



Guidance – Request for Information for Legal Aid Proceedings (CIVIL)

The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2018

Guidance and information on Request for information for Legal Aid for Family Law Cases;

- 1) What this allows you to request/apply for
- 2) Exclusions and limitations (includes who can apply)
- 3) Information on where else to go for connected matters
- 4) Guidance on how to complete. What you need to do next
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1) What this allows you to request/apply for

This guidance sets out the process of applying to Essex police for the evidence that they meet the criteria for legal aid being granted. The Legal Aid, Sentencing, Punishment of Offenders Act 2012 contains a framework for the legal aid scheme, which came into force on the 1st April 2013.

Essex Police will provide evidence requested by the applicant to demonstrate whether or not they meet the criteria for the granting of legal aid for family cases involving domestic abuse, child protection and connected financial matters.

The key focus of the scheme is on providing legal aid for the most vulnerable.

You do not have to get evidence before talking to a legal aid solicitor or civil legal Advice (CLA) but they do need to see it before deciding whether you can get legal aid.

2) Exclusions and limitations (includes who can apply)

Exclusions

Any person who believes they fit the criteria for legal aid in family law cases can apply. It does not apply to any other form of legal aid application outside of family law cases.

Legal aid is not available for 'private family law' cases which covers;

- Separation or divorces
- Protective injunctions in domestic violence or child abuse cases – such as a non-molestation order
- An occupation order or a forced marriage protection order

Limitations

1. To qualify for legal aid, in the vast majority of cases for this category, the applicant must demonstrate specific evidence in relation to domestic violence or child protection of children. This can include an element of financial control (stopped access to joint bank account) See table below for examples:
2. Any victim needs to supply only one piece of evidence as outlined in the Legal Aid Sentencing and Punishment of Offenders Act 2012.
3. Essex Police will only provide one piece of evidence in response to your request.
4. The evidence must be obtained and provided before the determination for Legal aid is made.
5. Disclosures are discretionary and each request is considered on its own merit. Disclosure is based on careful consideration of all facts including the necessity, suitability, fairness, lawfulness, proportionality, adequacy and relevance – Essex Police will not disclose if information relates to a live investigation.

For full details and the evidence the Legal Aid Agency will consider please refer to:

[Regulation 33 of The Civil Legal Aid \(Procedure\) Regulations 2012](#) as amended by [The Civil Legal Aid \(Procedure\) \(Amendment\) Regulations 2016](#) that sets out the evidence needed to claim legal aid due to domestic abuse or violence. You can find a full list of updated evidence [here](#).

Example of Supporting Evidence for Domestic Violence

1. a relevant unspent conviction for a domestic violence offence
2. a relevant police caution for a domestic violence offence given within the sixty month period immediately preceding the date of the application for civil legal services
3. evidence of relevant criminal proceedings for a domestic violence offence which have not concluded
4. a relevant protective injunction which is in force or which was granted within the sixty month period immediately preceding the date of the application for civil legal services. *Should be obtained from the court unless it is a restraining order following conviction then it may be available from Police
5. evidence that the suspect is on relevant police bail for a domestic violence offence
6. a relevant conviction for a domestic violence offence where the suspect was convicted of that offence within the sixty month period immediately preceding the date of the application for civil legal services *Must be against this person not another
7. a relevant Domestic Violence Protection Notice (within the meaning of section 24 of the Crime and Security Act 2010(3)) or relevant Domestic Violence Protection Order (within the meaning of section 27 of the Crime and Security Act 2010) granted against the suspect within the sixty month period immediately preceding the date of the application for civil legal services
8. evidence of a relevant court order binding over B in connection with a domestic violence offence, which is in force or which was granted within the sixty month period immediately preceding the date of application for civil legal services

Example of Supporting Evidence for Child Protection

1. a relevant unspent conviction for a child abuse offence
2. a relevant police caution for a child abuse offence given within the twenty four month period immediately preceding the date of the application for civil legal services
3. evidence of relevant criminal proceedings for a child abuse offence which have not concluded
4. a relevant protective injunction which is in force or which was granted within the twenty four month period immediately preceding the date of the application for civil legal services. *Should be obtained from the court unless it is a restraining order following conviction then it may be available from Police

3) Information on where else to go for connected matters

Legal aid is no longer available for 'private family law' cases (see below for signposting advice)

- separation or divorces (Relate website/Citizens Advice/ seek legal advice)
- for protective injunctions in domestic violence of child abuse cases – such as a non-molestation order (Essex Police website/Gov.uk/ Women's Aid website)
- an occupation order or a forced marriage protection order, for example child contact, residency issues or division of assets (Essex Police website/gov.uk)

4) Guidance on how to complete. What you need to do next

- 1 Complete any mandatory Sections as indicated on the form and send to info.rights.legal.aid@essex.pnn.police.uk. The information you provide on this form will be used for processing your request and to ensure the accuracy of Police systems.
- 2 Include proof to help establish your identity. This application must be accompanied by copies of two official documents. If you have legal representation then you will not be required to submit proof of identity as disclosure will be sent direct to the legal representative.
- 3 **DO NOT SEND ORIGINAL DOCUMENTS AS THESE WILL NOT BE RETURNED.** It will assist with processing of your application if one of the documents is a photographic identity document such as your passport or driving licence.

Essex Police reserves the right to request original documentation in some cases. Where original documents are requested, they will be returned by registered post.

- 4 Send the completed form and proof(s) of identity to:
info.rights.legal.aid@essex.pnn.police.uk **Or post to:**
The Information Rights Team, Essex Police Headquarters
PO Box 2, Chelmsford CM2 6DA

Applicants who are unable to comply for whatever reason can attend the local police station with their chosen ID documents. The front office staff can print off an A92, which can be filled in while at the police station. The front office staff will take copies of the applicants ID, at the same time verifying it, then email the application form and copy of documents to the Information Rights Team.

What Essex Police will do next?

On receipt of the completed form and satisfactory proof of your identity, Essex Police will acknowledge your request and provide you with our unique reference number. Essex Police will search for the information you have requested and respond to you or your legal representative as soon as applicable.

Further information about the right of access process is available on the website at www.essex.police.uk or by contacting the Information Rights Team at info.rights.legal.aid@essex.pnn.police.uk

Note: Essex Police will be unable to provide you with information contained on police systems over the telephone or by email prior to completion of your request.

5) Your rights and legislation

You have a right to request evidence from Essex Police that may support your application for legal aid.

Legislation

Regulation 33 of The Civil Legal Aid (Procedure) Regulations 2012 as amended by The Civil Legal Aid (Procedure) (Amendment) Regulations 2016 sets out the evidence needed to claim legal aid due to domestic abuse or violence. You can find a full list of updated evidence below.

NOTE: From 8 January 2018 changes to eligibility requirements for Legal Aid in Family Law private disputes have come into effect. There will no longer be a time limit on abuse evidence, which previously stood at five years. Additionally, the range of documents accepted as evidence of abuse has been widened to include statements from domestic violence support organisations and housing support officers. Attachments are current legislative acts and policies.



The Legal Aid
Sentencing and Pun



LASPO Evidence
Requirements.pdf

What is the evidence the Legal Aid Agency will consider? See website for full details:
<https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-and-crime-matters>

Chief Constable's rights

The provisions of the Data Protection Act mean that in certain circumstances some personal data will not be provided. For example you will not be provided with personal data if releasing it to you would be likely to prejudice a criminal investigation. In some cases we may not provide you with information that identifies other individuals unless Essex Police feels it is reasonable to do so.

Your right to complain

If you feel your request has not been properly handled, or you are otherwise dissatisfied with the outcome of your request you have the right to complain.

Complaints should be submitted within 20 working days from the date of this response and should be addressed to the Senior Information Officer at the above address or by email to:
info.rights.legal.aid@essex.pnn.police.uk - Please include any reference you may have in the title of the email.

We will conduct a review to investigate your complaint and endeavour to reply within 20 working days. Please explain which aspect of the response from Essex Police you are not satisfied with.

If you are still dissatisfied following our review, you have the right to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Essex Police.

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF or via <https://ico.org.uk/>

6) Charges and procedures for payment if applicable.

No charges apply.

Please refer to the Essex Police website for details in regards to Fair Processing Notice, Privacy Notice and Retention Policy.