# EQUALITY IMPACT ASSESSMENT (EqIA)

## Summary results of the EqIA

**Title of policy/practice/process/service:**
Civil legal aid means assessment.

**Is the policy new (proposed), a revision to an existing policy or a review of current policy?**
A review and revision of our existing policies under civil legal aid means assessment.

**Key findings from this assessment (or reason why an EqIA is not required):**
Equality related circumstances can lead to higher relative living costs for person(s) concerned. These costs should preferably be considered when determining eligibility for civil legal aid. While it is imperative for us to collect and review documents that help us to assess the financial situation of the person(s) concerned, we do rely on person(s) concerned providing us with the required documentation that helps us identify and attribute those additional costs to equality related circumstances.

The results of this assessment indicate that clear policies and guidance are needed to reflect the circumstances noted above.

**Summary of actions taken because of this assessment:**
We have endeavoured to ensure that the policies and decision maker's guidance in place under civil legal means assessment are as clear as our statutory framework allows. These policies should provide clarity with regards to eligibility for civil legal aid and also reduce the administrative burden on clients, solicitors and SLAB staff.

**Ongoing actions beyond implementation include:**
We will monitor and assess the impact of these policies individually and as an overall process, on person(s) concerned and assisted person(s) who have equality related circumstances and outcomes. Further, the Financial Eligibility and Contributions Review project will consider change under our current statutory framework. Work on legal aid reform with the Scottish Government will look at whether statutory change is required to further simplify the assessment process.

**Lead person(s) for this assessment (job title and department only):**
Policy Officer (Equalities).
Policy and Development Officer in conjunction with Head of Civil 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.

**Publication date (for completion by Communications):**

13/11/2023

| Document control | | |
|---|---|---|
| **Document control:** | | V0.8 |
| **Date policy live from:** | | 25 July 2023 |
| **Review cycle:** | | Three years |
| **Document change log** | | |
| **Version/Author** | **Date** | **Comment** |
| v0.1 | December 2022 | First draft |
| v0.2 | 15/12/2022 | Second draft, incorporating tables under section 4, and amending section 2 to incorporate feedback from other staff |
| v0.3 | 16/12/2022 | Additional information for table 4 |
| v0.4 | 30/06/2023 | Updated draft |
| V0.5 | 04/07/2023 | Updated draft for QA |
| V0.6 | 17/07/2023 | Updated draft |
| V0.7 | 18/09/2023 | Updated draft |
| V0.8 | 22/09/2023 | Updated draft for QA |
| V1.0 | 03/10/2023 | Approval and sign off by GRG |
| V1.0 | 03/11/2023 | Approval and sign off by CE |

## Step 1 – Framing the planned change

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

**1.1 Briefly describe the aims, objectives and purpose of the policy/practice/process/service.** *You can use the information in your project specification, business case etc.*

Civil legal aid means assessment comprises our approach of assessing person(s) concerned financial eligibility for civil legal aid.

The ultimate decision to be made in civil legal aid means assessment is to determine whether person(s) concerned is financially eligible to access civil legal aid, in accordance with stipulated criteria in the legislation and regulations. There are two broad elements to eligibility for civil legal aid:

1. The person(s) concerned meet the merits test (probable cause and reasonableness)
2. They are financially eligible.

The civil legal aid means assessment process extends beyond eligibility to separate matters relating to cost and affordability which arise from provisions concerning possible payment of contributions by those who are found to be eligible. Our assessment process currently assesses at the same time the two separate outcomes of eligibility and affordability by way of a contribution.

However, for the purpose of this EQIA and the policy process that is being assessed, the focus lies on eligibility. The aspect of affordability is covered under the policies, processes, and the EQIA for the contributions workstream. Our duty in undertaking a civil legal aid means assessment is to determine what disposable resources person(s) concerned has available to them, with which they could otherwise afford a private legal service. Amongst the decisions made during the course of the assessment process are: over what time period assessment of financial circumstance will take place; and the circumstances in which the resources of another person or persons other than the person(s) concerned shall be brought into the assessment; and, allowances and disregards to income and capital which we will apply, either because we have a statutory requirement to do so, or because we make a discretionary decision to do so. Our duty is to carry out decisions in line with the legislative framework.

The civil legal aid means assessment process covers 34 policy statements that lay out the decisions we make to assess the resources that are available to person(s) concerned.

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

Reviewing the civil legal aid means assessment policies has not generally involved a change in policy settings. Where individual policies have been changed, an EqIA specific for that policy has been prepared and published at the same time as the policy.

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

Applicants for civil legal aid and other persons concerned are the primary customers, with ancillary benefits for SLAB and solicitors.

**1.4 Policy/practice/process/service implementation date?** *Project end date, date new legislation will take effect.*

25/07/2023

**1.5 What other SLAB policies or projects may be linked to or affected by changes to this policy/practice/process/service?** *The EqIA for related policies might help you understand potential impacts, and/or your findings might be relevant to share.*

The policies, which fall under the civil legal aid 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

*The information you gather in this section will:*

- *help you to understand the importance of your policy/practice/process/service for different equality groups,*
- *inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and*
- *provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.*

**2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service?**

*Stay focused on the topic and scope of your policy/practice/process/service. Does the policy/practice/process/service relate to an area where there are already known inequalities? Refer to the EqIA guidance for sources of evidence. Remember, this step in the EqIA process is NOT about the impact your policy has on equality groups and what we need to do to mitigate those. That assessment is done under Step 4.*

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

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| **All protected characteristics** | (1) Scottish Government's Covid and inequalities final report | Those on lower incomes frequently pay more for basic goods and services, including gas, electricity and food. Those on higher incomes use credit more than those on low incomes. (1)<br><br>However, problem debt, or debt that includes household bills, council tax, hire purchase, rent or mortgage payments, is higher in the poorer proportion of households: |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | (2) Poverty premium in Scotland<br>(3) Legal Australia-wide survey Legal Need in Australia<br>(4) Administrative burden<br>(5) What is in a form? Examining the complexity of application forms and administrative burden<br>(6) Unequal distribution administrative burden<br>(7) EHRC submission to Low income and debt problems inquiry | 17% of those in the poorest fifth report problem debt, 9% of the second poorest fifth, down to 1% for the richest fifth[1]. (2)<br><br>International reports indicate a vulnerability factor regarding the people most likely to encounter a legal problem – people with a disability, people living within disadvantaged housing, people who are unemployed, single parent households, and people living in regional areas. (3) From our experience, immigration can be a factor as well.<br><br>There is a growing literature on administrative burden which includes a focus on the costs to people of complying with administrative rules and how these costs may be unequally distributed across different groups of people. The main way of conceptualising these are as learning, psychological and compliance costs:<br>• Learning costs: Citizens must learn about the program, whether they are eligible, the nature of benefits, and how to access services.<br>• Psychological costs: Citizens face stigma of participating in an unpopular program, as well as the loss of autonomy and increase in stress arising from program processes.<br>• Compliance costs: Citizens must complete applications and re-enrolments, provide documentation of their standing, and avoid or respond to discretionary demands. (4)<br><br>One of the first steps in gaining access to most services provided by government is to fill out some type of form. In fact, forms play a critical role in access to public |

[1] Please note numbers in brackets within the third column refer to the listed evidence source for that equality characteristic.
commonslibrary.parliament.uk/research-briefings/sn07096/

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | **(8)** Young people's experiences of precarious and flexible work – main report<br>**(9)** BME workers on zero-hours contracts | programs. […] At the most basic level, correct completion of a form is necessary for access. In this sense, they can act as a filtering mechanism that limits access to people based upon whether they meet the relevant criteria within the form. They can also be overwhelming for potential person(s) concerned, and thus deter people who are eligible from applying. […] their deeply impersonal nature and rigid structure means that they can be hard to complete for those with more complex lives. Having to complete these types of forms and providing very personal information can also feel very intrusive and uncomfortable.<br><br>[Typology of questions]:<br>1. **Simple**: There is only one possible answer for the question, and no ambiguity around the answer even for individuals with complex circumstances.<br>2. **Notionally simple**: In normal circumstances, the question only has one (simple) answer, but the complex circumstances of a person may mean that they cannot give a single straightforward answer.<br>3. **Complex**: The question is complex because it may have multiple answers for a person, and the parts they emphasise in their response depend on how they read the question. (5)<br><br>Concerning [cognitive resources], an individual's 'executive functioning' is crucial for engaging in "purposeful, goal-directed, and future-oriented behaviour" (Suchy, 2009, p. 109). Christensen and others (2020) identify age, educational levels and mental and physical health as important factors for variance in cognitive resources. Furthermore, living in poverty is associated with lower cognitive resources, which can elevate the stress of applying for benefits (Baumberg, 2016) as well as increase learning costs to get information about government programs (Chetty & Saez, 2013), understand |

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td></td><td>procedural complexities (Hastings & Weinstein, 2008; Super, 2004), and deal with language barriers or other application requirements (Watson, 2014). (6)<br><br>“People sharing some of these protected characteristics are disproportionately likely to have lower incomes or be in debt, and experience problems related to these. … Those with lower incomes are more likely to experience higher rates of fuel poverty.” (7)<br><br>We often find younger people, and people from minority ethnic backgrounds to have zero hour/flexible working arrangements. (8) (9)</td></tr>
<tr><td>Age</td><td>(1) Data on civil legal applicants who went through a full detailed means assessment – internal evidence source<br>(2) Poverty and Income Inequality in Scotland 2016-19<br>(3) Scottish Household Survey 2018<br>(4) UK Labour force survey, 2020</td><td>Analysis of our data of those applicants who underwent a full detailed civil legal aid means assessment during 2022:
<table>
<tr><th>Age</th><th>Number</th><th>% of the total</th></tr>
<tr><td>24 or under</td><td>68</td><td>5.1%</td></tr>
<tr><td>25-34</td><td>387</td><td>29.3%</td></tr>
<tr><td>35-44</td><td>460</td><td>34.8%</td></tr>
<tr><td>45-54</td><td>240</td><td>18.2%</td></tr>
<tr><td>55-65</td><td>78</td><td>5.9%</td></tr>
<tr><td>65+</td><td>89</td><td>6.7%</td></tr>
</table>
(1) – table 1<br><br>Age + household composition
<table>
<tr><th>Age</th><th>Couple no child</th><th>Couple with child</th><th>Lone parent</th><th>Single</th><th>Total</th></tr>
</table></td></tr>
</table>

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td>(5) Walking on Thin Ice, Citizens Advice, 2018<br>(6) Scottish Government's Covid and inequalities final report<br>(7) Healthy ageing in Scotland<br>(8) Scottish household survey 2019: key findings<br>(9) Housing to 2040: equalities position statement<br>(10) Future of civil partnership: Consultation<br>(11) Scottish Crime and Justice Survey 2019/20: main findings</td><td>
<table>
<tr><td>24 or under</td><td>7.4%</td><td>7.4%</td><td>26.5%</td><td>58.8%</td><td>100.0%</td></tr>
<tr><td>25-34</td><td>3.9%</td><td>15.5%</td><td>38.0%</td><td>42.6%</td><td>100.0%</td></tr>
<tr><td>35-44</td><td>2.2%</td><td>11.7%</td><td>54.6%</td><td>31.5%</td><td>100.0%</td></tr>
<tr><td>45-54</td><td>7.9%</td><td>10.0%</td><td>39.6%</td><td>42.5%</td><td>100.0%</td></tr>
<tr><td>55-64</td><td>26.9%</td><td>5.1%</td><td>5.1%</td><td>62.8%</td><td>100.0%</td></tr>
<tr><td>65+</td><td>15.7%</td><td>2.2%</td><td>9.0%</td><td>73.0%</td><td>100.0%</td></tr>
<tr><td>Total</td><td>6.4%</td><td>11.3%</td><td>39.6%</td><td>42.8%</td><td>100.0%</td></tr>
</table>
(1) – table 2<br><br>Age by sex
<table>
<tr><th>Sex</th><th>24 or under</th><th>25-34</th><th>35-44</th><th>45-54</th><th>55-64</th><th>65+</th><th>Total</th></tr>
<tr><td>Female</td><td>3.5%</td><td>24.2%</td><td>36.0%</td><td>20.0%</td><td>8.2%</td><td>8.1%</td><td>100.0%</td></tr>
<tr><td>Male</td><td>6.8%</td><td>33.7%</td><td>33.6%</td><td>16.8%</td><td>3.5%</td><td>5.5%</td><td>100.0%</td></tr>
<tr><td>X</td><td>4.8%</td><td>35.7%</td><td>35.7%</td><td>11.9%</td><td>7.1%</td><td>4.8%</td><td>100.0%</td></tr>
<tr><td>Total</td><td>5.14%</td><td>29.27%</td><td>34.8%</td><td>18.5%</td><td>5.90%</td><td>6.73%</td><td>100.0%</td></tr>
</table>
(1) - table 3<br><br><u>Outcome of application by age</u></td></tr>
</table>

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td>(12) Scottish Budget 2023-24: equality and Fairer Scotland statement<br>(13) UK adult financial wellbeing survey: credit counts, 2022</td><td>
<table>
<tr><th>Age</th><th>Granted</th><th>Granted with Contribution</th><th>Assessed as Ineligible</th><th>Abandoned</th><th>(Granted)</th></tr>
<tr><td>24 or under</td><td>16.18%</td><td>82.35%</td><td>1.47%</td><td>0.00%</td><td>98.53%</td></tr>
<tr><td>25-34</td><td>15.25%</td><td>82.95%</td><td>1.55%</td><td>0.26%</td><td>98.19%</td></tr>
<tr><td>35-44</td><td>21.30%</td><td>76.09%</td><td>1.96%</td><td>0.65%</td><td>97.39%</td></tr>
<tr><td>45-54</td><td>18.33%</td><td>76.67%</td><td>5.00%</td><td>0.00%</td><td>95.00%</td></tr>
<tr><td>55-64</td><td>21.79%</td><td>70.51%</td><td>5.13%</td><td>2.56%</td><td>92.31%</td></tr>
<tr><td>65+</td><td>10.11%</td><td>87.64%</td><td>2.25%</td><td>0.00%</td><td>97.75%</td></tr>
<tr><td>Grand Total</td><td>18.00%</td><td>78.97%</td><td>2.57%</td><td>0.45%</td><td>96.97%</td></tr>
</table>
(1) – table 4<br>Note: This data refers to applicants who went through a full assessment.<br><br>The incidence and severity of disability increases as we age. (7)<br><br>Older people have a lower poverty rate (2); ‘older smaller’ and ‘single older’ households were the least likely to report that they were not managing well financially (two per cent and three per cent respectively) (3)<br><br>Around 83,000 people (3.1%) in Scotland are employed on a zero-hours contract: however, this is particularly prevalent for younger people, of whom 9.9% [UK] are on this type of contract. (4)<br><br>Citizens Advice found in a UK survey that unpredictability of income clearly declines as age increases: “young people are far more likely than average to say their income</td></tr>
</table>

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | | varies from one month to the next […] 22% of 18-24 year olds said their income changed significantly, compared to 7% of those over 55." As such, it may be that younger people are more likely to have fluctuating incomes. (5)<br><br>Housing costs: COVID impacted young people's income and ability to afford housing and other essentials – and are therefore more likely to be financially vulnerable or in debt because of the pandemic. (6)<br><br>Home ownership in Scotland was around 62% in 2019, according to the Scottish household survey in 2019. Outright ownership increases with age. Whilst homeownership for the age groups 35-39 was 63% in 2019, the proportion in the private rented sector increased. A high proportion of those in age group 16 – 34 lived in the private rented sector. It could be concluded that home ownership increases with age. (8)<br><br>A higher proportion of older households often live in less energy efficient housing. Older households are more affected by fuel poverty than families. Around 25% of households assessed as homeless in Scotland are under 25. A higher proportion of these are women. Often young people who are hidden from service engage in 'sofa surfing' or live in informal or unstable circumstances. (9)<br><br>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. (10) |

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<tr><td></td><td></td><td>Those aged 60 and over were less likely than the other age categories to have experienced civil law problems: 17% of those aged 60 and over, compared to 34% of both 16-24 year olds and 25-44 year olds and 32% of 45-59 year olds. (11)<br><br>The youngest adults and the youngest children have the highest rates of relative poverty when compared with older adults and older children (12)<br><br>Borrowing for the everyday (often using a credit card, overdraft or borrow money to buy food and other essentials or pay bills because of running short of money) happens across all sections of the population. However, these results show that it is especially common among some groups, including young adults aged 18-24. (13)</td></tr>
<tr><td>Disability</td><td>(1) SLAB's Civil Private Practice client survey 2021/22<br>(2) Poverty and Income Inequality in Scotland 2016-19<br>(3) An expenditure based approach to poverty in the UK<br>(4) Walking on Thin Ice, Citizens Advice, 2018</td><td><table><tr><th>Health problem/ disability that limits daily activity</th><th>Number</th><th>%</th></tr><tr><td>Yes</td><td>107</td><td>34%</td></tr><tr><td>No</td><td>211</td><td>66%</td></tr></table>(1)<br><br>It is generally recognised that there are additional costs associated with disability, and research shows that while these vary greatly in level and nature, there is no standard agreement on how to measure these costs. Some research indicates cost of living are higher by £583 on average a month when a person has a disability. (5)<br><br>Excluding Disability Living Allowance, Attendance Allowance and Personal Independence Payments from total household income, allows comparison between households with and without a disabled household member on a more like for like</td></tr>
</table>

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | (5) Scope - Equality for disabled people<br>(6) Housing to 2040: equalities position statement<br>(7) Scotland's Wellbeing - measuring the national outcomes for disabled people<br>(8) EHRC submission to Low income and debt problems inquiry<br>(9) Scottish Budget 2023-24: equality and Fairer Scotland statement<br>(10) UK adult financial wellbeing survey: credit counts, 2022 | basis. These benefits are paid as a contribution towards the additional living costs for disabled people. (2)<br><br>Those who are sick or injured had the highest expenditure poverty of all groups in the analysis (45%) and the second highest level of income poverty (after lone parents), at 50%. For the people in income poverty, spending on food and drink represented a higher proportion of total expenditure (20%) than the corresponding figure for those not in poverty (14.6%). Individuals deemed to be in expenditure poverty, spent an even higher proportion of their expenditure on food (28.8%). This population group also spent a higher proportion on electricity, gas and other fuels, than individuals in income poverty and those who were not in any kind of poverty. (3)<br><br>"Our research found that people with greater income volatility were more likely to report experiencing mental health difficulties over the past 12 months. Nearly 2 in 5 (39%) of those who said their income varied 'a great deal' reported mental health difficulties, compared to 23% of those who said their income didn't vary at all." (4)<br><br>There are 14.1 million people with a disability living in the UK. 8% of children in the UK have a disability. Disabled people are almost twice as likely to be unemployed. (5)<br><br>People with a disability face significant housing challenges. Many people with a disability live in housing that is not appropriate for their needs. 61,000 people need adaptation to their home to make it accessible to them. Almost 10,000 Scots are on waiting lists to get these required changes done. People with a disability are less likely |

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|---|---|---|
| | | to own a property, but rather live in social or private rented accommodation. Social renting is more affordable, and landlords are more willing to install adaptations. Renting privately or buying property is more expensive and people often must be on long waiting lists to get house adaptations installed. Poverty and fuel poverty are higher for people living with a disability in Scotland. (6)<br><br>Families with at least one disabled member were more likely than families without a disabled member to live in relative poverty after housing costs. Levels of housing satisfaction are similar for disabled and non-disabled people. Levels of unmanageable debt are small but comparable between households with disabled members and those without (4% and 3% respectively). Disabled people were significantly more likely to experience food insecurity (18% compared to 5%). Rates of material deprivation are higher amongst disabled people. Costs of living for disabled people vary considerably making them difficult to measure robustly but are generally higher than for non-disabled people. (7)<br><br>Households with a disabled person or people have higher levels of relative poverty than households with no disabled people. Debt and mental health can have a mutually reinforcing impact on each other: poor mental health can lead, directly or indirectly, to debt problems; and debt problems can have a damaging impact on mental health. This was one of the findings from a UK-level piece of research by the Money and Mental Health Policy Institute in late 2021, which also found that:<br>• people with poor mental health are faring worse than people without across a range of financial indicators (8)<br><br>Disabled People are more likely to be financially vulnerable and have unmanageable debt. In the UK, 55% of disabled adults report finding it difficult to pay their energy |

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<tr><td></td><td></td><td>bills compared to 40% of non-disabled people. Disabled people often use more energy, as many need to keep heating on for medical reasons or use electricity to charge essential equipment such as mobility aids. (9)<br><br>Borrowing for the everyday (often using a credit card, overdraft or borrow money to buy food and other essentials or pay bills because of running short of money) happens across all sections of the population. However, these results show that it is especially common among some groups, including people who have experienced a mental health problem in the last three years as well as people with a long-term disability or health condition. (10)</td></tr>
<tr><td>Race</td><td>(1) SLAB’s Civil Private Practice client survey 2021/22<br>(2) Poverty and Income Inequality in Scotland 2016-19<br>(3) TUC report: Insecure Work and Ethnicity, 2017<br>(4) Drinkwater and Clark on ethnicity in the labour market (2006)<br>(5) CRER: Final Evidence Paper on</td><td>
<table>
<tr><th>Ethnic group</th><th>Number</th><th>%</th></tr>
<tr><td>White Scottish</td><td>259</td><td>74%</td></tr>
<tr><td>White Other British</td><td>26</td><td>7%</td></tr>
<tr><td>White Irish</td><td>3</td><td>1%</td></tr>
<tr><td>White Polish</td><td>20</td><td>6%</td></tr>
<tr><td>White any other ethnic group</td><td>13</td><td>4%</td></tr>
<tr><td>Any Mixed or multiple ethnic groups</td><td>1</td><td>0%</td></tr>
<tr><td>Asian, Scottish Asian or British Asian - Pakistani, Scottish Pakistani or British Pakistani</td><td>5</td><td>1%</td></tr>
<tr><td>Asian, Scottish Asian or British Asian - Indian, Scottish Indian or British Indian</td><td>1</td><td>0%</td></tr>
<tr><td>Asian, Scottish Asian or British Asian - Bangladeshi, Scottish Bangladeshi or British Bangladeshi</td><td>1</td><td>0%</td></tr>
<tr><td>Asian Other</td><td>2</td><td>1%</td></tr>
<tr><td>African, African Scottish or African British</td><td>7</td><td>2%</td></tr>
<tr><td>Caribbean or Black</td><td>5</td><td>1%</td></tr>
<tr><td>Other ethnic group - Arab, Scottish Arab or British Arab</td><td>2</td><td>1%</td></tr>
</table>
</td></tr>
</table>

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | Employability, Employment, and Income<br>(6) Housing to 2040: equalities position statement<br>(7) New research will look at how to increase the financial inclusion of people from Black, Asian and minority ethnic communities<br>(8) EHRC submission to Low income and debt problems inquiry<br>(9) Scottish Budget 2023-24: equality and Fairer Scotland statement<br>(10) UK adult financial wellbeing | <table><tr><td>Other ethnic group</td><td>6</td><td>2%</td></tr></table><br>(1)<br><br>Relative poverty rates are higher for ethnic minorities. 38% of people from 'Mixed, Black, Black British and Other' ethnic groups, and 39% of 'Asian or Asian British' ethnic groups were in relative poverty after housing costs. In comparison 18% of 'White - British' people were in relative poverty. (2)<br><br>“The growth of insecure work has exacerbated the inequalities which BAME workers already face […] We find 1 in 13 BAME employees are in insecure work and strikingly 1 in 8 Black employees are in insecure work, the average is 1 in 17.<br>“The Black community are over twice as likely to be in temporary work than the average…42 percent of Black workers are in all temporary work because they cannot find a permanent job, compared to 31 percent of the total temporary workforce.’ ‘The proportion of the Black community in all employment on zero-hour contracts is 5 percent. This means almost 1 in 20 are on a zero-hour contracts, the national average is around 1 in 36.<br>“We also find that in 2011 when the average self-employment rate was 13.8 percent, the Pakistani community experienced a self-employment rate almost twice that at 25.3 percent. Previous research on self-employment in the UK has also found that informal sources of finance are important for some ethnic minority businesses.”<br>(Metcalf et al, 1996) (3) |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | survey: credit counts, 2022<br>(11) Seasonal migrant workers in Scottish agriculture: research report | For men, in both Census years there is considerable ethnic diversity in self-employment rates. In 1991 these varied from 9.1% for the Black Caribbean group to 34.1% for the Chinese. The two Black groups together with the Other category had lower rates than the White group, with the other 'Asian' groups having higher rates. As noted by the Bank of England (1999), ethnic minorities in the UK tend to work in sectors where business failure rates are high. (4)<br><br>Unemployment rates in Scotland are significantly higher for non-white minority ethnic groups compared to white majority ethnic groups. Minority ethnic people are twice as likely to be in poverty in Scotland and their potential routes out of poverty are reduced by barriers, many of which are connected to racism and structural discrimination. (5)<br><br>People from minority ethnic communities are more likely to rent privately or live in poorer quality housing stock. Recent research showed that fear or racial harassment can have an impact on housing decision. Some ethnic minorities have reported to find it difficult to find housing in areas perceived to be free from racial harassment. There has also been overcrowding reported among people from ethnic minority groups, due to larger household sizes, lower availability of housing and affordability. People from minority ethnic groups are also more likely to be in relative poverty after housing costs. 39% for 'Asian or Asian British' group, 38% for 'Mixed, Black or Black British and Other', 'White Other' group was 25% and 'White British' group was 18%. Around 14% of Gypsy/Travellers live in caravans and are half as likely to own their home and twice as |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | | likely to rent accommodation compared to the general population. There are high levels of poverty among gypsy and traveller community in Scotland. (6)<br><br>60% of Asian and 63% of Black households have no savings, compared to 33% of White households. Black African, Black Caribbean and Bangladeshi groups are 4x, 3.5x and 2.5x more likely to be denied a loan respectively compared to White groups. (7)<br><br>People from ethnic minorities are at far higher risk of being in poverty than White people … People from ethnic minority backgrounds have higher levels of relative poverty than people from White British backgrounds; people from non-British White backgrounds have higher levels of relative poverty than people from White British backgrounds; and people from Mixed, Black or Black British backgrounds have the highest levels of relative poverty. (8)<br><br>Minority ethnic people are more likely to live in poverty. They are also more likely to live in larger households and therefore are more acutely affected by the crisis as larger households tend have lower incomes. In Great Britain, 44% of White adults report finding it difficult to afford their energy bills, compared to 69% for Black or Black British adults and 59% Asian or Asian British adults.<br><br>Among Gypsy/Traveller communities, low incomes, poorly insulated accommodation and the way some members of the community pay for their energy, mean that fuel poverty can be a particular issue. Feedback from the community suggests that some existing accommodation is cold, difficult to heat and prone to condensation (9) |

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td></td><td>Borrowing for the everyday (often using a credit card, overdraft or borrow money to buy food and other essentials or pay bills because of running short of money) happens across all sections of the population. However, these results show that it is especially common among some groups, including people from ethnic minority groups. (10)<br><br>The seasonal migrant workforce in Scotland is highly diverse. Many seasonal workers come from abroad. (11)</td></tr>
<tr><td>Sex</td><td>(1) Data on civil legal aid applicants who underwent a full detailed means assessment - internal evidence source<br>(2) Poverty and Income Inequality in Scotland 2016-19<br>(3) Scottish Census 2011<br>(4) Scottish Household Survey 2018<br>(5) Drinkwater and Clark on ethnicity</td><td>Analysis of our data of those applicants who underwent a full detailed civil legal aid means assessment during 2022:
<table>
<tr><th>Sex</th><th>Number</th><th>%</th></tr>
<tr><td>Female</td><td>631</td><td>47.7</td></tr>
<tr><td>Male</td><td>649</td><td>49.1</td></tr>
<tr><td>X</td><td>42</td><td>3.2</td></tr>
</table>
(1) – table 1<br><br>Sex + household composition
<table>
<tr><th>Sex</th><th>Couple no child</th><th>Couple with child</th><th>Lone parent</th><th>Single</th><th>Total</th></tr>
<tr><td>Female</td><td>5.7%</td><td>11.1%</td><td>58.0%</td><td>25.2%</td><td>100.0%</td></tr>
<tr><td>Male</td><td>7.1%</td><td>11.6%</td><td>21.6%</td><td>59.8%</td><td>100.0%</td></tr>
<tr><td>X</td><td>4.8</td><td>9.5%</td><td>40.5%</td><td>45.2%</td><td>100.0%</td></tr>
<tr><td>Total</td><td>6.35%</td><td>11.27%</td><td>39.59%</td><td>42.81%</td><td>100.0%</td></tr>
</table>
(1) – table 2</td></tr>
</table>

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td>in the labour market (2006)<br>(6) UK Labour force survey, 2020<br>(7) TUC report: Insecure Work and Ethnicity, 2017<br>(8) Housing to 2040: equalities position statement<br>(9) Transport and inequality: An evidence review for the Department for Transport<br>(10) Poverty and Income Inequality in Scotland 2016-19<br>(11) Future of civil partnership: Consultation<br>(12) EHRC submission to Low</td><td>Sex + Age
<table>
<tr><th>Sex</th><th>24 or under</th><th>25-34</th><th>35-44</th><th>45-54</th><th>55-64</th><th>65+</th><th>Total</th></tr>
<tr><td>Female</td><td>22</td><td>153</td><td>227</td><td>126</td><td>52</td><td>51</td><td>631</td></tr>
<tr><td>Male</td><td>44</td><td>219</td><td>218</td><td>109</td><td>23</td><td>36</td><td>649</td></tr>
<tr><td>X</td><td>2</td><td>15</td><td>15</td><td>5</td><td>3</td><td>2</td><td>42</td></tr>
<tr><td>Total</td><td>68</td><td>387</td><td>460</td><td>240</td><td>78</td><td>89</td><td>1322</td></tr>
</table>
(1) – table 3<br><br>
<table>
<tr><th>Outcome of application</th><th>F</th><th>M</th><th>X</th><th>Grand Total</th></tr>
<tr><td>Granted</td><td>18.38%</td><td>17.72%</td><td>16.67%</td><td>18.00%</td></tr>
<tr><td>Granted With Contribution</td><td>78.92%</td><td>79.04%</td><td>78.57%</td><td>78.97%</td></tr>
<tr><td>Assessed As Ineligible</td><td>2.22%</td><td>2.77%</td><td>4.76%</td><td>2.57%</td></tr>
<tr><td>Abandoned</td><td>0.48%</td><td>0.46%</td><td>0.00%</td><td>0.45%</td></tr>
<tr><td>Grand Total</td><td>100.00%</td><td>100.00%</td><td>100.00%</td><td>100.00%</td></tr>
</table>
(1) – table 4<br>
Note: This data refers to applicants who went through a full assessment.<br><br>
Our internal data indicates no statistically different outcomes which are dependent on sex. (1)<br><br>
Relative poverty rates are highest for single women with children, but gap is smaller than it used to be; relative poverty rates are higher for single female pensioners than male. (2)</td></tr>
</table>

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | income and debt problems inquiry<br>(13) Scottish Budget 2023-24: equality and Fairer Scotland statement<br>(14) UK adult financial wellbeing survey: credit counts, 2022<br>(15) Scottish Government income tax policy - note on equality<br>(16) Close the Gap - an inadequate pension system for disabled women | Of the over 170,000 single parents in Scotland, 92% (156,000) are female. (3)<br><br>Households where the highest income householder (HIH) was a man were more likely to say they managed well. (4)<br><br>"It is clear […] that self-employment is much less important for women, with negligible proportions in this activity for most groups." (5)<br><br>UK data suggests women are slightly more likely to work on a zero-hours contract (2.8% of men v 3.6% of women). (6)<br><br>Overall, rates of insecure work are similar when comparing men and women (11.4% to 10.4%) but patterns are different: women more likely to be employees, men more likely to be in low-paid self-employment. (7)<br><br>More men (46%) than women (20%) make homelessness applications, however many women don't engage with homelessness services so numbers may not be accurate. The main reason for women making a homelessness application is domestic abuse, which often forces women to leave their home. There is evidence which shows that women tend to experience more housing instability, poor housing, homelessness or negative treatment by housing services, due to perceived stigma and because homelessness services are not designed for women's needs. This includes women from ethnic minority backgrounds, women with a disability, refugee women, LGBTQI women (particularly transgender women), lone parents, women who have been in the criminal |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | | justice system, women involved in prostitution and women with other caring responsibilities. In divorce cases, men are more likely to re-enter homeownership and are less likely to suffer from financial hardship than women. Women also must deal with unequal access to resources and safety, such as access in and out of homelessness, which also has an impact on housing. Further, women are more likely to have caring responsibilities, which has an impact on the gender pay gap, access to the labour market and income, which has an impact on housing affordability. (8)<br><br>Research suggests that men and women have different transport needs in relation to access to employment. Women tend to use buses more frequently than men. Due to part-time work and child-care responsibilities women often make several bus journeys per day. A lack of accessibility and affordability will have a different impact on women and may lead them to choose a different type of transportation, such as a car. (9)<br><br>Relative poverty rates highest for singles, divorced and separated, and lowest for married adults. (10)<br><br>Evidence for this protected characteristic is limited, but 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. (8) |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | | The 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%). (11)<br><br>Single mothers have higher levels of relative poverty than both single men and other single women; and single female pensioners have higher levels of relative poverty than single male pensioners (12)<br><br>Women are more likely to live in lone parent households, which are the least wealthy household type in Scotland. Lone parent households make up 25% of all households in Scotland and women head 92% of these. Women in general are more likely to be impacted by the financial pressures brought on by the cost of living crisis. Women's Aid has argued that the crisis has been exacerbating issues for women in domestic abuse situations. 66% of survivors of abuse reported that their abusers were using the cost crisis as a means of restricting their access to money. Women are more likely to undertake unpaid care. For unpaid carers, caring comes with additional costs that can significantly affect a carer's financial situation. For example, having to spend a larger proportion of their income on energy costs to keep the person they care for warm and manage their condition, having higher food bills due to the nutritional requirements to support the person they are caring for, and having higher transport costs because the person they care for needs support to travel or the carer must travel to provide care. (13) |

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | | Borrowing for the everyday (often using a credit card, overdraft or borrow money to buy food and other essentials or pay bills because of running short of money) happens across all sections of the population. However, these results show that it is especially common among some groups, including single parents. (14)<br><br>The median income of all Scottish income taxpayers is forecast to reach around £25,200 in 2020-21. This means that half of all Scottish income taxpayers earn below this level, and half above. Breaking this down by gender, the median income of male income taxpayers is expected to reach £28,000, compared to £22,200 for women. (15)<br><br>Women have been disadvantaged by the pension system in comparison to men. On average, women have less savings and access to occupational pensions than men. However, due to multiple barriers to participation in the labour market and routes for progression, disabled women and racially minoritised women are more likely to be unemployed, under-employed and experience higher pay gaps. Disabled women face the biggest pay gap. Disabled women are among the under-pensioned groups who find it more difficult to achieve an adequate income in later life. Racially minoritised women, divorced women, as well as women who have been lone parents at some point in their lives, unpaid carers, and women who are self-employed are also at a greater risk of inequalities associated with lower retirement incomes. The gendered division of care and the likelihood of interrupted working histories, as well as a result of divorce, are major factors in women's lower lifetime contributions to pensions. Analysis from Age UK showed that in less than a decade, the proportion of female pensioners in the UK living in poverty had risen by 6%, meaning one woman in every five is now living 'below the breadline'. Disabled women are at greater risk of financial insecurity as |

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td></td><td>the extra costs to cover their care needs are much more difficult to manage when their income is modest. On average, women have lower levels of savings and wealth compared to men. (16)</td></tr>
<tr><td>Gender Reassignment</td><td>(1) Civil Applicants Survey 2017<br>(2) Housing to 2040: equalities position statement</td><td>
<table>
<tr><th>Gender identity same as at birth</th><th>Number</th><th>%</th></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>
(1)<br><br>The Scottish Transgender Alliance Survey published in 2012 found that 19% of respondents have reported to have been homeless at some point, with 11% having been homeless more than once. The reasons were that respondents had to leave their home because of reactions to their trans status from family members, partners or other people they shared accommodation with. (2)</td></tr>
<tr><td>Sexual orientation</td><td>(1) Civil Applicants Survey 2017<br>(2) Poverty and sexual orientation<br>(3) Housing to 2040: equalities position statement<br>(4) Future of civil partnership: Consultation</td><td>
<table>
<tr><th>Sexual orientation</th><th>Number</th><th>%</th></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>
(1)<br><br>A UK study reviewed existing evidence and found indications that gay men are somewhat more likely to experience poverty than heterosexual men; lesbian women</td></tr>
</table>

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td></td><td>are as likely as heterosexual women to experience poverty; bisexual women and men are more likely to experience poverty than heterosexual women or men. (2)<br><br>Stonewall has published a report showing that LGBTQI have an increased risk of homelessness, with LGBTQI being the main reason for it. 69 per cent of LGBTQI homeless people have experienced violence, abuse, or rejection from family, which contributed to their homelessness. (3)<br><br>Married or same sex civil partnered couples were more likely to have children than cohabiting couples; 61 per cent of married or same sex civil partnered couple families compared with 46 per cent of cohabiting couple families. (4)</td></tr>
<tr><td>Religion or Belief</td><td>(1) Civil Applicants Survey 2017<br>(2) Poverty and Income Inequality in Scotland 2016-19<br>(3) Housing to 2040: equalities position statement</td><td>
<table>
<tr><th>Religion</th><th>Number</th><th>%</th></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>
(1)</td></tr>
</table>

<table>
<tr><th>Equality characteristics</th><th>Evidence source (web link, report, survey, complaint)</th><th>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).</th></tr>
<tr><td></td><td></td><td>Relative poverty rates are higher for Muslims, at 49% after housing costs. (2)<br><br>There is relatively limited evidence available for housing and religion, but data from 2017 showed that a much higher proportion of people who are Church of Scotland Christians outright own a house, compared to those not having a religion or other religions. That could also be related to age, since those of older age typically outright own a home. Those living in the socially rented sector are much more likely to have no religion compared to different Christian religions or other religions. (3)</td></tr>
<tr><td>Pregnancy or maternity</td><td>(1) Housing to 2040: equalities position statement</td><td>Pregnancy can bring increased financial pressure and can contribute to those close to the poverty line to fall below. It may also contribute to child poverty. Households with children between the age of 0-4 are at highest risk of poverty. Young mothers are specifically vulnerable. They tend to have a lower education than older mothers and maintain to be less educated. Lower education levels and employment contribute to the risk of poverty. That also has an impact on housing options, specifically housing affordability. Lone parents, of which the majority are women are at an even higher risk of poverty and housing issues. They tend to live in more deprived areas due to lower earnings. (1)</td></tr>
<tr><td>Marriage/civil partnership</td><td>N/A</td><td>This protected characteristic is only relevant in terms of employment law.</td></tr>
<tr><td>Care Experienced (corporate parenting duty)</td><td>(1) SLAB’s Civil Private Practice client survey 2021/22</td><td>
<table>
<tr><th>"Looked after" status</th><th>Number</th><th>%</th></tr>
<tr><td>Currently</td><td>3</td><td>1%</td></tr>
<tr><td>Previously</td><td>11</td><td>3%</td></tr>
<tr><td>Never</td><td>299</td><td>96%</td></tr>
</table>
(1)
</td></tr>
</table>

| Equality characteristics | Evidence source (web link, report, survey, complaint) | What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? *Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).* |
|---|---|---|
| | (2) **Stakeholder discussions (internal evidence)**<br>(3) **Housing to 2040: equalities position statement** | People who are care experienced can find themselves without identifying documentation required for opening a bank account or proving their personal details. (2)<br><br>Care experienced people are more likely to face challenges relating to housing and homelessness. They also have over 1.5 higher chance of experiencing financial difficulties. Lower incomes and poor employment prospects might impact on housing. (3) |

**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.**

From the evidence we have gathered we can conclude that people with protected characteristics can have a higher likelihood of having higher living costs, lower incomes and are more likely to live in poverty.

- Younger people are more likely to have fluctuating incomes and are less likely to own their home compared to older people.
- Our evidence suggests that people with a disability generally face additional costs compared to people without a disability. Research suggests that living costs for someone with a disability are higher by £583 per month. People with a disability tend to spend a higher proportion of their money on food, electricity gas and other fuels. Additionally, people with disabilities face significant housing challenges. Many people rely on getting adaptations made, which are easier and cheaper to get via social renting than owning property. Poverty and fuel poverty are higher for people living with a disability in Scotland.
- People from minority ethnic backgrounds appear to be at a higher risk of poverty compared to non-minority ethnic groups. People from minority ethnic backgrounds are more likely to be in temporary work and have zero-hour contracts. Unemployment rates in Scotland are significantly higher for non-white minority ethnic groups compared to white majority ethnic groups.
- In divorce cases men are more likely to re-enter home ownership and are less likely to suffer from financial hardship than women.

- Transgender and LGBTQIA+ and care experienced people have a higher risk of facing homelessness.
- Pregnancy and maternity may come with increased financial pressure and can contribute to poverty.

When determining person(s) concerned eligibility for civil legal aid, they must satisfy the financial conditions on disposable income and disposable capital set out in section 15 of the Act. When person(s) disposable income and disposable capital lies below the threshold, it is our duty to grant legal aid. Section 42 of the Act requires that when person(s) concerned has a disposable income which exceeds the relevant upper limit set by the Scottish Parliament then the application for legal aid must be refused. If, however, the person(s) is found to have disposable capital more than that upper limit, consideration can be given, if we consider that the person(s) cannot otherwise afford to proceed, to granting legal aid.

Individuals and/or families with a lower disposable income and capital who apply for civil legal aid are more likely to be found eligible for legal aid. Considering that equality groups have a higher likelihood of being faced with increased living costs, they may arguably have a higher chance of being considered eligible for civil legal aid.

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

| **Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics** | **Yes/ No (Y or N)** | **Next steps** |
|---|---|---|
| There is no relevance to equality or our corporate parenting duties | | 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 | | Proceed to Step 3: complete full EqIA |

## Step 3 – stakeholder involvement and consultation

*This step will help you to address any gaps in evidence identified in Step 2. Speaking to people who will be affected by your policy/practice/process/service can help clarify the impact it will have on different equality groups.*
***Remember that sufficient evidence is required for you to show 'due regard' to the likely or actual impact of your policy/practice/process/service on equality groups. An inadequate analysis in an assessment may mean failure to meet the general duty.***
*The Policy and Development team can help to identify appropriate ways to engage with external groups or to undertake research to fill evidence gaps.*

**3.1 Do you/did you have any consultation or involvement planned for this policy/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 seven responses were received in either written form or via discussion.

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

| STAKEHOLDER ORGANISATIONS CONTACTED | |
|---|---|
| Aberdeen Bar Association | Inclusion Scotland |
| Age Scotland | Law Society of Scotland |
| ALLIANCE | Mental Welfare Commission for Scotland |
| Autism Scotland Network | Money Advice Scotland |
| BEMIS | Muslin Women's Resource Centre |
| British Deaf Association | Rape Crisis Scotland |
| CELCIS | Royal National Institute for Blind People Scotland |
| Central Scotland Regional Equality Council | Saheliya |
| Centre for Youth and Criminal Justice | Scottish Association for Mental Health |
| Child Poverty Action Group | Scottish Association of Law Centres |
| Children 1st | Scottish Child Law Centre |

| | |
|---|---|
| Children and Young People's Commissioner Scotland | Scottish Children's Reporter Administration (SCRA) |
| Citizens Advice Scotland | Scottish Commission for People with Learning Disabilities |
| Coalition for Race Equality and Rights (CRER) | Scottish Courts and Tribunal Service |
| Convention of Scottish Local Authorities | Scottish Disability Equality Forum |
| COPFS | Scottish Ethnic Minority Lawyers Association |
| Deafblind Scotland | Scottish Independent Advocacy Alliance |
| Edinburgh and Lothians Regional Equality Council | Scottish Justices Association |
| Edinburgh Bar Association | Scottish Solicitors Bar Association |
| EHRC | Scottish Women's Aid |
| Engender | Sense Scotland |
| Epilepsy Scotland | Shakti Women's Aid |
| Equality Updates | Shelter Scotland |
| Ethnic Minorities Law Centre | Social Work Scotland |
| Faculty of Advocates | SOLD Project – Supporting Offenders with Learning Disabilities |
| Glasgow Bar Association | Trans Alliance |
| Grampian Regional Equality Council | Victim Support Scotland |
| Hemat Gryffe | WESREC (West of Scotland Regional Equality Council) |
| Human Rights Consortium Scotland | Who Cares? Scotland |
| Improvement Service | |
| **THINK TANKS** | |
| Joseph Rowntree Foundation | Resolution |

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

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.

## 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?**

*In the tables below, record the impact the policy/practice/process/service might have on each equality characteristic, as it is planned or as it operates, and describe what changes in policy/practice process/service or actions will be required to mitigate that impact. Copy any actions across to the project action log.*

Our evidence review suggests that people with protected characteristics are more likely to face higher costs when it comes to living costs. They might also be more likely to have a lower disposable income (that is, their gross income less any outgoings which they are required to make) and are at greater risk of facing debt. When assessing a client's financial eligibility to legal aid, we assess their disposable income and capital and if it lies below the threshold set in the Act, we must grant legal aid.

The civil legal aid means assessment process takes into account the actual allowances and disregards which we are able to take into account, as prescribed by our statutory framework; we are given certain types of outgoings which are to be included in our assessment of disposable income and capital (that is, statutory allowances); we are given some discretion to allow for other outgoings (discretionary allowances); we must disregard certain types of income and capital (statutory disregards); and we are given the discretion to disregard other amounts as well (discretionary disregards). We are required to include other people's resources as well, such as the aggregation of a partner or spouse's resources, or where the person(s) has other people with an obligation of alimony.

We have conducted research and engaged internally with those who carry out the civil legal aid means assessment process to identify any potential impacts our policies may have on people with protected characteristics. As has been noted, from the evidence we have gathered we concluded that people with protected characteristics may be more likely to have higher living costs compared to people who don't have any equality related circumstances, however this may not represent a disadvantage when they apply for civil legal aid. Since our assessment process is designed to assess an individual's financial situation where we take their disposable income and capital into account. If someone has a low income but high costs due to, for example a disability, that may have an impact on their disposable income. The lower the income and the higher the costs, the lower the person(s) disposable income and capital and the higher the likelihood they remain below the financial eligibility threshold. As such, the civil legal aid means assessment process delivers a higher likelihood that person(s) concerned with protected characteristics will be found eligible for legal aid.

For this assessment, we have looked at all policies that fall under our civil legal aid means assessment process and have assessed the impact on equality groups.

We have grouped all protected characteristics under one category to avoid repetition of information across the whole table. We recognise the importance of all protected characteristics.

| **All protected characteristics** | **Place 'X' in the relevant box(es)** | | | **Describe the changes or actions (if any) you plan to take.** For example, 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 | | | As evidenced in table 2, the following equality groups have some degree of higher risk of poverty: older and younger people, people with a disability and families with a disabled family member, the black community and people from a minority ethnic background, women and women who are a lone parent, transgender and LGBTQI people, Muslims, pregnant women, and young mothers, as well as care experienced individuals. Those with a disability may also have higher costs due to |

| | | | | |
|---|---|---|---|---|
| | | | | their equality related circumstances. During our civil legal aid means assessment process we are required to take an individual's disposable income and disposable capital into account when determining their eligibility for legal aid. If person(s) concerned had fewer financial means due to a lower income or increased costs due to their protected characteristic, this increases the likelihood that they remain below the financial eligibility threshold. The lower the financial means, the higher the chance the person will receive legal aid. Our system is designed to be fair and to support those who need help.<br><br>From our consultation with stakeholders, we know that the civil legal aid means assessment application can be perceived as an administrative burden for particular groups (care experienced, those fleeing domestic violence). While it is imperative for us to collect and review documents that provide proof of persons concerned financial situation, we have provisions in place (such as provisional assessments) that can progress an application on an interim basis before final documentation and a decision is sought. We do rely on person(s) concerned providing up with the required documentation so that we can accurately assess their financial circumstances. Where this is difficult to do, further simplification and transparency in our application process is ongoing. |
| potential for developing good relations | | | X | |
| potential to advance equality of opportunity | X | | | Under the Act we have a legal duty to assess a person(s) concerned financial situation to determine eligibility. The evidence we've gathered shows that the following equality groups: Older and younger people, people with a disability and families with a disabled family member, the black community and people from a minority ethnic background, women |

| | | | | |
|---|---|---|---|---|
| | | | | and women who are a lone parent, transgender and LGBTQI people, Muslims, pregnant women and young mothers, as well as care experienced individuals, have a higher likelihood to fall under the eligibility limit, which increases the probability of them receiving legal aid. We have assessed each individual policy under civil legal aid means assessment and their impact on equality groups. This helped us to not only assess the overall process, but to ensure that we capture the impact of individual policies on equality groups. |

| **Marriage & Civil Partnership** | **Place 'X' in the relevant box(es)** | | | **Describe the changes or actions (if any) you plan to take.** For example, to mitigate any impact, 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 | This protected characteristic is only relevant with regards to employment law. |
| potential for developing good relations | | | X | This protected characteristic is only relevant with regards to employment law. |
| potential to advance equality of opportunity | | | X | This protected characteristic is only relevant with regards to employment law. |

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

This specific EqIA document considers the impact of our civil legal aid means assessment process on equality groups. The additional table included as an addendum considers each of the policies individually. The documents have allowed us to consider the impact of the process and the individual policies on person(s) concerned who have an equality related circumstance and have led us to consider the way we collect data on the protected characteristics on our applicants.

**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 |
|---|---|
| | **No major change**<br>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. |
| X | **Adjust the policy/practice/process/service**<br>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**<br>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**<br>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 (for example 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. Senior members of the AMI team have considered the financial modelling underpinning this work on several occasions.

This specific paper is being presented to the GALA Review Group on 03/10/23. The paper was introduced by the Policy Officer (Equalities). The GALA Review group highlighted that they are happy with the approach taken. It was highlighted that for the purpose of assessing person(s) concerned financial situation, SLAB relies on receiving the information from the person(s) concerned. The work done will allow SLAB to inform other work and has provided SLAB with expert knowledge, which will contribute to change in the future, including on the Financial Eligibility and Contributions project and advice to Scottish Government.

## 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.*

The Financial Eligibility and Contributions Review project will consider change under our current statutory framework. Work on legal aid reform with the Scottish Government will look at whether statutory change is required to further simplify the assessment process.

**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,*
- *identify where the measure will be reported to ensure any issues can be acted on as appropriate.*

| Measure | Lead department/ individual | Reporting (where/ frequency) |
|---|---|---|
| Gather data on equality groups and the civil legal aid means assessment process | AMI & P&D | Head of Civil and Children's Legal Assistance: yearly |
| Analyse & investigate data on equality groups and the civil legal aid means assessment process | AMI & P&D | Head of Civil and Children's Legal Assistance: yearly |
| Monitor the rates of access of civil legal aid by protected characteristic type | AMI & P&D | Head of Civil and Children's Legal Assistance: yearly |

**6.3 EqIA review date.**

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

03/10/2026

## Step 7 – Assessment sign off and approval

*Once final consultation has been undertaken with Corporate Policy Officer (Equalities), all equality impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where an EqIA is not required. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:*

**Director/SRO sign off:** 03/10/2023
**Chief Executive approval:** 03/11/2023

*All full equality impact assessments must be published on SLAB's website as early as possible after the decision is made to implement the policy, practice, process or service.*