



Application for Exceptional Legal Aid Case Funding Agency

CIV
ECF1

This form should be supplemented by the appropriate application forms. These include both the [means form](#) and the [merits form](#) or [controlled work application forms](#).

| | |
|---|---|
| Urgent application? Complete page 6. | Yes <input type="checkbox"/> No <input type="checkbox"/> |
|---|---|

If you are applying for exceptional funding for your case please complete pages 1, 2 and 4 to 11. If you are applying for Legal Help to investigate the possibility of a further legal aid application for exceptional funding please complete pages 1 to 3 and 7 to 11 only.

Before completing this application you should refer to the Lord Chancellor's Exceptional Funding Guidance. An application for Exceptional Case funding should be sent by email to ContactECC@justice.gov.uk.

If you are a provider it must be submitted by e-mail only. If you are a provider with a legal aid contract and the application is for a certificate, it must be submitted via CCMS.

For an exceptional case determination the overarching question to consider is whether the withholding of legal aid would mean that the applicant is unable to present his/her case effectively and without obvious unfairness.

Applicant details

Please complete in Block Capitals

Title: «LINKNAME_TITLE_1» Initials: «LINKNAME_INITIALS_1»
 Surname: «LINKNAME_SURNAME_1»
 First name: «LINKNAME_FORENAME_1»
 Surname at Birth (If different): «FW_IMM_1_FW_IMM_CDIFSURN»
 Date of Birth: «CLI1_ADD_INFO_FW_CLI1_DOB»
 Contact Details: «CLIENT_HOUSE», «CLIENT_AREA», «CLIENT_POSTAL_TOWN», «CLIENT_COUNTY» «CLIENT_POSTCODE» «LINKNAME_EMAIL_ADDRESS_1» «CALCULATION_PHONE»

Provider details *Not Required for direct applicants.

Name of provider: «PRACTICEINFO_PRACTICE_NAME»
 Account number: (if appropriate)

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 *Solicitors Roll number: (where applicable)

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 *Address: «BRANCHINFO_HOUSE», «BRANCHINFO_AREA»
 *Town: «BRANCHINFO_POSTAL_TOWN»
 *County: «BRANCHINFO_COUNTY» Postcode «BRANCHINFO_POSTCODE»
 *DX (with exchange): «BRANCHINFO_DX_NO»

*Telephone number: «BRANCHINFO_PHONE_NO»
*Your case reference: «MATTER_FEE_EARNER_ID»/«client_no»/«matter_no»
*Contact name for enquiries: «CALCULATION_FEE_EARNER_DESCRIPTION»
*Email details: «CALCULATION_FEE_EARNER_EMAIL»

Type of case

Complete this section if either:

1. You are applying for Controlled Work services.
2. You have not completed type of case details on page 5 of CIVAPP1 or page 3 of CIVAPP3 or
3. The type of case is not listed on CIVAPP1 or CIVAPP3.

What category of law/contract category is relevant to the case?

Providers - Categories of Law for which Legal Aid Contracts are tendered.

Does your office have a contract that allows you to do Legal Aid work in this Category of law at the Form of Service for which you are applying?

If you are not a contract holder in the required category of law stated above, please explain why it is necessary for the effective administration of justice for you to conduct the matter pursuant to regulation 31(5) (a) -(d) of the Civil Legal Aid (Procedure) Regulations 2012:

Funding to apply for Legal Help to investigate the possibility of a further legal aid application

1. Briefly set out the basis of the main application for exceptional case funding you anticipate you/your client will make:

2. What legal work do you think you/your legal aid provider will need to do in order to make this application?

3. Why do you consider that there is a risk that failure to provide legal aid for this work will breach a convention right?

Additional Information

▶ Please provide the following additional information about the case that is not already in the attached legal aid forms.

1. Please provide us with brief details about the case if they are not already in the other forms/documents that you are supplying.

2. How important are the issues in the case for you/your client?

3. How complex are the proceedings, the area of law and the facts/evidence in the case?

Additional Information continued

4. For **direct applicants** - How capable are you of representing your case effectively?

For **Providers** - How capable is your client of representing his/her case effectively?

▶ Please provide information on what you/your client must do to present the case. You may also include information about your/your client's education or relevant skills/experience and any relevant disability or capacity issues (attaching a copy of any incapacity certificate where available).

5. Any additional information that is relevant to the determination:

Urgent Case Details

▶ Please complete this section if there is urgency in the case. We will use this section to prioritise exceptional case funding applications. We will tell you the timescale for the decision.

1. Is there an imminent date for:

a) an injunction or other emergency proceedings?

Yes No

If yes, enter date of hearing //

b) a hearing in existing proceedings?

Yes No

If yes, enter date of hearing //

c) a limitation period that is about to expire?

Yes No

If yes, enter date of hearing //

2. Would a delay cause risk to the life, liberty, or physical safety of you/your client or family, or the roof over their heads or cause unreasonable hardship or irretrievable problems in handling the case?

Yes No

Please provide any further relevant information as to how the urgent situation has arisen that is not evident from the other information provided and why you consider that exceptional funding is necessary to deal with the urgent work.

LEGAL AID AGENCY

PRIVACY NOTICE

PURPOSE

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in this form such as your financial circumstances and information relating to any current or previous legal proceedings concerning you. We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided on this form will only be used for the purposes set out below.

Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided on this form is for the purposes of providing legal aid. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a contribution towards the costs of this legal aid and to assist the Legal Aid Agency in collecting those contributions, if appropriate.
- In assessing claims from your legal representative(s) for payment from the legal aid fund for the work that they have conducted on your behalf;
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately;
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

The lawful basis for the Legal Aid Agency collecting and processing your personal data is in the administration of justice and the result of the powers contained in Legal Aid, Sentencing and Punishment of Offenders Act 2012.

We also collect 'special categories of personal data' for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data obtained for equality monitoring will be treated with the strictest confidence and any information published will not identify you or anyone else associated with your legal aid application.

Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP) and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners, Marston Holdings; and
- Fraud prevention agencies: if false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

Data Processors

The LAA may contract with third party data processors to provide email, system administration, document management and IT storage services.

Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

Details of transfers to third country and safeguards

It may sometimes be necessary to transfer personal information overseas. When this is needed, information may be transferred to: the European Economic Area (EEA)

Any transfers made will be in full compliance with all aspects of the data protection law.

Retention period for information collected

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

<https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

Access to personal information

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team - Post point 10.25
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Data.access@justice.gov.uk

When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
 - That you can lodge a complaint with the supervisory authority;
 - That we will protect and ensure that no unauthorised person has access to it;
 - That your personal data is shared with other organisations only for legitimate purposes;
 - That we don't keep it longer than is necessary;
 - That we will not make your personal data available for commercial use without your consent;
- and
- That we will consider your request to correct, stop processing or erase your personal data.

You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact:

The Data Protection Officer
Ministry of Justice
3rd Floor, Post Point 3.20
10 South Colonnades
Canary Wharf
London
E14 4PU

Privacy@justice.gov.uk

For more information on how and why your information is processed, please see the information provided when you accessed our services or were contacted by us.

Complaints

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

www.ico.org.uk

Declaration to be signed by the applicant

To the best of my information, knowledge or belief, all the information I have given is true and I have not withheld any relevant information.

My solicitor has explained that if I am assessed as eligible for funding with a condition that I make a financial contribution towards the cost of my case I will be required to make payment of the contribution within 14 days or there is a risk that the certificate will be revoked and I will become liable to pay all the costs that have been incurred from the date of funding.

I understand that if I give false information or withhold any relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred from the effective date of the funding and I may be prosecuted.

Signed: _____ Date: ____/____/____

This declaration must be signed by the applicant

Certification

I certify that:

- ▶ I have explained to the client their obligations and the meaning of their declaration.
- ▶ I have provided as accurately as possible all the information requested on this form.
- ▶ I am able to act in this matter under the competence standards set out in my firm's Legal Aid contract; and my firm is currently trading and no Law Society intervention or other sanction prohibits me from acting in this matter. (Applies to Controlled Work services Only).
- ▶ I have taken all reasonable steps to ensure my client has completed the Financial Eligibility questions on the accompanying Controlled Work Form fully and accurately. I have applied the Financial Eligibility regulations to the information supplied by my client and assessed my client as being eligible for Legal Aid in this matter (Applies to Controlled Work services Only).

Signed: _____ Date: ____/____/____

authorised litigator

Name: