

## **STEP-BY-STEP LEGAL AID PROCESS (CLIENT JOURNEY – ENGLAND & WALES)**

### **STEP 1: Client Identifies a Legal Problem That May Qualify for Legal Aid**

The process starts when a client has a legal issue in an area where Legal Aid is available. Legal Aid is not universal; it only applies to specific categories of law. These include housing (risk of homelessness, serious disrepair), immigration and asylum, family matters involving domestic abuse or child protection, community care, mental health, public law and judicial review, and some discrimination cases. The client must first confirm that their issue falls within a legally aided category.

At this stage, the client does not complete any formal Legal Aid forms. They simply explain their situation and provide basic details about the problem.

### **STEP 2: Client Contacts a Legal Aid Provider or Is Referred**

The client must contact a solicitor or firm that holds a Legal Aid Agency contract for the relevant area of law. Legal Aid cannot be applied for through a general advice company, claims company, or unregulated body.

The provider will conduct an initial eligibility check. This includes confirming the legal issue, urgency, and whether Legal Aid is potentially available. If the issue qualifies, the provider moves to the financial and merits assessment.

### **STEP 3: Financial Eligibility Assessment (Means Test)**

Legal Aid is means-tested. The client must provide full financial information. This is mandatory and cannot be skipped.

The client will be required to provide details of income, benefits, savings, property, rent or mortgage, dependants, and regular outgoings. Evidence is required, not estimates.

The client must provide documents such as recent bank statements, benefit award letters, payslips, tenancy agreements, council tax statements, and utility bills. The provider will review these to determine whether the client is financially eligible.

### **STEP 4: Client Completes the Core Legal Aid Forms**

The key form the client must complete and sign is CW1 – Legal Aid Application Form. This is the primary Legal Aid form.

The CW1 form records the client's personal details, legal issue, financial circumstances, and declarations. The client must sign to confirm that all information is

true and complete. Providing false information is a serious offence and can lead to Legal Aid being withdrawn and money recovered.

Depending on the case, additional forms may be required. For controlled work cases, the CW1 is often sufficient. For certificated work, further forms will follow.

If the matter involves domestic abuse evidence, housing urgency, or immigration, the client may also be required to complete supporting statements or evidence schedules.

#### STEP 5: Merits Assessment (Is the Case Worth Funding?)

Legal Aid is not only about money. The case must also pass a legal merits test. The provider assesses whether the case has sufficient legal basis, reasonable prospects of success, and whether it is proportionate to fund.

The client may be asked further questions about the facts, history, and evidence. In some cases, the provider may request documents such as correspondence, decision letters, notices, or medical evidence.

If the case fails the merits test, Legal Aid cannot be granted even if the client is financially eligible.

#### STEP 6: Legal Aid Granted (Controlled or Certificated Work)

If both the financial test and the merits test are passed, Legal Aid is granted.

For controlled work, Legal Aid starts immediately and the provider can act without prior approval from the Legal Aid Agency. This is common in housing, debt, and immigration advice.

For certificated work, such as judicial review or complex cases, the provider must submit an application to the Legal Aid Agency for formal approval. This is done by the provider, not the client.

The client will be informed whether they qualify for Legal Aid in full or whether they must pay a contribution.

#### STEP 7: Client May Be Required to Pay a Contribution

Some clients qualify for Legal Aid but are required to pay a monthly or lump-sum contribution based on their income or capital. This is assessed by the Legal Aid Agency.

If a contribution is required, the client must agree to it. Failure to pay can result in

Legal Aid being withdrawn.

The client does not pay the provider directly unless instructed by the Legal Aid Agency. Contributions are paid through official channels.

#### STEP 8: Client Signs Ongoing Authorities and Declarations

During the case, the client may be asked to sign additional documents. These can include authorities to obtain medical records, housing files, or benefit information, as well as confirmations of continued eligibility.

The client has an ongoing duty to inform the provider of any change in financial circumstances. If the client's income increases or they receive money, Legal Aid eligibility may change.

#### STEP 9: Legal Work Is Carried Out Under Legal Aid

The provider carries out the legal work within the scope of Legal Aid funding. The client receives advice, representation, correspondence, and court work as permitted by the Legal Aid certificate.

The client must cooperate, provide information promptly, and attend appointments or hearings. Failure to cooperate can lead to Legal Aid being terminated.

#### STEP 10: Case Ends and Final Assessment

When the case concludes, the Legal Aid Agency may reassess the client's financial position. In some cases, especially where money or property is recovered, the client may be required to repay some or all of the Legal Aid costs.

This is known as the statutory charge. The client will be informed if it applies.

### **SUMMARY OF FORMS A CLIENT MAY NEED TO COMPLETE**

The main form is the CW1 Legal Aid Application Form, which every client must complete and sign. Additional forms may be required depending on the case type, such as forms for certificated funding, evidence of domestic abuse, or emergency applications. The provider handles most submissions, but the client must supply truthful information and supporting documents.