

# C3

## APPLICATION FOR LEGAL ASSISTANCE – FATALITIES



Form can be printed in Black & White

BB/BC Ref	PFEW HQ Ref
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### SECTION A – DECEASED MEMBER'S DETAILS

Suffix	First Name
Family Name/Surname	Date of Birth
Date of Death	Date Joined
Rank at Death	Force
Address (please include postcode)	

### SECTION B – APPLICANT'S DETAILS

Suffix	Relationship to Member
First Name	Surname
Email	Contact Number
Address (please include postcode)	

### SECTION C – FEDERATION REPRESENTATIVE'S DETAILS

Full Name	Telephone
Rank/Number	Email
Force	Station

## SECTION D – FATALITIES

What is the cause of death (if known)	
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	Yes	No	Not Known
Has an inquest been held or is it to be held?			
If YES, please provide the date, location and outcome (if available)			

	Yes	No
Has a Grant of Probate/Letter of Administration been taken out?		
If NO, do you wish the PFEW Solicitors to attend to this?		

	Yes	No
Are there advisors or solicitors to whom this application should <b>NOT</b> be sent, e.g. because of conflict?		
If YES, please provide details		

Please indicate whether the following certificates are available and provide copies of those that are

	Available	Enclosed
Birth		
Marriage		
Decree Absolute		
Death		

Details of deceased Member's Personal Representative/Next of kin (if different from the details in **SECTION B**)

Suffix	Relationship to deceased Member
First Name	Surname
Email	Contact Number
Address (please include postcode)	

**Names, addresses and details of the deceased Member's children or other dependants**

**Dependant 1**

Name	Date of Birth	Relationship to deceased Member
Address (including post code)		

**Dependant 2**

Name	Date of Birth	Relationship to deceased Member
Address (including post code)		

**Dependant 3**

Name	Date of Birth	Relationship to deceased Member
Address (including post code)		

**Dependant 4**

Name	Date of Birth	Relationship to deceased Member
Address (including post code)		

**Dependant 5**

Name	Date of Birth	Relationship to deceased Member
Address (including post code)		



## SECTION J – PERSONAL & SPECIAL CATEGORY DATA

In considering this application and providing the professional advice and/or legal assistance (“Legal Assistance”), the PFEW (which includes the officers, staff and representatives of its offices in Leatherhead, and the officers, staff and representatives in the Branch Board and Branch Council in the Police Force where the deceased Member worked), will process the Applicant’s personal data and/or special category data and the personal data and/or special category data of the deceased Qualifying Member’s personal representatives, next of kin and dependants (“Relevant Others”). The PFEW considers that such processing is necessary for the purposes of:

- This agreement, including obtaining professional and/or legal advice in connection with legal proceedings, (including prospective legal proceedings) and establishing, exercising and defending legal rights;

And/or

- The legitimate interests of the PFEW.

In all cases, processing could include the PFEW sharing the personal data and special category data of the Applicant and/or Relevant Others with professional advisors or solicitors (“Advisors”) and with any third party authorised by the PFEW (including, but not limited to, other professional advisors or solicitors, experts, insurers and costs assessors) (“Authorised Third Parties”) and the Advisors and Authorised Third Party sharing the Applicant’s and/or Relevant Other’s personal data and special category data with the PFEW.

The PFEW’s legitimate interests include ensuring that the PFEW manages its funds in accordance with its fund rules and that the PFEW, Applicants and/or Relevant Others are receiving appropriate, good quality and value for money Legal Assistance.

The Applicant’s and/or Relevant Other’s personal data and special category data will be held by the PFEW in the UK. It will be held electronically and may also be held in paper form and, in whatever form the data is held, will be destroyed six years after the last meaningful action arising out of this application.

## SECTION K – APPLICANT’S DECLARATION – TERMS & CONDITIONS

I certify that:

	Yes	No
The deceased Member was a Qualifying Member of the PFEW at the date of their death		

### LEGAL ASSISTANCE CONDITIONS

The Police Federation of England and Wales (“PFEW”) is considering providing professional advice and/or legal assistance (“Legal Assistance”) to you as the personal representative, next of kin or dependent of a deceased Qualifying Member of the PFEW, in each case, (“You or Your”).

Decisions to provide Legal Assistance will be made in accordance with Part 4 (as amended) of the Police Federation (England and Wales) Regulations 2017 and The Police Federation Fund Rules, as approved from time to time by the Secretary of State for Home Affairs (together “the Rules”) and the PFEW’s “Legal Assistance – Funding Criteria”.

Before making this application for Legal Assistance, You must have made all reasonable enquiries of whether You have alternative sources of funding, including but not limited to Legal Aid, if you are eligible for the same, the Police Force and/or PCC for the area in which the deceased Member worked.



The PFEW will not provide Legal Assistance where Legal Aid is available to You and You are not required to make any financial contribution ("Contribution") towards that Legal Aid. Where You are offered Legal Aid which requires You to make a Contribution the PFEW may:

- a) Refuse to provide You with Legal Assistance if You unreasonably refuse that offer of Legal Aid, or where the PFEW does not agree that You should refuse that offer;
- b) Agree to indemnify You against, or provide financial support, for the amount of the Contribution.

The PFEW will consider Your application for Legal Assistance based on the information You provide in this application together with any supporting documents or information ("Information") it receives about Your application. You warrant that all Information provided by You is accurate and truthful to the best of Your knowledge and belief. Notwithstanding the PFEW considering your application for Legal Assistance, it remains Your responsibility to ensure that any claim, investigation or proceedings for which Legal Assistance is sought ("Proceedings") are commenced in accordance with the time limits of those Proceedings.

Legal Assistance will be subject to ongoing monitoring and review and the PFEW reserves the right to withdraw Legal Assistance at any time, and for whatever reason, in its absolute discretion, relating to any Proceedings for which Legal Assistance has been provided.

Legal Assistance may include payment of, or contribution to, costs or payments (including fees) that You are required to pay to other parties to Proceedings, and/or third parties, and/or Your own legal fees and costs (together referred to as "Costs") and/or the difference between the premium payable for After the Event Legal Expenses Insurance ("ATE") that You obtain in relation to Proceedings and the amount You recover in Proceedings for that ATE premium.

In the event that the PFEW agrees to provide You with Legal Assistance, You must instruct advisors or solicitors ("Advisors") who are approved by the PFEW and who have agreed to act in accordance with the PFEW's Service Level Agreement ("SLA")/Terms of Business Agreement ("TOBA"). The PFEW shall not be liable for any Costs You incur, or become liable to pay, prior to the PFEW agreeing to provide you with Legal Assistance, or prior to the Advisors agreeing to act in accordance with the SLA/TOBA, nor where You have instructed Advisors who are not approved by the PFEW or where that liability has arisen or been incurred other than in accordance with the terms of the SLA/TOBA.

Where the PFEW reasonably considers, or is advised (whether by the Advisors, a third party, or as a consequence of a decision, determination or judgement in the Proceedings) that You have made or committed any dishonest or misleading declaration, act or omission when submitting this application or during the Proceedings, or where You behave or have behaved unreasonably, Legal Assistance will be withdrawn. The PFEW will not pay any Costs or Adverse Costs consequently upon the aforesaid matters and the PFEW will be entitled to recover from You any payment it has made, or is liable to pay, in relation to those Proceedings.

You agree that, in the event that the PFEW recovers any Costs it has paid in respect of the Proceedings, it will be entitled to retain those Costs

You further agree that, in the event of You receiving or being entitled to payment for Costs, including accepting an offer for, or being awarded any damages or compensation in Proceedings ("Award"), You will repay to the PFEW, from any payment made to You for Your Costs and/or Award that amount of Your Costs as the PFEW has paid, or will be liable to pay, on Your behalf, and/or where payment is made to Your Advisors, to instruct them to pay that sum to the PFEW.

You further agree that You shall:



- a) Tell the PFEW and the Advisors immediately of anything that may materially affect the Proceedings, or alter the Advisors assessment of the Proceedings, or the PFEW's decision to continue providing you with Legal Assistance;
- b) Co-operate fully with the PFEW and the Advisors and with any Court or Tribunal;
- c) Give the Advisors any instructions required and not act unreasonably in the conduct of the Proceedings;
- d) Take reasonable steps to recover any Costs that are recoverable and that the PFEW has paid;
- e) Instruct the Advisors to have Your Costs assessed or audited if requested by the PFEW or recommended by the Advisors;
- f) Minimize any Costs that the PFEW has to pay;
- g) Not terminate your retainer with the Advisors without the consent of the PFEW;

In signing, I confirm that I am agreeing to the above Conditions.

Signature	Date
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## SECTION L – FOR COMPLETION BY BRANCH SECRETARY OR DECISION MAKER

### Eligibility for legal assistance

	Yes	No
The application is made by or on behalf of the personal representative, next of kin or dependent of a deceased Qualifying Member and the Applicant is entitled to seek the assistance of the PFEW.		

### Legal Aid/MOPAC/Police & Crime Commissioner funding

	Yes	No
An application has been made:		
<ul style="list-style-type: none"> <li>• For Legal Aid</li> </ul>		
<ul style="list-style-type: none"> <li>• To MOPAC/The Office of the PCC</li> </ul>		
<ul style="list-style-type: none"> <li>• To the Chief Constable</li> </ul>		
The application was refused (if yes, please provide details)		
The application was successful but is not acceptable (if yes, please provide details below)		

Where the PFEW considers that the Applicant's or Relevant Other's costs should be met by MOPAC, the Chief Constable or Police and Crime Commissioner in the area where the deceased Qualifying Member worked, the PFEW may wish to discuss this with those bodies. The Applicant will be consulted in advance of such discussions but where they object, this may affect the decision to provide Legal Assistance.



	Yes	No
This case is suitable for the Licensed/Direct Access (Bar Direct) Schemes		
Please provide any further relevant information (continue on a separate sheet as necessary).		

**I wish to recommend the following advisor (e.g. solicitor/barrister/expert).**

Name of advisor	Name of firm/chambers
Telephone contact number	Contact email
Address (including postcode)	
State why you have recommended this advisor	

	Yes	No
Are there advisors or solicitors to whom this application should <b>NOT</b> be sent, e.g. because of conflict?		
If YES, please provide details		

**I CONFIRM THIS CASE ARISES FROM AN INCIDENT WHICH IS COVERED BY THE PFEW FUND RULES. ALL RELEVANT CIRCULARS AND ENTRIES IN THE PFEW LEGAL SERVICE FUNDING CRITERIA, PROCEDURES AND MEMBERSHIP SERVICES HANDBOOK HAVE BEEN COMPLIED WITH.**

Authorised Signature	Date
Full Name	Position