

### Emergency Certificate assessments

When making emergency assessments it is important to make sure that the client is eligible for legal funding. An emergency certificate must not be granted where the client is unlikely to qualify financially.

Legal aid providers should look at the evidence provided to ensure that the client fits the agreed criteria. In particular:

1. When making an appointment to see a client, remind them of the need to bring as much **financial evidence** as possible including payslips (if they work), bank statements and evidence of benefits as appropriate.
2. **State benefits** paid “monthly”, will in fact be paid ‘4-weekly’. So you need to multiply by 13 and divide by 12 to get a calendar figure.
3. **Employment** – if the client is working, for emergency cases you must have sight of their latest pay slip so that eligibility can be reasonably assessed (if the clients income fluctuates each month you will need to take particular care as the LSC may assess and average income over the last 3 months).
4. **Bank statements** – where bank statements have been made available to you by the client you should review them to see if there are any immediate discrepancies in relation to the information that the client has provided on form CLS Means1.
5. **Assessing a client's interest in property** – Property(ies) should not automatically be disregarded from the assessment process even if the client and their opponent own it jointly. The “subject matter of dispute” disregard (equity of up to £100k) should only be applied when a client applies for funding in relation to ancillary relief proceedings – even in those circumstances the asset should be specifically claimed by the opponent to qualify as subject matter of dispute.
6. Errors in the assessment of clients' interest in property are the biggest cause of certificates being granted in error by suppliers to clients who are ineligible to receive funding. So care is always required in this regard.
7. If the client does not have dependent children or a partner residing with them then **housing costs** allowed are capped at £545.
8. Where the client states they are in receipt of **income-based passported benefits**, where possible check their evidence supporting this.
9. Where it appears that **another person is/has been substantially maintaining the client** then these resources will be treated as the clients resources and should be taken into account.
10. Emergency Certificates should not normally be granted for clients with access to or control of resources such as substantial capital, a significant income and/or whose means involve complex issues such as interests in companies or trusts.

Where the client has complex financial affairs – including self-employed people, company directors and those with difficult to value capital assets – then it is much less likely that financial eligibility can be established without a full assessment.

If you are unsure about the eligibility of a specific client in an emergency situation then you should ring the customer services team on 0300 2002020 or e-mail the office that processes your applications.

**Please ensure all applicable evidence is submitted when sending your application into the LSC – this will reduce delays in processing.**