

## FINANCIAL ASSESSMENT QUESTIONNAIRE FOR COMMUNITY LEGAL SERVICE FUNDING FOR CLINICAL NEGLIGENCE CASES

The following calculation should give you a rough idea as to whether you qualify financially for Community Legal Service Funding. By following the steps below you can see if both your income and savings qualify you financially.

### INCOME: DO I QUALIFY?

#### Step 1: Do you have a partner whose means should be included in the assessment?

If you are married or living with someone as a couple, your partner's capital and income will be included unless you live apart because your relationship is over.

#### Step 2: Are you receiving income support or income-based jobseeker's allowance?

If you are in receipt (either directly or indirectly) of income support, income-based jobseeker's allowance, income based employment and support allowance or guarantee credit you are eligible on income for all levels of service. If you are not in receipt of one of these benefits, move on to step 3. Other types of benefit, such as Working Tax Credit and Child Tax Credit, do not give automatic entitlement.

#### Step 3: Work out monthly gross income

Add together your monthly gross income (i.e. before tax) and that of your partner if appropriate.

Income includes:

- earnings or profits from business
- maintenance payments
- pensions
- all welfare benefits (excluding council tax benefit and housing benefit)
- income from savings and investments
- dividends from shares
- money received from friends and relatives
- student grants and loans

Gross monthly income

£ \_\_\_\_\_

Normally you will not qualify for funding if your gross income is more than £2,657. However, if you have more than four dependent children, for each extra child you are allowed £222 more gross income. So if you have six children, your gross income can be £2,657 + £222 + £222 = £3,101.

#### Step 4: Work out deductible allowances and expenses

Deduct the following from your monthly income:

- Income tax
- National Insurance contributions
- Maintenance payments made by you
- £45 for you and/or partner in respect of salary or wage
- child care expenses incurred because of work
- housing costs:
  - rent or mortgage repayments (less any housing benefit), although the amount allowed if you have no dependents is limited to £545
  - endowment policy premiums (if paid in connection with a mortgage)
  - actual costs of accommodation if you are neither a tenant nor an owner-occupier

- fixed amounts for each dependent relative (adult and child) living with you. The monthly amounts of allowances for dependants are:
  - £159.25 for a partner
  - £243.81 for each child aged 15 or under
  - £243.81 for each child aged 16 or over
- the full amount of any of the following welfare benefits: attendance allowance, disability living allowance, constant attendance allowance, invalid care allowance, severe disablement allowance, exceptionally severe disablement allowance, war and war widows pensions, independent living fund payments, fostering allowance (to the extent it exceeds the relevant dependent's allowance), back to work bonus under section 26 of the Job Seeker's Act 1995, payments made under the Earnings Top-up Scheme and Payments under the Community Care Direct Payment Scheme.

Note that no other deductions may be made

Total deductions £ \_\_\_\_\_

### Step 5: Work out monthly disposable income

Monthly gross income (see step 3) £ \_\_\_\_\_

Minus  
Deductions (see step 4) £ \_\_\_\_\_

To give  
Monthly disposable income £ \_\_\_\_\_

### Step 6: Does your monthly disposable income qualify you for funding?

You will not get funding if your disposable income exceeds £733 per month.

If your disposable income is below this limit then you qualify for funding but you may have to pay a contribution from income (see step 10 below).

### Step 7: Work out your capital

Add together all your capital and that of your partner, if appropriate.

Capital includes:

- all land and buildings other than your home, including interests in timeshares, and the market value of your home in excess of £100,000 after allowing for any outstanding mortgage but only up to £100,000. A maximum of £100,000 is allowed in respect of all mortgages on all your properties
- money in the bank, Building Society, premium bonds, Post Office, National Savings certificates, etc. investments, stocks and shares
- money that can be borrowed against the surrender value of insurance policies
- money value of valuable items, for example, boat, caravan, antiques, jewellery( but not wedding or engagement rings or usually your car)
- money owing to you;
- money due from an estate or Trust Fund;
- money that can be borrowed against business assets;

Do not include:

- loans or grants from the Social Fund
- back to work bonus under section 26 of the Job Seekers Act 1995;
- home contents, for example (unless exceptionally valuable) furniture and household effects
- personal clothing
- personal tools and equipment of trade
- payments under the Community Care Direct Payment scheme
- savings, valuable items or property the ownership of which is the specific subject of the court case; for example, a holiday cottage would normally count but not if it was under attack as part of a disputed divorce settlement.

Total disposable Capital £ \_\_\_\_\_

### Step 8: Does your disposable capital qualify you for funding?

You will not get funding if your disposable capital exceeds £8,000 unless the Commission considers the probable costs would exceed the contribution payable (see step 9).

If your disposable capital is below these limits then you may qualify for funding but you must have your income assessed (see steps 3 - 5 above). You may also have to pay a contribution from capital (see step 9 below).

### Step 9: Work out the size of your likely capital contribution

If your disposable capital is £3,000 or below you will pay no capital contribution for any level of service.

If your disposable capital exceeds £3,000 you will have to pay a capital contribution as follows:

Total disposable Capital (see step 7)	£ _____
Deduct	£3,000.00
To give	
 Capital contribution	 £ _____

Pensioners on low incomes are allowed capital disregards for some forms of Legal Representation.

Monthly disposable income (excluding net income derived from capital)	Amount of capital disregarded
up to £25	£100,000
£26 - £50	£90,000
£51 - £75	£80,000
£76 - £100	£70,000
£101 - £125	£60,000
£126 - £150	£50,000
£151 - £175	£40,000
£176 - £200	£30,000
£201 - £225	£20,000
£226 - £272	£10,000
Over £272	nil

## Step 10: Work out amount of contribution from income

If your disposable income is £315 per month or less you will pay no income contribution for any level of service. If your disposable income exceeds £316 per month you will have to pay a monthly contribution from income. Such contributions will be assessed in accordance with the following bands depending on the level of assessed income:

Band	Monthly Disposable Income	Monthly Contribution
A	£316 to £465	1/4 of income in excess of £311
B	£466 to £616	£38.50 + 1/3 of income in excess of £465
C	£617 to £733	£88.85 + 1/2 of income in excess of £616

So if disposable income was £351 per month, the contribution would be in band A, the excess income would be £40 (£351 - £311) and therefore the monthly contribution would be £10 per month.

If the disposable income was £480 per month, the contribution would be in band B, the excess income would be £15 (£480 - £465), and the monthly contribution would therefore be £43.50 i.e. £38.50 + £5.

If the disposable income was £636 per month, the contribution would be in band C, the excess income would be £20 (£636 - £616), and the monthly contribution would therefore be £98.85 i.e. £88.85 + £10.

## Step 11: Work out total initial contribution

Add together:

Monthly Contribution (see step 10) £ \_\_\_\_\_

and Capital Contribution (see step 9) £ \_\_\_\_\_

To give

Total Initial Contribution £ \_\_\_\_\_