



CCMS Provider: Client Declaration Against Instructions

An interim process has been introduced where the client is unable, for good reason, to attend the provider office to sign the declaration of their Legal Aid application.

At present the client is required to sign the declaration available on the application summary, printed from CCMS, before the application is submitted. If the client is unable to attend the provider office to sign the declaration this can cause delay to the submission of the application.

This interim process will remove any delay in the provider submitting the application through CCMS.

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To begin this process you must first complete either the paper means and merits forms or your own attendance note to record the client's information. This information will be input onto CCMS once instructions have been obtained.

2

Once the client's information has been recorded, the client can then sign the declaration form.

This signed declaration on instruction will then replace the signature that would usually be obtained on the Application Summary screen on CCMS.

3

The information recorded would then be entered into CCMS and the application submitted. The CCMS application must match exactly the information that the client has provided on the paper forms.

In order to ensure the client retains the protection awarded by the existing process, the Application Summary must be sent by the provider to the client, and the client given 14 days to advise if any of the information is incorrect.

If any of the information is incorrect a further signed declaration should be obtained.

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The following conditions must be met in order to use this process:

- The client, or their partner, cannot attend the provider office in person for good reason e.g. the client or their partner is housebound through disability, imprisoned or hospitalised; and,
- It is necessary to make the application for legal aid during the period where the client or their partner, for good reason, cannot attend the provider office in person, for example on the grounds of the imminent expiry of a limitation period or substantial detriment to the client.

The LAA hold the right to withdraw this process from providers if applications are submitted under the process but the above conditions are not met.



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By using this process the provider confirms that they will comply with the following requirements.

The provider will:

- Hold a justification on file as to how the client's application meets the conditions for any cases where this process has been used.
- Use the paper means and merits forms, together with the checklists, to collect the client's information.
- Collect any evidence that would reasonably be required to support the application.
- Give the required warnings and information as stated in the means and merits declarations to the client.
- Inform the client that they have the right to refuse the provider authority to transfer their information into the online application. If the client does so, the provider should complete the online application and have the client sign the Application Summary screen before submission.
- Ensure that the client reviews the information recorded on the paper means and merits forms together with any evidence in support of the application before signing the declaration.
- Provide the client with a copy of the signed declaration. Any paper forms completed should also be signed and dated by the client.
- Transfer the information recorded on the paper forms into the CCMS application.
- Confirm in the CCMS application that this declaration process has been used by answering yes to the question 'Have you taken the applicant declaration against instructions?' which will appear in the means and merits assessments.
- Upload the signed declaration alongside the supporting evidence for the application.
- Send a copy of the completed CCMS application to the client following submission to the LAA. The provider will inform the client that they have 14 days to challenge any of the details in the application. If a challenge is raised the provider should submit a case query through CCMS.
- If there is any difference between the recorded instructions and the CCMS application the provider must not submit the application until they have obtained the client's signature against the CCMS Application Summary print out.
- Hold the relevant signed and dated declaration on file along with any paper forms or other recorded instructions. The provider should also hold copies of any correspondence to the client in relation to the declaration. These items may be requested as evidence to support the application.



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Inputting the information into CCMS

In the means and merits assessments you will be asked if you are uploading any evidence to support an Applicant Declaration against Instructions.

This question will only appear in the aforementioned scenarios where the declaration can be used.

If a Declaration Against Instructions has been obtained answer **Yes**, if not answer **No**.

Are you intending to upload any evidence in support of an Applicant Declaration against Instructions? *

Yes No

Help Note:

A declaration against instruction may be obtained where:

(i) The Applicant/Client or their partner cannot attend upon your offices in person for good reason;

(ii) It is necessary to make the application for legal aid during the period where the Client or their partner, for good reason, cannot attend your offices in person.

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Required Evidence

Help Note:

The evidence listed below must be submitted on substantive applications. If the application is an emergency, it is not necessary to submit the evidence below until the substantive application is made.

Do you have a copy of the warning letter? *

Yes No

Do you have a copy of the evidence supporting Declaration Against Instructions? *

Yes No

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If you have indicated that you are submitting evidence this will be listed on the Required Evidence field and will become mandatory evidence that must be submitted alongside the application.

Answer **Yes** to indicate that you have a copy of the Declaration Against Instructions to upload.

This should then be uploaded along with any other supporting evidence.

In the means and merits assessments you can specify if you will be printing the CCMS Application Summary screen and having the client sign as their declaration.

Answer **No** if you have the Declaration Against Instructions signed by the client.

Declarations - Declaration to be Signed

The relevant declaration against the CCMS Online Application will be signed prior to submission of the application? *

Yes No

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Client Declaration Against Instructions

Has the applicant signed declaration against instructions? *

Yes No

Client Declarations Against Instructions: Criteria

The declarations process may only be used if all of the following conditions are met:

(i) I confirm that it is necessary to make the application for legal aid during the period where the client or their partner, for good reason cannot attend upon me at my offices in person *

Yes No

(ii) I confirm that the client or their partner cannot attend upon me at my offices in person for a good reason *

Yes No

(iii) I confirm that there are no differences between recorded instructions and the CCMS online application *

Yes No

As you have indicated that the Application Summary screen will not be signed prior to submission of the application, you will be asked if the client has signed the Declaration Against Instructions.

Answer **Yes** if this has been signed.

You will then see the criteria that must be met in order for the declaration to be valid.

Answer **Yes** or **No** as to whether the criteria has been met.

If any of the criteria are not met you will see this error message and will not be able to use the Declaration Against Instructions.

You would then be required to have the client sign the Application Summary screen printed from CCMS.

We are unable to accept the client's declaration against instructions as one or more of the three conditions are not met. Please arrange for the client to sign the CCMS printed declaration against this application before submitting