EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Automatic Criminal Legal Aid.

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

Revision of existing policy.

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

Automatic criminal legal aid is governed by primary and secondary legislation and applies where statutory criteria are met. SLAB has no discretion in determining eligibility where those criteria are satisfied.

The regulatory changes assessed (including notification timeframes) relate to administrative requirements within SLAB's operational role. While broader legislative amendments may affect eligibility for automatic criminal legal aid, these are set by Scottish Ministers and are not within SLAB's remit.

Consideration has been given to whether the administrative changes, including notification requirements, could give rise to indirect impacts for individuals with protected characteristics (for example where barriers exist in engaging with legal processes). No evidence has been identified that these changes create disproportionate or differential impacts in practice.

On that basis and taking account of the limited scope of SLAB's role in this area, a full EqIA is **not required**. This position will be kept under review in line with Scottish Government's approach to monitoring implementation of the Regulations.

Summary of actions taken because of this assessment:

Reviewed the legislative and regulatory changes, including Scottish Government's EqIA of the Regulations, to confirm whether any aspects within SLAB's operational remit affect access, engagement or outcomes for equality groups.

Considered whether administrative requirements, including notification timeframes, could create indirect impacts for individuals facing barriers in engaging with legal processes. No impacts requiring policy change were identified.

Confirmed that no changes within SLAB's control are necessary at this stage.

Ongoing actions beyond implementation include:

SLAB will monitor operational data and feedback from practitioners to identify any unintended impacts arising from the notification requirements in practice.

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

- Head of Criminal Legal Assistance, Criminal Legal Assistance
- Policy Officer (Equalities), Policy & Development.

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):
04/11/2026.

Step 1: Scoping the work being assessed

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

As there are no actual decisions in this area and accordingly no discretion, whether on the part of SLAB or others, there is no policy to be set out.

In terms of scope, there are no limitations put on automatic legal aid, apart from those set out in the legislation (such as stage of proceedings reached). A solicitor may undertake any work they deem appropriate.

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

Legislative change.

Amendments to the Criminal Legal Aid (Scotland) Regulations 1996 introduce requirements relating to the notification of automatic criminal legal aid to SLAB, including the requirement for solicitors to intimate cases within 14 days of first taking instructions.

These changes relate to administrative processes only and do not alter the statutory criteria governing eligibility for automatic criminal legal aid, which remain set out in primary legislation

- **Who is affected by this policy/practice/process/service?**

The customer is the legal aid applicant. Solicitors and advocates work with the policies and guidance we develop. They are affected by the policy but not in relation to their protected characteristics.

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

14/12/2026.

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

- Accounts assessment policy (in relation to payment for work undertaken under automatic criminal legal aid)
- Wider criminal legal aid operational processes and guidance
- Any internal procedures relating to case registration and validation of notifications.

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

Automatic criminal legal aid operates within the wider criminal justice system, where inequalities are known to exist for some groups, including those from disadvantaged backgrounds, minority ethnic communities, and people with disabilities. Access to legal representation is an important safeguard in this context.

Eligibility for automatic criminal legal aid is set in legislation and applied without discretion by SLAB.

The regulatory changes assessed here relate only to administrative requirements, including notification timeframes. They do not alter eligibility, scope, or access to legal aid. No evidence has been identified that these changes affect the experience of different equality groups.

Consideration has also been given to whether administrative requirements, such as notification timeframes, could create indirect impacts where individuals face barriers in engaging with legal processes.

No evidence has been identified that such impacts arise in practice.

Age

Statistics

- **SLAB's data**

Age band	Percentage of automatic criminal legal aid cases
0-19	2%
20-39	55%
40-59	38%
60-79	4%
80+	<1%
Grand Total	**100%**

The age profile of automatic criminal legal aid cases is concentrated in the 20-39 and 40-59 age groups, which together account for over 90% of recorded cases.

No evidence has been identified that the notification requirements associated with the regulatory changes affect applicants differently according to age.

- **Data relevant to the policy**

No evidence has been identified that the administrative notification requirements create differential impacts for applicants of different ages.

Evidence on different age categories

No specific evidence found.

Disability

Statistics

- **SLAB's data**

Disability status	Percentage of automatic criminal legal aid cases
No disability	5%
1 or more disabilities	4%
No data	91%
Grand Total	**100%**

Most cases do not contain recorded disability information. The available data does not identify any equality issue arising from the notification requirements.

- **Data relevant to the policy**

No evidence has been identified that the notification requirements have a differential impact on disabled applicants.

Evidence on different disabilities

- **Physical disabilities**

No specific evidence found.

- **Learning disabilities**

No specific evidence found.

- **Mental health**

No specific evidence found.

Sex

Statistics

- **SLAB's data**

Sex	Percentage of automatic criminal legal aid cases
Female	6%
Male	21%
Prefer not to say	<1%
No data	73%
Grand Total	**100%**

A significant proportion of automatic criminal legal aid cases contain no recorded sex data.

No evidence has been identified that the administrative changes affect applicants differently based on sex.

- **Data relevant to the policy**

No evidence of differential impact identified.

Evidence on women
No specific evidence found.

Evidence on men
No specific evidence found.

Race

Statistics

- **SLAB's data**

Ethnicity	Percentage of automatic criminal legal aid cases
White	6%
Prefer not to say	3%
No data	91%
Other recorded ethnic groups	<1%
Grand Total	**100%**

The available ethnicity data is limited due to the high proportion of applications for which ethnicity information is not recorded.

- **Data relevant to the policy**

No evidence has been identified that the notification requirements create differential impacts for applicants from different ethnic backgrounds or for applicants whose first language is not English.

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**

No data available.

- **Data relevant to the policy**

SLAB does not routinely collect data relating to gender reassignment in this area.

No evidence of differential impact has been identified.

Evidence on trans people
No specific evidence found.

Sexual orientation

Statistics

- **SLAB's data**

No data available.

- **Data relevant to the policy**

SLAB does not routinely collect data relating to sexual orientation in this area.

No evidence of differential impact has been identified.

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 data available.

- **Data relevant to the policy**

SLAB does not routinely collect data relating to religion or belief in this area.

No evidence of differential impact has been identified.

Evidence on different religions

No specific evidence found.

Pregnancy or maternity

Statistics

- **SLAB's data**

No data available.

- **Data relevant to the policy**

No evidence has been identified that the notification requirements differentially affect applicants who are pregnant or on maternity leave.

Evidence on pregnancy and maternity

No specific evidence found.

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

Statistics

- **SLAB's data**

Not applicable.

- **Data relevant to the policy**

Not applicable. This policy does not relate to employment matters.

Evidence on marriage and civil partnership

N/A.

Care Experienced

Statistics

- **SLAB's data**

Care experience status	Percentage of automatic criminal legal aid cases
Previously or currently looked after	<1%
Never looked after	2%
Prefer not to say	7%
No data	91%
Grand Total	**100%**

The available data is limited due to the very high proportion of cases where care experience status is unknown.

- **Data relevant to the policy**

No evidence has been identified that the notification requirements create differential impacts for care experienced applicants.

Evidence on care experienced people

No specific evidence found.

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.

The policy is relevant to equality groups in that it supports access to legal representation within the criminal justice system. However, the specific regulatory changes assessed are procedural and do not alter eligibility or access.

As SLAB has no discretion in this area and no differential impacts have been identified, relevance for the purposes of a full EqIA is considered low.

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 5 - No EqIA is needed.

Please outline the reasoning behind your decision:

Eligibility for automatic criminal legal aid and any changes to it are determined by legislation and are not within SLAB's discretion.

The changes considered in this assessment relate only to administrative requirements within SLAB's functions and do not affect entitlement, scope or substantive access to legal aid.

Consideration has been given to whether these administrative processes could give rise to indirect impacts for individuals with protected characteristics, including where barriers to engagement exist. No evidence has been identified that these requirements create disproportionate impacts in practice.

Taking account of the limited scope of SLAB's role and the absence of identified impacts, a full EqIA is not required at this stage. This position will be kept under review.

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.

The policy and EqIA has been reviewed by operational and policy colleagues as part of the policy review process. The EqIA was reviewed by the GRM on 29 September 2026.

Step 6: Post-implementation actions and monitoring impact

6.1. Record any ongoing actions below

No specific equality actions identified at present.

The policy will continue to be monitored through routine policy review and operational feedback to ensure that the Interests of Justice and special reason tests continue to be applied consistently and proportionately.

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)
Monitor operational feedback from solicitors and stakeholders on the implementation of the notification requirements for automatic criminal legal aid.	Criminal Legal Assistance.	Through routine operational review processes and as issues arise.
Monitor available management information to identify any unforeseen issues relating to the operation	Criminal Legal Assistance with support from AMI.	Annually to Head of Criminal Legal Assistance.

Measure	Lead department or individual	Reporting (where and frequency)
of the notification requirements.		
Keep any emerging equality evidence, complaints, stakeholder feedback or implementation findings under review to identify whether the regulatory changes give rise to unintended impacts on equality groups.	Policy Officer (Equalities) and Criminal Legal Assistance.	As part of routine policy monitoring and if new evidence becomes available.

6.3. EqIA review date

Should be reviewed as part of the post-implementation review of the policy/practice/process/service. The date should not exceed three years from the implementation date.

14/12/2029.

Step 7: Assessment sign off and approval

Director/SRO sign off: 29/09/2026.

Chief Executive approval: 29/09/2026.

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.