**Application for Assistance in Relation to Legal Proceedings (Art. 15)**

All decisions taken regarding legal funding must be considered in light of the relevant provisions contained within the Northern Ireland Commissioner for Children and Young People (NI) Order 2003. Article 15 of the Order applies to applications for assistance in relation to legal proceedings.

APPLICANT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SOLICITOR: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TELEPHONE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EMAIL: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Please provide as much detail as possible when answering the questions below. It is not sufficient to simply attach documents. Any documentation attached should be additional information to assist with your application, not as a substitute for completing the application form**

1. **LEGISLATIVE CRITERIA FOR APPPLICATION UNDER ARTICLE** **15**
2. **Do the proceedings involve law or practice concerning the rights or welfare of children or young persons or does the child or young person wish to rely on such law or practice?**

Yes/No (delete as appropriate). If you have answered ‘Yes’ please provide details:

1. **Would it be unreasonable to expect the child or young person to deal with the case without assistance because of its complexity, their position in relation to another person involved or for some other reason or are there special circumstances?**

Yes/No (delete as appropriate). If you have answered Yes please give details:

1. **Does the case raise a question of principle?**

Yes/No (delete as appropriate). If you have answered ‘Yes’ please provide details:

1. **Is any other body likely to provide such assistance?**

Yes/No (please delete as appropriate.

**Please confirm that an application for legal aid has been lodged and refused.**

Date application lodged with LSA\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date application was refused\_\_\_\_\_\_\_\_\_\_\_\_\_

Please confirm that the Legal Services Agency Appeals process has been exhausted.

 Date Appeal lodged with LSA\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Decision of Appeal with LSA \_\_\_\_\_\_\_\_\_\_\_

Please attach the refusal letter and any reasons you disagree with said refusal.

1. IF THE APPLICATION HAS MET THE LEGISLATIVE CRITERIA, THE FOLLOWING MUST BE CONSIDERED:

NICCY has a limited budget therefore the availability of resources and whether the cost is commensurate with the potential strategic benefit to be gained are both key factors. This will be considered in light of both the availability of budget and any further potential costs to the organisation, if for example an appeal were lodged, or costs could be awarded against NICCY.

1. **Outline why the case is so exceptional that the Commissioner’s finite budget should be used to fund your client to bring the case.**

In each case all the secondary criteria for a particular type of application should be met.

1. SECONDARY CRITERIA FOR APPLICATION UNDER ARTICLE 15
2. **Please outline how the issue is one of strategic importance to NICCY?**
3. **Please outline the merits of the case and the prospect of success? Please attach any legal opinion sought here.**
4. **Would a positive outcome set a precedent which would benefit a wide range of children and young people in Northern Ireland? Please provide a detailed answer.**

Should you feel you meet the legislative and secondary criteria as outlined above, please ensure you have provided detailed answers to the questions on the previous pages to allow our Legal Funding Committee to make an informed and complete assessment of your application.

Failure to provide sufficient information will result in the assessment of your application being delayed.

**The Applicant shall be informed of the decision within 5 working days of the Legal Funding Committee meeting taking place.**

**In the event of a refusal to support through funding, the Applicant shall have a right of appeal. This must be filed with the Commissioner within 10 working days of the date of the letter refusing funding or assistance.**

**The Commissioner alone shall consider the Appeal within 15 working days. An appeal shall only be successful if the Legal Funding Criteria have not been applied correctly.**

**OFFICE USE ONLY**

1. **Justification for proposed spend:**
2. **Meeting Details:**

**Date:**

  **Attendees:**

1. **Chief Executive Approval:**

**Signature: Date:**

1. **In the event of non-approval – reasons:**
2. **Commissioner Approval (in cases of Judicial Review)**

**Signature: Date**