

Freedom of Information Publication Scheme



KEYWORDS:	Legal Aid, A92, A92 guidance, legal aid family law,
PUBLICATION NUMBER:	1019
PUBLICATION STATEMENT:	Please note that this information is correct as at 1st May 2020 and may be subject to change. Essex Police aim to review and update this publication annually.

TITLE:	Legal Aid – Family Law
DATE RANGE:	1 st May 2020 to date
BACKGROUND INFORMATION:	<p>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 (amended by the Civil legal aid) procedure remuneration and Statutory charge regulations 2018).</p> <p>This guidance sets out the process for applicants applying to Essex Police for evidence that they meet the criteria for legal aid to be granted.</p>
RELATED DOCUMENTS/LINKS:	<p>http://www.legislation.gov.uk/ukxi/2012/3098/made http://www.legislation.gov.uk/ukxi/2016/516/introduction/made http://www.legislation.gov.uk/ukxi/2018/803/contents/made https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885447/Evidence_Requirements_for_Private_Family_Law_Matters_guidance_version_10.pdf https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-and-crime-matters</p>

FOI PUBLICATION

Essex Police has a guidance document and process for requests for information relating to legal aid for family cases. Please see [A92 Guidance document](#) and [A92 submission form](#).

Essex Police will provide evidence requested by the applicant to demonstrate whether 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 to provide 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

Your rights

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.

What evidence will the Legal Aid Agency consider?

See website for full details: <https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-and-crime-matters>

Exclusion

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 applications outside of family law cases.

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

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

Limitations

- To qualify for legal aid, in most 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 – please see the guidance A92 form
- Victims need to supply one piece of evidence – as outlined in the Legal Aid Act.
- Essex Police will only provide one piece of evidence in response to your request.
- Evidence must be obtained and provided before a legal aid decision is made.
- Disclosures are discretionary and each request is considered on its own merit.
- Essex Police will not disclose if information relates to a live investigation.

No charges are applicable with this application.

No charges apply in respect of postal charges

Please see the following schedule of fees for further details

<https://www.essex.police.uk/SysSiteAssets/foi-media/essex/other-information/published-items/foi-schedule-of-fees-information-rights.pdf>

