

## Appendix B: consultation questionnaire

### Respondent information

Name: Fiona McKinnon

Email address: [fiona@mckinnonlaw.co.uk](mailto:fiona@mckinnonlaw.co.uk)

Are you responding as an individual or an organisation? Individual

SLAB would like your permission to publish your consultation response. Please indicate your publishing preference below:

Publish anonymous response	
Publish response with name	X
Do not publish my response	

*NOTE: If you are responding on behalf of an organisation, anonymous publishing refers only to your name, not your organisation's name. If this option is selected, organisation name will still be published.*

We may wish to contact you again in the future, but we require your permission to do so. Are you content for SLAB to contact you again in relation to this consultation exercise?

Yes	X
No	

*By submitting a response you give us permission to analyse and include your response in our results.*

### Specific consultation questions

For Q1 and Q2 detail, see 'Period of computation' section of document (page 12).

#### Question 1

Do you have evidence of any adverse impacts of our current assessment of computation period? (Please describe this evidence and the kind of impact it is.)

The computation and vouching requirements are onerous. Long assessment periods where a client has a low income are a barrier to progressing cases, particularly where residence/contact is at stake. Some clients have abandoned the process and cannot succeed with valid claims.

#### Question 2

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to computation period?

I am in favour of a shorter computation period. If an action is undefended, it can be concluded within 2 months and it seems unreasonable to have such a long term impact upon an applicant.

For Q3 and Q4 detail, see 'Aggregation' section of document (page 12-13).

### Question 3

Do you have evidence of any adverse impacts of our current assessment of whether to aggregate or not? (Please describe this evidence and the kind of impact it is.)

We live in a society where relationships are more flexible and harder to define. It can cause considerable distress and conflict in a relationship for the nature of that to be scrutinised.

### Question 4

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to aggregation?

Should the period of time a new relationship has been ongoing for be a factor? e.g. Don't aggregate income if a relationship is less than 12 months old.

For Q5 and Q6 detail, see 'Disposable capital' section of document (page 13).

### Question 5

Do you have evidence of any adverse impacts of our current assessment of disposable capital? (Please describe this evidence and the kind of impact it is.)

Yes, this can be a barrier, especially for older people or if a person will be relocating arising from a relationship ending.

### Question 6

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to disposable capital?

Alternative accommodation requirements should be factored in.

For Q7 and Q8 detail, see 'Assessing sources of income' section of document (page 14).

### Question 7

Do you have evidence of any adverse impacts of our current assessment of sources of income? (Please describe this evidence and the kind of impact it is.)

Vouching can be onerous and it does put off applicants.

### Question 8

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to sources of income?

A standard approach to child maintenance payments would be helpful, whether voluntary or through the Child Maintenance Service.

Separately, it would seem equitable and in the interests of justice for a child's application for legal aid not to be means tested.

For Q9 to Q15 detail, see 'Change proposal - introduction of cost of living allowances' section of document (pages 17 - 20).

### Question 9

What are your views on the proposal being considered to introduce standard allowances that reflect average costs of living into our means assessment?

There are merits to this but one size does not fit all and there should be a mechanism to calculate on actual costs if above the standard allowance, particularly in a modern age where there may be multiple family circumstances to factor in.

### Question 10

Do you have evidence to indicate that a change from individualised assessment of certain costs to standard allowances set to cover a wider range of costs may result in any unintended adverse consequences?

Yes, eligibility for those with a higher income threshold.

### Question 11

Can you identify additional benefits or risks to either retaining the individualised assessment option or the standard allowance option?

Simplification and hopefully quicker assessment periods but this may exclude applicants.

### Question 12

What types of circumstances, expenditures, goods and services do you think should be considered reasonable to make an allowance for when determining disposable income?

Essential living costs.

### Question 13

Are there any circumstances, expenditures, goods and services you do not think should be considered reasonable to make an allowance for when determining disposable income?

This is difficult where people may have an addiction or health issue so individual circumstances should still be able to be considered.

#### Question 14

If we were to move to a standard allowance structure, what model/s for constructing the allowances do you think might be appropriate?

This should be the subject of a separate consultation.

#### Question 15

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to this change option to introduce standard allowances?

For Q16 to Q18 detail, see 'Other change options for consideration - housing and travel policy' section of document (pages 21 - 22).

#### Question 16

What are your views on the proposed change to allow housing costs that an applicant is liable for but not paying to be deducted from the disposable income total?

There appear to be merits in this approach as ultimately an enforceable order may be granted for payment or recovered from any successful action.

#### Question 17

Do you have evidence to indicate this change to our housing policy may be unnecessary or result in any unintended adverse consequences?

No comment.

#### Question 18

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to this change to our housing policy?

No comment.

For Q19 to Q21 detail, see 'Change to work related costs' section of document (pages 23 - 24).

#### Question 19

What are your views on the proposed change to deduct the HMRC standard rate of 45p per mile for an applicant's travel to work?

In favour. But again, there should be the ability for representations to be made.

#### Question 20

Do you have evidence to indicate this change to our travel to work policy may be unnecessary or result in any unintended adverse consequences?

Only if higher costs are incurred and cannot be taken into consideration.

### Question 21

Do you have any experience or evidence to indicate there are equalities considerations we should take into account in relation to this change to our travel to work policy?

No comment.