



Department of
Justice

An Roinn Dlí agus Cirt

Männystrie o tha Laa

DOJ Section 75

EQUALITY SCREENING FORM

**Title of Policy: Legal Aid Consultation - Amendments to
Financial Eligibility and Contributions**

Part 1. Policy scoping

Information about the policy

Name of the policy:

Legal Aid Consultation - Amendments to Financial Eligibility and Contributions

Is this an existing, revised or a new policy?

This is a review of an existing policy. The Enabling Access to Justice Reform Programme is a key priority for the Minister and is aimed at recalibrating the justice system to ensure delivery models aid the best possible outcomes, support efficient and effective resolution of disputes, reduce acrimony and stress, harness the benefits of technology and ensure the continued availability of expert advice and representation, particularly for the most vulnerable within civil society.

What is it trying to achieve? (Intended aims/outcomes)

The policy aims to ensure simpler and fairer eligibility rules for the provision of legal help and to enhance access to justice by widening eligibility criteria and introducing simpler, faster application processes to aid transparency and efficiency.

In terms of changes proposed, the Department aims to

- Keep benefits passporting for all levels of service using Universal Credit as primary benefit; and to add capital passporting on the basis that these have already been considered via Universal Credit eligibility.
- An alternative means test for those not eligible to apply for Universal Credit, setting new thresholds broadly based on U/C rates
- The introduction of an annual review of entitlement.
- Contributions based on the new thresholds, but held at the current contribution rate, however, payable over a longer duration.

- Revising the capital thresholds for all levels of service to match those for U/C i.e. £8,000 lower threshold and an upper threshold of £16,000.
- The removal of the capital disregard for maintenance of partner and dependents, and the introduction of a single disregard of £35,000 for all pensioners
- An extensive list of capital disregards for payments for compensation from harm and other lump sums where the amount is for a specific purpose.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

Potential beneficiaries include people with disabilities through the retention of passporting arrangements and disregard of disability related payments. Older people might be expected to benefit through the proposed £35,000 capital limit to be applied to clients of pension age. Minority ethnic groups (asylum seekers and victims of human trafficking) would expect to benefit through the proposed passporting arrangements as would victims of domestic abuse, the majority of whom are women, through proposed removal of means testing and contributions.

Who initiated or wrote the policy?

The policy has been initiated by Enabling Access to Justice Division.

Who owns and who implements the policy?

The policy is owned by Enabling Access to Justice Division.

Implementation of the policy will necessitate engagement with other Divisions within the Department, Legal Services Agency Northern Ireland, the Northern Ireland Courts and Tribunals Service and other Divisions within the Department.

Implementation factors

Financial factors: The proposals may have resource and expenditure implications arising from wider eligibility for legal aid and the implementation of revised financial assessment arrangements. The successful delivery of the policy will be dependent on the availability of appropriate funding and resources. financial

Main stakeholders affected

The policy will impact:

- the Legal Services Agency Northern Ireland (LSANI) who are responsible for the delivery of civil legal aid applications;
- the Northern Ireland Courts and Tribunals Service;
- practitioners providing advice and representation in court, either in private practice, or on behalf of a non-profit organisation who deliver legally aided services;
- legally assisted persons in general;
- individuals facing criminal charges;
- migrants, refugees and asylum seekers;
- victims and survivors of domestic abuse involved in Children Order (Northern Ireland) 1995 proceedings; and
- individuals involved in proceedings in the family courts.

Internal stakeholders will include colleagues within:

- Legal Services Agency Northern Ireland

External stakeholders will include:

- The Law Society for Northern Ireland
- The Bar Council
- Solicitors' Associations
- Bar Associations
- Practising Legal Practitioners
- The Justice Committee
- The Equality Commission for Northern Ireland
- The Northern Ireland Human Rights Commission
- The Commissioner Designate for Crime

- NICCY
- COPNI
- Community and Voluntary organisations

Other policies with a bearing on this policy

Reform opportunities contained within this policy will have bearing on other policies including the Enabling Access to Justice Delivery Plan, Legal Practitioner Remuneration Reform, Taxation Reform and Merit and Scope Reforms.

Available evidence

As part of the Foundational Review of Civil Legal Services, the Department engaged with key stakeholders, both internal and external, and conducted a Call for Evidence for people in need of legal services and for practitioners providing legal services.

DoJ Call for Evidence for Legal Practitioners, April-June 2024, [Call for Evidence for Legal Practitioners \(Judiciary, Solicitors \(in private or public practice\), Barristers\) - NI Direct - Citizen Space](#)

DoJ Call for Evidence for Civil Society, April-June 2024, [Call for Evidence for Civil Society - Foundational Review of Civil Legal Services - NI Direct - Citizen Space](#)

In addition, evidence and research was obtained through the delivery of the s.29 Domestic Abuse and Civil Proceedings (Northern Ireland) 2021, <https://www.justice-ni.gov.uk/publications/enhancing-access-justice-victims-and-survivors-domestic-abuse-report-under-section-29-domestic-abuse-and-civil-proceedings-act-northern-ireland-2021>, and research on the experiences of domestic abuse victims in the family courts conducted in association with the Commissioner Designate for Victims of Crime, <https://www.cvocni.org/publications/family-courts-research>. Enabling Access to Justice Division further conducted a stakeholder engagement exercise whereby all stakeholders were presented with options for possible reforms and invited to meet and discuss and submit their views on these reforms. Stakeholders included those listed above.

Religious belief evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit; it is not influenced by an individual's religious belief.

No evidence has been identified suggesting differential legal aid eligibility or access by religious belief. Impacts are expected to apply equally across communities.

Political Opinion evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit; it is not influenced by an individual's religious belief.

No evidence identified indicating differential impact.

Racial Group evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit; it is not influenced by an individual's religious belief.

Potential relevance. Ethnic minority communities, migrants, asylum seekers, refugees, trafficking victims and people with limited English may interact with legal aid services differently. Proposals introducing asylum payment passporting and simplified procedures are likely to improve access.

Age evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. The Department have received representations from domestic abuse organisations and conducted independent research in relation to the impact of unnecessary or prolonged Children Order proceedings on parents and children and young people.

Access to legal aid is determined solely by financial eligibility and legal merit; it is not negatively influenced by an individual's age.

Marital Status evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit. While the provision of an allowance for a spouse that effectively increases the thresholds for eligibility for those who have a spouse, this does not discriminate against those who do not have a partner – it recognises the additional costs of two people in a household.

Sexual Orientation evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit; it is not influenced by an individual's sexual orientation.

Men & Women generally evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit.

However, while access to legal aid is not influenced by an individual's marital status, LSANI application statistics indicate that during 2024/25, the legal aid grant rate for males (45.9 grants per 1,000 population) was more than two and a half times that of females (18.5 per 1,000 population). In criminal legal services, males access legal aid four times more than females (35.6 v 8.1).

Evidence also indicates that while domestic abuse can affect anyone in civil society, regardless of their s.75 characteristic, females are more likely to be victims and men are more likely to be perpetrators.

Disability evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit; it is not influenced by an individual having a protected s.75 characteristic based on disability.

Potential relevance. Disabled persons are more likely to receive qualifying benefits and disability-related payments. Retention of benefits passporting and disregard of disability payments may have a positive impact.

Dependants' evidence / information:

Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined solely by financial eligibility and legal merit. Financial eligibility thresholds are

increased for those with dependents, but this does not discriminate against those who do not have dependents. It does recognise the extra costs associated with having additional dependents within the household.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Religious belief:

No distinct needs identified.

Political Opinion:

No distinct needs identified.

Racial Group:

Asylum seekers and refugees may face barriers in evidencing financial circumstances.

Age:

No distinct needs identified.

Marital status:

No distinct needs identified.

Sexual orientation:

No distinct needs identified.

Men and Women Generally:

Women are disproportionately represented among domestic abuse victims and may face financial dependence or coercive control affecting access to legal representation.

Disability:

No distinct needs identified.

Dependants:

No distinct needs identified.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: No differential impact identified.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Political Opinion**: No differential impact identified.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Racial Group**: Potential positive impact through passporting of asylum support payments and simplified access arrangements for asylum seekers and trafficking victims.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Age**: Potential positive impact for pensioners through introduction of a universal £35,000 disregard.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Marital Status**: Generally neutral. However, some applicants experiencing separation may benefit from simplified assessments and domestic abuse provisions

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Commented [JD1]: The purpose of screening is to identify potential adverse impacts on section 75 groups. If this is a positive impact, I would note that the adverse impact is 'NONE'.

Commented [JD2]: Need to detail whether there is any adverse impact on this group.

Commented [JD3]: Need to detail whether there is any adverse impact on this group.

Details of the likely policy impacts on **Sexual Orientation**: No evidence of differential impact.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Men and Women**: Potential positive impact, particularly for women, because domestic abuse measures remove financial barriers to obtaining legal assistance.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Disability**: Potential positive impact through passporting arrangements, disregard of disability-related payments and simplified eligibility assessments.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Dependants**: No evidence of differential impact.

What is the level of impact? Minor / Major / None (Underline as appropriate)

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - If Yes, provide details:

If No, provide reasons: No specific opportunities identified. Access to legal service is not determinant on religious belief.

Political Opinion - If Yes, provide details:

If No, provide reasons: No specific opportunities identified. Access to legal service is not determinant on political opinion

Racial Group - If Yes, provide details: Targeted efforts to improve access for minority ethnic communities through the implementation of limited financial testing for individuals can promote equality of opportunity in accessing justice, especially in domestic abuse contexts.

Age - If Yes, provide details: Children and young people benefit from reforms that prioritise safeguarding and reduce delays in family court.
If No, provide reasons:

Marital Status - If Yes, provide details:
If No, provide reasons: None identified at this stage.

Sexual Orientation - If Yes, provide details:
If No, provide reasons: None identified at this stage.

Men and Women generally - If Yes, provide details: Given the gendered nature of domestic abuse, reforms that prioritise access for victims — predominantly women— help address historical imbalances in legal aid provision. At the same time, ensuring that men and non-binary individuals also receive appropriate support promotes fairness and avoids reinforcing stereotypes.

Disability - If Yes, provide details:
If No, provide reasons: None identified at this stage.

Dependants - If Yes, provide details:
If No, provide reasons: None identified at this stage.

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: No impact identified.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Political Opinion**: No impact identified.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

Details of the likely policy impacts on **Racial Group**: Potential minor positive impact through improved support and access to justice for asylum seekers and migrants.

What is the level of impact? Minor / Major / None
(Underline as appropriate)

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief - If Yes, provide details:
If No, provide reasons: No specific opportunities identified.

Political Opinion - If Yes, provide details:
If No, provide reasons: No specific opportunities identified.

Racial Group - If Yes, provide details: Improved access to legal support for asylum seekers, refugees and victims of trafficking may contribute to social inclusion and confidence in public services.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Potential impacts may be more pronounced for:

- Disabled women experiencing domestic abuse.
- Older people with disabilities.
- Minority ethnic women experiencing domestic abuse.
- Asylum seekers with disabilities.
- Applicants with dependants and low incomes.

The domestic abuse and asylum proposals are likely to have a positive impact on these groups by reducing financial and administrative barriers to legal representation.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

This policy has been **screened out** on the basis that it is not expected to have an adverse impact on any Section 75 equality group. The purpose of the policy is to ensure that legal aid is targeted where it can make the most meaningful difference—supporting those who cannot afford their own legal help and prioritising individuals with the greatest need. Access to legal aid is determined by financial eligibility and the merits of the case, not by any protected characteristic. As such, the policy is applied consistently and equitably and does not discriminate on the grounds of religious belief, political opinion, racial group, gender, age, marital status, sexual orientation, disability, or dependency status.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Timetabling and prioritising

This policy has been screened out.

Part 4. Monitoring

Legal Aid statistics are published by the Legal Services Agency Northern Ireland. The Department is aware that work is ongoing within LSANI in relation to the better collation of s.75 data.

The Department will continue to monitor legal aid policies and processes in line with s.75 duties through the consideration of LSANI statistical information and other research and evidence reports, including the application of equality monitoring information used in legal aid provision in other jurisdictions.

Part 5 - Approval and authorisation

Screened by: Peter Gibson
Position/Job Title: SO
Date: 12/08/2026

Approved by: Steven Allison
Position/Job Title: Director Enabling Access to Justice Division
Date: 23 October 2026