



Scottish Legal Aid Board

Single Equality Scheme: Annual Report 2010

December 2010

Scottish Legal Aid Board – Single Equality Scheme Annual Report 2010

Contents	Page
1. Introduction	3
2. The Scottish Legal Aid Board	4
2.1 Who we are	4
2.2 What we do	4
3. Progress made in 2010	6
3.1 Managing and providing legal assistance	6
3.2 Developing legal advice	7
3.3 Provision of direct legal advice	7
3.4 Mainstreaming equality and Equality Impact Assessments (EqIA)	9
3.5 Gathering information and involving people: service users	11
3.6 Gathering information and involving people: staff	13
3.7 Continuing our work into 2011	15
4. Progress against the Single Equality Scheme Action Plan	16
Appendix: Recruitment and staffing data 2009-2010	24

1. Introduction

Welcome to the second annual report of the Scottish Legal Aid Board's (the Board) Single Equality Scheme. The Board is committed to promoting equality and to tackling discrimination on any ground, including age, disability, gender, race, religion or belief, sexual orientation, pregnancy maternity and marriage and civil partnership.

We published our Single Equality Scheme in December 2008. This scheme can be found at www.slab.org.uk/about_us/equality/. This scheme sets out current activity and what we planned to do over 2008-2011. This is the second annual report made against this Scheme. This report updates on the activity and progress made throughout 2010.

Please contact us if you would like any further information or copies of policies mentioned in this report.

If you would like this report in Braille, large print, or on audiotape please contact us.

Our equality strategy is subject to monitoring and review and we intend that it will evolve over time as our work progresses. If you have any comments on our scheme, we would be happy to hear from you. Please send any comments or communication requests to:

Policy Department
Scottish Legal Aid Board
44 Drumsheugh Gardens
Edinburgh
EH3 7SW

Telephone: 0131 226 7061
e-mail: general@slab.org.uk
Website: www.slab.org.uk

2. The Scottish Legal Aid Board

2.1 Who we are

The Scottish Legal Aid Board is a non-departmental public body set up in 1987 to manage legal aid in Scotland. Our work is overseen by Board members, who are appointed by Scottish Ministers. The number of members can vary from 11 to 15. Members have a balanced range of knowledge and experience; they include people with backgrounds in law, business, the advice sector and the wider community.

While Ministers in the Scottish Government decide legal aid policy, the Board has legal power to advise Ministers. Ministers propose the legislation to set the rules for legal aid, and the fees to be paid to the legal profession. The Scottish Parliament makes and changes legislation – including the tests for granting legal assistance. These tests are then applied to every single case.

2.2 What we do

The purpose of legal aid in Scotland is to provide access to justice for those people who are unable to pay for it on their own. Our work contributes to the efficient running of the justice system in Scotland by providing an efficient legal aid system. Legal assistance allows people who would not otherwise be able to afford it get help from a solicitor for their legal problems. By “legal assistance”, we mean “advice and assistance” and “legal aid”. Individuals seeking legal advice or representation apply for legal assistance through their solicitor. A large part of our job is to decide who should get legal assistance. If legal assistance is granted, it can be used to pay solicitors, counsel – advocates and solicitor advocates – and other costs of the case.

Most civil and criminal legal aid applications are made through private solicitors or solicitors working in a law centre. These solicitors and their firms register with the Board to provide work that is paid for under legal aid. However, the Board also directly employs some solicitors to provide legal assistance and representation for both civil and criminal matters. The network of Public Defence Solicitors’ Offices (PDSOs) (www.pdso.org.uk) has seven offices throughout Scotland. The PDSOs employ criminal defence lawyers with experience of dealing with all types of criminal cases. For civil matters we operate Civil Legal Assistance Offices in Inverness, Lochgilphead, Aberdeen and Edinburgh. These services provide direct advice and representation to those eligible for civil legal assistance. This year we initiated a grant funding programme. This programme provided money to services aimed at enhancing the provision of legal advice services for people affected by the economic downturn.

Our work also includes providing advice, information and evidence about legal aid to a wide range of stakeholders. We communicate with people who may

apply or have applied for legal aid, people opposing applications for civil legal aid, the solicitors who provide work under legal aid and the Government. We also frequently provide information to MSPs and other representatives of assisted persons and opponents and to bodies like the Law Society and Scottish Legal Complaints Commission and the Ombudsman.

In addition, internal corporate functions enable our staff to carry out their jobs efficiently and effectively. This includes recruiting and managing staff as well as managing our buildings, finance and information systems. We also procure a range of goods and services needed to deliver our business.

Our Corporate Plan sets out our priorities up to and including 2011. Each year we publish our Annual Report which shows the activity and progress made. You can read our Corporate Plans and Annual Reports on our website at: <http://www.slab.org.uk>.

3. Progress made in 2010

In our Single Equality Scheme we set out the ways in which we have already responded to our equalities obligations. In addition we published a clear action plan for ensuring we continue to meet our equalities obligations. This plan has evolved over time and has been strengthened by relationships forged with partner organisations.

We have succeeded in completing or progressing almost all of our actions scheduled for 2010. A few actions have taken longer than originally envisaged, in the main because, they relate to work that has been re-prioritised. Introduction of the Equality Act 2010 had been anticipated, and we have responded to Scottish Government consultation about this legislation. We responded to the consultation on the public sector equality duty: a specific duty. We also responded to the consultation on public sector equality duty draft regulations and order. This consultation sought to seek views on those Scottish public authorities that were to be made subject to the general and/or specific duties and gather views on the content of the specific duties within the Equality Act.

A full description of our services and the way we have responded to equalities is found in our current Single Equality Scheme. This can be found on our website at www.slab.org.uk/about_us/equality/. We report below on some of the highlights in 2010. Progress across the entire action plan can be found at Section 5.

3.1 Managing and providing legal assistance

The legal aid system provides free or subsidised legal assistance for those who need it but who could not otherwise afford to pay for it themselves. Legal assistance is a key element of the justice system and it is important that we serve all our communities to the highest standards.

In April 2009 the Scottish Government extended the civil legal aid rules to apply to an estimated one million more people. Anyone with a disposable income of £25,000 or less is now eligible to apply for civil legal aid. The previous limit was £10,306. Around three-quarters of all adults are now potentially eligible for legal aid. This opens up access to justice for more people and is of particular benefit in the current economic climate. In 2009-10, over 22,000 applications for civil legal aid were made in Scotland, the highest number of applications received this decade. There were over 95,000 grants of Advice and Assistance, an increase of 5%. Overall, the gender split of applicants was 52% female and 48% male in 2009/10. The criminal legal aid figures for 2008-2009 shows that the majority of people who applied for criminal legal aid services were males (80% across all application categories).

3.2 Developing legal advice provision-grant funding programme

In the Autumn of 2009 the Board announced that 16 projects would share in more than £2 million of Scottish Government funding. This funding was provided to enhance legal advice services for people affected by the economic downturn, particularly targeting issues such as repossession and debt.

The grant funding programme placed emphasis on ensuring advice provision across the entire Scottish Court structure and encouraged applicants to carefully consider the best way of delivering advice services based on the needs of clients. The programme presents a package of projects designed around key needs and delivered by organisations best placed to respond to those needs.

All 16 projects are now underway and working towards mutually agreed objectives which contribute to the overall programme of improving access to justice for people affected by the economic downturn across the country.

An Equality Impact Assessment (EqIA) was carried out on the communication, implementation and monitoring of this programme. All grant funded projects are required to gather equalities monitoring data about the people accessing their services; this information may help the Board and other stakeholders to prioritise targeted provision in the future.

The in-court advice services operate at seven sheriff courts across the country and are another way of complementing and building on current legal advice provision. In April 2009 the Board took over the funding of these services from the Scottish Government. People can seek free advice, help and representation from in-court advisers. The in-court advisers will be able to help people who want to start a case in court or are being taken to court by someone else. The advisers provide advice for people who are not represented by a solicitor and who have debt, small claims or heritable cases. They can help with court paperwork and forms.

In 2010 we estimate that nearly 3,000 people used the in court advice services. Work continues on the communication strategies with each local service to ensure wide and appropriate advertising within local communities.

3.3 Provision of direct legal advice

Part V of the Legal Aid (Scotland) Act 1986 allows the Board to employ solicitors to give advice and assistance under the Act, to act for people receiving legal assistance and to work with local organisations.

The Part V programme comprises of four Civil Legal Assistance Offices (CLAO), which are located in Inverness, Lochgilphead, Aberdeen and Edinburgh. We have pioneered projects which address gaps for equality groups through these offices.

The office in Inverness works in partnership with local private sector solicitors, advice agencies and other local agencies. They provide advice and representation for people from the Highland, Western Isles, Moray, Shetland and Orkney council areas who are having difficulties finding legal help from elsewhere. The Inverness office offers an appointment-based service that covers a wide range of legal problems from family law and employment issues to nuisance/harassment cases and landlord/tenant grievances. The service shares its office with a solicitor employed by the Ethnic Minorities Law Centre, who deals with clients from the Highland area wishing to pursue race and religion discrimination claims. This project is funded as part of our grant-funding programme.

In November the Inverness office facilitated a 'Mental Health and the Law - The System, Stigma and Jargon (It's all about real people!)'. This day was designed to bring professionals including solicitors in local firms, mental health professionals and social workers to discuss clients needs, how professionals work together to support clients, how stigma can affect people with mental illness and how best to tackle it.

The Aberdeen and Edinburgh offices have focused on issues such as housing, debt and mortgage repossession. The Aberdeen office provides advice and representation to people living in the Aberdeen City and Aberdeenshire council areas. The office is shared with a solicitor from the Ethnic Minorities Law Centre who provides advice and representation to people from black and ethnic minorities communities in Aberdeenshire who are facing problems as a result of the economic downturn. This project is funded as part of our grant-funding programme.

Alongside the economic recession work, the Edinburgh office runs the Prison Advice Project. This has been operating in HMP Saughton in Edinburgh, Cornton Vale in Stirling (which is a women's prison) and Polmont Young Offenders Institution since October 2008 and HMP Addiewell in West Lothian since February 2009. The primary aim of the project is to enable prisoners and their families to resolve their civil legal problems whilst in prison so that they have a better chance of making a new start when they are released. The main areas of work that they cover are family, debt and housing.

The solicitors hold regular surgeries in each of the prison's Community Link Centres where they provide direct legal advice to prisoners. They also give training to staff and workers from agencies operating in the prison such as

SACRO, Apex and Families Outside. This training helps to recognise when a prisoner's problem may be a civil legal issue that might be solved with advice, and to help the prisoner get that advice (either from a member of the Prison Advice Project team or from another advice agency, such as a Citizen's Advice Bureau).

Our Public Defence Solicitors Offices (PDSO) deliver criminal legal assistance to those that require it from seven locations throughout the country. We are aware of meeting client needs at our PDSO offices. In 2010 PDSO began the development of a case management system with equalities embedded as a recorded issue to provide detailed reports and a tailored service to clients of the service.

3.4 Mainstreaming equality and Equality Impact Assessments

Equalities mainstreaming is essential and underpins our equalities strategy. In 2010 we continued to demonstrate strong leadership on equality issues. Our Equalities Project Board is chaired by our Chief Executive, with managerial representation from all our departments. This group has continued to meet regularly to monitor and co-ordinate action.

One of the main ways to help achieve a mainstreamed equalities approach is through the completion of Equality Impact Assessments (EqIAs) of functions and policies. We have been carrying out EqIAs across functions and projects since 2005. EqIAs have been successful in allowing managers to amend policies, where the need for this is identified and to ensure fairness for all relevant groups.

This year we reviewed the EqIA procedure and the process was simplified and streamlined. We introduced a shorter and more focused form, which was complimented by additional support and facilitation to manage the process. We have introduced more follow up arrangements and there is now more contact with managers and sponsors to discuss and give guidance about equality issues specifically related to their business/functional area throughout the life of projects and at post-implementation reviews. This has resulted in full coverage of those areas that were identified as top priorities, as well as new projects that have come along. Over this period, we started or completed a total of 17 EqIAs and 8 reviews of existing EqIA outcomes.

EqIAs that were started and/or completed in 2010 cover a wide range of our work under civil and criminal legal assistance and a number of corporate functions. These assessments have been taken forward by managers from across all our directorates. They include:

EqIAs

- CLAO Operations
- Communications function
- Review of the Board's asset management strategy
- Review of the Board's Information Communications Technology strategy
- Undue Hardship Test for Solemn Criminal Legal Aid
- Review of the duty solicitor scheme
- Advice and assistance and summary criminal legal aid financial verification
- Planning and co-ordination of legal services project
- Management of high costs cases
- Guidance to the profession on sanction for counsel
- Tapering of civil financial eligibility
- Civil simplification project
- Procurement
- Mental health best value review
- Research programme
- Consultation summary criminal justice & legal assistance reform/transfer of this power
- Asylum Best value review

Reviews of EqIAs

- Review of absence management
- Review of learning and development
- Review of performance management
- Review of resourcing and recruitment
- Review of reward, pay and benefits
- Review of work-life balance
- Review of PDSO
- Grant funding

You can get background and more information on all these areas of work and any actions arising from EqIAs by contacting us directly (see page 3 for details).

Highlights of recent EqIAs

Coverage of the EqIA has been good, with all projects having engaged with the process. The Mental Health Best Value Review responds to a need to ensure that persons who become subject to the provisions of the Mental Health (Care & Treatment) (Scotland) Act 2003 can access appropriate legal advice, assistance and representation. As part of this review, key stakeholders were consulted. Recommendations from this review work will be subject to the EqIA process prior to being taken forward.

As part of our Simplification programme the Financial Eligibility Form 2, used to help assess eligibility for civil legal aid has been reviewed. The proposed form was impact assessed. Consultation on the changes has now finished and once the results have been collated, further equality issues raised will be reviewed prior to rolling out the form.

People who apply to receive Advice & Assistance & Summary Criminal Legal Aid have to satisfy financial tests. Guidance to solicitors on the financial verification required to assess eligibility is being revised but has not yet been finalised or disseminated. Wide consultation is currently taking place with stakeholders. Once the consultation data is collated, an EqIA will be undertaken to assist with implementation of the next stage.

Last year we highlighted the change in The Legal Profession and Legal Aid (Scotland) Act 2007, which transferred the power to grant solemn criminal legal aid from the courts to the Board. This was rescheduled in 2008 to avoid introducing too much change to the justice system at the same time. The EqIA that was completed for this work suggested undertaking a wider consultation on the proposed test to include advice, information, and support services that serve equality communities. The consultation has finished and comments are being collated, and again any equality issues raised will be considered prior to the scheme being finalised.

3.5 Gathering information and involving people in the work we do: service users

We have worked to improve the quality of the information we collect. This will help deepen our understanding of how people across the priority characteristics are affected by our employment policies and practices and by the management and delivery of our services. In particular and throughout 2010 we have focused time and resources on the effective involvement of disabled people in the work that we do.

In July 2009, The Justice Disability Steering Group (JDSG) launched a project to examine the experiences of disabled people within the justice sector. This work was carried out by Capability Scotland on behalf of the JDSG. The JDSG is made up of representatives from the Board, the Law Society of Scotland, the Scottish Government, the Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, and the Scottish Prison Service.

The primary aim of the JDSG is to develop ways in which disabled people can get involved in improving access to services across the justice system in Scotland and to draw on disabled people's skills and experience to improve the Scottish justice sector for all. We have continued to work together on this project

throughout 2010, and having taken time to consider the findings of the project we have identified a number of themes to cover the main issues reflected in the report. The Board is committed to taking forward the 'knowing your rights' theme, and will explore ways of increasing awareness about accessibility issues and awareness of rights at all stages within the legal system, aiming this at clients as well as legal and advice services.

In 2009 we noted that completion rates for equalities information from those that apply for legal aid remains low. We have now introduced the codes from the 2011 Census and this will make comparisons and analysis easier in future. We have begun to develop and change to both paper forms and the legal aid online system. These up-dated forms will be rolled out by the end of 2011.

Throughout 2010 we worked to up-dating our website to enable it to be more user-friendly and provide information to be accessible on legal matters and links to relevant organisations that can provide advice and support. We are currently reviewing the web-site and equality issues will drive further up-dating.

We continue to develop our understanding of inequalities in Scotland and how these might relate to our current and future policies and practices. We will review relevant data sources and research across relevant areas such as social and economic life, demographic and population change, education and training, the labour market and crime and justice.

We believe that seeking views and feedback from service users and stakeholders is vital to ensuring a quality service. We continue to consult and involve equality groups about our policies and procedures through our stakeholder research programme. A key element of this is our applicants' survey. This seeks the views of people who have applied for legal assistance and helps identify areas where the system can be improved. In November we published the results from the 2009 Civil Applicant Survey. This survey, of over 765 people, provides a valuable insight into people's experience of the civil legal aid system and gauges levels of satisfaction with the services provided by solicitors and the Board. While differences across age, gender, disability and ethnicity were explored in the analysis, no significant differences were found. The results of this survey are on our website at:

www.slab.org.uk/about_us/research/Stakeholderengagement.htm

We recognise however that over and above large quantitative surveys there are different ways to engage with people from different equality groups and that often, and for real reasons, these people can be harder to reach. In the past we have commissioned separate and more in-depth research to provide evidence for our work under race, gender and disability equality. In 2010 we commissioned research to engage directly with people asylum seekers about their

understanding and interactions with the judicial system, identifying any barriers to accessing services and exploring opportunities to ensure that asylum seekers can access legal aid and services.

Ongoing engagement with solicitors throughout Scotland also allows the Board to monitor the views and experiences of solicitors while identifying areas for improvement. The solicitor survey provides useful evidence on solicitor's views and perceptions of legal aid and on the guidance and support received by the Board. The most recent solicitor survey was completed in 2010 and for the first time we collected some baseline demographic data on the profession. Of the respondents in the survey, we found that just under two-thirds were male and just over a third were female. The age range fell between 35-54 years of age. There was little disclosure of disability, whilst ethnicity reflected trends for the population. While differences across age, gender, disability and ethnicity were explored in the analysis where possible, no significant differences were found among key measures.

3.6 Gathering information and involving people in the work we do: staff

We conducted an employee opinion survey in June 2010. Of the 313 staff to complete the survey (representing an 84% response rate), 29% were male and 60% were female, and 11% preferred not to say/did not answer. Three per cent of those responding to the staff survey reported that they had a long-term illness, health problem or disability. Fifty four per cent report their ethnicity as white, while 13% preferred not to say and 30% did not reply.

Staff were asked how they feel about their work, the environment in which they work and working for the Board as a whole. The overwhelming majority of women (91%) and men (92%) agreed that the Board is an equal opportunities employer and a further 7% and 9% respectively neither agreed nor disagreed and only 1% disagreed. In addition the majority of women (81%) and men (70%) also reported that the Board values the diversity of employees with a further 13% and 22% respectively who neither agreed nor disagreed and only 2% who disagreed. Furthermore, taking into account experiences at work, the large majority of staff (89%) feel they are treated fairly and equally by the Board on account of their gender while 6% offered no opinion and only 5% disagreed.

Monitoring our human resources (HR) data can help us to identify unfair discrimination, and is a way of showing whether the equal opportunities policy is being implemented. This data helps to contribute evidence for our EqIA of HR functions. The HR EqIA is on-going and will be reviewed in 2011 to align with the Equality Act 2010. These assessments help us continue to ensure there is no unlawful discrimination and/or harassment in our employment practices and to actively promote equalities within our workforce.

Staff data for 2009/10 is aggregated by race, disability and gender and a summary can be found at Appendix A. This data shows that in March 2010 we had an approximate 60/40% female/male gender breakdown. Grades 1 and 2 are mainly administrative roles and make up 37% of all posts. Around 60% of these grades are occupied by women. This is a trend that continues within grades 3 and 4, which contain senior administrators and team leaders. Here around 85% of posts are taken by female members of staff. Slightly more men are employed at the next grade step (grade 5) than women (56% compared to 44%). Within the relatively more senior and management grades (grades 6 and 7), there is slightly more women than men, with women accounting for 58% and men 41%. Moving to the most senior grades the pattern is different. For grade 8 staff the ratio is around 3:1 men to women, whilst all staff at Director level are male.

While the staffing statistics show gender differences we do not believe that there is gender segregation. It is important to note that the number of staff in both grade 8 and Director level is small (7 and 5 respectively) and there has been no staff turnover in recent times. Our flexible working arrangements offer options for both men and women with childcare and other caring responsibilities. Overall figures for vacancies in 2009-2010 showed that women were approximately three times as likely as men to apply for vacancy. Offers were more likely to be made to women than men on a ratio of 3:1.

While in the last year we have recorded ethnicity for more staff, the level is still lower than we aim for and stands at 72% of all staff. We believe that this return rate disguises the true picture of staff demographics for the Board. The declared number of black and minority ethnic (BME) staff is low at 1%. We are working to ensure that staff data is as accurate and complete as possible and in 2008 we introduced the self-service function, through which staff are encouraged to check and record their equality-related information. Currently around a third of staff do not complete their ethnicity record and 12% do not record anything for disability.

We hope the new "self serve" system, with a further annual reminder to staff for whom we have no data, may make it easier for people to record information about ethnicity and disability. This year we have introduced the online job application process and redesigned the recruitment monitoring form to help encourage responses to equality questions, in particular to encourage a response to the disability question. This now allows for a "prefer not to say" option for all equality information, which will mean that we will know what the proportion of people is who are unwilling to declare this information, rather than those who have just not been able to respond for other reasons. This allows for more complete recording and will help us look at whether there might be reasons why

people do not disclose and whether we can do any further work to respond to any barriers that prevent people declaring this information.

We continue to monitor equal pay. We want everyone to be motivated to add value in their job and, by doing a good job, to benefit. In particular, we want them to have real pay progression and consolidated increases – with faster progression for those lower in their pay range. Higher performance will be also be recognised. Last year we conducted a high-level equal pay audit by gender by grade using the template provided by the Scottish Government. Ethnicity and disability were also considered in this audit. We have investigated further all results with a difference of $\pm 3\%$. We believe these differences are mostly related to changing either grade composition or expertise. Where this is not the case, the gap has usually reduced from that reported previously. We will continue to carefully monitor pay and intend to conduct a more in-depth analysis of pay using our Equal Pay Reviewer software system next year to help inform any action required for our next pay deal due from 1 August 2011.

3.7 Continuing our work into 2011

We have reviewed our priorities and timetabling for EqIA for the remaining year of our current equality scheme. We will continue to map where EqIAs have taken place, what actions have been taken forward as a result of this assessment and which areas are priorities for future assessments. These areas of work have been included as new actions in our Single Equality Scheme Action Plan.

The Equality Act will be phased in from October 2010 and will contain provision for a new public sector equality duty which will streamline and simplify the current provision. The Scottish Government will give guidance as to what specific duties should be placed on Scottish public authorities to help them deliver on the general Equality Duty outlined in the Act. We will be prioritising our equalities work to ensure that our policies and practices are aligned to comply with the Act. We have tried to anticipate the necessary preparation and changes that may be introduced when the Equality Act comes into full effect in 2011, although we still expect to have to review our action plan midway through next year to reflect any additional work or reviews that may be necessary.

We will work closely with other non departmental public bodies, the Scottish Government and our own Legal and Human Resources teams to help us interpret the Act. We have already begun to disseminate key messages to all sectors of our business and staff at the Board and this will continue throughout 2011. This will be aided by the Equalities Project Board and we will continue to implement, co-ordinate and monitor the work to deliver the commitments laid out in our action plan through this Project Board.

4. Progress against the Single Equality Scheme Action Plan

We identified key measures and actions to take forward to achieve our equality objectives over 2008-2011. These focus on Race, Gender and Disability, however many of the actions will also cover the additional priority characteristics identified in the Equality Act. We have been careful to classify each action to show where it fits within each public sector duty.

Race Equality Duty

- R1 Eliminate unlawful discrimination
- R2 Promote equality of opportunity
- R3 Promote good relations between people of different racial groups

Gender Equality Duty

- G1 Eliminate unlawful sex discrimination and harassment
- G2 Promote equality of opportunity between men and women

Disability Equality Duty

- D1 Eliminate unlawful discrimination
- D2 Eliminate harassment of disabled people that is related to their disability
- D3 Promote equality of opportunity between disabled people and others
- D4 Take steps to take account of disabled people's disabilities even where that involves treating them more favourably than others
- D5 Promote positive attitudes towards disabled people
- D6 Encourage participation by disabled people in public life

We have provided an update of progress made in 2010 against each action point.

In line with the statutory guidance relating to the equality public duties, the action plan is a "live" document. In monitoring progress against the action plan, we have taken the opportunity in this report to make updates to the original action plan.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Delivering services					
Registering legal aid providers and reviewing their work.	EqIA for Quality Assurance for criminal solicitors.	R1, R2, D1, D3, D4, G1, G3	Service improvement. If appropriate policies are modified or the justification for no action is clearly set out.	On going.	Progressing. This was previously impacted assessed in 2008. An update is scheduled to take place prior to the implementation of the Scheme.
Registering legal aid providers and reviewing their work.	EqIA for any future Civil Quality Assurance plans.	R1, R2, D1, D3, D4, G1, G3	Strengthening of response to equality issues within the profession.	Within period of scheme.	Progressing. The Board and the Law Society are considering carrying out a joint EqIA in relation to civil Quality Assurance Committee.
Registering legal aid providers and reviewing their work.	Review equality compliance monitoring arrangements for the Board's revised criminal Code of Practice.	R1, R2, D1, D3, D4, G1, G3	Service improvement. If appropriate policies are modified or the justification for no action is clearly set out.	On going.	Progressing. Code of Practice not yet issued. Draft code has been impact assessed and this will be reviewed again before code is issued.
Registering legal aid providers and reviewing their work.	Review equality compliance monitoring arrangements for Law Society of Scotland's, Faculty of Advocate and Scottish Government.	R1, D1, G1	Positive partnership working and information sharing.	By end of scheme.	Progressing. The Law Society Of Scotland issued clear guidance for the profession in September 2009. The Faculty of Advocates issued their equality guidance at the end of December 2009.
Registering legal aid providers and reviewing their work.	Discuss collective responsibilities under the equality duties with Scottish Government and Law society.	R1, D1, G1	Clarification of Board responsibilities towards solicitors under the equality duties.	By end of scheme.	Progressing. This work is ongoing further work may be needed with implementation of the Equality Act.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Legal Aid Fund administration.	Monitoring the duty solicitor scheme to minimise equality implications.	R1, D1, G1	An improved understanding of the evidence base for developing policies and practice.	June 2010	EqIA previously completed for Reform of Summary Criminal Legal Assistance in 2007. As part of the wider monitoring and review of the summary justice reforms, the Board is continuing to look at the operation of the duty scheme throughout the country. EqIA will be carried out prior to consultation for the new duty scheme. This is ongoing due to current and complex legal issues around this area. Change to end of scheme.
Providing direct legal advice and representation.	Improved capturing of data and information on equalities.	R1, D1, G1	Best practice in the delivery of the service to all client groups and to ensure service delivery and ensure accessibility of the service to all.	Ongoing.	Progressing. Ongoing pick up of equalities issue has included development of a case management systems with equalities embedded as a recorded issue to provide detailed reports and a tailored service to clients of the service.
Providing direct legal advice.	Part V operational impact assessments.	R1, R2, D1, D2, D3, G1, G2	Understanding of equality implications within civil legal assistance provider.	By 2010	Not yet been formally EqIA however useful discussion and identification of equality related issues has taken place and assessment rescheduled in for or 2011.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Providing direct legal advice and representation.	Developing equality training tailored to delivery of legal advice by directly employed solicitors.	R1, D1, G1	High quality training resources available for and used by directly employed solicitors.	Ongoing and as appropriate.	Progressing. A review of training needs has taken place. Resources have been given to CLAO Inverness office working with others to look at stigma and mental health.
Information Gathering					
Registering legal aid providers and reviewing their work.	Monitor and analyse civil applications with clear equality implications.	R1, D1, G1	Service improvement. Good evidence base for future service provision.	Ongoing.	Progressing. Analysis of applications for civil legal aid and grants of civil advice and assistance published on our website in 2009. This included analysis across age and gender of applicant and legal case type. Consultation work is ongoing.
Assessing eligibility.	Review monitoring procedures to equality questions.	R1, R2, D1, D3, D4, G1, G3	An improved understanding of the evidence base for developing our policies and practices.	Ongoing.	Progressing. Financial form 2 for Civil legal aid was simplified and impact assessed. Consultation on A&A is ongoing. Data items on forms conform to census categories.
Providing corporate functions.	Monitor complaints by all equality priority characteristics and the reason for the complaint.	G1, G2, D1, R1	Data is recorded to show action has been taken to remove barriers identified in complaints from members of the public about the Board.	Ongoing.	Progressing. Planned changes to the case management system scheduled for the end of March 2010. These will allow for the recording of whether complaint relates to an equalities matter.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Providing corporate functions.	Developing equalities partnerships with other bodies as well as benchmarking best practice and data.	R2, D3, G2	Information sharing and exchange with Scottish Government, Law Society of Scotland and partner justice organisations. Compare information to develop best practice.	Ongoing.	Progressing. Continued involvement on relevant networks including: -Public Sector Equality Network. -Non-Departmental Public Body Equality Group. -Working group for Interpretation and Translation. -Scottish Government Justice Equalities working Group.
Providing corporate functions	Involvement of disabled people in our policies and practices.	D6	Effective and efficient involvement of disabled users in policies and practices.	Ongoing	Progressing The JDSG continues to work together and have identified a number of themes that cover the main the issues within the report.
Providing corporate functions.	Work to improve recording of equalities monitoring information by solicitors.	R2, D3, G2	Ensuring increased completion of service data monitoring.	Ongoing and as appropriate	Progressing. Equality monitoring collections on online and paper forms have been reviewed and comply with the census categories. Baseline data has been collected within the solicitor survey.
Providing corporate functions.	Implement an improved process by HR function for recording and monitoring of equality data for all job applicants and all staff.	R1, D1, G1	An improved base for developing our HR policies.	Annual monitoring of workforce data.	Progressing. Review of EqIA of HR to be completed in 2011 and aligned to Equality Act. Continued reporting and analysis of annual work force data. On line recruitment form in place.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Providing corporate functions.	Perform and report on an equal pay audit.	G1	Ensure a valid explanation for any pay differentials identified within the Board.	Annually.	Completed. Equal pay audit completed June 2010. Review to be performed in 2011 prior to action for the Board's next pay deal in August 2011.
Providing corporate functions.	Consult on our policies and practices.	R3, D5, G2	Receive and action upon timely and constructive feedback from service users and members of the public about our policies and procedures.	Ongoing and as appropriate.	Progressing. Ongoing programme of stakeholder engagement. This has included the solicitor and staff survey and research with asylum seekers. Web pages continue to enable feedback for consultations.
Providing advice to government and others.	Carry out staff survey with equality related needs.	R1, R2, D1, D3, G1, G2	Clear and up to date understanding of staff experience and views on equality related issues.	2010	Completed. Staff survey took place in the summer of 2010 which included equality related questions and analysis by demographics.
Mainstreaming					
All functional areas.	Completion of EqIA by function.	R1, R2, R3, D1, D3, G1, G2	Service improvement. Where appropriate policies are modified or the justification for a policy is clearly set out.	By end of scheme.	Progressing. 25 EqIAs/reviews completed or commenced in 2010. Prioritising exercise and revised timetable covering all functional is ongoing. Clear guidance set on monitoring and follow up of assessments is now in place.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Providing corporate functions.	Review EqIA Process.	R1, D1 G1	Necessary and appropriate changes made to EqIA process to ensure buy in and use by project managers.	On-going.	Progressing. Changes were made to the EqIA process to simplify the process. Support is now tailored to individual and business needs. Further guidance on how the Equality Act will change the nature of the EqIA process is awaited.
Providing corporate functions.	Review procurement terms and conditions for all contracts for assurance that they comply with relevant equality legislation.	R1, R2, D1, G1	All contract conditions compliant with the equality duties.	By end of year 2010.	Completed. Work was undertaken to ensure that the standard procurement contracts were aligned with the Scottish Government's Terms and Conditions (SGTC). These and other bespoke Board contracts have also been reviewed to ensure conformity with current equity duties. Further reviews may be undertaken to align procurement contracts with the Equality Act 2010 and revisions made (if any) by the SGTCs.
Providing corporate functions.	Consider our existing equalities policies in light of current guidance on transgender.	G1	Appropriate guidance in place to support staff or new applicants.	By end of year 2010.	Completed. Information and best practice was collated and disseminated internally. This is currently being considered against relevant policies and where necessary changes will be made. Work will also be reviewed in line with the Equality Act 2010 once it is enforced.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2010
Providing corporate functions.	Ongoing evaluation of the delivery of equality and diversity training to all new staff.	R2, D3, D5, G2	Service improvement.	On going.	Progressing. Review of corporate equalities induction training has been undertaken, given the projected smaller numbers of new staff. This will focus the work on individual and business need. It will be delivered by the Equalities Officer in small groups or even on a one-to-one basis as required, reflecting our commitment to induct new staff.
Providing corporate functions.	Monitor coverage and quality of equalities training for existing staff.	R2, D3, D5, G2	Ensure ongoing training is provided to tie in with need.	Reviewed annually.	Progressing. A general Training and Development Plan is drawn up each year for the Board. The planning process includes consideration of Equalities issues.
Providing corporate functions.	Ensure that all Board members receive adequate equalities training.	R2, D3, D5, G2	An improved understanding of Board members' responsibilities under the equality duties.	By April 2010	Progressing. New Board members were appointed and a training plan will include equalities training.
Providing corporate functions.	Review all procedures & policies, and ensure all Board staff and members are trained on key changes within the Equality Act.	R1, R2, R3, G1, G2, D1, D2, D3, D4, D5, D6	Service improvement. Improved understanding of employees and Board members responsibilities under the Equality Act. New plan for delivering equalities.	By end of 2011.	Progressing. Commenced in October 2010 and will be ongoing until the end of the scheme. Training needs will fall from this development and interpretation. Publication of final equalities annual report is due in December 2011. This will set out outcomes expected for 2012-2014, in accordance with the Duty as currently understood.

Appendix

Recruitment and staffing data 2009-2010

Table 1. Employee statistics 2009-2010: gender and ethnicity

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total Staff
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
Staff in post at 31 March 10	63%	37%	75%	25%	-	-	-	-	100%	-	64%	36%	-	-	61%	39%	379
% of Total			1%		0%		0%		1%		70%		0%		28%		
Staff employed between 01 April 09 and 31 Mar 10	63%	37%	75%	25%	-	100%	-	-	100%	-	62%	38%	-	-	63%	37%	417
Total			1%		0%		0%		0%		70%		0%		29%		
Those who receive training	62%	38%	-	-	-	-	-	-	-	-	78%	22%	-	-	25%	75%	13
Total			0%		0%		0%		0%		69%		0%		31%		
Those who benefit from a bonus as a result of performance assessment procedures	71%	29%	-	-	-	-	-	-	-	-	69%	31%	-	-	74%	26%	113
Total			0%		0%		0%		0%		63%		0%		37%		
Those who suffer detriment as a result of performance assessment procedures.	100%	0%	-	-	-	-	-	-	-	-	83%	17%	-	-	-	100%	7
Total			0%		0%		0%		0%		86%		0%		14%		
Involved in grievance procedures	100%	0%	-	-	-	-	-	-	-	-	100%	-	-	-	-	-	1
Total			0%		0%		0%		0%		100%		0%		0%		
Involved in disciplinary procedures	50%	50%	-	-	-	-	-	-	-	-	50%	50%	-	-	-	-	2
Total			0%		0%		0%		0%		100%		0%		0%		0%
Those who cease employment	54%	46%	-	-	-	100%	-	-	-	-	45%	55%	-	-	71%	29%	35
Total			0%		3%		0%		0%		57%		0%		40%		

Table 2. Employee statistics 2009 – 2010: gender and declared disability

	Disabled		Not Disabled		Not Stated	
	Female	Male	Female	Male	Female	Male
Staff in post at 31 March 10	58%	42%	65%	35%	55%	45%
% of Total	5%		83%		12%	
Staff employed between 01 April 09 – 31 Mar 10	61%	39%	64%	36%	54%	46%
Total	6%		83%		12%	
Those who receive training	67%	33%	60%	40%	-	-
Total	23%		77%		0%	
Those who benefit from a bonus as a result of performance assessment procedures	75%	25%	72%	28%	60%	40%
Total	4%		83%		13%	
Those who suffer detriment as a result of performance assessment procedures.	50%	50%	80%	20%	-	-
Total	29%		71%		0%	
Involved in grievance procedures	-	100%	-	-	-	-
Total	100%		0%		0%	
Involved in disciplinary procedures	-	-	50%	50%	-	-
Total	0%		100%		0%	
Those who cease employment	75%	25%	50%	50%	100	0
Total	11%		86%		3%	

Table 3. Employee statistics 2009-2010: grade, gender and ethnicity

Grade	Job	Grade	Job
1	Administrative Assistants	5	Senior Team Leader/Senior Specialist
2	Administrative Officers	6	Assistant Manager/Junior Professional
3	Senior Administrative Officer/Deputy Team Leader	7	Manager/Professional
4	Team Leader/Specialist	8	Head of Function/Senior Professional
		9	Director

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
Employed at Grade 1	62%	38%	100%	-	-	-	-	-	-	-	53%	47%	-	-	79%	21%	4
% of Total			2%		0%		0%		0%		67%		0%		31%		
Employed at Grade 2	59%	41%	0%	100%	-	-	-	-	100%	0%	63%	37%	-	-	46%	54%	1
Total			1%		0%		0%		1%		72%		0%		26%		
Employed at Grade 3	88%	12%	-	-	-	-	-	-	-	-	85%	15%	-	-	94%	6%	5
Total			0%		0%		0%		0%		71%		0%		29%		
Employed at Grade 4	81%	19%	-	-	-	100%	-	-	100%	0%	90%	10%	-	-	71%	29%	5
Total			0%		2%		0%		2%		56%		0%		40%		
Employed at Grade 5	44%	56%	-	-	-	-	-	-	-	-	48%	52%	-	-	35%	65%	5
Total			0%		0%		0%		0%		66%		0%		34%		
Employed at Grade 6	57%	43%	100%	0%	-	-	-	-	-	-	52%	48%	-	-	67%	33%	5
Total			4%		0%		0%		0%		79%		0%		17%		
Employed at Grade 7	61%	39%	-	-	-	-	-	-	-	-	57%	43%	-	-	70%	30%	3
Total			0%		0%		0%		0%		74%		0%		26%		
Employed at Grade 8	14%	86%	-	-	-	-	-	-	-	-	0%	100%	-	-	33%	67%	1
Total			0%		0%		0%		0%		57%		0%		43%		
Employed at Grade 9	-	100%	-	-	-	-	-	-	-	-	0%	100%	-	-	-	-	1
Total			0%		0%		0%		0%		100%		0%		0%		

Table 4. Employee statistics 2009- 2010: gender, age and grade*

* may not add up to a 100 due to rounding up/percentage

	Under 25		25-40		Over 40		Total number
	Female	Male	Female	Male	Female	Male	
Grade 1-3	63%	37%	57%		43%	63%	
Total	13%		53%		35%		211
Grade 4-6	-	-	60%		40%	62%	
Total	0%		53%		47%		155
Grade 7-9	-	-	71%		29%	39%	
Total	0%		28%		72%		50
Total gender	4%	2%	29%	20%	25%	19%	
							416

Table 5. Job applicant statistics¹ 2009 – 2010: gender and ethnicity

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
All external applicants for employment 1 Apr 09 – 31 Mar 10	70%	29%	1%	-	2%	-	1%	-	-	-	26%	14%	-	-	38%	13%	282
% of Total			2%		2%		1%		1%		40%		0%		54%		
External applicants interviewed for employment	64%	29%	-	-	-	-	-	-	-	-	21%	21%	-	-	43%	7%	14
Total			0%		0%		0%		0%		43%		0%		57%		
Offer made to external applicants	76%	24%	*11%	-	-	-	-	-	-	-	-	-	-	-	67%	22%	9
Total			11%		0%		0%		0%		0%		0%		89%		
Offer accepted by external applicants	76%	24%	5%	-	-	-	-	-	-	-	43%	14%	-	-	29%	10%	21
Total			5%		0%		0%		0%		57%		0%		38%		
Internal applicants for promotion/transfer	80%	20%	-	-	-	-	-	-	-	-	53%	20%	-	-	27%	-	15
Total			0%		0%		0%		0%		73%		0%		27%		
Internal applicants promoted/transferred	86%	14%	-	-	-	-	-	-	-	-	71%	14%	-	-	14%	-	7
Total			0%		0%		0%		0%		86%		0%		14%		

* Job offered to previous candidate

¹ Percentages may not add up to 100% because of rounding or numbers "not known".

Table 6. Job Applicant statistics 2009- 2010: gender and declared disability

	Disabled		Not Disabled		Not Stated		Not stated
	Female	Male	Female	Male	Female	Male	
All external applicants for employment 1 Apr 09 – 31 Mar 10	1%	0%	50%	19%	17%	10%	3%
Total	1%		68%			30%	
External applicants interviewed for employment	-	-	29%	29%	29%	7%	7%
Total	0%		57%			43%	
Offer made to external applicants	-	-	62%	19%	14%	5%	-
Total	0%		81%			19%	
Offer accepted by external applicants	-	-	62%	19%	14%	5%	-
Total	0%		81%			19%	
Internal applicants for promotion/transfer	-	-	67%	20%	13%	0%	-
Total	0%		87%			13%	
Internal applicants promoted/transferred	-	-	86%	14%	-	0%	-
Total	0%		100%			0%	