EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/ practice/ process/ service:

Civil legal aid means assessment – statutory allowances – aggregation of the resources of a spouse or partner

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

Revision to an existing policy

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

We do not believe that this policy has an impact on protected characteristics. We will monitor our internal data to ensure the neutrality of this policy.

Summary of actions taken because of this assessment:

This paper was taken the GALA review meeting to be held on 09 February 2023. Operational colleagues have produced the associated processes to enable the revised policy to be introduced.

Ongoing actions beyond implementation include:

Assessing impact of the revised policy on applicants and assisted persons who have an equality related circumstance.

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

Policy and Development Officer in conjunction with Head of Finance.

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

Director of Operations

Document control	
Document control:	V1.0
Date policy live from:	17 July 2023
Review/ Approval Group:	GALA Review Group
Last reviewed:	09 February 2023
Review cycle:	Three years

Document change log		
Version/ Author	**Date**	**Comment**
v0.1 PDO	18/01/2023	First draft

v0.2 PDO	30/01/2023	Second draft to include comments from Equalities Officer and Policy and Development staff
v0.3 PDO	02/02/2023	Final draft for GRG review
v1.0 PDO	09/02/2023	Final version for release

Publication date (for completion by Communications):

30/06/2023

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.

The Scottish Government (SG) commissioned a review of legal aid commissioned from Martyn Evans, then Chief Executive of the Carnegie Trust. The report (LAR) outlined a vision, mission and six strategic outcomes for legal aid in February 2018.

The SG response, in November 2018, gave a broad welcome to the thrust of the proposals, aside from abolishing SLAB, and outlined an intention to consult on the recommendations in the review. The consultation ran from June to September 2019.

Projects under Stream 3 of GALA are based on SLAB's response to the review, which outlined a range of possible improvements under our current legislative framework within the four year horizon to Bill enactment.

These improvements are consistent with the LAR outcomes and have been prioritised in conjunction with the Scottish Government – the latest version of the strategic plan[1] provides the rationale and strategic fit for the prioritisation.

The application of the financial assessment tests in civil, criminal and children's legal assistance, including legal aid and A&A/ ABWOR is a project under Stream 3 of GALA. The possible improvements are at SLAB's hands, and do not require primary legislation.

Aggregation of a spouse or partner's resources

The decision this policy relates to is whether the resources of the spouse or partner of a person concerned shall be brought to account in the assessment of financial eligibility for civil legal aid.

[1] See latest meeting of Strategic Planning Group for current version

For persons' concerned who are not married but in a relationship, our policy is to consider only those who cohabitate on or after the date of application on a full time basis to be in a relationship that has the characteristics of a marriage between husband and wife.

Our policy is to define 'living separate and apart' as being where the relationship has come to an end, not merely where a physical separation or non-cohabitation exists for reasons other than the breakdown of the relationship (such as work, child contact arrangements, incarceration, etc.). In circumstances where a person concerned and their partner (either a spouse or partner with whom they previously cohabitated) do not currently cohabitate on a full time basis for reasons other than the end of their relationship, we will not consider them living separately and apart for the purposes of aggregation.

For the purposes of this decision, we consider there to be a contrary interest where the person concerned and their partner or spouse are seeking different outcomes to the proceedings for which legal aid is sought.

1.2 Why is the change required?

The specific change associated with this policy is to clarify the circumstances in which we will consider someone to be the partner or spouse of the applicant or a person concerned. The change will mean that, for persons' concerned who are not married but in a relationship, instead of considering factors such as length of relationship or shared financial assets, we will consider only those who cohabitate on or after the date of application on a full time basis to be in a relationship that has the characteristics of a marriage between husband and wife.

Arising from the legal aid review, we expect to realise the following benefits:

- Maintained scope
- Easier access to legal aid for those eligible
- Reduced legal aid administration for solicitors and for SLAB
- Policy and guidance will be more explicit about how we take account of protected characteristics in the application of the Schemes
- Results in fair and equitable outcome – our current policies are focussed on this in relation to assessment of an individual's circumstances
- Positive impact on wider justice system – encompassing issues such as speedier resolution of a case; earlier ability for solicitor to enter negotiations

- Reduce any perverse incentives - for example, in summary criminal, between pleading guilty/ not guilty; in civil legal assistance, between going to court or resolving at a stage prior

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

Applicants for legal aid or advice and assistance are the primary customers, with ancillary benefits for SLAB and solicitors.

1.4 Policy/ practice/ process/ service implementation date

17/07/2023

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

Other policies within the means assessment process, plus other business units within SLAB, such as API. There is a strong link to our current policies on setting and collecting contributions.

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?

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).
Cross cutting all protected characteristics	1) National Records of Scotland – Scotland's Population 2019 – The Registrar General's Annual Review of Demographic Trends	"There were 26,007 marriages in Scotland in 2019, 1,518 (6%) fewer than in 2018. Of these, 912 were same sex marriages involving 347 male couples and 565 female couples. This is 67 (7%) fewer same sex marriages than the previous year, continuing the decline since the peak in 2015. "Following a decline from over 40,000 marriages a year in the early 1970s, the annual total levelled out at around 30,000 in the mid-1990s. The highest total recorded in recent years was 32,154 in 2004 (the highest total since 1993), whilst the highest ever recorded was 53,522 in 1940. The 2019 figure (26,007) is the lowest figure since 1881 and 6% below the recent low of 27,524 in 2009." This data "…covers all marriages registered in Scotland, regardless of where the couple lived. In 2019, there were 6,027 'tourism' marriages (23% of all marriages) where neither partner was resident in Scotland. This represents a slight rise in number from 5,907 (21% of all marriages) in 2018."

<table>
<tr>
<td>Age</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22
2) Future of civil partnership: Consultation
3) National Records of Scotland – Scotland's Population 2019 – The Registrar General's Annual Review of Demographic Trends</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)

<table>
<tr><th>Age</th><th>Number</th><th>%</th></tr>
<tr><td>16-24</td><td>36</td><td>7%</td></tr>
<tr><td>25-34</td><td>111</td><td>21%</td></tr>
<tr><td>35-44</td><td>209</td><td>39%</td></tr>
<tr><td>45-64</td><td>153</td><td>28%</td></tr>
<tr><td>65+</td><td>27</td><td>5%</td></tr>
</table>

17% of those aged 20-24 and 27% of those aged 25-29 lived as a cohabiting couple. In comparison, 3% and 18% respectively were living as a married couple. (2)

The average age at marriage has risen for both males and females. For first marriages, the average age of males has risen from 24.3 in the mid-1970s to 34.5 in 2019; the comparable figures for females are 22.4 in the mid-1970s and 32.9 in 2019. (3)</td>
</tr>
</table>

<table>
<tr>
<td>Disability</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)
<table>
<tr><td colspan="5">Health problem/ disability that limits daily activity</td></tr>
<tr><td></td><td>Number</td><td>%</td><td></td><td></td></tr>
<tr><td>Yes</td><td>282</td><td>52%</td><td></td><td></td></tr>
<tr><td>No</td><td>214</td><td>40%</td><td></td><td></td></tr>
<tr><td>Prefer not to say</td><td>40</td><td>8%</td><td></td><td></td></tr>
</table>
No additional data has been found regarding the relationship status of people with this protected characteristic.</td>
</tr>
</table>

<table>
<tr>
<td>Race</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)
<table>
<tr><td>Ethnic group</td><td></td><td></td></tr>
<tr><td></td><td>Number</td><td>%</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>1%</td></tr>
<tr><td>White Gypsy/ Traveller</td><td>1</td><td>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>
<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>1%</td></tr>
<tr><td>Other ethnic group</td><td>1</td><td>1%</td></tr>
<tr><td>Prefer not to say</td><td>23</td><td>5%</td></tr>
<tr><td></td><td></td><td></td></tr>
</table>
No additional data has been found regarding the relationship status of people with this protected characteristic.</td>
</tr>
</table>

<table>
<tr>
<td>Sex</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22
2) Poverty and Income Inequality in Scotland 2016-19
3) Best Start Grant EqIA</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)

<table>
<tr><td>Sex</td><td></td><td></td></tr>
<tr><td></td><td>Number</td><td>%</td></tr>
<tr><td>Male</td><td>193</td><td>36%</td></tr>
<tr><td>Female</td><td>343</td><td>64%</td></tr>
</table>

Relative poverty rates are highest for single women with children but that gap is smaller than it used to be. Relative poverty rates are higher for single female pensioners than male. (2)

Of the over 170,000 single parents in Scotland, 92% (156,000) are female. (3)</td>
</tr>
</table>

<table>
<tr>
<td>Gender Reassignment</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)

<table>
<tr><td colspan="3">Gender identity same as at birth</td></tr>
<tr><td></td><td>Number</td><td>%</td></tr>
<tr><td>Same</td><td>507</td><td>95%</td></tr>
<tr><td>Different</td><td>7</td><td>1%</td></tr>
<tr><td>Prefer not to say</td><td>22</td><td>4%</td></tr>
</table>

No additional data has been found regarding the relationship status of people with this protected characteristic.</td>
</tr>
</table>

<table>
<tr>
<td>Sexual orientation</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22
2) National Records of Scotland – Scotland's Population 2019 – The Registrar General's Annual Review of Demographic Trends</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)
<table>
<tr><td>Sexual orientation</td><td></td><td></td></tr>
<tr><td></td><td>Number</td><td>%</td></tr>
<tr><td>Heterosexual / straight</td><td>483</td><td>93%</td></tr>
<tr><td>Gay/ lesbian</td><td>4</td><td>1%</td></tr>
<tr><td>Bisexual</td><td>3</td><td>1%</td></tr>
<tr><td>Other</td><td>3</td><td>1%</td></tr>
<tr><td>Prefer not to say</td><td>23</td><td>4%</td></tr>
</table>
Since the Marriage and Civil Partnership (Scotland) Act 2014 was passed, there have been 5,909 same sex marriages in Scotland, including 1,737 civil partnerships which were changed to marriages. The peak was in 2015 when there were 1,671 same sex marriages, followed by a drop off to 998 in 2016 and a slow decline year on year since then.

There were 83 civil partnerships registered in Scotland in 2019, 18 more than in 2018. The Civil Partnership Act 2004, which applies throughout the UK and came into force on 5 December 2005, allows same-sex couples to register their partnership. In 2006, there were 1,047 civil partnerships registered in Scotland.

Since the Marriage and Civil Partnership (Scotland) Act 2014 was passed, the number of civil partnerships in Scotland has remained at a low level compared to the numbers previously recorded: in 2014, there were 436 civil partnerships registered in Scotland, while in 2015 there were 64.
(2)</td>
</tr>
</table>

<table>
<tr>
<td>Religion or Belief</td>
<td>1) SLAB's Civil Private Practice client survey 2021/22
2) National Records of Scotland – Scotland's Population 2019 – The Registrar General's Annual Review of Demographic Trends</td>
<td>SLAB's Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)

<table>
<tr><td>Religion</td><td></td><td></td></tr>
<tr><td></td><td>Number</td><td>%</td></tr>
<tr><td>No religion</td><td>205</td><td>38%</td></tr>
<tr><td>Church of Scotland</td><td>121</td><td>23%</td></tr>
<tr><td>Roman Catholic</td><td>81</td><td>15%</td></tr>
<tr><td>Other Christian</td><td>39</td><td>7%</td></tr>
<tr><td>Muslim</td><td>17</td><td>3%</td></tr>
<tr><td>Other Christian</td><td>17</td><td>3%</td></tr>
<tr><td>Buddhist</td><td>4</td><td>1%</td></tr>
<tr><td>Pagan</td><td>4</td><td>1%</td></tr>
<tr><td>Sikh</td><td>4</td><td>1%</td></tr>
<tr><td>Hindu</td><td>1</td><td>1%</td></tr>
<tr><td>Prefer not to say</td><td>43</td><td>8%</td></tr>
</table>

Although not necessarily directly related to the religion of the participants, the number of marriages conducted by the Church of Scotland and the Roman Catholic Church have declined over time. These now represent 9% and 4% of all marriages in 2019 respectively.

Since 2005 the number of humanist marriages has increased considerably with a range of organisations conducting humanist ceremonies. These now account for 23% of all marriages in 2019. Of all marriages conducted in Scotland in 2019, almost half</td>
</tr>
</table>

		(48%) were civil ceremonies compared to 35% in 1975. The remaining 16% of marriages were classified as “other”. (2)

Pregnancy or maternity	1) Housing to 2040: equalities position statement	Lone parents, of which the majority are women, are at a higher risk of poverty and housing issues. They tend to live in more deprived areas due to lower earnings. (1) No additional data has been found regarding the relationship status of people with this protected characteristic.

Marriage or civil partnership	1) Poverty and Income Inequality in Scotland 2016-19 2) Housing to 2040: equalities position statement 3) Future of civil partnership: Consultation	Relative poverty rates are highest for singles, and those who are divorced & separated, and lowest for married adults. (1) Evidence suggests that those who are in a marriage or civil partnership are more likely to own their home. In terms of poverty, 13% of adults who were married or in a civil partnership were living in relative poverty after housing costs, compared to 20% co-habiting adults, 27% singles, 17% widowed adults and 26% of adults who were divorced/had their civil partnership dissolved or were separated. (2) The most recent Scotland Census 2011 data shows that there are 1.5 million families living in households in Scotland. Of these, 65% were married couple families, 16% were cohabiting couple families and 19% were lone parent families. Of the 2.4 million households, 9% were cohabiting families and 32% were married or same sex civil partnered couple families. Despite marriage/civil partnership being the most popular options, numbers have decreased. The percentage of cohabiting couple families has slightly increased (from 7-9%). (3)

<table>
<tr>
<td>Care Experienced (corporate parenting duty)</td>
<td>1) SLAB’s Civil Private Practice client survey 2021/22</td>
<td>SLAB’s Civil private practice client survey report for 2021/22 provides breakdowns across the following factors: (1)

<table>
<tr><td colspan="2">"Looked after" status</td><td></td></tr>
<tr><td></td><td>Number</td><td>%</td></tr>
<tr><td>Currently</td><td>10</td><td>2%</td></tr>
<tr><td>Previously</td><td>15</td><td>3%</td></tr>
<tr><td>Never</td><td>418</td><td>78%</td></tr>
<tr><td>Prefer not to say</td><td>93</td><td>4%</td></tr>
</table>

No additional data has been found regarding the relationship status of people with this protected characteristic.</td>
</tr>
</table>

a. **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.**

Our statutory framework is clear that the resources of a partner or spouse are to be taken into account when determining disposable income. There is an inherent expectation that for the assessment of eligibility for civil legal aid, partners and spouses will support each other financially. Given this statutory requirement, therefore, we are required to implement a policy which is bound by that framework.

We have discretion to determine the circumstances which exist in order for us to perform the aggregation. For this policy, we have determined that this is when a couple cohabitate on a full time basis, and do so on or after the date of the application for civil legal aid.

The aggregation of the resources of a spouse or cohabiting partner can have the effect of increasing the disposable income of an applicant or person concerned. Broadly speaking, the higher a disposable income, the greater the maximum contribution an applicant may have to pay, and the higher the rate at which that amount is paid to the Fund on a monthly basis.

Given this, it may appear that it is 'beneficial' for an applicant to be in a position where they do not have a cohabiting partner or spouse whose resources could be aggregated, such that the applicant is liable for a lower maximum contribution amount, which is to be paid at a lower amount per month. However, our data shows that single people - across a number of other protected characteristics - are typically less financially stable than those who have a cohabiting partner or a spouse. Nevertheless, this policy will be applied to all applicants or persons concerned without consideration of any protected characteristic apart from whether they are married or are in a relationship and cohabitate on a full time basis on or after the date of application.

Generally, there is a lack of data to indicate the extent to which protected characteristics impact whether a person is more or less likely to cohabitate with a partner. As such, we will continue to monitor the outcomes of this policy and review these outcomes against our equality duties. Where we identify changes which are able to be made to improve those outcomes, we will endeavour to introduce such changes within the confines of our statutory framework.

b. 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		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	Yes	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		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

An open consultation was held at the beginning of this process. 61 individual stakeholder organisations were directly approached. A total of 7 responses were received either in written form or via discussion.

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

The list of stakeholders contacted were:

STAKEHOLDER ORGANISATIONS
SOLD Project – Supporting Offenders with Learning Disabilities
ALLIANCE
British Deaf Association
Deafblind Scotland
Inclusion Scotland
Epilepsy Scotland
Scottish Disability Equality Forum
Royal National Institute for Blind People Scotland
Autism Scotland Network
Scottish Association for Mental Health
Mental Welfare Commission for Scotand
Sense Scotland
Trans Alliance
Children 1st
Centre for Youth and Criminal Justice
Children and Young People's Commissioner Scotland
Scottish Children's Reporter Administration (SCRA)
Age Scotland

Scottish Child Law Centre
CELCIS
Who Cares? Scotland
Faculty of Advocates
Law Society of Scotland
Scottish Courts and Tribunal Service
COPFS
Scottish Justices Association
Scottish Solicitors Bar Association
Glasgow Bar Association
Edinburgh Bar Association
Aberdeen Bar Association
Human Rights Consortium Scotland
Social Work Scotland
Victim Support Scotland
Convention of Scottish Local Authorities
Scottish Association of Law Centres
Scottish Ethnic Minority Lawyers Association
BEMIS
Coalition for Race Equality and Rights (CRER)
Ethnic Minorities Law Centre
Scottish Women's Aid
Engender
Hemat Gryffe
Saheliya
Muslin Women's Resource Centre
Shakti Women's Aid
Rape Crisis Scotland
EHRC

Grampian Regional Equality Council
Central Scotland Regional Equality Council
Edinburgh and Lothians Regional Equality Council
WESREC (West of Scotland Regional Equality Council)
Equality Updates
Scottish Commission for People with Learning Disabilities
Scottish Independent Advocacy Alliance
Citizens Advice Scotland
Child Poverty Action Group
Improvement Service
Shelter Scotland
Money Advice Scotland
THINK TANKS
Joseph Rowntree Foundation
Resolution

3.3 What did you learn from the consultation/involvement?

We received no responses specific to this area of policy, however we note that there was a general view that the application process can be burdensome and administratively complex. This reflects the findings of the Legal Aid Review, and is in part the reason for this policy amendment.

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?

The policy does not take the protected characteristics of the applicant/person concerned nor the cohabiting partner/spouse into account. Rather, it takes the action required by our statutory framework and puts that into effect in a more simplified manner than has been utilised previously. While it may be that, given a certain protected characteristic, an applicant or person concerned is more or less likely to have a cohabiting partner or spouse, we take the specific circumstances of the applicant or person concerned into account.

This applies to all equality categories below, where we have sufficient data to assess the impact.

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	The policy does not take the age of the applicant or the person concerned nor of the spouse or cohabiting partner into account when assessing whether or not to aggregate resources.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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	The policy does not take the sex of the applicant or the person concerned nor of the spouse or cohabiting partner into account when assessing whether or not to aggregate resources.
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.** 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	The policy does not take into account whether the applicant or the person concerned or the spouse or cohabiting partner has a disability when assessing whether or not to aggregate resources.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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	No additional data was found regarding the experiences of applicants, persons concerned, or spouses or cohabiting partners who have this protected characteristic. However, it

				is our assessment that this policy will not impact people with this protected characteristic.
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.** 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	No additional data was found regarding the experiences of applicants, persons concerned, or spouses or cohabiting partners who have this protected characteristic. However, it is our assessment that this policy will not impact people with this protected characteristic.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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
	Positive impacts	**Negative impacts**	**No impact**	

				record your justification to not make changes despite the potential for adverse impact.
potential for discrimination			X	The policy does not take the religion of the applicant or the person concerned nor of the spouse or cohabiting partner into account when assessing whether or not to aggregate resources.
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	The policy does not take the sexual orientation of the applicant or the person concerned nor of the spouse or cohabiting partner into account when assessing whether or not to aggregate resources.
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	The policy does not take into account whether the applicant or the person concerned or the spouse or cohabiting partner is pregnant or performing maternity duties when assessing whether or not to aggregate resources.
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. 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			N/A	This protected characteristic relates to employment only. As such, we have not assessed against this protected characteristic.
potential for developing good relations			N/A	

potential to advance equality of opportunity			N/A	

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	No additional data was found regarding the experiences of applicants, persons concerned, or spouses or cohabiting partners who have this protected characteristic. However, it is our assessment that this policy will not impact people with this protected characteristic.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

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

This policy change is one of several which are being released through the General Administration of Legal Aid (GALA) project. The data and learnings for this policy change will be included in consideration for other potential policy changes or formulation.

It is the GALA review group who will assess the path forward for this project more widely, and for this particular proposal specifically.

4.2 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.

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

You **must** discuss the findings of this assessment with senior decision makers during the lifetime of the project/ review 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 (e.g. draft EqIA sign off, discussion about consultation response).

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.

In preparing this policy, ongoing discussions have been held with senior members of the Means Assessment and the wider Civil Finance team, as well as senior members of, and the Director overseeing, the Policy and Development team. Dates associated with the meetings are recorded in the updates noted in the policy statement.

This specific paper was presented to the GALA Review Group in February 2023. The Group approved this EqIA and the findings within it. The minutes for this meeting are available as required.

Step 6 – Post-implementation actions and monitoring impact

There may be further actions or changes planned after the policy/ practice/ process/ service is implemented and this assessment is signed off. It is important to continue to monitor the impact of your policy/ practice/ process/ service 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.

N/A

6.2 Note here how you intend to monitor the impact of this policy/ practice/ process/ service 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
- Where the measure will be reported to ensure any issues can be acted on as appropriate.

Measure	Lead department/ individual	Reporting (where/ frequency)
Monitor the rates of access of civil legal aid by protected characteristic type. In particular, whether certain protected characteristics are more likely to be prevalent in instances where civil legal aid has not been granted due to the aggregation of resources, and whether this is having a negative outcome for this cohort.	AMI and P&D	Head of Civil Finance Manager: yearly

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.

01/12/2025

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:

09/02/2023

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/ practice/ process/ service.