

# Children's Legal Assistance Keycard 2026



## About the Keycard

This Keycard sets out the various eligibility limits and contributions in children's advice and assistance and children's legal aid in force from **6 April 2026**. It should be used only where the advice or representation is being given about proceedings under the Children's Hearings (Scotland) Act 2011 or Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019 (any other parts of the 2019 Act are covered by civil legal assistance).

### There are also separate Keycards for:

- Civil advice and assistance/ABWOR and legal aid which can be accessed [here](#).
- Criminal advice and assistance/ABWOR which can be accessed [here](#).

During the course of this year there may be further updates and changes to this Keycard.

For more guidance on eligibility and contributions, please refer to our guidance on Children's Legal Assistance available on our website at [www.slab.org.uk](http://www.slab.org.uk).

**Last updated: 6 April 2026**

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## Definitions used

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### Partner

In this Keycard, the word “partner” means someone the applicant normally lives with as a couple, whether or not they are married and of the same or different sex.

The resources of the applicant’s spouse or partner must be included in the assessment of the applicant’s eligibility unless:

- there is a contrary interest in the matter for which the advice is sought
- the applicant and their spouse or partner are separated – by “*separated*” we mean that they consider the marriage or relationship to be at an end
- In all cases where the applicant is a prisoner, “*living separate and apart*” would only apply where the marriage or relationship is at an end
- it would be inequitable or impracticable to aggregate their resources - if you consider it to be “*inequitable*” you must provide details of why you consider that the resources should not be aggregated which must include details of any exceptional financial difficulties the applicant or partner may be facing during the assessment period of seven days up to the grant of advice and assistance. If you consider it to be impracticable, you should also explain why it is not possible to contact the partner to obtain information on their resources where this is not known by the applicant.

Further information on these aspects of aggregation of partners’ resources can be found in the [Advice and Assistance guidance](#) on our website.

### Child

For children’s hearing’s proceedings and related court hearings, the definition of “a child” given in the Children’s Legal Assistance (Scotland) (Miscellaneous Amendment) Regulations 2013 is that given in section 199 of the Children’s Hearings (Scotland) Act 2011.

For Part 4 Proceedings under the Age of Criminal Responsibility (Scotland) Act 2019, section 80 states that a “child” means a person who is under 16 years of age (except where provided otherwise: see section 39(3)).

If the applicant is a child in terms of the above definitions for the 2011 and 2019 Acts and is, in your view, capable of giving instructions and receiving advice, the resources to be considered are those of the child only. In Children’s Legal Assistance, the resources of a child are not aggregated with those of any person owing an obligation of aliment to the child.

## Assessing eligibility

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A client’s income and capital must be within the current financial limits to qualify for advice and assistance.

We recommend you assess their disposable capital before assessing income, since if they do not qualify on capital, they are ineligible for advice and assistance – even if they receive “passport” benefits (that is, Income Support, income-related employment and support allowance, income- based jobseeker’s allowance or Universal Credit).

## Assessing eligibility on capital

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### Disposable capital

#### £1,716 maximum for eligibility

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A person whose disposable capital exceeds the capital limit of £1,716 is **NOT eligible** for advice and assistance, whatever their disposable income or eligibility for a passport benefit.

To calculate disposable capital, you should:

- calculate your client's total capital
- deduct from the total capital the standard allowances
- disregard the level of capital shown in the section below if the applicant or their partner is of pensionable age (60 or over).

#### Working out your client's total capital

Capital means savings and anything else of value the client and their partner, if appropriate, own. This excludes the client's main residence.

Examples of capital include:

- the amount that could be borrowed against all land and buildings the client or their partner own, other than the client's main home, including interests in timeshares
- money in the bank, building society, post office, premium bonds, national savings certificates etc.
- investments, stocks and shares, including ISAs
- money that can be borrowed against insurance policies
- the value of other non-essential possessions, such as a boat, a caravan, second car, jewellery (but not wedding or engagement rings), antiques or items bought for investment
- money owed to the client or their partner
- money due from the will of someone who has died
- money due from a trust fund
- money that can be borrowed against business assets
- redundancy payments.

You should **NOT** include in capital:

- the home in which the client and their partner live
- the client's household furniture and clothing
- the client's tools and equipment they need for work.

#### Advice and Assistance Income and Capital Disregards

In addition, you should **NOT** include any of the following payments and benefits as capital, but where benefits have been accumulated by your client as savings, they should then be assessed as capital in the normal way:

- Adult disability payments and short term assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022

- Armed forces independence payments under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011
- Back to work bonus (payable under the Jobseekers Act 1995)
- Carer's Allowance Supplement under section 81 of the Social Security (Scotland) Act 2018
- Care Experienced Student Bursary paid under regulation 3(1) of the Student Support (Scotland) Regulations 2022
- Carer Support
- Child disability payments and short term assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021
- Child maintenance bonus
- Child support maintenance (paid through the Child Maintenance Service)
- Community Care (Direct Payments) Act 1996 payments or any direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013
- Cost of living crisis payments via the Social Security (Additional Payments) Act 2023 and Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2023
- Employment and Support Allowance – Contributory
- Grenfell Tower compensation scheme payments
- Human trafficking or exploitation victim payments (payments made in terms of s.9 of the Human Trafficking and Exploitation (Scotland) Act 2015, regulations made under s.10 of that Act or by way of support provided under a Modern Slavery Victim Care Contract)
- Infected Blood Compensation Scheme payments (UK scheme)
- Jobseeker's Allowance - contribution-based
- Miscarriage of justice payments
- Pension age disability payment and short term-assistance given in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024.
- Personal Independence Payments under Part 4 of the Welfare Reform Act 2012
- Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 payments (financial redress for historical child abuse), or any relevant payments made or due to be made prior to the date of commencement of the redress scheme
- Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025
- Short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations
- Scottish Child Payments
- Scottish Infected Blood Support Scheme payments
- Severe Disablement Allowance
- Social Security (Additional Payments) Act 2022 (cost of living)
- Social Security Contributions and Benefits Act 1992 (except statutory sick pay) including:
  - Adoption pay
  - Attendance allowance
  - Bereavement allowance
  - Bereavement payment
  - Child benefit
  - Christmas Bonus for pensioners
  - Council tax benefit
  - Disability living allowance
  - Guardian's allowance

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- Housing benefit
- Incapacity benefit
- Industrial injuries disablement benefit including Exceptionally Severe Disablement Allowance and Constant Attendance Allowance
- Invalid care allowance (carer’s allowance)
- Statutory maternity pay (non-occupational)
- Statutory shared parental pay (non-occupational)
- Widowed parent’s allowance
- State Pension Credit under the State Pension Credit Act 2002
- State retirement pension
- Tax Credits under the Tax Credits Act 2002
- Universal Credit
- Victoria Cross or George Cross payments
- War widow's and widower's pension, and war disablement pension
- Welfare Fund payments
- Windrush Compensation Scheme payments
- Windrush connected payments – any other payments made.
- Winter fuel payments paid by virtue of the Social Fund Winter Fuel Payments (Temporary Increase) Regulations 2022 (cost of living).

Do not assume that an applicant has no capital when they are in receipt of benefits – in certain circumstances a person can have up to £16,000 in capital and still receive benefits.

### Standard allowances

Standard allowances against capital are deductible for the following persons living with the applicant:

- a partner whose resources have to be aggregated – who is considered as the first dependent *and/or*
- a dependant person who is wholly or substantially maintained.

For the first dependant	£335
For the second such dependant	£200
For each other such dependant	£100

No allowances should be made for any children where the applicant receives Foster Care Allowance or Kinship Carers’ Allowance.

### Disregards for applicants of pensionable age

Where the applicant or their partner is of pensionable age (60 or over in all cases), with a weekly disposable income (excluding investment income and any of the disregarded benefits listed at pages 4 & 5) below £105, you should disregard capital as follows:

Weekly disposable income up to £10	Disregard £25,000
Weekly disposable income £11 - £22	Disregard £20,000
Weekly disposable income £23 - £34	Disregard £15,000
Weekly disposable income £35 - £46	Disregard £10,000
Weekly disposable income £47 - £105	Disregard £5,000

### Examples

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Applicant of a pensionable age, with no dependants, capital of £21,500 and a weekly disposable income of £20 is entitled to a disregard of £20,000. This leaves them with Disposable Capital of £1500, which is below the eligibility limit of £1,716 so they are financially eligible for advice and assistance.

Applicant of pensionable age, with no dependants, capital of £25,000 and a weekly disposable income of £20 is entitled to a disregard of £20,000. This leaves them with Disposable Capital of £5,000 which exceeds the eligibility limit of £1,716 so they **are not** eligible for advice and assistance.

## Assessing eligibility on income

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### Disposable income

#### £245 a week maximum for eligibility

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A person whose disposable income exceeds the income limit of £245 a week is **NOT** eligible for advice and assistance, whatever their disposable capital, unless they receive a passport benefit (Universal Credit, Income Support, an income-related employment and support allowance or income-based jobseeker's allowance).

“Income” means the total income, from all sources, which the client and their partner received or became entitled to during or in respect of the seven days up to and including the date of the application.

### Calculating eligibility on income

To calculate eligibility on income, you should:

- check if your client receives a passport benefit (see below)
- calculate your client's net weekly income
- deduct from the net weekly income the standard allowances
- calculate if they qualify and if they have to pay a contribution.

When calculating monthly income, multiply it by 12 and then divide by 52 to work out the weekly figure.

To make assessment easier, round the figure up or down to the nearest pound.

### Passport benefits – automatically eligible on income

If the client or their partner receives a passport benefit:

- Income Support
- an income-related employment and support allowance
- income-based jobseeker's allowance
- Universal Credit

**they qualify automatically on income** for advice and assistance and will not have to pay a contribution. However, you must still assess your client's disposable capital.

SLAB will verify a client's receipt of one of the passporting benefits named above with the Department of Work and Pensions (DWP). To assist us in doing so, we have provided some information about what is required.

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## Applicants' names

Please do not provide two surnames like “Smith or Jones”. Our automatic link with the DWP will not be able to confirm the benefits where two names are provided.

Please check the spelling of the name, for example McDonald or MacDonald. Again, the DWP automatic link will not confirm passport benefits where the name is spelt incorrectly.

Remember, if benefits are claimed in the name of the applicant's partner, we also need the partner's details (forename, surname, date of birth and National Insurance number) for the DWP check.

## Other benefits and the DWP link

Our link with the DWP only checks the position with passport benefits. Many solicitors state “SLAB link to check” on cases where the applicant is not in receipt of a passport benefit. **We are not able to check these cases.** Tax credits cannot be verified by the automatic DWP link – working tax credits and child tax credits are awarded by HMRC.

Always make sure that passport benefits (Income support, Job Seeker's Allowance, Employment and Support Allowance, and Universal Credit) are entered in the correct place to allow the automatic link to check these with the DWP. Do not enter these benefits as “Other benefits” as this will not be checked with the DWP, and we will come back and ask you to confirm what verification you have seen.

## Calculating net weekly income

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### You must include:

- earnings (including any tips), drawings or profits from business
- maintenance payments (unless paid through the Child Support Agency)
- private or employee pensions
- occupational sick pay
- occupational maternity pay
- student grants or bursaries (but do not include student loans)
- National Asylum Support Service (NASS) payments
- money received from friends and relatives (other than loans)
- income from savings and investments
- dividends from shares.

## Disregarded Benefits

Various benefits which the client may receive are disregarded in the financial assessment.

**Do NOT include any of the payments shown in the Capital disregards on pages 4 and 5 above.**

## Particular situations

### Applications from children

Provided the child is, in your opinion, capable of giving instruction and receiving advice, the resources of the child only should be considered. You do not need to aggregate the resource of any person owing an obligation of aliment to a child when assessing financial eligibility for children's advice and assistance and ABWOR.

## Allowances

You should deduct the following standard allowances against income for the maintenance of:

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<b>Partner living with the applicant.</b>	£54.60
<b>Any dependent person, adult (other than partner) or Child, who is wholly or substantially maintained, being a member of the applicant’s household. Do not make an allowance for any child for whom Foster care or Kinship care allowance is paid.</b>	£87.88

## Clients’ contributions

<b>Disposable income range</b>	<b>Maximum contribution</b>
Disposable income not exceeding £105 a week	£0
Exceeding £105 but not exceeding £112 a week	£7
Exceeding £112 but not exceeding £119 a week	£14
Exceeding £119 but not exceeding £126 a week	£21
Exceeding £126 but not exceeding £133 a week	£28
Exceeding £133 but not exceeding £140 a week	£35
Exceeding £140 but not exceeding £147 a week	£42
Exceeding £147 but not exceeding £154 a week	£49
Exceeding £154 but not exceeding £161 a week	£56
Exceeding £161 but not exceeding £168 a week	£63
Exceeding £168 but not exceeding £175 a week	£70
Exceeding £175 but not exceeding £182 a week	£77
Exceeding £182 but not exceeding £189 a week	£84
Exceeding £189 but not exceeding £196 a week	£91
Exceeding £196 but not exceeding £203 a week	£98
Exceeding £203 but not exceeding £210 a week	£105
Exceeding £210 but not exceeding £217 a week	£112
Exceeding £217 but not exceeding £224 a week	£119
Exceeding £224 but not exceeding £231 a week	£126
Exceeding £231 but not exceeding £245 a week	£135

## Initial limit of authorised expenditure

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### Children’s advice and assistance

**£135 is the initial limit of authorised expenditure for children’s advice and assistance.**

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### Increases in authorised expenditure

An increase in authorised expenditure is only effective from the date we grant it.

We cannot authorise increases retrospectively and if you do any work not covered by the authorised expenditure at any given time, we cannot pay for it.

### Assistance by Way of Representation (ABWOR)

For ABWOR granted for proceedings under the Children’s Hearings (Scotland) Act 2011, the financial eligibility criteria and contributions are the same as in advice and assistance. **The initial level of authorised expenditure where you or we grant ABWOR is always £135.**

**For ABWOR granted for Part 4 Orders under the Age of Responsibility (Scotland) Act 2019, the initial level of authorised expenditure is £500.**

If you have previously granted children’s advice and assistance for advice in relation to the same proceedings, then you will already have established the client’s eligibility and any contributions payable. There is no need for a separate grant of advice and assistance to apply for ABWOR for representation at the hearing. You can apply for ABWOR under the same grant of advice and assistance by applying for an uplift to ABWOR and then an increase application for work proposed.

### **Documentary evidence of clients’ financial circumstances**

You are responsible for deciding if your clients are financially eligible for advice and assistance. You should refer to the regulations, this Keycard and the [Advice and Assistance guidance](#) on our website about assessing disposable income and capital.

If you apply the tests incorrectly, we can withhold or recover payments made to solicitors’ firms for work done under an incorrect grant of advice and assistance. Our guidance is designed to avoid the risk of making an incorrect grant.

Most clients should be able to give you documentary evidence of their financial position. When arranging an initial meeting with you, the client should be asked to bring documentary evidence of their income and capital with the proof of identity you need to sign up new clients, whether legally aided or not. This advice applies equally to repeat clients. It is not safe for you to assume that your client’s financial position has not changed since the last time you gave them advice.

It is expected that the following evidence is seen, and copies retained:

#### **For income**

- where the client is employed - a recent wage slip or bank statement
- where the client receives passport benefits – we will check this directly with the DWP
- where the client receives benefits - a letter of award or a bank statement/ATM receipt

#### **For capital**

- recent bank statements for any accounts held in the name of the applicant or their partner
- a certificate of any investments held.

**Keep a copy of the verification for the lifetime of the file, or details as to how you satisfied yourself that the client was eligible, on your file so that it can be seen by a quality assurance peer reviewer or a SLAB compliance auditor.**

In Legal Aid Online, the available options include ‘bank statement’ and ‘wage slip’. Only use the ‘Other’ option if the document you have seen is not listed. Otherwise, it will delay your application because we need to check it. Quite often we see ‘bank statements’ selected and then in the "Other" option something like “I have seen the client’s bank statement”. You don’t need to duplicate the information.

Where you have not seen a statement and you select the evidence option “Applicant has signed online declaration form” you should note in the file why it was not possible to see a statement(s) and what information your client gave about any capital savings they may have in those accounts. The declaration is not to be used as an automatic substitute for seeing statements.

## No verification available

We appreciate that in some circumstances, clients may not have documentary evidence available when initially consulting a solicitor. For example:

- in an emergency
- where they are a victim of domestic abuse and cannot return home
- where they are part of an acrimonious dispute which prevents access to documentation; or
- where they are in custody.

Where they do not have access to documentary evidence, you may be satisfied from the limited information available that they are eligible and give them advice. However, this should be on agreement that they will provide the evidence at the earliest opportunity. You should obtain the verification before seeking an increase in authorised expenditure.

If the client doesn't provide evidence, you must show in your application that reasonable attempts have been made to contact them.

## Where client is in prison

If the client is serving a sentence or on remand, and received no income during the previous seven days, you should enter their income as "Nil", and at the question on how they are supported answer "Serving a sentence" or "On remand" as appropriate. However, you must be clear that they did not receive any income during this seven day period, especially if they are paid monthly. You must also ask them about any savings or other capital they could use to fund their case.

## Where attempts have been made to obtain verification

If you have been unable to see verification but have taken every possible step to obtain this, make sure you let us know about this. You should also record details of this in your file. You should let us know what steps have been taken, such as the number of letters and/or phone calls at the question '*If you have not been able to obtain financial verification for income, please explain how you were satisfied that you could grant advice and assistance and what reasonable steps you took or are taking to obtain this information*'.

The following are examples of the steps you can take:

- asking the applicant in person at court or in a meeting
- requesting evidence by telephone
- sending an email
- sending a text message
- sending a letter.

At least two attempts to obtain proof are normally considered reasonable. For example, a verbal request followed by a request by email or two letters to the applicant would be sufficient. If a request has been made, the applicant should be allowed at least 14 days to respond before a second request is intimated.

## Nil Income and/or Capital

If your client tells you they have no income or capital, you should ask them why this is the case. If they are not in custody or on remand, then why do they not have any income? For example, have they applied for benefits, and these have not been awarded yet? You need to be satisfied that there is a credible reason for having no income. In the online application, you must tell us:

- why they have no income,

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- how they were supported in the last seven days,
- if they are supported by parents, family and/or friends.

If the applicant has a bank account, you should obtain a bank statement from the client to confirm the position. Again, if this is not provided by the client, make sure you tell us about the steps you have taken to obtain this.

Most of the population have bank accounts now, especially if they are earning wages or receiving benefits. If your client tells you that they don't have a bank account, you should explore this further with them and ask them how they receive any wages or benefits payments they may receive. You need to be satisfied that there is a credible reason for not having a bank account and you should note this on the application.

### **Verification if there is no capital**

If the client has no capital or savings, please do not say something like "cannot prove a nil". Most applicants will have at least one bank account, especially if they own or rent their home, have any regular outgoings which are paid by standing order or direct debit or receive a salary or state benefits.

The balance(s) held in these accounts should be recorded in the application as capital savings. Where the account is a current account or the only account held by the applicant, any **excess** balance held in the account once all monthly standing orders and direct debits have deducted should be recorded. You can then select "Bank Statement" from the capital verification options as evidence seen.

### **If your client has no bank account**

Similarly, if your client tells you that they don't have a bank account, you should ask them how they receive any wages or benefits payments they may receive. If you are happy with the explanation you receive, you should record this as a note in your file. You should select 'Other' from the capital verification options and then provide information about how you satisfied yourself that your client does not have a bank account or any capital.

### **Relying on the Signed Declaration as Verification that an Applicant has No Capital**

If your client tells you that they have no capital or savings and subsequently signs the declaration, you can use the signed declaration to verify that the applicant has no capital.

However, you can only state that you are relying on the signed declaration if your client has, in fact, signed the declaration. If verification of capital is not available at the initial meeting, you should try to get this later. You can then update us on what evidence you have seen, or in cases where you have been unable to obtain verification, the steps you have taken to obtain this by submitting a verification update.

Where your client has no capital, and you do not have a signed declaration, how you complete the online application will depend on whether she/he has a bank account. Where there is a bank account, you should normally see a bank statement for the qualifying period to verify the capital position. However, the following guidance should help you answer the online questions and submit the application where you have not seen verification, and you do not have a signed declaration.

### **No capital, and no signed declaration, applicant has a bank account**

*I have seen the most recent evidence of the applicant's capital – No*

*Awaiting Verification?* Yes – submit the application and advise us later when verification is seen.

*Awaiting Verification?* No – add free text to explain why applicant cannot provide any verification. For example, if the client is in custody or in hospital, or you can explain the steps you have taken to get verification.

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### **No Capital, and no signed declaration, applicant has no bank account**

*I have seen the most recent evidence of the applicant's capital – No*

*Awaiting Verification? No – add free text to explain that the applicant has no bank account.*

### **Verification update**

Where you are updating us on the verification you have now seen or advising what steps you have taken to obtain verification then you submit a verification update. Please do not send this information via an online message.

### **Signing the declaration forms**

Declaration forms are an important part of your client's legal aid application. They record a number of matters, including:

- Your client's confirmation that they have given accurate details of their personal and financial circumstances, and explain the consequences of failure to do so.
- Your client's permission to make the application and authority to us to make any necessary financial enquiries to verify your client's stated financial position.
- Your client's permission for their details to be shared for the purposes of quality assurance checking, fraud detection, and any other checks required to allow SLAB to deal with their application.

### **Solicitors' Signatures on the declaration forms**

- you must sign all the declaration forms. All signatures should be recognisable as your signature. You can either sign and date the paper declaration forms that are printable from our website, or add a "wet" signature to the LAOL "printable summary", even where this has been pre populated by the system.
- you can use an electronic version of a paper form to apply a signature using a stylus (e.g. iPencil). However, you must save the form, and keep a copy of the PDF version in the file (whether paper or electronic). We expect this for peer review and compliance audits where checks are made for the signed declarations in the files being reviewed.

### **Applicants' Signatures on the declaration Forms**

- where you are seeing clients face to face, you must get them to sign the declaration forms
- clients can also "sign" an electronic version of a paper form by applying a signature using a stylus (for example, iPencil) or other online signing platform such as DocuSign or Adobe Sign. Again, the electronic signature must provide sufficient authentication (that is, the signature should be recognisable as the applicant's signature and not simply an e-squiggle). You must be able to show an audit trail for the signing process.

### **Remote consultations**

- if the client is not present, you can still note this on the online system, where you can use the reason for no signature - "*client not present and agrees with the declaration terms*", once you have confirmed with your client that they agree with the declaration terms. This reason can also be used for other remote situations such as prison VC links, the Glasgow Sheriff Court to HMP Barlinnie TV link, and in Parole Board cases when you are holding remote consultations
- you should use - "*Other*" for all other reasons, with a full explanation given of the circumstances for us to consider.

### **Covid-19 cases**

- you can use the “*Other*” reason for genuine Covid cases, but you also need to let us know that the client agrees with the declaration. If you are seeing the client remotely, you should use the “*client not present and agrees with the declaration terms*” option.

### **Signatures in cases where your client is detained**

- if you cannot immediately get a signature from a client who is detained in custody, you should try to get the signature after the initial consultation where this is possible
- if this is not possible, then, once you have confirmed that the client accepts the terms of the declaration, you can submit the application without the wet signature on the declaration form. You should use the category – “*Client unable to sign, and agrees with the declaration terms.*”

Further information on the declaration forms can be found in the [Forms and Declarations section](#).

## **Automatic Children’s Legal aid**

If you are instructed as a solicitor to represent the child in a Part 4 Order under the 2019 Act (including an onward appeal to the Sheriff Appeal Court) or at any one of the following four hearings under the 2011:

- a S48 application to sheriff for variation or termination of a Child Protection Order (sheriff court proceeding)
- a second working day children’s hearing following the granting of a Child Protection Order (children’s hearing proceeding)
- a children’s hearing where placement of the child in secure accommodation is in contemplation (children’s hearing proceeding)
- a S69(3) children’s hearing where child been arrested and detained in a place of safety for the alleged commission of a criminal offence (children’s hearing proceedings)

then, automatic children’s legal aid is available to the child if that child is not already in receipt of ABWOR because they instructed their own solicitor of choice. If you are providing automatic legal aid to the child, then no financial eligibility or merits tests require to be applied.

If you’re not acting as solicitor but have been instructed by the child as the child’s solicitor of choice, then automatic children’s legal aid **is not available**. However, you may grant ABWOR to your client for Part 4 Orders under the 2019 Act or at any one of the four hearings listed above without the need to apply the financial eligibility or merits tests.

## **Children’s Legal Aid**

### **Eligibility limits**

To do work as a matter of special urgency under regulation 18, you have to complete the online declaration form which is designed to assist you to assess your client’s financial eligibility. The form, CHLA/LAO 2011 ACT can be found on our website by accessing the Forms and Declarations option. To complete the form, you may need to apply the current eligibility limits and allowances, which are:

## Disposable capital

The capital eligibility limit, on or below which a person <b>will not</b> have to pay a contribution.	£7,405
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If the applicant's disposable capital exceeds £7,405 they can only be considered financially eligible if it can be shown that it would cause undue hardship if children's legal aid is not granted. If the application is granted on these grounds the applicant will be expected to contribute the amount of capital they own which exceeds £7,405.

A person involved in the proceedings in terms of section 126 of the Children's Hearings (Scotland) Act 2011 whose disposable capital exceeds £7,405 can only be granted children's legal aid if it can be shown that not to do so would cause undue hardship to them or their dependants. If the application is granted on these grounds the applicant will be expected to contribute the amount of capital they own which exceeds £7,405.

Unlike advice and assistance there are no statutory allowances from capital for partners or dependants.

## Disposable income

The lower disposable income limit, on or below which a person will not have to pay a contribution from income.	£68 per week
The upper disposable income limit, above which a person will be ineligible on income.	£222 per week

## Calculating eligibility on income

To calculate eligibility on income, you should:

- check if your client receives a passport benefit (see below)
- calculate your client's net weekly income
- deduct from the net weekly income the standard allowances and any reasonable expenditure
- calculate if they qualify and if they have to pay a contribution.

When calculating monthly income, multiply it by 12 and then divide by 52 to work out the weekly figure. To make assessment easier, round the figure up or down to the nearest pound.

## Passport benefits – automatically eligible

If the client or their partner receives a passport benefit:

- Income Support
- income-related employment and support allowance
- income-based jobseeker's allowance
- Universal Credit

**they qualify automatically on income** for Children's Legal Aid and will not have to pay a contribution. If they are in receipt of a passport benefit, there is no requirement to assess the disposable capital.

## Calculating net weekly income

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**You must include:**

- earnings (including any tips), drawings or profits from business
- benefits (except those listed below)

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- maintenance payments (unless paid through the Child Support Agency)
- private or employee pensions
- occupational sick pay
- occupational maternity pay
- student grants or bursaries (but do not include student loans)
- National Asylum Support Service (NASS) payments
- money received from friends and relatives (other than loans)
- income from savings and investments
- dividends from shares.

Various benefits which the client may receive are disregarded in the financial assessment. You should **NOT** include:

- Income support
- Income-based jobseeker's allowance
- Carer's Allowance Supplement
- Care Experienced Student Bursary
- Carer Support
- Disability living allowance
- Income-related employment and support allowance
- Universal credit
- Personal independence payment
- Armed forces independence payment
- Any Scottish child payment
- Child disability payment and short term assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021
- Adult disability payment and short term assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022
- any means-tested additional payment made under section 1 or 4 of the Social Security (Additional Payments) Act 2022 (cost of living)
- Any disability additional payments made under section 5 of the Social Security (Additional Payments) Act 2022 (cost of living)
- Additional payments introduced to assist during the cost of living crisis via the Social Security (Additional Payments) Act 2023 and Social Fund Winter Fuel Payment (Temporary Increase) Regulations 2023
- Payment by a local authority in exercise of the power in section 20 of the Local Government in Scotland Act 2003 (power to advance well-being) and using funds provided by Scottish Ministers from the Scottish Welfare Fund where the payment is:
  - a crisis payment made for the purpose of meeting an immediate short-term need; or
  - made for the purpose of meeting a need for community care.
- Grenfell Tower compensation scheme payments
- Human trafficking or exploitation victim payments (payments made in terms of s.9 of the Human Trafficking and Exploitation (Scotland) Act 2015, regulations made under s.10 of that Act or by way of support provided under a Modern Slavery Victim Care Contract)
- Infected Blood Compensation Scheme payments (UK scheme)
- Jobseeker's Allowance - contribution-based
- Miscarriage of justice payments

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- Pension age disability payment and short term-assistance given in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024.
- Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025
- Short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations

### Allowances for a partner and dependants

Partner living with the applicant.	£54.60
For any dependant person who is wholly or substantially maintained, being a member of the applicant’s household, who is not entitled to any income from any source in their own right.	£87.88

If the applicant’s disposable income exceeds £222 per week, they can only be considered financially eligible if it can be shown that it would cause undue hardship if children’s legal aid is not granted. If the application is granted on these grounds the applicant will be expected to pay a contribution based on their actual disposable income.

A person involved in the proceedings in terms of section 126 of the Children’s Hearings (Scotland) Act 2011 whose disposable income exceeds £222 per week can only be granted children’s legal aid if it can be shown that not to do so would cause undue hardship to them or their dependants. If the application is granted on these grounds the applicant will be expected to pay a contribution based on their actual disposable income.

### Particular situations

#### Applications by children

It is not required to aggregate the resources of any person who owes an obligation of aliment to the child, with that child’s resources in establishing financial eligibility in assessing financial eligibility for children’s legal aid.

#### Clients’ contributions

Contributions in children’s legal aid are linked to the type of proceedings and are grouped in the table below according to the relevant section of the Children’s Hearings (Scotland) Act 2011 and Part 4 Orders under the Age of Responsibility (Scotland) Act 2019.

Contributions in children’s legal aid will be calculated by us. The below table shows how contributions will be calculated using examples of weekly disposable income of £100, £130, £160, and £222.

<b>Type of proceedings under the Children’s Hearings (Scotland) Act 2011 &amp; Part 4 Orders under the Age of Responsibility (Scotland) Act 2019</b>	<b>S98, S99, S160 &amp; Part 4 Orders under the Age of Responsibility (Scotland) Act 2019</b>	<b>S101, S110, S154, S161, S162, S166, S48</b>	<b>S163, S164, S165, S167</b>
<b>Average duration</b>	4 weeks (See Note 1)	12 weeks	24 weeks

<b>Weekly disposable income £100</b>	<b>Contribution is £26.50</b> Calculation: £100 - £68 = £32 (£32@20% X4)	<b>Contribution is £57.60</b> Calculation: (£32@15% X12)	<b>Contribution is £76.80</b> Calculation: (£32@10% X24)
<b>Weekly disposable income £130</b>	<b>Contribution is £73.60</b> Calculation: £25.60 + (£30@40% X4)	<b>Contribution is £147.60</b> Calculation: £57.60 + (£30@25% X12)	<b>Contribution is £220.80</b> Calculation: £76.80 + (£30@20% X24)
<b>Weekly disposable income £160</b>	<b>Contribution is £139.60</b> Calculation: £73.60 + (£30@55% X4)	<b>Contribution is £309.60</b> Calculation: £147.60 + (£30@45% X12)	<b>Contribution is £436.80</b> Calculation: £220.80 + (£30@30% X24)
<b>Weekly disposable income £222</b>	<b>Contribution is £313.20</b> Calculation: £139.60 + (£62@70% X4)	<b>Contribution is £808.08</b> Calculation: £309.60 + (£62@67% X12)	<b>Contribution is £1032.00</b> Calculation: £436.80 + (£62@40% X24)

We have noted the various sections of the Children’s Hearings (Scotland) Act 2011 and Part 4 Orders under the Age of Responsibility (Scotland) Act 2019 that govern proceedings in the top row. We have assigned average duration times to these cases, which are noted in the second row: sections 98, 99, 160 and Part 4 Orders under the Age of Responsibility (Scotland) Act 2019 cases have been assigned an average duration of 4 weeks; cases under sections 101, 110, 154, 161, 162, 166 and 48 have been assigned a duration of 12 weeks; and those under sections 163, 164, 165 and 167 have been assigned an average duration of 24 weeks.

**Note 1:** The average duration times for Part 4 Orders under the Age of Responsibility (Scotland) Act 2019 are yet to be determined.

The first column shows some average disposable incomes, £100, £130, £160 and the current maximum £222. The next column shows what the applicant’s contribution from the average disposable incomes used in the illustration will be if they are involved in proceedings under Sections 98, 99, 160 and Part 4 Orders under the Age of Responsibility (Scotland) Act 2019. The third column shows what they will pay if involved in proceedings under Section 101, 110, 154, 161, 162, 166 and 48 and the fourth column shows proceedings under Section 163, 164, 165 and 167.

In order to calculate the contribution you need to know:

1. The applicant and any partner’s (if appropriate) actual disposable income.
2. If the case is under the Children’s Hearings (Scotland) Act 2011 or Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019, which section of these Acts applies to these proceedings.

The table below illustrates how we calculate the contribution.

<b>Proceedings</b>	<b>S98, S99, S160 &amp; Part 4 Orders under the Age of Responsibility (Scotland) Act 2019</b>	<b>S101, S110, S154, S161, S162, S166, S48</b>	<b>S163, S164, S165, S167</b>
<b>Disposable income up to £100</b>	<i>Example disposable income of £100</i>	<i>Example disposable income of £100</i>	<i>Example disposable income of £100</i>

	<p><b>Step 1:</b> £100 - £68  <b>Step 2:</b> Multiply</p>	<p><b>Step 1:</b> £100 - £68  <b>Step 2:</b> Multiply  balance x 15% x 12</p>	<p><b>Step 1:</b> £100 - £68  <b>Step 2:</b> Multiply  balance x 10% x 24</p>
<b>£101 - £130</b>	<p><i>Example disposable income of £120</i>  <b>Step 1:</b> £120 - £100  <b>Step 2:</b> Multiply  balance x 40% x 4 =  Answer B</p>	<p><i>Example disposable income of £120</i>  <b>Step 1:</b> £120 - £100  <b>Step 2:</b> Multiply  balance x 25% x 12 =  Answer B  <b>Step 3:</b> Contribution =  Answer A + Answer B</p>	<p><i>Example disposable income of £120</i>  <b>Step 1:</b> £120 - £100  <b>Step 2:</b> Multiply  balance x 20% x 24 =  Answer B  <b>Step 3:</b> Contribution =  Answer A + Answer B</p>
<b>£131 - £160</b>	<p><i>Example disposable income of £140</i>  <b>Step 1:</b> £140 - £130  <b>Step 2:</b> Multiply  balance x  55% x 4 =  Answer C</p>	<p><i>Example disposable income of £140</i>  <b>Step 1:</b> £140 - £130  <b>Step 2:</b> Multiply  balance x 45% x 12 =  Answer C  <b>Step 3:</b> Contribution =  Answer B + Answer C</p>	<p><i>Example disposable income of £140</i>  <b>Step 1:</b> £140 - £130  <b>Step 2:</b> Multiply  balance x 30% x 24 =  Answer C  <b>Step 3:</b> Contribution =  Answer B + Answer C</p>
<b>£161 - £222</b>	<p><i>Example disposable income of £200</i>  <b>Step 1:</b> £200 - £160  <b>Step 2:</b> Multiply  balance x 70% x 4 =  Answer D  <b>Step 3:</b> Contribution =  Answer C + Answer</p>	<p><i>Example disposable income of £200</i>  <b>Step 1:</b> £200 - £160  <b>Step 2:</b> Multiply  balance x 67% x 12 =  Answer D  <b>Step 3:</b> Contribution =  Answer C + Answer</p>	<p><i>Example disposable income of £200</i>  <b>Step 1:</b> £200 - £160  <b>Step 2:</b> Multiply  balance x 40% x 24 =  Answer D  <b>Step 3:</b> Contribution =  Answer C + Answer D</p>