



# EQUALITY IMPACT ASSESSMENT (EqIA)

## Summary results of the EqIA

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

Children's ABWOR merits test

**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):**

Equalities considerations are embedded into our policy on this ABWOR merits test. The assessment suggests that the factors involved in our decision-making are either neutral in their impact or may be positive from an equalities perspective, by enabling particular circumstances associated with an applicant's protected characteristics to be taken into account.

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

We should be clear in our decision-making and external guidance that we will take equalities considerations into account and provide guidance as to the kinds of information which will assist in enabling us to make decisions where equalities issues are relevant to our policy position.

**Ongoing actions beyond implementation include:**

No specific actions identified.

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

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

**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

Document control		
Document control:	Children's ABWOR merits EIA v0.3	
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Version/Author	Date	Comment
V0.1	September 2022	First draft, as then considered by GALA Review Group
V0.2	February 2024	Section 3 updated following consultation
V0.3	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.**

SLAB's policy on the children's ABWOR merits tests operationalises the requirements of the relevant Regulation, that is Regulations 13(1) and 14 of the Advice and Assistance (ABWOR) (Scotland) Regulations 2003. The purpose of a policy statement is to identify a test to be undertaken by decision-makers: in this case, whether the effective participation test set out by Regulation 14 has been met. Section D of the policy statement is set out below, for reference.

“Regulation 14 sets out four regulatory factors which we must take into account in our decision-making when considering whether the effective participation test is met. Our policy on how we take these into account in practice is set out below, with further explanation provided in the rationale section.

Our policy is that the effective participation test will always be met **except** where all the parties are in agreement, and there are no indications that the Panel or other parties are likely to change their positions in the course of the hearing.

Even where the parties are in agreement, our policy is that the effective participation test may nonetheless be met where we are satisfied that:

- the nature and potential outcome of the hearing is likely to have a material impact on other related and concurrent civil or criminal proceedings (or on any such proceedings which can reasonably be considered to be either imminent or highly likely to be raised); or
- there appear any reasons why the specific applicant may be unable to understand the proceedings at hand or state their own case because of:
  - age;
  - inadequate knowledge of English;
  - mental illness and other mental or physical disability; or
  - any other personal characteristic which appears relevant to their understanding or ability to present their views.”

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

No change: this is a routine review of policy.

**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. The extent to which assisted persons can access ABWOR (for those cases requiring our prior authority) will be affected by how we set policy in this area. Solicitors and advocates work with the policies and guidance we develop. They are affected by the policy but not in relation to their protected characteristic.

**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.*

The main related operational policies are those with regards to increases in authorised expenditure (A&A/ABWOR), and more generally, our policies around whether a grant of A&A/ABWOR can be considered valid.

## 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.

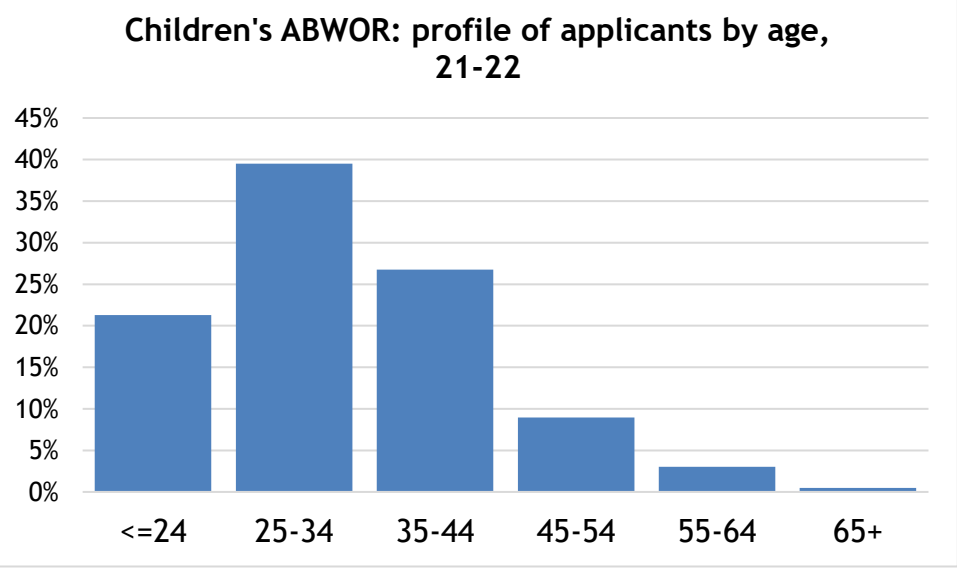
### 2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service?

*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>
<b>Cross-cutting considerations</b>		The profile of applicants to the Legal Aid Fund is patterned by protected characteristics within different aid types (for example, between children’s and criminal ABWOR) and by case categories within those aid types. We have no control over who applies to the Fund, which operates on eligibility rather than entitlement basis. Solicitors are the key intermediaries who decide which clients and cases they take on. The aggregate position of who applies is the result of complex interactions between societal trends, changes in

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>wider justice sector processes, individual firms' appetite to undertake legally aided work for a particular case or client, and the actual legal issue at play. Some of the evidence in this table is <i>not</i> specific to the experiences of those involved in children's hearing proceedings, and instead is much more general in nature (for instance, discussing the experiences of persons in other contexts such as employment tribunals). There is relatively little specific evidence we have been able to find which would tell us about the experiences of different protected characteristic groups in this context, however, it may be that some limited conclusions can be drawn from other contexts.</p>														
Age	<p>(1) SLAB internal applications data, 21-22  (2) <a href="#">Official SCRA statistics 21-22</a>  (3) <a href="#">Pleasence et al, 2015, 'How people understand and interact with the law'</a>  (4) <a href="#">Attention and ageing study, 2008</a></p>	<p><b>Children's ABWOR: profile of applicants by age, 21-22</b></p>  <table border="1"> <caption>Children's ABWOR: profile of applicants by age, 21-22</caption> <thead> <tr> <th>Age Group</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>&lt;=24</td> <td>~21%</td> </tr> <tr> <td>25-34</td> <td>~40%</td> </tr> <tr> <td>35-44</td> <td>~27%</td> </tr> <tr> <td>45-54</td> <td>~9%</td> </tr> <tr> <td>55-64</td> <td>~4%</td> </tr> <tr> <td>65+</td> <td>~1%</td> </tr> </tbody> </table>	Age Group	Percentage	<=24	~21%	25-34	~40%	35-44	~27%	45-54	~9%	55-64	~4%	65+	~1%
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		<p>As the chart above shows, most applicants for children’s ABWOR are by no means children, with a large majority clustered around the middle age bands. The data also indicates that there are no obvious differences in the grant rate by age. (1)</p> <div data-bbox="824 501 2056 1082" data-label="Figure"> <table border="1"> <caption>Children referred to Hearings system by age, 21-22 (SCRA data)</caption> <thead> <tr> <th>Age</th> <th>Number of Children</th> </tr> </thead> <tbody> <tr><td>0</td><td>680</td></tr> <tr><td>1</td><td>480</td></tr> <tr><td>2</td><td>500</td></tr> <tr><td>3</td><td>460</td></tr> <tr><td>4</td><td>470</td></tr> <tr><td>5</td><td>510</td></tr> <tr><td>6</td><td>490</td></tr> <tr><td>7</td><td>500</td></tr> <tr><td>8</td><td>490</td></tr> <tr><td>9</td><td>530</td></tr> <tr><td>10</td><td>550</td></tr> <tr><td>11</td><td>580</td></tr> <tr><td>12</td><td>720</td></tr> <tr><td>13</td><td>1120</td></tr> <tr><td>14</td><td>1350</td></tr> <tr><td>15</td><td>1320</td></tr> <tr><td>16+</td><td>400</td></tr> </tbody> </table> </div> <p>The most common ages for children and young people to be referred to the Reporter are 14 and 15 years. (2).  We are not currently aware of data on the protected characteristics of other people involved in the Children’s Hearings system (such as relevant persons).</p>	Age	Number of Children	0	680	1	480	2	500	3	460	4	470	5	510	6	490	7	500	8	490	9	530	10	550	11	580	12	720	13	1120	14	1350	15	1320	16+	400
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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>A 2015 report on how people interact with the law - based around the concept of ‘legal capability’ with regards to, for example knowledge of rights and legal empowerment, found that “there were significant differences in the percentages of respondents of different ages in the lower and higher capability groups... the higher capability group was disproportionately made up of 45 to 59 year olds, while the youngest (25 to 34 year olds and, particularly, 16 to 24 year olds) and oldest respondents (aged 75 or older) appeared more often in the lower capability group.” (3)</p> <p>As such, to some extent an applicant’s age may reflect their legal capability, which may in turn be relevant to their ability to participate in the proceedings.</p> <p>The ability to process complex tasks slows as we age. (4)</p> <p>This may be relevant to our policy because it may mean the applicant would be unable to consider and challenge documentation or put across their views, in line with the regulatory factors.</p>
Disability	<p>(1) <a href="#">Pleasence et al, 2015, ‘How people understand and interact with the law’</a></p> <p>(2) <a href="#">Capital District Health Authority guidance; Anxiety: The</a></p>	<p>Pascal’s 2015 study on how people understand and interact with the law found that “41.6 per cent of low capability respondents reported a long-term illness or disability compared to 24.8 per cent of high capability respondents, while 36.4 per cent of low capability respondents self-reported a stress-related illness compared to 21.4 per cent of high capability respondents.” (1)</p> <p>People experiencing mental health problems can find concentrating and remembering things difficult, as well as experience heightened stress levels, which can be an issue for participating in tribunal proceedings. Anxiety and stress can exacerbate problems with reading comprehension. (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>
	<p><a href="#">Cognitive Perspective</a></p> <p>(3) <a href="#">SLAB equality outcomes research</a></p>	<p>For people with experience of poor mental health, stress in formal situations was a common theme throughout the conversations. This could manifest itself in tension whilst waiting for a service or appointment and making it challenging to absorb and retain information. For some, the ability to retain information was a daily challenge due to the nature of their conditions. (3)</p> <p>All of this evidence suggests that an applicant’s disability may be relevant to our policy because it may mean the applicant would be unable to consider and challenge documentation or put across their views, in line with the regulatory factors.</p>
Race	<p>(1) <a href="#">SLAB equality outcomes research</a></p> <p>(2) <a href="#">Genn et al, 2006, Tribunals for Diverse Users</a></p> <p>(3) <a href="#">Byrom et al, 2021, Understanding the impact of COVID-19 on tribunals: the experiences of tribunal judges</a></p> <p>(4) <a href="#">Census results, 2011</a></p>	<p>SLAB’s recent equality outcomes research indicated that ethnic minority applicants for legal aid may face issues 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. 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> <p>This would appear to be relevant in the context of our policy considering whether an applicant is able to consider and challenge documents and/or put their views across.</p> <p>A 2006 study of ethnicity in the context of tribunal proceedings concluded that “there were significant differences in the extent to which users from different ethnic backgrounds were able to participate in hearings. South Asian users and those from other non-European ethnic groups were consistently judged to be less able to understand questions put to them than Black African/Caribbean users or White users, whether or not an interpreter was being used at the hearing” and that while</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>
	(5) <a href="#">SCILT: Languages in Scotland</a>	<p>“differences in ability do not correspond neatly with ethnic categories, the relationship between ethnicity and social exclusion suggests that lower levels of ability will be more common among certain Minority Ethnic groups.” (2)</p> <p>Notwithstanding that this evidence concerns employment tribunals rather than children’s hearings, this may be relevant to our policy in terms of considering whether there are any reasons why the applicant may be unable to understand the proceedings or put across their views.</p> <p>A study in relation to digital hearings and employment tribunals found that “whilst respondents considered that remote hearings had reduced psychological barriers to attending hearings for some, these barriers had been amplified for others: particularly those with... English as an additional language.” (2)</p> <p>Again, while this study concerned employment tribunals, in the context of race, given the intersection with language, this could be relevant to our considerations of whether the applicant is able to understand the proceedings.</p> <p>The main intersection between race and accounts assessment is in English language comprehension. The relevant results from the 2011 census are:</p> <ul style="list-style-type: none"> <li>• “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%.</li> </ul>

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>
		<ul style="list-style-type: none"> <li>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)</li> </ul> <p>The most spoken languages in Scotland other than English are Polish, Urdu, Scots, Punjabi and Arabic. (5)</p>
<b>Sex</b>	<p>(1) SLAB analysis of internal Applications data, 21-22</p> <p>(2) <a href="#">SCRA official statistics, 2021-22</a></p>	<p>Overall, the profile of applicants for children’s ABWOR in 2021-22 was 65% female to 35% male. Rates of refusal are very slightly higher for female applicant, but less than 3% for both male and female applicants. (1)</p> <p>The proportion of referrals to the Reporter by sex of the subject child was 44% female, 56% male. There is variation in the reasons for referral by sex, with children referred in relation to offense grounds much more likely to be male, whilst non-offense grounds see a more even split by sex (2).</p>
<b>Gender Reassignment</b>		No evidence found.
<b>Sexual orientation</b>		No evidence found.
<b>Religion or Belief</b>	(1) <a href="#">SCRA official statistics, 2021-22</a>	As with evidence set out above for race (sources <a href="#">3</a> and <a href="#">4</a> ), English language proficiency is patterned by ethnicity and country of birth, as well as religion. The proportion of people in Scotland identifying as Muslim or ‘other’ religion overall is 3.6% but they make up 34.6% of people living in Scotland who were born outside the UK or EU27. Roman Catholics make up 13.6% of the population overall, but account for 39.6% of the population born in the EU27. (1)

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>
		Language proficiency may be relevant to our consideration of whether the applicant is able to understand the proceedings and put across their views.
Pregnancy or maternity		No evidence found.
Marriage/civil partnership		No evidence found.
Care Experienced ( <i>corporate parenting duty</i> )	(1) <a href="#">SLAB care experience literature review</a>	Our review of relevant literature suggests that being care experienced is linked to higher levels of mental ill health. (1)  This suggests an intersection between care experience and disability, which may be relevant to our policy as set out above.

**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 will be important to all applicants because it forms a key part of the initial assessment of eligibility - that is, it is an in/out point. Where the test is not met, no ABWOR can be provided.

The key element of this policy is the consideration of whether there is disagreement between the parties, as this - in our view - is a key indicator of the issues likely to arise and whether the case is likely to be complex, and as such, whether the effective participation test will be satisfied. With regards equalities, our view is that this factor is neutral in its application, for example we will treat a child applicant in a case involving disagreement the same way as we would an adult applicant.

Where all the parties agree, our position is that the effective participation test cannot be met. However, in considering whether the effective participation test could nonetheless be satisfied, one factor we consider is the applicant's protected

characteristics and whether they might have implications for whether the applicant is likely to be able to understand the case or present their views, even where the parties are otherwise in agreement. This is in line with Regulation 14(c) and (d). It recognises that applicants with certain protected characteristics may face additional challenges participating in these proceedings, even where on the face of it, the proceedings may appear to be relatively straightforward. Given what may be at stake for the applicant in these proceedings, our position is that it is appropriate to specifically take this into account.

In summary, we do take equalities issues into account, though generally speaking we do not have to, as most cases involve some form of disagreement. Our view is that there is no reason to suggest there are likely to be differential impacts because of this policy position. It should also be noted that the refusal rate for children’s ABWOR is extremely low (less than 2%).

**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.*

<b>Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics</b>	<b>Yes/ No (Y or N)</b>	<b>Next steps</b>
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. This included a specific question regarding the equalities implications of our policies. The consultation documents were publicly available on SLAB's website. The consultation received three responses, all of which came from solicitor firms.

We note that whilst this particular policy fell within the scope of that consultation, none of the comments received were directly relevant to this policy area. As such, our assessment for the purposes of this EqlA has not changed following the consultation exercise.

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

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

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

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

In the tables below, record the impact 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.

Cross-cutting: all protected characteristics	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	We acknowledge that at a societal level, some protected characteristic groups may be more or less likely to be involved in children's hearing proceedings, and to apply for ABWOR. However, we have no control over this, and in individual cases, this societal fact has no bearing on our decision-making in relation to how we approach the test at hand. As such, we do not believe there is any potential for discrimination.
potential for developing good relations			X	None.

potential to advance equality of opportunity	X			The policy involves a factor specifically considering whether an applicant's protected characteristics may impact on their ability to participate effectively in the proceedings, even where other key factors within the policy are not satisfied. If relevant information is provided to us, in principle, any protected characteristic could be relevant here. Decision-makers' guidance and external guidance for solicitors will specify how this balancing/considering is approached, and what information to provide.
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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	None.
potential for developing good relations			X	None.
potential to advance equality of opportunity			X	As set out in table 2, there are various ways in which an applicant's age may be relevant to their ability to understand and participate in proceedings. We have included a specific factor which enables this to be considered. Decision-makers' guidance and external guidance for solicitors will specify what kinds of information may be relevant to addressing this factor.

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	None.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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			As set out in table 2, there are various ways in which disability could have an impact on an applicant's ability to understand and participate in proceedings. We have included a specific factor which enables this to be considered. Decision-makers' guidance and external guidance for solicitors will specify how this is to be approached and what information to provide.

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	The limited evidence for this protected characteristic does not highlight any potential differential impacts with regards to how this policy would be experienced.
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	
potential for developing good relations			X	
potential to advance equality of opportunity	X			As set out in table 2, there are various ways in which race, particularly in the context of language ability, could have an impact on an applicant's ability to understand and participate in proceedings. We have included a specific factor which enables this to be considered. Decision-makers' guidance and external guidance for solicitors will specify how this balancing/considering is approached and what information to provide.

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			The evidence for this protected characteristic does not highlight any impact on how this policy may be experienced: impacts are due to the intersectionality with ethnicity, nationality and spoken language, as set out in table 2. We have included a specific factor which enables this to be considered. Decision-makers' guidance and external guidance for solicitors will specify how this balancing/considering is approached and what information to provide.

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 limited evidence for this protected characteristic does not highlight any impact with regards to how this policy would be experienced.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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	The limited evidence for this protected characteristic does not highlight any impact with regards to how this policy would be experienced.
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	Not relevant to be considered for this policy.
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 evidence for care experienced young people suggests that impacts on how these applicants experience these cases and this policy will flow from intersectionality with mental health and age. Our policy includes a specific factor which may enable these to be considered.
potential for developing good relations			X	

potential to advance equality of opportunity			X	
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**4.2 Describe how the assessment so far might affect other areas of this policy/practice/process/service and/or project timeline?**

The assessment so far indicates that an important consideration may be ensuring that guidance for decision-makers and solicitors is clear that we may take equalities issues into account. The guidance should address the kinds of information we would expect to see in this regard. This will be considered further at Decision-makers Guidance drafting stage.

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

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

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

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

*You must discuss the findings of this assessment with senior decision makers during the lifetime of the project/review and before you finalise the assessment. Relevant groups include, but are not limited to, a Project Board, Executive Team or Board members. 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.**

Discussions with Head of Civil and Children’s Legal Assistance, and other key staff involved in making these decisions, indicated that the key element of the policy concerns the extent of disagreement between the parties. This was not seen as being patterned by protected characteristics or having a potential differential equalities impact. This factor alone would be sufficient to decide in most cases. In terms of how equalities are otherwise considered, however, it was confirmed that where we might otherwise be considering a refusal, we then specifically consider the individual applicant, including whether their protected characteristics would have any bearing on their ability to understand the proceedings and put across their views: this could be sufficient for the effective participation test to be met. The draft EqIA was also discussed by the GALA Review Group, who provided sign-off.

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

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

**6.1 Record any ongoing actions below.**

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

No ongoing actions at present.

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

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

Measure	Lead department/ individual	Reporting (where/ frequency)
<b>Internal data</b> Analysis of numbers of requests, grants and refusals for ABWOR by assisted person protected characteristic - broken down by type of applicant (that is, child versus relevant person) and forum (Panel versus Sheriff Court) if possible.	<b>AMI (data extraction) with Policy (analysis)</b> Suggest this should be explored as part of business impact assessment regarding recording, and options for gathering this information in a manageable way.	Head of Civil and Children's Legal Assistance (yearly).

### 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.*

12/09/2025.

### Step 7 - Assessment sign off and approval

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

**Director/SRO sign off:** 12/09/2022.

**Chief Executive approval:** 12/09/2022.

*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.*