



# EQUALITY IMPACT ASSESSMENT (EqIA)

## Summary results of the EqIA

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

Civil Financial Assessment Form 2

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

This is a revision to an existing process. The paper Form 2 is the financial assessment form for civil legal aid applicants. This is the most commonly used applicant form which remains in paper format and we are now developing a digital solution. We are not removing the paper option.

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

The continued availability of the paper form means that those who cannot access digital services can continue to apply for civil legal aid as they do now. We have assessed that making the Form 2 available online could have positive impacts on some equality groups, in particular, those with certain disabilities or those in younger age groups.

However, the increasing use of the internet amongst older age groups means that there may also be an opportunity to promote equality of opportunity for those groups. Simplifying the language used in the form and only having to answer the questions that are relevant to the applicant's personal circumstances will have a positive impact across the protected characteristics of age, disability and race. The additional functionality of being able to check the status of the application and correspond with us online could have an added benefit to these groups. The design requirements meet the WCAG and relevant accessibility standards therefore the system should result in a positive experience, particularly for those in older age groups or with certain disabilities.

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

- Amendment to font, text sizes and colours
- User testing, including monitoring of protected characteristics
- Amendment to wording used in form
- Ensuring suitability for multiple devices and operating systems.

### **Ongoing actions beyond implementation include:**

- A pilot of the E-Form 2 and monitoring impact
- A template for solicitors recording why applicant preferred paper format
- Surveying applicants using the online form; targeting usability and key equality questions to target special characteristics highlighted throughout the equality analysis
- Testing the online form with Read&Write Gold software. This is standard software to help with some disabilities while using online forms.



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

Manager, Civil Finance  
Technical Architect, Information Systems

**Senior responsible owner 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):**

18/02/2021



## Step 1 - Framing the planned change

*Discussing step 1 and step 2 with the Corporate Policy Officer (Equalities) at an early stage will help identify appropriate evidence. This may include support from the wider Policy and Development team.*

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

*You can use the information in your project specification, business case*

We are reviewing the impact of making an online Form 2 process available to our customers. The Form 2 is used by applicants when applying for civil legal aid where they are not in receipt of a passported benefit\*. We use the information on this form to help assess whether the applicant is financially eligible for Civil Legal Aid. The result of the assessment may determine that: the applicant is not eligible for legal aid because of their financial situation; or that they are eligible for legal aid but may need to pay a contribution towards the cost of their legal aid; or that they are eligible for legal aid and no contribution is due.

\*The current passported benefits are: ESA-Income based, Income Support, Job seekers allowance - income based or Universal Credit. These can be subject to change.

We want to:

1. **Offer an additional service to applicants** by providing the option to send us their financial information online. We started to use email to send and receive information between applicants and SLAB around five years ago. This has improved our customer service and service delivery. We received feedback from legal aid applicants that indicates an appetite for an online form and way to submit and attach information and documents.
2. **Improve the process for applicants.** In 2018, we received around 450 Form 2 initial assessment applications per month. Of these over 51% were rejected at the first instance due to the form being incomplete or no verification. Around 21% had a second rejection and a further 10% were rejected a third time. Once an application goes to under assessment, an assessor may need to continue the application for more information. All of these touch points result in extended duration periods and in some situations additional worry for applicants. By providing an electronic applicant form, we predict that we will be able to improve applicants' experience of the legal aid system by reducing the reject rate. There are more opportunities to make a digital form more intuitive than a paper form; and applicants will only be asked the questions relevant to their circumstances. The questions will also validate to ensure that forms are complete before being able to submit.



3. **Improve communication and response timescales** between us and applicants. Applicants will be able to upload documents to us online. Solicitors and applicants will be able to track what's happening with their application.
4. **Remove postage costs for applicants** who send verification to us.
5. **Further reduce the inefficiencies associated with paper processes** throughout the organisation.
6. **Improve our communication about processes linked to the Form2**, including notification of contributions and estimated case costs to make the process easier to understand for applicants.
7. **Provide better information up-front** for applicants about their likely financial liability by telling the applicant their possible contribution amount when they apply.
8. **Reduce the likelihood of human error** by embedding calculations in the system.

## 1.2 Why is the change required? *Legislative, routine review etc.*

Part of the Scottish Government's Digital Strategy is to increase digital participation in order to enable social mobility and tackle persistent inequalities. As part of our contribution to increasing digital participation, the change has been proposed as part of the ICT Strategy. The Form 2 application process was identified through the development of our Equality Outcomes 2017-2020 as one that should be improved and therefore we have investigated options.

## 1.3 Who is affected by this policy / practice / process / service? *Be clear about who the 'customer' is.*

Applicants for civil legal aid are the primary customer. Solicitors and staff are also affected. For those clients who use an online Form 2, the solicitor will be less involved in the process. For staff, tasks will be altered and information will now be available in the case management system.

## 1.4 Policy / practice / process / service implementation date *(project end date, date new legislation will take effect).*

23/10/2020



**1.5** What other SLAB policies or projects may be linked to or affected by this policy change? *The EQIA for related policies might help you understand potential impacts, and/ or your findings might be relevant to share. Refer to SLAB’s business plan, our current equality outcomes and current project list.*

- SLAB Design Principles - our updated design document which is fully aligned to the standards set by Digital First Scotland. Accessibility is at the core of these standards and underline our commitment to equalities and accessibility
- Recommendations from user research (members of the public) undertaken as part of review of template letters will inform the project as relevant, for example use of plain English and layout
- EqIA for Policy-led work on customer service (SLAB’s equality outcome 3 in our 2017-2020 equality strategy).

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

*The information you gather in this section will: help you to understand the importance of your policy for different equality groups, inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.*

**2.1** What information is available about the experiences of each equality group in relation to this policy /practice/process/service? *Stay focused on the topic and scope of your policy. Does the policy relate to an area where there are already known inequalities? Refer to the EQIA guidance for sources of evidence.*

*Note: If you proceed to a full EQIA you should continue to add to this section as you develop the policy, come across new evidence and/ or undertake a consultation.*

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy? <i>Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).</i>																																																																																				
Age	SLAB management information	<table border="1" data-bbox="1323 384 2107 1150"> <thead> <tr> <th>Age at Application</th> <th>F</th> <th>M</th> <th>Total</th> </tr> </thead> <tbody> <tr><td>0 to 4</td><td>12</td><td>8</td><td>20</td></tr> <tr><td>5 to 9</td><td>19</td><td>20</td><td>39</td></tr> <tr><td>10 to 14</td><td>37</td><td>39</td><td>76</td></tr> <tr><td>15 to 19</td><td>155</td><td>95</td><td>250</td></tr> <tr><td>20 to 24</td><td>687</td><td>473</td><td>1160</td></tr> <tr><td>25 to 29</td><td>1344</td><td>970</td><td>2314</td></tr> <tr><td>30 to 34</td><td>1499</td><td>1040</td><td>2539</td></tr> <tr><td>35 to 39</td><td>1335</td><td>943</td><td>2278</td></tr> <tr><td>40 to 44</td><td>1116</td><td>808</td><td>1924</td></tr> <tr><td>45 to 49</td><td>1161</td><td>755</td><td>1916</td></tr> <tr><td>50 to 54</td><td>989</td><td>722</td><td>1711</td></tr> <tr><td>55 to 59</td><td>736</td><td>552</td><td>1288</td></tr> <tr><td>60 to 64</td><td>439</td><td>366</td><td>805</td></tr> <tr><td>65 to 69</td><td>303</td><td>232</td><td>535</td></tr> <tr><td>70 to 74</td><td>196</td><td>144</td><td>340</td></tr> <tr><td>75 to 79</td><td>104</td><td>89</td><td>193</td></tr> <tr><td>80 to 84</td><td>60</td><td>53</td><td>113</td></tr> <tr><td>85 and over</td><td>21</td><td>21</td><td>42</td></tr> <tr> <td><b>TOTAL</b></td> <td><b>10213</b></td> <td><b>7330</b></td> <td><b>17543</b></td> </tr> <tr> <td>% by gender</td> <td>58%</td> <td>42%</td> <td></td> </tr> </tbody> </table> <p data-bbox="1323 1182 2107 1297">The table above shows the age and gender split for the <b>total</b> number of civil legal aid applications we receive.</p>	Age at Application	F	M	Total	0 to 4	12	8	20	5 to 9	19	20	39	10 to 14	37	39	76	15 to 19	155	95	250	20 to 24	687	473	1160	25 to 29	1344	970	2314	30 to 34	1499	1040	2539	35 to 39	1335	943	2278	40 to 44	1116	808	1924	45 to 49	1161	755	1916	50 to 54	989	722	1711	55 to 59	736	552	1288	60 to 64	439	366	805	65 to 69	303	232	535	70 to 74	196	144	340	75 to 79	104	89	193	80 to 84	60	53	113	85 and over	21	21	42	<b>TOTAL</b>	<b>10213</b>	<b>7330</b>	<b>17543</b>	% by gender	58%	42%	
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	<a href="http://www.w3.org/WAI/older-users/">www.w3.org/WAI/older-users/</a>	<p>adults has narrowed over time. There has been an increase in internet use amongst adults aged 60+ (from 29% to 65%).</p> <p>Younger internet users were more likely to access the internet using a smartphone than older users, with 96% of 16-24 year olds using smartphones compared to 29% of adults aged 75+.</p> <p>We are aware that it may be the case that certain age bands of customers may prefer to communicate with us in different formats. This new digital facility will perhaps be more attractive to younger people, but any applicant can continue to complete and send paper applications to SLAB.</p> <p>It is important that the online Form 2 can be accessed using different devices, given the different practices across the age ranges. There is a link between age and disability and people are increasing likely to acquire a disability as they get older.</p> <p>Designing digital accessibility for older users is similar to designing them for people with disabilities (see below). Relevant accessibility standards are covered in W3C including web content accessibility guidelines (WCAG).</p>

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		<p>Many older people have age-related impairments that can affect how they use the web, such as declining:</p> <ul style="list-style-type: none"> <li>• vision – including reduced contrast sensitivity, colour perception, and near-focus, making it difficult to read web pages</li> <li>• physical ability – including reduced dexterity and fine motor control, making it difficult to use a mouse and click small targets</li> <li>• hearing – including difficulty hearing higher-pitched sounds and separating sounds, making it difficult to hear podcasts and other audio, especially when there is background music</li> <li>• cognitive ability – including reduced short-term memory, difficulty concentrating, and being easily distracted, making it difficult to follow navigation and complete online tasks.</li> </ul> <p>These issues overlap with the accessibility needs of people with disabilities. Thus, websites, applications and tools that are accessible to people with disabilities are more accessible to older users as well.</p>
Disability	<p>SLAB Equalities data and digital standards</p> <p><a href="http://www.gov.uk/service-manual/helping-people-to-use-your-service/making-your-service-accessible-an-introduction">www.gov.uk/service-manual/helping-people-to-use-your-service/making-your-service-accessible-an-introduction</a></p>	<p>Within our development standards; colours, fonts, sizes and components are aligned with digital first Scotland guidance which sets the standards for accessibility. Minimum of level AA of the Web content Accessibility Guidelines (WCAG 2.1) is a minimum according to government advice.</p>

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	<p><b>AbilityNet</b>  <a href="https://abilitynet.org.uk/news-blogs/how-can-digital-technology-help-people-dyslexia">https://abilitynet.org.uk/news-blogs/how-can-digital-technology-help-people-dyslexia</a></p> <p><b>RNIB Scotland</b>  <a href="http://www.rnib.org.uk/professionals/knowledge-and-research-hub/key-information-and-statistics">www.rnib.org.uk/professionals/knowledge-and-research-hub/key-information-and-statistics</a></p>	<p>We can take steps to make the presentation of the online form text (fonts and colours) easier for people with, for example dyslexia, to read.</p> <p>It is good practice to ensure software is compatible with assistive technologies such as screen magnifiers, screen readers and speech recognition tools (SLAB uses Read&amp;Write Gold), and can be navigated using a keyboard only. This supports people with a range of needs or disabilities.</p>
	<p><b>SLAB's Civil legal aid applicant survey report 2017</b></p>	<p>All respondents were asked if they had a long standing illness, health problem or disability that limits their daily activity or the kind of work that they do. Just over half (52%, n=282) of the respondents answered yes, 40% (n=214) answered no, and the remaining respondents either did not wish to say or did not provide an answer (8%, n=40). The most common descriptions given for disability/long standing illness were:</p> <ul style="list-style-type: none"> <li>• reduced physical capacity (25%)</li> <li>• mental illness (24%)</li> <li>• physical co-ordination (12%).</li> </ul> <p>A greater proportion of respondents with disabilities found it 'very easy' (50%) to provide evidence to support their financial form, compared to those with no disability (39%).</p>

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		<p>For those who did experience difficulties in filling in the financial form and/or in providing evidence, a range of issues were identified which included: the complexity of the form and level of detail required; the technical language used on the form; mental health, health issues, general language and literacy barriers.</p> <p>For some forms of disability, an online service may meet an individual's needs better than a paper process. The User Research on Civil Letters is also relevant - see below.</p>
	<p><a href="#">Scottish Household Survey 2018</a></p> <p><b>ONS information on internet users</b></p>	<p>27% of adults with a long standing physical or mental health condition or illness reported not using the internet, compared with 8% of those who do not have any such condition. This divide in internet use is more marked among the older age groups, but is prevalent across all age bands to some extent, with the exception of 16-24 year olds.</p> <p>In 2019, the proportion of recent internet users was lower for adults with a disability (78%) compared with those who did not have a disability (95%).</p> <p>By having both methods of sending financial information to us (online and paper) we will continue to be able to meet the needs of those who do not use the internet.</p>



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	SLAB Digital Standards	We updated our development design document and it is fully aligned to the standards set by Digital First Scotland. Accessibility is at the core of these standards and it's part of our commitment to equality and accessibility. All new and upgraded products must conform to these standards, which includes colours, fonts and components.																											
	SLAB's User research on template letters	The review and research carried out on the Civil letters highlighted some problems with the language we use to communicate with our customers. We can use these learning points to inform the text we use in Form 2.																											
Race	<a href="#">Civil Legal Aid Applicants survey report 2017</a>	<p>We hold the following data in relation to the different ethnic groups who had applied for legal aid during the relevant survey period 2015-2016. Our data shows that a small proportion of applicants are from ethnic minority groups.</p> <table border="1" data-bbox="1323 983 2067 1367"> <thead> <tr> <th>ETHNIC GROUP</th> <th>NUMBER</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Prefer not to say/not answered</td> <td>23</td> <td>5</td> </tr> <tr> <td>White Scottish</td> <td>391</td> <td>73</td> </tr> <tr> <td>White Other British</td> <td>47</td> <td>9</td> </tr> <tr> <td>White Irish</td> <td>2</td> <td>&lt;1</td> </tr> <tr> <td>White Gypsy/Traveller</td> <td>1</td> <td>&lt;1</td> </tr> <tr> <td>White Polish</td> <td>13</td> <td>2</td> </tr> <tr> <td>White any other ethnic group</td> <td>15</td> <td>3</td> </tr> <tr> <td>Any Mixed or Multiple Ethnic Groups</td> <td>8</td> <td>2</td> </tr> </tbody> </table>	ETHNIC GROUP	NUMBER	%	Prefer not to say/not answered	23	5	White Scottish	391	73	White Other British	47	9	White Irish	2	<1	White Gypsy/Traveller	1	<1	White Polish	13	2	White any other ethnic group	15	3	Any Mixed or Multiple Ethnic Groups	8	2
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		<table border="1" data-bbox="1323 347 2069 842"> <tr> <td>Pakistani, Pakistani Scottish or Pakistani British</td> <td>7</td> <td>1</td> </tr> <tr> <td>Indian, Indian Scottish or Indian British</td> <td>5</td> <td>1</td> </tr> <tr> <td>Chinese, Chinese Scottish or Chinese British</td> <td>4</td> <td>1</td> </tr> <tr> <td>Asian Other</td> <td>5</td> <td>1</td> </tr> <tr> <td>African, African Scottish or African British</td> <td>12</td> <td>2</td> </tr> <tr> <td>African, Caribbean or Black Other</td> <td>2</td> <td>&lt;1</td> </tr> <tr> <td>Other ethnic group</td> <td>1</td> <td>&lt;1</td> </tr> <tr> <td>Total</td> <td>536</td> <td>100</td> </tr> </table> <p data-bbox="1323 879 2069 1066">Respondents from ethnic minority groups were also more likely to find it ‘very’ or ‘fairly’ easy (73%) to provide evidence to support their financial form, compared to those who were White British or Irish (66%).</p>	Pakistani, Pakistani Scottish or Pakistani British	7	1	Indian, Indian Scottish or Indian British	5	1	Chinese, Chinese Scottish or Chinese British	4	1	Asian Other	5	1	African, African Scottish or African British	12	2	African, Caribbean or Black Other	2	<1	Other ethnic group	1	<1	Total	536	100
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<b>Sex</b>	<a href="#">SLAB evidence - Civil legal aid applicant survey report 2017</a>	There is no evidence which indicates that this characteristic will be affected by this policy.																								

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	In the Age section, the table on page six above shows the age and gender split for the <b>total</b> number of civil legal aid applications received by SLAB.	We are aware there's a higher number of applications from females than males between the ages of 25 to 54, but we do not think this would have any impact, it simply reflects the position in society whereby more females pursue divorces or contact actions.
Gender Reassignment	<a href="#">SLAB evidence - Civil legal aid applicant survey report 2017</a>	All respondents were asked if their gender identity was the same as the gender they were assigned at birth. The majority (95%, n=507) said their gender identity was the same, with only 1% (n=7) stating it was not. The remainder of respondents (4%, n=22) either did not wish to say or did not provide an answer. There is no evidence which indicates that this characteristic will be affected by this policy.
Sexual orientation	<a href="#">SLAB evidence - Civil legal aid applicant survey report 2017</a>	The majority of respondents described their sexual identity as 'heterosexual/straight' (93%, n=483), with 1% (n=4) of respondents being 'gay/lesbian', 1% (n=3) being 'bisexual' and 1% (n=3) selecting 'other'. The remaining respondents (4%, n=23) either did not wish to say or did not answer the question. There is no evidence which indicates that this characteristic will be affected by this policy.
Religion or Belief	<a href="#">SLAB evidence - Civil legal aid applicant survey report 2017</a>	Over one third (38%, n=205) of respondents described themselves as not belonging to any religion, religious denomination or body, with a further 8% (n=43) not wishing to say or not providing an answer. Of the remainder of respondents, 'Church of Scotland' was the most common response (23%, n=121), followed by 'Roman Catholic' (15%, n=81), 'Other Christian' (7%,

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		<p>n=39), 'Muslim' (3%, n=17) and 'Other' (3%, n=17). The remaining respondents described themselves as being:</p> <ul style="list-style-type: none"> <li>• Buddhist (1%, n=4)</li> <li>• Pagan (1%, n=4)</li> <li>• Sikh (1%, n=4)</li> <li>• Hindu (&lt;1%, n=1)</li> </ul> <p>There is no evidence which indicates that this characteristic will be affected by this policy.</p>
Pregnancy or maternity	No evidence found	There is no evidence which indicates that this characteristic will be affected by this policy.
Marriage or civil partnership	No evidence found	There is no evidence which indicates that this characteristic will be affected by this policy.
Care Experienced ( <i>corporate parenting duty</i> )	<a href="http://www.communitycare.co.uk/2019/04/01/official-statistics-dont-tell-us-experiences-care-leavers/">www.communitycare.co.uk/2019/04/01/official-statistics-dont-tell-us-experiences-care-leavers/</a>	20% of care leavers do not have access to internet at home (compared to 9% of young people in the general population), according to a survey of care experienced young people in England.
	<p>Who Cares? Scotland, Care Experienced Young People's Views  <a href="http://www.whocaresscotland.org">www.whocaresscotland.org</a></p>	Young people both in and after care can often be unreachable via telephone or internet for various reasons, including affordability and also due to frequently losing phones as a result of their chaotic living situations. Corporate parents must be aware of this reality and in delivering their duties under the Act; they must take account of this and utilise a range of information methods to connect with care experienced young people.

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	<a href="#">Civil legal aid applicant survey report 2017</a>	<p>All respondents were asked if they were currently, or had ever been, looked after by a Local Authority. Over three quarters (78%, n=418) of the respondents had never been looked after, 3% (n=15) stated they had previously been looked after, and 2% (n=10) stated they were currently looked after. The remaining respondents (17%, n=93) either did not wish to say or did not provide an answer.</p>
Other Considerations	<a href="#">Scottish Household Survey 2018</a>  SLAB data	<p>The Scottish Household survey found that home internet access has increased steadily over time, reaching an all-time high of 87% of households in 2018. Households with lower incomes and in Scotland's most deprived areas were less likely to have home internet access than higher income households and those in less deprived areas, but the gap has narrowed in recent years. Around one in eight (13%) adults do not use the internet at all.</p> <p>The ways in which people access the internet are becoming increasingly diverse. Almost all internet users (97%) said they use the internet at home. 30% said they make personal use of the internet at work. Households with internet access in the 20% most deprived areas in Scotland were less likely to own smart appliances, with 83% of those in the most deprived areas having no smart appliances compared to 66% in the least deprived areas.</p>

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy? <i>Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).</i>
		Currently around 51% of all Form 2 applications are rejected in the first instance. The main reason for this is because they do not contain the correct or enough information to make an assessment. A further 21% are continued in the first instance for more information as they contain slightly more information than the rejected applications. With the introduction of the online Form 2 we can design the questions and process flow so that applicants are not overwhelmed and they only need to answer questions that are relevant to their personal circumstances. Specific advice on documentation to upload could also help.

**2.2 Using the information above and your knowledge of the policy, summarise your overall assessment of how important and relevant the policy is likely to be for equality groups.**

The evidence above suggests there are likely to be differential impacts on people due to their disability, age or that they are care experienced. Whilst there is no available evidence to show that an online Form 2 could impact on race, issues of language and presentation of information are important when designing a system.

**2.3 Outcome of step 2 and next steps. Complete the table below to inform the next stage of the EqIA process.**  
*Consult with the project group and/or Corporate Policy Officer (Equalities) on completing this section.*

Outcome of step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality or our corporate parenting duties	N	Proceed to Step 5: agree with decision makers that no EqIA is required based on current evidence



There is relevance to some or all of the equality groups and/or our corporate parenting duties	Y	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups and/or our corporate parenting duties	N	Proceed to Step 3: complete full EqIA

### Step 3 - stakeholder involvement and consultation

*This step will help you to address any gaps in evidence identified in Step 2. Speaking to people who will be affected by your policy / practice / process / service can help clarify the impact it will have on different equality groups.*

**Remember that sufficient evidence is required for you to show ‘due regard’ to the likely or actual impact of your policy / practice / process / service on equality groups. An inadequate analysis in an assessment may mean failure to meet the general duty.**

*The Policy and Development team can help to identify appropriate ways to engage with external groups or to undertake research to fill evidence gaps.*

#### 3.1 Do you/did you have any consultation or involvement planned for this policy?

Yes

#### 3.2 List all the stakeholder groups that you will talk to about this policy.

- Members of the public / Applicants
- Solicitors
- Civil Financial Assessment & API teams
- Other SLAB staff in other teams including: CLAO, Collections Unit staff, Civil Merits and AML.

#### 3.3 What did you learn from the consultation/ involvement? Remember to record relevant actions in the assessment action log.

We are using Agile project methodology. Development is an iterative process. Basic functionality has been created and each round of user testing will help develop the product to meet user needs.

Date	Consultation	Description	Demographics	Outcome
13 August 2019	User feedback sessions	<p>6 volunteers (4 non-financial assessment staff from SLAB and 2 staff from the Ethical Standards Commission, who share the same building) to carry out user research on the development of the electronic version of the Form 2 applications.</p> <p>The scope of the User Research was carried out on the electronic form for the purpose of gathering information on:</p> <ul style="list-style-type: none"> <li>• the functionality of the form,</li> <li>• how intuitive the form is to complete</li> <li>• identifying complex or confusing sections of the form.</li> </ul>	<p><b>Age</b></p> <ul style="list-style-type: none"> <li>• Up to 25yrs - 2 volunteers</li> <li>• 26 - 35yrs - 0 volunteers</li> <li>• 36 - 45yrs -3 volunteers</li> <li>• 46yrs or over - 1 volunteer</li> </ul> <p><b>Race</b></p> <ul style="list-style-type: none"> <li>• There was representation from a minority ethnic group.</li> </ul> <p><b>Disability</b></p> <ul style="list-style-type: none"> <li>• Two people declared a disability or long term health condition.</li> </ul>	<p>The feedback was collated and a report produced; Summary of user research pilot and findings.</p> <p>All volunteers said that they would prefer to complete a digital form if given the choice between digital and paper formats.</p> <p>The list of issues requiring wording change / bug fixes is included in the report and these have been actioned.</p> <p>No issues were highlighted affecting groups with protected characteristics, other than a presentational issue about the difficulty of displaying a long list of state benefits.</p>
02 October 2019	User feedback sessions	<p>We had four volunteers. All volunteers were recruited from SLAB (financial assessment staff), some with very little knowledge of the form.</p> <p>The scope of the User Research was carried out on the electronic form for</p>	<p><b>Age</b></p> <ul style="list-style-type: none"> <li>• Up to 25yrs - 0 volunteers</li> <li>• 26 - 35yrs - 1 volunteers</li> <li>• 36 - 45yrs - 0 volunteers</li> <li>• 46yrs or over - 3 volunteers</li> </ul>	<p>The feedback was collated and a report produced; Summary of user research pilot and findings. The list of issues requiring wording change / bug fixes is included in the report and these have been actioned.</p> <p>All volunteers stated that they would prefer to complete a digital</p>

		<p>the purpose of gathering information on:</p> <ul style="list-style-type: none"> <li>• the functionality of the form</li> <li>• how intuitive the form is to complete</li> <li>• identifying complex or confusing sections of the form</li> <li>• feedback on preferred layout where two options were given.</li> </ul>	<p><b>Race</b></p> <ul style="list-style-type: none"> <li>• No minority ethnic groups were represented.</li> </ul> <p><b>Disability</b></p> <ul style="list-style-type: none"> <li>• None declared.</li> </ul>	<p>form if given the choice between digital and paper formats.</p> <p>One issue highlighted affecting groups with protected characteristics was the need to have a uniform 12pt font size or larger.</p>
05 December 2019	User feedback sessions	<p>Volunteers were recruited from out with SLAB. All were office workers who had very little or no knowledge of the form or legal aid process.</p> <p>The scope of the User Research was carried out on the electronic form for the purpose of gathering information on:</p> <ul style="list-style-type: none"> <li>• the functionality of the form</li> <li>• how intuitive the form is to complete</li> <li>• identifying complex or confusing sections of the form</li> <li>• any behaviour issues with different devices used throughout the session.</li> </ul>	<p><b>Age</b></p> <ul style="list-style-type: none"> <li>• Up to 25yrs - 0 volunteers</li> <li>• 26 - 35yrs - 0 volunteers</li> <li>• 36 - 45yrs - 0 volunteers</li> <li>• 46yrs or over - 4 volunteers</li> </ul> <p><b>Race</b></p> <ul style="list-style-type: none"> <li>• No minority ethnic groups were represented.</li> </ul> <p><b>Disability</b></p> <ul style="list-style-type: none"> <li>• 3 people declared a disability or long term health condition.</li> </ul>	<p>The feedback was collated and a report produced; Summary of user research pilot and findings. The list of issues requiring wording change / bug fixes is included in the report and these have been actioned.</p> <p>Two volunteers indicated that they would prefer to use digital forms, with two volunteers selecting paper forms as their preference.</p> <p>We received useful feedback on the use of graphics, colours, layout and use on different devices. These are useful issues to resolve for age, disability and race related characteristics.</p>



Jan - March 2020	Financial Assessment Team Feedback	System demonstrations given to the team. Written feedback given.	Not collected.	Font size of free text box to be 12pt minimum.
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A lot of the feedback we received during these sessions is applicable to the paper form and guidance, in particular making the purpose of the data collection clear. The language we use in our communication needs to be clear and concise. We need to remove any jargon and legal terms from our communication with applicants.

### **Further consultation considered**

The project board considered using the Scottish Government’s Digital Usability Testing Lab and agreed to develop a proposal to proceed with this testing, which would have a particular focus on those with protected characteristics. However, due to Covid-19, it has not been possible to do this.

To allow further user input, a pilot has been developed to let us live-test the form with a small group of firms and their clients.

**Step 4 - Impact on equality groups and steps to address these**  
*You must consider the three aims of the general duty for each protected characteristic. The following questions will help:*

- 1) Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010 and how will this be mitigated?*
- 2) Is there potential to advance equality of opportunity between people who share a characteristic and those who do not, and how can this be achieved?*
- 3) Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not, and how can this be achieved?*

**4.1 Does the policy have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?** *In the tables below, record the impact of the policy, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy or actions will be required to mitigate that impact. Copy any actions across to the project action log.*

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact or maximise the positive impact.
	Positive impact	Negative impact	No impact	
potential for discrimination	X			<p>If the online Form 2 was the only option, this could discriminate against older applicants. However, our policy is that both paper and online Form 2 options will be available to everyone. By creating an online option, we create choice and opportunity.</p> <p>Even if an applicant does not want to send the form online, but has interest in monitoring progress with their case online, we will build a facility to enable them to do that.</p>
potential for developing good relations			X	
potential to advance equality of opportunity	X			<p>Paper and digital options give applicants choice in how they communicate with us and complete the application form. We are aware that it may be the case that certain age bands of customers may prefer to communicate with us in different ways. Whilst younger age bands may prefer digital options, there is also greater use of the internet amongst older age bands.</p> <p>Even if an applicant does not want to send the form online, but has interest in monitoring progress with their case online, we will build a facility to enable them to do that.</p>

Sex	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	



potential for developing good relations			X	
potential to advance equality of opportunity			X	

Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			<p>The technology is compatible with assistive technologies. We also need to ensure we test as many accessibility features as we can and ensure it is readable, scalable and browser independent, and align to the accessibility guidelines from <a href="http://mygov.scot">mygov.scot</a>.</p> <p>Continuing to offer both paper and digital options gives applicants' choice in how they communicate with us and complete the application form.</p> <p>Within our development standards; colours, fonts, sizes and components are aligned with Digital First Scotland's required minimum for equalities and accessibility. We also have colour blind tests we will apply. We have set a minimum standard font size (12-14pt where possible) and use (sans serif) font for our online system and paper form, in line with good practice guidance, for example from <a href="#">Scottish Accessible Information Forum</a>.</p> <p><b>Accessibility Font</b> We will use the sans serif font 'Roboto'. It uses simplified characters which stand apart from each other and appear easier to read for users with dyslexia and visual impairment.</p>



potential for developing good relations			X	
potential to advance equality of opportunity	X			<p>The aim is to create a screen which is simple and intuitive. It will improve the options available for those who find paper forms stressful.</p> <p>Even if an applicant does not want to send the form online, but has interest in monitoring progress with their case online, we will build a facility to enable them to do that.</p>

Gender Reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	



potential for developing good relations			X	
potential to advance equality of opportunity	X			We will use the User Research on the civil template letters to inform the language we use in designing the system. By simplifying our language, we make the system more accessible to those for whom English may not be their first language.

Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Sexual Orientation	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	



Pregnancy & Maternity	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	A paper form will continue to be available to those without internet access with the online form as an additional option. An enhanced service is being provided with greater use of telephone contact.



potential for developing good relations			X	
potential to advance equality of opportunity			X	

#### 4.2 Describe how the assessment so far might affect other areas of this policy and/ or project timeline?

*Examples of the items you should consider here include, but are not limited to:*

- **Procurement criteria:** *does your assessment indicate you should include equality as part of the technical specification for any current, or future, procurement process?*
- **Communication plan/products:** *do you need to communicate with people affected by this policy in a specific format (such as audio, subtitled video, different languages) or do you need help from other organisations to reach people (such as representative organisations, the Law Society of Scotland)? This might apply to public information, leaflets, or targeted promotion of a change in policy to particular customer groups.*
- **Cost:** *do you propose any actions because of this assessment which will incur additional cost?*
- **Resources:** *do the actions you propose require additional or specialist resource to deliver them?*
- **Timing:** *will you need to build more time into the project plan to undertake research, consultation or to complete any actions identified in this assessment?*

**Procurement:** Compatibility with accessibility standards is a requirement.

**User research:** Identified as key to the development of the project. Additional time will be required to engage with volunteers to carry out User research. Depending on the outcomes of each round of user research this could potentially further increase timescales while we review alternative options and review what if any areas of the form are causing confusion. Research costs have been included in the business case.

**Promotion:** Raising awareness of the online Form 2 will be important to achieve the benefits. Consideration will be given to that as the pilot develops and we learn more from the solicitors involved.



**4.3** Having considered the potential or actual impacts of your policy on equality groups, you should now record the outcome of this assessment below. *Choose from one of the following (mark with an X or delete as appropriate):*

Please select (X)	Implications for the policy
	<p><b>No major change</b> Your assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>
X	<p><b>Adjust the policy</b> You need to take steps to remove any barriers, to better advance equality of opportunity and to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy when implemented.</p>
	<p><b>Continue the policy with adverse impact</b> The policy will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.</p>
	<p><b>Stop and remove the policy</b> The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated.</p>

### **Step 5 - Discuss and review the assessment with decision makers and governance structures**

*You must discuss the findings of this assessment with senior decision makers during the lifetime of the project and before you finalise the assessment. Relevant groups include, but are not limited to, a Project Board, Executive Team or Board members. EqIA should be on every project board agenda, therefore only note dates where key decisions have been made (draft EqIA sign off, discussion about consultation response).*

**5.1** Record details of the groups you report to that are relevant to this policy and assessment.

Include the date you presented progress to each group and an extract from the minutes to reflect the discussion.

Date	Forum	Description	Action
27/08/19	Project Board	PB Decision	Agreed to incorporate outputs from first round of user testing into draft EQIA document.
10/12/19	Project Board	PB Decision	<p>Agreed actions:</p> <ul style="list-style-type: none"> <li>• Instances of small text size to be resolved.</li> <li>• Background and text colours to be adjusted to meet accessibility standards.</li> <li>• Guidance to be adjusted to make it easier to read.</li> <li>• Accessibility on different devices to be resolved.</li> </ul> <p>Clarity provided on scope of EQIA, as separate EQIAs had been produced for paper Form 2 and online Form 2. Issues needed to be brought together for this project.</p>
29/01/20	Project Board	PB Decision	EQIA discussed - updates to be made to draft to reflect changes made to resolve issues identified. Action to ensure consistent sans serif font is used throughout and size 12-14pt as a minimum.
10/03/20	Project Board	Project Board received a demonstration of the Form 2 and gave feedback.	<p>Feedback specific to equalities impact was given on:</p> <ul style="list-style-type: none"> <li>• colours of text and background</li> <li>• form language being checked to ensure that it was reflective of what was agreed in the letters review</li> <li>• the form being updated with the definition of a disability from the Equalities Act.</li> </ul> <p>Agreed to update EQIA to incorporate the existing reports on user feedback and record the changes made. Action to produce a separate EQIA on system development standards. (Out of scope of project.)</p>
11/03/20	Email discussion	SRO decision	In the 'Other Information' section of the current paper form 2, we ask applicants to tell us about any special needs which require additional expenditure. This is to obtain information about those with a disability who may incur additional expenditure as a result. We are amending the wording to provide greater clarity. There is no change to the policy.



03/06/20	Project Board		Agreed to a pilot implementation approach. Agreed to incorporate pilot in EQIA. For pilot, support for applicants will be provided via email, video call and a phone helpline.
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### Step 6 - Post-implementation actions and monitoring impact

*There may be further actions or changes planned after the policy is implemented and this assessment is signed off. It is important to continue to monitor the impact of your policy on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.*

**6.1** Record any ongoing actions below. *This can be copied from the project action log or elsewhere in this assessment and should include timescales and person/ team responsible. If there are no outstanding items please make this clear.*

- Conduct a pilot of the online Form 2
- Subject to those mentioned in email.

**6.2** Note here how you intend to monitor the impact of this policy on equality groups. *In the table below you should:*

- *list the relevant measures*
- *identify who or which team is responsible for implementing or monitoring any changes*
- *highlight where the measure will be reported to ensure any issues can be acted on as appropriate.*

Measure	Process	Responsibility	Reporting to
Volumes - online v paper	Data report	Projects Office	Project Board
Rejected Applications	Data report	Projects Office	Project Board
Rejection Reasons	Data report	Civil Finance Manager	Project Board
Volume of support calls	Report	Civil Finance Manager	Project Board
Continuations	Data report	Projects Office	Project Board
Disability - did the form design make it difficult to complete?	Survey	Civil Finance Manager	Project Board
Language - level of understanding	Survey	Civil Finance Manager	Project Board
Guidance - did it help?	Survey	Civil Finance Manager	Project Board
Devices used to complete form	Survey	Civil Finance Manager	Project Board
Upload documents - how easy to do?	Survey	Civil Finance Manager	Project Board



Online vs Paper format	Solicitor feedback	Civil Finance Manager	Project Board
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**6.3 EqlA review date.** *This EqlA should be reviewed as part of the wider post-implementation review of the policy. The date should not exceed 3 years from the policy implementation date.*

31/03/2022

<b>Step 7 - Assessment sign off</b>
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**All equality impact assessments must be signed off by the Executive Team, even where an EqlA is not required. *Note the relevant meeting date here:***

15/10/2020

**Approved**

The Chief Executive's Office will pass the assessment to Communications for publication on our website. All assessments must be published on SLAB's website as early as possible after the decision is made to implement the policy.

**Not approved**

You must review this assessment in line with the Executive Team's comments.