

## CLSMEANS1

### - The Guide -

#### **How to complete CLSMEANS 1 Financial Assessment Form**

##### **When do I need to fill in Form CLSMEANS1?**

You need to fill in **CLSMEANS1** if you live in the United Kingdom and are over 16 and not on Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Guarantee Credit or you are applying on behalf of a person under 16 years old with savings of over £2,500 or a regular income.

- If you are on Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Guarantee Credit you need to fill in **CLSMEANS2**.
- If you live outside the United Kingdom you need to fill in **CLSMEANS3**.
- If you are applying for someone under 16 years old who has savings under £2,500 and no regular income of their own you need to fill in **CLSMEANS4**.
- **If you are already getting public funding and your financial circumstances have changed**, fill in form **CLSMEANS1** and return it to the Legal Services Commission regional office. If you or your partner are now receiving Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Guarantee Credit do not fill in form **CLSMEANS1**. Fill in form **CLSMEANS2** instead.

##### **How do I fill in Form CLSMEANS1?**

This booklet is designed to help you fill in the Form CLSMEANS1.

It is important to answer all the questions on the form, unless the instructions tell you that you can ignore the question.

If you do not answer all the relevant questions, we cannot grant you public funding. We will return the form to you for you to complete properly. Remember, your solicitor cannot do any work until public funding is granted.

Please do not cross out, alter or write "not applicable" to any of the questions.

**Please ensure that the information you supply is correct. If you give us false information or you do not tell us about any part of your finances, any public funding granted may be revoked i.e. cancelled and you will be required to repay all of your solicitor's costs.**

**You are also under a duty to tell us if your financial circumstances change. If your circumstances change and you do not tell us, any public funding granted may be revoked i.e. cancelled and you will be required to repay all of your solicitor's costs.**

**If you are granted public funding, we will check that your circumstances have not changed.**

## **You and Your Partner's Details**

### **A1 We need to know if your partner is the opponent**

- We need to know if you have separated from your partner or if your partner is the opponent in the proceedings for which you need legal aid.
- If your partner is the opponent in these proceedings, fill in the form giving details about yourself, do not include your partners details.

## ***About you***

### **A2 Whose financial details to include**

- If you have a partner and you are not separated from them, please answer all parts of this section, because your partner's means are included in your assessment. If you do not have a partner, please just give us your details.
- By partner we mean someone (including a person of the same sex) that you normally live with as a couple. This includes if you are living apart due to, for example, illness, imprisonment or working away (and not because the relationship has broken down). If you are separated from your partner and living with someone else, please give details of the person you are living with now.

## ***Income - employment***

### **A3 We need to know about your employment**

- We need to know what you earn, so you must attach wage slips or a form L17 to the CLSMEANS1 for each of you and your partner's employers.

**A4 We need to know how much you pay out because of your work**

- We allow reasonable costs that you have to spend on childminding fees if you or your partner cannot look after your children while at work. This allowance is also available to the self employed.
- A Standard allowance is made for other work related expenses e.g. travel to and from work (employees only).

**A5 If you are off work at the moment, we need to know when you will return**

- If you are not working due to illness, you may be eligible for statutory sick pay, incapacity benefit or contribution-based Employment and Support Allowance, which we must take into account.
- You must give us your best estimate of when you will return to work. If you do not tell us and you have been off work for over six weeks, we may assume that you will be off work for maximum of a month and therefore assess your monthly income as being your normal wages / salary.

***Income - benefits in kind***

**A6 What are benefits in kind?**

Benefit in kind is anything that you get from your employer that is not money. Examples are:

- Company car
- Childcare Vouchers
- Luncheon Vouchers
- Free childcare
- Accommodation
- Subsidised mortgages/loans
- Free Petrol
- Health Insurance

Attach tax form P11D (benefits in kind).

***Income - state benefits***

**A7 We need to know about the state benefits that you or your partner get**

- Most state benefits count as income in our assessment.
- If you are on Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Guarantee Credit you will financially qualify for public funding and you should not fill out Form CLSMEANS1, your solicitor should give you Form CLSMEANS2 to fill in.
- If you get any of the following benefits you need to tell us about them but these benefits will be ignored when we calculate your income.

- Attendance Allowance
- Disability Living Allowance
- Constant Attendance Allowance
- Payment from the Social Fund
- Carers Allowance
- Payment from the Care In The Community Fund
- Severe Disablement Allowance
- Exceptionally Severe Disablement Allowance
- Any War Pension

### ***Self-employment or directorships***

#### **A8 We need to know if you are self-employed or a company director**

- If you are a company director, we will need Form CLSMEANS1C and company accounts for each company of which you are a director.
- If you are self-employed or in partnership, we will normally base our assessment on your net profit in the last tax year. Net profit means profit after deductions of the expenses needed to earn the business income but before tax is taken off. We will therefore need you to complete Form CLSMEANS1A and/or CLSMEANS1B. Additional information is requested on these forms and you should read these carefully as they tell you what other documents / forms to send with your application.
- If you are a sub-contractor, we need your last 6 months SC60 form as well.

### ***Income - other money***

#### **B1 We count maintenance paid to you as income**

- We will assume that any maintenance payments to you are non-taxable. If you are paying tax on maintenance payments, please let us know how much in the Extra Information section on page 17 of the CLSMEANS1.

## **B2 Money from anywhere else**

- This means literally any other money that is received by you or your partner.
- These might be things like:
- Rent from tenants, lodgers or boarders. *(If you declare this money to HM Revenue and Customs, part of your income is considered to be business related. You will need to complete the relevant forms (see pages 6&7)).*
- Educational grants/loans.
- Money from friends or relatives.
- Redundancy payments.
- Pensions / Annuities

## **B3 What we mean by anybody providing support for you or your family**

- Sometimes people have support from others that is not money. Someone might pay your bills or allow you free use of their car. This could be a person, a company, a voluntary organisation or a trust fund.
- If you receive money or support from a trust fund you must send a copy of the trust deed, attached to Form CLSMEANS1. If this is not attached we will request it and your application for public funding will be delayed.
- If the figure you are likely to get this year is different from what you received last year, please tell us how much and why it has changed in the Extra Information section on page 17 of the CLSMEANS1.

## ***Other people***

### **B4 We need to know about people who live with you**

- We can make allowances from your income for the cost of providing for your partner, children or any relatives who depend on you financially.
- We will assume that you receive child benefit for children under 16 or under 20 and in full-time, but not higher education.
- We need to know if your children get a grant towards their education because this will affect the allowance we give.

## **B5 We need to know if you or your partner pay any maintenance**

- We can make an allowance for any maintenance that you pay to a child or ex-partner, as long as we are sure that you are making regular payments.

## ***Living Costs - Housing Costs***

### **B6 We need to know about where you live**

We need to know what type of accommodation you live in and also about any other property that you or your partner own or have an interest in.

- If you own your house:
  - The first £100,000 of equity in your main home is not counted as disposable capital.
  - By equity we mean the sale value of your house less any outstanding mortgage (up to a maximum of £100,000). We will compare your valuation of the house with our independent valuation and may take the higher figure.
  - We make an allowance in your income for the repayments on any loan or mortgage secured on your main home, including payments towards any endowment policy linked to your mortgage.
- If you rent your home, we make a reasonable allowance from your income for any rent you pay.
- If you live at home with your parents and you pay rent to your parents we make an allowance for this.
- If you have no dependants living with you there is a maximum sum we will allow in the assessment.
- If you do not tell us about where you live and complete all questions you are asked we will return this form to you and your application for public funding will be delayed.

## **Capital and other assets**

### **C1 What sort of capital do we count**

We need to know about all forms of capital that you or your partner own.

**Remember to attach statements for all bank/building society/other financial accounts that you or your partner hold.**

### **C2 Joint accounts**

- If you have a joint account and your partner's means are also being assessed we will count the total in the account.
- If your partner's means are not being assessed (eg if you are separated) we will still include the total amount in the account unless you provide proof that you do not have access to the whole amount.

### **C3 Fixed term investments**

- We assume that the current capital value of the investment can be realised by you. If this is not the case please provide documents that show the terms and conditions of the investment.

### **C4 Any other property you own**

- If you own any other properties we will count any equity as capital. The maximum mortgage allowance covering all properties that you own is £100,000.

### **C5 Life assurance or endowment policies**

- By 'loan value' we mean the amount the company with whom you have taken the policy will lend on the security of it. The relevant company will be able to give you this figure.

### **C6 Cars**

- We include the value of cars as capital in some circumstances. If we do so in your case, you will be informed when we notify you of the result of your assessment.

### **C7 Interests in a trust**

- An interest in a trust is counted as capital and we need a copy of the trust deed to value that interest.

## ***About your legal proceedings - what is the dispute about***

### **C8 We need to know what you or your opponent are disputing**

- We do not count the value of any assets that are in dispute in the case where your interest in these assets does not exceed £100,000, so if your opponent or you are in dispute about the ownership of something specific we need to know about it.

### **D1 *Extra information***

- If you know of an event that is going to happen in the next 12 months which will affect your income or capital, you should tell us so that if necessary we can review your circumstances at that time.
- You should use this section to tell us about anything in your circumstances that has not been covered elsewhere on Form CLSMEANS1.
- If you are paying a contribution from your income for Criminal Legal Aid, provide details in this section.

## ***Applying for someone else***

### **D2 We need to know if you are applying for someone else**

- If you are applying for someone else, it is the financial circumstances of the person for whom you are applying that we need.
- We need to know your name, address and telephone number so that we can contact you if we need to ask any questions.

### ***Extra information***

- You must return the CLSMEANS 1 form to your solicitors. They will send it to us with your application. (Please check that you have attached all the other documents that we have asked for to the CLSMEANS1).
- The form and all other documents we need must be sent to us within two months of the date the form is signed. Otherwise we will reject the application.
- We will write to you to tell you if public funding has been granted, how you have been assessed and whether you will have to pay a contribution towards the cost of your case.

## **Evidence of your declared circumstances**

### **E1 You need to provide evidence to support what you have told us**

- On page 20 of the form there is a checklist to help you and your solicitor identify which documents you need to include with your application.
- There are also notes in bold throughout the form where a question lends to evidence being required.
- If you do not submit the evidence we may reject your application outright or otherwise may not take into account the expenditure item concerned. For instance, if you declare you are paying rent but do not provide us with any evidence of this we will not give you an allowance for rent in your assessment.

## **Summary - Step-by-Step Guide to Assessment**

### **Step One**

- If you have a partner from whom you are not separate and who is not your opponent in the case (contrary interest), we will aggregate your means i.e. include both of your resources in the assessment.

### **Step Two**

- If you and your partner are in receipt of Income Support, Income-Based Job Seekers' Allowance, Income-related Employment and Support Allowance or Guarantee Credit you will automatically satisfy the financial eligibility test. These benefits are also called 'passporting benefits'. (Submit form CLSMEANS 2, not CLSMEANS 1).

### **Step Three**

- If you are not in receipt of a passporting benefit we will assess your total income including the income of your partner. If your gross income is assessed as above the gross income limit you will not qualify for legal aid and the application will be refused without any further calculations being performed. Certain benefits (set out in note A7) will be disregarded and a higher gross income cap applies to families with more than 4 dependant children.

#### **Step Four**

- If your gross income is within the limit, we will assess disposable income after making deductions (where applicable) for the following: income tax; national insurance; maintenance payments to a former partner and children; housing costs and child care costs (during the hours you are outside of the home at work). Fixed allowances are made for dependants and employment expenses. An allowance is also made for Criminal Legal Aid contributions. If your disposable income is above a upper limit then your application will be refused.

#### **Step Five**

- If your income is within the limit we will calculate your disposable capital (including any equity held in your home above the £100,000 limit). Your interest or share of any assets that are part of the dispute will be disregarded, up to an overall maximum of £100,000 (see notes C1 - C8). If your disposable capital is assessed to be above the upper limit, then the application will be refused.

#### **Step Six**

- If your disposable income and disposable capital has been assessed below the relevant limits you may be required to pay contributions from either income or capital (or both). Income contributions are payable monthly, capital contributions are payable immediately as a lump sum. If a contribution is payable, an offer of legal aid will be sent to you setting out the contribution amounts. If your disposable income and capital are below a certain limit you will not be required to pay a contribution. Details of current income and capital limits can be found at the following address: <http://www.legalservices.gov.uk/civil.asp>