



EQUALITY IMPACT ASSESSMENT

(EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Prior and retrospective approval for execution of diligence.

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):

We have concluded that a full EqIA is not required. The factors in our policy appear to be equalities-neutral with regards to our decision-making, and we are not aware of any evidence to suggest that either volumes or applications or grant rate are likely to be patterned by protected characteristics.

Summary of actions taken because of this assessment:

No further actions identified.

Ongoing actions beyond implementation include:

No ongoing actions planned.

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

Head of Civil Finance.

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):

11/03/2026.

Step 1: Scoping the work being assessed

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

Section D of the relevant policy statement is set out below:

“In terms of definitions, the Regulation sets out various forms of diligence that are excluded from the need for SLAB’s prior approval (for a specified length of time from the date of decree, order, or settlement).

“Our policy is that where the execution of diligence would require further distinct proceedings, these must be taken forward via a separate legal aid application, rather than via SLAB’s approval under Regulation 22, meaning prior approval will not be granted for these forms of diligence. These are:

- *Furthcoming*
- *Recovery via civil imprisonment*
- *Sequestration*

“For those forms of diligence which do not require distinct proceedings but where our prior approval is required, the test we apply is one of reasonableness. Our policy is that we will grant requests to undertake diligence unless the prospects of recovery are poor, and/or the amount potentially recovered by undertaking diligence appears likely to be exceeded by the cost of taking steps.

“Work covered by a grant/approval: part-grants

“In an application to execute steps in diligence, a solicitor can set out multiple specific steps they wish to undertake and the associated costs. We will consider each specific step and decide whether they meet the reasonable test.

“In some cases, we may grant for some initial steps, but not potential subsequent steps. In this context, we will await the outcome of the initial steps before considering whether a grant to undertake subsequent steps is reasonable.

“Retrospective approval of diligence

“For retrospective requests to undertake steps in executing diligence, the first limb of the test (set out in the Regulations) is whether approval would have been granted had it been sought timeously. Our policy is to apply the same test to the request as if it had been received prospectively (that is those set out above)

“As a matter of policy, when considering whether or not to grant retrospective approval for diligence, we will consider the outcome of the steps taken.

“If a retrospective request for approval is made and the action has been successful (and the funds recovered will be sufficient to cover the cost of taking the steps), our policy is that if the reason provided for late submission is sufficient to manage any risk we seek to manage at that stage, this will be accepted as a special reason.

“Where a solicitor submits a request for retrospective approval, but has not made a successful recovery, SLAB’s policy on ‘special reason’ is that where it is stateable that:

- *The solicitor was forced to take steps quickly in order to be able to attempt recovery at all;*
- *they were prevented from making a prospective 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.”

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 assisted person, for whom the solicitor seeks to execute a form of diligence.

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?

Our policies on prior/retrospective approval are relevant to the consideration of what may be paid for within a solicitor’s account; as such, the suite of policies on Accounts may be relevant.

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 are not currently in a position to provide a breakdown of internal applications data for this policy, which limits the amount of evidence available for the purposes of the EqIA: this data is not readily extractable.

However, we note that discussions with Operational leads suggest their experience is that the total volume of such applications is very low, at around one per month. Our understanding is that the grant rate for such requests is extremely high – indeed, that there were no requests of this nature refused in recent memory.

We are also not sighted on any external evidence which would be of clear relevance to the relevance and impact of this policy: this is a specific, niche aspect of the Scottish legal aid system, making it difficult to find an appropriate comparator. Whilst there is likely to be evidence which provides insight

into the protected characteristics of debtors (that is, those against whom diligence is to be executed)¹, we have not at present been able to find information concerning the profile of creditors taking action such as diligence – that is, the subject of this assessment.

Age

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

Evidence on different age categories

No evidence found.

Disability

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

Evidence on different disabilities

No evidence found.

- **Physical disabilities**

No evidence found.

- **Learning disabilities**

No evidence found.

- **Mental health**

No evidence found.

Sex

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

Evidence on women

No evidence found.

Evidence on men

No evidence found.

¹ For instance, StepChange [2024 analysis of its client base](#).

Race

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

Evidence on different ethnicities

No evidence found.

Evidence on people whose first language is not English

No evidence found.

Gender reassignment

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

Evidence on trans people

No evidence found.

Sexual orientation

Statistics

- **SLAB's data**

No evidence 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 evidence available.

- **Data relevant to the policy**

Evidence on different religions

No evidence found.

Pregnancy or maternity

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

No evidence found.

Evidence on pregnancy and maternity

No evidence found.

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

Statistics

- **SLAB's data**

Not relevant for the purposes of assessing operational decision-making policy.

- **Data relevant to the policy**

Evidence on marriage and civil partnership

Not relevant for this policy.

Care Experienced

Statistics

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

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.

Our view is that this is a narrow policy, in which an applicant's protected characteristics have no direct relevance to the factors we apply: the decision we take is based purely on the prospects of recovery and the amount to be recovered. Neither the applicant nor (for example) the opponent's protected characteristics are relevant to how we make the assessment under this policy.

We are not currently aware of any evidence that suggests that:

- a) Persons from any particular equality groups are more or less likely to seek to execute diligence (that is, they would have a higher or lower propensity to make a request for approval to SLAB);
- b) The persons from any particular equality groups are more or less likely to be refused approval to execute diligence
 - a. As noted above, we are not aware of *any* refusals in this area, which suggests there is no variation by equality groups to be seen here

Even if it were the case that persons from a particular protected characteristic group appeared less likely to be granted approval to execute diligence, in practice, this would result primarily because of the financial circumstances of the opponent (that is, the likelihood of successfully recovering funds from them) or the costs of undertaking the steps, rather than anything relating to the applicant's own characteristics.

As such, our assessment is that this policy has no specific relevance or importance for equality groups.

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 5 - No EqIA is needed.

Please outline the reasoning behind your decision:

As per 2.2, we are not aware of any evidence that suggests this policy has any relevance to our equalities or corporate parenting duties: the factors relate strictly to the prospects of recovering the sums from the opponent, and the size of the sums sought compared to likely costs of undertaking diligence. We are not aware of evidence that indicates either of these are likely to be patterned by the protected characteristics of assisted persons affected by this policy. Finally, we reiterate that the volume of requests we receive in relation to this policy is minimal.

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.

Correspondence with Operational lead staff, November 2025, and consideration and agreement by GALA Review Group of senior SLAB staff, 26 January 2026.

Step 6: Post-implementation actions and monitoring impact

6.1. Record any ongoing actions below

No 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 number of applications and grant rate, with equalities data if available.	Collections with input from Policy as needed.	Once per review cycle (three years).

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.