



Children's Legal Assistance Update

To all civil and criminal practitioners

11 December 2012

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 - COVER (DUTY) SCHEME

Over the past few months we have intimated that the introduction of the Children's Hearing (Scotland) Act 2011 (the 2011 Act) makes major changes to the operation of children's hearings and the bodies responsible for its administration and management. It also makes significant changes to the relevant legal aid provisions, including children's legal aid being made available to a child automatically (without the application of a merits or means test) in certain defined limited circumstances.

In these circumstances children's legal aid will be made automatically available through the introduction of a cover (duty) scheme and the Board has been reviewing the current arrangements with SCRA, CHS and local authorities.

The 2011 Act also makes provision for panel members to identify un-represented individuals who they believe should have a solicitor. This process will be facilitated by the Board and will make use of the cover scheme plans to identify solicitors who may be able to act on behalf of such individuals..

To find out more about Children's Legal Assistance visit: www.slab.org.uk

Previously we may have asked you to note interest in the scheme and if you have done so that is much appreciated. If you have not yet noted interest, but would like to be included there is no need to do so at this time. In the early part of 2013 the Board will write out again to every firm registered to undertake civil or criminal legal assistance inviting them to submit an application to join the scheme.

A closing date will be set for lodging completed applications with the Board; it is estimated that approximately 4 weeks will be given to complete and submit applications. One of the pre-requisites of being accepted onto the cover scheme is that the firm and each named solicitor on the application must be registered on the Children's Legal Assistance Register. Further details on how to be included on the register will be issued in the near future. Please ensure your firm and all named solicitors are on the register prior to submitting this application.

If you have any queries please contact Catriona Whyte, Head of Legal Services - Civil, DDI 0131 240 2088, e-mail whyteca@slab.org.uk