Child Rights and Wellbeing Impact Assessment (CRWIA) – Screening: Approval for Execution of Diligence

Stage 1 – Screening

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

This policy explains how SLAB applies Regulation 22 of the Civil Legal Aid (Scotland) Regulations 2002 when deciding whether to grant approval for the execution of diligence. It sets out which kinds of diligence require SLAB's prior approval, which forms must instead proceed via a separate legal aid application, and the "reasonableness" factors used to determine whether proposed steps are proportionate and justified.

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

This policy concerns debt recovery steps undertaken by solicitors on behalf of assisted persons. It does not regulate, influence, or restrict:

- children's participation in legal proceedings
- special measures or modes of giving evidence
- children's rights, privacy, wellbeing or access to justice.

The policy governs a solicitor's ability to undertake steps in civil diligence: children may occasionally be assisted persons seeking to undertake diligence, but in practice, this is very rare. The impacts on children appear likely to be limited: the policy does not have any obvious relevance to children's rights or wellbeing. Where a child is the assisted person, the solicitor would follow the same diligence approval process as they would for an adult, and the policy does not change the protections or considerations that apply to the child. As noted in the EqIA, an applicant's protected characteristic – including the fact they are a child – are not relevant to our assessment.

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

Children may on occasion be assisted persons seeking to undertake diligence and therefore fall within the scope of this policy. We are not aware of evidence that suggests any group of children is more or less likely to be affected other than, for example, children involved in types of legal action more likely to require diligence to be undertaken. However, and in the context of very low volumes of requests to undertake diligence, we would anticipate that children are rarely (but not never) affected by this policy. Diligence is a creditor-driven legal mechanism, and approval decisions depend solely on prospects of recovery and cost-benefit, not on any personal characteristics of the assisted person, debtor, or affected family (including their age).

1.4. Is a full CRWIA required?

The EqIA identifies no link between the policy and any protected characteristic, and no pathway by which children could experience impact as a specific result of their age.

Discussions with Operational staff confirm that it is not unknown for children to be assisted persons seeking to undertake diligence, though in the context of the low volume of request overall, we anticipate that the number of children affected each year would be negligible.

There will be no consultation for this assessment.

Although data is limited by the extremely low number of requests to undertake diligence, our assessment is that there is no mechanism by which the policy would affect children's rights or wellbeing where children are assisted persons in receipt of legal aid. Given the absence of significant material relevance to children, the lack of evidence does not suggest that a full CRWIA is required.

No. Whilst children may be assisted persons seeking approval to undertake diligence, there appear to be no actual impacts on their rights and wellbeing as children. Our view is that there is no uncertainty around the possible impacts on children.

This is a niche, narrowly-focused administrative policy. Although children can occasionally be assisted persons seeking diligence, the policy has no substantive implications for their rights, wellbeing, or treatment as children. A Screening is proportionate.

Approval and sign off

Director/SRO sign off: 20/04/2026.
Chief Executive approval: 20/04/2026.