EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Summary criminal legal aid: Special Urgency.

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

Revision of existing policy and review of current policy and revision to reflect legislative change.

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

The degree of discretion available to SLAB in applying Regulation 15 special urgency provisions means that decisions can be taken on the availability, scope and duration of cover, and the conditions attached to it. Our assessment is that the current policy position appropriately frames the exercise of that discretion in a way which supports fairness, consistency and proportionality.

The policy recognises that applicants may be unable to satisfy standard financial and merits testing within short statutory court timescales, particularly in Sheriff Court summary cases subject to Summary Case Management. By enabling limited and conditional special urgency cover for time-critical work required by court process, the policy is intended to mitigate the risk that administrative barriers or short timescales disproportionately disadvantage individuals who share protected characteristics.

The attachment of standard conditions, clear time limits (including the requirement to apply within 14 days), and defined limits on the purposes and duration of cover provides transparency and consistency while ensuring that the administrative and evidential burden placed on applicants and solicitors is proportionate to the circumstances. The policy therefore supports an appropriate balance between SLAB's statutory obligations with the need to minimise potential negative impacts on equality groups arising from procedural barriers or delay in access to legal assistance.

Summary of actions taken because of this assessment:

No changes to the policy approach were required because of this assessment. The review confirmed that the existing framework of standard conditions, clear time limits, and defined limits on the scope and duration of Special Urgency cover appropriately mitigates potential equality impacts while supporting access to justice in time-critical cases.

Ongoing actions beyond implementation include:

The policy will continue to be monitored to ensure that discretion is applied consistently and proportionately, and that the use of standard conditions and application time limits does not give rise

to unintended adverse impacts on equality groups. Any emerging issues will be considered as part of routine policy review and operational feedback.

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.

Regulation 15 (1) and 15 (2)
SLAB's policy is that an application for legal aid cover under Regulation 15 (1) for criminal summary matters will be granted where SLAB is satisfied that a complete legal aid application cannot be processed prior to the upcoming court appearance.

SLAB will encourage a solicitor who requests cover under Regulation 15 (1) for a criminal summary matter to complete a full legal aid application and SLAB will ensure it is processed timeously. It is only for matters where the court appearance is imminent (set for that day), or where the solicitor is unable to submit a full application urgently that a Regulation 15 (1) cover will be granted.

Once granted, SLAB's policy is that the grant will cover any work required for that appearance, and that the solicitor will be required to complete a full legal aid application for any further work thereafter.

Regulation 15 (A1) and 15 (A2)
SLAB's policy is to assess that the Interests of Justice test at 15 (A1) (c) has been satisfied using the same factors and evidence sources as set out in the relevant policy statement.

For 15 (A1) (d) necessary work is that which is mandated by court procedure or judicial case management.

For 15 (A1) (e) (i) (bb), the solicitor must provide confirmation in line with our guidance from which we can reasonably assess that a delay in pleading would be materially contrary to the client's best interests.

For 15 (A1) (e) (ii) (cc), the solicitor must provide confirmation in line with our guidance from which we can assess that the work might reasonably be expected to assist in the proper preparation and conduct of the case or assist in its resolution (including discontinuation of the proceedings).

For 15 (A1) (f), the solicitor must provide either confirmation or a narrative description in line with our guidance of the evidence reviewed from which they have reasonably assessed that the undue hardship test has been met and may be required to produce the evidence reviewed. To guide solicitors in their assessment, we provide our statement:

Our policy is that any applicant who is in receipt of a passporting benefit on income and is under the capital threshold will face undue hardship in funding their own case.

Our policy is that any applicant whose disposable income or capital is below the income or capital thresholds will face undue hardship in funding their own case.

Our policy is that an applicant whose disposable income or capital is over the income or capital thresholds will only face undue hardship in funding their own case if factors in the case are likely to lead to significant preparation time compared to a standard summary criminal prosecution; and taking into account the excess over the thresholds.

For 15 (A1) (g), we use the same test on extending beyond 14 days from the commencement of the work as is set out in the policy statement "Interests of Justice test and submission of applications in summary criminal proceedings". Our policy is that a written request for extension must be provided and agreed before a late application is received.

For 15 (A2) we set a standard condition that the case must be subject to Summary Case Management procedure. We set a standard condition for Justice of the Peace cases that a guilty plea must be tendered and that the undue hardship test is met.

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

Legislative change.

The policy is being examined following legislative change, including the introduction of Regulation 15(A1) and 15(A2), to ensure that SLAB's policy position reflects the current legislative framework and court processes, including Summary Case Management in Sheriff Court summary cases. The review also supports transparency and consistency in decision-making and the application of conditions. The review also supports transparency and consistency in decision-making and the application of conditions.

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

The primary customers affected by this policy are individuals accused in summary criminal proceedings who seek legal aid on the basis of Special Urgency. This includes accused persons cited to appear in court within short timescales who are unable, for practical reasons, to satisfy standard financial or merits testing before urgent court procedures.

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.

The policy also has an indirect impact on court processes by supporting the timely progression of cases where urgent work is required.

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

14/12/2026.

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

This policy relates to:

- criminal legal aid application processes;
- court-granted and automatic legal aid provisions in solemn proceedings; and
- legal aid fees and remuneration structures.

Findings from this EqIA may also be relevant to other criminal legal aid policies involving discretionary decision-making or time-critical access to 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

The available evidence indicates that this policy operates within a part of the justice system where there are well-established inequalities in access, understanding and engagement. People in contact with the justice system are more likely than the general population to have complex health and social care needs and to face barriers in accessing services. The summary criminal justice process is complex and time-pressured, relying on individuals being able to understand legal information, respond to correspondence, and engage with procedural requirements within short statutory timescales.[1]

Evidence shows that individuals with disabilities, particularly those with mental health conditions, learning disabilities and neurodivergent conditions, are over-represented within the criminal justice system and may experience difficulties understanding legal processes and participating effectively. For example, around 40% of people in police custody are estimated to have a mental health condition, and between 5–10% may have a learning disability. There is also evidence that disabled people can face barriers to understanding and participating in legal processes, raising risks to fair access to justice.[2]

Similarly, individuals from minority ethnic backgrounds may face additional barriers related to language and communication, including difficulty understanding legal terminology or accessing services within short timescales. There is also wider evidence of structural inequalities and experiences of discrimination affecting some minority ethnic groups in Scotland.[3]

Age may also be relevant, as younger individuals may have limited experience of legal processes, while older individuals may face challenges related to health conditions or digital exclusion. Evidence

[1] Bissell, NHS Greater Glasgow and Clyde, Literature review: health needs assessment of individuals within community justice services and untried in custody (remand) (2024).
[2] The Legal Journal, EHRC releases results of criminal justice system equality inquiry (2020) and Human Rights Commission (EHRC), Criminal justice system failing disabled people (2020).
[3] Centre on the Dynamics of Ethnicity (CoDE), Racism, belonging and COVID's legacy of ethnic inequalities in Scotland (2024).

shows that older people are more likely to be digitally excluded, which can make it harder to access services that rely on online systems.[4]

Given that this policy applies at an early and time-critical stage of summary criminal proceedings where failure to access legal assistance promptly may have significant consequences, there is potential for it to be relevant to equality groups. The Special Urgency provisions are intended to mitigate these barriers by allowing necessary legal work to proceed where standard application requirements cannot be met in time.

Overall, our view is that the policy is of clear relevance to equality groups and warrants full assessment.

The demographic data below relates to Criminal Special Urgency applications for financial years 2024-25 and 2025-26. Current management information groups Summary and Solemn Special Urgency work together and separate demographic breakdowns are not available. The Criminal Special Urgency dataset has therefore been used as the best available proxy for the population affected by this policy.

Age

Statistics

- **SLAB's data**

Age bands	Percentage of total Special Urgency applications
0-19	3%
20-39	57%
40-59	33%
60-79	6%
80+	<1%
Grand Total	**100%**

The age profile of applicants seeking Special Urgency cover is concentrated within the 20 to 39 and 40 to 59 age groups, which together account for approximately 90% of applications. Our view is that this reflects the age profile of individuals involved in criminal proceedings rather than resulting from any particular impact of the policy.

Age bands	Granted	Not granted
0-19	93%	7%
20-39	97%	3%
40-59	96%	4%
60-79	95%	5%
80+	<5 cases	N/A
Grand Total	**96%**	**4%**

There is little variation in grant rates by age group. Grant rates remain consistently high across all age groups. Due to the relatively small number of Special Urgency applications and the suppression of

[4] Citizens Advice Scotland, Digital exclusion and pensioner poverty: evidence to the Social Justice and Social Security Committee (2025).

small values, statistical significance testing was not possible for this characteristic. We are not aware of any internal evidence suggesting these differences arise because of the policy itself.

- **Data relevant to the policy**

The Scottish population is ageing. In 2023, people aged 65 and over accounted for approximately 20% of Scotland's population, while those aged 16 to 24 accounted for around 11%.[5]

Evidence on different age categories

Younger adults and older people may face challenges engaging promptly with legal processes, whether due to limited experience of the justice system, reliance on others for support, digital exclusion, or health-related factors.[5] These factors may increase the likelihood that urgent legal assistance is required before standard evidential requirements can be met.

Disability

Statistics

Disability status	Percentage of total Special Urgency applications
No disability	24%
1 or more disabilities	6%
No data	70%
Grand Total	**100%**

The disability profile of applicants seeking Special Urgency cover is difficult to assess due to the high proportion of applications where disability information has not been recorded. Of those applicants whose disability status was recorded, around 6% reported one or more disabilities. Our view is that the available data is likely to understate the prevalence of disability amongst applicants and reflects data recording limitations rather than actual levels of disability within the applicant group.

Disability status	Granted	Not granted
No disability	96%	4%
1 or more disabilities	92%	8%
No data	97%	3%
Grand Total	**96%**	**4%**

There is some variation in grant rates according to disability status. However, the number of applications where disability information is available is relatively small and there is a substantial proportion of missing data. Statistical analysis of the Criminal Special Urgency dataset indicates that there is no statistically significant relationship between disability status and grant rate. We are not aware of any other evidence suggesting a detrimental impact arising from the policy.

- **Data relevant to the policy**

SLAB's Survey of Private Practice Criminal Legal Aid Clients (2021) found that approximately 50% of respondents reported a mental health condition. The survey also highlighted that applicants may experience barriers in understanding legal processes, retaining information and engaging with legal

[5] Children and Young People's Centre for Justice, Supporting Children in the Court System (2025) and Audit Scotland, Tackling Digital Exclusion: Correspondence from the Public Audit Committee (2025).

services. This supports the wider evidence that disabled people, particularly those experiencing mental health conditions, may face additional challenges engaging with criminal justice processes.[6]

Evidence on different disabilities

- **Physical disabilities**

People with physical disabilities may face barriers when engaging with Scotland's justice system, particularly where attendance at court or legal processes is required within short timescales. Mobility or access needs can affect a person's ability to attend buildings or participate fully without appropriate support or adjustments.

The Scottish Courts and Tribunals Service provide reasonable adjustments such as step-free access, lifts, and communication support to improve accessibility, reflecting legal duties under the Equality Act 2010.[7] However, individuals may still need to identify and request adjustments in advance, which can create practical barriers in urgent or time-sensitive situations.[8]

Scottish Government evidence also indicates that disabled people can experience ongoing inequalities in access to justice due to environmental and procedural barriers.[9] This highlights the importance of procedural flexibility, such as the Special Urgency policy, to reduce the risk of disadvantage in time-sensitive cases.

- **Learning disabilities**

People with learning disabilities may face barriers in understanding legal processes and participating effectively within Scotland's justice system. Learning disabilities can affect communication, comprehension, and independence, which may impact a person's ability to engage fully with legal proceedings.

More recent Scottish Government evidence highlights that disabled people can experience inequalities in access to justice, including difficulties understanding legal information, exercising rights, and engaging with justice processes on an equal basis.[10] This can affect participation and outcomes across the justice system.

The Scottish Commission for People with Learning Disabilities also emphasises that barriers in communication and understanding can limit the realisation of human rights, particularly in relation to access to justice and effective participation.[11] This highlights the importance of ensuring that justice processes are sufficiently flexible and accessible to prevent disadvantage arising from procedural or communication barriers.

- **Mental health**

Mental health conditions are highly prevalent in the criminal justice system, with *Inclusive Justice: A system designed for all* reporting that around 40% of people in police custody have a mental health

[6] SLAB, Survey of private practice criminal legal aid clients 2021 (2022).
[7] Scottish Courts and Tribunals Service, Support and reasonable adjustments (2025a).
[8] Scottish Courts and Tribunals Service, Support and reasonable adjustments (2025a)
[9] Scottish Government, Access to justice: policy overview / disability evidence within justice system (2023).
[10] Scottish Government, Inequalities and challenges experienced by disabled people in Scotland: evidence review (2026).
[11] Scottish Commission for People with Learning Disabilities (SCLD), *Solving the human rights puzzle: access to justice for people with learning disabilities* (2023).

condition and 5–10% have a learning disability.[12] SLAB's client survey found that approximately 50% of respondents reported a mental health condition.[13]

Mental health conditions can affect memory, concentration and ability to cope with stress, making it harder to engage with legal processes.[14]

Sex

Statistics

- **SLAB's data**

Sex	Percentage of total Special Urgency applications
Female	6%
Male	67%
Prefer not to say	10%
No data	17%
Grand Total	**100%**

The sex profile of applicants seeking Special Urgency cover differs significantly from the Scottish population, with men substantially over-represented and women under-represented. Men account for approximately two thirds of applications. Our view is that this reflects wider patterns within the criminal justice system rather than resulting from any impact of the policy itself.

Sex	Granted	Not granted
Female	97%	3%
Male	96%	4%
Prefer not to say	95%	5%
No data	97%	3%
Grand Total	**96%**	**4%**

There is little variation in grant rates by sex. Female applicants appear slightly more likely to receive a grant than male applicants, while applicants who preferred not to disclose their sex appear slightly less likely to receive a grant. Due to the relatively small number of Special Urgency applications and the suppression of small values, statistical significance testing was not possible for this characteristic. Overall, there is no clear pattern indicating differential outcomes because of sex.

- **Data relevant to the policy**

Women account for a minority of those involved in the criminal justice system. In Scotland, men consistently account for most people accused of criminal offences.[17]

Evidence demonstrates that women in the justice system are more likely to have experienced trauma, domestic abuse, mental ill-health and caring responsibilities. These factors can affect engagement with legal processes and may increase the wider consequences arising from conviction.

Research also indicates that men may be less likely to disclose mental health difficulties and other vulnerabilities without support.[19]

[12] EHRC, Inclusive justice: a system designed for all (2020).
[13] SLAB, Survey of private practice criminal legal aid clients 2021 (2022).
[14] A report from The Lines Between for SLAB, Public Involvement in setting SLAB's Equality Outcomes (2019).

Evidence on women

Women involved in summary criminal proceedings may experience additional vulnerabilities, including caring responsibilities or experiences of trauma, which may affect engagement with urgent legal processes. The policy applies uniformly and includes safeguards to avoid these factors creating additional disadvantage.

Evidence on men

Men are disproportionately represented among accused persons in summary criminal proceedings.

This may increase the volume of cases where Special Urgency provisions are relevant but does not indicate differential treatment within the policy.

Race

Statistics

- **SLAB's data**

Ethnicity	Percentage of total Special Urgency applications
White	18%
African, Scottish African or British African	<1%
Asian, Scottish Asian or British Asian	<1%
Caribbean or Black	<1%
Mixed or multiple ethnic groups	<1%
Other ethnic group	<1%
Prefer not to say	45%
No data	35%
Grand Total	**100%**

Ethnicity data is unavailable for a significant proportion of applicants, with around 80% either choosing not to disclose their ethnicity or having no ethnicity recorded. The high level of missing data limits meaningful comparison with the wider population.

Ethnicity	Granted	Not granted
African, Scottish African or British African	92%	8%
Asian, Scottish Asian or British Asian	96%	4%
Caribbean or Black	<85%	>15%
Mixed or multiple ethnic groups	>95%	<5%
Other ethnic group	96%	4%
Prefer not to say	94%	6%
White	96%	4%
No data	98%	2%
Grand Total	**96%**	**4%**

There is some variation in grant rates between ethnic groups. However, the numbers involved for most minority ethnic groups are very small and several categories are subject to disclosure control measures. Statistical significance testing was not possible for this characteristic due to the size and structure of the available dataset.

We are not aware of internal evidence suggesting these differences arise from the policy.

- **Data relevant to the policy**

SLAB's Survey of Private Practice Criminal Legal Aid Clients (2021) identified concerns amongst criminal legal aid applicants around communication, understanding legal processes and engaging with services. These findings are consistent with wider evidence that language barriers, cultural differences and varying levels of trust in institutions may affect how some minority ethnic groups engage with legal support and justice processes.[15]

Evidence on different ethnicities

Evidence from Scottish Government suggests that some ethnic groups are more likely to receive certain types of sentences than others, and that within the minority ethic groups people from African, Caribbean and Black ethnic backgrounds are more likely to receive custodial sentences and are over-represented in Scotland's prisons by 65%.[16] Conversely, minority ethnic groups are under-represented in the legal profession with the Law Society of Scotland recognising that there is a lack of visible ethnic minority role models.[17] This lack of representation could affect trust in legal support amongst some minority ethnic groups due to cultural differences, language barriers and a lack of relatable role models.

There may also be a lack of familiarity with the legal system and (in some cases) precarious immigration status, which combined with lack of trust, cultural differences and language and communication barriers could create circumstances that are not favourable to minority ethnic applicants. Whilst the Special Urgency policy does not create these circumstances, it does seek to ensure that urgent procedural requirements do not exacerbate them.

Evidence on people whose first language is not English

People whose first language is not English may also have additional barriers to accessing the required legal support. The National Records of Scotland tells us that the number of international migrants arriving in Scotland is consistently greater than people leaving Scotland and has been since 2013. From 2021 onwards, net international migration has gone up exponentially, reaching a peak of +63,549 people for the period 2022.[18]

Evidence also suggests that minoritised ethnic women are particularly vulnerable to domestic abuse and other forms of gender-based violence which may not always be reported due to a poor grasp of English alongside precarious immigration status[19]. There can therefore be time-sensitive situations which may require urgent legal work for people whose first language is not English. This policy allows flexibility by allowing urgent work to proceed without full application requirements being met in advance.

Gender reassignment

Statistics

- **SLAB's data**

SLAB does not hold specific routine data relevant to gender reassignment in relation to Special Urgency applications.

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[15] SLAB, Survey of private practice criminal legal aid clients 2021 (2022).
[16] Coalition for Racial Equality and Rights, Racial Inequality in Scotland: State of the Nation (2025).
[17] Scottish Legal News, Report into Racial Inclusion in the Scottish Legal Profession Published (2022).
[18] National Records of Scotland (2025), International Migration by Scottish Administrative Areas and Sex and [18] A report from The Lines Between for SLAB, Public Involvement in setting SLAB's Equality Outcomes (2019).
[19] Scottish Government, Minoritised Ethnic Women's Experiences of Domestic Abuse and Barriers to Help-Seeking: A Summary of the Evidence (2024).

- **Data relevant to the policy**

No specific data available.

Evidence on trans people

The policy applies neutral, procedural criteria and does not engage with gender identity. No specific impacts have been identified. However, research has suggested that transgender people in custody are more likely to be the victims of transphobic attacks and sexual assault than the wider prison population.[20]

Sexual orientation

Statistics

- **SLAB's data**

Sexual orientation is not routinely recorded in summary criminal legal aid applications.

- **Data relevant to the policy**

Evidence from SLAB's public involvement research found that gay, lesbian and bisexual participants reported experiencing assumptions about their sexuality and discomfort correcting professionals. Participants highlighted the importance of feeling confident that services would understand their needs and experiences. These experiences may affect confidence in engaging with legal representatives and other justice services.[21]

Evidence on gay men

No specific data available.

Evidence on gay women/lesbians

No specific data available.

Evidence on bisexual people

No specific data available.

Religion or belief

Statistics

- **SLAB's data**

Religion or belief is not routinely recorded within the legal aid application process.

- **Data relevant to the policy**

No specific data available.

Evidence on different religions

No differential impact has been identified. The policy applies consistently based on procedural urgency.

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[20] Prison Service Journal, *A Literature Review of Transgender People in Prison* (2017).
[21] A report from The Lines Between for SLAB, Public Involvement in setting SLAB's Equality Outcomes (2019).

Pregnancy or maternity

Statistics

- **SLAB's data**

SLAB does not routinely record pregnancy or maternity status in legal aid applications.

- **Data relevant to the policy**

No specific data available.

Evidence on pregnancy and maternity

While pregnancy or caring responsibilities may affect engagement with urgent processes, the policy provides mitigation rather than creating additional burden.

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

Statistics

- **SLAB's data**

Not applicable.

- **Data relevant to the policy**

Not applicable.

Evidence on marriage and civil partnership

This policy does not relate to employment and no relevance to marriage or civil partnership has been identified.

Care Experienced

Statistics

- **SLAB's data**

Care experience status	Percentage of total Special Urgency applications
Currently looked after by a Local Authority	<1%
Previously looked after by a Local Authority	1%
Never looked after by a Local Authority	6%
Prefer not to say	57%
No data	35%
Grand Total	**100%**

Care experience data is unavailable for a significant proportion of applicants. Most applicants either chose not to disclose their care experience status or had no information recorded. Given the high level of missing data, meaningful comparisons are limited.

Care experience status	Granted	Not granted
Currently looked after by a Local Authority	96%	4%
Previously looked after by a Local Authority	99%	1%
Never looked after by a Local Authority	95%	5%
Prefer not to say	95%	5%
No data	98%	2%
Grand Total	**96%**	**4%**

There is little variation in grant rates according to care experience status. Applicants who reported previously being looked after by a Local Authority appear slightly more likely to receive a grant, although the numbers involved are relatively small. Due to the relatively small number of Special Urgency applications and the suppression of small values, statistical significance testing was not possible for this characteristic.

- **Data relevant to the policy**

No relevant data found.

Evidence on care experienced people

Care-experienced people are over-represented in the criminal justice system generally; however, the policy itself applies neutral criteria and does not treat care-experienced applicants differently.

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.

Our assessment is that this policy is relevant to equality groups, although its primary operation is driven by procedural and case-related factors rather than the protected characteristics of applicants directly.

The Special Urgency provisions operate at a time-critical stage of summary criminal proceedings, where access to legal assistance is determined within short statutory timescales. While decisions are based on procedural urgency and statutory criteria, there is potential for protected characteristics to be indirectly relevant where they affect an applicant's ability to engage with legal processes, provide required information, or respond within required timescales.

For example, factors such as disability, language barriers, age or caring responsibilities may impact an individual's ability to satisfy standard application requirements promptly. In these circumstances, the Special Urgency provisions may play a mitigating role in enabling necessary work to proceed.

However, it is important to note that the policy does not use protected characteristics as decision-making criteria. Instead, any relevance arises through the interaction between those characteristics and procedural requirements such as urgency, evidential completeness and court-imposed timescales.

Overall, our view is that the policy is of moderate relevance to equality groups. While the primary drivers of decision-making are procedural, the discretionary nature of Regulation 15 and the time-sensitive context mean that a full EqIA is appropriate to ensure that discretion is exercised consistently and proportionately, and that no unintended adverse impacts arise in practice.

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:

The available evidence indicates that this policy is relevant to equality groups because it operates at an early, time-critical stage of summary criminal proceedings and determines access to limited legal

aid cover where standard financial and merits testing cannot be completed within short court timescales. While the policy applies neutral procedural criteria and does not differentiate between applicants based on protected characteristics, it operates in an area where there are well-established inequalities in access to justice.

Individuals who share protected characteristics associated with low income, disability, health conditions, age-related vulnerability, language barriers, or caring responsibilities may be more likely to experience barriers to engaging promptly with legal processes or providing evidential requirements within urgent timescales. The Special Urgency provisions are intended to mitigate these risks by allowing necessary work to proceed where required by court process.

Given the discretion available to SLAB in determining whether Special Urgency applies, the limits and conditions attached to cover, and the requirement to balance urgency with evidential compliance, it is appropriate to proceed to a full EqIA. This will ensure that the exercise of discretion is appropriately framed, applied consistently and proportionately, and does not give rise to unintended adverse impacts on equality groups, while supporting access to justice in time-critical cases.

Step 3: Stakeholder involvement and consultation

3.1. Do you/did you have any consultation or involvement planned for this policy/practice/process/service?

Yes.

Awareness raising and stakeholder engagement activity has been undertaken to support implementation of the new Summary Criminal Legal Assistance arrangements, including publication of guidance and information on the SLAB website. In addition, the underlying legislative changes were subject to consultation by Scottish Government.

3.2. List all the stakeholder groups that you will talk to about this policy/practice/process/service.

- **Summary Criminal Legal Assistance: New single system from 14 December 2026 - Scottish Legal Aid Board**
- **The Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026**.

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

The Scottish Government consultation undertaken as part of the development of the Regulations identified broad support for the changes to summary criminal legal assistance and highlighted the importance of ensuring continued access to legal representation in time-critical cases.

Internal discussions with operational and policy colleagues confirmed that the proposed approach provides appropriate flexibility while supporting consistency and transparency in decision-making. The EqIA was also informed by planned implementation and awareness-raising activity associated with the introduction of the new arrangements.

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?

As set out in Step 2, our view is that outcomes under this policy are primarily driven by procedural factors, including court timescales, statutory requirements, and the nature of the work required at the point of urgency. These factors are not inherently linked to protected characteristics.

However, protected characteristics may have indirect relevance where they affect an applicant's ability to engage with legal processes within required timescales or to provide necessary supporting information. In these circumstances, the Special Urgency provisions are designed to mitigate procedural disadvantage by allowing limited work to proceed prior to full evidential compliance.

The policy is framed using neutral procedural criteria and does not differentiate between applicants based on protected characteristics. The discretionary elements of the policy are structured through guidance, standard conditions and defined limits on scope and duration, which support consistency in decision-making.

Our overall assessment is that the policy has the potential to advance equality of opportunity by reducing barriers associated with time-critical access to legal assistance, while presenting no evidence of direct discrimination. Any potential indirect impacts are mitigated through the flexibility inherent in the Special Urgency provisions.

Age

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: Positive impact(s).

The policy applies neutral procedural criteria and does not differentiate between applicants based on age. While younger or older applicants may, in practice, be more likely to experience difficulties engaging with urgent legal processes, the Special Urgency provisions mitigate these risks by allowing necessary work to proceed where standard application requirements cannot be met in time.

No changes to the policy are required.

Disability

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: Positive impact(s).

The available evidence indicates that disabled people, particularly those with mental health conditions, learning disabilities, or neurodivergent conditions, may experience barriers in engaging with legal processes and meeting procedural requirements within short timescales.

We are not aware of evidence that the policy places additional barriers on disabled applicants or leads to differential outcomes as a direct result of disability. Instead, the Special Urgency provisions provide flexibility by allowing necessary work to be undertaken where full application requirements cannot be met in time.

Our view is that this flexibility has the potential to advance equality of opportunity by mitigating procedural barriers that may disproportionately affect disabled applicants. Disability is not a standalone factor in decision-making but may be relevant insofar as it interacts with the urgency and procedural context of the case.

Sex

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: No impact.

The policy applies consistently regardless of sex. Although men are over-represented among accused persons in summary criminal proceedings, the factors applied under the policy are procedural and case-specific rather than characteristics-based.

No action is required.

Race

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: Positive impact(s).

Whilst there is wider evidence of barriers within the justice system for some minority ethnic groups, we are not aware of evidence that the Special Urgency policy itself creates additional barriers or differential treatment.

Factors such as language barriers or communication difficulties may, in practice, affect an applicant's ability to engage with legal processes within short timescales. In these circumstances, the policy's flexibility may mitigate disadvantage by allowing necessary work to proceed prior to full application compliance. As with other characteristics, race is not a determinative factor in decision-making. Its relevance arises only insofar as it interacts with procedural requirements and the circumstances giving rise to urgency.

Gender reassignment

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: No impact.

The policy is procedurally neutral and does not engage with gender identity. No evidence has been identified to suggest differential impact.

No action required.

Sexual orientation

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: No impact.

The policy does not differentiate based on sexual orientation, and no specific impacts have been identified.

No changes are required.

Religion or Belief

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: No impact.

The policy applies consistently regardless of religion or belief. Although some applicants may experience wider systemic barriers associated with faith or belief, the policy mitigates rather than creates procedural disadvantage.

No action required.

Pregnancy & Maternity

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: Positive impact(s).

Applicants who are pregnant or who have maternity-related caring responsibilities may face challenges engaging with urgent processes. The Special Urgency provisions reduce the risk that short timescales disproportionately disadvantage these applicants.

No changes to the policy approach are required.

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 policy does not relate to employment matters.

No impact identified and no action required.

Care experience

Potential for discrimination: No impact.
Potential for developing good relations: No impact.
Potential to advance equality: Positive impact(s).

Care-experienced people are over-represented in the criminal justice system and may experience difficulties engaging with legal processes at short notice. The policy mitigates procedural barriers without applying differential criteria, supporting equality of opportunity.

No changes to the policy are required.

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:

The assessment confirms that the policy appropriately frames the exercise of discretion under Regulation 15 and operates in a way that is compatible with SLAB's obligations under the Public Sector Equality Duty. The evidence considered indicates that the policy presents no potential for

unlawful discrimination and that it appropriately mitigates the risk of procedural disadvantage arising from short statutory timescales in summary criminal proceedings.

The policy applies neutral criteria, includes clear limits and conditions on Special Urgency cover, and enables necessary work to be undertaken where required by court process. This supports equality of opportunity by reducing the likelihood that administrative or evidential barriers disproportionately affect individuals who share protected characteristics.

No changes to the policy approach were required because of this assessment. Ongoing monitoring and routine review will continue to ensure that discretion is exercised consistently and proportionately, and that no unintended adverse impacts arise in practice.

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 trends in Special Urgency applications in summary criminal proceedings, including grant and refusal outcomes, to identify any emerging disparities affecting equality groups where data is available.	Criminal Legal Assistance with support from AMI.	Annually to Head of Criminal Legal Assistance through routine management reporting and policy review.
Review operational feedback relating to the application of Regulation 15, including the use of	Criminal Legal Assistance and Policy & Development.	Through routine policy review processes and as issues arise.

Measure	Lead department or individual	Reporting (where and frequency)
standard conditions, time limits, and extension requests, where equality, vulnerability or access to justice issues are identified.		
Keep available equality evidence, research and management information under review to identify any emerging impacts on equality groups and whether policy or guidance updates are required.	Policy Officer (Equalities) and Criminal Legal Assistance.	At EqIA review stage and as 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.