

Guidance on Completion of Form CDS1 **Helping Us to Help You**

To reduce the number of rejections and allow case workers to process your applications efficiently and effectively, please note the following key points in relation to completion of form CDS1 allowing Legal Aid to be provided under the Advice and Assistance and Advocacy Assistance levels of work.

1. Eligibility should be assessed in reference to the most up to date guidance available (currently Keycard 44a and Volume 3 – Funding Code taken from the LSC Manual). If Financial Eligibility Tests are incorporated within Qualifying Criteria you must have regard to any Guidance issued by us (Part 3 (A) - Funding Criteria - Standard Crime Contract 2010).

2. Completion of the client's marital status is a mandatory requirement unlike the Equal Opportunities Monitoring. Without knowing the client's marital status we cannot determine whether the financial details have been fully and correctly completed.

3. If the client is married, has a civil partner or is cohabiting (where financial resources are pooled and considered as a couple) then the income and capital of the client's partner must be taken in to account and added to those of the client.

4. Even if the client and partner are physically separated i.e. they live in separate properties, this does not necessarily mean that they are living separate and apart for the purpose of the regulations. The parties must be living separate and apart because at least one of them regards the relationship as at an end and not due to purely financial or practical reasons e.g. one of the parties is in prison / hospital.

5. The fact that the client is a serving prisoner does not preclude them from having means. In particular, a serving prisoner may have capital such as savings that make them ineligible even if they have no income in the prison. If your client receives a prison wage it must be declared on the CDS1. A full assessment must be undertaken for all clients.

6. The Commission cannot accept applications where the CDS1 simply states 'serving prisoner', 'in custody', 'N/A' or the details are 'struck through /crossed out' or left blank. If a client has no capital or income then '0' or 'nil' should be entered in the relevant boxes.

7. If the CDS1 is not fully completed, there is no funding in place and costs may be disallowed. This is set out in the Specification of the Standard Crime Contract 2010, Part A paragraph 4.23.