



EQUALITY IMPACT ASSESSMENT

(EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Prior and retrospective approval: expert witnesses (Children's).

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):

For the purposes of identifying the impact of this policy, we have undertaken an analysis of our available applications data, as well as a review of external evidence. For the limited number of protected characteristics for which we had applications data available, there was no indication that the policy is having an adverse impact by protected characteristics.

Our view is that in large part, although an applicant's protected characteristics may be directly relevant to seeking an expert witness, this is in the context of their needs within their particular legal case, and this is how our policy operates: the applicant's protected characteristics are relevant only insofar as they are relevant to how their request for a particular expert witness could advance their case.

The merits test we apply in granting approval for an expert witness is a test of 'reasonableness'. This is a fairly wide test.

In our view, the degree of discretion available to us in this area and which we have incorporated into a broadly framed policy means that the current policy advances equality of opportunity across protected characteristics. The factors set out are wide enough to permit a wide range of issues potentially relating to applicants' protected characteristics to be considered.

Summary of actions taken because of this assessment:

No specific actions following this impact assessment have been taken given the conclusions reached. We will however continue to gather and analyse data to monitor the impact of this policy.

Ongoing actions beyond implementation include:

Ongoing actions include the gathering and analysis of data in relation to this policy. We intend to continue monitoring the grant rate in relation to protected characteristics where this is possible, to establish more information on the impact of this policy on assisted persons with equality related circumstances.

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

Head of Civil and Children's Legal Assistance.

Senior responsible owner (SRO) 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):

24/02/2026.

Step 1: Scoping the work being assessed

1.1. Briefly describe the aims, objectives and purpose of the policy/practice/process/service.

You can use information from your project specification, business case and other documents.

SLAB's policy on prior and retrospective approval for expert witnesses sets out how SLAB operationalises the requirements of the relevant Regulations. The purpose of a policy statement is to identify a test to be undertaken by decision-makers: in this case, whether it is 'reasonable' that a request for the employment of an expert witness be granted. Section D of the policy statement is set out below, for reference.

"The term 'expert witness' is not defined in the relevant Regulations. SLAB's policy is that for the purposes of children's legal aid, 'expert witness' is defined as a witness whose role is to speak primarily to opinion evidence, rather than to evidence of fact alone, and who has the knowledge, professional skills, and qualifications which enable them to give such an opinion (and/or undertake relevant associated steps).

"Where a person could be regarded as an expert due to their experience or knowledge in a particular field, but they are speaking only to factual issues, SLAB's policy is that such a witness does not fall under our definition of 'expert witness' and as such, prior approval is not required. (For example, an applicant's GP speaking to their history of personal intervention with the applicant.)

"SLAB will grant approval for the employment of an expert witness as reasonable where it is shown that the proposed expert has the necessary knowledge and experience; that their involvement may assist in advancing the case or its resolution; and that due regard to economy of litigation has been shown in the costs outlined. Where relevant, a solicitor must also confirm that the court is willing to hear the expert evidence in question.

"What work is covered by a grant?"

"SLAB's policy is that requests to employ expert witnesses must provide a fully itemised breakdown of the work proposed and anticipated costs. Any approval granted will specify a cost limit which cannot be exceeded without prior approval (albeit retrospective approval could thereafter be sought - see below). Any approval granted may state and/or limit the specified work to be carried out by the expert.

"Where SLAB has provided approval for a report by an expert, and the solicitor subsequently needs to cite that expert to give evidence in the court proceedings, a further application for approval is not required for these experts' associated costs, even where such costs are likely to exceed the amount

we consider to be unusually large expenditure (currently £3000 – see our specific policy statement on prior approval for unusually large expenditure in children’s legal aid). The initial grant of expert approval will cover this work.

“Where the work being undertaken appears likely to exceed the expenditure limit initially set by SLAB, a further application for approval must be submitted in advance of the expert carrying out the work.

“Retrospective requests for the approval of expert witnesses

“For retrospective requests for experts, the first limb of the test (set out in the Regulations) is whether approval would have been granted had it been sought timeously. As stated in the parent policy statement, SLAB’s policy is to apply exactly the same test and factors to the request as if it had been received in time (i.e. those set out above).

“For the second limb, SLAB’s policy on ‘special reason’ is that where a solicitor can show that:

- they were prevented from making a timeous application for prior approval by circumstances which were beyond their control and these circumstances were ones which could not have been reasonably foreseen; or
- the circumstances were within the solicitor’s control, and ought to have been foreseen, but the oversight was nonetheless justifiable given the particular or unusual circumstances in which the expense was incurred

this will generally be accepted as a special reason for late submission of a request for an expert.

“SLAB’s policy is that the particular circumstances described must amount to more than simply plain oversight or ignorance of the Regulations to suffice as a ‘special reason’.”

1.2. Why is the policy/practice/process/service being examined?

Review of policy/process/service/practice.

1.3. Who is affected by this policy/practice/process/service?

The customer for the purpose of this policy is the assisted person in receipt of children’s legal assistance, whose case the expert witness is intended to assist with.

The extent to which assisted persons (and by connection, their solicitors and, where appropriate, counsel) can employ expert witnesses in relation to their case will be affected by how SLAB sets its policy in this area.

There may also be an impact on other parties to the proceedings, and to other parties within the justice system (for example, the judiciary, Scottish Courts and Tribunals Service or children’s Reporters employed by SCRA).

1.4. Policy/practice/process/service implementation date.

Currently live.

1.5. What other SLAB policies or projects may be linked or affected by changes to this policy/practice/process/service?

As set out in the policy statement, there is a relationship between what SLAB approves at this stage (or retrospectively, also under the terms of this policy), and what may eventually be paid for.

Where SLAB's policy on what is likely to be 'reasonable' charges, this may have implications for what can later be paid for.

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

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

General information about the policy/practice/process/service

By way of general background on the operation of this policy, it is important to note that in 2024-25, a large majority (85%) of requests for expert witnesses in children's legal aid cases were granted: this suggests that the bar for approval is not unduly high.

It is also important to note that the process by which prior (or retrospective) approval for experts is sought is one which will be led and managed by the nominated solicitor, rather than applicants themselves. It is for the nominated solicitor to address the factors set out in our policy. The potential impacts of the policy on applicants are thus mediated through the solicitor.

In terms of the types of expert witnesses sought, the table below provides a breakdown. We note that a fairly large proportion of experts sought are medical in nature or employed in similar fields (including, for instance psychologists), which may have some relevance to applicants' protected characteristics.

Type of expert witness	Percentage of total expert witnesses requested
Other	26.06%
Psychologist	11.97%
Medical Other - Please specify	10.56%
Radiologist	8.45%
Psychiatrist	7.75%
Child Psychologist	7.75%
Social Work Expert	7.75%
Pathologist Other - Please specify	3.52%
Ophthalmologist	2.82%
Consultant Physician Other - Please specify	2.82%
Neurologist	2.82%
Blood Analysis	2.11%
Computer Expert	2.11%
General Practitioner	1.41%
Forensic Pathologist	0.70%
Dentist/Dental expert	0.70%
Child Psychiatrist	0.70%
Grand Total	100.00%

We are not currently able to readily quantify what proportion of requests were retrospective in nature,

the reasons for seeking retrospective approval, and the grant rate for such requests. However, discussions with Operational decision-makers suggest their experience is the number of relevant requests per year is low (that is, likely to be within single figures).

Age

Statistics

- **SLAB's data**

Age bands	Proportion of total requests for expert witnesses
<=24	17.61%
25-34	40.85%
35-44	28.87%
45-54	10.56%
55-64	2.11%
65+	0.00%
Grand Total	100.00%

Age band	Granted	Not granted
<=24	96.00%	4.00%
25-34	82.76%	17.24%
35-44	82.93%	17.07%
45-54	86.67%	13.33%
55-64	66.67%	33.33%
Grand Total	85.21%	14.79%

The breakdown of requests for expert witnesses by age bands indicates a clustering around the lower age bands, but particularly ages 25-34 and 35-44. This reflects the profile of applicants for children's legal aid more broadly. We are not aware of any evidence to suggest that the policy presents barriers for applicants in any age bands. There is a degree of variation in the grant rate by age bands: given the small numbers in some age bands, we are unable to specifically test for statistical significance: however, we are satisfied on the evidence we have available that the age of applicants is unlikely to be a driver of this variation.

Our view is that any relevance of age to requests for expert witnesses is likely to be relatively limited, though in principle, some types of expert may be sought to speak to issues relating to an applicant's age: for instance, child psychologists.

Our view is that the applicant's age would not in itself be a determining factor in our decision-making, however.

- **Data relevant to the policy**

Evidence on different age categories

No specific evidence found.

Disability

Statistics

- **SLAB's data**

Disability status (60% disclosure)	% of total requests for expert witnesses	
No disability	75.29%	
One or more disabilities	24.71%	
Grand Total	100.00%	
Disability status (60% disclosure)	Granted	Not granted
No disability	81.25%	18.75%
One or more disabilities	80.95%	19.05%
Grand Total	81.18%	18.82%

Compared to the profile of the Scottish population as reported in the results of the Scottish Core Surveys questions 2025, the proportion of requests for experts witnesses from assisted persons who disclosed a disability or long-term condition is similar: 25% vs 28%. We do note that the high rate of non-disclosed data in relation to this characteristic (40%) may obscure the actual picture somewhat; however, the data currently available does not suggest that the policy position creates barriers to applying for an expert witness - or indeed being granted an expert witness – based on disability status.

- **Data relevant to the policy**

Evidence on different disabilities

- **Physical disabilities**

We note that among requests for expert witnesses, there is a reasonable proportion of requests for various types of medical witnesses: some of these may relate to issues of disability arising in the context of the case. Whilst there is some indication that the grant rate for some of these experts is somewhat lower than the average (for instance, the grant rate for GPs being only 50%), our view is that this reflects the fact that prior approval is not actually required for some forms of medical evidence (i.e. evidence as to fact), rather than refusals on the substantive merits of the request,

- **Learning disabilities**

Again, we note that among requests for expert witnesses, there is a reasonable proportion of requests for various types of medical witnesses, including for example psychiatrists, and some of these could in principle relate to issues of learning disabilities arising in the context of the case.

- **Mental health**

Evidence from Audit Scotland shows that people with mental health conditions can face barriers in navigating public services and decision-making processes, particularly when systems are complex or fragmented: however, we note again that in terms of how applicants interact with this policy, in practice, such applications are dealt with by nominated solicitors rather than applicants themselves.

More broadly, external evidence indicates that in terms of the prevalence of mental health issues that could potentially be relevant to requests for expert witnesses, in Scotland, over one in five children aged 8–16 report anxiety or depression, and CAMHS referrals have risen by 22%, with many waiting beyond the 18-week target.¹ Expert input relating to applicants’ psychological issues may be frequently required in children’s legal aid cases: our applications data indicates that such types of

¹ [Children’s Health Scotland \(2025\): Mental health data reveals urgent need for action to support our children and young people](#)

experts are among the most commonly requested, as courts and solicitors seek reports from clinical psychologists or psychiatrists for complex family proceedings.

Our view is that the way in which the policy is framed – with a broad reasonableness test for prior approval and a ‘special reason’ provision for retrospective requests – provides us with a degree of flexibility where urgency or complexity demands expert involvement. The grant rates for experts who might speak to an applicant’s mental health is high: we are not aware of any evidence that suggests particular barriers for applicants within this group.

Sex

Statistics

- **SLAB’s data**

Sex (91% disclosure)	% of total requests for expert witnesses	% of applications for children’s LA
Female	53.49%	67%
Male	40.31%	33%
Prefer not to say	6.20%	n/a
Grand Total	100.00%	100%

Sex (91% disclosure)	Granted	Not granted
Female	89.86%	10.14%
Male	73.08%	26.92%
Prefer not to say	100.00%	0.00%
Grand Total	83.72%	16.28%

The proportion of requests for expert witnesses from female applicants is somewhat low in comparison to the profile of applicants for children’s legal aid generally, with the proportion of requests from men being accordingly higher. It is not clear to us why that may be. There also appears to be a degree of variation in the types of expert witness being requested, with female applicants considerably more likely to request approval for employment of a psychologist, psychiatrist or social work expert (for example), and male applicants more likely to request child psychologists and those in the ‘other’ category. This may reflect differences in their roles within the proceedings and existing relationships with the subject children.

We note that there is something of a gap between the male and female grant rate. However, statistical testing indicates that this is not a statistically significant difference. We are not aware of any reasons for such variation. However, nor are we aware of any evidence that suggests difficulties for male applicants in satisfying us against the factors in the current policy as a direct result of their protected characteristic.

- **Data relevant to the policy**

Recent data from the Children’s Hearings System shows similar overall proportions of boys and girls in children’s legal processes, but with distinct gendered patterns. Referrals for females fell by 4.4% (from 4,373 to 4,179) and for males by 3.8% (from 5,805 to 5,585), with decreases across both non-offence grounds (4.3% for females; 4.6% for males) and offence grounds (12.5% for females; 8.2% for

males).² Boys continue to be referred more often on offence grounds, while girls are more commonly referred on care and protection grounds, reflecting the differing types of issues they typically present within children’s legal aid cases. We are not sighted on the broader sex profile of persons involved in children’s proceedings (that is, adults).

Evidence on women

No specific evidence found.

Evidence on men

No specific evidence was identified on women’s involvement in children’s legal aid cases. However, broader family law data shows that men are far less likely to be the resident parent. Around 84% of lone-parent households are led by mothers, and approximately 97% of separated parents with primary care of children are mothers.³ Research also estimates that 5% of UK men aged 16–64 are non-resident fathers, meaning most fathers have limited day-to-day involvement in childcare.⁴ It is unclear whether this affects the types of expert witnesses instructed or contributes to lower grant rates, but these patterns suggest there may be potential differences by sex within the broader context of children’s proceedings (for example, a male relevant person’s relationship with the subject child and what they seek from the proceedings) that may be of relevance.

Race

Statistics

- SLAB’s data

Applicant race (80% disclosure)	% of total requests for expert witnesses
White majority	30-35%
White minority	<5%
Non-white ethnic minority	10-15%
Prefer not to say	50-55%
Grand Total	100.00%

Row Labels	Granted	Not granted
White majority	86.49%	13.51%
White minority	0.00%	100.00%
Non-white ethnic minority	85.71%	14.29%
Prefer not to say	81.97%	18.03%
Grand Total	83.19%	16.81%

In terms of the profile of applicants who requested approval for an expert witness, it is important to note that we have only an 80% disclosure rate in relation to race, which may slightly obscure the true picture. Moreover, within the disclosed data, there is a very high rate of ‘prefer not to say’, which again

² [SCRA Official Statistics 2024-25](#)

³ [Families and households in the UK - Office for National Statistics](#)

⁴ [Poole, E., Speight, S., O’Brien, M., Connolly, S. and Aldrich, M. – What do we know about non-resident fathers in the UK – National Centre for Social Research](#)

limits our ability to meaningfully analyse this data with regards to race. The proportion of ‘white majority’ applicants is clearly very low compared to the profile of the Scottish population.

Interestingly, compared to the Scottish population data in the Core Surveys Questions for 2025, the proportion of requests from non-white minority applicants appears high (12% vs 7%). However, it appears this is accounted for primarily by several individuals who made multiple requests for expert witnesses. Whilst the rate of requests from ‘white minority’ is low, again, we note the issues regarding the disclosure and PNTS rate, as well as the fairly low numbers overall: we are not aware of any issues with the policy position which indicate there are barriers for applicants from this group. The grant rate shown in the second table reflects very low numbers: our view is that the numbers are not sufficient to conclude the policy position has a particular negative impact on this group.

With the level of detail currently available to us, it is not possible to assess whether expert witnesses (or at least certain types of expert witness) are more relevant to groups within these protected characteristics. None of the expert categories set out above appear to be obviously relevant to race.

- **Data relevant to the policy**

Evidence on different ethnicities

Research consistently shows that minority ethnic families face barriers in engaging with social work and justice services (though as above, we note the intermediary role of the nominated solicitor in requesting approval for expert witnesses). SCRA has identified challenges such as language barriers, limited understanding of service roles and cultural concerns about state involvement.⁵ The Scottish Government’s *Ethnicity and Justice* review highlights persistent inequalities in service access, while CRER notes higher poverty rates among minority ethnic children, which can compound engagement challenges.⁶ These factors could mean that culturally informed expert assessments are essential in some children’s cases and specifically sought under the terms of our policy: discussions with Operational leads suggest that such requests are extremely rare, and there are no reasons to think such requests would be less likely to be granted than any others.

Evidence on people whose first language is not English

Census data shows that while 98.6% of people aged 3+ speak English, some areas have up to 2.2% with limited English skills, and ESOL statistics indicate around 61,000 people have limited or no English ability.⁷ It is important to note that approval for expert witnesses is **not** needed for the instruction of an interpreter. We are not aware of evidence that suggests which applicants who use interpreters (or more generally whose first language is not English) face particular difficulties in relation to gaining approval for expert witnesses under the terms of this policy.

Gender reassignment

Statistics

- **SLAB’s data**

No data available.

⁵ [Ethnic Minority Families and the Children’s Hearings System – SCRA](#)

⁶ [Coalition for Racial Equality and Rights \(CRER\) – Race and Poverty in Scotland](#)

⁷ [Scotland’s Census 2022 – Ethnic group, national identity, language and religion. National Records of Scotland](#) and [Racial Inequality and Mental Health in Scotland – A Call to Action by Mental Welfare Commission for Scotland](#) and [Community Learning & Development \(CLD\) – Statistics Brief for Scottish Government](#)

- **Data relevant to the policy**

Official data on gender reassignment among children is limited, but the 2022 Scottish Census recorded 19,970 transgender people in Scotland, almost half aged 16–24.⁸ LGBT Youth Scotland’s *Life in Scotland* survey also found high visibility among young people.⁹ Whilst the number of cases in which gender identity is at play may currently be limited, it may be reasonable to anticipate that demand for expert witnesses with expertise in gender identity issues will rise in future. The policy that would apply to such experts is the same approval criteria as for other experts: we are not aware of any evidence that suggests instructing such experts would be more difficult than others for reasons that would relate to the operation of this policy.

Evidence on trans people

In principle, expert input from specialists in adolescent gender identity, such as mental health professionals, and social care practitioners could be critical in cases involving gender dysphoria or transitioning support, though we are not aware of such requests to date.

Sexual orientation

Statistics

- **SLAB’s data**

No data available.

- **Data relevant to the policy**

Evidence on gay men

No evidence found.

Evidence on gay women/lesbians

No evidence found.

Evidence on bisexual people

No evidence found.

Religion or belief

Statistics

- **SLAB’s data**

No data available.

- **Data relevant to the policy**

Evidence on different religions.

We are not sighted on any specific external evidence which suggests applicants from particular religious or belief backgrounds are more likely to require an expert witness, or more likely to face difficulties in instructing one. In terms of possible relevance, we note that in theory, a case in which a parent’s strict religious background (for example) might be relevant to lack of parental care grounds in relation to treatment of the subject child, and that an expert could be called to speak to the nature of the parent’s beliefs in the context of the case: however, we are not aware of any requests of such a

⁸ [Scotland’s Census 2022 – Sexual orientation and trans status or history – National Records of Scotland](#)

⁹ [Life in Scotland: Trans Report – LGBT Youth Scotland](#)

nature being made to us. If they were, we do not anticipate the terms of the policy resulting in any equalities detriment.

Pregnancy or maternity

Statistics

- **SLAB's data**

Discussions with Operational decision-makers indicate that we do receive requests for expert witnesses that might speak to an applicant's pregnancy or maternity as relevant to the proceedings: for instance, paediatric or antenatal experts. We are not aware of any evidence to suggest particular barriers to such requests being made or problematic impacts because of our policy position.

- **Data relevant to the policy**

Evidence on pregnancy and maternity

No evidence found.

Marriage/civil partnership (only applies to policies related to employment)

Statistics

- **SLAB's data**

N/A.

- **Data relevant to the policy**

N/A.

Evidence on marriage and civil partnership

N/A.

Care Experienced

Statistics

- **SLAB's data**

No data available.

- **Data relevant to the policy**

As of 2023, approximately 12,206 children in Scotland were classified as "looked-after", with an estimated total of 14,000 care-experienced children overall.¹⁰

¹⁰ [Scottish Government – Children Looked After Statistics 2024](#)

Evidence on care experienced people

For children with experience of care, external evidence suggests that specialist expert assessments such as social work reports and certain types of psychological reports may be particularly relevant due to the significant psychological and social challenges faced by people in this group. This is supported by Scotland's Trauma-Informed Practice Toolkit, which emphasises that care-experienced children commonly suffer from experiences of chronic trauma, resulting in persistent stress responses like heightened cortisol levels, impaired learning, and difficulty forming secure relationships.¹¹

However, we would not make the decision to grant or refuse an expert based on an applicant having had experience of care in itself: the applicant would have to demonstrate relevance to the case, and address the tests set out in our policy. While an applicant's experience of care may have relevance to what the expert is being asked to speak to, it is unlikely to be the main basis on which our decisions are made.

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

Whilst it may be the case that the rate of grants/refusals (and indeed requests) for expert witnesses does vary by equality characteristic, our assessment is that this will be the result of interaction with factors present within the case and how an applicant (or another party's) protected characteristics are relevant to those, rather than the applicant's protected characteristics in and of themselves.

For instance, whilst applicants with mental health issues appear to be more likely to instruct a psychologist, our decision on whether a grant is to be made will reflect whether the expert is suitably qualified and properly able to speak to the issues at play in a way that advances the case, rather than the applicant's equality characteristic per se.

SLAB's policy on expert witnesses appears as though it may be particularly relevant for assisted persons from certain equality groups: particularly disability, given the prevalence of requests for health-related experts, as set out in the table above.

The factors used in decision-making in this area do not appear to impact unevenly on equality groups. The factors used (in particular, whether use of the expert is likely to advance the case) are broad enough to enable consideration in the context of any of the protected characteristic.

2.3. Outcome of Step 2 and next steps. Select the outcome below to inform the next stage of the EqIA process.

Please select your decision: Proceed to Step 3 - complete full EqIA.

Please outline the reasoning behind your decision:

The assessment above indicates that there is relevance to at least some of the equalities groups.

¹¹ [Care Inspectorate, NHS Education for Scotland & Scottish Government: *Trauma-Informed Practice Toolkit for Scotland*](#)

Step 3: Stakeholder involvement and consultation

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

No.

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

N/A.

3.3. What did you learn from the consultation/involvement?

Remember to record relevant actions in the assessment action log.

N/A.

Step 4: Impact on equality groups and steps to address these

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

As noted under 2.2, outcomes of this policy are primarily driven by issues at play in the case as well as the qualifications and pricing of the expert, rather than by the applicant's protected characteristics in and of themselves (even where the expert may be speaking directly to those). There are a range of expert witnesses who may be instructed to speak to issues which are related to an applicant's protected characteristics, however, for instance, child psychologists. We reiterate again, however, that our decision-making in relation to any specific request for an expert witness is driven by how such an expert could advance the case and their qualifications: the applicant's protected characteristics will only be directly relevant to such considerations if they are seeking an expert to opine on the applicant's protected characteristic and how it would affect their ability to parent.

SLAB has a wide degree of discretion available in terms of its policy on prior approval for expert witnesses. The factors that appear in the agreed policy are broadly framed: our assessment is that they are framed in such a way that – where relevance to the factors is demonstrated – issues relating to any of the protected characteristics with regards to possible need for expert witnesses can be considered. In incorporating such a degree of flexibility, our view is that the policy position advances equality of opportunity.

Age

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

In terms of relevance, the policy is being used to instruct experts who may be speaking to the relevance of an applicant (or other party's) age in some circumstances, for instance, child psychologists.

Our view is that on the evidence available to us, there is no change required to the policy. While there appears to be a degree of variation in the grant rate, which we are unable to check for statistical significance, our experience indicates that any variation in grant rate is unlikely to reflect discriminatory impacts arising from our policy position.

As noted above, in the 'cross cutting' section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be considered where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Disability

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

It is clear from reviewing the applications data that use of expert witnesses in relation to what could be considered applicants' (or other parties') disabilities is frequent: for instance, the instruction of psychiatrists and various types of medical experts. The data shows no real distinction in the grant rate by disability status. Our assessment is therefore for applicants with disabilities; our current policy position does not lead to adverse impacts but has a positive impact in which the test for granting an application for expert witnesses is not unduly high.

As noted above, in the 'cross cutting' section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be considered where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Sex

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

We note in section 2 that our applications data shows that whilst there is a degree of difference in outcomes for men and women, and in the types of expert witnesses being instructed, there is no

statistically significant difference in the grant rate for expert witnesses by sex. Therefore, it appears reasonable to assume no adverse impact relating to our decision-making under this policy.

We are aware of the external evidence that shows boys and girls present different issues in children's proceedings (for example, offence vs. care grounds), and that men are less likely to be resident parents, which could potentially influence the reasons experts are sought, and possibly the types of expert sought. However, our assessment is there is no evidence to indicate the operation of the policy results in discriminatory outcomes by sex as a result of the factors set out.

As noted above, in the 'cross cutting' section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be taken into account where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Race

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

Given the volume of data available, it was not possible to determine whether the variation seen in the grant rate by race was significant: however, our view is that there is no obvious basis on which to conclude that there are discriminatory impacts arising from our policy position on expert witnesses.

Children or families with limited English may require additional assistance and coordination when instructing experts, which could delay applications. As noted above in the cross-cutting section, the current policy provides a wide degree of discretion in assessing whether an expert is reasonable in the context of the case. As noted above, in the 'cross cutting' section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be considered where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Gender reassignment

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

We did not find any evidence that indicated a specific relevance of expert witnesses with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted use of an expert witness depending on their gender reassignment status. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated.

As noted above, in the ‘cross cutting’ section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be considered where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Sexual orientation

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Describe the changes or actions 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.

We did not find any evidence that indicated a specific relevance of expert witnesses with regards to applicants’ sexual orientation, or which suggests that applicants from particular sexual orientations are more or less likely to seek and to be granted use of an expert witness. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated.

As noted above, in the ‘cross cutting’ section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be taken into account where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Religion or Belief

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Describe the changes or actions 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.

We did not find any evidence that indicated a specific relevance of expert witnesses with regards to applicants’ religion or belief, or which suggests that applicants from particular religious backgrounds are more or less likely to seek and to be granted use of an expert witness. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated.

As noted above, in the ‘cross cutting’ section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be taken into account where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Pregnancy & Maternity

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Describe the changes or actions 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.

We did not find any evidence that indicated a specific relevance of expert witnesses with regards to pregnancy or maternity, or which suggests that applicants within this protected characteristic group are more or less likely to seek and to be granted use of an expert witness.

However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated.

As noted above, in the ‘cross cutting’ section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be considered where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

Marriage & Civil Partnership (only applies to policies related to employment)

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Describe the changes or actions 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.

Not relevant to be considered for this policy.

Care experience

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Describe the changes or actions 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.

Care-experienced children often face complex psychological and social challenges, which could in principle make expert evidence (for example, trauma-informed assessments, social work reports) particularly relevant, though we are unable to determine this with the data we have available.

As noted above, we found no specific evidence or data that allows us to see a clear linkage between applicants with this protected characteristics requests for expert witnesses, and grant rate.

However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated.

As noted above, in the ‘cross cutting’ section, our assessment is that the factors set out within the policy are broad enough to allow for issues relating to any protected characteristic to be taken into account where relevance can be demonstrated; and that this means that the policy has a positive impact with regards to equality of opportunity.

4.2. Which actions have you taken as part of this assessment?

Please select the outcome of the assessment:

Confirm that the policy/practice/process/service described in section 1.1 was robust.

Please explain the changes that have been made:

N/A.

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

5.1. Record details of the groups you report to about this policy/practice/process/service and impact assessment.

The policy was discussed with lead Operational staff to enable initial drafting of the EQIA, and this was then considered and agreed by senior leadership staff at a GALA Review Meeting on 26/01/2026.

Step 6: Post-implementation actions and monitoring impact

6.1. Record any ongoing actions below

No relevant ongoing actions.

6.2. Note here how you intend to monitor the impact of this policy/practice/process/service on equality groups

Measure	Lead department or individual	Reporting (where and frequency)
Grant rate by protected characteristics, broken down by type of experts as far as known	Policy (with AMI input)	Per review cycle or as requested

6.3. EqIA review date

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 implementation date.

26/01/2029.

Step 7: Assessment sign off and approval

Once final consultation has been undertaken with the Policy Officer (Equalities), all EqIAs 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 EqIAs. Note the relevant dates here:

Director/SRO sign off: 26/01/2026.

Chief Executive approval: 26/01/2026.

All full EqIAs must be published on SLAB's website as early as possible after the decision is made to implement the policy/practice/process/service.