



# EQUALITY IMPACT ASSESSMENT

## (EqIA)

### Summary results of the EqIA

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

Prior (and retrospective) approval for unusually large expenditure work: children's legal assistance.

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

Review of current policy.

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

Our assessment is that this policy will be relevant to equality groups particularly with regards to race in some circumstances. However, we also note the very low volumes of requests make a full analysis difficult, but also suggest this is not a particularly important policy area to groups with protected characteristics.

Our conclusion is that the factors in the policy are framed in such a way that would allow us to consider requests which relate to a person's protected characteristics (across any of the nine protected characteristics), and that overall, the policy assists in advancing equality of opportunity, with no amendment required. However, we also note that an applicant's protected characteristics will not be relevant to our decision-making in and of themselves but require to be tied into the policy factors which we set out.

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

No specific actions taken.

**Ongoing actions beyond implementation include:**

Continue monitoring and analysis of decisions.

**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.

SLAB's policy on prior and retrospective approval for unusually large expenditure sets out how SLAB operationalises and records the requirements of the relevant Regulation. The purpose of a policy statement is to identify a definition and a test to be undertaken by decision-makers where approval is sought to carry out work which is to involve unusually high expenditure. In this case the test is whether it is 'reasonable' to approve the proposed work. We then define what is meant by 'unusually large expenditure'. The relevant section of the policy statement is set out below.

*“SLAB's policy is that 'unusually large expenditure' is defined as expenditure on a single item of work above £3000 (excluding VAT) where the proposed expenditure has not already been covered by a grant of approval in relation to experts or unusual work.*

*“With regard to expert witnesses, if SLAB has already provided approval for the expert to provide a report under expert sanction, and the solicitor wishes the expert to give evidence in court, if this is expected to cost more than £3000, a request for approval for unusually large expenditure is **not** required; the original grant under expert prior approval covers this work.*

*“Where the cost of work a solicitor seeks to carry out is below the unusually large threshold set out above, SLAB's prior approval is not required before the work is undertaken.<sup>1</sup>*

*“Test applied*

*“Where the proposed work falls within the definition above, the test SLAB applies in making a decision on whether to grant approval is **whether the proposed work is reasonable in all the circumstances of the case.***

*“SLAB will grant a request to incur unusually large expenditure where the request demonstrates that the proposed work will assist in advancing the case or in its early resolution; and where the request demonstrates due regard to economy in the breakdown of costs provided.*

### ***“Retrospective requests for the approval of unusually large expenditure***

*For retrospective requests for unusually large expenditure, the first limb of the test (set out in the Regulation) 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*

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<sup>1</sup> If the work is unusual in nature, SLAB's prior or retrospective approval is always required, regardless of proposed cost.

- *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 unusually large expenditure is intended to have some sort of impact on. The extent to which assisted persons (and by connection, their solicitors and, where appropriate, counsel) can undertake such work in relation to their case will be affected by how SLAB sets its policy in this area.

## **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 in advance of the expenditure being incurred (or retrospectively, also under the terms of this policy), and what may eventually be paid for under our Accounts decision-making.

## **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**

The number of requests we have received for prior (or retrospective) approval in this area is extremely low: in 2024/25, the number was in the single digits. This very low volume makes any meaningful statistical analysis of our applications data impossible, much less any analysis by protected characteristics.

For instance, whilst the data shows that the grant rate for the requests in 2024/25 was only 20% (considerably lower than all other forms of prior approval, including for unusual work), on the basis of the very limited numbers, we cannot reach a meaningful conclusion as to why this might be, or whether a similar grant rate would exist were the numbers higher.

For context on the grant rate, discussions with Operational leads indicate that a primary reason for refusal under this policy is likely to be because the wrong type of approval was sought (for instance, where the request ought to have been for an expert witness, rather than approval for unusually large expenditure), rather than a substantive refusal due to the fact that the request was not reasonable with regards to the factors set out in this policy.

More broadly, we would suggest that this is a very specific and niche policy area of the Scottish legal aid system, for which no obvious external equivalents are available that might provide comparators with other public decision-making bodies.

## Age

### *Statistics*

- **SLAB's data**

Unable to report data given low volumes.

- **Data relevant to the policy**

### *Evidence on different age categories*

No evidence found.

## Disability

### *Statistics*

- **SLAB's data**

Whilst we are unable to undertake statistical analysis of the grant rate or profile of applicants making requests for approval of unusually large expenditure, there is nonetheless some limited information we can set out here. The subject matter of the applications indicates that disability may be relevant in terms of the types of requests being made, with a few of the requests relating to assessments of parenting capacity, and one making explicit reference to an applicant having a learning disability and mental health issues. The policy can be seen as having potential relevance to disability, therefore. However, we note per the observation above that it appears that a number of these applications were erroneous and should have been requests for expert witnesses instead.

- **Data relevant to the policy**

### *Evidence on different disabilities*

- **Physical disabilities**

No evidence seen.

- **Learning disabilities**

No clear evidence seen. Whilst there was mention of learning disability amongst the applications, our view is that our policy on expert witnesses should have been used in that context.

- **Mental health**

No clear evidence seen. Whilst there was mention of mental health amongst the applications, our view is that our policy on expert witnesses should have been used in that context.

## Sex

### *Statistics*

- **SLAB's data**

No evidence seen.

- **Data relevant to the policy**

### *Evidence on women*

No evidence seen.

### *Evidence on men*

No evidence seen.

## Race

### *Statistics*

- **SLAB's data**

In principle, approval for unusually large work would be required were the cost of an interpreter and translator to exceed the £3000 threshold: this would have a relevance to race. However, we note that in practice, in 2024-25, we received no requests of this type. Otherwise, it is important to note that interpreting/translation services do not require prior approval if the costs are under £3000.

- **Data relevant to the policy**

### *Evidence on different ethnicities*

We are not sighted on any evidence that suggests persons of different ethnicities are more or less likely to seek approval for unusually large expenditure: whilst in principle, persons from certain ethnic groups may be more likely to require interpreting services which could possibly trigger this policy, but in practice, this appears to be very rare. Other than the intersection of race and language, we are not aware of any evidence suggesting there are types of high expenditures which are more likely to be sought by persons of different ethnicities.

### *Evidence on people whose first language is not English*

Per the above – whilst relevant to this policy in theory, we note that no applications relating to interpreting or translating costs has been received.

## Gender reassignment

### *Statistics*

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

We were unable to find any evidence which suggested that an applicant's gender reassignment status would be relevant to their need to seek approval for unusually large expenditure, or to the grant rate under this policy. We have no reason to believe this would be the case.

### *Evidence on trans people*

No evidence found.

## Sexual orientation

### *Statistics*

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

We were unable to find any evidence which suggested that an applicant's sexual orientation would be relevant to their need to seek approval for unusually large expenditure, or to the grant rate under this policy. We have no reason to believe this would be the case.

### *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 evidence available.

- **Data relevant to the policy**

We were unable to find any evidence which suggested that an applicant's religion or belief would be relevant to their need to seek approval for unusually large expenditure, or to the grant rate under this policy. We have no reason to believe this would be the case.

### *Evidence on different religions*

No evidence found.

## Pregnancy or maternity

### *Statistics*

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

We were unable to find any evidence which suggested that an applicant's pregnancy or maternity status would be relevant to their need to seek approval for unusually large expenditure, or to the grant rate under this policy. We have no reason to believe this would be the case.

### *Evidence on pregnancy and maternity*

No evidence found.

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

### **Statistics**

- **SLAB's data**

Not relevant to this policy.

- **Data relevant to the policy**

Not relevant to this policy.

### **Evidence on marriage and civil partnership**

Not relevant to this policy.

## **Care Experienced**

### **Statistics**

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

We were unable to find any evidence which suggested that an applicant's care experience would be relevant to their need to seek approval for unusually large expenditure, or to the grant rate under this policy. We have no reason to believe this would be the case.

### **Evidence on care experienced people**

No evidence found.

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

SLAB's policy on unusually large expenditure could have direct relevance to several protected characteristics: in particular, to assisted persons who do not speak English (race), as SLAB's approval will be required to incur expenditure on interpreting and translation costs where these are likely to be above the unusually large threshold. It may also be relevant with regards to disability, given the subject matter of the (extremely limited number of) requests we received in 2024-25.

Hypothetically, each protected characteristic group could have specific needs that could potentially generate requests for work possibly falling under this policy. However, in practice, SLAB's policy on approval for unusually large expenditure does not necessarily appear to be more important for some equality groups rather than others. The factors are broad enough to enable consideration of any large expenditure related to any of the protected characteristics.

Generally, our view is that the protected characteristic of the applicant will be only indirectly relevant in our decision-making. Moreover, we would reiterate that most instances of refusal occur not because of substantive issues with the request but for more procedural reasons (such as approval not being necessary or where the wrong approval category has been chosen which are unlikely to have any relevance to equalities).

## **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:**

Per 2.2. Our assessment to date indicates that there are potentially some types of work directly relating to protected characteristics which could require approval for unusually large expenditure. As such, a full assessment is required.

## **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.**

None.

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

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?**

#### **Cross-cutting observations**

Given the extent of SLAB's discretion in this area, it would be open to us to have a stricter policy that places more of a burden on applicants. Such a stricter policy could be to lower the money threshold so that more types of work would require prior approval. Such a change could lead to uneven impacts on equality groups. Similarly, we could amend or expand the range of factors so that they were more restrictive in the types of work that could be covered (such that needs relating to protected characteristics faced a higher bar).

As such, our assessment is that the fact our policy is framed as it currently will have a positive impact on equality groups in terms of advancing equality of opportunity compared to other possible policy positions. We also note that the existing factors are broadly framed in such a way that would allow us to consider unusually large expenditure requests relating to any of the protected characteristics, though only where specific relevance to the factors has been demonstrated: an applicant's protected characteristics in and of themselves will not tip the balance in our decision-making.

## 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.*

We did not find any evidence that indicated a specific relevance of this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their age. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## 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.*

As noted above, we are aware that the applications data shows there were requests in which an applicant's disability was mentioned, though we note again that these should have been requests for expert witnesses: otherwise, the direct relevance of this policy to this protected characteristic is likely to be limited.

## 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 did not find any evidence that indicated a specific relevance of this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their sex. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

We are not aware of any current issues regarding the impact of this policy on persons with disabilities. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected

characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## 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.*

We note that interpreting and translating costs, were sufficiently high, can be subject to ULE provisions, which would be directly relevant to this protected characteristic. We recognise that interpreting and translation costs relate specifically and directly to an applicant's protected characteristics in a way which is not generally the case for other forms of unusually large expenditure.

In the context of assessing the policy's impact on equality of opportunity, we considered whether an alternative policy position might have a more positive impact with regards to such costs and their impact on this group. It was suggested that an alternative policy would be in one in which the financial threshold for interpreting/translation costs was set at a higher level applicants would be less likely to need to seek our approval, reducing the burden on applicants.

However, internal discussions indicated that such a policy position would be unlikely to have the intended impact: introducing an additional bespoke threshold for one particular type of work adds a layer of complexity to the policy. Our experience suggests that in practice, the likely impact of such a change would be to introduce a risk that solicitors continue to make requests for approval using the old figure, despite this not being required: this would in turn result in applications for prior approval for interpreters being refused as unnecessary. As such, whilst we have considered this alternative approach, our view is that on balance, the simplicity of the current position is a more effective at advancing equality of opportunity.

Some external evidence suggests people from ethnic minority backgrounds face particular barriers and difficulties in terms of participating with legal proceedings and associated administrative processes, though our view is that this policy does not contribute to such experiences.

Our assessment is that there is no evidence to indicate a significant detrimental or discriminatory impact of our policy position with regards to race. Whilst we are aware of several refusals in relation to interpreting costs, these arise primarily because prior approval for ULE was not required and does not mean applicants would have been unable to have needs arising from this protected characteristic met.

## 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 this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their gender reassignment status. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## **Sexual orientation**

**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 this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their sexual orientation. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## **Religion or Belief**

**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 this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their religion/beliefs. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## **Pregnancy & Maternity**

**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 this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their pregnancy/maternity status. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

### **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.*

N/A.

### **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.*

We did not find any evidence that indicated a specific relevance of this policy with regards to this protected characteristic, or which suggests that applicants are more or less likely to seek and to be granted approval for unusually large expenditure depending on their care experience status. However, nor are we aware of any current issues. There are no known adverse impacts to be mitigated. Where specific costs relating to the protected characteristic could be shown to have a relevance to the case, these could be considered under the current policy position.

## **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:**

Given our conclusion that the policy is robust from an equalities perspective, no change is required.

## 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. Include the date you presented progress to each group and an extract from the minutes to reflect the discussion.**

Discussions with lead operational decision-makers in January 2026 followed by consideration by senior SLAB 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 current 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)  |
|--|--|--|
| Analysis of numbers of requests, grants and refusals for prior approval to undertake unusually large expenditure by assisted person protected characteristic. Also attempt to specifically identify specifically equality focussed requests through analysis of subject of each request. | AMI (data extraction) with Policy (analysis) | Once per review cycle – to Head of Civil and Children’s Legal Assistance |

**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.