

Citizens Advice Scotland

Response to the SLAB Call for Views on changes to the civil legal aid means assessment

(February 2026)

Background

The Citizens Advice network in Scotland plays a crucial role in supporting people across the country to realise their rights. We inform people of their rights and responsibilities and provide holistic, person-centred advice – including advice on social security, debt, energy, housing, employment, family and relationships, complaints processes and legal proceedings.

We empower people to secure access to justice by supporting them to navigate systems and procedures to resolve their issues, prevent detriment, and pursue recourse when things go wrong.

The network provides advice via multiple channels: in person in over 300 locations across the country, as well as by phone, email, and other channels, and via our freely accessible online advice pages.

Our holistic advice and support changes lives. In 2024/25, we supported nearly 200,000 people, leading to £169.4 million back into the pockets of people who need it most. We support some of the most marginalised and intersectionally disadvantaged individuals and communities in Scotland. Last year,

- almost two thirds of people we supported reported having a disability or long-term health condition,
- more than half were women,
- close to one third resided in the most deprived areas in Scotland,
- and more than 1 in 10 identified as belonging to a minoritised ethnic group.

More people have been coming through our doors for help each year since the pandemic and the cost-of-living crisis shows no sign of relenting. Just as the volume of need is increasing, so is the complexity. Across the last five years, we have seen one in seven people accessing our advice across multiple years. We see crises that are predicated by chronic injustice, often years in the making, which can take hours to understand and untangle – and achieving justice often requires multiple contacts and building up of trust.

In this challenging context, the CAB network continues to provide vital, life-changing support on legal issues. **In 2024/25,**

- the Law and Courts pages on our public advice site were viewed more than 970,000 times and remain some of the most viewed among all our advice pages.
- CAB provided more than 65,500 pieces of advice on complaints against a wide range of public service providers.
- On legal proceedings, bureaux provided more than 41,000 pieces of advice. Within this, CAB gave **advice on legal aid on around 3,100 occasions, while advice on solicitors/advocates and how to access them was provided more than 6,400 times.** As our most recent data shows, between December 2024 and December 2025, advice demand related to legal aid and solicitors/advocates **increased by 13% and 22% respectively.**
- The network also supported more than 1,020 clients at courts and tribunals.

Based on the experiences of the people we support and our advice data, as well as expertise from across the Citizens Advice network in Scotland, our policy work on Human Rights and Access to Justice aims to ensure that people's human rights are protected and realised, that people in Scotland have equal access to the justice system, to legal services and to effective remedies; can navigate and engage appropriately in legal proceedings; and that processes are transparent and fair.

We therefore welcome this opportunity to contribute to the Scottish Legal Aid Board's Call for Views on changes to the civil legal aid means assessment.

Our response

CAS has continued to call for changes which simplify the application process for civil legal assistance while maintaining its broad scope.¹ We believe that the current application process can be highly demanding on applicants at a time that is already stressful due to the underlying legal dispute. Most people will use legal services infrequently, and when they do, they are often in a vulnerable position.² This should be considered when determining an appropriate and trauma-informed assessment model for civil legal assistance.

We recognise that the application and assessment process can be lengthy and complex due to SLAB having to consider a range of different circumstances and making allowances for

¹Citizens Advice Scotland [Response 742819375 to Legal Aid Inquiry - Scottish Parliament - Citizen Space](#) (April 2025).

² https://assets.publishing.service.gov.uk/media/5e78cc9b86650c296f6eda63/Research_report_-_Legal_services_in_Scotland_publication.pdf

these. We have long been supportive of the introduction of personal allowances and using standardised allowances where appropriate to lessen the administrative burden on applicants, solicitors and SLAB and to reduce the time it takes between applying for legal assistance and having the final decision communicated.³ We have highlighted that standardised allowances should take the real cost of living into account as well as any debt/moneys owed to third parties in addition to amounts paid, in order to provide a realistic assessment of people's financial situation and their in/ability to access justice without civil legal assistance.

Generally, we welcome the proposals to introduce a new standardised personal allowance which is automatically applied for the applicant,⁴ alongside additional premiums for applicants with disabilities and applicants who are carers to reflect higher household costs. We agree that this will likely remove some of the complexity of the means assessment processes and could benefit those on lower incomes which we support.

SLAB analysis of a year's cohort of previous applications is promising where it details that, should these changes be introduced, around two thirds would have lower contributions than they would have now, while 32% of applicants would be eligible without a contribution compared to currently 19% of applicants. We therefore believe these changes are steps in the right direction. However, a number of questions and concerns remain.

In our view, population level modelling adds important insights as it goes beyond analysis of SLAB data based on received applications only. We have continued to highlight that many people we support are facing barriers to accessing civil legal assistance, not least due to a lack of legal aid solicitors willing or able to take on their case, which is not captured in application data. SLAB modelling shows that these changes will, at a population level, move more people into eligibility for civil legal aid which we welcome. We note, however, that the increase from 52% to 57% is relatively small and substantially below the around 70% of the population considered to have been eligible for civil legal aid in 2011.⁵

³Citizens Advice Scotland [Response 742819375 to Legal Aid Inquiry - Scottish Parliament - Citizen Space](#) (April 2025).

⁴ While we recognise that SLAB is using existing flexibility regarding the assessment of discretionary allowances for expenses not specifically identified by the legislation to introduce these changes, the term '**standardised discretionary allowances (SDAs)**' might be confusing to applicants, as they would be automatically deducted from an applicant's disposable income.

⁵ <https://www.parliament.scot/~media/committ/10459/Paper-1--Note-by-the-Clerk>. We are also unclear whether and how these suggested changes would improve eligibility for Advice and Assistance, which reportedly is considerably lower, at currently 30%.

Advisers across our network continue to highlight a growing justice gap where people or households are unable to afford legal costs, including solicitor fees, but currently don't qualify for legal aid and court fee exemptions, as Julie's experience illustrates.

An East of Scotland CAB supports Julie who has received an Ordinary Cause initial writ seeking to recover a significant loan guaranteed by her. Julie had acted as guarantor for a friend and her husband, but the couple have since separated and stopped paying the loan. Julie has been unable to respond to the action having been unable to afford and obtain legal advice. She lives with her estranged partner and their three children in a mortgaged property. Julie works full-time for a low wage while managing mental ill health. Although her home is at risk due to the action, the client does not qualify for legal aid nor a court fee exemption, and she is unable to afford the £137 to lodge a Notice of Intention to Defend.

While the introduction of a standardised personal allowance should make some people in similar situations like Julie eligible for civil legal assistance or lower their required contribution, we believe further steps have to be taken to improve access to justice for those who would remain excluded from this fundamental right. We understand this will also require reform of primary legislation which is beyond the scope of this consultation.

The briefing paper identifies that the proposed changes would make around 14% of applicants worse off by making them either ineligible (1.2%) or making them liable for contributions (2.1%) or higher contributions (10.9%). We believe further discretionary allowances may be particularly important for this group. The briefing states SLAB's intention to allow specific further allowances on application only in very exceptional circumstances, as the standard personal allowance would apply automatically to all applicants. While we recognise the rationale behind this intention, we would caution against a too restrictive policy on what SLAB accepts as 'exceptional circumstances'.

For example, ongoing policy changes in other areas may require individuals and households to save for and pay increased costs that may not be taken into account currently, such as an increase in visa renewal fees and/or annual immigration health surcharge for migrants living in the UK. Until more long-term legislative reform to improve realisation of access to justice in Scotland is achieved, the proposed changes should enable consideration and recognition of such additional costs in means assessment processes where they exceed the size of the personal allowance and are not covered by statutory allowances.

We would also welcome clarification as to whether the suggested additional 'premiums' for applicants with disabilities and those with caring responsibilities will be based on standardised amounts or require line-by-line declaration and verification.

These questions also apply to the calculation of the maximum income contribution towards the cost of legal services. As we have continued to highlight, our network is aware of cases where people who, on the face of it, qualify for legal aid, can be put off from applying for legal aid or pursuing their case altogether as they consider the amount they're likely required to contribute as unaffordable. We welcome that the introduction of a standardised personal allowance will likely lead to a lower disposable income for many and therefore increased eligibility for civil legal assistance or a lower total contribution required to be paid. Likewise, the suggested reduction of the rate in the initial contributory band from currently 33% to 25% is positive, as it will decrease contributions for people with lower disposable incomes.

However, we are concerned about the proposal to move to a single, standard-length payment plan of 20 months. We recognise the need to protect public funds and ensure that where someone is found to be liable for contributions towards legal costs, contributions are paid in full where possible. The briefing clarifies that 46% of applicants in the SLAB analysis would face higher monthly instalments in case of moving to a 20 months payment plan as the standard. We know of cases where already under current rules, which allow for instalments for up to 48 months, people we support struggle with paying the required instalments and have found it difficult to (re)negotiate a payment plan that is realistic in their (changed) circumstances, as Martha's experience illustrates.

Martha, a single parent, works part-time in an educational role. She is very distressed and in tears during her appointment with her CAB adviser, anxious about the high cost of living and debts that are building up. After just one month of energy price increases, she is already in debt with her energy supplier; she also owes her parents several thousand pounds. She is now faced with a substantial rent increase, while she still has around £500 in legal aid contributions to pay in relation to a recent custody case after her divorce. She has phoned SLAB to ask to pay less but this has been refused. Martha feels humiliated as she considers herself a professional working person and feels she should not be in this position. She kept asking "What am I supposed to do now? How am I expected to manage?" She is trying to take action now before things spiral further out of control but seems to be getting nowhere.

While the stated intention is to allow SLAB a measure of discretion to provide flexibility within this framework, for example by granting a longer instalment period, the briefing states this will only be available in exceptional circumstances. We would question whether contributions could be more efficiently recouped by sufficiently recognising people's

financial situation and changed circumstances where they arise, rather than by standardising the repayment period and leaving only limited flexibility.

In order to avoid and mitigate materially inequitable outcomes, we would urge ongoing and improved monitoring of eligibility at a population level and with regard to particularly vulnerable and disadvantaged groups as well as enhanced engagement with groups and organisations representing rights-holder experiences of access to justice barriers, including to accessing legal aid.

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