



EQUALITY IMPACT ASSESSMENT

(EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Children's Legal Aid: merits test – direct application by a child in Sheriff Court proceedings.

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):

To identifying whether this policy has an impact on people with equality related circumstances, we have analysed our own data with regards to assisted persons. For several protected characteristics, we are currently unable to draw any conclusions on the specific impact of our policy/decision-making on applicants with protected characteristics given the limitations of the available data. For those characteristics where we did have sufficient data, we did not observe any significant differences in outcomes that suggest an equalities detriment caused by our policy.

Additionally, we have gathered broader literature-based evidence: this indicates that in broad terms, children are one of the most vulnerable groups in society, with those who are engaged in or subject to legal proceedings potentially being particularly so. Evidence indicates that the justice system in general – as well as legal aid specifically – is complex to navigate through, especially for children and even more so for children with certain protected characteristics. It can be challenging for children to understand what happens in the justice system generally and in the specific proceedings they are involved in: evidence suggests this is particularly so for children with learning disabilities, additional communication needs, mental health issues or who have experience of being in care. We recognise that having a proper understanding of what's happening to them, and the requirements of the legal aid system, are important in terms of children's ability to be able to engage with this policy.

Our assessment suggests that when engaging with children in relation to this policy, it is crucial that we ensure clear and easily accessible communication and information provision: a lack of information may be the biggest barrier to children in understanding and accessing legal aid under this policy. We recognise that this may potentially be patterned by equality characteristics, but our assessment is that action has been taken to mitigate risks in this area.

Summary of actions taken because of this assessment:

No specific actions following this impact assessment have been taken. However, we intend to continue gathering and analysing data and to monitor this policy to ensure we are aware of any

potential and future changes with regards to the impact of this policy on assisted persons with equality related circumstances.

Ongoing actions beyond implementation include:

Ongoing actions include the gathering and analysis of data in relation to this policy. We will closely monitor the refusal of grants 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.
Solicitor, 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):

19/03/2026.

Step 1: Scoping the work being assessed

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

Section 28D of the Legal Aid (Scotland) Act 1986 provides the legislative basis for the merits test that SLAB must apply to subject child applicants applying for children’s legal aid in Sheriff court proceedings.

It should be noted that subject children in the context of this document relates to the children who have been the subject of a children’s hearing and are now facing related court proceedings. There are other types of applicants, such as relevant persons, who can also be children, but this document does not deal with those other applicant types.

There are two tests to be applied for subject children: the best interests of the child, and reasonableness. This policy sets out SLAB’s approach to the application of these tests: that is, what we consider in making the decision. Section D of the policy statement is set out below for reference.

“There are two merits tests for subject child applicants in sheriff court proceedings. These are the best interests of the child test and the reasonableness test. Both tests must be satisfied for legal aid to be granted to the child on the merits of the case. The tests are taken in turn below.

“Best interests of the subject child

“The legislation states that it must be shown that it is in the best interest of the child that legal aid be made available to them for legal aid to be granted.

“We acknowledge that a child applicant in these legal aid applications is central to the sheriff court proceedings in question and will always have a locus to be involved, if they wish to be and have sufficient capacity to do so.

“Taking this into account, our policy is that the best interests of the child test will be satisfied where the following conditions are met:

- 1) The child has the capacity to directly instruct a solicitor; and*
- 2) The child has instructed the solicitor to make an application for legal aid on their behalf.*

“In determining whether a child applicant has the capacity to directly instruct a solicitor to make a legal aid application on their behalf, our policy is that it is the solicitor’s responsibility to make this assessment.

“Reasonableness

“The legislation states that it must also be shown that it is reasonable in the particular circumstances of the case that the child should receive children’s legal aid.

*“Given that the child applicant is central to all these sheriff court proceedings, our policy is that where a child applicant meets the best interests of the child test, the reasonableness test will also be met, **unless** any of the following factors are present in the relevant type of sheriff court proceedings set out below:*

1) S101 Statement of Grounds proof

- the child accepts the Statement of Grounds in full along with all the other parties and has not specifically expressed a wish to attend court and take part in the proceedings, which directly relate to them.¹*

2) Application to the sheriff to extend/further extend or vary/further vary an interim compulsory supervision order under S98 or 99 of the 2011 Act

- both the child and other parties accept the Reporter’s application to the sheriff and the child has not specifically expressed a wish to attend court and take part in the proceedings, which directly relate to them.²*

3) Section 154 appeal against a children’s hearing decision

- the prospects of the child successfully appealing the decision of the hearing are poor.*
- where another party has submitted the appeal, and the child does not dispute the appellant’s position and has not specifically expressed a wish to take part in the appeal which directly concerns them.*

4) Review of a grounds determination in terms of S110 of the 2011 Act

- the prospects of the child successfully having the grounds recalled or discharged are poor.*
- where another party has submitted the review of the grounds determination and the child does not dispute this and has not specifically expressed a wish to take part in review of the Grounds determination, as these Grounds directly relate to them.”*

¹ Where the child accepts the Statement of grounds in full and has specifically expressed a wish to attend court to take part in proceedings, our policy is that this will be reasonable even where the Sheriff has dispensed with the need for the child to attend.

² If the child has specifically expressed a wish to attend court to take part in these proceedings, our policy is that this will be reasonable, even where the child and other parties all agree with the Reporter’s application, and where the Sheriff has dispensed with the need for the child to attend.

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 applicant seeking legal aid (for the purposes of this policy, a subject child).

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

09/12/2021.

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

This decision set may interact with (or have a relationship) with the following areas:

- 1) Conditions on grants of legal aid
- 2) Financial test for subject child applicants in sheriff court applications for non-automatic legal aid
- 3) Other rights and facilities
- 4) Applications by Curators ad Litem and Safeguarders on behalf of a child
- 5) Applications for special urgency in sheriff court proceedings
- 6) Review of refusal of legal aid.

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

Out of 1,093 applications received from subject child applicants under this policy between 2017 and April 2024, 1,035 were granted, 46 were 'not considered', and 12 were refused. This amounts to a grant rate of just under 95%, which is extremely high.³

The most common reason for 'not considered' applications was lack of information provided in the application. This was also a common reason for refusals. In two cases SLAB was not satisfied that the applicant was unable to meet the expenses of the case.⁴ In practice, this suggests that it is very rare that applications are unable to satisfy the substantive requirements of the policy, set out above; rather, when applications are not granted, it is simply primarily because we have not received enough relevant information to make a full assessment.

By way of general context, wider evidence indicates that 'children in conflict with the law are often some of the most vulnerable or disadvantaged in society. They have often faced significant adversity

³ SLAB's own equality data (internal).

⁴ SLAB's own equality data (internal).

during childhood, including abuse, loss, bereavement and trauma, as well as inequality, discrimination and disadvantage'.⁵

Research also indicates that protected characteristics can affect how children engage with the justice system.⁶ 'However, there is little research or data published in Scotland about children in conflict with the law and protected characteristics and so the extent and understanding of the issue for children in conflict with the law is limited'.⁷

Whilst not strictly related to protected characteristics, a report for the Youth Justice Improvement Board (Robinson, Leishman & Lightowler, 2017) found that two-thirds of children in prison came from the most deprived 20% of communities in Scotland.⁸

The article 'The Harm of Child Removal' provides evidence about the experiences of children who are removed from their parent or carers, which may be of relevance to the proceedings covered by children's legal aid.

Whilst the best interest of the child has priority, and that sometimes means that for their own health and safety they cannot continue living with their parent or carer, the article notes that removal from family and community might have detrimental effects on their mental health. Children and young people who are removed from their home may experience stress, guilt, post-traumatic stress disorder, isolation, anxiety, and low self-esteem.⁹

In terms of further context, children who are at risk of being removed from their parents/carers home are often from lower socio-economic groups or minority ethnic groups.¹⁰

Finally, we note that it is important to bear in mind that in the context of this policy, it is the solicitor – rather than the child applicant – who is primarily responsible for interacting with SLAB and providing relevant information. This may be relevant in the context of research on the notion of 'administrative burden' and its impacts on those engaging with public services (including with regards to equality).

Our view is that such burdens on applicants may be limited somewhat in this specific context, given the role of the solicitor in the application process.

Age

Statistics

- **SLAB's data**

All applicants subject to this policy are children who are the subject of relevant legal proceedings.

There are no adults or older persons involved.

⁵ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁶ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁷ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁸ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁹ [University of Baltimore Law | The Harm of Child Removal by Shanta Trivedi \(2019\)](#).

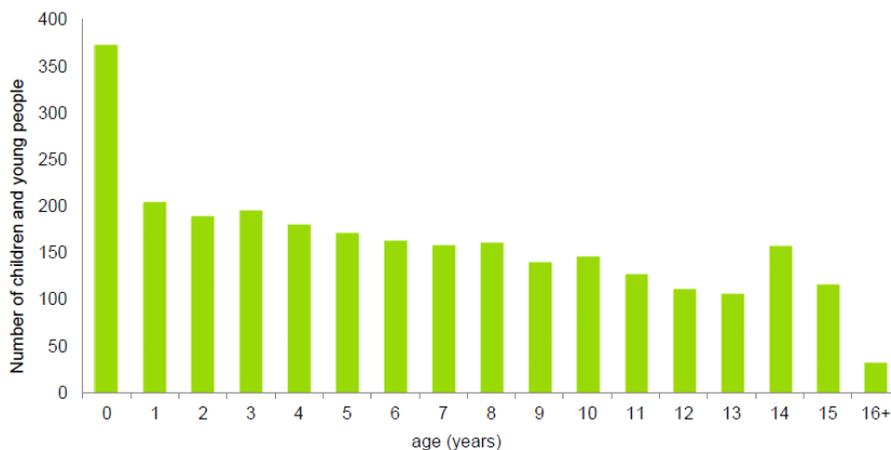
¹⁰ [University of Baltimore Law | The Harm of Child Removal by Shanta Trivedi \(2019\)](#).

- **Data relevant to the policy**

In terms of proportions of total referrals of children to the Hearings system (that, is not specifically children involved in associated Sheriff court proceedings), children under 12 made up 42% of the total, with children over 12 the remaining 58%. The most common ages for children and young people to be referred to the Reporter are 14 and 15 years.¹¹

In terms of court proceedings specifically, for applications to the Sheriff for a proof to establish the grounds, the most common age is under one.

Figure 4.5 Children and young people with applications determined, by age, in 2019/20



Age is relevant to the entire legal assistance application process, which includes the best interests test, as a child’s age may form an important part of the solicitor’s assessment of their capacity to take part in proceedings.¹²

Legal capability (the capacity to understand and act on justice problems) may be more common in young people. Qualitative research undertaken in England showed that people aged 16-25 from particularly disadvantaged backgrounds showed significant capability difficulties. For example, inability to recognise a problem as legal, lack of awareness of rights and where to go for help, as well as difficulties communicating their problem.¹³

In 2022 CLAN Childlaw worked with children and young people, to investigate what type of legal support would be most helpful to them. This includes ensuring children and young people are aware of and understand their rights, making legal support more accessible and ensuring that legal support reflects children’s legal needs.¹⁴

In 2023 we consulted with a range of external stakeholders to explore equality related needs when it comes to legal aid in Scotland. Some of the feedback we received related to children and young people often not knowing what legal aid is, how it works and what SLAB’s function is. The availability of different types of legal aid is also perceived as confusing.¹⁵

¹¹ [Scottish Children’s Reporter Administration Statistical Analysis for 2019-20.](#)

¹² Discussions with operational staff (internal).

¹³ Evidence Review, June 2024 – Findings from SLAB’s UNCRC implementation literature review (internal source).

¹⁴ External stakeholder engagement as part of our Equality Outcomes Plan 2023-26 (internal source).

¹⁵ [Scottish Government | Youth Justice Vision: Young People’s Views Summary Report \(2021\).](#)

Children find it difficult to understand what happens in the justice system, including at court. They also find it difficult to take part in justice. When they don't understand justice, it often feels unfair to them. This is the case for all or most children, but especially for those who have additional needs such as speech, language or communication needs. It's important to make sure the justice system is child friendly for those who are involved in it.¹⁶

Further external research on the experiences of children in the justice system found that 'most children, as a result of their age and stage of development, will face additional challenges in accessing and participating in justice, yet effective participation is seen as a core component of a fair trial (Liefwaard & Kilkelly, 2018).'¹⁷

Children in Scotland (and around the world) are more likely to be vulnerable and live in poverty compared to adults. Children who live in poverty and are from lower socioeconomic backgrounds are more likely to come into conflict with the law.¹⁸

Evidence on different age categories

A research project by SCRA looked at the characteristics of children who have been referred for offending. Out of a research sample of 100 children, two children were eight years old (2%); 20 were nine years old (20%); 35 were 10 years old (35%); and 43 were 11 years old (43%).¹⁹

Disability

Statistics

- **SLAB's data**

Out of 1,093 cases, concerning sheriff court proceedings under children's legal aid where the applicant was the subject child, 10-15% of applicants reported a disability, with the remaining 85-90% reporting no disability. However, by way of context, the overall disclosure rate in relation to this protected characteristic was just over 10%. We are unable to report on grant rate as numbers in some cells are too low. and as such, our assessment is that no further robust analysis can be undertaken.²⁰

For people with experience of poor mental health specifically, stress in formal situations (such as legal proceedings) was a common theme of SLAB's research, and for some, the ability to retain information was a daily challenge due to the nature of their conditions. Difficulties with access was the most prevalent theme for people with learning or physical disabilities.

This was discussed in several forms – contacting a service, getting information or understanding discussions. For people with experience of poor mental health, the biggest communication challenge is needing to frequently explain not only the reason for the appointment, but details of their condition

¹⁶ [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children's Reporter for offending \(2016\)](#).

¹⁷ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

¹⁸ As above.

¹⁹ As above.

²⁰ SLAB's own equality data (Internal).

or diagnosis. Other barriers faced by this group relate to difficulties around understanding or retaining information.²¹

- **Data relevant to the policy**

Research by SCRA on the profile of children involved in certain types of offence-related proceedings found that ‘in addition to the children with a recorded disability, there were 26 children with physical and/or mental health concerns. Eleven of these children had both physical and mental health problems. This means that 39 children (39%) had disabilities and physical and/or mental health problems. Twenty-three children (23%) had mental health problems, and some had more than one.’²²

Research on inequalities in the justice system for children in conflict with the law found that ‘at least one-in-three of children in the justice system are estimated to have neurodiversity, compared to around one-in-six of the general population (Kirby, 2021). Almost one in-five (19%) of children aged 12-15 and referred to the Children’s Reporter of offence grounds were recorded as having a disability, with social, emotional and behavioural disability being the most common type of disability (SCRA, 2022)’.²³

The same research also found that ‘speech, language and communication needs (SLCN) is very common among children in conflict with the law, with upwards of 60% of young people in justice settings having SLCN.’²⁴ Furthermore, it found that ‘often going unnoticed or undiagnosed, SLCN can result in reduced ability to engage in settings and supports that prevent contact with the justice system in the first place. Important for justice inequalities, difficulties in processing and following the requirements of court orders can lead to an increased likelihood of imprisonment.’²⁵

Evidence on different disabilities

- **Physical disabilities**

N/A.

- **Learning disabilities**

A research project by SCRA looked at the characteristics of children who have been referred for offending. Out of a research sample of 100 children, thirteen children were recorded as having a disability. For seven children this was ‘social, emotional and behavioural difficulties’, for four this was ‘Autistic Spectrum Disorder’, and two had learning disabilities.²⁶

²¹ [Public Involvement in Setting SLAB’s Equality Outcomes – A report from The Lines Between for SLAB \(2019\)](#).

²² [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children’s Reporter for offending \(2016\)](#).

²³ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

²⁴ As above.

²⁵ As above.

²⁶ [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children’s Reporter for offending \(2016\)](#).

Data suggests an overrepresentation of children with disabilities, specifically learning disabilities and disabilities related to neurodiversity, such as autism spectrum disorder and ADHD.²⁷

A study conducted by the Scottish Children’s Reporter Administration on children aged 12 to 15 years involved in offending showed that almost a fifth of the children (of the sample size) involved in offending had a disability. Social, emotional and behavioural disability was the most common type of disability recorded for boys and girls. Other common disabilities included learning disabilities, development delay, speech and language delay and/or communication difficulties, attachment disorders, and anxiety and mood disorders.²⁸

‘People with learning difficulties or disabilities are less likely to be able to understand criminal justice proceedings, and, therefore, unable to fully participate in interviews and court hearings (Marshall-Tate, 2019). People with learning difficulties and disabilities may have trouble understanding, and therefore complying with community orders, resulting in poorer outcomes and an increased risk of a prison sentence for breach of order (Loucks, 2007).’²⁹

- **Mental health**

A high percentage of young offenders between 15 and 17 years have suspected and diagnosed mental health conditions, drug and alcohol dependencies, have had difficult childhoods being in multiple care placements and they have been subject to a high number and range of adverse childhood experiences.³⁰

A study of the backgrounds of young people referred to the Children’s Reporter for offending found that 15% of 8 to 9 year olds and 16% of 10 to 12 year olds in Scotland have mental health problems.³¹

Other external research in the context of research into justice inequalities for children in conflict with the law found that ‘the link between the criminal justice system and poor mental health is particularly strong for those who were raised in areas of social disadvantage (Sugie & Turney, 2017).’³²

Sex

Statistics

- **SLAB’s data**

²⁷ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

²⁸ [SCRA for Scottish Government | Children aged 12 to 15 years involved in offending and referred to the Children’s Reporter and Procurator Fiscal in Scotland \(2022\).](#)

²⁹ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

³⁰ [Youth Justice Improvement Board | Closure Report on 16/17 year old cross system working group \(2021\).](#)

³¹ [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children’s Reporter for offending \(2016\).](#)

³² [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

Grant rate by sex (subject children)	Female	Male	Grand Total
Granted (ALL)	94.20%	95.02%	94.69%
Not Granted (ALL)	5.80%	4.98%	5.31%
Grand Total	100%	100%	100%

The table above shows the percentage of subject children by sex and grant rate (the smaller ‘X’ categories having been excluded to facilitate analysis). The grant rate is very similar for female and male subject children: statistical analysis confirms that there is no significant difference in the grant rate by sex.³³

- **Data relevant to the policy**

In terms of proportion of referrals to the Reporter by sex, SCRA data indicates that 43% were female and 57% were male. There is variation in the reasons for referral by sex, with children referred in relation to offense grounds much more likely to be male, whilst non-offense grounds see a more even split by sex.³⁴

Research into youth offending found that ‘one study has shown that young men in custody have experienced an average of 5 bereavements each, “a high proportion of these being traumatic.”³⁵

The same research paper noted that ‘young male offenders have high levels of reconviction when compared with other age groups. Males under 21 had a reconviction rate of 37.3% in 2014-15 whereas amongst males aged 21 to 40 the rate is around 30%, and for males aged over 40 this drops to 20.8%. For females, the correlation between age and reconviction is less clear-cut. The reconviction rate for 26 to 40 year olds is higher than for those aged under 25 or those over 40.’³⁶

A research project by SCRA looked at the characteristics of children who have been referred for offending. Out of a research sample of 100 children, 14 were female and 86 were male.³⁷

Evidence on women

Over recent years there have most frequently been no girls aged 16 or 17 in young Offender Institutions (YOIs). It has been rare for there to be more than one girl under 18 in custody at any time’.³⁸

Evidence on men

‘There is also an over-representation of boys and men in justice systems, with around 95% of the prison population in the UK comprised of cis-gender males (Ministry of Justice, 2021; Scottish Prison Service, 2020). In relation to children, there are often no girls held in the prison estate in Scotland

³³ SLAB’s own equality data (internal).

³⁴ [Scottish Children’s Reporter Administration Statistical Analysis for 2019-20.](#)

³⁵ [Scottish Sentencing Council | Youth offending and sentencing in Scotland and other jurisdictions – Literature review \(2018\).](#)

³⁶ As above.

³⁷ [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children’s Reporter for offending \(2016\).](#)

³⁸ [Scottish Government | Youth Justice Vision – Young People’s Views Summary Report \(2021\).](#)

(CYCJ, 2022). This suggests that the welfare and justice systems are not meeting the needs of boys and young men either.³⁹

Race

Statistics

- **SLAB's data**

We have considered the available applications data relating to subject children's ethnicity as part of this EqIA. The disclosure rate for this information is less than 2%, with the raw numbers also being very low. As such, we do not believe we can report the distribution for this group, or otherwise robustly analyse this information to draw any specific conclusions in relation to this protected characteristic group from SLAB's applications data.⁴⁰

Research undertaken by SLAB in the context of setting equality outcomes found that access issues were the most prevalent concerns for people from ethnic minority backgrounds when interacting with legal services and legal aid. These were primarily linked to language and communication, with participants highlighting the difficulties faced by those with poor or no English. These included the challenges of making phone calls or appointments, of explaining a situation, of filling in forms or understanding background materials. There were also discussions around the inherent assumptions which are made about service users' knowledge and the need for service providers to understand cultural differences and sensitivities.⁴¹

According to our data, the main support needs that applicants require relate to translation services. Language barriers affect communication, which may also have an impact on clients understanding and consequently providing information we need from them to assess and grant their application.⁴²

- **Data relevant to the policy**

A wide range of studies have found evidence for racial and ethnic discrimination in accessing public services, also known as bureaucratic discrimination.⁴³

A research project by SCRA looked at the characteristics of children who have been referred for offending. Out of a research sample of 100 children, two are 'Mixed other'; one is 'Asian British: Pakistani'; one is 'Mixed: white and black African'; one is 'White: other white'; 87 are 'White: English, Welsh, Scottish, Northern Irish, British'; and for eight children this information was not available.⁴⁴

Literature shows that Black or other minority ethnic individuals are more likely to be subjected to unfair treatment in the justice system. Black identifying individuals are almost ten times more likely

³⁹ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁴⁰ SLAB's own equality data (internal).

⁴¹ [Public Involvement in Setting SLAB's Equality Outcomes – A report from The Lines Between for SLAB \(2019\)](#).

⁴² SLAB's customer communication support service data (internal).

⁴³ [Scientific Reports | Racial Discrimination and Administrative Burden in Access to Public Services \(2024\)](#).

⁴⁴ [SCRA | Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children's Reporter for offending \(2016\)](#).

than White people to be stopped and searched by police and Black children aged 10-17 are four times more likely to be arrested than White counterparts (Robertson & Wainwright, 2020).⁴⁵

Broader evidence from other jurisdictions – which *may* be potentially relevant as context – found that ‘children from racialised communities are over-represented in the justice system in England and Wales, as 18% of the general population can be classified as from a minorities racial group, compared to 52% of children in custody. Overall, White children experience the criminal justice system more positively than children from BAME backgrounds. Gypsy and Roma Traveller children are over-represented in the criminal justice system as they make up 0.1% of the population but 7% of YOIs and 12% of Secure Training Centres. There are few studies which explore race and justice specifically in a Scottish context, with most of the work published in a UK or English context, and even fewer studies focused on children. There are also gaps around sentencing outcomes and the courts meaning there is significant scope for more research to be done in these areas.’⁴⁶

48% of all children from racialised communities in Britain are living in poverty. Research found that ‘police Officers are more likely to be based in schools in deprived areas or where there are high numbers of children from a minorities ethnic background. This increases the likelihood of being criminalised in school, including stop and search.’⁴⁷

Evidence on different ethnicities

Please see above.

Evidence on people whose first language is not English

Please see above.

Gender reassignment

Statistics

- **SLAB’s data**

N/A.

- **Data relevant to the policy**

A review of literature on justice inequalities for children in conflict with the law noted that ‘Stonewall (2022) reported significantly higher rates of mental health issues in people who identify as LGBTQ+, including depression, anxiety, self-harm, suicidal ideation and suicide. The rates of mental health issues were highest in transgender and nonbinary children. The reasons for this were often attributed to bullying, discrimination, stigma, hate crime, or rejection.

The same report found that children who were LGBTQ+ and disabled, or from minority ethics backgrounds, experienced even poorer mental health. While there was limited research that explored intersectionality and justice in the transgender community, the Stonewall report (2022) found higher rates of school exclusion or truancy among transgender children, and young people felt that their

⁴⁵ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

⁴⁶ As above.

⁴⁷ As above.

experiences affected their academic attainment and future prospects. These experiences therefore likely increase the chance of contact with the justice system and lower income in adulthood.’⁴⁸

Evidence on trans people

Evidence from other jurisdictions on trans people in the justice system found that ‘in the US, research suggests that young people who identify as transgender or gender-expansive are disproportionately incarcerated and are treated differently from their non-trans peers (Mallon and Perez, 2020).’⁴⁹ We are not sighted as to how far this is also the case in Scotland.

More specifically, we note research that suggests ‘there is very little research that explores transgender children’s experiences of the justice system prior to entering the prison estate, or policy and practice guidance that supports transgender children through the justice system more generally. However, it has been noted that transgender children often report poor experiences within health and social care settings (Hudson-Sharp, 2018).’⁵⁰

Sexual orientation

Statistics

- **SLAB’s data**

N/A.

- **Data relevant to the policy**

According to this article, research into the lives of LGBT+ young people who come into conflict with the law is under researched. Young people often choose not to disclose their sexual orientation or gender identity due to peer bullying and parental rejection.⁵¹

LGBT+ young people may face discrimination and bullying from society and at school or their home lives. That may lead many young people to flee their homes, which puts them at risk to become homeless and unemployed. Alcohol and drugs may be used as a coping mechanism, which in turn may have a negative impact on their mental health. These may all present risk factors for LGBT+ young people to come into conflict with the law. It’s not the young people’s sexual orientation or gender identity per se that puts them at risk, but the consequences that may arrive from bullying and discrimination they may experience due to their sexual orientation and/ or gender identity.⁵²

A review of research on justice inequalities for children in conflict with the law found that ‘HM Inspectorate of Prisons (2018, p. 67) found that young offender institutions were a “...hostile environment for gay and bisexual boys...” who reported bullying from staff and other prisoners because of their sexual orientation.’⁵³

⁴⁸ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

⁴⁹ As above.

⁵⁰ As above.

⁵¹ [CYCJ | A Guide to Youth Justice in Scotland: policy, practice and legislation \(2021\).](#)

⁵² As above.

⁵³ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\).](#)

A report by LGBT Youth Scotland (2022) showed that ‘77% of participants said they suffered from anxiety, 54% from depression, 50% had suicidal thoughts or actions.’⁵⁴

Evidence on gay men

Please see above.

Evidence on gay women/lesbians

Please see above.

Evidence on bisexual people

Please see above.

Religion or belief

Statistics

- **SLAB’s data**

N/A.

- **Data relevant to the policy**

A review of justice inequalities for children in conflict with the law reported that ‘T2A (2016, p. 7) also found that young Muslim men experienced negative experiences at every level of the justice system. ‘Many recognise that subconscious or otherwise, there is a problem with unconscious bias and stereotyping towards Muslim men on the part of criminal justice agencies. There is also a recognition that the different aspects of an individual’s life are not understood especially in the case of a young Muslim man. These will include the nature of family and community relations, mental health, culture and religion.’⁵⁵

The same review also reported that ‘although their research did not consider children, Crisp et al., found that Muslims, after taking account of their ethnic background, are more likely to be in poverty than are members of other religions or those with no religious affiliation. The increased risk was 18 percentage points compared to those with no religion. Access to employment and low pay were key factors.’⁵⁶

‘Stonewall (2022) report that LGBTQ+ children of faith are more likely to have attempted suicide compared to LGBTQ+ children of no faith.’⁵⁷

Evidence on different religions

Please see above.

Pregnancy or maternity

Statistics

- **SLAB’s data**

No specific evidence was found

⁵⁴ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

⁵⁵ As above.

⁵⁶ As above.

⁵⁷ As above.

- **Data relevant to the policy**

No specific evidence was found.

Evidence on pregnancy and maternity

N/A.

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

Statistics

- **SLAB's data**

This protected characteristic is not relevant for the purposes of this assessment.

- **Data relevant to the policy**

This protected characteristic is not relevant for the purposes of this assessment.

Evidence on marriage and civil partnership

N/A.

Care Experienced

Statistics

- **SLAB's data**

The disclosure rate in response to this characteristic was around 3.5% of the total subject children's applicants, with the numbers in some categories being very low. As such, whilst we seek to report data where possible, given the extremely low numbers, we do not believe that we can report the distribution for this group, or that robust conclusions can otherwise be drawn in relation to this protected characteristic group from SLAB's applications data specifically.⁵⁸

- **Data relevant to the policy**

N/A.

Evidence on care experienced people

Care experienced children and young people are considered a vulnerable group. They might be more likely to require legal support and legal assistance, than others.⁵⁹

Care experienced children and young people need to be supported and helped to understand the Children's Hearings System. Young people may not always fully understand how the Children's Hearings System works and decisions made about them aren't always clearly explained in a way they can understand. For some young people this might mean that instead of feeling protected, they become institutionalised and criminalised instead.⁶⁰

⁵⁸ SLAB's own equality data (internal).

⁵⁹ Evidence Review, June 2024 – Findings from SLAB's UNCRC implementation literature review (internal).

⁶⁰ [Who Cares? Scotland | Report on the Criminalisation of Care Experienced People \(2018\)](#).

‘Who Cares? Scotland’ report on the criminalisation of care-experienced people suggests that ‘it is also very unclear whether children and young people have an understanding that convictions received at a Children’s Hearing can have long-term consequences, such as appearing on a PVG check.’⁶¹

A report of the Youth Justice Improvement Board found that ‘a recent review of records indicated that around half of the 16-and 17-year-olds in custody were care experienced’⁶², whilst research by the Scottish Sentencing Council found that ‘34% of young people in custody in Scotland have been in care’.⁶³

‘Gibson (2020, p. 41) concluded that ‘put bluntly, it is generally the poorest and most socio-economically disadvantaged children who enter the secure estate.’ Following his research which showed that 80% of children placed in secure care by a Scottish Local Authority experienced relative poverty and often come from homes within the most deprived areas of the country.’⁶⁴

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 policy on this merits test will be a highly important policy for all child applicants regardless of protected characteristics, as it represents a key eligibility test and entry point to the legal aid system. As context, it should be noted that the grant rate for child applicants in Sheriff court proceedings is extremely high: refusals are very rare (around 5% of the total). We are not currently aware of any significant negative external feedback or problems in relation to this policy area (for example complaints).

To identify whether this policy has any impact on applicants with protected characteristics, we have gathered and analysed our own data on applicants under this policy, as well as analysed external evidence to help us shape and inform our policy. In the very limited areas in which we have sufficient data to consider any possible problems with regards to protected characteristics being treated differently under our policy, the section above indicates that there are no statistically significant differences by sex; elsewhere, we do not have sufficient data to draw an equivalent conclusion, but are not aware of any broader evidence (including internal Operational insights) that suggests any issues.

The most common reason for refusing an application or not considering an application seemed to be ‘lack of data/information’: we appreciate that some of the broader evidence highlighted above indicates that engaging with public bodies and providing relevant information may be particularly difficult for people with certain protected characteristics. However, our view is that at present, we

⁶¹ [Who Cares? Scotland | Report on the Criminalisation of Care Experienced People \(2018\)](#).

⁶² [Youth Justice Improvement Board | Closure Report on 16/17 year old cross system working group \(2021\)](#).

⁶³ [Scottish Sentencing Council | Youth offending and sentencing in Scotland and other jurisdictions – Literature review \(2018\)](#).

⁶⁴ [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

have not seen any specific evidence that would allow us to conclude that in practice, the applications which are rejected due to lack of information are linked to applicant protected characteristics.

In the attempt to fill in any gaps and further investigate the impact our policy may have on applicants with protected characteristics, we have engaged in a search for external evidence and literature that could assist us in identifying any potential disadvantages or barriers applicants with protected characteristics may have when applying for legal aid and/or engaging with us under this policy.

Section 2.2 provides an overview of the evidence we have found and suggests that children make up one of the most vulnerable groups in society, especially those who are in any way engaged with the law. The justice system in general, as well as legal aid, are very complex areas to navigate through, especially for children and even more so, for children with protected characteristics. It can be very challenging for children to understand what happens in the justice system and/or a specific proceeding, especially when they have learning disabilities, communication needs, mental health issues or come from a care experienced background. However, understanding what's happening to them/in a proceeding is crucial to be able to engage and effectively participate under this policy.

As such, our assessment is that when SLAB and solicitors engage with children under this policy, it's crucial to ensure clear and easily accessible communication and information provision, as that may be the biggest barrier to children in understanding, participating and accessing legal aid under this policy.

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:

See evidence section, as well as section 2.2 above.

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?

The terms of the statutory framework require us to consider as part of this policy whether it is in the best interest of the child that legal aid is made available. For the purposes of this policy, we apply the best interest of the child test, as well as the reasonable test. These tests mainly revolve around the child demonstrating capacity to instruct a solicitor/ instruct a solicitor to make a legal aid application, and then consideration of the child's position in relation to the proceedings at hand (for example whether they agree entirely with other parties). SLAB relies on the solicitor to make this assessment. To support children and other assisted persons to better understand legal aid, we have provided information below, what we have in place to support the applicant to understand and engage with the legal aid process.

General

As mentioned under 2.2, we could not identify any significant change or indication that would allow us to draw any meaningful conclusion on the impact of our policy/decision-making on applicants with protected characteristics. The most common reason for refusing an application or not considering an application seemed to be 'lack of data/information', but we can't draw any meaningful conclusion that lack of information could be in any way linked to applicants with protected characteristics.

We have found (external) evidence that children in general, but specifically those in conflict with the law are some of the most vulnerable and disadvantaged of society who require the most support.

It can be very difficult and challenging for children to navigate through the justice system, legal aid and a specific proceeding they're part of. This becomes even more challenging for children with protected characteristics, specifically those of disability, race and care experience.

We have also found evidence that children, who are at risk of being removed from their home due to parental neglect or abuse (for example) often come from a lower socio-economic background and minority ethnic groups. Legal aid is a complex area, especially for children and young people, but it might be even more challenging to navigate for those who experience stress, trauma, fear, and so on, due to potentially being removed from their family.

To support children in understanding, accessing, participating and engaging under this policy, we appreciate that it is important to communicate and provide information in a way that is accessible to them. Under our Equality Outcomes Plan 2023-26, we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics. Additionally, our website has a google translate feature which allows for instant translation of the information we provide on our website. Applicants, as well as members of the public may contact us if they require any information in a different language or format.

As part of the application process for legal aid, clients may access our customer communication support service. This service provides additional support to applicants who require translation/interpretation service.

Providing information and communication in a way that is understandable and accessible to clients, especially children and young people, will help them to better understand and be aware of their rights, better understand the process/proceeding they are part of, and therefore have a better ability to effectively engage in the process and share their views.

Age

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Legal capacity is a crucial part of legal aid and justice proceedings in general. Recognising a problem as a legal one, being aware of one's rights and asking for help is a prerequisite to accessing legal aid.

Legal capacity may be particularly challenging for children and young people. Therefore, we recognise that it is crucial that children and young people are aware of and understand their rights and know how to claim them and/or know where to seek support in claiming them.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our processes for children's legal aid, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Disability

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Our own evidence shows that we generally have a high grant rate for cases under this policy, which includes a high grant rate for people with a disability; considering the main reason for refusal being 'lack of information', we don't think we can draw any conclusions that suggest there is a negative impact of our policy on people with this protected characteristic.

We did however find a general link between disability, specifically learning disability and mental health conditions and the ability to cope with stressful situation, retain and access information and communication.

It can be very challenging for children and young people to be aware of and understand where to find help and support and to navigate through legal aid and justice processes, however, it's even more challenging for those who have learning disabilities, mental health problems, such as anxiety, PTSD, and or drug and alcohol dependencies. They may find it very difficult to seek out help and to access and understand the information that will help them to engage with legal aid and the justice system.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed processes, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Sex

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

When looking at our own data and comparing grant and refusal rates for males and females, statistical tests indicate there is no significant difference in the grant rate under our policy.

External evidence indicates that boys are more likely to end up in custody or young offender institutions. Boys are also over-represented amongst subject child applicants for legal aid (59% of the total, compared to 41% for girls).

We did not come across any evidence in terms of sex presenting any disadvantages or barriers for children and young people accessing legal aid and or being able to understand and navigate through any justice related processes.

Race

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Very similar to the data for other protected characteristics, the applications data we hold in relation to race is very limited, given the low disclosure rate, and as such, does not let us draw any meaningful conclusions on the impact of our policy on people with protected characteristics.

External evidence suggests that access issues were the most common concerns for people from minority ethnic groups. Particularly language barriers represent an issue for people requiring information. Poor or no English proficiency may put people at great disadvantage when trying to access legal help.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Under our customer communication support service, we ask clients whether they have any communication needs, ranging from providing written information in a larger font size to providing information in a different language. This helps us to support clients in the best possible way and make sure information we provide is accessible to them. This also helps to ensure clients know what type of information they need to provide to us, for us to be able to adequately assess their application.

Gender reassignment

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

There is generally very little evidence and research on trans children and their experience of the justice system.

Evidence suggests that children and young people who are transgender or identify as non-binary often have a higher risk of being exposed to bullying, discrimination, stigma and hate crime, which may have a detrimental impact on their mental health.

Poor mental health, as some of our evidence suggests, may have an impact on a person's ability to cope with stressful situation, retain and access information and communication. This may make it difficult for people to access legal aid.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children specifically, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Sexual orientation

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Data on sexual orientation in children and young people who are involved with the law or the justice system in general is scarce. People in general, especially young people often don't disclose their sexual orientation.

We did not find a direct link between this protected characteristic and any access issues, barriers or disadvantages and the justice system/legal aid, however, LGBT+ children and young people are more likely to face discrimination, bullying and harassment which may have detrimental effects on their mental health.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children, and the outcome resulted in a

significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Religion or Belief

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

We found evidence that suggests that young Muslim men were more likely to have negative experiences at all levels of the justice system. They often battle stereotyping and stigma.

We did not find any specific evidence with regards to religion or belief having a link to accessing legal aid, however, there might be an intersection between religion and race. Some religious groups might come from minority ethnic background. As mentioned under the protected characteristic of race, some minority ethnic groups may have no or lower proficiency in speaking, reading and understanding English which may have an impact on being able to access legal aid/support and communication.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Pregnancy & Maternity

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Whilst we have no evidence on the impact of our policy on this protected characteristic, we would take pregnancy/maternity into consideration when deciding on whether to grant an application. This would impact on the reasonableness of an assisted person requiring representation and adequate support throughout the proceeding.

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.

This protected characteristic isn't of relevance for this work.

Care experience

Potential for discrimination: Positive impact(s).

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Care experienced people are one of the most vulnerable and socio-economically disadvantaged groups in society, and they are more likely to require legal support/legal aid compared to other groups.

The justice system in general, as well as legal aid, may be quite challenging to understand and navigate through.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders working with and representing children to develop information about legal aid which is accessible and easily understandable to children. This will help children to understand what legal aid is and provide them with comfort that they can get support and legal help if needed. In addition to that, we have reviewed our letters we sent out to clients and children, and the outcome resulted in a significant reduction in letters being sent out to children, as these letters were perceived as confusing and not as helpful as intended.

We have also reviewed information available on external websites, such as Scottish Government website on legal aid, to ensure that information about legal aid is accurate and easily accessible to members of the public.

Our website has been reviewed and [equality impact assessed](#) to ensure that information is easily accessible, and the website is easy to navigate through, especially for people with protected characteristics.

Summary

As stated under 2.2, we are not aware of any significant differences between protected characteristic groups which indicate a problem with our current policy. This is subject to the caveat that for several protected characteristics, greater data would be needed to draw more firm conclusions. The most common reason for refusing an application or not considering an application seemed to be 'lack of data/information', which may be linked to challenges or barriers related to language and communication. If an applicant, due to a disability, language barrier or other communication need, is

not clear what type of information to provide to receive legal assistance, then that may lead to a refusal of legal aid.

As described in section 4.1, we have engaged in various pieces of work that we believe contributes to us providing information in a way that is accessible to those who need our help. Legal aid is a very complex area, and it may be even more challenging to understand and access for equality groups. To remove any disadvantages these groups may experience due to any implications based on their disability, language barriers or other communication needs that may hinder them from accessing legal aid and/or engaging with it, we have worked with internal and external stakeholders to make information about legal aid more accessible. The aim is to support applicants in better understanding how they can get legal support.

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

Please select the outcome of the assessment: Continue the policy/practice/process/service.

Please explain the changes that have been made: See above.

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.

This is a review of current policy. Several meetings between the Policy owner and the Policy officer (Equalities) were held to analyse and review the internal data provided by our AMI team and to research and discuss any findings external evidence would provide. The assessment was also reviewed by senior leadership staff.

Step 6: Post-implementation actions and monitoring impact

6.1. Record any ongoing actions below

No ongoing actions at present.

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

Measure	Lead department or individual	Reporting (where and frequency)
Internal monitoring/analysis of refusals in most recent available year by reason and protected characteristics as far as available (given small numbers make this feasible), to establish whether equalities appear to be relevant to our decision-	AMI to extract data; Policy to analyse with input from Children's team. It is suggested that this should be explored as part of business impact assessment regarding	One-off task for the short-term. To be reported to Head of Civil and Children's Legal Assistance.

Measure	Lead department or individual	Reporting (where and frequency)
making. Some limited analysis of grants – with a view to establishing how far we do take equalities into account in practice – may also be advisable.	recording, alongside consideration of options for gathering this information in a manageable way.	

6.3. EqIA review date

06/03/2029.

Step 7: Assessment sign off and approval

Director/SRO sign off: 12/03/2026.

Chief Executive approval: 12/03/2026.