drawings		
Benefits and Tax Credits (inc. Child Benefit)	£0.00	
Maintenance Received		
Any other income		
Total Gross Income	£0.00	£0.00
Less deductions for: (enter positive figures)		
Tax and NI	£0.00	£0.00
Dependants allowance		n/a
Actual Housing costs (rent)	£0.00	n/a
Allowable Housing Costs (rent)	£0.00	£0.00
Housing costs (mortgage)		
Allowable Housing Costs (mortgage)	£0.00	£0.00
Total Allowable Housing Costs	£0.00	£0.00
Standard £45 allowance for employment expenses	£0.00	£0.00
Maintenance payments actually being made		
Childcare costs because of work		
TOTAL	£0.00	£0.00
	£0.00	£0.00
GRAND TOTAL		£0.00

**If client is does not know Gross Income, enter closest available figure, and ignore any allowances (e.g. Tax & NI) that this number may already include.*

Result 4 **Client eligible on net income**

CLIENT ELIGIBLE?

NO

(A client who passes the proxy test is eligible for up to 2 hours' advice)

Approximate time taken to complete test (minutes)

Enter any notes in the box below:

CALLBACK

Would you be happy for us to call you back for feedback? This is part of our quality control.
 Best time for us to call

Monthly disposable Income (£)	Amount of capital disregard
0 – 25	£100,000
26 – 50	£90,000
51 – 75	£80,000
76 – 100	£70,000
101 – 125	£60,000
126 – 150	£50,000
151 – 175	£40,000
176 – 200	£30,000
201 – 225	£20,000
226 – 272	£10,000
Over 272	0

-100000

0.001	0 YES	YES	-100000
25.001	0 NO	YES	0
50.001	25 NO	YES	0
75.001	50 NO	YES	0
100.001	75 NO	YES	0
125.001	100 NO	YES	0
150.001	125 NO	YES	0
175.001	150 NO	YES	0
200.001	175 NO	YES	0
225.001	200 NO	YES	0
272.001	225 NO	YES	0
	272.01 NO	NO	0

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EVIDENCE CHECK

To be carried out by the Legal Advisor

1. Notes from the means assessor

2. Have the following pieces of evidence been sent in by the client?

2. Enter the details from the evidence in the below boxes (where applicable)

	Client	Partner
Gross Wages/Drawings (monthly)		
Tax and NI (monthly)		
Benefits and Tax credits (monthly)		
Savings		

4. On the evidence provided your client is

NOT ELIGIBLE

5. Notes (Explanation for why evidence is different to original assessment if to proceed with advice)

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Equity Disregard	£100,000.00
Maximum mortgage disregard	£100,000.00
Maximum rent/mortgage	£545.00
Employment expenses	£45.00
Partners Allowance (face to face advice)	£141.87
Other Dependants Allowance (face to face advice)	£198.06
Additional dependants allowance	£145.00
Gross income cap	£2,350.00
Upper Income Limit	£649.00
Upper Capital limit	£8,000.00

Tax & NI	
Basic Personal Allowance	£5,035.00
Basic Personal Allowance (Age 65 to 74)	£7,280.00
Basic Personal Allowance (Age 75+)	£7,420.00
Starting Rate (%)	10
Starting Rate Band maximum	£2,150.00
Basic Rate Tax (%)	22
NI Primary Threshold	£97.00
Category A National Insurance (%)	11
Weekly Self Employed Class 2 NI Contributions	£2.10