



# EQUALITY IMPACT ASSESSMENT

## (EqIA)

### Summary results of the EqIA

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

Civil legal aid: prior and retrospective approval for counsel.

**Is the policy new (proposed), a revision to an existing policy or a review of current policy?**

Review of current policy.

**Key findings from this assessment (or reason why an EqIA is not required):**

We have analysed the available internal applications data regarding requests for the approval of counsel in civil legal aid. (We acknowledge that the full range of protected characteristics is not covered). For those areas where data is available, our assessment is that the data does not show any detrimental equalities impacts likely to arise because of our policy position.

We note that protected characteristics may have a degree of relevance to requests for counsel, insofar as they may be relevant to the factors of complexity, novelty, or difficulty. We further note that this policy area is a specific element of the legal aid regime, with few parallels externally and as such, we have been unable to find any significant volume of external evidence relevant to a direct assessment of this policy position.

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

No specific actions following this impact assessment have been taken, given the conclusions reached. We will however continue to gather and analyse data to monitor the impact of this policy.

**Ongoing actions beyond implementation include:**

Ongoing actions include the gathering and analysis of data in relation to this policy. We intend to continue monitoring the grant rate in relation to protected characteristics, to establish more information on the impact of this policy on assisted persons with equality related circumstances.

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

Head of Civil and Children's Legal Assistance.

**Senior responsible owner (SRO) agreement that the policy has been fully assessed against the needs of the general duty (job title only):**

Director of Operations.

## **Step 1: Scoping the work being assessed**

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

The relevant section of the policy statement is set out below:

“In considering whether it is appropriate to grant a request for prior approval we will have regard to the following factors:

1. The complexity, novelty or difficulty of the case on either legal or evidentiary grounds or issue arising from the management of the case;
2. the presence of emergency circumstances related to the nominated solicitor which could otherwise prejudice the assisted person’s case if counsel were not made available

Prior approval can also be granted in other circumstances where, considering all the facts and circumstances of the case, the granting of prior approval would have effect on the stated rationale of our policy.

#### **Where use of a multiple junior counsel or senior counsel is sought (advocacy or non-advocacy work):**

Our policy is as above, but the use of multiple or senior counsel shall be authorised only where there are issues of exceptional complexity, novelty or difficulty when considered against the generality of similar cases.

#### **Where counsel is sought for non-advocacy work: for example seeking counsel’s opinion or for counsel to consult with an expert:**

Where a request is for limited use of counsel, the basic factors above will be considered: however, given that limited use of counsel is likely to be required at an earlier stage of the case, our policy here is that additional factors considered also include whether:

- the request for counsel’s input appears premature
- the limited use of counsel at the point proposed is likely to save time or expense in the long run or otherwise assist in the efficient progression of the case.

#### **Scope of prior approval**

Where prior approval is granted for counsel to conduct a proof, or appeal, then from that point on counsel can consult with the client, provide advice orally or in written note form to the solicitor regarding work to be done and counsel can undertake any work reasonably ancillary to the conduct of that hearing without the need for further specific prior approvals by us. This continues up to the conclusion of that hearing and will include appearing at any expenses hearing and giving advice on the prospects for appeal.

Where approval is granted for any other type of hearing, then counsel can undertake any work reasonably ancillary to the conduct of that hearing, where appropriate, without the need for further specific prior approvals by us. Separate prior approval is needed for any work unrelated to that hearing.

Work that falls within the scope of prior approval as set out above remains subject to assessment at accounts stage: it will be payable if we are satisfied at that stage that it meets the relevant standard of taxation, as set out in our published accounts policies and guidance. Work that falls outside the scope of prior approval will not be payable, subject only to the provisions below on retrospective approval.

### **Retrospective approval: the ‘special reason’ test**

An applicant will be entitled to retrospective approval where the case meets the test for prior approval and is able to show special reason for lateness. Special reason will be established where a solicitor can show that:

- they were prevented from making a prospective application for prior approval by circumstances which were beyond their control and these circumstances were ones which could not have been reasonably foreseen; or
- the circumstances were within the solicitor’s control, and ought to have been foreseen, but the oversight was nonetheless justifiable given the particular or unusual circumstances in which the expense was incurred.

Our policy is that special reason is required to amount to more than simply plain oversight or ignorance of the Regulations to suffice as a ‘special reason’.

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

Review of policy/process/service/practice.

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

The customer for the purpose of this policy is the assisted person, whose case counsel is being asked to be involved in, and have some sort of impact on the outcome. The extent to which assisted persons (and by connection, their solicitors) can employ counsel will be affected by how SLAB sets policy in this area.

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

Currently live.

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

There is a relationship between prior (or retrospective) approval for the employment of counsel, and the task undertaken by Accounts. There may also be implications for cost limit amends.

## **Step 2: Consider the available evidence and data relevant to your policy/practice/process/service**

### **2.1. What information is available about the experience of each equality group in relation to this policy/practice/process/service?**

## General information about the policy/practice/process/service

In 2024-25, there were 1,050 requests for counsel sought in the context of civil legal aid. Overall, 64% of those requests were granted.

As the tables below show, a large majority of requests were made for use of counsel in the Sheriff court (69%) and were for single junior counsel only (79%): further breakdowns are provided below.

By breakdown of requests for counsel by court type was as follows:

Type of forum counsel sought for	Percentage of requests for counsel
Sheriff Court (1st Instance)	69.4%
Court of Session (Outer House)	13.9%
Sheriff Appeal Court	6.4%
Court of Session (Inner House)	5.6%
Other	4.7%
<b>Total</b>	<b>100.0%</b>

In terms of the level of counsel sought, the following table provides a breakdown:

Type of counsel sought	Percentage of requests for counsel
One Junior	79.4%
Senior & Junior	13.8%
Senior Alone	6.4%
Two Juniors	0.4%
<b>Total</b>	<b>100.0%</b>

Turning to subject matter, requests for counsel were made from within a large range of subject matter categories, with no single type or category predominating: however, family matters – in particular, residence, contact and variation – accounted for over a quarter of the total. When compared to the number of relevant applications for civil legal aid, it appears that requests for counsel were particularly common in the context of medical negligence cases: whilst this was the third highest category amongst requests for counsel (5% of the total), it comprises only 0.3% of civil legal aid applications, perhaps suggesting such cases are particularly complex (making the use of counsel more likely). Similarly, compared to the numbers of applications for legal aid, a high proportion of requests for counsel were made from within the context of judicial review and appeal proceedings, suggesting a linkage between subject matter and potential need for counsel.

We found very limited relevant external evidence relating specifically to the use of counsel in civil proceedings, much less applicants' experiences in applying for use of counsel and how that might relate to their protected characteristics. This would have included, for instance, evidence which indicated whether applicants from particular protected characteristic groups were more likely to be involved in complex or novel cases of a type likely to involve counsel. As such, our evidence below focusses primarily on internal applications data and operational insights.

By way of context, as with the other forms of prior approval, we note that it is important to bear in mind that it is the solicitor who is responsible for making an application for counsel. This may mitigate some difficulties that applicants would otherwise face in engaging with application processes: whilst we are aware of such risks from the broader evidence on barriers that groups with protected

characteristics can face in engaging with public bodies, it is important to be aware of the solicitor’s role as the intermediary which may mitigate these somewhat.

## Age

### Statistics

- **SLAB’s data**

Applicant age band	Percentage of requests for counsel	Percentage of civil legal aid applicants	Scottish population (census 2022)
<=24	9.5%	5%	27%
25-34	19.3%	22%	13%
35-44	31.7%	27%	13%
45-54	23.0%	19%	13%
55-64	9.1%	16%	14%
65+	7.3%	10%	20%
<b>Total</b>	<b>100.0%</b>	<b>100%</b>	<b>100%</b>

The age profile of applicants seeking counsel in civil legal aid is slightly different to that of applicants for civil legal aid generally, with applicants seeking counsel being more likely to be >=24; 35-44, or 45-54, and somewhat less likely to be 25-34, 55-64 and 65+. It differs significantly from the Scottish population, however, with those requesting approvals being much more likely to be in younger age bands: particularly 25-34 and 35-44.

Our view is this likely reflects the age profile of the parties who tend to be involved in those civil proceedings likely to involve counsel, rather than resulting from a particular impact of this policy suppressing the number of requests from older persons. For instance, it may reflect the large proportion of family matters (particularly people of parenting age).

Compared to the profile of those involved in civil legal aid generally, the profile possibly skews younger because counsel is rarely sought in AWI cases – where applicants tend to be somewhat older – which are comparatively straightforward, procedurally, and thus less likely to involve counsel.

Applicant age band	Granted	Not granted	Total
<=24	56.0%	44.0%	100.0%
25-34	61.6%	38.4%	100.0%
35-44	64.7%	35.3%	100.0%
45-54	66.0%	34.0%	100.0%
55-64	64.6%	35.4%	100.0%
65+	70.1%	29.9%	100.0%
<b>Total</b>	<b>63.9%</b>	<b>36.1%</b>	<b>100.0%</b>

There is a degree of variation in the grant rate by age bands. We have undertaken statistical analysis of the available data which confirms that this variation is not statistically significant. We are not aware of any broader evidence or insights (for instance complaints) which would otherwise suggest that there are detrimental impacts of our policy which relate directly to age.

- **Data relevant to the policy**

## Evidence on different age categories

We note that in the consideration of the ‘difficulty’ factor, an applicant’s age may be relevant to our decision-making. In particular, discussions with operational decision-makers indicate that our position is that in cases where a child is called to give evidence that may be of a sensitive nature (such as in fraught family proceedings), this may assist in demonstrating that a case is difficult in nature, such that the instruction of counsel would be merited – however, the fact that the applicant is a child giving evidence would not in and of itself satisfy the appropriateness test.

## Disability

### Statistics

- **SLAB’s data**

Applicant disability status	Percentage of requests for counsel
At least 1 disability	29.8%
No disability	70.2%
<b>Total</b>	<b>100.0%</b>

The proportion of requests for counsel from applicants who declared a disability is very similar to the profile of the Scottish population (indeed, slightly higher): 30% versus 28%. We do note, however, that the high rate of non-disclosed data in relation to this protected characteristic (50%) obscures the actual picture significantly. Given the data in the table above, and the absence of any broader evidence suggesting issues (for instance complaints), our view is that there is no reason to conclude that there are particular barriers to disabled applicants submitting requests for counsel.

The ‘complexity’ factor within our policy position could feasibly be relevant to this protected characteristic, if it were shown that the case was particularly complicated because of the applicant’s (or possibly another party’s) disability. However, we are not readily able to undertake analysis to this level of detail, and to our knowledge, the frequency to which this protected characteristic is in fact relevant in applications for counsel is fairly limited.

Applicant disability status	Granted	Not granted	Total
At least one disability	59.6%	40.4%	100.0%
No disability	63.8%	36.2%	100.0%
<b>Total</b>	<b>62.5%</b>	<b>37.5%</b>	<b>100.0%</b>

We note that there is a slight difference in the grant rate by this protected characteristics, with assisted persons who disclosed a disability having a slightly lower grant rate: however, testing indicates that this is not a statistically significant difference. Nor are we aware of broader internal evidence suggesting there might be unjustified difference in impacts on groups within this protected characteristic because of our policy position.

- **Data relevant to the policy**

Whilst we are aware of broader external data which shows that disabled people can face significant barriers in engaging with public services, including in the justice context, it is important to note that in practice, requests for counsel are submitted by solicitors, rather than applicants directly, which may mitigate such issues).

## **Evidence on different disabilities**

- **Physical disabilities**

No specific evidence seen.

- **Learning disabilities**

No specific evidence seen.

- **Mental health**

No specific evidence seen.

## **Sex**

### **Statistics**

- **SLAB's data**

<b>Applicant sex</b>	<b>Percentage of requests for counsel</b>	<b>Percentage of total applicants for civil legal aid</b>
Female	57.6%	61%
Male	39.3%	39%
Prefer not to say	3.1%	n/a
<b>Total</b>	<b>100.0%</b>	<b>100%</b>

The profile of applicants who requested counsel is similar to the profile of applicants for civil legal aid generally, with women forming a majority (and being somewhat over-represented compared to the profile of the Scottish population as a whole). There was a degree of difference in the subject matter of cases in which men and women were involved: for instance, a greater proportion of requests for counsel from men were made within judicial review proceedings many of which relate to either homelessness or asylum and immigration (7% versus 3% for women), with a greater proportion of requests for counsel from women being made from within various types of divorce proceedings.

We are not aware of evidence that suggests there are particular barriers to either men or women applying for counsel because of their sex.

<b>Applicant sex</b>	<b>Granted</b>	<b>Not granted</b>	<b>Total</b>
Female	65.1%	34.9%	100.0%
Male	63.3%	36.7%	100.0%
Prefer not to say	65.4%	34.6%	100.0%
<b>Total</b>	<b>64.4%</b>	<b>35.6%</b>	<b>100.0%</b>

The table above shows that the grant rate for men and women is very similar, with statistical testing confirming there is no significant difference. This does not suggest any obvious need for concern in relation to the policy's impact with regards to this protected characteristic.

- **Data relevant to the policy**

### **Evidence on women**

No specific evidence found.

### **Evidence on men**

No specific evidence found.

## Race

### Statistics

- **SLAB's data**

Applicant race	Percentage of requests for counsel
White majority	45.2%
White minority	3.5%
Non-white ethnic minority	9.3%
Prefer not to say	42.0%
<b>Total</b>	<b>100.0%</b>

Compared to the Scottish population data in the Core Surveys Questions for 2025, the proportion of requests from non-white ethnic minority applicants is broadly similar (9% versus 7%). In comparison, the rate of requests from white minority applicants is somewhat low (3.5% versus 7%), as is the rate from persons from a white majority group (45% versus 86%). Our view is that this is in part explained by several repeat applications from individual applicants in certain groups, which may not reflect meaningful differences in the potential impacts of the policy. It is important to state that we are not (for instance) aware of any barriers to greater levels of requests from any of the groups within this protected characteristic.

We do note that there appear to be relevant differences in subject matter: for instance, a considerably larger proportion of requests for counsel from non-white applicants came from within judicial review proceedings when compared to white majority applicants (44% vs 3%): this is likely to reflect involvement in asylum and immigration proceedings.

Applicant race	Granted	Not granted	Total
White majority	60.5%	39.5%	100.0%
White minority	55.0%	45.0%	100.0%
Non-white ethnic minority	69.8%	30.2%	100.0%
Prefer not to say	67.4%	32.6%	100.0%
<b>Total</b>	<b>64.1%</b>	<b>35.9%</b>	<b>100.0%</b>

The table above shows that there is a degree of variation in the grant rate for groups within this protected characteristic. However, statistical testing confirms that the differences are not significant in nature.

- **Data relevant to the policy**

### *Evidence on different ethnicities*

Research undertaken by JustRight Scotland indicates that in the context of race, communication barriers, cultural misunderstandings and reduced rights-awareness can impact quality of instructions and increase the risk of procedural misunderstanding.

These can relate to complexity and potentially equality of arms, particularly where evidence requires culturally informed interpretation of the facts.<sup>1</sup>

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<sup>1</sup> [Report: Make Human Rights Justice a Reality, 2023.](#)

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

Our position is that the need for an interpreter or other form of communication support is not in itself persuasive of the need for counsel in the absence of other salient points relating to case complexity (for example).

## **Gender reassignment**

### ***Statistics***

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

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

No specific evidence found.

## **Sexual orientation**

### ***Statistics***

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

### ***Evidence on gay men***

No specific evidence found.

### ***Evidence on gay women/lesbians***

No specific evidence found.

### ***Evidence on bisexual people***

No specific evidence found.

## **Religion or belief**

### ***Statistics***

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

### ***Evidence on different religions***

No specific evidence found.

## **Pregnancy or maternity**

### ***Statistics***

- **SLAB's data**

No evidence available.

- **Data relevant to the policy**

### *Evidence on pregnancy and maternity*

No specific evidence found.

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

#### *Statistics*

- **SLAB's data**

Not relevant for this policy.

- **Data relevant to the policy**

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

Not relevant for this policy.

### **Care Experienced**

#### *Statistics*

- **SLAB's data**

<b>Is applicant care experienced?</b>	<b>Percentage of requests for counsel</b>
Yes	3.8%
No	39.5%
Prefer not to say	56.6%
<b>Total</b>	<b>100.0%</b>

Drawing conclusions about the impact of this policy in relation to this characteristic is challenging because of the high rate of 'prefer not to say' amongst the applications data, combined with the relatively low rate of disclosure (with only 54% of applicants responding to the question regarding this characteristic).

In terms of subject matter, a comparatively large proportion of requests for counsel from applicants with experience of care came from within:

- a) contact
- b) judicial reviews
- c) permanency order proceedings.

However, we are unable to test whether these differences are statistically significant. It is not clear whether this variation arises as a direct result of the characteristic.

We do note that we are not aware of specific evidence that suggests there are particular barriers created by our policy position that would have a disproportionate impact on people who are care experienced.

<b>Is applicant care experienced?</b>	<b>Granted</b>	<b>Not granted</b>	<b>Total</b>
Yes	63.6%	36.4%	100.0%
No	58.7%	41.3%	100.0%
Prefer not to say	67.5%	32.5%	100.0%
<b>Total</b>	<b>63.9%</b>	<b>36.1%</b>	<b>100.0%</b>

There is a degree of variation in the grant rate by this characteristic, as shown in the table above, however, statistical testing indicates there is not a significant difference.

- **Data relevant to the policy**

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

As of 2023, approximately 12,206 children in Scotland were classified as “looked-after,” with an estimated total of 14,000 care-experienced children overall.<sup>2</sup>

Whilst we are aware there is a body of evidence which indicates care-experienced individuals are over-represented in the criminal justice system, we are not currently sighted on data as to whether this also occurs in the civil justice system, or if so, how exactly that translates into needs for representation by counsel. A request which notes the applicant has experience of care (as with other protected characteristics) will not *in itself* be sufficient to determine that use of counsel is appropriate: a specific link to the policy factors would be required.

## **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.**

Having reviewed this policy with the internal applications data now available to us, we note that there is no evidence of significant variation in outcomes by protected characteristics under this policy. We note that the profile of those making requests does not always reflect the profile of the Scottish population – for instance in relation to age and possibly race – but we believe that reflects the broader context of people involved in various types of civil proceedings, rather than being a problematic impact of our policy.

More broadly, our assessment is that any variation in outcomes under this policy will be primarily because of interaction with the specific circumstances of the case (for instance, the legal complexity, or for example, emergency circumstances faced by the solicitor) and how those relate to the factors in our policy. With regards to some of the specific factors set out in the policy, we note that certain cases could generally be considered to be more ‘complex’ – and thus more likely to be granted counsel, and to the extent that protected characteristics are relevant here, in some circumstances, they could potentially weigh in the applicant’s favour – for example, where an applicant’s age makes the proceedings ‘difficult’ enough to merit counsel: however, this would be a case-by-case decision in the full context of the case, and not one made solely because an applicant has a particular protected characteristic.

Given this, in combination with what we have seen from the applications data, we are confident that our decision-making here is unlikely to have any detrimental effects with regards to our equality duties.

Overall, however, the factors used (in particular, complexity) are broad enough to enable consideration of any of the protected characteristics in the context of the case at hand where a link is made, though we are unable to specifically quantify how often this actually occurs. This is distinct from a protected characteristic being sufficient to justify a grant in and of itself, that is, in the absence of a link to the policy factors.

Moreover, the ‘novelty’ factor may also have direct relevance to equality groups, particularly in cases where the law being tested is likely to have a broader impact than on the individual applicant alone.

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<sup>2</sup> [Scottish Government, Children Looked After Statistics, 2024.](#)

This broader impact can be considered in decision-making as this appears to provide a positive potential impact within SLAB's policy.

We also note that – when considering the importance of SLAB's policy on counsel to equality groups – it must be borne in mind that counsel is *automatically* available in some circumstances (that is, one junior counsel in the Court of Session). This means that in some cases, no active assessment is required by SLAB decision-makers against the terms of this policy, including as to how equality characteristics might be relevant.

### **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:**

Given the potential relevance of this policy to equality groups, a full EqIA is merited.

## **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.**

None.

### **3.3. What did you learn from the consultation/involvement?**

N/A.

## **Step 4: Impact on equality groups and steps to address these**

### **4.1. Does the policy/practice/process/service have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?**

#### **Cross-cutting observations**

As noted under 2.2, our view is that outcomes of this policy will tend to be driven by factors which are no more than indirectly related to the applicant's protected characteristics – for instance, complexity in the law given the circumstances of the case at hand. However, our assessment is that there are factors in the policy which *could* (at least potentially) make an applicant's protected characteristics relevant to our decision, and which could make those weigh towards a grant: that is, complexity, sensitivity and novelty. The framing of those factors is wide enough – in principle – to allow for *any* of the protected characteristics to be considered in this way, where relevance is shown to the factors set

out in the policy. Our view is that this means that the policy position as described should be seen as having the potential to advance equality of opportunity across the range of protected characteristics.

However, on the other hand, we also wish to make clear that an applicant's protected characteristics in and of themselves are not relevant to our decision-making: a relevance of the characteristics to the factors set out in the policy must be demonstrated.

## Age

**Potential for discrimination:** No impact.

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

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

We set out evidence relating to the profile of applicants by age bands, as well as the grant rate. Our view is that the applications data does not suggest any clear detriment caused by the policy that could be seen as arising from discrimination: the difference in grant rate is not statistically significant, nor are we aware of broader evidence that suggests people from different age groups are less able to access counsel because of our policy position.

On the other hand, our view is that the factors of difficulty, novelty and complexity are sufficient to allow for consideration of an applicant's disability (where relevant in the full circumstances of the case) in our decision-making, in a way which has the potential to advance equality of opportunity.

## Disability

**Potential for discrimination:** No impact.

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

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

We set out evidence relating to the prevalence of disability amongst applicants requesting counsel and the relevant grant rate; our view is that the applications data does not suggest any clear detriment caused by the policy that could be seen as having the potential for discrimination: the difference in grant rate is not statistically significant, nor are we aware of broader evidence that suggests disabled persons are less able to access counsel because of our policy position.

On the other hand, our view is that the factors of difficulty, novelty and complexity are sufficient to allow for consideration of an applicant's disability (in the full circumstances of the case) in our decision-making, in a way which has the potential to advance equality of opportunity.

## Sex

**Potential for discrimination:** No impact.

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

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

We set out evidence relating to the profile of applicants requesting counsel by sex and found no clear indications of problematic impacts; nor are we aware of broader evidence that suggests problems arising because of our policy position.

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including sex, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity. We note again that an applicant's sex *in itself* is not a relevant consideration which would tip the balance of our decision-making. It is only where the applicant's sex can be feasibly tied to the factors in our policy that it would become relevant to our decision-making.

## Race

**Potential for discrimination:** No impact.

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

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

Whilst we are aware of general evidence that indicates people from minority ethnic backgrounds can face barriers in readily accessing public services, we are not aware of any specific evidence that suggests our policy on approval for counsel creates specific difficulties in this regard.

There are several limitations to the applications data we have available – in particular, the high rate of prefer not to say, and the rate of non-disclosure of ethnicity data – which mean that the conclusions we can draw robustly are limited. Given the lack of a statistically significant difference in the grant rate and in combination with our broader operational decision-making experience, our view overall is that there is no evidence that the policy is discriminatory with regards to race.

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including race, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

## Gender reassignment

**Potential for discrimination:** No impact.

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

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

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including gender reassignment, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

## Sexual orientation

**Potential for discrimination:** No impact.

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

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

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including sexual orientation, to be considered as part of

our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

### Religion or Belief

**Potential for discrimination:** No impact.

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

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

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including religion or belief, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

### Pregnancy & Maternity

**Potential for discrimination:** No impact.

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

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

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including pregnancy or maternity, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

### Marriage & Civil Partnership (only applies to policies related to employment)

*This protected characteristic is not relevant for the purpose of this EqIA.*

### Care experience

**Potential for discrimination:** No impact.

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

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

Whilst we are aware of general evidence that indicates care experienced people can face barriers in readily accessing public services, we are not aware of any specific evidence that suggests our policy on approval for counsel creates specific difficulties in this regard.

As noted above in [cross-cutting observations](#), the policy is framed in such a way that the factors potentially allow protected characteristics, including care experience, to be considered as part of our decision-making, where relevant. This allows an applicant's full circumstances to be considered, and as such, our view is that the policy advances equality of opportunity.

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

**Please select the outcome of the assessment:** Confirm that the policy/practice/process/service described in section 1.1 was robust.

**Please explain the changes that have been made:** Given the evidence reviewed and the assessment above, particularly the lack of evidence suggesting obvious discrepancies in outcomes by protected

characteristics, we are confident that the policy is robust and not in need of change. However, we will continue to monitor and review the policy in future.

## 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 assessment has been discussed with operational lead staff and was reviewed and agreed by senior SLAB staff at the GALA Review Group meeting on 09/04/2026.

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

**6.1. Record any ongoing actions below**

No ongoing actions.

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

Measure	Lead department or individual	Reporting (where and frequency)
Requests for counsel and grant rate by protected characteristics (to include decision reasons if feasible)	Policy/AMI	Annually (or once per review cycle/three years)

**6.3. EqIA review date**

09/04/2029.

## Step 7: Assessment sign off and approval

**Director/SRO sign off:** 09/04/2026.

**Chief Executive approval:** 09/04/2026.