



EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Assessment of a grant validity in Advice and Assistance (A&A) and Assistance By Way of Representation (ABWOR)

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):

The degree of discretion available to us means that we could vary the degree of checking undertaken in relation to various aspects of grant validity. Our assessment is that the current policy position is one which recognises the potential negative impacts on equality groups of administrative burden associated with application and checking processes. The policy appropriately balances our statutory obligations against the need to ensure that the process of determining grant validity is as proportionate and straightforward as possible, to minimise negative impacts on equality groups.

Summary of actions taken because of this assessment:

We intend to monitor complaints in relation to this policy area with a view to continuing to gather evidence that may be relevant to equalities considerations.

Ongoing actions beyond implementation include:

No specific actions identified.

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

Policy Projects Manager, in conjunction with Civil Finance Manager, Head Of Civil and Children's Legal Assistance, Head of Criminal Legal Assistance, and Accounts Assessment Manager.

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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Review cycle:	Every three years	
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Version/Author	Date	Comment
V0.1 JO	May 2023	First draft for Operational team review
V0.2 JO	June 2023	Second draft following team review
V0.3 KF	August 2023	Third draft incorporating content on our policy on changes in solicitor
V0.4 KF	February 2024	Section 3 update following consultation
V0.5 KF	April 2024	Finalised clean version

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 key decisions this policy relates to are:

- what constitutes a valid grant of advice and assistance,
- the extent to which SLAB checks each aspect of a valid grant, and
- the impact of those checks on whether SLAB makes full payment, partial payment, or seeks to recover funds already paid out.

The policy covers the following key aspects.

Application

Our policy is that we do not set a particular form for an application by a person to the solicitor, other than requiring a signed document to declare eligibility, instead providing guidance on what may allow a solicitor to satisfy themselves as to the client's eligibility to receive A&A. We require a document to be completed by the client and by the solicitor to confirm that a person and their case is eligible for A&A. We set out our policy on the form of application in our policy on applications for A&A.

Elements of a valid grant

Our policy on what constitutes eligibility is that the matters on which a solicitor must be satisfied include a determination that:

- the client wishes to instruct that solicitor
- the client is a person who can be given advice and assistance
- the nature of the enquiry is a matter of Scots law
- the work is A&A or ABWOR
 - the work falls either within a specific category code or as “other” subject matter
- the client meets any applicable merits test
- the client is financially eligible and has produced such financial documentation as is practicable

- it is reasonable to provide A&A:
 - with reference to ability of your client to undertake this work without help from a solicitor, including the impact of their protected characteristics or other vulnerability
 - whether they could get help on procedural matters from some other source and if they have done so or not
 - with reference to the appropriate accounts assessment policy statement.

Checking

Our policy is that we check elements of a valid grant to varying extents, where those are assessed by the solicitor.

Discretionary payment where an element of a grant is invalid

Our policy on discretionary payment covers instances where a case would otherwise not meet the rules as set out in the statutory framework and elaborated in the policies covering A&A and ABWOR that form the basis of a valid grant.

Changes of nominated solicitor in limited circumstances

Our policy on changes of nominated solicitor enables a change of solicitor to take place without a fresh grant (and associated validity checking) being required in certain limited circumstances. Solicitors can submit these requests in a way which does not generally require SLAB intervention: the degree of checking is low.

In line with the principles of administrative law, we must undertake checks which are proportionate and reasonable, considering our statutory framework and the varying circumstances surrounding civil, children's and criminal cases. We have set our level of checking and policy on payment to balance protection of taxpayers' money, quick access to legal advice for those who need it and fairness to all applicants (including where we make the same decision in other instances). The balance of checking allows us to provide assurance that we are undertaking good stewardship of the Legal Aid Fund.

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

Routine review for the 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. They are 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 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.

All other A&A and 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) Unequal distribution of administrative burden	<p>There is 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 conceptualising these are as learning, psychological and compliance costs:</p> <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 • 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 or respond to discretionary demands. (1) <p>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). (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>
Age	<ul style="list-style-type: none"> (1) SLAB's applicants surveys (2) SLAB administrative data on applicants, 2019-20 (3) Scottish Survey Core Questions (4) Healthy ageing in Scotland (5) Attention and ageing (6) Attention spans for children (7) Age and cognitive decline (8) Poverty and Income Inequality in Scotland 2016-19 (9) Scottish Household Survey 2018 (10) Scottish prison population statistics 2019-20 	<p>SLAB's applicant surveys show that 37% of applicants for criminal legal aid were under 35, with 39% aged over 45. For civil legal aid, 28% of applicants were under 35, with 39% aged over 45. (1)</p> <p>SLAB's administrative data shows that 39% of civil legal aid applicants were aged 45 and over, with 36% aged under 35. Those aged under 35 made up 56% of summary criminal applicants, 61% of solemn criminal applicants and 54% of criminal appeal applicants. In children's legal aid, 62% were aged under 35. (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> <p>Older people have a lower poverty rate (8)</p> <p>"Older smaller" and "single older" households were the least likely to report that they were not managing well financially (two per cent and three per cent 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. However, 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>

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>
	(11) Characteristics of compulsory treatment orders in Scotland	
Disability	<ul style="list-style-type: none"> (1) SLAB equality outcomes research (2) SLAB applicants survey data and Scottish Survey Core Questions (3) Adults with incapacity and cases related to the mental health tribunal (internal) (4) Capital District Health Authority guidance; Anxiety: The Cognitive Perspective (5) Inclusive Justice; Findings and recommendations EHRC (6) Personal Independence Payment Claimant Research - Final Report 	<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 due to the nature of their conditions. Access was the most prevalent theme for people with learning or physical disabilities. This was discussed in several forms - contacting a service, getting information or understanding discussions. For people with experience of poor mental health, 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. (1)</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. (3)</p> <p>People experiencing mental health problems can find concentrating and remembering things difficult, as well as heightened stress levels, which may be an issue for interacting with SLAB. (4)</p> <p>UK research suggests that accused people with a cognitive impairment, mental health condition or neuro-diverse condition form a significant proportion of the</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>(7) Legal Services Agency Access to Justice Survey</p> <p>(8) Scotland's Wellbeing - measuring the national outcomes for disabled people</p>	<p>criminal justice population, and that they may need support to help them effectively participate (5).</p> <p>The main reasons for bringing evidence at the face to face assessment stage were that it would be helpful to bring everything (33%) or that they did not have it in time to submit with their original application (29%). Around a fifth of claimants (21%) had evidence they wanted to bring to the assessment but did not have it at this stage. One general theme in the qualitative interviews was that claimants did not know what or how they should prepare. (6)</p> <p>Respondents to the LSA poll 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. (7)</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, this disparity increases (30% compared to 16%). (8)</p>
Race	<p>(1) SLAB equality outcomes research</p> <p>(2) SLAB applicants survey data and Scottish Survey Core Questions</p> <p>(3) SLAB Annual report 2021-2022</p> <p>(4) Census results</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, of explaining a situation, of filling in forms or understanding background materials. There were also discussions around the inherent assumptions which are made about service users' knowledge and the need for service providers to understand cultural differences and sensitivities. (1)</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>(5) SCILT: Languages in Scotland</p> <p>(6) Complex post-traumatic stress disorder in asylum seekers and victims of trafficking: treatment considerations</p> <p>(7) NHS: Symptoms of post-traumatic stress disorder</p> <p>(8) Personal Independence Payment Claimant Research - Final Report</p> <p>(9) Poverty and Income Inequality in Scotland 2016-19</p>	<p>Our survey data indicates that the proportion belonging to the White ethnic group for criminal legal aid applicants (97%) and PDSO clients (93%) is similar to the general population (95% in Scottish Survey Core Questions 2019). Civil legal aid applicants (89%) and CLAO contacts and clients (86%) are less likely to belong to the White ethnic group. (2)</p> <p>Immigration and asylum cases make up 25% of all A&A and ABWOR cases. (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 that 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> <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 the trauma through flashbacks or nightmares, avoidance of reminders and hyperarousal. (6)</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>PTSD symptoms include avoidance (avoiding certain people or places that remind you of the trauma, or avoiding talking to anyone about your experience), hyperarousal (feeling very anxious and find it difficult to relax, leading to irritability, angry outbursts and difficulty concentrating), and mental or physical health problems. (7)</p> <p>The research highlighted that there is a small group of claimants who struggle to understand the process throughout. The qualitative research found those with limited literacy or English language skills are most affected. (8)</p> <p>‘Black, Black British and Other’ ethnic groups groups, and 39% of ‘Asian or Asian British’ ethnic groups were in relative poverty after housing costs. In comparison, 18% of ‘White - British’ were in relative poverty. (9)</p>
Sex	<ul style="list-style-type: none"> (1) SLAB applicants survey data and Scottish Survey Core Questions (2) SLAB administrative data on applicants (3) Symptoms of the female menopause (4) Symptoms of the male menopause (5) Scottish Health Survey 2019 	<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 and civil aid types. Applicants for children’s legal aid are 62% 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 depression or 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>

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>
	(6) Poverty and Income Inequality in Scotland 2016-19	<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> <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>
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 LGBT+</p>	<p>SLAB’s survey data for civil and criminal applicants indicates around 1% of applicants 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>
Sexual orientation	<p>(1) SLAB applicants survey data and Scottish Survey Core Questions</p> <p>(2) Stonewall survey of LGBT mental health</p> <p>(3) Health needs assessment of lesbian, gay, bisexual,</p>	<p>SLAB’s survey data for CLAO contact and client, PDSO clients, and civil and criminal applicants indicates that a similar proportion 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 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</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>
	transgender and non-binary people (4) Poverty and sexual orientation	women and men are more likely to experience poverty than heterosexual women or men. (4)
Religion or Belief	(1) SLAB applicants survey data and Scottish Survey Core Questions (2) Poverty and Income Inequality in Scotland 2016-19	SLAB’s survey data for civil applicants indicates that fewer applicants declared “No religion” (38%) as 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%), the Roman Catholic Church (around 14%) and as “Other Christian (around 7%). Civil applicants were more likely to be from other faiths (10%) as compared to the general population (4%). (1) Relative poverty rates are higher for Muslims, at 49% after housing costs. (2)
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, PTSD, panic disorder or OCD. (1) Pregnancy can bring increased financial pressure and contribute to those close to the poverty line falling below. It may also contribute to child poverty and households with children between the ages of 0-4 are at highest risk of poverty. Young mothers are specifically vulnerable. They tend to have lower education than older mothers and stay less educated. Lower education levels and employment contribute to the risk of poverty. (2)
Marriage/civil partnership		Not relevant to this policy: marriage or civil partnership is engaged for employment purposes.
Care Experienced	(1) SLAB applicants survey data and collated	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

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>
<i>(corporate parenting duty)</i>	<p>statistics accessed from Who Cares? Scotland</p> <p>(2) SLAB care experience literature review</p> <p>(3) Keep The Promise: Poverty briefing</p> <p>(4) Education outcomes for looked after children 2020-21</p>	<p>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. People in custody (40%) and prison (25%) indicate high proportions of care experienced people involved in the criminal justice system. (1)</p> <p>Being care experienced is associated with higher levels of mental ill health. (2)</p> <p>Children growing up in poverty are overrepresented on the child protection register and are more likely to be removed from their families. (3)</p> <p>This report shows that the education outcomes for care experienced children have improved but there are still large gaps in attainment compared to the total population of pupils in Scotland. (4)</p>

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.

The policy is important to equality groups. The main issue for people is the extent of checking and verification required to assess a grant as valid. However, the policy and associated processes are all mediated by the solicitor. There is no direct link between the policy and customers' experience, but it may have an impact.

The discretionary payment aspect of the policy will not directly affect the help an applicant receives in a single case. However, if we did not compensate solicitors for work done when there has been a procedural error, there may be an erosion over time in the willingness of solicitors to quickly proceed with advice until receiving confirmation that they have granted 100% correctly, or indeed their willingness to provide A&A at all may decline.

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 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 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 our consultation on our website and provided all solicitors on our mailing lists with a link. We received three responses, all from solicitor firms.

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.

One submission to the consultation suggested that SLAB's application procedures should be streamlined, suggesting that the number of forms, documentation and evidence required can cause delays to the detriment of cases. Our policies on these matters fall under the broad parent policy of determining grant validity but also our specific policies and EqlAs on applications format and applications by applicant to solicitor. The submission suggested that certain groups may have particular 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 required, suggesting SLAB should "streamline its processes, minimise forms, signatures, statements and documentation required." We are grateful for this submission and our EqlA of our policies in this area recognises the risks around administrative burden that may be associated with application processes, and the impacts that may have on particular groups.

As noted above, in terms of our role in determining whether a grant is valid, and the impacts our policy may have, our view is that the checking and verification required are mediated by the solicitor and should have a limited impact on applicants. As the tables in Section 4 of this EqlA indicate, our policy position could be that we could *increase* the amount of checking and verification required, but that this could have negative equality impacts: in that sense, the assessment so far indicates that the level of checking undertaken is likely to be broadly positive for equality groups.

As such, whilst we acknowledge the evidence provided and will continue to look for ways in which to make the application process as streamlined as appropriate, 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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			Children and older people are more likely to have difficulties relating information or engaging in complex and lengthy processes. If the policy focused on high checking for financial eligibility, this could lead to higher compliance costs with additional requests for documentation. If the policy had high checking on the ability of a person to take steps themselves, this could lead to higher psychological costs as the client may need to explain in some detail how or why they feel unable to do

				that, leading to stress and anxiety. If the policy was to check in detail whether the person did want to instruct that solicitor, this could lead to confusion and stress.
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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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			Relative poverty rates are higher for single women with children and for female pensioners. People in these groups may therefore feel overwhelmed (experiencing higher stress and lower task completion) if they were asked (under a high checking system) to deal with requests for further information or clarification of steps they could take themselves. Women may experience symptoms associated with the menopause that heighten stress and the ability to retain or relate information. Men may experience similar effects with the male menopause.

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	

potential for developing good relations			X	
potential to advance equality of opportunity	X			The population seeking help through A&A are more likely to have mental or physical disabilities, with potential difficulties relating or retaining information and engaging in complex or lengthy processes. People in this equality group note a particular difficulty in explaining the impact of their diagnosis or condition. If the policy focused on high checking for financial eligibility, this could lead to higher compliance costs with additional requests for documentation that may be difficult to accommodate. If the policy had high checking on the ability of a person to take steps themselves, this could lead to higher psychological costs as the client may need to explain in some detail how or why they feel unable to do that, leading to stress and anxiety, which has been specifically flagged as a barrier to us through our research. If the policy was to check in detail whether the person did want to instruct that solicitor, this could lead to confusion and stress for a population with already heightened anxiety.

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 and physical health, rather than with gender reassignment directly.
potential for developing good relations			X	

potential to advance equality of opportunity			X	
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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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			The population seeking help through A&A are, for some high-volume areas, more likely to have difficulties with English language comprehension and experiences which cause potential difficulties relating or retaining information and engaging in complex or lengthy processes. People in this equality group note a particular difficulty in understanding the background context to processes. If the policy focused on high checking for financial eligibility, this could lead to higher compliance costs with additional requests for documentation that may be very difficult to accommodate. If the policy had high checking on the ability of a person to take steps themselves, this could lead to higher psychological costs as the client may need to explain in some detail how or why they feel unable to do that, leading to stress and anxiety, which is heightened for people going through the asylum process. If the policy was to check in detail whether the person did want to instruct that solicitor, this could lead to confusion and stress for a population with already heightened anxiety.

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	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			Gay men, and bisexual women and men, are more likely to experience poverty. People in these groups may therefore feel overwhelmed (experiencing higher stress and lower task completion) if they were asked (under a high checking system) to deal with requests for further information or clarifications of steps they could take themselves. Otherwise, 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 and physical health.

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 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	

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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			The population seeking help A&A are, for some high-volume areas, more likely to be care experienced. Being care experienced is correlated with lower educational outcomes and poverty, both of which impact on cognitive resources and stress levels. If the policy focused on high checking for financial eligibility, this could lead to higher compliance costs with additional requests for documentation that may be difficult to accommodate. If the policy had high checking on the ability of a person to take steps themselves, this could lead to higher psychological costs as the client may need to explain in some detail how or why they feel unable to do that, leading to stress and anxiety, which is heightened for this group. If the policy was to check in detail whether the person did want to instruct that solicitor, this could lead to confusion and stress for a population with already heightened anxiety.

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

The assessment so far indicates that the level of checking undertaken is likely to be broadly positive for equality groups.

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 GALA review meeting on 27 September 2022 received an update on the implications of administrative burden literature and the broad equality issues this highlighted. The paper was discussed and reviewed by senior managers in Operations and Accounts.

The meeting also considered an updated version of this EqlA (and associated policy statement) in September 2023, covering the specific additions concerning our policy on changes in nominated solicitor: the group approved these documents, noting there did not appear to be any specific additional impacts with regards to equalities that needed to be incorporated into the EqlA.

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.

N/A.

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)
Monitor complaints or feedback about this policy to see if there is an equalities-related element.	Chief Executive's Office.	Quarterly.

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.

05/09/2026.

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

Director/SRO sign off: 05/09/2023.

Chief Executive approval: 05/09/2023.

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.