



Child Rights and Wellbeing Impact Assessment (CRWIA) – Screening for civil expert witnesses

Stage 1 – Screening

1.1. What’s the aim/purpose of your policy/measure?

SLAB’s policy on prior and retrospective approval for expert witnesses explains how the requirements of the relevant Regulations are applied in practice. The policy provides a framework for decision makers on the test to be applied when considering requests for expert witnesses. The test is whether use of the expert is reasonable, with specific regard to whether their involvement may advance the case or support its resolution, and whether the associated costs are proportionate.

The purpose of the policy is to ensure that expert evidence is obtained only where it provides meaningful value in the context of the case.

1.2. What’s the impact of your policy/measure on children?

We note that in cases involving children, expert input can be particularly important where complex needs are present and may be important in facilitating the court’s proper consideration of the issues at play. The policy therefore supports robust, evidence-based decision-making in the context of civil legal proceedings and in that sense, fairness and access to justice.

Expert evidence may influence the outcome of cases involving children. This may affect children’s rights and wellbeing in various matters such as family contact or access to appropriate support. Our analysis of the available applications data confirmed that there are a range of experts instructed which would be directly or indirectly related to children: for instance, child psychologists, paediatricians, and professionals relating to, for example, the exercising of child contact.

The EqIA identified some intersections with protected characteristics such as age, disability and race, some of which may be relevant for children. No evidence suggests negative impacts arising from the way the policy currently operates.

The impact on children is to some extent indirect (particularly regarding administrative burden) given solicitors are responsible for making requests for experts, rather than children themselves. There may however be some direct impacts where the expert is speaking specifically to issues relating to the child. However, we appreciate that the ultimate impact of an expert in each case (for instance, whether the court agrees with their evidence) is not the same as the impact of SLAB’s policy on the approval of experts.

1.3. Are certain groups of children more affected than others?

We anticipate that certain groups of children will be more affected than others, depending on their circumstances. In general terms, this may include children from lower socio-economic backgrounds, who are more likely to be involved in legally-aided cases in the first place as well as care-experienced children (who are disproportionately represented in family and child protection proceedings); but more specifically, we would anticipate that children with disabilities may be more likely to require expert psychological, psychiatric or medical assessment, with child psychologists being amongst the most frequently instructed experts (for instance).

1.4. Is a full CRWIA required?

The EqIA did not identify any significant negative impacts on children. The EqIA did indicate that younger applicants appeared to be disproportionately represented amongst requests for experts, and that there are statistically significant differences in the grant rate by age, but we note that the grant rate for applicants in the youngest age band (which would include child applicants) was the highest of all age bands, which does not suggest a negative impact on children. Similarly, the EqIA also noted particular relevance for disabled persons (which would include disabled children), but again, did not find any problematic impacts or outcomes.

Children who receive civil legal aid may be affected where their case requires expert evidence: in 2024-25, the number of children in receipt of legal aid who submitted a request for an expert was 146, meaning just under 10% of total requests were made for assisted persons who were children themselves.

We would also note that in family cases, even where the applicant is not themselves a child, they may nonetheless be seeking an expert to speak to an issue concerning the child/children involved in the proceedings. In contact cases, for instance, fewer than 10% of requests were from children, and less than 20% of requests for child psychologists were made by children. However, we cannot more specifically quantify the number of children likely to be affected in such cases and the degree of impact upon them, which would be indirect.

The policy is subject to internal review. No external consultation is planned currently. Our assessment is that the EqIA sets out an appropriate amount of evidence relating to the potential relevance of the policy to children and the possible impacts, with limited gaps in evidence. Whilst we lack specific applications data for some protected characteristics, we were not aware of broader evidence on these characteristics that would suggest problematic impacts on children.

Our view is that the direct impacts on children can be readily anticipated.

The policy is clear and the factors set out in a transparent manner. We have some evidence on the outcomes of the policy by age from applications data.

These considerations support reflection on whether the policy may impact on children's rights and wellbeing. Where this is the case, a full CRWIA would normally be appropriate. Whilst we recognise that the policy has a degree of relevance to children – with some experts being instructed to speak directly to issues relating to children (for example, child psychologists) and family cases being the largest source of requests for experts, our view is that on the evidence available and the conclusions reached in the EqIA, in this instance a full CRWIA is not required. However, continued monitoring for any unintended impacts on vulnerable children is recommended.

Approval and sign off

Director/SRO sign off: 22/06/2026.

Chief Executive approval: 22/06/2026.

CRWIA review date:

22/06/2029.