



Legal Aid
Agency

#HelpUsSayYes webinar: Hints and tips for first time acceptance on transfers, withdrawals and amendments

National Criminal Applications Team (NCAT)

17 January 2023

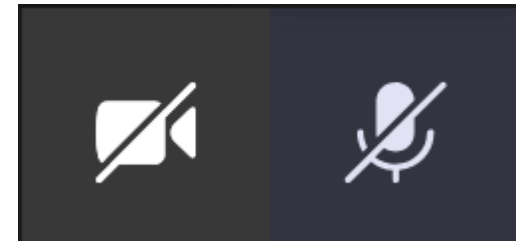
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Technical tips for this webinar

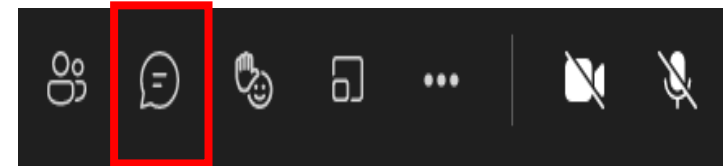
1. Please put yourself on mute during the webinar
2. You can ask us questions at the end of each session through the 'meeting chat'
3. Click on the 'meeting chat' to ask a question
4. You can keep the meeting chat open throughout to view other people's questions
5. Email us if you experience technical issues during the webinar:

communicationsdepartment@justice.gov.uk

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Click here to view the meeting chat



Content

Introduction

Background

Common reject reasons

Evidence requirements

Reducing Criminal Application Rejects

Purpose of the webinar:

- **The purpose of this webinar is to assist you in first time acceptance of your transfer, withdrawals and amendment requests**



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

- Who the National Criminal Applications Team (NCAT) are
- What we are doing to help reduce the number of rejects
- The evidence requirements for withdrawals, transfers, amendments and change in financial circumstance requests

The National Criminal Applications Team (NCAT)



The National Criminal Applications Team (NCAT): Who are we?

The National Criminal Applications Team (NCAT) are responsible for the following in order to administer legal aid to assist criminal cases to progress through the court process at pace:

- Processing crime applications:
 - We receive these applications through the eForm System.
 - We have a 48 hour turnaround target
- Determining Interest of Justice (IOJ) decisions:
 - We complete these as part of the application process
- Processing IOJ appeals
- Processing transfers, withdrawals, amendments, income evidence, correspondence and complaints

Where are we based?

- Our NCAT caseworkers are based in our Birmingham, Liverpool and Nottingham offices
- We have 90 CAT caseworkers: 52% are based in Birmingham and the remaining 48% based across the Liverpool and Nottingham offices

Background and what we are doing to help



Why we want to help you:

In an average month we receive:

Type:	No received:	KPI* target in days:
Amendments	271	10
Transfers	317	2
General correspondence	850	2
Withdrawals	206	5
Rep order chaser	1228	2
Complaints	7	10
Change in financial circumstances	48	2

* *KPI: Key performance indicator*

What we are doing to help:

- We undertake regular training on all areas of non-application work
- We offer case workers mentoring on all areas of non-application work
- We have a quality control process, to ensure regular reviews, with additional support if needed
- We have dedicated members of staff available to help with queries for caseworkers
- We offer guidance time for caseworkers to read guidance



Hints and tips to help us process additional information:

- Transfers
- Amendments
- Sending hearing fee



Transfers:

Applications for transfers:

- Have to be made to the court before which the proceedings are being heard
- The application for transfer of legal representative should be submitted to the court using the form prescribed by the 'Criminal Procedure Rule (46.3)'
- Representation orders, following transfer, will be dated from the date the court agrees the transfer, **not** the date the request is submitted
- If relationship with a defendant breaks down and they allude to wanting alternative representation, a transfer may be more appropriate than a withdrawal

Please refer to: CLAM 7.1

Amendments:

Amendments are usually a request to add a new offence to an existing rep order, add counsel to a rep order or changes to a client's personal information such as address, name etc.

Adding an offence to a new representation order:

- These should be submitted via email: [Add New Offence to Existing Rep Order](#) which will include an interest of justice (IOJ) assessment. If they are submitted via a new e-form the eForm will be rejected back, which will affect reject rates
- If the offence is added whilst the case is being heard in the Crown court, please inform the LAA when billing

Please refer to: CLAM 6.18

Adding counsel to representation orders:

- Any application to instruct counsel is a judicial decision and the LAA **do not** have the authority to approve any such application
- If the Crown court have authorised counsel, a new representation order will not be issued
- Where counsel has been authorised in the magistrates' court, we will issue a new representation order

Amendments continued:

Request to amend date of offence:

- There is sometimes an IT issue, where the representation order is produced with the wrong date of offence.
 - At present there is no immediate solution for this, but we are continuing to look into the problem and how to rectify it.
 - However, this will have no effect on the solicitor's bill: The representation order will be honoured.

Request to amend date of representation order:

- Representation orders for Crown court trials cannot be backdated. This is due to:
 - The requirement for an order to be issued when a fully completed form is received. Therefore, if the LAA has to return a CRM14 eForm, any subsequent representation order can only be dated from the date of resubmission.
- For indictable, and trial already in Crown court applications, the date stamp is assigned upon the submission of a completed form.

Please refer to: CLAM 3.4.2

Sending hearing fee:

There are limited circumstances where we may be able to backdate an order so that the sending hearing fee can be claimed:

- We recognise there are situations where you may be instructed on the day of the sending hearing and are unable to get all the information necessary for a completed CRM14. To allow us to backdate in this specific scenario only, you should:
 - Submit the application with all the information you have on or prior to the sending hearing
 - Include an explanation of what is missing from the form and what steps you are taking to obtain it
- We will subsequently reject the application for you to resubmit with all information when you are able to. When you resubmit the CRM14, as long as the above is satisfied and the defendant qualifies for public funding in the magistrates' court, we will issue a 'through order' that will allow you to claim for the sending hearing fee.

Please refer to: CLAM 3.4

Hints and tips to help us process additional information:

- **Withdrawals**
- **Change in financial circumstances**



Withdrawals:

When applying to the LAA, you should complete a pro forma and email to: [Withdrawal Request](#)

- If the applicant is subject to an income contribution order and subsequently withdraws, they remain liable for any contributions which were due up to the point that legal aid is withdrawn

Undertakings

When the LAA receive confirmation no claim will be made, we can stop collection activity on the case, and if appropriate, issue a refund for any income contributions that have already been paid:

- Any undertaking should contain the following information:
 - Applicant's name
 - MAAT ID
 - Confirmation the provider and counsel will not be making a claim against the fund, or,
 - Confirmation the provider will not be making a claim and counsel was not instructed

Withdrawals continued:

Applications for a new representation order following a withdrawal:

If an applicant wants to change solicitor, a transfer request should be made for the court to decide upon.

- However, if legal aid has been withdrawn, and another firm is now applying, the correct procedure is:
 - The new solicitor must ask the court for their consent that a representation order be issued to them, before we process the application [CLAM 7.2.2](#)
- This states 'an application for a new representation order following withdrawal, the solicitor on the previous order will be assigned unless good reasons for not doing so can be provided'
 - It is the court's decision on whether there is a good reason to do so, not the LAA's and avoids concerns that the Judiciary have expressed regarding circumventing the appropriate transfer process.

Change in financial circumstances:

Once assessed for criminal legal aid, an applicant should submit a new CRM14 eForm form when:

- The level of income used in the original assessment is no longer available to the applicant
- The applicant's disposable income has increased or decreased since their original application
- The applicant becomes in receipt of a passported benefit
- There has been a change in their partner's circumstances
- The level of outgoings have increased or decreased, potentially as a result of a change of address

Please note: Ensure you 'tick' the check box on the CRM14 eForm to identify applicants who are reporting a change in financial circumstances.

- The change in circumstances needs to be evidenced before it can be processed by the LAA

Please refer to: CLAM 14.1

Change in financial circumstances timescales:

Timescales for submitting a change in financial circumstances application:

- If the applicant submits their change in financial circumstances application within 28 days of their change with the appropriate evidence:
 - Any reassessment of their means will be effective from the date of that change
- Where a change in circumstances application is submitted more than 28 days after the change:
 - It should be accompanied by a reasonable explanation for not complying with the time limit
 - If the explanation is deemed to be acceptable, the reassessment can be backdated to the date of the change
- Failure to provide reasons for the delay in submitting a change in financial circumstances application:
 - Will result in any reassessment being dated only from the date the completed form and evidence of the change was received.

Please refer to: CLAM 14.1

Additional guidance



Helpful links / contact us

- [Criminal Legal Aid Manual \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Rejects guidance - a guide to reducing CRM14 rejects \(justice.gov.uk\)](https://justice.gov.uk)
- [Criminal legal aid - Non-means tested funding \(justice.gov.uk\)](https://justice.gov.uk)
- [Change in financial circumstances - a guide to reporting a change correctly \(justice.gov.uk\)](https://justice.gov.uk)
- [Application by person with legal aid to change solicitor - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- Contact us: Nationalcrimeteam@justice.gov.uk
- IT Issues: Online Support Team on 0300 200 2020 (option 3), or email: Online-Support@justice.gov.uk

Our training website

LAA Training Website

- [Course: Crime applications \(justice.gov.uk\)](https://justice.gov.uk)



Online Support Webchat

- Use Webchat for help with IT system issues

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](#)

Our communications channels

Legal Aid Bulletin

- A fortnightly e-alert with links to relevant pages
- Join our thousands of subscribers



Social Media

- Follow us on Twitter
- Get help from our customer service twitter account
- Read our blog

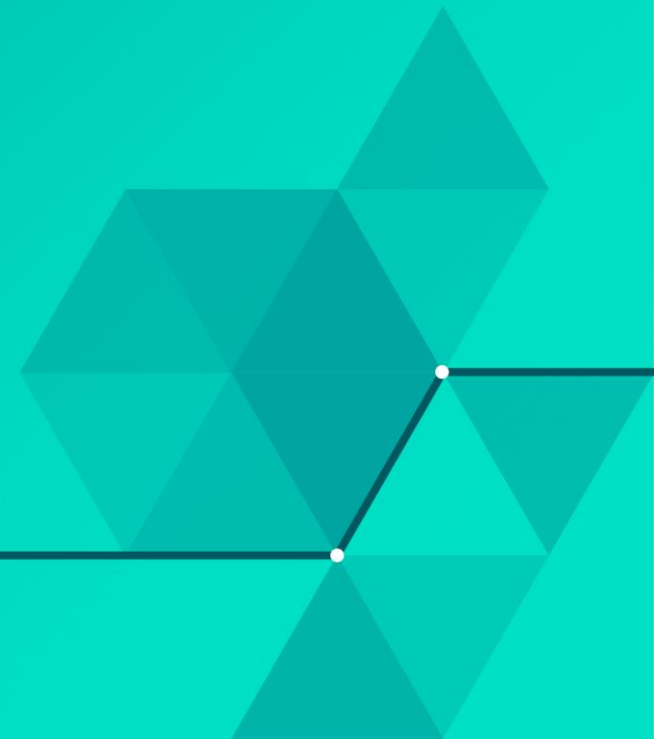


LAA Portal

- We post the status of our online systems on the portal's home page



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Working with others to achieve excellence in the delivery of legal aid