



Child Rights and Wellbeing Impact Assessment (CRWIA) for children's legal aid approval of unusually large expenditure

Stage 1 – Screening

1.1. What's the aim/purpose of your policy/measure?

The policy explains how SLAB applies Regulation 21 of the Children's Legal Assistance (Scotland) Regulations 2013 when solicitors request approval to incur unusually large expenditure (ULE), defined by SLAB as a single item of work costing more than £3,000. It sets out the reasonableness test used to assess such requests, the approach to retrospective approval and the distinction between ULE and other forms of prior approval. The policy ensures that high cost work is reasonable in the circumstances of a particular case, proportionate and aligns with SLAB's responsibility to manage public funds appropriately.

1.2. What's the impact of your policy/measure on children?

Some forms of ULE may relate to work that will be relevant to and impact children. For example, a particularly high-cost communication support could fall within the scope of ULE. In practice, however, our view is that this will be infrequent. Our consideration of the available applications data indicates that ULE requests rarely relate directly to children: in the years' worth of data we considered, there were **no** requests made by child applicants.

Other specialist assessments used in decisions about a child's welfare fall under the expert-witness approval process and are not within the scope of ULE. Whilst we recognise that all requests for ULE are made in the context of cases in which a child is involved in some capacity, we also note that approval for ULE could be sought for a range of costs which would have no direct relevance or impact on those children at all. Given the very small number of relevant requests from child applicants, overall, the impact of this policy on children appear to be limited and infrequent. However, we acknowledge that in principle, there could be impacts on children – for instance, where the cost of a particular special measure or an interpreter exceeds the £3,000 threshold.

It is important to note that applications for approval to incur unusually large expenditure are made by solicitors, rather than children, and in that sense, some of the impacts of the policy (for instance in relation to administrative burden) may be primarily borne by the solicitor rather than child applicants.

1.3. Are certain groups of children more affected than others?

Think about different age groups or protected characteristics under the Equality Act 2010, socioeconomic background.

The number of applications we receive for approval of ULE is extremely low, and as noted above, the volumes directly from children themselves appear to be negligible; it is not possible to identify patterns as to impacts on different groups of children. As set out above, in practice, ULE requests relating directly to children appear to be extremely rare, and as a result, we have not been able to identify any patterns by protected characteristic.

1.4. Is a full CRWIA required?

The EqIA found no discriminatory impacts. Some unusually large expenditure may relate to work concerning children, but overall, there is no indication that the policy would have a negative impact on children. Our assessment is that any impacts on children will be case-specific rather than reflecting systematic impacts of our policy on children as a group.

- ***What's the number of children affected?***

In 2024-25, we received fewer than ten requests for approval for ULE in children's legal assistance cases, and none of these were made on behalf of assisted persons who were themselves children. While requests from children are possible in principle, they did not occur in the period reviewed. Children will, however, have been involved indirectly in these proceedings, but any impacts on them would be indirect and limited.

- ***Will the policy/measure be subject to consultation?***

No external consultation is planned. Given the technical and procedural nature of this policy and our view that the impacts on children are likely to be limited and infrequent, our assessment is that internal engagement alone is proportionate and appropriate.

- ***Is there a lack of evidence on the impact of the policy/measure on children?***

The low number of ULE approval requests in children's legal assistance cases limits the amount of evidence available for analysis. In particular, the small volumes mean we cannot draw firm conclusions about the types of work requested, how they might affect children (either as assisted persons or otherwise), the grant rate, or any patterns by protected characteristic.

- ***Is it difficult to anticipate what the impact will be on children?***

The potential scope of work which could be requested under this policy is extremely wide, but in practice, the number of requests received by us are very small. We anticipate that this can be explained by the fact that in general, most work items undertaken by a solicitor on behalf of their client cost less than £3,000 (and therefore would not trigger this policy) and that any report would require approval for an expert, rather than approval under this policy.

Given the very low volume of applications, we are unable to draw any robust conclusions about grant rates and patterns in subject matter. This does create challenges in fully understanding the impact on children. However, our assessment is that on the face of the policy, there is sufficient flexibility built into to allow for proper consideration of potential expenses relating to children's needs.

Although impacts are limited and infrequent, the potential for direct impacts on children in some cases does mean a proportionate full CRWIA is appropriate.

Approval and sign off

Director/SRO sign off: 20/04/2026.

Chief Executive approval: 20/04/2026.

Stage 2 – Full CRWIA

Step 1: Gathering evidence

1.1. What evidence have you found to inform your assessment?

UNCRC Article 2 – non-discrimination.

SLAB statistics: Internal SLAB data shows that only a very small number of requests for approval for unusually large expenditure are received in the context of children’s legal aid cases each year. For 2024-25, there were no applications made by solicitors on behalf of child clients at all. More broadly, volumes are too low to identify any clear patterns or differential impacts that might suggest a discriminatory impact.

General evidence: External evidence shows that some children can face barriers in accessing justice, but this does not specifically indicate that children, or groups of children, are more or less likely to require unusually large expenditure in the context of their case being funded by legal aid. As such, the relevance of this evidence is contextual only: it highlights the importance of ensuring that, in the rare cases where ULE relates to a child’s circumstances, the policy does not create additional barriers. At present, our view is that there is no evidence that the ULE policy itself disproportionately affects any group of children.

UNCRC Article 3 – decisions must be in the best interest of the child.

SLAB statistics: Internal SLAB data shows that very few unusually large expenditure requests arise in children’s legal assistance cases. Volumes are too small to identify patterns, so we cannot draw conclusions about typical use of ULE in child-related contexts, and in particular, the extent to which they are made with a specific view to influencing the court’s decision-making as opposed to simply assisting the solicitor in the conduct of the case more broadly. In principle, however, we recognise that work that could require this form of approval could have a bearing on decision-making concerning the interests of a child as an assisted person.

General evidence: Wider evidence emphasises the importance of decisions about children being informed and timely. However, specialist assessments and reports fall under the expert-witness approval process rather than ULE, so in the absence of more applications data which would allow us to better understand the nature of the requests being made, this external evidence has limited relevance to how unusually large expenditure operates in children’s legal assistance cases.¹

UNCRC Article 12 – respect for the views of the child.

SLAB statistics: Internal data for 2024-25 shows that there were no ULE applications for interpreting or communication supports exceeding £3,000: however, in principle, in cases where a child or parent requires a particularly high-cost support of this nature, approval would be required under this policy. Access to suitable interpreter/communication supports is likely to have a clear bearing on the extent to which a child can properly express their views and give evidence in these children’s proceedings, and as such, there is a clear (potential) impact here with regards to this Article.

General evidence: Scottish Government guidance stresses that children must be supported to express their views in ways suited to their individual needs, which may include specialised communication support depending on the circumstances. Research on communication rights

¹ [Scottish Child Law Centre \(2024\), Report: Access to Justice – How do we ensure that children’s rights are realised?](#)

similarly highlights that children with speech, language and communication needs face barriers in justice processes unless suitable supports are provided, and that some supports can be intensive or require specialist expertise.² We note again that in practice, no such requests were received under this policy (perhaps because the £3,000 threshold was not breached).

UNCRC Article 23 – rights of disabled children.

General evidence: External research suggests that disabled children as a group may be more likely to require high cost communication supports to participate effectively in legal processes, and that these supports can be essential to ensuring their rights are upheld.³ However, we note again – as per requests for interpreters under this policy – that in practice no such requests were made.

1.2. Which articles of the UNCRC does this policy/measure impact on?

Only articles 2, 3, 12 and 23 are engaged.

1.3. Consider whether there might be different impacts on different groups of children.

Are certain groups of children affected differently by the policy/measure?

Internal SLAB data cannot identify trends due to the extremely low number of relevant cases. However, external research suggests that in theory, disabled children, children with significant communication needs, and children who do not speak English as their first language could be more likely to have circumstances where unusually expensive assessments or supports are required (for instance, interpreters where the cost exceeds £3,000).

1.4. How will the policy/measure contribute to the wellbeing of children in Scotland?

See [Annex 2](#).

- **Safe:** N/A.
- **Healthy:** N/A.
- **Achieving:** Fair and informed decisions made by the court (including for example approval for ULE to support a child to give their evidence through an interpreter or communication support) can help create stable environments for children that support learning and development, though the extent to which this end outcome is within the control of this policy is very limited. The policy does not deal with ongoing support to children, rather specific expenses to be incurred in the context of legal proceedings, which is specific for court proceedings and does not deal with the long-term welfare and care of children. That is not SLAB's responsibility or remit.
- **Nurtured:** Not relevant to the scope of this policy. Parenting capacity or other welfare-related assessments fall under the expert-witness approval process, not ULE, so no direct role in decisions or support relating to a child's long-term care.
- **Active:** N/A.
- **Respected:** Supports respect for children's views where communication support is required and may be unusually expensive.
- **Responsible:** N/A.

² [Scottish Child Law Centre \(2024\), Report: Access to Justice – How do we ensure that children's rights are realised?](#)

³ [Together \(Scottish Alliance for Children's Rights\) \(2024\), Blog: From Theory to Practice: Strengthening Child Rights Impact Assessments in Scotland.](#)

- **Included:** The policy contributes to inclusion where specialist communication or disability-related supports ensure a child can participate and give evidence in these court proceedings meaningfully.

Step 2 – Stakeholder involvement and consultation

This policy primarily concerns a funding approval mechanism. In line with relevance and proportionality, formal external consultation was not required. A basic literature review was undertaken separately in Step 1 to contextualise participation and communication needs; no further external engagement was necessary.

2.1. How have you involved children in the assessment?

Children were not directly involved. Given the technical and administrative nature of the policy, and the very low number of relevant requests, direct engagement would not be proportionate or likely to yield generalisable insights.

2.2. List all the stakeholder groups that you will talk to about this policy/measure.

- Internal policy and legal teams
- Equality and diversity colleagues
- Subject matter experts on approval of ULE.

2.3. What did you learn from the consultation/involvement?

SLAB operational staff confirmed that most refusals under this policy arise from selecting the wrong approval route rather than from a substantive assessment against the merits of the request. They also noted that the policy provides some flexibility in how large-cost items can be considered and how this might relate to an assisted person's protected characteristics. Finally, they confirmed that the number of relevant requests received from children is very low.

Step 3 - Impacts on children and young people and steps to address these

3.1 Does the policy/measure have any impacts (whether intended or unintended, neutral, positive or negative) on children?

UNCRC Clusters

Article 2 – non-discrimination.

Impact: Positive impact.

Analysis of impact: The policy applies the same test of reasonableness to all ULE requests, with individual case-specific requests considered on their merits (including disability or language needs) in line with agreed and published factors, and without introducing different hurdles by protected characteristic. Introducing a separate (higher) ULE threshold for costs linked to protected characteristics was considered but is not recommended, as it would create inconsistency, be difficult to administer fairly, and could have unintended consequences (for instance, continued refusals if solicitors continue to apply the older threshold.)

Given the very low volumes and the fact that child-related ULE requests are rare, we have no evidence of differential treatment or outcomes by protected characteristic. No additional mitigation is required beyond maintaining clear internal guidance and monitoring any child-related ULE requests.

Article 3 – decisions must be in the best interest of the child.

Impact: Positive impact.

Analysis of impact: The policy supports SLAB’s best interests’ decision-making by setting out a clear reasonableness test for authorising unusually large expenditure, promoting transparent and consistent decisions in children’s legal assistance cases. While child-related ULE requests are rare, the policy is clear and incorporates a clear degree of flexibility which allows a large range of types of work to be considered, including those potentially relating to an applicant’s protected characteristics, and potentially forms of work which might have a bearing on a court’s decision-making.

Article 12 – respect for the views of the child.

Impact: Positive impact.

Analysis of impact: Children’s participation may depend on communication support, including interpreting or specialist assistance, which can occasionally be expensive. The policy’s reasonableness test enables such supports to be authorised where they will assist the case or its early resolution, ensuring the child’s views and their evidence can be obtained and considered in a way suited to their needs. Internal guidance makes clear that participation-related supports are within scope where justified; no further mitigation is required at present volumes.

Article 23 – rights of disabled children.

Impact: Positive impact.

Analysis of impact: Child-related ULE requests are rare. Where they arise, they may very occasionally involve high-cost communication supports (such as a specialist interpreter or communication facilitator in a rare or complex case). The ULE policy applies a reasonableness test on a case-by-case basis, allowing approval for high-cost items to be considered where they would assist participation or understanding. We will maintain clear routing guidance (expert-witness vs ULE) and periodically review any disability-related ULE decisions to provide assurance and avoid unintended barriers.

3.2. Which actions have you taken as part of the assessment?

- Confirm that the policy/measure described at Stage 1 was robust
- Adjust the policy/measure
- Continue the policy/practice/process/service with adverse impact
- Stop and remove the policy/practice/process/service.

Please select the outcome of the assessment: Confirmed that the policy/measure was robust and did not need changes

Please explain the changes that have been made: Not relevant given the assessment above.

Step 4 – Monitoring impact of the policy/measure

4.1. Note here how you intend to monitor the impact of this policy/measure on children.

The impact of this policy on children will be monitored by revisiting this assessment at the next scheduled policy review (within two/three years) or sooner if concerns are raised.

Step 5 – How will you communicate to children the impact of the policy/measure on their rights?

Any changes to children’s legal assistance and associated new legislation/regulations will undergo our policy and development process. Policies laying out our decision-making will either be developed or adjusted and EqIAs will be carried out. Additionally, this CRWIA will be published on our website.

Step 6 – Approval and sign off

All child rights and wellbeing impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where a CRWIA is not required. The Chief Executive must approve all CRWIAs. Note the relevant dates below.

Director/SRO sign off: 20/04/2026.

Chief Executive approval: 20/04/2026.

CRWIA review date

20/04/2029.

Annex 1 – UNCRC articles

[CRC Clusters \(unicef-irc.org\)](https://www.unicef-irc.org/)

I - General measures of implementation

Article 4 implementation obligations
Article 41 respect for existing standards
Article 42 making Convention widely known
Article 44 (6) making reports widely available

II - Definition of a child

Article 1

III - General principles

Article 2 non-discrimination
Article 3 (1) best interest to be a primary consideration
Article 3 (2) State's obligations to ensure necessary care and protection
Article 3 (3) standards for institutions services and facilities
Article 6 the right to life, survival and development
Article 12 respect for the views of the child

IV - Civil rights and freedoms

Article 7 right to name, nationality and to know and be cared for by parents
Article 8 preservation of child's identity
Article 13 freedom of expression
Article 14 freedom of thought, conscience and religion
Article 15 freedom of association and peaceful assembly
Article 16 protection of privacy
Article 17 child's access to information, and role of mass media
Article 37(a) right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

V - Family environment and alternative care

Article 5 parental guidance and child's evolving capacities
Article 18 (1) and (2) parental responsibilities and State's assistance
Article 9 separation from parents
Article 10 family reunification
Article 11 illicit transfer and non-return
Article 27 (4) recovery of maintenance for the child
Article 20 children deprived of their family environment
Article 21 adoption
Article 25 periodic review of placement and treatment
Article 19 protection from all forms of violence
Article 39 rehabilitation and reintegration of victims of violence

VI - Basic health and welfare

Article 6 right to life, survival and development
Article 18(3) support for working parents
Article 23 rights of disabled children

Article 24 right to health and health services
Article 26 right to social security
Article 27 (1)-(3) right to adequate standard of living

VII - Education, leisure and cultural activities

Article 28 right to education
Article 29 aims of education
Article 31 right to leisure, play and participation in cultural and artistic activities

VIII - Special protection measures

A - Children in situations of emergency

Article 22 refugee children
Article 38 children and armed conflict
Article 39 rehabilitation of child victims

B - Children involved with the system of administration of juvenile justice

Article 40 administration of juvenile justice
Article 37(a) prohibition of capital punishment and life imprisonment
Article 37(b)-(d) restriction of liberty
Article 39 rehabilitation and reintegration of child victims

C - Children in situations of exploitation

Article 32 child labour
Article 33 drug abuse
Article 34 sexual exploitation
Article 35 sale, trafficking and abduction
Article 36 other forms of exploitation

D - Children belonging to a minority or an indigenous group

Article 30

Violence against children

Article 19 protection from all forms of violence.
Article 28 (2) right to education.
Article 34 sexual exploitation.
Article 37(a) prohibition of capital punishment and life imprisonment.
Article 39 rehabilitation and reintegration of child victims.

Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict Governments should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography Governments must prohibit the sale of children, child prostitution and child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

Annex 2 – Getting It Right for Every Child (GIRFEC) Factors

Source: [Child rights and wellbeing impact assessment external guidance and templates \(Scottish Government\)](#)

Safe

Protected from abuse, neglect and harm by others at home, at school and in the community.

Healthy

Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.

Achieving

Being supported and guided in their learning and in the development of their skills, confidence and self-esteem at home, at school and in the community.

Nurtured

Having a nurtured place to live, in a family setting with additional help if needed or, where this is not possible, in a suitable care setting.

Active

Having opportunities to take part in activities such as play, recreation and sport which contribute to healthy growth and development, both at home and in the community.

Respected

Having the opportunity, along with carers, to be heard and involved in decisions which affect them.

Responsible

Having opportunities and encouragement to play active and responsible roles in their schools and communities and, where necessary, having appropriate guidance and supervision and being involved in decisions that affect them.

Included

Having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn.