



EQUALITY IMPACT ASSESSMENT

(EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Civil legal aid: prior and retrospective approval for unusually large expenditure.

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 analysed our available applications data and reviewed external evidence. For the limited number of protected characteristics that we had applications data available, there was no indication that the policy is having an adverse impact by protected characteristics. Though there was a significant difference in the grant rate by age, our view is that does not arise because of unjustifiable discrimination.

Broader external evidence indicated that some equality groups face particular barriers in engaging in legal proceedings. There was limited specific evidence of the types and extents of additional costs which different equality groups might face, and how these are considered under our policy. In practice, applications data showed a prevalence of proposals relating to child welfare reports, which does not appear to relate directly to applicant protected characteristics or their needs.

Our view is that the policy is framed to facilitate the approval of costs relating directly to protected characteristics (for instance BSL interpreters) though in practice, such direct costs are rare. In practice, this policy is only relevant to a limited proportion of such requests, that is, those over £3,000.

The degree of discretion available to us in this area means that we could have a stricter policy position which would create greater barriers to obtaining this type of approval; by not doing so, and in combination with the broadly framed factors allowing a wide range of issues to be considered, our view is that the current policy advances equality of opportunity across protected characteristics.

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, 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.

SLAB’s policy on prior and retrospective approval for unusually large expenditure sets out how SLAB operationalises the requirements of the relevant Regulations.

The purpose of a policy statement is to identify a definition and a test to be undertaken by decision-makers. In this case, the test is whether it is ‘reasonable’ that a request to incur unusually large expenditure be granted.

Section D of the policy statement (civil) is included below for reference.

“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.¹

“Test applied

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

¹ If the work is unusual in nature, SLAB’s prior (or retrospective) approval is always required, regardless of proposed cost.

“SLAB will grant a request to incur unusually large expenditure as reasonable 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.”

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, 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) can incur unusually large expenditure will be affected by how SLAB sets 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 at this stage, and what may eventually be paid for under our Accounts assessment policies. There may also be relevance to our policy on cost limit amends.

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

We have a limited amount of applications data available by applicant protected characteristics information: the protected characteristics covered are age, sex, disability, race and care experience. For some of these protected characteristics, the volume of equalities data disclosed is limited, which means we are unable to report full figures on, for example, grant rate. Moreover, given this area could be seen as a somewhat niche policy, specific to legal aid, there is limited external evidence (particularly data) that is *directly* relevant to assessing the impact of our policy: we have sought to set out relevant external evidence where possible, however.

In terms of case types, compared to the profile of civil legal aid applications generally, requests for prior approval for unusually large expenditure were considerably more likely to arise from family actions involving children. This was particularly pronounced for contact, residence and variation – compared to other case types (particularly adults with incapacity cases, which comprise 42% of civil legal applications, but generated less than 3% of requests to approve unusually large expenditure). This is then also reflected in the content of requests received, with more than half of total requests

concerning child welfare reports, and over 10% relating to contact costs. In terms of outcomes, of the 1,576 requests for prior approval in 2024-25, 65% were granted, with the remaining 35% being not granted (this would include being abandoned).

It is important to note that the applications data indicates that most refused requests were refused on the grounds:

- a) that prior approval was not needed for the work proposed, given its nature and cost (for instance, requests for sums below £3,000);
- b) there was a lack of information (including on whether work was ordered by the court or not); or
- c) that, for example, prior approval for an expert witness was required rather than approval for unusually large expenditure.

The number of instances in which requests were refused on their substantive merits appears very small indeed. Overall, our view is that this suggests – importantly – that the key outcome (grant rate) and any potential impact on equality groups will be driven to a large degree by the extent to which solicitors have properly familiarised themselves with SLAB’s policy requirements and guidance, rather than the way in which the policy substantively interacts with applicants’ protected characteristics.

Age

Statistics

SLAB’s data

Age band	% of requests for prior approval	% of total applications for civil legal aid
<=24	7%	5%
25-34	36%	22%
35-44	42%	27%
45-54	11%	19%
55-64	3%	16%
65+	1%	10%

The table above illustrates the age profile of applicants requesting approval for unusually large expenditure compared to the profile of applicants for civil legal aid generally. Applicants requesting this type of prior approval are more much likely to be within the 25-34 and 35-44 age bands, and considerably less likely to be within the 45-54, 55-64, and 65+ bands. This may be accounted for by the preponderance of requests made in the context of family actions involving children, and the comparatively low proportion from AWI cases.

We are not aware of evidence that suggests the low proportion of requests from upper age bands reflects barriers faced by older people caused by our policy position. Rather, we anticipate that this reflects differences in case types as well as in outlays required. We note, for instance that the costs of, for example, AWI reports (perhaps more likely to be sought by older applicants) are comparatively low compared to costs of child welfare reports (sought by persons in lower age bands) and thus less likely to trigger the requirements of this policy.

Age band	Granted	Not granted
<=24	66%	65%
25-34	70%	65%
35-44	64%	65%
45-54	62%	65%
55-64	55%	65%
65+	30%	65%
All	65%	35%

The table above illustrates statistically significant variation in grant rate by age bands, with the two upper age bands having lower grant rates (in the context of lower numbers of requests in the first place). Further analysis indicates that these two groups were more likely to be involved in AWI cases, which have a higher rate of refusal of requests for ULE (for instance, amongst the 65+ group, 60% of cases involving ULE requests were AISAW, compared to 3% for all applicants). However, as observed above, this appeared to be because of requests being made when they were unnecessary, not because of the applicants' ages. We are satisfied that the variation above does not reflect any detrimental equalities impact arising from our policy.

As noted above, a large proportion of requests for unusually large expenditure relate to child welfare reports, which have an obvious relevance to the protected characteristic of age. However, the applicants themselves will tend not to be children. The grant rate for these reports is high (around 80%).

Data relevant to the policy

Evidence on different age categories

For children and young people, requests for unusually large expenditure may be particularly significant where certain expenditure is required to facilitate their effective involvement in proceedings. In Scotland, children are recognised in law as vulnerable witnesses, and the *Vulnerable Witnesses (Scotland) Act 2004* provides a statutory basis for special measures to support their participation in court.² That being said, in practice our applications data does not show any requests for prior approval of special measures under the unusually large expenditure provisions.

For older people, additional needs linked to age, such as hearing loss, reduced mobility, or age-related conditions could make access to specialist input essential in terms of their participation in legal proceedings. The Scottish Government's strategy *A Fairer Scotland for Older People* highlights that older people often face inequalities in access to services, including communication and mobility barriers, which can affect their ability to exercise rights effectively.³ In theory, these factors could lead to applicants seeking approval for supports which could exceed the £3,000 threshold.

However, in practice, we are not aware of either requests of this nature in the first place, or evidence that suggests the existence of such barriers: however, we note this external evidence in terms of risks to be aware of in the monitoring of the policy.

² [Vulnerable Witnesses \(Scotland\) Act 2004 – Part 2: Special Measures.](#)

³ [Scottish Government – A Fairer Scotland for Older People: Framework for Action \(2019\).](#)

Disability

Statistics

SLAB's data

Disability status (55% disclosure rate)	% of total requests
Disability declared	19%
No disability declared	81%

Disability status	Granted	Not granted
Disability declared	71%	29%
No disability declared	65%	35%
All requests	66%	34%

The prior approval request grant rate for applicants with disabilities is somewhat higher than for those who do not. This does not suggest an obvious equalities detriment or undue barriers for people with disabilities has been created by the policy. Statistical analysis indicates that the difference in grant rate is not significant.

Analysis of applications shows that there is a statistically significant difference in the level of costs being sought. The average being approved for people with disabilities around £400 higher than for those who do not. Disabled applicants were more likely to have submitted requests for approval valued at over £5,000 when compared to applicants who did not declare a disability.

In terms of the types of work which applicants are seeking to have funded under ULE provisions, there were several requests for work to be undertaken by child psychologists (again, not necessarily with regards to the specific applicant themselves rather than, for example, their child). Though these were generally refused, given approval for an expert witness ought to have been sought instead. There were also a few requests for reports from GPs or other medical professionals into mental health, though prior approval was not always needed for these, leading to refusals in some cases.

Data relevant to the policy

In terms of relevance, the policy statement makes clear that sign-language interpretation costs fall under the unusually large expenditure threshold, requiring prior approval, though only when these exceed £3,000. This could directly affect disabled people who require such communication support. In practice, the applications data indicates that such requests are extremely rare (<0.1% of the total).

More broadly, recent evidence shows that disabled people in Scotland continue to face barriers in accessing justice. The Scottish Human Rights Commission has highlighted that people with disabilities encounter systemic obstacles in exercising their rights, including in courts and tribunals, where communication and accessibility remain significant challenges.⁴ The Legal Services Agency and University of Glasgow also reported in 2025 that people with non-visible disabilities, such as neurodivergent conditions, experience particular difficulties in securing appropriate adjustments, which can increase reliance on costly expert or specialist support.⁵ Review of SLAB's applications data, however, found that in practice, there were very few – if any – requests for prior approval that

⁴ [Scottish Human Rights Commission – State of the Nation 2024: Civil and Political Rights in Scotland](#) and [Commission reports on state of human rights in Scotland](#).

⁵ [University of Glasgow & Legal Services Agency – Non-Visible Disabilities and Access to Justice \(2025\)](#).

related to securing relevant adjustments: this could be simply because these generally would not breach the £3,000 threshold. As such, the extent to which the current policy position (with its relatively high monetary threshold) creates a risk of such barriers applying seems very limited.

It is important to note that the cost of reasonable adjustments for disability (even if over £3,000) may not all require to be met by legal aid (and therefore are not all controlled by this policy); some may be covered by the solicitor, and others by the court.

Evidence on different disabilities

Physical disabilities

External evidence indicates that individuals with physical disabilities face persistent barriers in accessing justice. The Scottish Human Rights Commission has noted that “access to justice remains challenging due to a complex and costly legal system,” with disabled people disproportionately affected.⁶ For those with mobility, hearing, or visual impairments, specialist evidence or adaptations may be essential, and we note that such requirements could in principle involve costs above the £3,000 threshold. However, as noted above, in practice there were very few requests for prior approval of this nature, and again, that not all such costs will be for legal aid to bear.

Learning disabilities

The Scottish Commission for People with Learning Disabilities reports that many people still experience “a lack of basic human rights enjoyment,” including difficulties accessing justice.⁷ The SHRC has also highlighted emerging evidence on the right of people with learning disabilities to live independently, pointing to systemic challenges in Scotland’s justice system.⁸ Given that these clients may require to have information provided in alternative or accessible formats or specialist support, in theory they may require their solicitor to apply for approval for work that exceeds the unusually large expenditure threshold because of such needs. However, not all such requests will be subject to this policy, given their costs, and we have no evidence suggesting barriers because of our policy should such costs be highlighted to us.

Mental health

Individuals with mental health conditions can struggle with participation, understanding, and communication in legal processes: this could necessitate expert input such as psychiatric reports or risk assessments, though in practice these reports or assessments are more likely to be subject to prior approval for expert witnesses, rather than unusually large expenditure. The SHRC has raised concerns about systemic barriers for disabled people broadly, including those with mental health conditions, in exercising their rights within the justice system.⁹ In 2024-25, there appeared to be only a very limited number of requests for ULE relating to mental health – primarily for reports (presumably of a factual nature, and thus not covered by expert witness policy), rather than for supports. There were several cases in which the court had ordered an applicant to undergo therapy with a particular psychologist or therapist, which were granted: in other cases where, for example, a psychologist was sought to provide a report, approval tended to be refused (as the approval should have been for an expert witness instead).

⁶ [Scottish Human Rights Commission – State of the Nation 2024: Civil and Political Rights in Scotland.](#)

⁷ [Scottish Commission for People with Learning Disabilities – *The Right to Equal Rights* \(2024\).](#)

⁸ [Scottish Human Rights Commission – State of the Nation 2024: Civil and Political Rights in Scotland.](#)

⁹ [Scottish Human Rights Commission – State of the Nation 2024: Civil and Political Rights in Scotland.](#)

Sex

Statistics

SLAB's data

Sex	% of total requests
Female	55%
Male	41%
Prefer not to say	4%

Compared to the profile of civil legal aid applications, men are slightly over-represented amongst the requests for unusually large expenditure, though still form less than half the total cohort. It is not clear why this might be: it could perhaps be accounted for by the high proportion of cases involving contact or disputes over children when compared to the legal aid applications profile.

Sex	Granted	Not granted
Female	66%	34%
Male	65%	35%
Prefer not to say	76%	24%

The grant rate for requests from male and female assisted persons is very similar. Statistical testing confirms there is no statistically significant difference.

There are clear differences in the types of cases in which male and female applicants are making requests for the approval of ULE; for instance, men being more likely to be involved in contact actions, and women in variation and residence actions. This was also reflected somewhat in the types of unusually large expenditure sought, with men being more likely to seek approval for contact costs or for drug and alcohol testing, for example. These differences have not led to any significant difference in the grant rate, however, as shown above.

Data relevant to the policy

Evidence on women

The Women's Justice Leadership Panel has highlighted that women's experiences in the justice system are shaped by gendered and intersectional factors, meaning women may encounter specific barriers to participation that could increase reliance on specialist services¹⁰ potentially leading to unusually high expenditure, though we are not sighted on any such requests from the data.

Some evidence (including from other jurisdictions) suggests that women are comparatively reliant on legal aid funding,¹¹ and thus are more likely to be subject to legal aid rules: for instance, requirements around prior approval. However, male and female applicants requesting prior approval are subject to the same policy position: we are not satisfied that evidence shows a disproportionate impact of our policy on female applicants, however.

Evidence on men

As noted above, the profile of requests for unusually large expenditure varies somewhat by sex; this could perhaps reflect variation in their respective roles within proceedings, with men much more

¹⁰ [Women's Justice Leadership Panel – The Case for Gendered and Intersectional Approaches to Justice \(Scottish Government, 2023\)](#).

¹¹ [Our family justice system is still failing women | Opinion | Law Gazette](#).

likely to be pursuers than defenders (and female applicants vice versa)¹². However, again, this does not seem to have led to significant differences in outcomes; nor are we aware of any other barriers or disproportionate impacts on male applicants because of our policy position.

Race

Statistics

SLAB's data

Race (65% disclosure)	% of total requests for prior approval
White majority	52%
White minority	3%
Non-white ethnic minority	4%
Prefer not to say	42%

We note that there is a very high rate of PNTS amongst our applications data for this protected characteristic which obscures the true profile of applicants (particularly what are presumably much higher levels of requests from white majority applicants).

Race (65% disclosure)	Granted	Not granted
White majority	68%	32%
White minority	77%	23%
Non-white ethnic minority	59%	41%
Prefer not to say	70%	30%
All	69%	31%

There is a large degree of variation in the grant rate by race, with the grant rate for non-white ethnic minority assisted persons being particularly low compared to the overall figure. Statistical analysis indicates that this is **not** a statistically significant difference. The lower rate for the non-white ethnic minority may possibly reflect several cases involving interpreting/translation costs which were refused on the grounds that approval was unnecessary, rather than substantive refusals.

Data relevant to the policy

External research shows that minority ethnic groups in Scotland continue to experience barriers in accessing justice, including language and cultural obstacles. The Scottish Government's 2024 overview of ethnicity and justice research noted that people from ethnic minority backgrounds were more likely to report poorer experiences of legal processes, citing communication issues and lack of culturally appropriate support as key challenges.¹³

The Equality and Human Rights Commission has also raised concerns that reforms to legal aid may disproportionately impact ethnic minority communities, particularly where language barriers increase reliance on advocacy or translation services.

There were a small number of requests which could be seen as relating to race: in particular, requests for interpreting or translation services.

¹² In the 2024-25 applications data, whilst 64% of men were pursuers, only 29% of women were pursuers; whilst 51% of women were defenders, only 22% of men were defenders.

¹³ [Scottish Government Ethnicity and Justice in Scotland: Overview of Research \(2023–2024\)](#).

Evidence on different ethnicities

No evidence found.

Evidence on people whose first language is not English

It is important to note for the purposes of this assessment that interpreting (and translating) costs are not generally subject to prior approval; only those in which the total costs are likely to exceed the £3,000 threshold, which appear to be rare, are subject to approval for unusually large expenditure.

Data indicates relatively few requests of this type – most of these were refused because prior approval was not actually needed – given the interpreter/translator could have been instructed and simply justified at account assessment stage. As such, we assess that our policy position does not present an undue barrier to people within this group accessing the support they require, despite the refusals.

Gender reassignment

Statistics

- **SLAB's data**

We found no relevant applications data relevant to the experiences of this group.

- **Data relevant to the policy**

Evidence on trans people

Research shows trans and non-binary people in Scotland face barriers to justice, including discrimination, lack of tailored support, and difficulties navigating legal processes.¹⁴ These challenges may increase the need for specialist or costly services, but SLAB does not currently monitor requests or outcomes by gender identity.¹⁵ In practice, review of the types of work which applicants sought under the ULE provisions did not highlight any relevant examples of requests of this type, nor are we aware of other evidence which suggests our policy position has a detrimental or disproportionate effect on this group.

Sexual orientation

Statistics

- **SLAB's data**

We found no relevant applications data relevant to the experiences of this group.

- **Data relevant to the policy**

External evidence highlights persistent barriers for LGBT+ people in accessing legal services. The *Scottish LGBT Equality Report* found that 25% of LGBT individuals reported discriminatory treatment when accessing services, including legal services.¹⁶ The *Human Rights Consortium Scotland* has also noted that LGBTQ+ communities often find legal processes “almost impossible” to navigate without specialist support.¹⁷ Specialist input that LGBT people could require in relation to their protected characteristics could include trauma-informed psychological assessments for individuals affected by discrimination and reports on mental health impacts, though we would expect these to be subject to our policy on expert witnesses: in theory, there could also be needs which arise for broader advocacy

¹⁴ [Scottish Trans – Trans and Non-Binary Experiences in Scotland \(2024\)](#).

¹⁵ [Scottish Trans – Trans and Non-Binary Experiences in Scotland \(2024\)](#) and [Human Rights Consortium Scotland – Lived Expertise in Access to Justice \(2023\)](#).

¹⁶ [Equality Network – The Scottish LGBT Equality Report \(2015\)](#).

¹⁷ [Human Rights Consortium Scotland – Civil Legal Aid Reform](#).

or support services. Where such support exceeds £3,000 and is not covered by expert sanction, SLAB's policy provides a route for approval subject to the reasonableness test. No instances of such requests have been identified in practice.

Evidence on gay men

No specific evidence found.

Evidence on gay women/lesbians

No specific evidence found.

Evidence on bisexual people

No specific evidence found.

Religion or belief

Statistics

SLAB's data

We found no relevant applications data relevant to the experiences of this group.

Data relevant to the policy

No external data has been identified that suggests religion or belief may be relevant to the operation and impacts of SLAB's unusually large expenditure policy.

Evidence on different religions

No specific evidence has been identified showing how people of different religions or beliefs are affected by our policy unusually large expenditure requests or with regards to their needs and patterns of expenditure in the legal context more generally.

Pregnancy or maternity

Statistics

SLAB's data

We found no directly relevant applications data in relation to this group. Whilst the large proportion of requests relating to child welfare reports (as well as for example, Parenting Apart classes and parenting capacity assessment) could be seen as relating to this protected characteristic, we do not anticipate that the applicant's protected characteristic would be directly relevant to our decision-making (rather than for example, whether the report was court-ordered, how expensive it was, and so on).

Data relevant to the policy

No external data has been identified that directly suggest pregnancy or maternity may be relevant to the operation and impacts of SLAB's unusually large expenditure policy.

Evidence on pregnancy and maternity

No specific evidence has been identified showing how people who are pregnant or new mothers are affected by unusually large expenditure requests. It is possible that family law or child welfare cases involving pregnancy or maternity could require assessments or specialist services that increase costs beyond the unusually large expenditure threshold, but we are not aware of specific evidence showing that is the case.

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

Statistics

SLAB's data

Only for policies relevant to employment. Not required for this EqIA.

Data relevant to the policy

Only for policies relevant to employment. Not required for this EqIA.

Evidence on marriage and civil partnership

Only for policies relevant to employment. Not required for this EqIA.

Care Experienced

Statistics

SLAB's data

Care experience	% of total requests for prior approval
Currently care experienced	<1%
Previous experience of care	1%
No experience of care	35%
Prefer not to say	64%

As with some other protected characteristics, we note the high level of PNTS here, in the context of a 65% disclosure rate overall, which may further obscure the actual profile of persons requesting prior approval for unusually large expenditure.

Data relevant to the policy

External evidence highlights that care experienced people face systemic inequality and discrimination in accessing public services. A joint report by Human Rights Consortium Scotland and Who Cares? Scotland emphasised that care experienced people “face specific forms of discrimination and embedded inequality” when exercising their rights.¹⁸

Evidence on care experienced people

These findings suggest that care experienced individuals may be at higher risk of encountering barriers in legal processes, including limited access to advocacy and specialist support. In cases where independent advocacy or expert reports are required, costs may be higher, potentially crossing the unusually large expenditure threshold. However, the low numbers within the data mean that we cannot robustly determine whether there are significant differences in outcomes.

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 will have direct relevance to a few protected characteristics: in particular, to assisted persons who do not speak English, as SLAB's approval will be

¹⁸ [Human Rights Consortium Scotland & Who Cares? Scotland – The Protection of Care Experienced People's Rights in the Scottish Human Rights Bill \(2023\)](#).

required to incur expenditure on interpreting and translation costs where these are likely to be above the unusually large threshold. Current guidance also indicates the position is the same for sign language interpreters. Discussions with operational staff suggest that in practice, the likelihood of the unusually large threshold being breached for these types of equality-related work is very slim. Review of the applications data also indicates that age (though not necessarily of the applicant themselves) may be relevant, given the prevalence of child welfare reports amongst the requests.

In principle, 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; nor does it appear to impact unevenly on equality groups in a substantive way (for instance – the significant variation in the grant rate by age does not appear to reflect genuine detriment). The factors used (in particular, whether the work will advance the case) 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) 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:

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; data also indicates some variation in experience of the policy by equality group. 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.

N/A.

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 place more of a burden on applicants. Such a stricter policy could be to lower the threshold so that more types of work would require prior approval. Such a change could lead to uneven impacts on equality groups, or by amending 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. Moreover, the broad framing of the factors set out means that in principle, where an applicant can demonstrate relevance to the policy, issues relating to any of the protected characteristics could in principle be considered.

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 have identified evidence that shows older people are more likely to experience long-term illness, disability and other vulnerabilities, while children and young people are legally recognised as requiring additional protections in justice processes; these could possibly lead to work being required that would trigger the ULE provisions, and which the policy has the flexibility to take into account, where sufficient information and justification is shown. Whilst we noted variation in the grant rate by age, our view is that this does not amount to discrimination, and as such, no change to our policy is required.

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.

Disabled people may require potentially costly communication support (such as BSL interpretation), or other specialist assistance (including, for example, therapy or psychological support instructed by the court). Such assistance and support could potentially trigger the ULE provisions if the costs were high enough. The current policy position is framed in such a way that these costs can be permitted if

justified. The proportion of requests from people with disabilities does not suggest a particular barrier, nor does the grant rate, which is high for people with declared disabilities.

Whilst we are aware of some external evidence suggesting there are particular systemic barriers for people with disabilities in participating in legal proceedings, that does not appear to be borne out by our applications data. More broadly, we are not aware of any other evidence (such as complaints) that suggest particular difficulties with the operation of this policy in relation to this protected characteristic.

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.

Different case types involving men and women may generate somewhat distinct needs in relation to work to be undertaken within a case. The data did not obviously highlight requests specifically relating to this protected characteristic itself, however. Our review of the applications data indicates no significant difference in the grant rate, nor are we aware of broader evidence that suggests particular difficulties with the operation of this policy in relation to the experiences of either men or women.

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, 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 a few refusals in relation to interpreting costs, these arise primarily because prior approval for ULE was not required, and do 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 note again that external evidence indicates that LGBT+ people face discrimination in accessing services and barriers in navigating legal processes, which may increase the need for advocacy or specialist support, possibly with high costs involved (though we saw no evidence of this within the applications data).

However, 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.

No direct evidence has been identified linking religion or belief to unusually large expenditure decisions.

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 or 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 recognise that a large proportion of requests for unusually large expenditure arise from family law or child welfare cases, in which an applicant's pregnancy or maternity could be a relevant issue. However, there was little evidence from the applications data to demonstrate a clear link between pregnancy or maternity and the need for unusually large expenditure requests.

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 or 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.

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.

This policy is not relevant for this protected characteristic.

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 found external evidence which found that care experienced people are more likely to face systemic barriers in accessing advocacy and support in the legal context. Arguably the needs of care-experienced persons could generate costly requests for specialist support to be provided. However, we did not see evidence of this in the applications data.

We did not find any evidence that indicated a specific direct 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 experience of care. 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 the assessment above, no changes to the policy are 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.

This assessment was discussed with and reviewed by key operational decision-makers and is due for discussion at the January 2026 meeting of the GALA Review Group on 26/01/2026.

Step 6: Post-implementation actions and monitoring impact

6.1. Record any ongoing actions below

No current actions with regards this assessment.

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 by assisted person protected characteristic, by case type if possible, ensuring ULE can be split out from 'unusual' work more broadly. Also attempt to specifically identify equality focussed requests, relating to for example, interpreting.	AMI (data extraction) with Policy (analysis)	Head of Civil Legal Assistance – annually

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.