



EQUALITY IMPACT ASSESSMENT

(EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Children's Legal Aid: merits test – applications by relevant persons 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 identify whether this policy has an impact on people with equality-related circumstances, we have analysed our own data with regards to assisted persons, as well as other broader evidence. For several protected characteristics, we can draw only limited conclusions on the impact of our policy/decision-making, given the amount of data currently available.

For two protected characteristics – age and sex – analysis of the grant rate indicated a statistically significant difference between groups. We have considered possible explanations for this and concluded that the differences do **not** arise as a direct result of applicants' protected characteristics: our view is that the gap in the grant rate reflects a legitimate policy position.

In large part, the focus of our decision-making under this policy is primarily on the nature of the case and the applicant's legal position in relation to it, as well as the outcomes sought: the extent to which protected characteristics are relevant will generally be limited. However, the policy is framed in such a way to enable consideration of equalities issues should they arise and thus provides us with the flexibility to take equalities-related circumstances into account where appropriate in the context of the broader policy intent.

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 regarding applicants' protected characteristic to monitor this policy, to ensure we are aware of any potential and future changes with regards to the impact of this policy on groups with different protected characteristics.

Ongoing actions beyond implementation include:

Ongoing actions include the gathering and analysis of data in relation to this policy. We will continue to 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):

27/03/2026.

Step 1: Scoping the work being assessed

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

Section 28E of the *Legal Aid (Scotland) Act 1986* provides the legislative basis for the merits test that SLAB must apply to relevant person applicants applying for children's legal aid in Sheriff court proceedings. The merits test to be applied is one of reasonableness. The policy sets out SLAB's approach to the application of the test: that is, what we consider in making the decision. Section D of the policy statement is set out below for reference.

"In assessing the reasonableness of an application from a relevant person or deemed relevant person, our policy is that we will grant an application for legal where they show that firstly, there is a clear basis for their involvement in proceedings with the assistance of legal representation.

Where this is demonstrated, we will grant the application where it is further shown that the outcome of the court proceedings will specifically and materially affect the applicant.

We will also have regard to whether the applicant also has another person representing their interests in the proceedings (e.g. a curator ad litem.)"

1.2. Why is the policy/practice/process/service being examined?

Review of policy/process/service/practice.

1.3. Who is affected by this policy/practice/process/service?

The customer affected by this policy will be the applicant seeking legal aid (for the purposes of this policy, a relevant person involved in Sheriff court proceedings).

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

This policy was stated and published on 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 may have implications for SLAB's policy on the use of conditions in children's 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

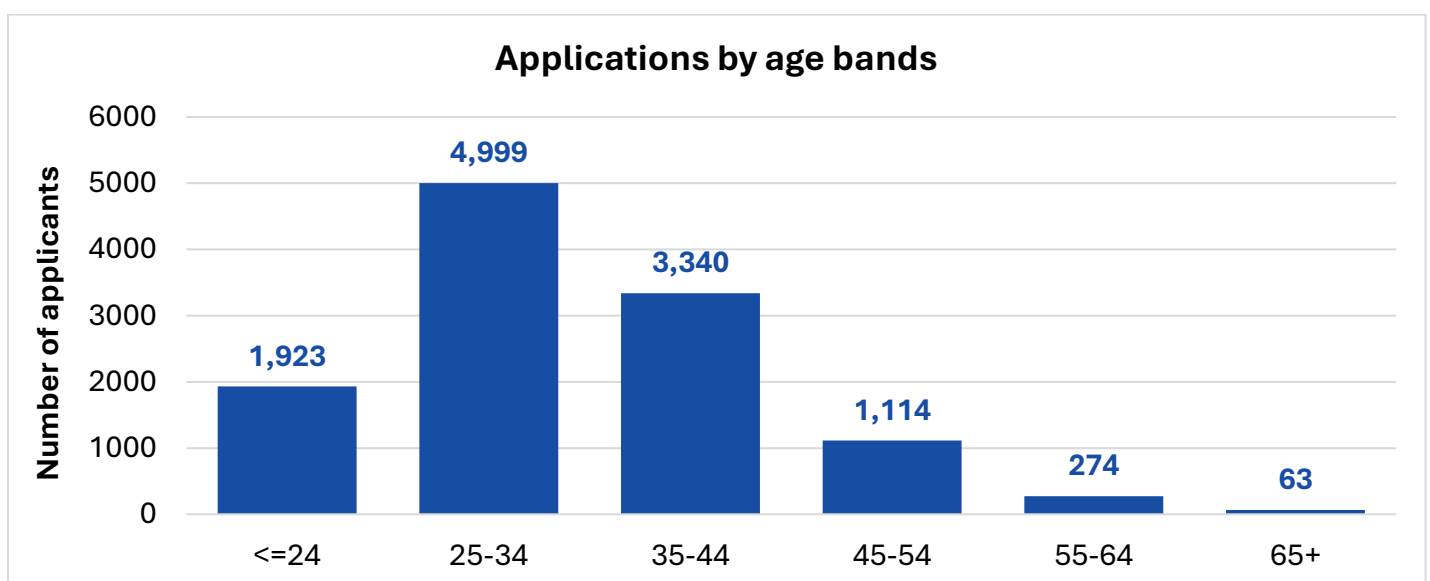
Out of 11,722 applications received from relevant person applicants for Sheriff Court proceedings between 2017 and April 2024, 10,238 were granted and 1,484 were refused. This indicates a grant rate of just over 87%.¹ For context, there are a range of reasons why an application might be refused, not all of which relate substantively to the merits of the case: for instance, one common reason is a lack of relevant information provided with the application (rather than not satisfying the reasonableness test).

Age

Statistics

- SLAB's data

The chart below shows the breakdown of applicants by age bands. The average age of the applicants was around 33.5 years; however, as the data below indicates, there is a large range of ages amongst applicants. In large part these are clustered around the lower-middle bands, particularly ages 25-34 and 35-44. On average, female applicants were slightly younger than male applicants (32.7 versus 34.9). It should be noted that a relevant person can also be a child (a person under age 18).



The table below provides a breakdown of the grant rate by age bands. It illustrates the differences by age band: our analysis indicates there is a statistically significant relationship between age and grant rate. It is important to note that the 'not granted' category collates a number of sub-categories, including not only those substantively refused, but also applications marked as 'not considered', which indicates that the full merits of the case (that is, the policy considered in this EqIA) have not

¹ SLAB's own equality data (internal).

been considered, for instance due to lack of information. The ‘not considered’ rate is substantially higher for persons age 65+ (which is also the band with the smallest number of applications by some way – see chart above).

Whilst there are differences in the table below, our view is those arise as a legitimate result of the policy (for instance, the extent to which an applicant can show a direct relationship to the subject child and therefore a clear basis for involvement), and not as a direct result of the protected characteristics themselves.

Age bands	Granted (ALL)	Not Granted (ALL)
<=24	89.03%	10.97%
25-34	87.92%	12.08%
35-44	87.81%	12.19%
45-54	83.12%	16.88%
55-64	82.85%	17.15%
65+	58.73%	41.27%
Grand Total	87.34%	12.66%

- **Data relevant to the policy**

Circumstances relating to an applicant’s age could potentially form part of the assessment of an applicant’s basis to take part in the proceedings *with legal representation*, as part of our assessment of reasonableness.² The assessment is whether the applicant has a basis to take part in proceedings with the benefit of legal representation, however, not on age.

Evidence indicates that Legal capability (the capacity to understand and act on justice problems) varies by age. Issues with legal capability may be more common in young people.

Qualitative research undertaken in England showed that people aged 16-25 from particularly disadvantaged backgrounds showed significant deficits with regards to legal capability: for instance, they were more likely to show an inability to recognise a problem as legal in nature, to have a lack of awareness of their rights and where to go for help, as well as difficulties communicating their problem.³

A not insignificant proportion of applicants fall into this age band, as shown in the section above. Again, all of this may be relevant to an assessment of an applicant’s basis for involvement with the benefit of legal representation.

There is a range of data concerning the intersection of age and disability, which may also be relevant to our policy, and this is set out in the ‘disability’ section, below.

Disability

Statistics

SLAB’s data

Out of 11,722 applications from relevant persons concerning sheriff court proceedings, disability data

² Discussions with operational staff (internal).

³ Evidence Review, June 2024 – Findings from SLAB’s UNCRC implementation literature review (internal).

was declared in 3,026 cases (26% of cases). As such, we do not have relevant data for three quarters of the cohort, and this absence should be borne in mind when considering the following analysis of the portion of the cohort for which data was available.

Of the 3,026 cases for which data was available, a disability or long-term health condition was declared in just under 9% of cases, with no disability in the remaining 91%. The grant rate for each group was very similar: 87% for persons declaring a disability, and 88% for those who indicated they did not have a disability. As such, we conclude our policy position has no detrimental impact within this protected characteristic.

Broader SLAB research with a cohort of adults involved in Children’s Hearing proceedings (not necessarily Sheriff Court proceedings) suggested that “*relatively few respondents reported that they required support for an additional need. Those that did tended to mention a mental health need (e.g., anxiety, depression) or a learning need (e.g., dyslexia, limited reading/comprehension skills)*”.⁴

It must be noted that this was a small-scale piece of research that may not be representative of all applicants.

Other data/evidence relevant to the policy

The Scottish Surveys Core Question data in 2023 indicated that around 29% of the Scottish population aged over 16 had a limiting health condition.⁵ This is considerably higher than the rate seen in the applications data set out above.

The incidence and severity of disability increases as we age,⁶ whilst the ability to process complex tasks slows as we age.⁷ Age is the most important factor in relation to cognitive decline.⁸ This intersection may be relevant to the question of how far an applicant requires legal representation to properly engage with legal proceedings, and could be taken into account as part of our framing of reasonableness.

Evidence on different disabilities

Physical disabilities

No evidence found.

Learning disabilities

No evidence found.

Mental health

SLAB’s broader research has considered the impact of disability in the context of legal aid (not specifically children’s legal aid for relevant persons) and 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. Difficulties with access was

⁴ [Progressive Research Report for SLAB | Adult Recipients of Legal Assistance for Children’s Hearings, July 2024.](#)

⁵ [Scottish Surveys Core Questions for 2023.](#)

⁶ [University of Stirling | Healthy Ageing in Scotland Study.](#)

⁷ [Article: Attention and aging by Elena Commodari and Maria Guarnera, 2008.](#)

⁸ [Psychiatric Times: Management of Age-Related Cognitive Decline by Gary W. Small, MD, 2019.](#)

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.⁹

People experiencing mental health problems can make concentrating and remembering things difficult, as well as heightened stress levels, which may be an issue for applicants in how they interact with legal proceedings,¹⁰ but one which could potentially be considered under this policy.

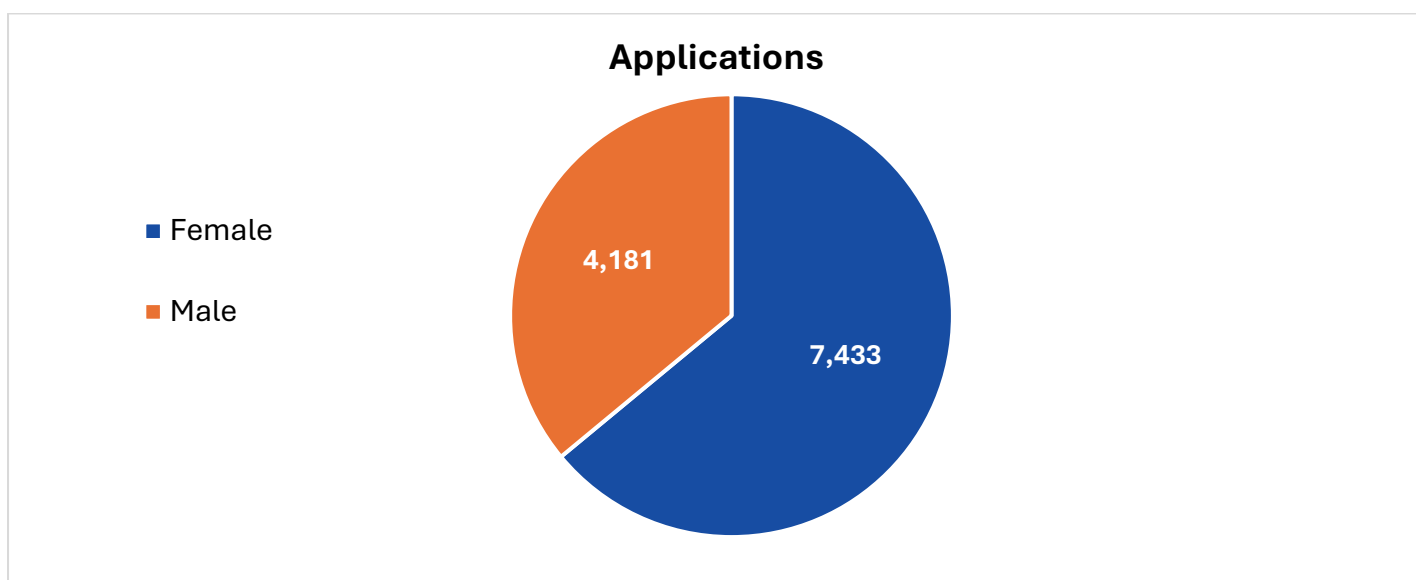
Sex

Statistics

SLAB's data

For the purposes of this section, we have excluded blank records and prefer not to say to facilitate more detailed analysis; these comprised less than 1% of the total.

The chart below shows that most applications for legal aid from relevant persons in Sheriff Court proceedings are from women (just under two thirds of the total). This contrasts with the position for subject children in Sheriff Court proceedings, where applications are primarily from male children.



The following table shows the respective grant rates for applicants by sex, with the grant rate for female applicants being somewhat higher than for males. Analysis indicates that there is a statistically significant relationship between sex and grant rate.

However, as with age, we are satisfied that the difference by grant rate arises as a legitimate result of the policy (for instance, the extent to which an applicant can show a direct relationship to the subject and therefore a clear basis for involvement), and not as a direct result of the protected characteristics themselves.

⁹ [The Lines Between Report for SLAB: Public Involvement in Setting SLAB's Equality Outcomes, November 2019.](#)

¹⁰ [Anxiety: The Cognitive Perspective by Michael W. Eysenck, 1992.](#)

Applicant sex	Granted (ALL)	Not Granted (ALL)
Female	88.43%	11.57%
Male	85.29%	14.71%
Grand Total	87.30%	12.70%

Other data or evidence relevant to the policy

Discussions with lead operational staff within SLAB were undertaken to better understand the possible reasons for the gap in the grant rate by sex. It was suggested that male parents are less likely to be ‘on the scene’ than female parents or may even have no contact; and that being so, male parents may be less able to demonstrate significant involvement with the subject child or be able to meaningfully comment on aspects like grounds against the female parent. This would tend to weigh against the reasonableness of granting legal aid, in terms of ability to show a clear basis for involvement in the proceedings, and thus perhaps account for the lower grant rate for male relevant persons.

It is important to note that there is no indication that the same approach would not be taken to a female parent in similar circumstances, however: in other words that the grant rate is not lower for men simply because they are men, rather that this is due to the specific ways in which applicants (regardless of sex) can demonstrate their involvement in a case and reasonableness of us granting. As such, despite there being a statistically significant difference here, our view is that it can be properly justified in line with our policy rationale.

Evidence on women

No evidence found.

Evidence on men

No evidence found.

Race

Statistics

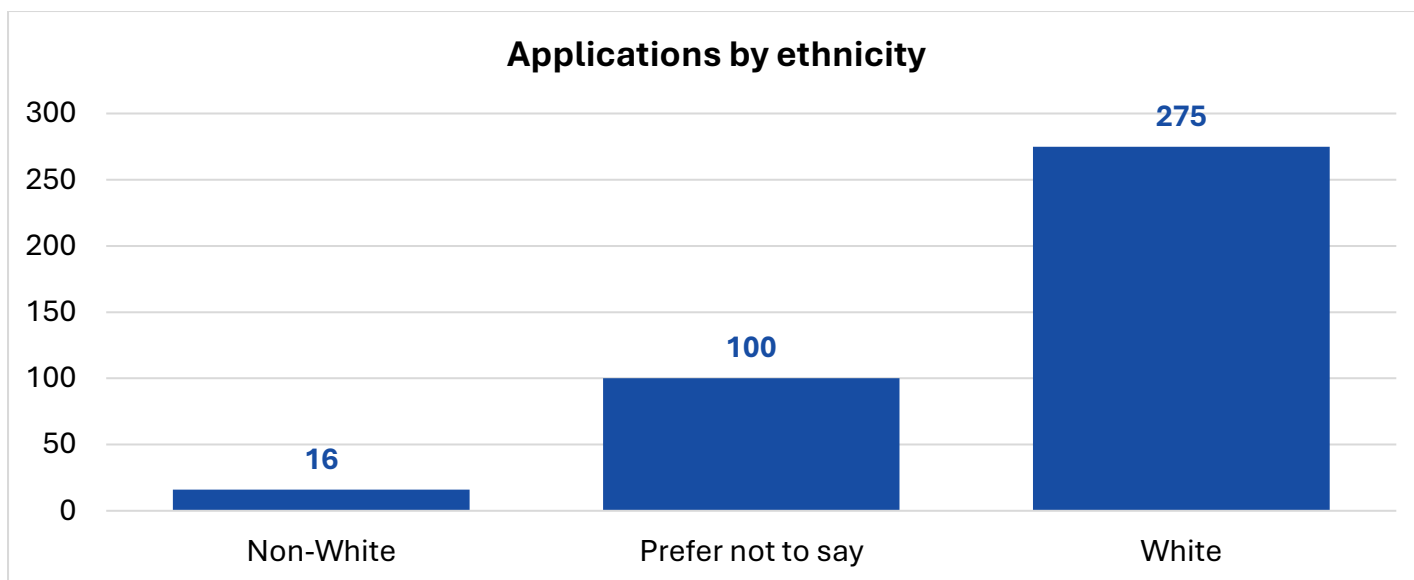
- **SLAB’s data**

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 only just over 2%, with the raw numbers also being relatively low. This should be borne in mind in any consideration of the following figures and analysis.

The chart below shows the distribution of applications by groups. Of those who disclosed ethnicity data (including those who indicated ‘prefer not to say’), 70% were white, 4% were non-white, and 26% answered ‘prefer not to say’. Non-white people appear somewhat under-represented in the data compared to the Scottish profile: in 2023, in the Scottish Survey Core Questions data, non-white people made up around 7% of the total.¹¹

However, the high rate of ‘prefer not to say’ in SLAB’s data, alongside the very high non-disclosure rate, may obscure the true profile of applicants.

¹¹ [Scottish Surveys Core Questions for 2023](#).



We are unable to report the grant rate by ethnicity, as numbers in some cells are too small. Whilst there does not appear to be an obvious disparity between groups, a greater level of data would be necessary to facilitate robust analysis and reporting in this area.

SLAB's broader research – again, not directly specific to this policy – indicates that issues with access to legal aid were the most prevalent concerns for people from ethnic minority backgrounds. 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.¹² To some extent, these considerations may be relevant to our consideration of reasonableness under this policy.

According to our data, the main support need that applicants require relates 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.¹³

- **Data relevant to the policy**

There is a significant body of evidence concerning disproportionality within the youth justice system for children from racialised communities, with most of this relating to the position in England and Wales, rather than in Scotland specifically: whilst we have included it for context, it is not clear that this evidence is necessarily relevant to understanding the demographic profile and experiences of relevant persons specifically (the subject of this EqIA, who are primarily adults).

Our evidence collation suggests there is very limited evidence specifically about the characteristics of adults involved in the kinds of proceedings relating to children that would be relevant to children's legal aid: this is a significant evidence gap.

¹² [The Lines Between Report for SLAB: Public Involvement in Setting SLAB's Equality Outcomes, November 2019.](#)

¹³ SLAB's customer communication support service data (internal).

Examples from the children-focused literature: “*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*”.¹⁴

Given this, if the position were similar in Scotland, we might expect ethnic minority persons to be over-represented not only within subject children, but relatedly, amongst relevant persons: this is very much an assumption, however, and not one supported by the limited applications data set out above.

Evidence on different ethnicities

No specific evidence found.

Evidence on people whose first language is not English

No specific evidence found.

Gender reassignment

Statistics

- **SLAB’s data**

We do not hold any relevant applications data on this specific protected characteristic.

SLAB’s survey data for civil and criminal applicants indicates around 1% of applicants have a different gender identity to the one they were born with, as compared to less than 1% in the Scottish Survey Core Questions 2019.¹⁵

It is difficult to assess whether the equivalent profile for children’s applicants would be different.

- **Data relevant to the policy**

A range of sources suggest gender reassignment is correlated to higher levels of mental ill health¹⁶ and this creates an intersection with disability, which may potentially be of relevance to our assessment of reasonableness (see section above).

Evidence on trans people

No evidence found.

¹⁴ [Preliminary Scoping Review: Exploring justice inequalities for children in conflict with the law by CYCJ and University of Strathclyde Glasgow, 2023.](#)

¹⁵ [SLAB applicants survey data](#) and SSCQ (link above).

¹⁶ [Scottish Trans: Trans Mental Health Study 2012; Stonewall: LGBT in Scotland – Health 2018; NHS Greater Glasgow and Clyde: Health needs assessment of lesbian, gay, bisexual, transgender and non-binary people 2022.](#)

Sexual orientation

Statistics

- **SLAB's data**

We do not hold any relevant applications data on this specific protected characteristic. SLAB's broader survey data for CLAO contacts and client, PDSO clients, and civil and criminal applicants indicates that a similar proportion of applicants identify as Lesbian, Gay, Bisexual or Other, as compared to around 3% in the Scottish Survey Core Questions.¹⁷ We are not aware of any evidence that suggests the profile of children's applicants (and relevant persons more specifically) would be significantly different.

- **Data relevant to the policy**

Some sexual orientations are correlated to higher levels of mental ill health.¹⁸ As noted above, under gender reassignment, this creates an intersection with disability, which may potentially be of relevance to our assessment of reasonableness (see section above).

Evidence on gay men

No evidence found.

Evidence on gay women/lesbians

No evidence found.

Evidence on bisexual people

No evidence found.

Religion or belief

Statistics

- **SLAB's data**

We do not hold any relevant applications data on this specific protected characteristic.

- **Data relevant to the policy**

We are not aware of any specific evidence that suggests issues that would be relevant for our consideration under this policy. We anticipate that there may be a degree of intersection between religion, race, and language ability (and broader ability to engage with legal processes) that could arguably have a degree of relevance to our assessment; however, the applicant's religion or belief itself would not have any direct relevance to our decision on the merits of an application.

Whilst there is some broader evidence around disproportionate numbers of prisoners from particular religious backgrounds, or likelihood of having a negative experience of the (criminal) justice system, primarily in England and Wales (for instance, people who identify as Muslim make up 4.4% of the population in England and Wales, but 13% of those in prison and 22% in Young Offender Institutions

¹⁷ [SLAB applicants survey data](#).

¹⁸ [Scottish Trans: Trans Mental Health Study 2012](#); [Stonewall: LGBT in Scotland – Health 2018](#); [NHS Greater Glasgow and Clyde: Health needs assessment of lesbian, gay, bisexual, transgender and non-binary people 2022](#).

(YOIs)')¹⁹, as for race, there is very limited specific evidence as to the experiences of adults involved in relevant children's proceedings with regards to religion or belief (for instance, whether a disproportionate number of relevant persons identify as Muslim).

Pregnancy or maternity

Statistics

- **SLAB's data**

We do not hold any relevant applications data on this specific protected characteristic.

- **Data relevant to the policy**

No specific evidence was found.

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

Statistics

- **SLAB's data**

This protected characteristic is not of relevance in this context.

- **Data relevant to the policy**

This protected characteristic is not of relevance for this policy assessment.

Evidence on marriage and civil partnership

Not of relevance to this policy.

Care Experienced

Statistics

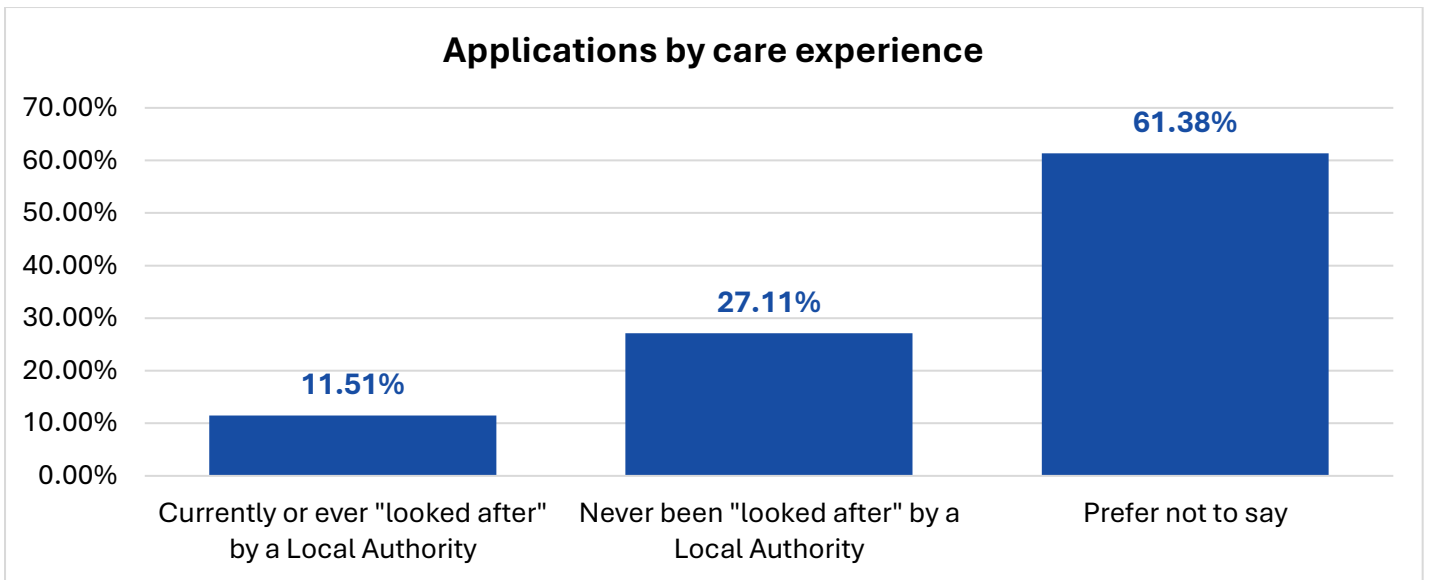
- **SLAB's data**

The disclosure rate in response to this characteristic was around 3.5% of the total population of relevant person applicants. As such, we do not hold specific disclosed data on this characteristic for much of the cohort considered, and this should be borne in mind when considering the data and analysis which follows.

The chart below shows the distribution of applicants by this protected characteristic for those applications in which data was disclosed. 12% of applicants were currently or ever 'looked after' (that is, care experienced); 27% indicated they had never been 'looked after' by a local authority, and 61% answered 'prefer not to say'.

We are unable to make a direct comparison with national figures, which are collated in a different way (that is, without the 'or ever' element). Similarly, we are unable to make any comparison with figures for those involved in children's proceedings

¹⁹ [Preliminary Scoping Review: Exploring justice inequalities for children in conflict with the law by CYCJ and University of Strathclyde Glasgow, 2023.](#)



As with race, we are unable to report the grant rate by care experience status, as numbers in some cells are too small. A greater level of data would be necessary to facilitate robust analysis and reporting in this area.

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.²⁰

- **Data relevant to the policy**

No data found.

Evidence on care experienced people

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.²¹ This may be relevant to whether we consider that they have a clear basis for involvement in the proceedings with the benefit of legal representation.

“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”.²² Again, an applicant’s degree of understanding could have some relevance to reasonableness, though would be unlikely to be the primary consideration.

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.

²⁰ Evidence Review, June 2024 – Findings from SLAB’s UNCRC implementation literature review (internal).

²¹ [Who Cares? Scotland: Report on the Criminalisation of Care Experienced People, 2018.](#)

²² As above.

Our policy on this merits test will be highly important for relevant persons 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 relevant persons in Sheriff court proceedings is high: over 90%. We are not currently aware of any significant negative external feedback or problems in relation to this policy area (for example complaints).

In terms of the specific factors that appear in our policy, whether the applicant has a clear basis to be involved in the proceedings essentially concerns the applicant's legal position with regards to the case and subject child, rather than mainly issues potentially connected to equality characteristics. It is important to note that this factor also specifically mentions 'with the assistance of legal representation': as such, this provides a means to consider instances where an applicant's protected characteristics may be relevant – for instance, if the applicant has communication difficulties or requires an interpreter which suggest legal representation may be of particular importance. The other key factor – 'whether the outcome of the proceedings could have a specific material impact on the applicant' does not involve consideration of an applicant's protected characteristics (as opposed to outcome of the case). As such, whilst protected characteristics may be relevant, generally they do not form a key part of our policy assessment for this area.

In the section above, where available, we have set out information on the distributions of applications by protected characteristics. For several protected characteristics, we have also been able to set out data above relating to the grant rate (as an indicator of the actual impact of the specific policy at hand), though for a number of characteristics, we do not hold relevant applications data or the numbers are too small to report and analyse fully.

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. As discussed above, for age and sex, there are statistically significant differences in the grant rate. Again, our assessment is that these reflect the intended operation of the policy and reflect differences relating to applicants' basis to be involved in the proceedings (and possibly material impact on them), rather than arising because of the protected characteristics themselves, and as such, we do not consider these problematic from an equalities perspective.

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 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?

General

There is external evidence that suggests that children in general, but specifically those in conflict with the law are some of the most vulnerable and disadvantaged in society, and likely to require significant support in navigating legal processes. Our view is that it may be reasonable to conclude that many of the relevant persons also involved in these cases will also experience the same vulnerabilities and challenges that ought to be considered.

Evidence suggests that it can be very difficult and challenging for people to navigate through the justice system generally, the specific proceeding they are part of, as well as the legal aid applications process. This can be even more challenging for persons with certain protected characteristics, specifically those relating to disability, race, care experience and age.

We are also aware of a body of evidence (primarily from England and Wales) which suggests that children – and possibly relatedly, relevant persons - 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 from minority ethnic groups. Legal aid is a very complex area, especially for children and young people, but it may be even more challenging to navigate for those who experience stress, or anxiety etc. due to potentially having their children removed or other significant consequences arising from the interaction with children’s hearings and court processes.

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 them: this may assist in avoiding situations in which an application is refused due to lack of information. 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 applicants to understand what legal aid is and what is expected on them. 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 equality-related circumstances. 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: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

As discussed above, legal capacity is an important part engagement with legal proceedings, and relevant to legal aid and justice proceedings in general. Recognising a problem as a legal one, being aware of ones right and asking for help is a prerequisite to engaging with a legal problem: evidence suggests this may vary by age. Legal capacity and understanding may be particularly challenging for children and young people, and perhaps also for older people: where this appears to be relevant in the case at hand, we may take it into account as part of our assessment of reasonableness: however, this would tend not to be a core consideration. Nonetheless, our view is that this flexibility within the policy may advance equality of opportunity.

Disability

Potential for discrimination: No impact.

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, as well as a relatively high grant rate for people with a disability: considering that one of the main reasons for refusal appears to be 'lack of information', our view is there is no obvious evidence that suggests a negative impact on this equality group, in particular the potential for discrimination.

Broad research evidence considered indicates that there is 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. This may be relevant to our

consideration of reasonableness and an applicant's need for legal representation but would not be a core consideration.

It can be very challenging for people (both children and adults) to be aware of and understand where to find help and support and to navigate through legal aid and justice processes: however, it appears reasonable to conclude it would be 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; in such cases, legal representation may be particularly important, and again, disability could be relevant to the applicant's need for legal representation in the context of them demonstrating their basis to be involved in the case.

Sex

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

When looking at our own data and comparing grant and refusal rates for males and females, statistical tests indicate that there is a significant difference in the grant rate under our policy. However, as set out above, our assessment is that there is a reasonable justification for this, and as such, we have no plans to make changes to this policy: we do not believe the difference amounts to an undue adverse impact or discrimination.

We are not aware of any specific evidence that demonstrates the existence of particular barriers or issues for either men or women that require to be considered as part of the policy position.

Race

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

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. These can be considered in our application of the reasonableness test as part of considering whether there is a clear basis for the applicant's involvement in proceedings with the assistance of legal representation, which would mitigate these issues compared to being non-represented. As such, our view is the existing policy provides suitable flexibility to consider the specific circumstances faced by persons with relevant equality-related circumstances.

We are not currently able to assess whether there are relevant differences in grant rate by ethnicity.

Gender reassignment

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

There is very little specific evidence and research on trans people and their experience of the children's legal issues, whether as children or as relevant persons, including within SLAB's applications data and more broadly. However, our current assessment is that the policy as currently framed is unlikely to have any adverse impacts on this group.

Poor mental health, which evidence suggests may be correlated with gender reassignment, 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 engage with legal processes, and in that sense, the way in which our policy considers whether legal representation is required may advance equality.

Sexual orientation

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: No impact.

Data on sexual orientation for people who are involved with children's legal issues, or the justice system in general is scarce: we are aware that people in general, may be reluctant to disclose their sexual orientation.

We did not find a direct link between this protected characteristic and any access issues, barriers or disadvantages with regards to this particular policy. However, LGBT+ children and young people are more likely to face discrimination, bullying and harassment which may have detrimental effects on their mental health, creating an intersection for which some of the points under 'disability', above, may be relevant with regards to how this is considered within the policy.

Religion or Belief

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

We did not find any specific evidence with regards to religion or belief being directly relevant to our decision-making under this policy, however, there may be a relevant intersection between religion and race (with regards to language in particular), with greater representation of some religions/beliefs among particular ethnic backgrounds. As mentioned under the protected characteristic of race, some minority ethnic groups may have lower proficiency in speaking, reading and understanding English which may have an impact on being able to engage in legal proceedings and the degree of support and communication assistance that may be required.

Pregnancy & Maternity

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Whilst we have no specific evidence on the impact of our policy on this protected characteristic or any indications that this group is likely to face a detriment under the policy, in principle, we could take pregnancy/maternity into consideration when deciding on whether to grant an application, where it was shown that pregnancy/maternity could be relevant to the reasonableness of an assisted person requiring representation to engage with 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 of relevance for this policy area.

Care experience

Potential for discrimination: No impact.

Potential for developing good relations: No impact.

Potential to advance equality: Positive impact(s).

Our consideration of the various sources of evidence suggests that care experienced people are one of the most vulnerable and socio-economically disadvantaged groups in society, who may face particular barriers in engaging with public services, and who may also be more likely to be involved in certain types of legal proceedings. As for other protected characteristic groups (for example persons with certain disabilities) engaging in legal proceedings within the justice system in general, as well as specifically engaging with legal aid, may be quite challenging to understand and navigate through for care experienced people. There may be an intersection between care experience and disability (for example mental health issues) which we would be capable of considering under this policy that advances equality of opportunity by recognising those barriers.

Summary

As stated under 2.2, whilst we recognise that for two protected characteristic groups – age and sex – there are statistically significant differences in outcomes under the policy, our assessment is that these can be justified by the policy rationale, and do not arise because of the protected characteristics per se. More broadly, our assessment is that the policy is constructed in such a way to consider the specific barriers certain groups face where possible; though overall, issues relating to equalities are likely to be secondary to other considerations in our decision-making (for instance the nature of the case). For several protected characteristics, more data is required to draw more firm conclusions about policy impact, though we do not anticipate that any detriments would be found should that data become available.

The most common reason for refusing an application or not considering an application seemed to be ‘lack of data/information’: whilst there is a significant role for the solicitor in providing relevant information, there may be a possibility an applicant, due to a disability, language barrier or other communication need, may be unclear what type of information should be provided, whilst ultimately could be play some part in a refusal of legal aid.

As described earlier in section 4, we have engaged in various pieces of work that we believe contributes to us providing information in a way it's 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: Confirm that the policy/practice/process/service described in section 1.1 was robust.

Please explain the changes that have been made: N/A.

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 GALA Review Group has also considered previous iterations of this EqIA, which led to further work on data analysis now set out in this version.

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: Ongoing analysis of refusals in most recent available year by reason and protected characteristics as far as available (given	AMI to extract data; Policy to analyse with input from Children's team.	Once per review cycle. To be reported to Head of Civil and

Measure	Lead department or individual	Reporting (where and frequency)
small numbers make this feasible), to establish whether equalities appear to be relevant to our decision-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.		Children’s Legal Assistance.

6.3. EqIA review date

01/10/2028.

Step 7: Assessment sign off and approval

Director/SRO sign off: 01/10/2025

Chief Executive approval: 01/10/2025

All full EqIAs must be published on SLAB's website as early as possible after the decision is made to implement the policy/practice/process/service.