

Background: JSP 838 directs that income contributions (where applicable) become liable within 28 days of the DSP referral, or at the end of the month of the LA application, whichever is the sooner. For applications received 28 days or more after referral and before the SPA direct trial, the first payment, by cash/cheque, is due immediately, as is the case for applications received after SPA direct trial. The total contribution payable is 5 x their monthly income contribution and can be paid by way of lump sum or 5 monthly instalments.

Due to the lack of engagement/receipt of LA applications and refusal of LA by Service Personnel (SP) at the DSP referral stage, AFCLAA invite SP to submit an application for LA once their case has been directed for trial, with the requirement of an immediate cash payment in order to grant LA and instruct a legal representative.

Change 1: In order to mirror the civilian legal aid scheme in so far as the contribution liability, and to address the unnecessary delays experienced when granting legal aid due to a SP's inability to make an immediate cash payment, the following changes have now been implemented locally and apply to all applications for legal aid received after 1 Aug 21:

- SP are required to make their first contribution within 28 days of acceptance of their legal aid as directed by AFCLAA:
 - Due to restrictions with the JPA payroll cut-off dates, if an acceptance is received before the main pay cut off date, the first payment should be made via JPA at the end of the month with all subsequent payments set up on JPA, in advance, at the end of each consecutive month.
 - If acceptance is received after the main cut-off date, the SP is to make their first contribution payment, in cash, within 28 days of acceptance. The second and all subsequent payments are to be set up on JPA, in advance, at the end of the month and each consecutive month thereafter, regardless of when the first payment was made.
 - For Ex-SP payments via JPA is not an option therefore, they will be required to make all monthly payments in cash as before, with their first payment due within 28 days of acceptance of legal aid.
- LA will no longer be delayed until receipt of first payment but will only be granted on receipt of the signed Contribution Order and acceptance of the LA payment plan. Penalty payments will be applied if SP fail to make payments on time as agreed.

Change 2: The civilian legal aid scheme currently allows an individual up to 6 months to complete the contribution payment plan with an added incentive that if 5 continuous payments are made, there is no requirement for the 6th. To mirror the civilian scheme in this way would not be feasible due to the extra work involved by both AFCLAA and the parent unit to remove/refund the extra payment on JPA, particularly where a SP has already left the services or dismissed at court martial therefore:

- AFCLAA will carry out the means test assessment as is current policy (90% of monthly (household) disposable income over 5 months) however, the contribution payment plan has been extended to allow SP a total of 8 months (if required) in which to complete the payments.

Director MCS has approved these changes in order to improve the level of service provided to SP facing criminal proceedings and to encourage greater use of the AFLAS by making payments more affordable. JSP 838 will be updated accordingly upon the next re-write.