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# **#HelpUsSayYes webinar: Getting your criminal application right first time**

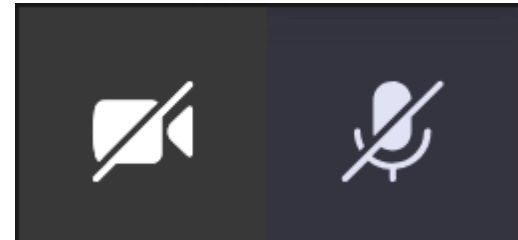
**National Criminal Applications Team**

April 2025

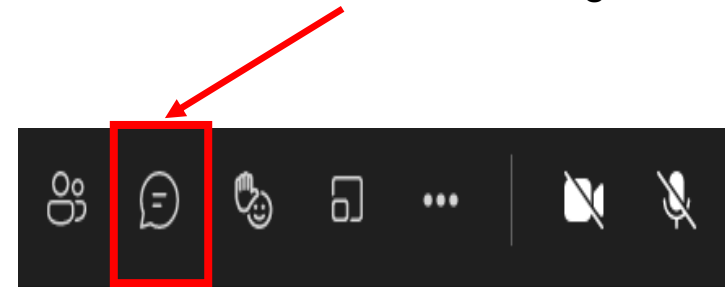
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2. You can ask us questions throughout each section using the 'meeting chat'
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## Content

Introduction

Non means tested applications versus applicants with nil means

The current top 4 reasons for rejected applications

Contact us / additional guidance

# Getting your criminal application right first time

The purpose of this webinar is to look at how you can avoid re-work caused by rejected applications.



By the end of the webinar, you will have an understanding of:

- The difference between non means tested applications and those where the applicant has nil means
- The 4 most common recent causes of criminal legal aid applications being returned to you
- How to avoid the common pitfalls which cause rejects
- The information you do (and do not) need to provide on your application



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# Introduction

Providing access to justice through working with others to achieve excellence in the delivery of legal aid

## Common reject reasons

### CAT reject rate breakdown: April 2024 to January 2025

Total number of applications received (both systems):	279,061
Total number of eForms and crime Apply cases rejected:	31,291
Percentage reject rate:	11.2

Reject and return reasons:	No of rejects:	Percentage of applications
Clarification required:	19,402	62.0
Evidence issue:	5,860	18.7
Duplicate application:	5,696	18.2
Case has already concluded:	333	1.1

## Proportions of rejects

Top 4 reject reasons on the crime Apply service	Percentage
Issues relating to income / benefits / savings	33
Co-defendants represented by another firm (no mention of possible conflict)	15
Duplicate applications: same firm	15
Duplicate applications: different firm	10

## How types of rejects on Crime Apply differ from eForms: Increase

- The proportion of cases rejected for Regulation 13(1): co-defendants (with no actual or potential conflict stated on any application) has approximately doubled:
- More common in criminal applications to see any co-defendants named in proceedings (and therefore whether representation order has already been issued to another firm).



## How types of rejects on Crime Apply differ from eForms: Decrease

- The proportion of cases rejected for missing national insurance number (with passported benefit declared and your client is not remanded into court custody) has reduced from a few percent down to around only 1 in every 100 rejects.
  - Proportions of rejections caused by the following reasons have reduced with both down from around 6-7 percent to about 3-5 percent:
    - Either way offences showing on court system but summary only case type selected
    - Further information needed as household income exceeds £12,475 p.a.
- (‘CRM15 needed’ in original terminology)



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# Non means tested applications versus applicants with nil means



## Differentiating the type of case

### Non means tested cases:

- Breaches of court orders (when heard in the crown court)
- Matters for adults under the Anti-Social Behaviour, Crime & Policing Act (including breaches of part 1 injunctions).
  - See criminal legal aid manual (CLAM: Annex H)

### Nil means cases:

- The applicant is staying with family or friends (with no financial support provided).
  - These applications are subject to the usual means test.
    - Provide full details how your client is supporting themselves.



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# Reject reason number 1

## Issues relating to income / benefits / savings

The following is the information we need:

- How applicants support themselves
- Frequency and declared, of income / financial support / benefits received is needed if:
  - Your client is not remanded in custody (RIC), or
  - Your clients' remand into court custody was within last 3 months

The following are common issues:

- Income evidence missing / incomplete / unclear
- Missing bank statements, for example, if living from savings
- DWP check for passported benefit fails
- Illegitimate income

# Income

## **Wage slips: (CLAM 3.5.10)**

We require the full wage slip showing:

- The employees name (and NI number where included)
- The employers name
- Income
- Deductions such as tax and NI
- Year to date figures (where included)

### **Please note:**

- If you are providing an online wage slip, please ensure any expandable sections are visible
- Photographs or screenshots should be clear and glare-free

# Evidence and support

## **Legibility and date of evidence: (CLAM 3.5.2)**

- Information on any evidence provided should be clear and visible.
- Please ensure the evidence is dated within the permitted timescales  
(usually within the three months leading up to application date stamp).

## **Supported by family and friends: (CLAM 9.4)**

- If the applicant is being supported by family and friends, clearly explain the nature of the support.
- Include the amount and frequency of any financial support.

# Savings and rented property

## Living off savings: (CLAM 33 Annex P)

- Bank statements for all accounts covering 3 consecutive months up to the application date stamp.
- The total amount of savings including the average amount and frequency of withdrawals.
- Annotate bank statements to clearly explain credits.

## Living in rented property: (CLAM 11.1.1)

- We expect to see a source of income to pay rent
- If applicants have declared nil income, explain if rent is met by housing benefit.
- If friends or family are paying their rent, provide the amount and frequency of payments.
- If the residential status is shown as a tenant, but the income section states that the applicant is living with parents, clarify which is correct.



## Permitted timescales for evidence (from C.L.A.M. 3.4.10)

Employment status	Income evidence required for Magistrates court	Timeframe for evidence
Unemployed: No income received	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Unemployed: supported by family / friends	<ul style="list-style-type: none"> <li>• None: Declaration of the amount and frequency received needed</li> </ul>	N/A
Unemployed: with private pension over £1k per month	<ul style="list-style-type: none"> <li>• Bank statement; or</li> <li>• Pension statement with tax deductions</li> </ul>	3 months bank statements up to date stamp: <ul style="list-style-type: none"> <li>• No more than one-month after date stamp</li> </ul> Pension statement: <ul style="list-style-type: none"> <li>• If annual: Must be most recent</li> <li>• If monthly: No more than 3 months prior to date stamp</li> <li>• Must not be after the date stamp</li> </ul>
Passported	<ul style="list-style-type: none"> <li>• National insurance number</li> </ul>	N/A

## Permitted timescales for evidence (from C.L.A.M. 3.4.10 continued)

Employment status	Income evidence required	Timeframe for evidence
Youth	<ul style="list-style-type: none"><li>• None</li></ul>	<ul style="list-style-type: none"><li>• N/A</li></ul>
Employed	<ul style="list-style-type: none"><li>• Wage slip</li></ul>	<ul style="list-style-type: none"><li>• Within 3 months of date stamp</li><li>• Must not be after date stamp</li></ul>
Employed: Benefits in kind	<ul style="list-style-type: none"><li>• Wage slip (may also require a P11D)</li></ul>	<ul style="list-style-type: none"><li>• Most recent year available</li></ul>
Employed: Cash in hand	<ul style="list-style-type: none"><li>• Letter from employer or bank statement</li></ul>	<ul style="list-style-type: none"><li>• 3 months bank statements up to date stamp<ul style="list-style-type: none"><li>• Must not be one month after date stamp</li></ul></li><li>• Letter from employer<ul style="list-style-type: none"><li>• Dated within 3 months of date stamp:<ul style="list-style-type: none"><li>• Can be after if identifies details of pay applicant was receiving prior to date stamp</li></ul></li></ul></li></ul>

## Permitted timescales for evidence (continued)

Employment status	Income evidence required	Timeframe for evidence
Maintenance income	<ul style="list-style-type: none"> <li>• Bank statements</li> <li>• Court order; or</li> <li>• CSA agreement</li> </ul>	<ul style="list-style-type: none"> <li>• 3 months bank statements up to date stamp</li> <li>• Must not be one month after date stamp</li> <li>• <b>No timeframe</b> for court order / CSA agreement</li> </ul>
Student income	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Rent from another property	<ul style="list-style-type: none"> <li>• Bank statements</li> </ul>	<ul style="list-style-type: none"> <li>• 3 months bank statements up to date stamp</li> <li>• Must not be one month after date stamp</li> </ul>
Youth	<ul style="list-style-type: none"> <li>• None</li> </ul>	N/A
Interest from savings	<ul style="list-style-type: none"> <li>• Bank statement</li> </ul>	<ul style="list-style-type: none"> <li>• 3 months bank statements up to date stamp</li> <li>• Must not be one month after date stamp</li> </ul>
Erratic income (seasonal)	<ul style="list-style-type: none"> <li>• Wage slip</li> <li>• Bank statement</li> </ul>	<ul style="list-style-type: none"> <li>• Within 3 months of date stamp</li> <li>• Must not be after date stamp</li> </ul>



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## Reject reason number 2

## Co-defendants represented by another firm (no possible conflict)

Give names of all co-defendants where you can:

- If you do not represent them, you must give reasons why your client requires a different representative
- Co-defendants should be represented by the same solicitor unless there is, or is likely to be, a conflict of interest
- If you do not know the names of all co-defendants but a conflict of interest exists, then please specify this on the application.

Refer to:

- [The Criminal Legal Aid \(Determinations by a Court and Choice of Representative\) Regulations 2013 \(legislation.gov.uk\)](#)
- [Criminal Legal Aid Manual \(publishing.service.gov.uk\)](#) 3.5.5.1 footnote #10



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## **Reject reasons numbers 3 and 4:**

## Duplicate applications (Same and different firms)

Right to representation has already been granted to your firm, or another firm:

- If your prospective client does not inform you they have already successfully applied for legal aid with another firm, it is unlikely you will be aware you are making a duplicate application. However:
  - Ensure another fee earner at your firm does not already have a representation order
- For larger firms, review your system for how this is communicated or checked internally:
  - See CLAM 7.2.2 'Application for a new representation order following withdrawal'.



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## Contact us / additional guidance

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## Useful guidance:

- [Frequently asked questions for the Apply for Criminal legal aid service – Legal Aid Learning](#)
- [Getting your criminal applications right first time: NCAT – Legal Aid Learning](#)
- [Criminal Legal Aid Manual \(publishing.service.gov.uk\)](#)
- [Non-means tested funding – Legal Aid Learning](#)
- [Change in financial circumstances – Legal Aid Learning](#)
- [Criminal applications: transfers, withdrawals, and amendments – Legal Aid Learning](#)
- [Application by person with legal aid to change solicitor \(www.gov.uk\)](#)

# Contact us / our training website

## Customer Services Team

- Tel: 0300 200 2020 (Mon-Fri, 9.00-5.00)

## Email

- [BirminghamCAT@justice.gov.uk](mailto:BirminghamCAT@justice.gov.uk)
- [LiverpoolCAT@justice.gov.uk](mailto:LiverpoolCAT@justice.gov.uk)
- [NottinghamCAT@justice.gov.uk](mailto:NottinghamCAT@justice.gov.uk)

## Online Support Webchat

- Use Webchat for help with IT system issues: [Online-Support@justice.gov.uk](mailto:Online-Support@justice.gov.uk)

## Webinar Recordings

- Our 'Help Us Say Yes' webinars focus on areas where there have been issues or high enquiry levels
- Popular sessions are posted on the training website: [Ministry of Justice](#) and the LAA YouTube channel: [Legal Aid Agency youtube channel](#)
- Remember to like and subscribe!

# Our communications channels

## Legal Aid Bulletin

- A fortnightly e-alert with links to relevant pages
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