



Department of
Justice

An Roinn Dlí agus Cirt
Männystrie o tha Laa

DOJ Section 75

EQUALITY SCREENING FORM

**Title of Policy: Enabling Access to Justice Reform Programme Delivery Plan:
Improving Impact and Value for Money by Reforming Scope and Merits Testing**

Part 1. Policy scoping

Information about the policy

Name of the policy:

Enabling Access to Justice Reform Programme Delivery Plan: Improving Impact and Value for Money by Reforming Scope and Merits Testing

Is this an existing, revised or a new policy?

This is a revised policy arising from the Enabling Access to Justice Reform Programme. Following a programme of stakeholder engagement, the Department has refined its original proposals and intends to consult on a limited number of reforms focused on improving the impact and value for money of legal aid expenditure whilst maintaining effective access to justice.

The reform proposals progressing to consultation are:

- reform of legal aid funding for repeat Article 8 Children Order proceedings where a recent order is already in place, subject to appropriate exemptions and safeguards;
- introduction of revised merits criteria for judicial review proceedings in limited circumstances;
- introduction of a requirement that the provision of legal aid should be capable of delivering a direct, material and proportionate benefit to the applicant.

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

Legal aid exists to ensure that individuals — regardless of income — can access justice, uphold their rights, and resolve legal issues that profoundly affect their lives,

from housing and employment to family and welfare. It is a cornerstone of a fair society, enabling better outcomes for those facing disadvantage or vulnerability.

The policy seeks to ensure that finite legal aid resources are directed towards cases where funding can have the greatest impact while maintaining effective access to justice.

The proposals are intended to:

- discourage unnecessary or repetitive litigation;
- reduce opportunities for the misuse of court proceedings;
- ensure that legal aid supports cases delivering meaningful benefit to applicants;
- improve value for money within the legal aid system; and
- maintain safeguards for vulnerable individuals, including children and victims of domestic abuse.

The Department recognises the importance of ensuring that any changes do not disproportionately impact those most in need of legal advice and representation. Accordingly, it is our intention to embed robust safeguards and sufficient flexibility within the reform framework to protect equitable access, particularly in cases involving safeguarding concerns or other risks to personal safety for example where there is a material change in circumstances and where there are safeguarding or child protection concerns.

Engagement with the legal profession and their regulatory bodies, the Judiciary, community and voluntary sector, and wider civil society is essential to ensure any changes in policy are informed, proportionate and capable of delivering meaningful improvements. This public consultation is inviting views and evidence to inform a full

Commented [JD1]: What will these be? Can you provide some examples?

analysis of the likely impact of the proposals. During the public consultation we will continue to engage with key stakeholders, including the Law Society, the Bar of Northern Ireland, the Equality Commission and the Northern Ireland Human Rights Commission

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

If so, explain how.

While access to legal services is determined by financial eligibility and is not restricted by any Section 75 protected characteristic, emerging data highlights a persistent gender disparity.

According to the latest published Legal Services Agency Northern Ireland applicant statistics (2024/25), <https://www.justice-ni.gov.uk/publications/legal-aid-northern-ireland-annual-statistics-march-2025>, the legal aid grant rate for males (45.9 grants per 1,000 population) was approximately two and a half times higher than that for females (18.5 grants per 1,000 population). While civil legal aid grant rates were broadly similar for males and females (10.3 and 10.5 per 1,000 population respectively), males were more than four times as likely to receive criminal legal aid (35.6 compared with 8.1 grants per 1,000 population).

Commented [JD2]: It would be useful to provide a link to these stats.

While domestic abuse can affect individuals across all sections of society, irrespective of their Section 75 protected characteristics, evidence consistently shows that women are disproportionately impacted.

Who initiated or wrote the policy?

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

Who owns and who implements the policy?

Enabling Access to Justice Division.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

The legal aid budget continues to face mounting pressures amid competing demands across the Department. The implementation of reform proposals will depend on the availability of funding and prioritisation based on affordability and impact. Where financial savings are achieved, these will be reinvested to raise the financial eligibility threshold—enabling more individuals within civil society to access legal aid. This approach is designed to promote equitable access while ensuring the long-term sustainability of the system. These reforms are intended to present a meaningful opportunity to strengthen the legal aid system and improve outcomes for citizens by ensuring support is targeted where it is most needed.

If yes, are they (please delete as appropriate)

Financial ✓

The primary objective of these reforms is to ensure that legal aid is focused at areas of greatest impact while protecting access to justice and safeguarding vulnerable individuals.

To achieve this, the proposals involve reducing access to certain legal aid services to release resources that can be redirected to areas of greatest need.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

These commitments reflect the Department's ongoing responsibility to uphold fairness, transparency, and equality in the delivery of justice services, and to ensure that legal aid continues to serve those who rely on it most.

The policy will also 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;
- migrants, refugees and asylum seekers;
- victims and survivors of domestic abuse involved in Article 8 Children Order (Northern Ireland) 1995 proceedings; and
- individuals involved in proceedings in the family courts.

Internal stakeholders will include colleagues within:

- Judicial Policy and Tribunals Division, DoJ
- Northern Ireland Courts and Tribunals Service
- 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 Victims of Crime
- NICCY
- COPNI
- Community and Voluntary organisations
- Women's Aid Federation
- Children's Law Centre

Other policies with a bearing on this policy

Proposals contained within this policy will have bearing on other policies being progressed through the Enabling Access to Justice Reform Programme Delivery Plan including Legal Practitioner Remuneration Reform; Taxation Reform; and

reform of financial eligibility, contributions and statutory charge. The proposals will also have bearing in relation to policies around speeding up justice and civil and family justice reviews.

Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

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.

Commented [JD3]: It would be helpful to provide a link to the sources of information (if publicly available) that you have referred to as part of the available evidence).

Section 75 Category	Details of Evidence/Information
Religious Belief	Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined by financial eligibility and legal merit; The Department has identified no evidence that individuals are advantaged or disadvantaged under the proposed reforms on the basis of religious belief.
Political Opinion	Evidence was obtained through stakeholder engagement, research and consultation as outlined above. Access to legal aid is determined by financial eligibility and legal merit; The Department has identified no evidence that individuals are advantaged or disadvantaged under the proposed reforms on the basis of political opinion.
Racial Group	Evidence was obtained through stakeholder engagement, research and consultation as outlined above.

	Legal aid applications are assessed against financial eligibility and legal merits criteria rather than personal characteristics. The Department has identified no evidence to suggest that individuals are advantaged or disadvantaged under the proposed reforms on the basis of ethnicity. A number of consultation responses raised concerns regarding the impact of certain original reform proposals on immigration, asylum and trafficking-related cases. These concerns were considered by the Department as part of the policy development process. However, the reforms now proposed for implementation differ from a number of the options on which views were sought during engagement. Having considered the evidence available in respect of the reforms being taken forward, the Department has identified no evidence of differential impact on the racial group category.
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Age	The Department considered evidence obtained through stakeholder engagement, research and published statistics. Women's Aid advised that repeated Children Order applications can significantly disrupt a child's sense of stability and emotional wellbeing and may, in some circumstances, be used as a mechanism for continuing coercive control after separation. Women's Aid further noted that repeated litigation may expose children to ongoing conflict and uncertainty. The Family Bar Association highlighted that children's welfare needs can change significantly over time and expressed concern that restrictions on repeat applications should not prevent access to the court where a material change in circumstances has occurred or where safeguarding concerns arise.
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Marital Status	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 marital status. The Department has identified no evidence that individuals are advantaged or disadvantaged under the proposed reforms on the basis of marital status.
Sexual Orientation	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. The Legal Services Agency Northern Ireland do not publish information in relation to the numbers of applicants who are from the LGBT+ community which makes it difficult to ascertain

	how this policy will impact on legal aid applicants who are LGBT+. The Northern Ireland 2021 census indicates that 2.1% of the population are LGBT.
Men and Women Generally	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). Evidence also indicates that while domestic abuse can affect anyone in civil society, regardless of their s.75 characteristic, evidence from Women's Aid, PSNI and the Commissioner for Victims of Crime

	indicates that women are disproportionately affected by domestic abuse. In 2024/25 29,751 domestic abuse incidents were recorded by PSNI. Two-thirds of domestic abuse victims were female, and one-third were male. Women's Aid cites 1 in 4 women will experience domestic abuse during their lifetime. Women may experience repeat family court litigation as a form of post-separation coercive control. The Domestic Abuse Commissioner found evidence of domestic abuse in 87% of case files reviewed in child arrangements proceedings. Stakeholders highlighted the importance of safeguarding access to legal representation where domestic abuse or child welfare concerns arise.
Disability	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.
Dependents	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. 2024/25 LSANI statistics indicate the number of private children order proceedings continue to rise. There were 4,063 applications granted in 2024/25 compared with 3,388 in 2019/20.

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?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Section 75 Category	Details of Evidence/Information
Religious Belief	Individuals from different religious backgrounds seeking legal aid often prioritise culturally sensitive support that respects their beliefs, especially in family and community disputes, and value services that promote mutual understanding and avoid bias.
Political Opinion	People with differing political views may experience mistrust or marginalisation in legal processes; they seek impartial legal aid that ensures fair representation and protects their rights without political prejudice.
Racial Group	Minority ethnic communities often face language barriers, discrimination, or lack of awareness about their rights. Their priorities include accessible, multilingual legal aid and culturally competent advisors who understand their lived experiences.

	Where domestic abuse has been a factor, victims and survivors need to feel safe, understood, and empowered to seek justice.
Age	Young people may need legal aid for issues like housing, education, or youth justice, while older individuals often require support with wills, pensions, or elder abuse. Both groups value age-appropriate communication and advocacy that reflects their stage of life. In addition, young people may experience dating abuse or coercive control, while older individuals may face elder abuse within domestic settings.
Marital Status	Those navigating separation, divorce, or domestic issues seek empathetic legal aid that protects their emotional wellbeing and ensures fair outcomes, regardless of marital status. Access to Legal aid must be inclusive and responsive to the unique legal

	needs arising from cases where domestic abuse may be or may have been a factor, such as protective orders, custody arrangements, or financial independence, without bias or assumption.
Sexual Orientation	LGBTQ+ individuals may face unique legal challenges, including discrimination or family law issues. Their priorities include inclusive legal aid that affirms their identity and protects their rights without stigma. LGBTQ+ individuals may face domestic abuse that includes threats of outing, isolation, or identity-based control. Legal aid must be inclusive, affirming, and equipped to handle the specific dynamics of abuse in same-sex relationships, ensuring survivors are not retraumatised by heteronormative assumptions.
Men and Women Generally	Women and men may experience legal issues differently. Gender-sensitive legal aid is essential to ensure equitable treatment and

	safety. Women are disproportionately affected by domestic abuse, though men and non-binary individuals also experience harm. Legal aid must be gender-sensitive and trauma-informed, recognising the gendered nature of abuse while ensuring all survivors receive equitable, respectful, and effective support.
Disability	Disabled people often encounter physical, communication, or attitudinal barriers in accessing legal services. Their priorities include accessible formats, reasonable adjustments, and advisors trained in disability rights. Disabled individuals may be more vulnerable to domestic abuse, including financial control, neglect, or exploitation of care needs. Legal aid must provide accessible services—physical, sensory, and cognitive—and ensure that survivors with disabilities are not excluded from protection or

	justice due to systemic barriers.
Dependents	Carers and individuals with dependants —particularly those experiencing or fleeing domestic abuse — face significant barriers in accessing legal aid. These include limited time, financial constraints, emotional distress, and the complexities of safeguarding both themselves and those they care for. Legal aid services must be flexible, trauma-informed, and responsive, offering discreet access routes, prioritised case handling, and support mechanisms that recognise the pressures of caregiving in abusive environments. Ensuring these individuals are not further disadvantaged by systemic delays or inaccessible processes is essential to upholding their rights and safety.

Part 2. Screening questions

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.

Section 75 Category	Details of policy impact	Level of Impact Minor/Major/None
Religious Belief	The proposals would have no impact on religious belief as legal aid applications are currently assessed on objective legal criteria rather than personal characteristics. LSANI operates on principles of equality and non-discrimination, ensuring that eligibility is determined by financial and legal merits alone.	None.
Political Opinion	The proposals would have no impact in terms of political opinion as legal aid applications are currently assessed on objective legal criteria rather than personal characteristics. LSANI operates on principles of equality and non-discrimination, ensuring that eligibility is determined by financial and legal merits	None.

	alone.	
Racial Group	Legal aid applications are currently assessed on objective legal criteria rather than personal characteristics. LSANI operates on principles of equality and non-discrimination, ensuring that eligibility is determined by financial and legal merits alone. No negative impacts as a result of the proposals have been identified at this stage.	None.
Age	The proposed reform of legal aid funding for repeat Children Order proceedings has the potential to promote greater stability for children and young people by reducing unnecessary repeat litigation and enabling legal aid resources to be focused on cases where welfare concerns are most significant. Stakeholder engagement indicated that repeated Children Order proceedings can contribute to emotional distress, instability and uncertainty for children. Women's Aid reported that repeated litigation may be used as a mechanism for continuing coercive control following separation. The Family Bar Association and other	Minor Postive.

	stakeholders also raised concerns that children's needs and circumstances can change significantly over time and cautioned against restrictions that may inadvertently prevent access to justice where welfare or safeguarding concerns emerge. The Department has therefore proposed that any reform be accompanied by exemptions and safeguards where circumstances have materially changed or where necessary to protect a child's welfare.	
Marital Status	Access to legal services is not dependent on marital status. No negative impacts as a result of the proposals have been identified at this stage.	None.
Sexual Orientation	Proposals considered as part of this policy are likely to impact all groups. No disproportionate impacts have been identified through the stakeholder engagement, research and policy development.	None.

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Men and Women Generally	Evidence from stakeholders indicates that women may be disproportionately affected by domestic abuse and may experience repeat family court proceedings as a form of post-separation abuse. The proposed reforms may therefore deliver benefits where they prevent the repeated use of legal proceedings as a mechanism for harassment or coercion. However, stakeholder engagement also highlighted the importance of ensuring continued access to legal aid where abuse escalates, court orders are breached, or safeguarding concerns arise. Subject to appropriate exemptions and safeguards, the Department considers the overall impact to be minor and positive.	None.
Disability	Proposals considered as part of this policy are likely to impact all groups. No disproportionate impacts have been identified through the stakeholder engagement, research and policy development.	None.

Dependents	Stakeholder engagement highlighted that repeated litigation can have adverse effects on children and families through prolonged uncertainty, continued conflict and emotional distress. Evidence suggests that reducing unnecessary repeat applications may support greater stability for children while reducing opportunities for the misuse of court proceedings. The Department recognises concerns raised regarding changing family circumstances and intends that appropriate exemptions and safeguards will preserve access to justice where necessary to protect children or other dependants.	None
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2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

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

Religious Belief	No.
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Political Opinion	No
Racial Group	No
Age.	Yes by restricting the number of times Children Orders can be instigated by the same party within a two year period in order to limit the impact of repeated child proceedings.
Marital Status	No.
Sexual Orientation	No.
Men and Women generally	Yes. One reform is aimed at reducing the number of repeated Children Order proceedings. Frequent litigation can destabilise the lives of victims of domestic abuse and their children.
Disability	No
Dependents	Yes. Frequent litigation can destabilise children's lives. One reform is aimed at preventing unnecessary litigation.

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.

Religious Belief	None. The proposed reforms relate to the scope and merits assessment of legal aid and apply equally to all applicants regardless of religious belief, political opinion or racial group. Access to legal services will continue to be determined by financial eligibility and legal merits criteria rather than community background or personal characteristics. The Department has identified no evidence through research, stakeholder engagement or consultation to suggest that the reforms are likely to have an impact on good relations between persons of different religious belief, political opinion or racial group.
Political Opinion	None. The proposed reforms relate to the scope and merits assessment of legal aid and apply equally to all applicants regardless of religious belief,

	political opinion or racial group. Access to legal services will continue to be determined by financial eligibility and legal merits criteria rather than community background or personal characteristics. The Department has identified no evidence through research, stakeholder engagement or consultation to suggest that the reforms are likely to have an impact on good relations between persons of different religious belief, political opinion or racial group.
Racial Group	None. The proposed reforms relate to the scope and merits assessment of legal aid and apply equally to all applicants regardless of religious belief, political opinion or racial group. Access to legal services will continue to be determined by financial eligibility and legal merits criteria rather than community background or personal characteristics. The Department has identified no evidence through research, stakeholder engagement or consultation to suggest that the reforms are likely to

	have an impact on good relations between persons of different religious belief, political opinion or racial group.
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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	None. There are no opportunities to better promote good relations within each of the section 75 categories as part of the reform of legal aid scope and merits.
Political Opinion	None. There are no opportunities to better promote good relations within each of the section 75 categories as part of the reform of legal aid scope and merits.
Racial Group	None. There are no opportunities to better promote good relations within each of the section 75 categories as part of the reform of legal aid scope and

	merits.
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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).

People may belong to multiple Section 75 categories simultaneously, and this intersection of identities can compound disadvantage and vulnerability. For example, a disabled woman from a minority ethnic background experiencing domestic abuse may face layered barriers to accessing justice, including cultural stigma, communication challenges, and systemic bias. By embedding trauma-informed, culturally competent, and accessible practices into legal aid provision, and ensuring that processes are designed to meet the diverse and overlapping needs of individuals, the reforms can more effectively respond to the complex realities faced by those with multiple identities. This approach supports a more inclusive and equitable justice system, ensuring that no individual is overlooked due to the interaction of their gender, race, disability, or other protected characteristics.

The Legal Services Agency Northern Ireland are the responsible organisation for the authorisation of civil legal services applications. Data has been obtained through their annual published statistics.

Part 3. Screening decision

The Department has reviewed updated statistical evidence, stakeholder engagement responses, published research and relevant equality considerations.

Stakeholders identified potential equality impacts, particularly in relation to women, children, victims of domestic abuse and individuals involved in private family law proceedings. The Department has considered these issues carefully and has refined the policy proposals as a result of engagement.

On the basis of the available evidence, the Department considers that the proposals are not likely to result in significant adverse impacts on any Section 75 group and therefore screens the policy out of a full Equality Impact Assessment. The Department will continue to monitor the impact of the reforms during and following consultation.

Mitigation

- the proposal relating to repeat Children Order proceedings is intended to include safeguards and exemptions where circumstances have materially changed or where safeguarding concerns arise;
- the judicial review proposal has been substantially narrowed following stakeholder feedback;
- the direct, material and proportionate benefit proposal is intended to be accompanied by a clear definition to protect access to justice in appropriate cases.

While any reduction in available legal aid funding may affect the pace at which policies and reforms are delivered, the Department remain committed to maintaining

and building upon existing services, including those that support victims of crime across all Section 75 categories. The proposals involved in this policy are intended to benefit those most in need of advice and representation who cannot afford legal advice or representation without support. Any savings because of the proposals will be redirected towards funding additional access to legal advice and representation. Safeguards will be in place to ensure people with protected benefits continue to receive equitable access.

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

No.

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/Legal Aid Reform Branch

Date: 24/07/2026

Approved by: Steven Allison

Position/Job Title: Director Enabling Access to Justice Division

Date: 23/10/2026