



Covid-19 Operational Changes

EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy:

This Equality Impact Assessment covers the emergency operational policy changes made by the Scottish Legal Aid Board (SLAB) in response to the Covid19 pandemic.

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

We made a number of temporary changes, additions and extensions to policy. We:

- introduced a fillable fields Word version of the Civil Legal Aid financial form.
- revised our approach to the collection of debt, including a three month payment break for those struggling to make payments.
- accepted applications without a client's signature, eased timescales for submission of applications and information requirements, and reduced the requirements of proof of clients' eligibility for A&A and ABWOR.
- suspended compliance audits and peer review quality assurance schemes for criminal and children's legal aid.
- allowed solicitors to obtain and submit financial verification in alternative ways.

We also introduced policy changes to allow:

- interim payments for summary criminal fixed payments (incl.ABWOR) and A&A/ABWOR.
- extension of interim payment provisions for solicitors and counsel in civil, children's and solemn criminal proceedings.
- appointed solicitor in criminal ABWOR to delegate to another and further change to be able to delegate to duty solicitor.
- creation of a fee structure for written representations where they directly replace the need for any oral hearing.

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

We found that there were a number of direct and indirect positive impacts on equality groups, whether solicitors, applicants or SLAB staff. These were across all protected characteristics.

The positive impacts flowing from interim payments - assisting continuity of representation for vulnerable clients by supporting cash flow for legal businesses



that would otherwise be at risk of going out of business - are unlikely to be widespread, but may have a significant impact on affected clients.

The positive impacts of changes aimed at allowing those solicitors who are more at risk from Covid19 to avoid court are offset somewhat by the potential negative impacts on clients who may be vulnerable and value a direct relationship with the solicitor representing them.

The positive impacts on applicants from changes to policies relating to financial eligibility and repayments are the most direct and potentially large in degree for individuals affected. The accessibility of the electronic form could have a negative impact on some applicants with disabilities, but overall that is balanced by the ability to avoid paper based processes that would usually involve face-to-face interactions.

Summary of actions taken because of this assessment:

We have made no major changes to our policy decisions but have set up monitoring processes for data to be available at the point of review.

Ongoing actions beyond implementation include:

Monitoring as outlined in Section Six of this document.

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

Policy Projects Manager plus relevant operational managers from departments where changes were made.

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

Director of Strategic Development

Publication date (for completion by Communications):

20/08/2021



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.

Due to Government self-isolation and social distancing guidelines solicitors are less able to consult with clients face to face in their offices, and only have limited time to see them in court. This may lead to difficulties in clients being able to receive a paper Form 2 from their solicitor or to send it by post either to us or their solicitor; or to receive face to face assistance when completing a Form 2. Applicants may also be self-isolating or have difficulty in posting the Form 2 to us. In response to these issues, SLAB have developed a fillable Word version of the Form 2 which allows the solicitor to send the form by email to their client or for the client to download it from our website. The client can then type directly onto the form and, once completed, email it back to the solicitor who can upload it to Legal Aid Online.

To assist applicants and opponents owing money to SLAB whose jobs and income have been affected by Covid19 and a variety of different circumstances in their lives, which has an impact on their ability to maintain their payments, SLAB aligned its policy on collection of payments to approaches announced by the Scottish Government which expects that evictions and debt enforcement action will not be pursued. All those who are experiencing difficulty in making payment will be offered deferment or a reduced payment rate. We are being proactive and making telephone and email contact when a payment is not made, so that those who may find it difficult to make contact with us, so that they too can take advantage of this policy.

We normally require applicants to sign the various legal aid online declaration forms, prior to the online application being made to us. Prior to full lockdown in March, many solicitors expressed concerns about sharing pens with clients so that the declaration forms could be signed. The forms can be signed on the client's behalf by a representative, and where this has happened, we need to be advised of the circumstances. We temporarily changed our policy to accept Covid-19 as a reason for the client not signing the forms.

For the period of the Covid-19 restrictions, where applicants may have difficulties in getting wage slips or bank statements from their bank and/or send them to their solicitor, we have advised that they can download their bank statements or screenshots and send them to us by email. We can also accept mini statements from the cash machine. If there is no way of providing any verification, in criminal legal aid we can check previous applications to use as verification. The applicant will need to declare



that there has been no change in their circumstances. If there is no way of providing any up to date verification, in civil legal aid we can accept older information. The applicant will need to declare that their circumstances have more or less remained the same. Where no or insufficient verification, we can grant with the condition that verification is provided at a later date.

We have used policy change that allow for interim payments to be claimed for work done to date, in circumstances where the Covid-19 situation means there is little prospect of the matter concluding in the near future.

We have used policy change to assist solicitors to comply with advice that seeks to avoid court attendance.

We suspended the Quality Assurance Schemes and compliance audits as solicitors had been furloughed and offices closed. Therefore, solicitors would have difficulties in responding to requests for files for peer reviews and compliance audits. Compliance audits also routinely involve an office visit, where files are requested on the day, as well as inspection of timesheets, diaries and productions. The SLAB office at Thistle House has also been closed. While staff involved in administering the Quality Assurance Schemes are working from home, it is difficult to reliably check the transmission of files to and from the solicitors and the peer reviewers. Remote solutions will be considered.

1.2 Why is the change required?

Emergency - response to Covid-19 pandemic

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

SLAB staff, applicants, opponents, counsel, solicitors and their staff were affected by these changes.

1.4 Policy/ practice/ process/ service implementation date

16/03/2020 Date that website was updated with the change on signatures; easing the timescales for submission of applications, and information requirements; time Limits for all accounts other than diagnostic advice and assistance - "special reason" for late submission applies during Covid pandemic.

18/03/2020 Date decision made to suspend peer review

03/04/2020 Date website updated with appointed solicitor delegation of custody appearance change

04/04/2020 Date of uploading website guidance on the Word based fillable Form 2 and date payment holiday policy was signed off by auditors and explained to solicitors on www.slab.org.uk on 8 April 2020.



- 16/04/2020 Date website updated with written representations in ABWOR change
- 13/05/2020 Date on website advising solicitors of guidance on financial verification and reduction of the proof of requirements of clients' eligibility for A&A and ABWOR.
- 27/03/2020 Introduction of interim payments for summary criminal fixed payments (including ABWOR) and A&A/ABWOR - date of publication on website
- 28/04/2020 Date of publication on website of extension of interim payment provisions for solicitors and counsel in civil, children's and solemn criminal proceedings.
- 30/06/2020 Date published fee structure for written representations where they directly replace the need for any oral hearing

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

Online Form 2 project is linked to the Word based fillable Form 2. The three month payment holiday is linked to SLAB's general policy on contributions. Obtaining financial verification in other ways links to SLAB's general financial assessment policies.



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?

The following information is presented to outline the scale and scope of the changes made as a result of the pandemic.

In 2018/19, SLAB processed 200,000 applications and grants of civil, criminal and children's legal assistance. In that year, 3,900 applications for civil legal aid required a financial form, Form 2, to be completed, from a total of 13,500 applications. This was 29% of all applications needing a completed Form 2.

Every month, SLAB receives between 4,000 and 5,000 payments towards the cost of legal aid from assisted persons.

In 2019, SLAB assessed that 2,500 of 13,500 applicants were due to pay a contribution in a civil legal aid case.

In 2019-20 the number firms receiving payment for direct solicitor activity (solicitor or solicitor advocates), by aid type were:

Civil	= 553
Criminal	= 438
Children's	= 264
All areas	= 734

Each month, the compliance audit team of three full time auditors are scheduled to complete 14 audits- 168 per year.

We would expect 200 criminal peer reviews to be carried out each year. One member of SLAB staff works full time on criminal peer review. For children's legal aid, we expect 140 peer reviews to be completed each year, with one member of SLAB staff working full time in this area.



Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
General	<p>(1) Covid-19: economic impacts (SG) https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(2) ONS household survey</p> <p>(3) Vulnerable clients article - Lawyers Defence Group</p> <p>(4) Scotland's route map impact assessment https://www.gov.scot/publications/equality-fairer-scotland-impact-assessment-evidence-gathered-scotlands-route-map-through-out-crisis/pages/7/</p>	<p>This report sets out that the economic consequences of the global and Scottish response to Covid-19 are expected to be widespread and severe: “sharp contraction in economic activity, across many sectors and industries, is affecting labour demand with profound implications for household financeseconomic inactivity and unemployment [are] expected to rise quickly”. (1)</p> <p>Some equalities groups are expected to be affected more than others; however the impact will be cross-cutting.</p> <p>Recipients of legal aid are, by definition, likely to be less wealthy, and less likely to have significant amounts of savings to tide them over the crisis. Findings from ONS’s April survey on the impact of the coronavirus on households suggest that almost half of the GB working age population have seen their work affected, with many seeing their hours cut, their workplace closed, being furloughed or losing their jobs. Nearly a third of those who have seen their income affected have had to draw on their savings to cover their basic living costs, such as food, bills and housing costs, while more than one in five people said they are struggling to pay their bills. The survey also found that about half of adults expected their finances to get worse over the next 12 months. (2)</p> <p>There may be a broad range of adjustments and understandings that may be required to assist vulnerable clients across different and intersecting characteristics- which could be hampered by a</p>



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		transfer to a new solicitor. (3) Support to businesses to keep them afloat during the crisis will benefit those employed in them. (4)
Age	<p>(1) Inequalities in the context of covid https://www.gov.scot/publications/in-equalities-by-age-in-the-context-of-covid-19-slide-pack/</p> <p>(2) Public Health Scotland - statistical report C-19 https://beta.isdscotland.org/find-publications-and-data/population-health/covid-19/</p> <p>(3) Shielding: a way forward for Scotland - Scottish Government https://www.gov.scot/publications/coronavirus-covid-19-shielding-way-forward-scotland/pages/4/</p> <p>(4) SLAB's applicants surveys</p> <p>(5) LSS profile of the profession 2018</p> <p>(6) SLAB civil solicitor survey</p> <p>(7) SLAB administrative data</p> <p>(8) Covid-19: economic impacts (SG)</p>	<p>Older people are more likely to contract, and die from, Covid-19, and to be shielding during the pandemic. They are less likely to have home internet access, or to use the internet. (1).</p> <p>In the working age population older groups also appear more likely to catch Covid-19, and to become seriously ill. (2).</p> <p>Roughly 3% of people in Scotland were advised to shield (. Of the shielding group over half were aged 65+, 4 (3).</p> <p>Older people are less likely to have home internet access. Older people are also less likely to use it at home or elsewhere) (1).</p> <p>SLAB's applicant surveys show that 34% of applicants for criminal legal aid were in the 45-64 age bracket and 5% aged 65+.</p> <p>For civil legal aid, 5% of applicants were 65 or over and 28% aged between 45 and 64. (4)</p> <p>SLAB's administrative data shows that 40% of civil legal aid applicants were aged 45+. Those aged 45 and over made up 18% of summary criminal applicants, 16% of solemn criminal</p>



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	<p>https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(9) Age and cognitive decline</p> <p>https://www.psychiatrictimes.com/view/management-age-related-cognitive-decline</p> <p>(10) SLAB internal data on staff demographics</p>	<p>applicants and 20% of criminal appeal applicants. In children's legal aid, 11% were aged 45+. (7)</p> <p>For the profession in general (including paralegals), the survey suggests 38% are aged 46 to 65, with around 2% aged 66+. (5) Of the respondents to SLAB's civil solicitor survey, 55% were over 45 and 4% were aged 65+. (6) The employment rate for those aged 16-24 is lower than for those in older age groups. Younger people are also more likely to be working in hard-hit sectors such as retail and leisure and entertainment, and to be working part-time or on less secure contracts (at a UK level). Younger people were more likely to be financially vulnerable and in unmanageable debt before the pandemic. (8) Age is the most important factor in relation to cognitive decline. (9) All staff declared their age, with more than 50% of SLAB's staff in 2019/20 aged 45+. (10)</p>
Disability	<p>(1) Inequalities in the context of covid</p> <p>https://www.gov.scot/publications/in-inequalities-by-disability-in-the-context-of-covid-19-slide-pack/</p> <p>(2) Deaths involving coronavirus (COVID-19) in Scotland, Week 19: Extra figures and tables</p> <p>https://www.nrscotland.gov.uk/statist</p>	<p>Disabled people are more likely to experience ill-health from contracting COVID-19 than the general population, due to likelihood of pre-existing health conditions and poorer overall health (1). Monthly figures on deaths involving Covid-19 show that in over 90% of cases the deceased had at least one pre-existing condition (2). A large percentage of those in the shielding group will also be classified as disabled under the Equality Act. The Scottish Government have also issued advice to those who are not shielding but live with specific medical conditions, and</p>



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	<p>ics-and-data/statistics/statistics-by-theme/vital-events/general-publications/weekly-and-monthly-data-on-births-and-deaths/deaths-involving-coronavirus-covid-19-in-scotland</p> <p>(3) Scottish Household Survey 2018. https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/</p> <p>(4) Shielding: a way forward for Scotland - Scottish Government https://www.gov.scot/publications/coronavirus-covid-19-shielding-way-forward-scotland/pages/4/</p> <p>(5) SG advice for those living with specific medical conditions https://www.gov.scot/publications/coronavirus-covid-19-tailored-advice-for-those-who-live-with-specific-medical-conditions/</p> <p>(6) SLAB's applicants surveys</p> <p>(7) LSS profile of the profession 2018</p> <p>(8) SLAB civil solicitor survey</p>	<p>(depending on their level of risk) may have to be “particularly careful not to become infected with coronavirus”. Many of these will be classified as disabled, for example those with cancer (non-shielding) or neurological conditions. (5)</p> <p>People with a physical or mental condition lasting for 12 months+ are less likely to use the internet. Scottish data from 2018 shows 73% used the internet, compared with 87% overall. The only age group in which there was no difference was 16-24 where usage was 100% (3). SLAB’s applicant surveys show that 54% of applicants for criminal legal aid had a disability or limiting condition. For civil legal aid, 52% of respondents had a disability or limiting condition, 24% described it as a mental health problem and 25% as reduced physical capacity. (6) For the profession in general (including paralegals), the survey suggests 5% have a disability. (7) Of the respondents to SLAB’s civil solicitor survey, 4% declared they had a disability. (8) Disabled people are known to earn less on average than non-disabled people at the UK level, meaning that the impact of any reduction in income is likely to be particularly harmful. There are slightly higher proportions of disabled people working in some of the areas currently experiencing damaging impacts from COVID-19-related restrictions, and a slightly higher proportion of disabled people in employment are self-employed. (9) Of the 75-80% of staff</p>



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	<p>(9) Covid-19: economic impacts (SG) https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(10) SLAB internal data on staff demographics</p> <p>(11) Inclusive Justice; Findings and recommendations EHRC. UK https://www.equalityhumanrights.com/en/publication-download/inclusive-justice-system-designed-all</p> <p>(12) Autism & CJS: training for CJS professionals</p>	<p>declaring their status, 15-20% of SLAB's staff in 2019/20 had a disability or long term condition. (10)</p> <p>UK research suggests that accused people with a cognitive impairment, mental health condition and / or neuro-diverse condition form a significant proportion of the criminal justice population, and that they may need support to help them effectively participate (11). A solicitor who the accused has a pre-existing relationship with, or who has had specialist training (e.g. relating to autism (12)) may be better placed to provide this support.</p>
Race	<p>(1) Ethnicity and outcomes from COVID-19: the ISARIC CCP-UK prospective observational cohort study of hospitalised patients (pre-publication study). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3618215</p> <p>(2) Deaths involving coronavirus (COVID-19) in Scotland by ethnicity.</p>	<p>A UK study of people hospitalised with Covid-19 found: no difference between ethnic groups in the time from symptom onset to hospital admission, nor in illness severity at admission; Minority ethnic people in hospital with COVID-19 were more likely to be admitted to critical care and receive IMV than people with a white ethnic background, to have: similar disease severity on admission, similar duration of symptoms, and being younger with fewer comorbidities. South Asians appear to be are at greater risk of dying, due at least in part to a higher prevalence of pre-existing diabetes (1). Scottish figures (12/3/20 - 14/6/20) show similar findings in respect of South Asians compared with people with a white ethnic background. There was insufficient data to</p>



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	<p>Deaths involving coronavirus (COVID-19) in Scotland, (3) Internet users: 2019 (data tables) Office for National Statistics https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers</p> <p>(4) SG advice for those living with specific medical conditions https://www.gov.scot/publications/coronavirus-covid-19-tailored-advice-for-those-who-live-with-specific-medical-conditions/</p> <p>(5) https://www.nhs.uk/conditions/sickle-cell-disease/</p> <p>(6) Shielding: a way forward for Scotland - Scottish Government https://www.gov.scot/publications/coronavirus-covid-19-shielding-way-forward-scotland/pages/4/</p> <p>(7) SLAB's applicants surveys</p> <p>(8) LSS profile of the profession 2018</p> <p>(9) SLAB civil solicitor survey</p>	<p>form conclusions about other ethnicities (2). Diabetes is one of the non shielding but specific medical conditions that the SG has issued advice about, explaining that coronavirus could cause diabetes symptoms to become worse (4). Sickle cell disease is particularly common in people with an African or Caribbean family background (5). Homozygous (inherited) sickle cell disease is one of the ‘shielding’ conditions (6). UK figures from 2019 suggest that those from Indian and White ethnic backgrounds are most likely to have ‘never’ used the internet (8%), with those from a Chinese ethnic background least likely to have ‘never’ used it (1%) (3). SLAB’s applicant surveys show that 97% of applicants for criminal legal aid were white (1% Polish and 2% other White) and 1% African, Caribbean or Black. For civil legal aid, 87% of applicants were white (with 2% Polish and 3% other White) and 8% from other ethnic groups (2% any mixed or multiple ethnic groups, 2% African, Caribbean or Black). (7) For the profession in general (including paralegals), the survey suggests 4% identify themselves as being from a non-white ethnic group. (8) Of the respondents to SLAB’s civil solicitor survey, 5% were from a non-white ethnic background. (9) The main intersection between race and this policy is in English language comprehension. The relevant results from the 2011 census are: “<i>The proportion of the population aged 3 and over reported as not being able to speak English well or at all was 1.4% overall,</i></p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
	<p>(10) Census results</p> <p>(11) Covid-19: economic impacts (SG) https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(12) SLAB internal data on staff demographics</p>	<p><i>and 11% for those born outside the UK. This proportion generally increased with age of arrival into the UK: for those who arrived aged under 16 it was 5% while for those who arrived aged 65 and over it was 31%.</i>" (10)</p> <p>A higher share of the visible minority ethnic population in employment work in the hospitality industry. Gypsy/Travellers were also most likely to be employed in hospitality. Hospitality is one of the industries most severely affected by the response to Covid-19. African women were by far the most likely to be working in either caring, leisure and other service occupations or sales and customer service occupations, where homeworking may be much less feasible. Those who identified as 'White: Polish', 'White: Gypsy/Traveller', 'African', 'White: other' or 'Other Asian' were all more likely to be in Elementary occupations, where homeworking may be less feasible, than for the employed population as a whole. 44% of women who identified as 'African' and 34% of those identifying as 'Caribbean or Black' worked in human health and social work activities in 2011, which is likely to put them at higher risk of contracting COVID-19. (11)</p> <p>Of the 75-80% of staff declaring their status for ethnicity, fewer than 5% are from a non-white minority ethnic groups. (12)</p>
Sex	<p>(1) Public Health Scotland - statistical report C-19 https://beta.isdscotland.org/find-</p>	<p>There is evidence that males are more likely to become seriously ill with Covid-19. Analysis by SLAB suggests this is most significant in younger age groups. In Scotland at 1 June 2020 62% of confirmed cases were female; 38% of confirmed cases were male.</p>



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	<p>publications-and-data/population-health/covid-19/</p> <p>(2) Internal SLAB analysis</p> <p>(3) SLAB's applicants surveys</p> <p>(4) LSS profile of the profession 2018</p> <p>(5) SLAB civil solicitor survey</p> <p>(6) SLAB's administrative data</p> <p>(7) Covid-19: economic impacts (SG) https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(8) SLAB internal data on staff demographics</p>	<p>However 47% of hospital admissions were females and 53% were males (1). Analysis by SLAB on sex and age group shows that in the 15-44 age groups males account for 29% of confirmed cases but 46% of admissions. In the 45 - 64 age group males account for 38% of confirmed cases but 56% of admissions. (2)</p> <p>SLAB's applicant surveys show that 74% of applicants for criminal legal aid were men. For civil legal aid, 64% of applicants were women. (3) Administrative data shows 59% of civil legal aid applicants were women. The figure for children's legal aid was 62%. In criminal legal aid, men made up 80% of applicants for summary legal aid, 89% for solemn legal aid and 90% in criminal appeals. (6) For the profession, registrar data shows 53% of solicitors are women, with survey respondents for the wider profession (including paralegals) indicated that 61% identified as female. (4) Of the respondents to SLAB's civil solicitor survey, 53% were female. (5) Women's overrepresentation as both unpaid carers and in health and social care jobs is likely to put them at higher risk of contracting COVID-19. Their disproportionate shouldering of caring responsibilities may also make it harder to maintain or take on employment. Women also account for the majority of employment in many of the 'shut-down' sectors, such as retail, accommodation and food and beverage services. Women earn less than men on average, are less likely to be eligible for sick pay, and are over-represented in many of the</p>

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		sectors where median hourly pay will fall below the current rate of the real living wage if employers do not bridge the 20% shortfall for furloughed staff. (7) All staff declared their sex; in 2019/20 there were more women (65%-70%) than men (30%-35%). (8)
Gender Reassignment	(1) LSS profile of the profession 2018	For the profession as a whole, 8 out of 2,376 respondents identified as transgender. (1)
Sexual orientation	(1) LSS profile of the profession 2018	For the profession as a whole, 91% of respondents described their sexual orientation as heterosexual or straight, 3% as gay man, 2% as bisexual and 1% as lesbian (n=20). Less than 1% of respondents preferred to use a different term or identified as pansexual or asexual.(1)
Religion or Belief	(1) LSS profile of the profession 2018	Less than 1% of respondents described themselves as Jewish, Sikh, Hindu or Buddhist. 49% of respondents indicated that they did not belong to a religion, religious denomination or body. In addition, 25% described belonging to the Church of Scotland. (1)
Pregnancy or maternity	(1) NHS inform covid 19 and pregnancy (2) SG advice for those living with specific medical conditions	In Scotland people who are pregnant don't appear to be more susceptible to coronavirus (COVID-19) than the general population, but are generally more susceptible to infection (1). Pregnant people in Scotland with significant heart disease were advised to shield at the start of the pandemic (2)



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Marriage or civil partnership	(1) LSS profile of the profession 2018	Respondents most frequently indicated that they were married (59%), with 20% never married and never registered a same-sex civil partnership. Fewer than 1% of respondents were in a registered same-sex civil partnership. (1)
Care Experienced (corporate parenting duty)	<p>(1) The impact of Covid-19 on Scotland's care experienced community - Who Cares? Scotland</p> <p>(2) Who Cares? Scotland https://www.whocaresscotland.org/who-we-are/media-centre/statistics/</p> <p>(3) Scottish Household Survey 2018. https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/</p> <p>(4) SLAB's applicants surveys</p> <p>(5) Covid-19: economic impacts (SG) https://www.gov.scot/publications/economic-impact-of-coronavirus-led-labour-market-effects-on-individuals-and-households/</p> <p>(6) Children's Social Work Statistics 2018. Additional Table 2.4</p> <p>(7) Scope</p>	<p>There is qualitative evidence of digital exclusion / lack of participation amongst care experienced people related to Covid-19 pandemic response. For example having no / insufficient devices or having to prioritise other bills over WiFi (1). Before the pandemic care experienced people were already more likely to have a range of experiences / indicators linked to poverty (2).</p> <p>In 2018 in Scotland 69% of households in the lowest income band had home internet access, compared with 99% in the highest income band (3).</p> <p>For criminal legal aid, 21% of applicants had been or were currently looked after by a local authority. For civil legal aid, 5% of respondents had been or were currently looked after by a local authority. (4)</p> <p>There is significant evidence that low earners and those living in deprived areas will be amongst the groups that are hardest hit financially by the response to Covid-19. (5)</p> <p>In Scotland in 2018, 13% of 'looked after' children who had an outcome from their assessment were assessed as having a</p>



Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
		disability (6). This compares to 8% of all children in the UK 2017/18 (7).

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

2.3 Outcome of step 2 and next steps. Complete the table below to inform the next stage of the EqIA process.

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

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

Yes

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

We received calls from solicitors about the impact of the pandemic on their ability to secure client signatures, how clients could provide the necessary verification and how firms could comply with usual timescales for applications and accounts.

We consulted the Law Society of Scotland on suspending peer review quality assurance activity.

Changes to interim payments were discussed with the Law Society of Scotland and the Faculty of Advocates.

SLAB received suggestions about allowing delegation of appearances from a number of solicitors during lockdown, both to allow other solicitors and the duty solicitor to do the court appearance. These changes had been discussed with the Law Society earlier as part of simplification measures, as well as at this time.

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

Solicitors advised about their health concerns in relation to sharing pens and also the effect on legal aid processes because offices were closed.

The Law Society of Scotland agreed that quality assurance activity should be suspended.

The Law Society of Scotland and the Faculty of Advocates advised that changes to be implemented on interim payments and delegation of appearances were welcome.



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:

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

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

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impact	Negative impact	No impact	
potential for discrimination	X			<p>Introducing a fillable Word document for financial assessment allows older people, who are more likely to be shielding, to complete a form without potential to contract Covid19. Paper based processes are still available for those who need it.</p> <p>Payment holidays are open to all assisted persons and opponents to request, including young people who are likely to be most affected by</p>

				<p>the economic impact of the response to Covid19. Using non-paper based processes allows older people, who are more likely to be shielding, to avoid the potential of this source to contract Covid19.</p> <p>Removing the need for client signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications protected older solicitors, staff at solicitors firms and applicants who are more at risk if they contract Covid19.</p> <p>Suspending peer review and compliance audits means that older workers (at SLAB or in the profession) are not put at risk through the retrieval or handling of paper files.</p> <p>Alternative verification of financial circumstances could have negative impacts on different age groups, but these are mitigated by the ability to grant with conditions: Younger people are more likely to be in insecure employment where salary does not remain constant throughout the year, meaning there is potential for a negative impact if they have to declare that their salary has remained the same or their circumstances have not changed. Older people may not have or use the internet or mobile devices to upload information in different ways. Older people may have greater concerns about handling paper forms.</p> <p>Interim payment options are open to all firms and where this assists businesses to maintain operations, those clients who are vulnerable due to their age benefit from continuity of representation.</p>
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				The changes permitting delegation of business allow older solicitors who are at higher risk of serious illness resulting from Covid19 to avoid attending court.
potential for developing good relations		X		
potential to advance equality of opportunity	X			<p>If the payment holiday option is not sought and a payment is missed, the collections team will pro-actively seek to make contact with the assisted person/opponent.</p> <p>Removing the need for applicant signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications facilitated remote access for advice and this promoted equality for older people who are more at risk.</p> <p>The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unable to attend court due to their age.</p>

Sex	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Men, who are more likely to become seriously ill from Covid19, can avoid paper based processes by using the fillable Word document for financial assessment. The fillable form is available for both men and women.

				<p>Payment holidays are open to all assisted persons/opponents to request, including women who are likely to be more affected than men by the economic impact of the response to Covid19.</p> <p>Removing the need for client signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications protects male solicitors, staff at solicitors firms and applicants who are more at risk if they contract Covid19.</p> <p>Suspending on site or physical peer review and compliance audits means that workers (at SLAB or in the profession) are not put at risk through the retrieval or handling of paper files.</p> <p>Alternative verification of financial circumstances could have negative impacts on women, but these are mitigated by the ability to grant with conditions: Women are more likely to have experienced a change in income or be experiencing a problem where they cannot access documents, meaning that they would be less able to use the policy change of declaring their circumstances remain the same. Those men who have stable employment will be able to access that aspect of the policy change.</p> <p>Interim payment options are open to all firms. Vulnerable clients can include those who experience domestic abuse, most of whom are women: where interim payments assist businesses to maintain operations this change could facilitate greater opportunity for continuity of representation.</p>
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				<p>The changes permitting delegation of business allow male solicitors who are at higher risk of serious illness resulting from Covid19 to avoid attending court.</p>
potential for developing good relations		X		
potential to advance equality of opportunity	X			<p>If the payment holiday option is not sought and a payment is missed, the collections team will pro-actively seek to make contact with the assisted person/opponent.</p> <p>Removing the need for applicant signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications facilitated remote access for advice and this promoted equality for men who may be more at risk.</p> <p>The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unwilling to attend court due to their sex.</p>

Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			People with disabilities, who are more likely to be shielding or to become seriously ill from Covid19, can avoid paper based processes by completing the fillable Word document for financial assessment - although the paper

			<p>option remains available. The fillable word document is not a fully accessible online form. We are developing an online Form 2 via a separate project to be rolled out in early 2021.</p> <p>Payment holidays are open to all assisted persons/opponents to request, including people with disabilities who are likely to be more affected by the economic impact of the response to Covid19 than those who do not have disabilities. Using non-paper processes means that people with disabilities, who are more likely to be shielding or to become seriously ill from Covid19, can avoid this potential source of the virus.</p> <p>Removing the need for client signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications protected those with disabilities, whether solicitors, staff at solicitors firms or applicants. People with disabilities are more at risk if they contract Covid19.</p> <p>Suspending peer review and compliance audits means that workers with disabilities (at SLAB or in the profession) are not put at risk through the retrieval or handling of paper files.</p> <p>The ability of people with disabilities to avoid paper based processes through use of alternative forms of verification is positive. As internet take up is lower for people with disabilities, the possibility of granting with conditions manages the risk that they could not verify via either method. Additionally, for those who have a disability and are self-employed or working in a hard hit area of the economy, the ability to</p>
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				<p>grant with conditions meets the risk that they cannot declare their circumstances are unchanged with older verification material.</p> <p>Interim payment options are open to all firms and where this assists businesses to maintain operations, those clients who are vulnerable due to their disability could benefit from greater opportunity for continuity of representation.</p> <p>The changes permitting delegation of business allow solicitors with disabilities who are at higher risk of serious illness resulting from Covid19 to avoid attending court.</p> <p>Applicants with certain disabilities relating to mental health or neurological conditions continue to have a primary relationship with the nominated solicitor, who has taken instructions. There may be the potential for a slight negative impact for these applicants of being represented by a solicitor they do not know.</p>
potential for developing good relations		X		
potential to advance equality of opportunity	X			<p>Overall, the changes SLAB made are judged to have a positive impact on the potential to advance equality of opportunity for people with disabilities.</p> <p>However, people with sight problems who use screen readers or other assistive technology may struggle with the current fillable version of the financial assessment form. Restyling the form to meet accessibility requirements could advance equality of opportunity however we do not</p>

				<p>plan to do this due to having a separate project for an accessible online form 2 in early 2021.</p> <p>If a payment holiday option is not sought and a payment is missed, the collections team will pro-actively seek to make contact with the assisted person/opponent using telephone or email. The staff make adjustments as needed to overcome any communication barriers, making use of the channel that works best for the assisted person.</p> <p>Removing the need for applicant signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications facilitated remote access for advice and this promoted equality for people with disabilities who are more at risk.</p> <p>The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unable to attend court due to their disability.</p>
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Gender Reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	



potential to advance equality of opportunity			X	
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Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			<p>The fillable financial form allows people from ethnic backgrounds which may be at higher risk of becoming seriously ill from Covid19 to avoid a paper based process.</p> <p>Payment holidays are open to all assisted persons/opponents to request, including people from ethnic backgrounds who are likely to be more affected by the economic impact of the response to Covid19. Using non-paper processes allows people from ethnic backgrounds which may be at higher risk of becoming seriously ill from Covid19 to avoid this potential source.</p> <p>Removing the need for client signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications protected older solicitors, staff at solicitors firms and applicants who are more at risk if they contract Covid19.</p>

				<p>Suspending peer review and compliance audits means that workers from minority ethnic backgrounds (at SLAB or in the profession) are not put at risk through the retrieval or handling of paper files. Alternative ways to provide financial verification allows avoidance of paper based processes and can mitigate the risk of contracting Covid19 for those in higher risk categories due to their ethnic background. The ability to grant with conditions addresses potential issues with those working in economic sectors that are harder hit by the response to Covid19 or more likely to be ill with the virus being able to declare that their circumstances are unchanged and use older documentation. For those who do not use the internet, paper based processes are available, with the back-up of granting with conditions, should people wish to avoid these.</p> <p>Interim payment options are open to all firms and where this assists businesses to maintain operations, those clients who are vulnerable due to their lack of understanding of English or familiarity with local culture, could benefit from greater opportunity for continuity of representation.</p> <p>The changes permitting delegation of business and written representations allow solicitors from specific minority ethnic backgrounds with conditions who are at higher risk of serious illness resulting from Covid19 to avoid attending court.</p>
potential for developing good relations		X		

potential to advance equality of opportunity	X		<p>The electronic financial assessment form can be more easily translated automatically online for those who need and could use the information in another language, without professional translation.</p> <p>If a payment holiday option is not sought and a payment is missed, the collections team will pro-actively seek to make contact with the assisted person/opponent using telephone or email. The staff make adjustments as needed to overcome language barriers, including through making use of the channel that works best for the assisted person and arranging interpreting where necessary.</p> <p>Removing the need for applicant signatures, reducing evidence requirements for A&A eligibility and extending timelines for receiving information to support applications facilitated remote access for advice and this promoted equality for people from certain ethnic minorities who are more at risk.</p> <p>The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unable to attend court due to pre-existing conditions that are related to their ethnicity.</p>
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Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse 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. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse 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. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	



potential for discrimination	X			<p>For those who are pregnant and shielding, the ability to upload photos of financial verification documentation and older verification material is positive. Where their financial circumstances have changed but they cannot access up to date information, the ability to grant with conditions is beneficial.</p> <p>The changes permitting delegation of business and written representations allow pregnant solicitors who have heart problems and are at higher risk of serious illness resulting from Covid19 to avoid attending court.</p>
potential for developing good relations			X	
potential to advance equality of opportunity			X	<p>The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unable to attend court due to their heart problems.</p>

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	



potential to advance equality of opportunity			X	
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Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			<p>The fillable financial assessment Word form is an additional option, so paper based processes continue to be available to those without internet access.</p> <p>Payment holidays are open to all assisted persons/opponents to request, including care experienced young people who are likely to be more affected than the general population by the economic impact of the response to Covid19.</p> <p>Alternatives to financial verification may not be available to care experienced young people, as experience of care is linked to poverty and through this to lower access to the internet. Those in poverty are more likely to be in insecure work with fluctuating incomes. The ability to grant with conditions and to continue to use paper based processes addresses problems associated with low internet take up. Granting with conditions is positive for those who have fluctuating incomes and cannot use older verification material.</p>

				Interim payment options are open to all firms and where this assists businesses to maintain operations, those clients who are vulnerable due to their being care experienced could benefit from greater opportunity for continuity of representation.
potential for developing good relations		X		
potential to advance equality of opportunity	X			If the payment holiday option is not sought and a payment is missed, the collections team will pro-actively seek to make contact with the assisted person. The changes permitting delegation of business and written representations allow cases to proceed with representation when the nominated solicitor may be unable to attend court due to their protected characteristics.

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

Form2: Revising the fillable form could be done in house or be commissioned out to a third party. This could advance equality of opportunity for people with certain disabilities by following the kinds of steps set out on [this website](#). However, there is a separate project developing an accessible electronic form 2 which is being piloted.

4.3 Having considered the potential or actual impacts of your policy/ practice/ process/ service 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/ practice/ process/ service
X	No major change Your assessment demonstrates that the policy/ practice/ process/ service 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.
	Adjust the policy/ practice/ process/ service You need to take steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy/ practice/ process/ service when implemented.
	Continue the policy/ practice/ process/ service with adverse impact The policy/ practice/ process/ service 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.
	Stop and remove the policy/ practice/ process/ service The policy/ practice/ process/ service will not be implemented due to adverse effects that are not justified and cannot be mitigated.



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.

Form2: Discussion between business owner and equalities team on 16 September. Identified potential for restyling of fillable Form2 as an action, to be considered by Directors. Email feedback received from business owner on 6 October 2020. Director review and comment on 23 October confirmed fillable Form 2 is a temporary change that will be superseded by an online form which will allow for adjustments. Decision to allocate resource to completing E-Form 2 project rather than restyling Word document, which has received no negative feedback.

Payment holiday: Business owner and equalities team discussed on 16 September 2020. Email feedback received from business owner on redraft on 6 October 2020. Director review on 23 October.

No signatures etc.: Discussion between business owner and equalities team on 16 September. Email feedback received from business owners on 9 October 2020. Director review on 23 October.

Suspending peer review: Discussion between business owners and equalities team on 18 September 2020 on initial draft. Email input received from business owners on 5 October 2020. Director review on 23 October.

Alternatives methods of financial verification: Business owners reviewed and equalities team discussed on 16 September. Email feedback received from business owners by 9 October 2020. Director review on 23 October.

Interim payments: Business owner and equalities team discussed 23/9/20. Email feedback from business owner received 5/10/20. Discussion with Director and approval on 5 November 2020.

Delegation: Business owners and equalities team discussed 23 September 2020. Email feedback received on 5 October 2020. Director of Operations reviewed and gave approval via correspondence on 23 October and Director of Corporate Service and Accounts reviewed and approved on 5 November.

Quality review by Director of Strategic Development on 27/5/21 prior to submission to Chief Executive.

Feedback from Chief Executive on 18/8/21 suggested reconsidering scope of impact of interim payments. Resubmitted impact assessment signed off on 19/8/21.



Step 6 - Post-implementation actions and monitoring impact

- 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.

None

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

Measure	Lead department/ individual	Reporting (where/ frequency)
Method of receipt of Form2	Civil Finance manager	As required for review
Take up of payment holiday option	Civil finance	As required for review
Number of applications where marked “Other” or “No” for client signature, with Covid19 as the reason.	Head of civil legal assistance / Head of criminal legal assistance	As required for review
Number of applications submitted late with Coronavirus as the reason	Head of civil legal assistance / Head of criminal legal assistance	As required for review
Number of criminal and children’s special urgency applications without signature	Head of civil legal assistance / Head of criminal legal assistance	As required for review
Backlog of peer reviews	Assistant Manager of Operations Delivery / Head of criminal legal assistance	As required for review
Backlog of compliance audits	BM, Compliance Manager	As required for review
Take up of interim payment option by aid type	AMI Team	As required for review
Take up of “Covid19” as a good reason for not acting immediately	Head of criminal legal assistance	As required for review



Use of written representations where replace need for oral hearing- for final online accounts	Senior Technical Specialist, Accounts	As required for review
Payment of full fixed fee where a solicitor with a pre-existing client relationship instructs the duty solicitor to tender a not guilty plea on their behalf and plea is changed prior to trial	Head of criminal legal assistance / Senior Technical Specialist, Accounts	As required for review

6.3 EqIA review date. This EqIA should be reviewed as part of the wider post-implementation review of the policy/practice/process/service. The date should not exceed 3 years from the policy/ practice/ process/ service implementation date.

31/03/2022

We will review the overall package of changes to reflect the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No.2) Act 2020 expiry.

Step 7 - Assessment sign off

All equality impact assessments must be signed off by the Executive Team, even where an EqIA is not required. Note the relevant meeting date here:

19/08/2021