

Thinking about Legal Aid?

Guide to legal aid for parents

What is legal aid?

Legal aid is government funding that helps service users to meet the costs of legal advice, mediation, child contact, and representation in a court. The type of legal aid you apply for depends on the type of legal help you need.

Funding for facilitating child contact or mediation can come from two types of legal aid, civil legal aid or "advice and assistance".

Advice and assistance covers the cost of legal advice from a solicitor. If a solicitor believes that parties should attempt mediation or supervised child contact, then they will apply for a further grant of "advice and assistance" to cover the cost of this.

Civil legal aid covers the cost of mediation or child contact where it has been ordered by the court. In this case, a solicitor will apply for a sanction on behalf of the client.



Who gets civil legal aid?

Whether or not a client is entitled to legal aid depends on their personal circumstances.

To calculate a client's entitlement, the Scottish Legal Aid Board use the following steps:

Step 1: Automatic qualification

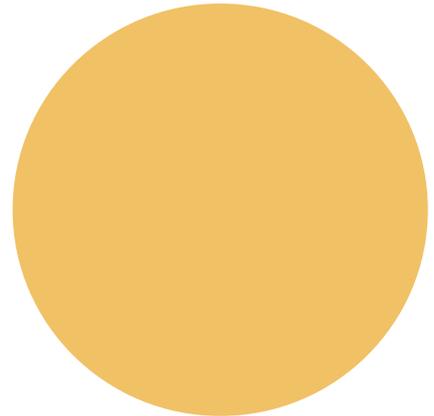
A client will automatically qualify for legal aid if they receive or are included in their partner's claim for:

- Income Support;
- Income-based Jobseekers Allowance;
- Income-based Employment and Support Allowance; and/or
- Universal Credit

Step 2: Household situation

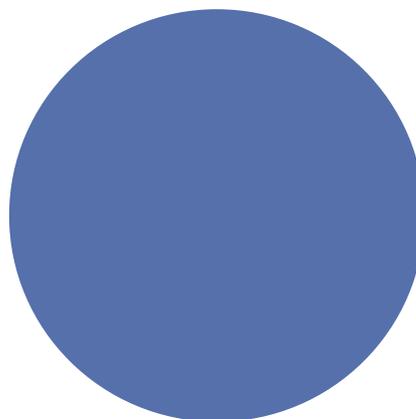
Does our client have a partner or spouse? This includes person(s) who don't live in the same household but does not include anyone if the application is against them or the relationship is over.

Does the client have any full-time dependents? This includes both adults and children.



Step 3: Disposable income

What is our client's total income after tax and national insurance deductions? This can be worked out by totalling a client's net annual income and annual allowance and setting it off against their annual outgoings. If our client is residing with a spouse or partner, their joint income and expenditure will be considered.



Step 4: Capital

What is our client's total disposable capital? If our client has a spouse or partner, their disposable capital will be combined. Capital is a term used to describe financial assets.

Examples of disposable capital include:

- An interest in land and/or buildings owned;
- Money in the bank;
- Investments, stocks, and shares;
- Money owed to the client; and
- The value of any possessions.

The Scottish Legal Aid Board have online estimators that clients can use to check whether they are eligible for legal aid, and if so, whether a contribution may be required, which can be accessed at:

- <https://www.slab.org.uk/new-to-legal-aid/eligibility-estimators/estimator-advice-andassistance/>
- <https://www.slab.org.uk/new-to-legal-aid/eligibility-estimators/estimator-civil-legal-aid/>

These only provides an estimate, and if a client wishes to know exactly how much they are entitled to, they should contact a solicitor or phone the Scottish Legal Aid Board's Financial Assessment Unit. The Financial Assessment Unit is open from Monday to Friday from 8.30am to 5 pm and can be reached on 0845 123 2330.



How much?

The amount that a client may be entitled to varies depending on their personal circumstances. Some clients will qualify to have all their costs covered, and others may qualify, but may be required to contribute towards some costs. The total of this contribution will depend on the client's disposable income, savings, and property. Clients required to pay contributions will normally be able to pay these in instalments.

How do you apply?

Clients are not able to apply for legal aid by themselves, and must apply through a solicitor, who is registered with the Scottish Legal Aid Board. You can find out who can do this by searching at:

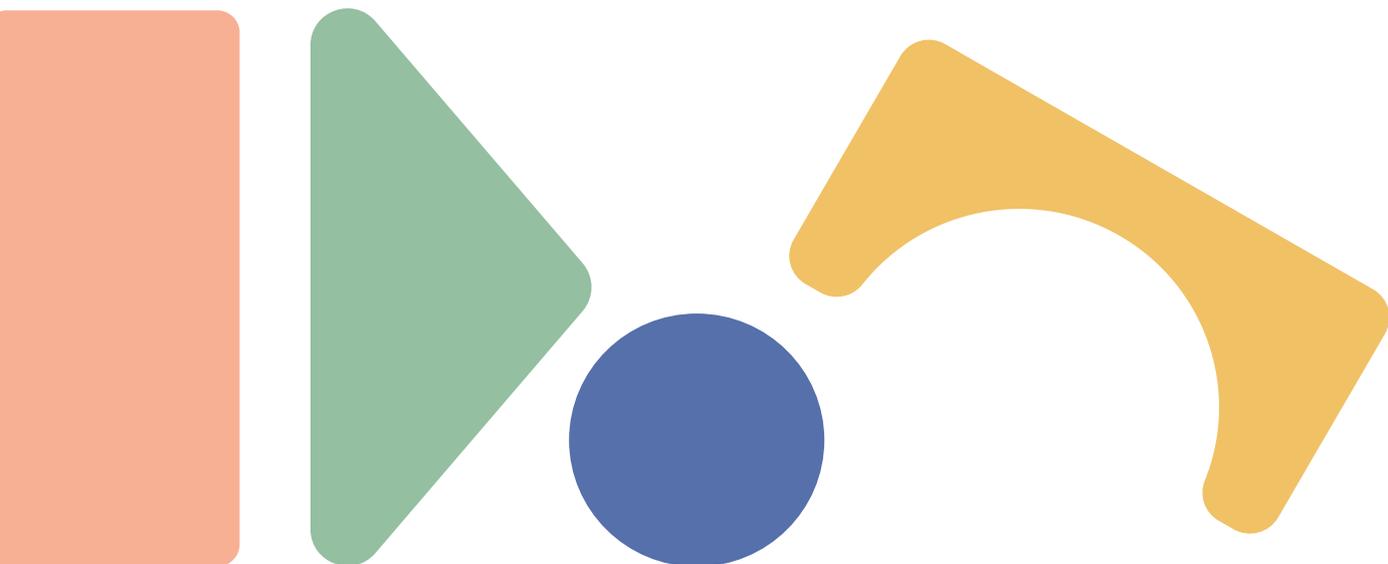
<https://www.slab.org.uk/new-to-legal-aid/find-a-solicitor/>

In order to aid their application, clients should look out important documents including:

- Their most recent bank statement(s) showing income, capital, and savings;
- Recent wage slips, or accounts if self-employed;
- Their pension, or pension payment;
- Current benefit award letters or notifications; and
- Details of savings/accounts (bank/building society/post office statement etc.)

How long does it take to get funding?

Once an application has been made, a decision will normally be made within 28 days. However, practising solicitors report a normal turnaround time of one or two days.



Resources

If you would like more information on civil legal aid, you may wish to use the following websites:

<https://www.mygov.scot/legal-aid/civil-cases/>

<https://www.slab.org.uk/solicitors/legal-aid-guidance/civil-guidance/>

<https://www.slab.org.uk/>

<https://www.slab.org.uk/app/uploads/2019/04/Civil-Legal-Aid-Info-For-Applicants.pdf>

<https://www.citizensadvice.org.uk/scotland/>