

CRWIA

Publication Template

| | |
|---|--|
| CRWIA title: The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2024 | |
| Date of publication: JUNE 2024 | |
| Executive summary | These legal aid provisions will require the Scottish Legal Aid Board (SLAB) to disregard Carer's Allowance Supplement and Care-Experienced Students Bursary payments when calculating financial eligibility for publicly funded legal assistance. |
| Background | <p><u>Carer's Allowance Supplement</u></p> <p>Carer's Allowance Supplement is an extra payment for people in Scotland who get Carer Support Payment or Carer's Allowance on a particular date. It was introduced by s.81 of the Social Security (Scotland) Act 2018. It is paid twice a year as a lump sum to carers in receipt of Carer Support Payment or Carer's Allowance in Scotland. The amount to be paid by way of Carer's Allowance Supplement is calculated according to a formula set out in the 2018 Act; it is currently £288.60.</p> <p>Carer Support Payment is currently disregarded when the Scottish Legal Aid Board (SLAB) calculates financial eligibility for legal assistance, but Carer's Allowance Supplement is not. This SSI will provide for Carer's Allowance Supplement to be disregarded by SLAB when calculating financial eligibility for legal assistance.</p> <p><u>Care-Experienced Students Bursary</u></p> <p>The Care-Experienced Student's Bursary is a non-repayable bursary of £9000 which is paid to those completing an eligible course of higher education who have been looked after before they were 18 by a local authority in the UK. This SSI will provide for the Care-Experienced Students Bursary to be disregarded by SLAB when calculating financial eligibility for legal assistance.</p> |
| Scope of the CRWIA | Young people who are in receipt of Carer's Allowance Supplement and children who have a family member in receipt of Carer's Allowance Supplement. Children and young people who |

| | | | | |
|--|--|--|---|--|
| | have a family member in receipt of Care-Experienced Students Bursary. | | | |
| Children and young people's views and experiences | Children and young people's views and experiences were considered through development of the Carer's Allowance Supplement and the Care-Experienced Students Bursary. More evidence of this can be found in the Impact Assessments related to the payments. | | | |
| Key Findings | <p>Framing exercises carried out as part of the Equality Impact Assessment have identified that there are no specific negative impacts, either direct or indirect, on children and young people.</p> <p>The amendments will have a positive impact on access to justice as it will ensure individuals in receipt of Carer's Allowance Supplement or Care-Experienced Students Bursary are not at risk of becoming ineligible for any publicly funded legal assistance by virtue of them receiving such payments.</p> | | | |
| Monitoring and review | <p>SLAB monitor changes and report to the Scottish Government any negative impacts.</p> <p>The Law Society of Scotland will also report any negative impacts on the legal profession to both SLAB and the Scottish Government if they are identified.</p> | | | |
| Bill - Clause | Aims of measure | Likely to impact on | Compliance with UNCRC requirements | Contribution to local duties to safeguard, support and promote child wellbeing |
| Amendments to The Advice and Assistance (Scotland) Regulations 1996, the Civil Legal Aid (Scotland) Regulations 2002 and the Children's Legal Assistance (Scotland) Regulations 2013 | These amendments will require SLAB to disregard Carer's Allowance Supplement and Care-Experienced Students Bursary payments when calculating financial eligibility for publicly funded legal assistance. | Young people who are in receipt of Carer's Allowance Supplement and children who have a family member in receipt of Carer's Allowance Supplement. Children and young | Yes | Will support and promote child wellbeing through the legal system by ensuring access to appropriate legal support. Individuals in receipt of the above payments will not become ineligible for any publicly funded legal assistance as a result of |

| | | | | |
|---|--|--|--|---------------------------|
| | | people who have a family member in receipt of Care-Experienced Students Bursary. | | receiving these payments. |
| CRWIA Declaration | | | | |
| Authorisation | | | | |
| Policy lead | | 12/6/24 | | |
| Katie Case Legal Aid Policy Officer Justice Directorate | | | | |
| Deputy Director or equivalent | | 12/6/24 | | |
| Denise Swanson | | | | |