

## **CLA 55 Evidence of Means for Controlled Work cases**

<b>DECISION NUMBER:</b>	<b>CLA 55</b>
<b>DATE:</b>	<b>6 October 2011</b>
<b>OFFICE REFERENCE NUMBER:</b>	<b>CA4/KEI/133307</b> <b>CA4/WLC/133340</b>

### **POINT OF PRINCIPLE**

The effect of paragraphs 6.1 and 6.2 of Section B6 of the Funding Code, and paragraphs 2.4 and 2.5 of Section 2 of the Unified Contract Specification are as follows:

1. Where it is not practicable to obtain evidence of eligibility before commencing work, there must be an assessment of means on the basis of whatever information is available from the client, and that assessment must be recorded on the form which is signed by the client as his or her affirmation of eligibility.
2. 2.5 of the Contract also states that, in these circumstances, it is necessary for the provider to require the client to provide evidence of means as soon as practicable. This is an on-going contractual duty until it has been fulfilled and a claim for payment should not be made to the LSC without such evidence having been obtained and retained on the file.
3. In any case which on audit is found to have no such evidence on file, the preliminary decision will be to nil assess. A provider appealing or seeking review of such decision will have to provide evidence of eligibility at the time the form was signed and a satisfactory explanation as to why a claim was submitted for payment without such evidence being on file. If these two requirements are fulfilled, the reviewer/ICA will be able to exercise discretion to allow payment in appropriate circumstances.