



# EQUALITY IMPACT ASSESSMENT (EqIA)

## Summary results of the EqIA

**Title of policy/practice/process/service:**

Advice and Assistance (A&A): application format.

**Is the policy new (proposed), a revision to an existing policy or a review of current policy?**

Review of current policy.

**Key findings from this assessment (or reason why an EqIA is not required):**

Our assessment is that the current policy has no direct impact on applicants and their protected characteristics. The policy may have a relevant impact on solicitors who are responsible for submitting A&A applications, given our policy decision here means that solicitors are required to engage with an interface, Legal Aid Online (LAOL), which we have specifically created. However, LAOL itself is subject to a separate EqIA.

In terms of our specific decision to require information to be provided to us through the LAOL portal, and given the conclusion of the [LAOL EqIA](#), our assessment is that this will have no negative impact on equality groups. More broadly, we have completed and published a policy and EqIA on [Digital Design and Standard Principles](#) to ensure all of our digital systems are user-friendly, especially for equality groups.

**Summary of actions taken because of this assessment:**

N/A.

**Ongoing actions beyond implementation include:**

N/A.

**Lead person(s) for this assessment (job title and department only):**

Policy and Research Analyst, in conjunction with Head of Criminal Legal Assistance, Head of Civil and Children's Legal Assistance, and key team members.

**Senior responsible owner agreement that the policy has been fully assessed against the needs of the general duty (job title only):**

Director of Operations.

**Publication date (for completion by Communications):**

25/06/2024

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V0.1 SM/KF	06/23	Initial draft
V0.2 KF	10/23	Further draft following feedback from GALA Review Group
V0.3 KF	10/23	Clean draft for consideration by GALA Review Group with amendments to section 4
V0.4 KF	02/24	Updated draft with changes to section 3 following consultation

## Step 1 - Framing the planned change

*Discussing step 1 and step 2 with the Policy Officer (Equalities) at an early stage will help identify appropriate evidence. This may include support from the wider Policy and Development team.*

**1.1 Briefly describe the aims, objectives and purpose of the policy/practice/process/service. You can use the information in your project specification, business case etc.**

The [Advice and Assistance \(Scotland\) Regulations 1996](#) set out requirements in relation to the manner of A&A applications to SLAB, as well as the provision of other relevant information which requires to be supplied by the solicitor. The relevant part of our policy in this area is set out below:

*“Our policy is that any applications made under 2A(1), and any other information to be provided to us under 2A(2) must be provided via our online systems. Any application or information which is not sent to us in this manner will be rejected.*

*Similarly, if the matter is urgent, our policy is that a solicitor can apply for an increase by telephoning us. However, where we grant an increase by telephone, the solicitor must follow this up by submitting an online increase application indicating the increase was granted by telephone, as soon as practically possible.”*

**1.2 Why is the change required? Legislative, routine review etc.**

Review of current policy.

**1.3 Who is affected by this policy/practice/process/service? Be clear about who the ‘customer’ is.**

The customer in this area will be the solicitor responsible for providing us with the information required by the relevant Regulations.

**1.4 Policy/practice/process/service implementation date? Project end date, date new legislation will take effect.**

Policy is live.

**1.5 What other SLAB policies or projects may be linked to or affected by changes to this policy/practice/process/service?**  
*The EqlA for related policies might help you understand potential impacts, and/or your findings might be relevant to share.*

Our policy on a valid grant of A&A may be relevant to this policy. Our policy on when signatures are and are not required within an A&A application is not covered in this policy, but elsewhere - in particular, within the 'Applications for A&A' policy statement. Whilst Regulation 2A specifically covers Regulation 15A - which involves the supply of information by applicants, rather than by solicitors - our position is that this Regulation concerns a function which is quite different to the other Regulations covered by 2A. Therefore, we consider that our practices in this area are not covered by this policy, and do not sit within the GALA project. The policy and EqlA therefore exclusively cover the provision of information (and our policy on the format of that information) provided to SLAB by solicitors, not applicants.

## **Step 2: Consider the available evidence and data relevant to your policy/practice/process/service**

*The information you gather in this section will:*

- *help you to understand the importance of your policy/practice/process/service for different equality groups,*
- *inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and*
- *provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.*

**2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service?**

*Stay focused on the topic and scope of your policy/practice/process/service. Does the policy/practice/process/service relate to an area where there are already known inequalities? Refer to the EqlA guidance for sources of evidence.*

*Remember, this step in the EqlA process is NOT about the impact your policy has on equality groups and what we need to do to mitigate those. That assessment is done under Step 4.*

*Note: If you proceed to a full EqlA you should continue to add to this section as you develop the policy/practice/process/service, come across new evidence and/or undertake a consultation.*

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
Cross-cutting considerations	(1) <a href="#">Consumer Digital Index</a> , Lloyds,2022 (2) <a href="#">Tackling the Digital Divide</a> , House of Commons, 2021 (3) <a href="#">Fit and proper person requirements</a> , Law Society of Scotland	<p>It is important to bear in mind as context that solicitors are the key intermediaries who decide which clients and which cases they take on. Moreover, we have no control over which solicitors take on cases funded by legal aid (including A&amp;A).</p> <p>At the UK level, a review by Lloyds found that around 4.5 million people are unable to turn on a device and enter login details themselves, whilst around 5 million are unable to use an app. The review further noted that <i>'this year the offline have reported the organisation they find most difficult to interact with, due to not using the Internet, is the NHS; followed by local council or government services, financial services, and utility providers '</i>. (1)</p> <p>Some evidence suggests that income, rather than any of the protected characteristics (or in combination with some PCs), is the most important predictor of digital exclusion. (2) Affordability is an important driver in why some people are not more connected to the internet. (1)</p> <p>Any person who practises as a solicitor in Scotland must be competent to do so. (3)</p>
Disability	(1) An <a href="#">infographic</a> by Good Things Foundation (2) <a href="#">Web Accessibility</a> (3) <a href="#">Law Society of Scotland Equality</a>	<p>Evidence available suggests that a digital-based interface could potentially have specific impacts on people with disabilities, compared to for example, having the option of a paper-based system available. Compared to extensive users, non-users [of digital services] are two times as likely to have a disability or health condition. (1)</p> <p>Some people in the UK cannot access the web as easily because a disability prevents them from accessing the web using the same technology as a non-disabled person. On</p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
	<p><a href="#">and Diversity report, 2022/23</a></p> <p>(4) <a href="#">Equality Act - reasonable adjustments</a></p>	<p>the other hand, good design can assist end user access to web-based systems in various ways. For example, the ability to increase fonts and change screen colours for people who have sight impairments or colour blindness, use of voice recognition software, and enabling people with mobility disabilities (for example, loss of fine motor skills or tremors) to navigate forms using keyboards or joysticks and may prefer to input information using voice recognition software. (2)</p> <p>Whilst we do not hold any data on the disability status of solicitors providing legal aid (including A&amp;A) specifically, Law Society of Scotland data suggests that around 6% of the profession indicated they had a disability. The data notes that <i>‘we do not know if solicitors indicating that they have certain impairments have disclosed this at work and asked for/received reasonable adjustments.’</i> (3)</p> <p>Employers must make reasonable adjustments to make sure workers with disabilities, or physical or mental health conditions, are not substantially disadvantaged when doing their jobs. This applies to all workers, including trainees, apprentices, contract workers and business partners. (4)</p>
Age	<p>(1) <a href="#">Scottish Household Survey, 2021</a></p> <p>(2) An <a href="#">infographic</a> by Good Things Foundation</p>	<p>There is evidence available that shows a correlation between age and internet usage and confidence in pursuing activities (including ‘use public services online’) when using the internet: this may suggest that older people are less familiar with and capable of using online systems for the inputting of information (1), and that they lack the knowledge and experience of going online (3). Research also indicated that internet usage across age groups is increasing year on year. (1) Similarly, compared to extensive users of digital services, non-users are 12 times more likely to be over 65. (2)</p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
	(3) <a href="#">Digital Inclusion Evidence Review</a> , Age UK, 2018	<p>However, where age intersects with disability (for example, potentially higher rates of visual impairment amongst older people), evidence suggests that where good design has been properly considered, digital-based interfaces may be positive in terms of facilitating accessibility.</p> <p>Other evidence reviews have also concluded that other factors such as income, mobility and memory are important in terms of accounting for digital exclusion for older people, rather than solely age itself. (3)</p>
Race	<p>(1) <a href="#">ONS: exploring the digital divide</a>, 2019</p> <p>(2) <a href="#">Digital exclusion report by One Northern Devon</a>, 2022</p> <p>(3) <a href="#">Law Society of Scotland Diversity and Equality report</a>, 2022/23</p>	<p>The ethnicity gap in internet usage has narrowed over time as the proportion of internet non-users has declined. However, there remain disparities in the proportion of non-users from different ethnicities. (1)</p> <p>Whilst some research indicates that ‘people from BAME communities are... at higher risk of digital poverty and exclusion’, it has also been suggested that socio-economic factors, such as income, are more important determinants than ethnicity itself. (2)</p> <p>We do not hold any specific information on the proportion of solicitors undertaking legal aid work who are from an ethnic minority background. However, Law Society data for the Scottish legal profession indicates ‘at least 4.01% ethnic minority’, with ‘10.24% of solicitors aged 30 and under’ being from an ethnic minority background. (3)</p>
Sex		No evidence found
Gender Reassignment		No evidence found

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
Sexual orientation		No evidence found
Religion or Belief		No evidence found
Pregnancy or maternity		No evidence found
Marriage or civil partnership		No evidence found
Care Experienced ( <i>corporate parenting duty</i> )		No evidence found

**2.2 Using the information above and your knowledge of the policy/ practice/ process/ service, summarise your overall assessment of how important and relevant the policy/ practice/ process/ service is likely to be for equality groups.**

In the context of the provision of A&A or ABWOR, this is an important policy, given it is fundamental to how solicitors engage with the legal assistance regime: it will affect all cases.

Our assessment is that our policy position - that solicitors must use an online interface to submit information to us - is relevant with regards to possible impacts on equality groups. In particular, the decision to only accept information online could potentially have impacts on solicitors with disabilities, of different ages, and from ethnic minority backgrounds. Notwithstanding the evidence set out in the table above, our assessment is that in the specific context at hand, that is, the provision of legal services by solicitors, the likelihood of members of this user group lacking the skills or equipment to interact with an online system is minimal.



Our view is that, in line with Law Society of Scotland rules, solicitors (including those engaged in providing legal aid) must be competent to practice, and that the adjustments required to support solicitors who need adjustments will generally fall to firms, rather than to SLAB. Considering this requirement, our view is that it appears unlikely that solicitors involved in the provision of legal aid are particularly likely to face challenges engaging with a digital interface that the general population evidence suggests as set out in the table above.

We have considered elsewhere how the specific digital interfaces and systems we have introduced may impact on users from particular equality groups (see EqIAs on [LAOL](#) and [digital standards](#)). Our digital interfaces have been specifically designed and assessed with a view to mitigating any potential negative impacts on users as far as possible.

With regards to the specific decision to require that information be provided to us through a digital interface rather than, for example, allowing information to be passed to us in physical form, our view is that this is a reasonable position to take in relation to our equalities duties: this is a proportionate administrative response to the legitimate aim of efficiently dealing with applications and we have attempted to mitigate any potential negative impacts.

### 2.3 Outcome of step 2 and next steps. Complete the table below to inform the next stage of the EqIA process.

*Consult with the project group and/or Corporate Policy Officer (Equalities) on completing this section.*

Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality or our corporate parenting duties		Proceed to Step 5: agree with decision makers that no EqIA is required based on current evidence
There is relevance to some or all of the equality groups and/or our corporate parenting duties	Y	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups and/or our corporate parenting duties		Proceed to Step 3: complete full EqIA

### Step 3 - stakeholder involvement and consultation

*This step will help you to address any gaps in evidence identified in Step 2. Speaking to people who will be affected by your policy/practice/process/service can help clarify the impact it will have on different equality groups.*

Remember that sufficient evidence is required for you to show ‘due regard’ to the likely or actual impact of your policy/practice/process/service on equality groups. An inadequate analysis in an assessment may mean failure to meet the general duty.

*The Policy and Development team can help to identify appropriate ways to engage with external groups or to undertake research to fill evidence gaps.*

**3.1 Do you/did you have any consultation or involvement planned for this policy/ practice/ process/ service?**

Yes.

**3.2 List all the stakeholder groups that you will talk to about this policy/ practice/ process/ service.**

We published a consultation covering the policy area on our website, with responses open to all. A link to the consultation was also provided to all solicitors registered to provide legal aid as part of a broader mailshot to the profession.

**3.3 What did you learn from the consultation/ involvement? Remember to record relevant actions in the assessment action log.**

In autumn 2023, we undertook a public consultation concerning our policies on A&A and ABWOR. This included a specific question regarding the equalities implications of our policies. The consultation documents were publicly available on SLAB’s website. The consultation received three responses, all of which came from solicitor firms. We note that whilst this policy fell within the scope of that consultation, none of the comments received were directly relevant to this policy area and as such our assessment for the purposes of this EqIA has not changed following the consultation exercise.

#### **Step 4 - Impact on equality groups and steps to address these**

You must consider the three aims of the general duty for each protected characteristic. The following questions will help:

- **Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?**
- **Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?**

- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? *How can this be achieved?*

**4.1 Does the policy/practice/process/service have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?**

In the tables below, record the impact of the policy/practice/process/service, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy/practice/process/service or actions will be required to mitigate that impact. Copy any actions across to the project action log.

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impact	Negative impact	No impact	
potential for discrimination	X			<p>Whilst there is evidence that suggests older people may be a) less likely to use the internet, b) less familiar with using online interfaces, c) may prefer non-digital means of filling in and submitting information, we note that on the other hand online systems can incorporate assistive technologies to assist older people (particularly where age intersects with disability). As such our view is that on balance, any impact here is likely to be neutral or positive.</p> <p>With regards to the particular user group at hand - solicitors - these societal trends may not apply in the same way. We assume that to be competent to practice, solicitor firms require their employees to meet basic technology-related requirements, such as familiarity with the internet and web-based systems. Our view is that the likelihood of this policy</p>

				position disadvantaging solicitors due to their age is likely to be minimal.
potential for developing good relations			X	Area is unlikely to have any impact.
potential to advance equality of opportunity			X	Area is unlikely to have any impact.

Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			<p>As noted for age (and in the other EqlAs linked to within this document, for example LAOL), whilst the evidence suggests that persons with disability could potentially face some negative impacts from using online systems compared to an alternative, it must also be recognised that where systems are appropriately designed, there could be positive impacts in terms of the availability of assistive technologies within online interfaces. Our assessment is that is the case for this policy.</p> <p>As stated above under 'Age', we assume that solicitor firms require their employees to meet basic technology-related requirements involving the use of a computer and web-based systems. Our digital interfaces have been specifically designed and assessed with a view to mitigating any potential negative impacts on users as far as possible.</p>

				If a solicitor were to struggle to work with or access web-based systems, or to draw information from the internet due to a disability, our view is that the types of reasonable adjustments likely to assist in supporting them, such as screen readers or other software, would need to be made by their employer under the Equality Act 2010, rather than SLAB. If a solicitor was still disadvantaged after such reasonable adjustments were made, as noted under 2.2, our view is the policy itself is a proportionate means of achieving a legitimate end.
potential for developing good relations			X	Area is unlikely to have any impact.
potential to advance equality of opportunity			X	Area is unlikely to have any impact.

All other protected characteristics	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Our assessment is that for the remaining protected characteristic groups, the policy is unlikely to have any impact with regards to any of the three arms of the duty. We are not aware of any evidence to suggest these groups are likely to be specifically affected by the policy with regards to their protected characteristics.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

				Whilst there is some evidence set out at 2.1 with regards to race, our view is this is unlikely to be of specific relevance to the particular user group at hand.
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**4.2 Describe how the assessment so far might affect other areas of this policy/ practice/ process/ service and/ or project timeline?**

No impact anticipated at this point aside from the normal process of developing internal decision-makers guidance and external guidance for solicitors.

**4.3 Having considered the potential or actual impacts of your policy/ practice/ process/ service on equality groups, you should now record the outcome of this assessment below.**

Choose from one of the following (mark with an X or delete as appropriate):

Please select (X)	Implications for the policy/practice/process/service
X	<p><b>No major change</b> Your assessment demonstrates that the policy/ practice/process/service is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>

**Step 5 - Discuss and review the assessment with decision makers and governance structures**

You **must** discuss the findings of this assessment with senior decision makers during the lifetime of the project/review and before you finalise the assessment. Relevant groups include, but are not limited to, a Project Board, Executive Team or Board members. EqIA should be on every project board agenda therefore only note dates where key decisions have been made (for example, draft EqIA sign off and discussion about consultation response).

**5.1 Record details of the groups you report to about this policy/ practice/ process/ service and impact assessment. Include the date you presented progress to each group and an extract from the minutes to reflect the discussion.**

The equalities implications of this policy position were discussed with key operational staff, including the Head of Civil and Children’s Legal Assistance and the Criminal Legal Assistance Manager. The draft EqIA was also circulated for comments.

The EqIA was initially discussed at the GALA Review Group on 1 August 2023, when it was suggested that solicitors’ protected characteristics could be considered. A further draft of the EqIA was due for consideration at the November 2023 meeting of the GALA Review Group.

## Step 6 - Post-implementation actions and monitoring impact

There may be further actions or changes planned after the policy/practice/process/service is implemented and this assessment is signed off. It is important to continue to monitor the impact of your policy/practice/process/service on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

### 6.1 Record any ongoing actions below.

*This can be copied from the project action log or elsewhere in this assessment and should include timescales and person/ team responsible. If there are no outstanding items, please make this clear.*

No ongoing actions at present.

**6.2 Note here how you intend to monitor the impact of this policy/practice/process/service on equality groups.** In the table below you should:

- list the relevant measures,
- Identify who or which team is responsible for implementing or monitoring any changes
- Where the measure will be reported to ensure any issues can be acted on as appropriate.

Measure	Lead department/ individual	Reporting (where/frequency)
Complaints or other feedback from solicitors with regards to engaging with our online system for A&A grants.	Ongoing monitoring and evaluation of LAOL.	Head of Civil and Children’s Legal Assistance and Head of Criminal Legal Assistance (yearly).

**9.1 EqlA review date.** This EqlA should be reviewed as part of the wider post-implementation review of the policy/practice/process/service. The date should not exceed three years from the policy/practice/process/service implementation date.

07/11/2026.

### **Step 7 - Assessment sign off and approval**

*Once final consultation has been undertaken with Corporate Policy Officer (Equalities), all equality impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where an EqlA is not required. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:*

**Director/SRO sign off:** 07/11/2023.

**Chief Executive approval:** 07/11/2023.

*All full equality impact assessments must be published on SLAB's website as early as possible after the decision is made to implement the policy, practice, process or service.*