



# EQUALITY IMPACT ASSESSMENT

## (EqIA)

### Summary results of the EqIA

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

Children's legal aid: merits test for Section 126 individuals, 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):**

Since we have never received any applications from a S126 individual, we have no specific data available to assess outcomes of our decision-making with regards to assisted persons with equality related circumstances.

However, we have conducted a literature-based evidence review and found that administrative burden, which is something that commonly occurs when people engage with public services, may have a significant impact on people and their mental health, especially equality groups. Administrative burden may be most challenging to overcome by groups who are already at a disadvantage. It may worsen stress, anxiety, and stigma, and it increases the demand for cognitive engagement with time intense and complex matters. People with disabilities, specifically those affecting their mental health, as well as those having a lower proficiency and literacy in English might face heavier burdens and disadvantages accessing legal aid – a public service, compared to those, who don't have these protected characteristics. However, whilst acknowledging these potential costs, in the specific context of legal aid and this policy, it is important to note that the solicitor has the lead role in engaging with the application process: our view is that given the solicitor's role, the direct administrative burden impacts of our policy on applicants may be more limited than might be the case for other services.

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

Since we have never received an application under this policy, no specific or imminent actions following this impact assessment had to be taken. However, we are going 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:**

We're going to continue to monitor this policy with regards to any applications, grants and refusals by

S126 individual protected characteristic. We will analyse any applications/data we may receive in the future.

**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.

The Children’s Legal Assistance (Scotland) Regulations 2013 sets out the merits test to be applied to Section 126 individuals seeking children’s legal aid for proceedings in the Sheriff court. The merits test comprises two parts: reasonableness and effective participation.

This policy sets out SLAB’s approach to the application of this test, that is, what we consider in making the decision. Section D of the policy statement is set out below for reference.

**“Effective participation**

*“When considering effective participation, we must determine whether ‘for the purpose of enabling the individual to participate effectively in the proceedings, it is necessary that the individual be represented by a solicitor or counsel.’*

*“Unless there are significant indicators to the contrary, the fact that the proceedings are taking place in the Sheriff court will be persuasive that the effective participation test is met. Our policy is that for s126 individuals making applications in relation to Sheriff court proceedings the effective participation will be met **unless**:*

- 1) *There is nothing about the nature of the case (including points of law) which suggests that without legal representation it is so complex as to be beyond the understanding of the applicant;*
- 2) *There is no indication that without legal representation the applicant would be unable to consider and challenge any document or information before the proceedings;*
- 3) *There is no indication that the individual would be unable to give his or her views in the proceedings in an effective manner without legal representation.*

**“Reasonableness**

*“In assessing the reasonableness of an application from a S126 individual, our policy is that it will be reasonable to grant legal aid to the applicant **unless** any of the following factors are present:*

- *The applicant has no clear basis to appeal the decision in question; and/or*
- *The prospects of the appeal being successful are poor; and/or*
- *The outcome of the appeal will have no (or limited) specific and material impact on the applicant.”*

## **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 customers affected by this policy are persons applying for children’s legal aid who are Section 126 individuals. Such individuals include children under 18 years of age.

## **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 policy is linked to conditions on grants of legal aid and arrangements for reviews of our decisions. The policy may also have dependencies on special urgency, prior approval, means/other rights, and facilities.

## **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**

It must be noted that because we have never received an application from a S126 individual, we have no data available to assess outcomes of our decision-making with regards to equality groups. We will continue to monitor our data and conduct a full analysis if data becomes available.

To identify whether our policy would have a negative or positive impact on a S126 individual who may also belong to an equality group, we have included findings we discovered through external evidence.

One external body of evidence which we have had regard to relates to the concept of ‘administrative burden.’ Administrative burden may occur when people access public services. Administrative burden may manifest itself in learning, compliance and/or psychological costs. This may result in inequality and lead to different outcomes for people or create additional barriers to accessing public services which they might have to overcome. Administrative burden can also be a barrier to people wanting to access a (public) service in the first place.<sup>1</sup>

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<sup>1</sup> [Introduction: Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\).](#)

The administrative burden literature explains that ‘learning costs are the challenges that people face finding out about a program’s existence and benefits, determining whether they are eligible for the program and what benefits they might receive, as well as understanding how to apply for, retain, and redeem benefits.’<sup>2</sup>

The administrative burden literature also notes that ‘compliance costs involve the time and effort spent on the often tedious task of filling out forms, documenting status, or responding to bureaucratic directives. It includes the time spent waiting on hold or driving to an administrative office.’ Some people may have to spend years on waiting lists to be able to access a service. This, however, often doesn’t ‘just’ involve waiting. People often have to actively input time and financial funds to keep their place on the list. This can make services inaccessible for some groups.<sup>3</sup>

Another cost identified in the literature is redemption costs: ‘in short, it is not just the costs of accessing and maintaining access to basic rights and benefits, it can also be the process of actually using benefits.’ If a process or a system is too complicated to access or use, some people may simply abandon or avoid it.<sup>4</sup>

Finally, another type of costs associated with administrative burden are psychological costs. ‘These include stress, frustration, anxiety, loss of autonomy, or sense of stigma that arise from trying to access and maintain as well as use benefits or services.’ Stress related to accessing and using public service or policy in relation to other stresses, may accumulate and have even more damaging effects.<sup>5</sup>

Not only might the reach and effectiveness of public services or programmes be impeded by their associated administrative burden – meaning that the people most in need of the service may be least able to access it – but to the extent that these burdens impact disproportionately on those with protected characteristics, the literature suggests that administrative burden may exacerbate existing inequalities<sup>6</sup>.

Burdens may also be more challenging on people with fewer resources and those who need the most help. Burdens may not just be time consuming, but they can also be cognitively demanding and complex. People or groups with fewer resources might struggle more with overcoming those. Resources may include education, funds, administrative literacy, having access to the internet, or cognitive skills in general. Mental ill health is also associated with high burden.<sup>7</sup>

Whilst we recognise the importance of the research on administrative burden and its impacts in the context of public services, we note that it is important to recognise that in the specific context of this policy, the extent to which applicants are directly responsible for engaging with the application

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<sup>2</sup> [Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

<sup>3</sup> [Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

<sup>4</sup> [Introduction: Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

<sup>5</sup> [Introduction: Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

<sup>6</sup> [Introduction: Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

<sup>7</sup> [Introduction: Administrative Burden as a Mechanism of Inequality in Policy Implementation | The Russell Sage Foundation Journal of the Social Sciences \(2023\)](#).

process is relatively limited, with that role being held instead by their solicitor. Our view is that this may go some way to limiting the direct administrative burden costs to applicants that might otherwise be associated with this policy.

Research suggests that factors such as poverty/low income, disabilities, low literacy, digital exclusion or limited use or confidence online and domestic abuse can present barriers for people to find and access legal support.<sup>8</sup>

We also note our internal research in this area, which focussed on the experience of clients (relevant persons) and their experience of children’s legal assistance. A case study was undertaken to capture the experience of relevant persons receiving children’s legal assistance. Most respondents reported a positive experience, feeling they have received a great level of support from their solicitor. Most respondents seemed to have been involved in contact and kinship care cases, finding themselves in stressful situations trying to achieve or maintain contact with a child or get custody for their child. Most respondents relied on increased support by their solicitor, ranging from managing expectations about the process and potential outcome, talking them through the process and explaining things in an accessible way, as well as actively speak up for them. Many wanted to see their solicitor ‘to fight for them’ and ‘be in their corner’.<sup>9</sup>

## Age

### Statistics

- **SLAB’s data**

N/A.

- **Data relevant to the policy**

Research on the effects of ageing indicate that the incidence and severity of disability increases as we age,<sup>10</sup> that the ability to process complex tasks slows as we age<sup>11</sup>, and that age is the most important factor in relation to cognitive decline.<sup>12</sup>

### Evidence on different age categories

Attention spans for children increase as they reach 18.<sup>13</sup>

## Disability

### Statistics

- **SLAB’s data**

N/A.

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<sup>8</sup> Evidence Review, June 2024 – Findings from SLAB’s UNCRC implementation literature review (internal source).

<sup>9</sup> SLAB, July 2024 – Adult Recipients of Legal Assistance for Children’s Hearings Research Report (internal source).

<sup>10</sup> [Healthy Ageing in Scotland | University of Stirling \(2018\)](#).

<sup>11</sup> [Attention and aging | PubMed | Elena Commodari and Maria Guarnera \(2008\)](#).

<sup>12</sup> [Management of Age-Related Cognitive Decline | Psychiatric Times | Gary W. Small, MD \(2019\)](#).

<sup>13</sup> [What Are Normal Attention Spans for Children? | The Kid's Directory | Christina M. Ward \(2020\)](#).

- **Data relevant to the policy**

Respondents to a poll undertaken by LSA felt that their disability was not understood by legal professionals and therefore appropriate arrangements could not be made, resulting in communication and physical accessibility issues.<sup>14</sup>

Scottish Government's research into measuring outcomes for disabled people found that families with at least one disabled member were more likely than families without a disabled member to live in relative poverty after housing costs. If disability benefits are discounted, to allow for the higher living costs for disabled people, this disparity increases (30% compared to 16%).<sup>15</sup>

SLAB's research paper on the experience of adult recipients of legal assistance for children's hearings noted that some people can face discrimination and stigma because of their disability. One of the respondents was diagnosed with a personality disorder, for which they were receiving treatment. The client, however, felt that even though they had been treated for years and not experienced any problems relating to their disability, their disability was being used against them.<sup>16</sup>

### ***Evidence on different disabilities***

- **Physical disabilities**

No specific evidence found.

- **Learning disabilities**

No specific evidence found.

- **Mental health**

SLAB's research undertaken in the context of setting equality outcomes found that for people with experience of poor mental health, stress in formal situations was a common theme and, for some, the ability to retain information was a daily challenge due to the nature of their conditions. 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 or diagnosis. Other barriers faced by this group relate to difficulties around understanding or retaining information.<sup>17</sup>

People experiencing mental health problems can find concentrating and remembering things difficult, as well as heightened stress levels, which may become a challenge when interacting with SLAB.<sup>18</sup>

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<sup>14</sup> [Legal Services Agency Reports Findings Following Survey Assessing Disabled Peoples' Access to Justice \(2022\)](#).

<sup>15</sup> [Scottish Government | Scotland's Wellbeing - Measuring the National Outcomes for Disabled People \(2019\)](#).

<sup>16</sup> SLAB, July 2024 – Adult Recipients of Legal Assistance for Children's Hearings Research Report (internal source).

<sup>17</sup> [Public Involvement in Setting SLAB's Equality Outcomes – A report from The Lines Between for SLAB \(2019\)](#).

<sup>18</sup> [ourhealthyminds.com | Living with Mental Illness: A Guide for Family and Friends – communication guidelines \(2008-2010\)](#).

Research on the experiences of people applying for disability benefits (PIP) found that the main reasons for bringing evidence at the face-to-face assessment stage were that it would be helpful to bring everything (33%) or that they did not have it in time to submit with their original application (29%). Around a fifth of claimants (21%) had evidence they wanted to bring to the assessment but did not have it at this stage. One general theme in the qualitative interviews was that claimants did not know what or how they should prepare.<sup>19</sup>

## Sex

### Statistics

- **SLAB's data**

N/A.

- **Data relevant to the policy**

We did not find any evidence that would let us draw any conclusions or would give us the impression that there might be a link between this protected characteristic and our policy.

### *Evidence on women*

No specific evidence found.

### *Evidence on men*

No specific evidence found.

## Race

### Statistics

- **SLAB's data**

SLAB's research undertaken in the context of setting equality outcomes found that access issues were the most prevalent concerns for people from ethnic minority backgrounds in accessing and using legal services. 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.<sup>20</sup>

According to our data, the main support need that applicants require is 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.<sup>21</sup>

- **Data relevant to the policy**

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<sup>19</sup> [Ipsos MORI on behalf of the Department for Work and Pensions | Personal Independence Payment Claimant Research – Final Report \(2018\)](#).

<sup>20</sup> [Public Involvement in Setting SLAB's Equality Outcomes – A report from The Lines Between for SLAB \(2019\)](#).

<sup>21</sup> SLAB's Customer Communications Support Services data (internal source).

The most spoken languages in Scotland other than English are Polish, Urdu, Scots, Punjabi, and Arabic.<sup>22</sup>

According to the latest Scotland's Census results, around 94% of the population in Scotland speak, read, and write English. 2.98% speak, but don't read or write English, 0.88% speak and read but don't write English, and 0.98% have limited English skills. Very small percentages of people write, but don't speak or read English and read and write, but don't speak English. 2.22% of the Scottish population are BSL user.<sup>23</sup>

The research on experience of applying for disability benefits highlighted that there is a small group of claimants who struggle to understand the process throughout.

The qualitative research found those with limited literacy or English language skills are most affected.<sup>24</sup>

### ***Evidence on different ethnicities***

No specific evidence found.

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

Please see evidence provided above.

## **Gender reassignment**

### ***Statistics***

- **SLAB's data**

N/A.

- **Data relevant to the policy**

Sources suggest gender reassignment is correlated to higher levels of mental ill health.<sup>25</sup>

This may be relevant given the broader literature which suggests people with mental health issues may face particular barriers to engaging with public services (that is, higher administrative burden).

### ***Evidence on trans people***

According to the Scottish Census 2022, out of all people aged over 16, 93.64% indicated to not be trans and not have a trans history, compared to 0.44% who identified as trans and/or have a trans history.<sup>26</sup>

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<sup>22</sup> [Scotland's National Centre for Languages | Statistics on languages in Scotland \(2024-25\)](#).

<sup>23</sup> [Scotland's Census | Future of Scotland's census - topic consultation 2025, test in 2027](#).

<sup>24</sup> [Ipsos MORI on behalf of the Department for Work and Pensions | Personal Independence Payment Claimant Research – Final Report \(2018\)](#).

<sup>25</sup> [scottishtrans.org | Trans mental health study | Jay McNeil, Louis Bailey, Sonja Ellis, James Morton & Maeve Regan \(2013\); Stonewall | LGBT Britain Health \(2018\); NHS Greater Glasgow & Clyde, NHS Lothian and Public Health Scotland | Health needs assessment of lesbian, gay, bisexual, transgender and non-binary people | Traci Leven \(2022\)](#).

<sup>26</sup> [Scotland's Census | Future of Scotland's census - topic consultation 2025, test in 2027](#).

## Sexual orientation

### Statistics

- **SLAB's data**

N/A.

- **Data relevant to the policy**

According to the Scottish Census 2022, out of all people aged over 16, 87.80% reported to identify as heterosexual/straight, 1.76% as gay or lesbian, 1.76% as bisexual, 0.52% as 'other sexual orientation' and 8.15% did not answer the question.<sup>27</sup>

### *Evidence on gay men*

Please see evidence above.

### *Evidence on gay women/lesbians*

Please see evidence listed above.

### *Evidence on bisexual people*

Please see evidence listed above.

## Religion or belief

### Statistics

- **SLAB's data**

N/A.

- **Data relevant to the policy**

According to the Scottish Census 2022, out of all people aged over 16, 20.36% have indicated to belong to the Church of Scotland, 13.3% are Roman Catholic, 5.13% identify as 'other Christian', 2.2% as Muslim.<sup>28</sup>

### *Evidence on different religions*

Please see above.

## Pregnancy or maternity

### Statistics

- **SLAB's data**

N/A.

- **Data relevant to the policy**

No specific evidence found.

### *Evidence on pregnancy and maternity*

N/A.

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<sup>27</sup> [Scotland's Census | Future of Scotland's census - topic consultation 2025, test in 2027.](#)

<sup>28</sup> [Scotland's Census | Future of Scotland's census - topic consultation 2025, test in 2027.](#)

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

### **Statistics**

- **SLAB's data**

N/A.

- **Data relevant to the policy**

Not relevant to this policy. Marriage or civil partnership is engaged for employment purposes.

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

N/A.

## **Care Experienced**

### **Statistics**

- **SLAB's data**

Care experienced children and young people are considered a vulnerable group. They might be more likely to require legal support and legal aid, than others.<sup>29</sup>

- **Data relevant to the policy**

'34% of young people in custody in Scotland have been in care'.<sup>30</sup>

'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.'<sup>31</sup>

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

Please see above.

## **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.**

It must be noted that because we have never received any applications from a S126 individual, we have no specific data available to us to assess outcomes of our decision-making with regards to equality outcomes. If data were to become available, a full analysis would be undertaken.

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

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<sup>29</sup> Evidence Review, June 2024 – Findings from SLAB's UNCRC implementation literature review (internal source).

<sup>30</sup> [Scottish Sentencing Council | Youth offending and sentencing in Scotland and other jurisdictions – Literature review \(2018\)](#).

<sup>31</sup> [CYCJ and University of Strathclyde, Glasgow | Exploring Justice Inequalities for children in conflict with the law – Preliminary Scoping Review \(2023\)](#).

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 2.1 provides an overview of evidence we have found that might be of relevance to equality groups and their interaction with legal aid. We found that administrative burden, which is something that commonly occurs when people engage with public services, may have a significant impact on people and their mental health, especially equality groups. Administrative burden may be most challenging to overcome by groups who are already at a disadvantage. It may worsen stress, anxiety, stigma, and it increases the demand for cognitive engagement with time intense and complex matters. People with disabilities, specifically those affecting their mental health, as well as those having a lower proficiency and literacy in English might face heavier burdens and disadvantages accessing legal aid – a public service, compared to those, who don't have these protected characteristics.

Our policy in this area will have a direct relevance to equalities groups and will be of considerable importance to all these applicants generally, as the two merits tests here present key eligibility requirements for entry into the legal aid system. Where the test is not met, this means the applicant is ineligible: our policy on the merits test is therefore a key use of SLAB's discretion in determining eligibility.

The effective participation test includes several statutory factors which we are required to consider in all applications. Whilst the 3(a) concerns the characteristics of the case, and therefore does not engage equality considerations, 3(b) and (c) can be interpreted as directly requiring SLAB to address ourselves to an applicant's individual characteristics:

- 3. When determining for the purposes of condition in paragraph (2)(a) whether the individual would be able to participate effectively in the proceedings, the Board must take into account the following matters—
  - a) the nature and complexity of the case (including any points of law);
  - b) the ability of the individual, with the assistance of any accompanying person, to consider and challenge any document or information before the proceedings; and
  - c) the ability of the individual, with the assistance of any accompanying person, to give his or her views in the proceedings in an effective manner.

As set out in section 2.1, we assess that several protected characteristics will be relevant to this policy, in particular disability and race (where intersecting with language ability).

It should be noted that the intention of the effective participation test is to provide a safeguard for those who would otherwise be unable to represent themselves effectively, rather than an obstacle to be overcome. Furthermore, we anticipate that it would be very infrequent that the effective participation would not be met in Sheriff court proceedings (regardless of protected characteristic).

In relation to the other part of the merits test applied to S126 individuals – reasonableness – our policy focuses on the nature of the applicant's position in relation to those of the other parties involved, and on assessment of the strength of their argument. This does not generally require us to address ourselves to an applicant's protected characteristics.

### **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:**

Please see evidence section, as well as section 2.2.

## **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?**

Given the terms of the regulations, a merits test must be applied to section 126 individuals seeking children's legal aid. When considering the impact of this policy on equalities groups, the effective participation test becomes of interest. We recognise – and this aligns with the literature-based evidence that we have gathered and set out above – that equality groups in particular may face challenges in engaging with justice processes and may need legal support (by a solicitor) to represent them in sheriff court proceedings. Given the flexible way in which it is framed, we expect the policy to have a positive impact on equality groups. Nevertheless, we have further provided information on how we support applicants with understanding legal aid, which will have a positive impact on reducing stress related administrative burden and help with engage in the process with support from their solicitor.

### **General**

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

As the evidence in section 2.1 suggests, when people access public services, they may be faced with administrative burden. Administrative burden comes with costs, which may lead to inequality and different outcomes for people who find it more challenging to overcome these.

Research suggests that factors such as poverty/low income, disabilities, low literacy, digital exclusion or limited use or confidence online and domestic abuse can present barriers for people to find and access legal support.

To support applicants in understanding, accessing, participating and engaging under this policy, it's important to communicate and provide information in a way that is accessible to equality groups. Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable. This will particularly help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

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, 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, people may access our customer communication support service. This service provides additional support to those who require translation/interpretation service.

Providing information and communication in a way it's understandable and accessible, especially for equality groups, 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:** Positive impact(s).

**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 dealing with a legal problem and accessing legal aid. Legal capacity may be particularly challenging for children and young people, as well as equality groups. Therefore, it will be crucial that applicants are aware of and understand their rights and know how to claim them and/or know where to seek support in claiming them.

To support applicants in understanding, accessing, participating and engaging under this policy, it's important to communicate and provide information in a way it's accessible. Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable. This will particularly help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

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, 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, people may access our customer communication support service. This service provides additional support to those who require translation/interpretation service.

Providing information and communication in a way it's understandable and accessible, especially for equality groups, 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.

## **Disability**

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

As the evidence in section 2.1 suggests, for people who experience poor mental health, formal stressful situation may be extra challenging to navigate through. Processing and retaining information, as well as concentrating, may be very difficult and present a barrier to people accessing legal aid.

According to our data, the most common reason for refusing an application was lack of information. We don't have any evidence for it, as the grant and refusal rate for people with a disability, compared to those without a disability was insignificant, but we know that public service, which includes legal aid, comes with an administrative burden to the applicant. People with a disability might experience an even heavier burden to those who do not suffer from a disability.

To support applicants in understanding, accessing, participating and engaging under this policy, it's important to communicate and provide information in a way it's accessible to them. Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable. This will particularly help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

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, 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, people 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 it's understandable and accessible, especially for equality groups, 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.

## Sex

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

We did not come across any evidence in terms of sex presenting any disadvantages or barriers for 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:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

As our own data suggests, we have a high grant rate for applications under this policy. The main reason for refusal is lack of information.

When comparing grant and refusal rates for applicants for 'white' and 'non-white' applicants, we have observed quite a significant difference in favour to applicants who identify as white.

External evidence suggests that language and communication may present the biggest barriers to people trying to access a service. Legal aid is very complex in itself, but it may be even more challenging to access and understand for those who have a low proficiency in reading, speaking and understanding English and/or those who have a disability that impacts on the way they access and process information and communicate.

To support applicants in understanding, accessing, participating and engaging under this policy, it's important to communicate and provide information in a way it's accessible to them. Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable. This will particularly help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

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, 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, people 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 it's understandable and accessible, especially for equality groups, 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.

Under our customer communication support service, we ask people 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 people in the best possible way and make sure information we provide is accessible to them. This also helps to ensure people know what type of information they need to provide to us to be able to adequately assess their application.

## **Gender reassignment**

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

We don't have any data on applicants who fall under this equality group; however, we found evidence that transgender and non-binary people are generally at a higher risk to experience mental health problems compared to those who don't fall under this equality group.

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

To support applicants in understanding, accessing, participating, and engaging under this policy, it's important to communicate and provide information in a way it's accessible to them. Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable.

This will particularly help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

We have also reviewed information available on external websites about legal aid, such as Scottish Government, 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, 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.

Providing information and communication in a way it's understandable and accessible to clients, especially equality groups, 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.

## Sexual orientation

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**Potential to advance equality:** Positive impact(s).

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+ 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 to develop information about legal aid which is accessible and easily understandable. This will help people to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

We have also reviewed information available on external websites about legal aid, such as Scottish Government, 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:** Positive impact(s).

**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 backgrounds. 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 to develop information about legal aid which is accessible and easily understandable. This will help equality groups to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

We have also reviewed information available on external websites about legal aid, such as Scottish Government, 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.

As part of the application process for legal aid, people may access our customer communication support service, which provides additional support to those who require translation/interpretation services.

## **Pregnancy & Maternity**

**Potential for discrimination:** No impact.

**Potential for developing good relations:** No impact.

**Potential to advance equality:** No impact.

We did not find any evidence that may indicate any impact of our policy on this protected characteristic.

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 is not relevant for this assessment.

## **Care experience**

**Potential for discrimination:** Positive impact(s).

**Potential for developing good relations:** Positive impact(s).

**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 specifically, may be quite challenging to understand and navigate through for people with experience of care.

Under our Equality Outcomes Plan 2023-26 we have undertaken work involving internal and external stakeholders to develop information about legal aid which is accessible and easily understandable. This will help people to understand what legal aid is and provide them with comfort that they can get support and legal help if needed.

We have also reviewed information available on external websites about legal aid, such as Scottish Government, 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.

## **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:**

As stated 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 based on the data we've been able to collect.

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.

## 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 Analysis & Management Information (AMI) team, then to research and discuss any findings external evidence would provide.

## Step 6: Post-implementation actions and monitoring impact

**6.1. Record any ongoing actions below**

N/A.

**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)
<b>Internal data:</b> Analysis of numbers of applications, grants and refusals by S126 individual protected characteristic.	AMI (data extraction) with Policy (analysis). Suggest this should be explored as part of business impact assessment regarding recording, and options for gathering this information in a manageable way.	Suggest yearly – to Head of Civil and Children’s Legal Assistance.
<b>External data:</b> Seek further external data (from reports or other stakeholders) that may be illustrative of the equalities profile of S126 individuals.	Policy with input from Children’s team. Suggest this should be explored as part of business impact assessment generally, and options for gathering this information in a manageable way.	One-off, or as new sources of data become available – to Head of Civil and Children’s Legal Assistance.

**6.3. EqIA review date**

09/12/2027.

## Step 7: Assessment sign off and approval

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

**Chief Executive approval:** 12/03/2026.