



Child Rights and Wellbeing Impact Assessment (CRWIA) – Screening for prior and retrospective approval of unusually large expenditure in civil legal aid cases

Stage 1 – Screening

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

Civil legal aid: prior and retrospective approval for unusually large expenditure.

The policy explains how SLAB applies Regulation 21 of the Civil Legal Aid (Scotland) Regulations 2002 when deciding whether to grant prior approval for unusually large expenditure (“ULE” – defined as a single item over £3,000). The purpose is to ensure that high-cost work funded through civil legal aid is reasonable, proportionate, and necessary to progress the case.

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

Our assessment is that the key purpose of the policy is to regulate particular forms of expenditure incurred by solicitors, rather than to directly shape children’s participation or rights in legal proceedings. We note, however, that most ULE requests arise in the context of cases involving children, particularly family actions (for example, child welfare reports and contact-related costs), with a smaller number relating to matters such as family therapy or child psychology input.

While the policy is frequently applied in cases involving children, it does not in itself determine:

- how children give evidence
- special measures for child witnesses
- how children participate in proceedings
- children’s safety, privacy, or wellbeing.

The impact on children is therefore indirect and procedural. Approvals determine whether solicitors may incur higher cost outlays, typically for expert reports or court ordered inputs. The policy does not shape the content of these reports or judicial decision-making.

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

Whilst a high proportion of requests for ULE relate to family proceedings in which children are likely to be involved, it is rare that children themselves are the direct applicants under this policy. In the year of data considered, children accounted for less than 1% of total requests, with the majority submitted by parents or carers.

Children involved in family actions may therefore be more likely to be affected in the sense that ULE requests commonly relate to matters such as child welfare reports and contact centre costs. However, in these cases the impact remains indirect, arising through the operation of the case rather than through applications made by children themselves.

Although many of the underlying case types involve children, the ULE approval mechanism does not differentially affect disabled children, children with communication needs, care-experienced children, or younger and older children. The EqIA analysis indicates no evidence of disproportionate impact arising from the policy. Any variation in ULE grant rates by age is explained by the case types that adults bring, rather than by children's characteristics or protected characteristics.

In a small number of cases, requests may relate to interpreting or communication support, which could have a more direct link to a child's participation; however, such instances are infrequent and do not indicate a wider differential impact.

1.4. Is a full CRWIA required?

No. The EqIA shows ULE decisions are unlikely to be driven by children's characteristics or needs and instead would largely depend on whether requests meet policy requirements, particularly if the approval is required at all, as well as if the work proposed appears likely to advance the case, for example. In practice, a further key aspect of our consideration is whether the work has been ordered by the court. The circumstances in which a request for ULE would have a specific and direct relevance to children's rights appear to be very limited.

The number of children affected *as applicants* is very small, at less than 1% of total requests. Whilst there are relatively large number of requests made in the context of various types of family actions (particularly contact, residence and variation) where a child would be involved but *not* specifically as the applicant, the impacts here would be indirect, and unlikely to directly relate to children's rights and wellbeing.

Our view is that a consultation is not required for this policy, given that the policy primarily concerns the governance of various sorts of solicitor expenditures rather than processes that directly affect children's experiences.

There is limited equalities data, but no identified risk to children's rights or wellbeing. Data gaps alone do not justify a full CRWIA. The policy has been stable across versions and operates predictably as a funding-approval mechanism. While it is frequently applied in cases involving children (particularly family actions), its effects remain indirect and procedural, and do not directly shape children's participation or rights.

No evidence indicates that a full CRWIA is required. The policy has a limited and indirect impact on children and governs expenditure approvals rather than substantive rights or participation in proceedings. There is no evidence of any material effect, positive or negative on children's rights under the UNCRC.

Approval and sign off

Director/SRO sign off: 22/06/2026

Chief Executive approval: 22/06/2026

CRWIA review date: 22/06/2029.