



EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Advice and Assistance (A&A): form of applications for A&A by a person to the solicitor.

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):

While there is significant evidence around the potential barriers that equalities groups may face when encountering applications processes, by not specifying a particular type of application format, our policy in this area is as flexible as possible and will have a positive equality impact.

Summary of actions taken because of this assessment:

We intend to undertake monitoring of outcomes in relation to one specific element of the policy: the cause shown test.

Ongoing actions beyond implementation include:

No specific actions identified.

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

Policy Project Manager in conjunction with Head of Civil and Children's Legal Assistance, Head of Criminal Legal Assistance, Accounts Assessment Manager and Senior Accounts Technical Specialist.

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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Document control:		Advice and Assistance (A&A): form of applications for A&A by a person to the solicitor v0.3
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Version/Author	Date	Comment
V0.1	May 2023	First draft for review by Policy Officer (Equalities) and project team
V0.2	February 2024	Section 3 updated following consultation
V0.3	March 2024	Updated draft as considered by the GALA Review Group

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.

Section D of the relevant policy statement, which sets out our policy position is set out below:

“Our policy is that we do not set a particular form for an application by a person to the solicitor, aside from signing (including signature via electronic stylus) a document declaring eligibility.

Instead, we provide guidance on what may allow a solicitor to satisfy themselves as to the client’s eligibility to receive advice and assistance. We set this out in our policy on a valid grant of advice and assistance.

Our policy is that a solicitor must provide a good reason to meet the ‘cause shown’ test in regulation 6(1)(a). We assess a good reason for an unsigned application or an application on behalf of a person against the following factors:

- where the first consultation with the client is held remotely, and we are advised that the client is not present and agrees with the declaration terms
- where there is a health and safety concern
- where there is a physical barrier to obtaining a signature.

Our policy is that we do not query whether someone is authorised by the client where they are applying on behalf of another person.

Our policy is that we do not query whether the solicitor is the legal representative of the client in respect of regulation 6(1)(b).

Our policy is that we do not query whether someone is acting as a lay representative under regulation 6(1)(c).

Our policy is that, for a child under 12, we check whether the solicitor has satisfied themselves about the child’s capacity to instruct a solicitor to cover any situation arising under 6(2).

Our policy for civil A&A and ABWOR is that, for a child under 12, we check whether they have a representative and whether the matter relates to the child rather than their representative. The factor we apply is whether the applicant is the person in whose name the work is to be undertaken.

Our policy for civil A&A and ABWOR is that we assess whether the true applicant related to the matter being advised and worked upon is that submitted to us. The factor we apply is whether the applicant is the person in whose name the work is to be undertaken.”

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

Routine review for GALA project.

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

The ultimate customer is the client to whom legal services, supported through the Legal Aid Fund, are provided. Solicitors work with the policies and guidance we develop, so they are also affected by the policy but not in relation to their protected characteristics.

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

Policy is currently in effect.

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

All other A&A/ABWOR policy statements. Linked functions are applicant investigations, compliance audit and solicitor investigations.

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 (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
Cross-cutting evidence	(1) Administrative burden (2) What is in a form? Examining the complexity of application forms	There is a growing literature on administrative burden which includes a focus on the costs to people of complying with administrative rules and how these costs may be unequally distributed across different groups of people. The main way of exploring these are as learning, psychological and compliance costs: <ul style="list-style-type: none"> • Learning costs: Citizens must learn about the program, whether they are eligible, the nature of benefits, and how to access services

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	<p><u>and administrative burden</u> (3) <u>Unequal distribution of administrative burden</u></p>	<ul style="list-style-type: none"> • Psychological costs: Citizens face stigma of participating in an unpopular program, as well as the loss of autonomy and increase in stress arising from program processes • Compliance costs: Citizens must complete applications and re-enrolments, provide documentation of their standing and avoid/respond to discretionary demands. (1) <p>To summarise one piece of evidence relating to the notion of administrative burden, one of the first steps in gaining access to most services provided by government is to fill out some type of form. In fact, forms play a critical role in access to public programs. At the most basic level, correct completion of a form is necessary for access. In this sense, they can act as a filtering mechanism that limits access to people based upon whether they meet the relevant criteria within the form. They can also be overwhelming for potential applicants, and thus deter people who are eligible from applying, whilst their deeply impersonal nature and rigid structure means that they can be hard to complete for those with more complex lives. The linked evidence sets out a typology of question types:</p> <ol style="list-style-type: none"> 1. Simple: There is only one possible answer for the question, and no ambiguity around the answer even for individuals with complex circumstances. 2. Notionally simple: In normal circumstances, the question only has one (simple) answer, but the complex circumstances of a person may mean that they cannot give a single straightforward answer. 3. Complex: The question is complex because it may have multiple answers for a person and what they emphasise in their response depends on how they read the question. (2)

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		Concerning cognitive resources, an individual's "executive functioning" is crucial for engaging in "purposeful, goal-directed, and future-oriented behavior" (Suchy, 2009, p. 109). Christensen and others (2020) identify age, educational levels, mental and physical health as important factors for variance in cognitive resources. Furthermore, living in poverty is associated with lower cognitive resources, which can elevate the stress of applying for benefits (Baumberg, 2016) as well as increase learning costs to get information about government programs (Chetty & Saez, 2013), understand procedural complexities (Hastings & Weinstein, 2008; Super, 2004), and deal with language barriers or other application requirements (Watson, 2014). (3)
Age	<ul style="list-style-type: none"> (1) Applicant surveys (2) Admin data on applicants 2021-22 (internal) (3) Scottish Survey Core Questions (4) Healthy ageing in Scotland (5) Attention and ageing (6) Attention spans for children (7) Age and cognitive decline 	<p>SLAB's applicant surveys show that 37% of applicants for criminal legal aid were under 35, with 39% aged over 45. For civil A&A, the survey indicates 13% under 35 and 64% aged 45 and over. (1)</p> <p>SLAB's administrative data shows that 57% of civil A&A grants were made to people aged between 25 and 44, with 29% aged 45 and over. Those aged between 25 and 44 made up 62% of people granted criminal advice and assistance, with 19% aged 45 and over. In children's A&A, 68% were aged between 25 and 44, with only 12% aged 45 and over. (2)</p> <p>This is in the context of national data, which has 29% of people aged under 35 and 56% aged over 45. (3)</p> <p>The incidence and severity of disability increases as we age. (4)</p> <p>The ability to process complex tasks slows as we age. (5)</p> <p>Attention spans for children increase as they reach 18. (6)</p> <p>Age is the most important factor in relation to cognitive decline. (7)</p>

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	<p>(8) Poverty and Income Inequality in Scotland 2016-19</p> <p>(9) Scottish Household Survey 2018</p> <p>(10) Scottish prison population: statistics 2019 to 2020</p> <p>(11) Characteristics of compulsory treatment orders in Scotland</p>	<p>Older people have a lower poverty rate. (8)</p> <p>“Older smaller” and “single older” households were least likely to report that they were not managing well financially (two percent and three percent respectively). (9)</p> <p>People who spend time in prison are younger on average than the population of Scotland as a whole. Younger people are far more likely to be imprisoned than older people but in the past ten years this difference has narrowed. (10)</p> <p>The age-standardised rates of detention increase gradually by age group. (11)</p>
Disability	<p>(1) SLAB equality outcomes research</p> <p>(2) SLAB applicants survey data and Scottish Survey Core Questions</p> <p>(3) Adults with incapacity & cases</p>	<p>For people with experience of poor mental health, stress in formal situations was a common theme and, for some, the ability to retain information was a daily challenge. Access was the most prevalent theme for people with learning or physical disabilities. The biggest communication challenge is needing to frequently explain not only the reason for the appointment, but details of their condition or diagnosis. Other barriers faced by this group relate to difficulties around understanding or retaining information. The first common theme to emerge when discussing the appointment itself was a difficulty filling in forms. This could be due to language, understanding or accessibility issues. (1)</p>

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	<p>related to mental health tribunal (internal)</p> <p>(4) Capital District Health Authority; Anxiety: The Cognitive Perspective</p> <p>(5) Inclusive Justice; Findings and recommendations EHRC</p> <p>(6) PIP Claimant Research - Final Report</p> <p>(7) What is in a form? Examining the complexity of application forms and administrative burden</p>	<p>SLAB’s surveys of legal aid applicants and direct service clients across both civil and criminal areas show a high prevalence of declared disability (between 43% and 54%) as compared to the general population (26% in Scottish Survey Core Questions 2019). (2)</p> <p>Specific case types where legal aid funding is provided are focused on people who have, or are ascribed with having, a disability. Some people will be in secure accommodation. (3)</p> <p>People experiencing mental health problems can make concentrating and remembering things difficult, as well as heightened stress levels, which may be an issue for interacting with SLAB. Anxiety and stress can exacerbate problems with reading comprehension. (4)</p> <p>UK research suggests that accused people with a cognitive impairment, mental health condition and/or neuro-diverse condition form a significant proportion of the criminal justice population, and that they may need support to help them effectively participate. (5)</p> <p>PIP research highlighted that there is a small group of claimants who struggle to understand the process throughout. The qualitative research suggests those with disabilities which affect their ability to read, understand or remember information, or who have limited literacy or English language skills, are most affected. Although most found completing the application form ‘easy’ or ‘easier than they expected’ (63%), around a third (34%) found it more difficult than expected. The qualitative research showed difficulties completing the form related to questions not being deemed suitable for conditions which fluctuated, or which were not physical. In other cases, difficulties with completing the form resulted from the claimant’s disability, literacy</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p>(8) Legal Services Agency Access to Justice Survey</p> <p>(9) Scotland's Wellbeing - measuring the national outcomes for disabled people</p> <p>(10) Scottish Public Health Observatory - prisoner health</p> <p>(11) Scottish prison population: statistics 2019 to 2020</p>	<p>or English language skills, making it difficult for them to read or understand the form and guidance document. (6)</p> <p>Groups seeking to access support may be more challenged to meet certain learning costs than others (Christensen et al., 2020). For example, people with psycho-social disabilities may face additional challenges accessing information. (7)</p> <p>Respondents to the LSA survey felt that their disability was not understood by legal professionals and therefore appropriate arrangements could not be made, resulting in communication and physical accessibility issues. (8)</p> <p>Families with at least one disabled member were more likely than families without a disabled member to live in relative poverty after housing costs. If disability benefits are discounted, to allow for the higher living costs for disabled people, then this disparity increases (30% compared to 16%). (9)</p> <p>Those in custody have poor health, physically, mentally and socially. Many have low education and literacy levels, low levels of employment and may have been in care. (10)</p> <p>Between 8% and 10% of people who spent any time in prison over the past 10 years self-identified as being disabled. The prevalence of people reporting a disability on entry to prison is broadly as expected for a relatively young population compared with population surveys of the Scottish population. (11)</p>
Race	<p>(1) SLAB equality outcomes research</p> <p>(2) SLAB applicants survey data and</p>	<p>Access issues were the most prevalent concerns for people from ethnic minority backgrounds. These were primarily linked to language and communication, with participants highlighting the difficulties faced by those with poor or no English. These included the challenges of making phone calls or appointments, explaining a situation, filling in forms or understanding background materials. There were also discussions</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p>Scottish Survey Core Questions</p> <p>(3) Immigration & asylum cases: internal insights</p> <p>(4) Census results</p> <p>(5) SCILT: Languages in Scotland</p> <p>(6) Complex post-traumatic stress disorder in asylum seekers and victims of trafficking</p> <p>(7) NHS: Symptoms of PTSD</p> <p>(8) Personal Independence Payment Claimant Research - Final Report</p> <p>(9) Poverty and Income Inequality</p>	<p>around the inherent assumptions made about service users' knowledge and the need for service providers to understand cultural differences and sensitivities. The first common theme to emerge when discussing the appointment itself was difficulty filling in forms. This could be due to language, understanding or accessibility issues. (1)</p> <p>SLAB's survey data indicates that the proportion belonging to the white ethnic group for criminal legal aid applicants (97%) and PDSO clients (93%) is like the general population (95% in Scottish Survey Core Questions 2019). Civil legal aid applicants (89%), civil A&A clients (87%) and CLAO contacts and clients (86%) are less likely to belong to the white ethnic group. (2)</p> <p>People with immigration and asylum cases are more likely to need spoken language interpreting and translation, given the potential intersection of language with their nationality, ethnicity and race. In some of these cases, the date of birth of an applicant may not be known, or it may be contested, which can cause difficulties in filling in applications. (3)</p> <p>The main intersection between race and accounts assessment is in English language comprehension and potential requirements for translation or interpreting services. The relevant results from the 2011 census are:</p> <p>"The proportion of the population aged 3 and over reported as not being able to speak English well or at all was 1.4% overall, and 11% for those born outside the UK. This proportion generally increased with age of arrival into the UK: for those who arrived aged under 16 it was 5% while for those who arrived aged 65 and over it was 31%. The proportion of Scotland's population aged 3 and over who could speak, read and write English was 94%. This proportion was lowest for those born in the EU Accession countries (75%) or in the Middle East and Asia (89%)." (4)</p>

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	<p>in Scotland 2016-19</p> <p>(10) Scottish prison population: statistics 2019 to 2020</p> <p>(11) Characteristics of compulsory treatment orders in Scotland</p>	<p>The most spoken languages in Scotland other than English are Polish, Urdu, Scots, Punjabi and Arabic. (5)</p> <p>Asylum seekers experience high levels of traumatic events pre, post and during migration. Exposure to such traumatic events can lead to the development of a wide range of mental health difficulties, such as PTSD, which includes symptoms of re-experiencing trauma through flashbacks or nightmares, avoidance of reminders and hyperarousal. (6)</p> <p>PTSD symptoms include avoidance (of certain people or places that remind you of the trauma or talking to anyone about your experience) and hyperarousal (feeling very anxious and find it difficult to relax), leading to irritability, angry outbursts and difficulty concentrating. (7)</p> <p>Although most found completing the application form ‘easy’ or ‘easier than they expected’ (63%), around a third (34%) found it more difficult than expected. The qualitative research showed difficulties completing the form resulted from the claimant’s disability, literacy or English language skills, making it difficult for them to read or understand the form and guidance document. The research highlighted that there is a small group of claimants who struggle to understand the process throughout. The qualitative research found that those with limited literacy or English language skills are most affected. (8)</p> <p>Black, Black British and Other ethnic groups, and 39% of Asian or Asian British ethnic groups were in relative poverty after housing costs. In comparison 18% of White - British people were in relative poverty. (9)</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
		<p>In 2019-20, the incarceration rate for people who identify as African, Caribbean or Black, or from Other ethnic groups, remains significantly higher than for people who identify as White. (10)</p> <p>A relatively high proportion of people on Compulsory Treatment Orders are from minoritised ethnic groups; 7.6% were Asian; African, Caribbean or Black; Mixed; or any other ethnicity. In the general population only 4% are from these ethnic groups. (11)</p>
Sex	<p>(1) SLAB applicants survey data and Scottish Survey Core Questions</p> <p>(2) SLAB administrative data on applicants</p> <p>(3) Symptoms of female menopause</p> <p>(4) Symptoms of male menopause</p> <p>(5) Scottish Health Survey 2019</p> <p>(6) Poverty and Income Inequality</p>	<p>SLAB’s survey data indicates that the proportion of women accessing CLAO’s services (60%) and civil legal aid in general (64%) is higher than in the general population (52% in Scottish Survey Core Questions 2019). For criminal legal aid (26%) and PDSO clients (26%), the proportion of women is much lower than the general population. (1)</p> <p>Our administrative data aligns with this split by criminal A&A, with 81% male, while applicants for civil A&A were 53% female and applicants for children’s A&A were 65% female. (2)</p> <p>Most women will experience some symptoms around the menopause. These can include problems with memory and concentration, anxiety and difficulty sleeping. (3)</p> <p>Some men develop depressions and other physical and emotional symptoms when they reach their late 40s to early 50s, with symptoms including difficulty sleeping, poor concentration and short-term memory. (4)</p> <p>There are few significant differences between the mental health and wellbeing of men and women in Scotland. In terms of general health, men self-reported better health than women. Men were more likely to have a range of long term conditions than women. (5)</p>

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	<p>in Scotland 2016-19</p> <p>(7) Scottish prison population: Statistics 2019-20</p> <p>(8) Characteristics of compulsory treatment orders in Scotland</p>	<p>Relative poverty rates are highest for single women with children, but the gap is smaller than it used to be. Relative poverty rates are higher for single female pensioners than male. (6)</p> <p>Throughout this time series, men consistently make up most people in prison. (7)</p> <p>There are higher rates of detention in males than females, except for 18 years and under, where the rate is higher among girls. (8)</p>
Gender Reassignment	<p>(1) SLAB applicants survey data and Scottish Survey Core Questions</p> <p>(2) Trans mental health study</p> <p>(3) Stonewall survey of LGBT mental health</p> <p>(4) Health needs assessment of lesbian, gay, bisexual, transgender and</p>	<p>SLAB's survey data for civil and criminal applicants indicates around 1% have a different gender identity to the one they were born with, as compared to less than 1% in the Scottish Survey Core Questions 2019. (1)</p> <p>Sources suggest gender reassignment is correlated to higher levels of mental ill health. (2) (3) (4)</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<u>non-binary people</u>	
Sexual orientation	<ul style="list-style-type: none"> (1) <u>SLAB applicants survey data and Scottish Survey Core Questions</u> (2) <u>Stonewall survey of LGBT mental health</u> (3) <u>Health needs assessment of LGBT+ in Scotland</u> (4) <u>Poverty and sexual orientation</u> 	<p>SLAB’s survey data for civil and criminal applicants indicates that a similar proportion of applicants identify as Lesbian, Gay, Bisexual or Other, as compared to around 3% in the Scottish Survey Core Questions 2019. (1)</p> <p>Some sexual orientations are correlated to higher levels of mental ill health. (2) (3)</p> <p>A UK study reviewed existing evidence and found indications that gay men are somewhat more likely to experience poverty than heterosexual men; lesbian women are as likely as heterosexual women to experience poverty; bisexual women and men are more likely to experience poverty than heterosexual women or men. (4)</p>
Religion or Belief	<ul style="list-style-type: none"> (1) <u>SLAB applicants survey data and Scottish Survey Core Questions</u> (2) <u>Poverty and Income Inequality in Scotland 2016-19</u> 	<p>SLAB’s survey data for civil applicants indicates that fewer declared “No religion” (38%) compared to the general population (54%) in the Scottish Survey Core Questions 2019. Similar proportions of applicants identified as belonging to the Church of Scotland (around 23%), Roman Catholic Church (around 14%) and “Other Christian (around 7%). Civil applicants were more likely to be from other faiths (10%) compared to the general population (4%). (1)</p> <p>Relative poverty rates are higher for Muslims, at 49% after housing costs. (2)</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	(3) Scottish Government: religion & belief evidence review (2013)	Scotland's prison statistics show that 29% of offenders in custody stated they belonged to the Church of Scotland while 23% were Roman Catholic. By comparison, 42% of Scotland's population are Church of Scotland, and Roman Catholics make up only 16%. 40% of offenders in custody say they do not have a religion. (3)
Pregnancy or maternity	(1) Mental health and pregnancy (2) Housing to 2040: equalities position statement	Pregnancy can be correlated to mental health problems such as depression, post-traumatic stress disorder, panic disorder or obsessive compulsive disorder. (1) Pregnancy can bring increased financial pressure and contribute to those close to the poverty line to fall below. It may also contribute to child poverty. Households with children between the ages of 0-4 are at highest risk of poverty. Young mothers are specifically vulnerable. They tend to have a lower education than older mothers. Lower education levels and employment contribute to the risk of poverty. (1)
Marriage/civil partnership		Not relevant to this policy: marriage or civil partnership is engaged for employment purposes.
Care Experienced (<i>corporate parenting duty</i>)	(1) SLAB applicants survey data and collated statistics from 'Who Cares? Scotland' (2) SLAB care experience literature review	Surveys indicate that PDSO clients (4%) and criminal legal aid applicants (8%) are more likely than the general population to be currently looked after. The proportion for civil legal aid applicants and CLAO contacts and clients are like the general population. Both the PDSO (8%) and criminal applicants (13%) surveys showed higher levels of people being previously looked after as compared to civil applicant (3%) and CLAO (6%) surveys. Surveys of people in custody (40%) and prison (25%) indicate high proportions of care experienced people involved in the criminal justice system. (1) Being care experienced is associated with higher levels of mental ill health. (2) Children growing up in poverty are overrepresented on the child protection register and are more likely to be removed from their families. (3)

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	(3) Keep The Promise: Poverty briefing (4) Education outcomes for looked after children 2020-21	Whilst this report shows that the education outcomes for care experienced children have improved, there are still large gaps in attainment compared to the total population of pupils in Scotland. (4)

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.

Our assessment is that there is relevance and potential difference in experience for equality groups with regards to this policy, particularly in relation to race and disability. Theoretical and empirical evidence on administrative burden highlights the potential and actual difficulties people in these equality groups face. For the protected characteristic of disability, engaging in application processes - whether in written form or by talking directly with assessors - is stressful and, especially when standardised, difficult to complete. In terms of the protected characteristic of race, language and cultural barriers are a key issue; for the population accessing A&A, these are further compounded by their circumstances as an asylum seeker.

The evidence indicates that those in poverty face more challenges in dealing with application processes. Poverty rates are patterned by protected characteristics, with a complex picture of relative poverty across equality groups. Affected groups include those who are pregnant or who have young children, single women with children, female pensioners, disabled people, those in 'Black, Black British and Other' or 'Asian or Asian British' ethnic groups, and care experienced young people.

In relation to unsigned applications and the factors in the policy, these are particularly relevant to those living abroad and those who are in secure accommodation (whether in prison or hospital). These populations are patterned by equality groups.

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	N	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	N	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 this 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 which 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.

One submission to the consultation suggested that SLAB's application procedures should be streamlined, and suggested that the number of forms, documentation and evidence required as part of the application process can cause delays to the detriment of cases. The submission suggested that certain groups may have difficulties in dealing with SLAB's applications process and requirements, particularly where they lack access to the internet or otherwise might face difficulties in accessing the relevant documentation we require. It suggests that SLAB should "streamline its processes, minimise forms, signatures, statements and documentation required." We are grateful for this submission. Our EqIA of our policies in this area (see also our 'valid grant' EqIA) recognises the risks around administrative burden that may be associated with application processes, and the impacts that may have on particular groups. However, with regards to application format specifically, as noted above and in the policy statement, we do not set a particular format for an application by a person to the solicitor, aside from signing a form declaring eligibility, instead providing guidance on what may allow a solicitor to satisfy themselves as to the client's eligibility to receive A&A.

As set out in section 4 below, our assessment is that the flexibility inherent in this position allows the solicitor to gather sufficient information without the policy specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual and their needs, including with regards to their protected characteristics where relevant. By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off applying for A&A by the application process. The policy position also includes several exceptions around obtaining signatures. In summary our view is that, given the flexibility in our policy and how the process is mediated by the solicitor, there should be limited impacts on applicants. As such, whilst we acknowledge the evidence provided and will continue to look for ways in which to make the application process more streamlined, we are not minded to change our current policy in this area.

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 the policy/practice/process/service might have on each equality characteristic, as it is planned or as it operates, 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. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit older and younger people most, as they may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	

potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off applying for A&A by the application process. The evidence suggests this would most benefit younger and older people, who may find this hard to follow. People in prison, who are more likely to be younger, and people on secure wards, where older people face higher rates of detention, benefit from the factors around unsigned applications. This allows them to access help that may otherwise be unavailable.
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Sex	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit women experiencing menopausal symptoms and men who have similar symptoms, as they may need assistance to complete forms and identify the most relevant information for an application. Those in poverty may also benefit from this approach, with single women with families more likely to be in relative poverty.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this would most benefit women in relative poverty, women experiencing menopausal symptoms

				and men who have similar symptoms, who may find this hard to follow. Men are more likely to be imprisoned and to be detained under a CTO, benefiting from the ability to submit unsigned applications. If a signature was required, they might not obtain the help needed.
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Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit those with disabilities associated with mental ill health, as they may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this would most benefit people with mental health conditions. People with, or ascribed as having, a mental health condition are subject to a CTO. Key benefits for this group are the ability to obtain assistance without a signature or questioning of whether someone is authorised by the client where they are applying on behalf of another person.

Gender reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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	There is no specific evidence that there is any impact of this policy on this protected characteristic. Impacts are due to the intersectionality with mental health, rather than with gender reassignment directly.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit those whose first language is not English or who have a different cultural background, as they may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this would most benefit

				people of other nationalities, with diverse cultural backgrounds, and those who do not speak or understand English well. A large proportion of A&A applicants are asylum seekers whose age may be contested or unknown, meaning that even this simple question on a form could be problematic to complete. For immigration cases, many applicants will live abroad. The ability to access assistance without needing a signed application within the usual 14 days is a key benefit to this group. People in prison and those subject to Compulsory Treatment Orders, where minority ethnic groups are over-represented, will benefit from the factors allowing unsigned applications around health and safety concerns or physical barriers.
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Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests could benefit Muslims, as this group are more likely to be in relative poverty. They may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by

				the application process. The evidence suggests this could benefit Muslims who are more likely to be in relative poverty. People in prison, where historic data suggests Roman Catholics may be over-represented, benefit from the factors allowing unsigned applications around health and safety concerns or physical barriers.
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Sexual Orientation	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests could benefit gay men, and bisexual women and men, as these groups are more likely to be in relative poverty: they may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this could benefit gay men, bisexual women and men, who are more likely to be in relative poverty.

Pregnancy & Maternity	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your
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	Positive impacts	Negative impacts	No impact	justification to not make changes despite the potential for adverse impact.
potential for discrimination	X			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit women experiencing mental health problems that are correlated to pregnancy, as they may need assistance to complete forms and identify the most relevant information for an application. Those in poverty may also benefit from this approach, which can be associated with pregnancy and maternity.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this would benefit those who are experiencing either mental health conditions or poverty associated with pregnancy.

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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	
potential for developing good relations			X	

potential to advance equality of opportunity			X	
Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, 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			The policy allows the solicitor to gather sufficient information from a person without specifying a particular process, form or format for an application. This allows solicitors to gather information in a way appropriate for the individual, which evidence suggests would benefit care experienced young people, as they may need assistance to complete forms and identify the most relevant information for an application.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By not specifying a process beyond approaching a solicitor, the policy minimises the chance that a client will be put off for applying for A&A by the application process. The evidence suggests this would benefit those who are experiencing either mental health conditions or poverty associated with care experience. People in prison, where care experienced people are over-represented, benefit from the factors allowing unsigned applications around health and safety concerns or physical barriers.

4.2 Describe how the assessment so far might affect other areas of this policy/practice/process/service and/or project timeline?

No impact: assessment suggests no major change.

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>No major change 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. EqlA should be on every project board agenda therefore only note dates where key decisions have been made (for example draft EqlA sign off, 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 policy and impact assessment were discussed with senior staff at the GALA Review Group in September 2022. The group also discussed a related paper which set out the features of our policy position, in particular:

- the breadth of discretion as to how applications to solicitors may be made;
- the positive benefits of SLAB taking a permissive approach in this way (for instance, by not stipulating a particular format, potential administrative burden can be reduced).

The GALA Review Group were content with this, leading to the policy and EqlA being signed off. The policy position was then updated in June 2023 to reflect a change of policy regarding digital signatures.

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.

Decision-makers' guidance and legal aid guidance will be developed. Monitor and update with any change to wider applicant signature policy.

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,*
- *identify where the measure will be reported to ensure any issues can be acted on as appropriate.*

Measure	Lead department/ individual	Reporting (where/ frequency)
Review of instances where the 'cause shown' test is failed, split by equality groups.	Head of Civil and Children's Legal Assistance, Head of Criminal Legal Assistance, Civil Finance Manager.	Annual review.

6.3 EqlA review date.

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

12/03/2027.

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 EqIA is not required. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:

Director/SRO sign off: 12/03/2024.

Chief Executive approval: 12/03/2024.

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.