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A report from The Lines Between for:

**Public Involvement in Setting SLAB’s Equality Outcomes**

**Report**

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# Executive Summary

## Introduction

1. As a public body, Scottish Legal Aid Board (SLAB) pays due regard to the three aims of the public sector equality duty as set out in the Equality Act (2010) which are to:

* Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
* Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
* Foster good relations between people who share a protected characteristic and those who do not.

1. SLAB is approaching the end of its second equalities cycle (2017-2020) and is developing new equality outcomes for 2020-2023. The Lines Between, an Edinburgh-based social research agency with expertise in inclusive research approaches, was commissioned as an external facilitator by SLAB to involve people with protected characteristics in the process of shaping these new outcomes.
2. The research was conducted using a qualitative approach. Tailored discussions with protected characteristic groups were conducted in October 2019, engaging with 23 participants in total. The protected characteristic groups included in the research were: gay, lesbian and bisexual (LGB) people, people with experience of poor mental health, people from different ethnic minority backgrounds, and people with learning and physical disabilities and visual impairment.

## Overall reflections on the need of groups with protected characteristics

1. Key themes quickly emerged from each of the groups in relation to how their protected characteristic had negatively impacted their ability to access advice or services. A desire to recognise and understand the specific needs of each group, and to tailor communication and service delivery accordingly, are important for all. Though not directly linked to experiences with Legal Aid, SLAB or solicitors, these overarching themes are relevant to SLAB when drafting the next equality outcomes and when considering service design.
2. The overarching theme to emerge from the gay, lesbian and bisexual group was the frequent assumption made by professionals or service providers that people are heterosexual. This group noted their discomfort at having to correct a professional who had made an assumption about their sexuality, and the discomfort of professionals who have been corrected.
3. Access issues were the most prevalent concerns for people from ethnic minority backgrounds. These were primarily linked to language and communication, with participants highlighting the difficulties faced by those with poor or no English. These included the challenges of making phone calls or appointments, of explaining a situation, of filling in forms or understanding background materials. There were also discussions around the inherent assumptions which are made about service users’ knowledge and the need for service providers to understand cultural differences and sensitivities.
4. For people with experience of poor mental health, stress in formal situations was a common theme and, for some, the ability to retain information was a daily challenge due to the nature of their conditions. There was also a desire for a greater understanding of mental health. This group did not want to be patronised as a result of, or defined by, their mental health condition and they want service providers to understand the range of conditions, how these differ and how these differences may impact the way a person engages with a service.
5. Access was the most prevalent theme for people with learning or physical disabilities. This was discussed in a number of forms – making contact with a service, getting information or understanding discussions. The group were also explicit in their desire not to be defined by their disability. They expressed a need for service providers to take time to understand an individual’s requirements and consider how best to interact with them. The other important theme was that appropriate consideration is given to engaging with carers and support workers. These interactions can be complex, as it cannot always be assumed that a carer or support worker is known to, or trusted by, an individual.

## The needs of people with a protected characteristic in relation to SLAB functions

1. Participants were asked how they would expect SLAB to ensure that someone with their protected characteristic was treated fairly and equally in two specific scenarios: the first appointment with a solicitor in a civil matter, and phone or face-to-face advice from a solicitor at a police station.
2. In relation to the first scenario, it became clear that the requirements of these groups extended beyond simply the meeting itself, with participants discussing challenges they may face before, during and after the appointment.
3. With the exception of the LGB group, all other groups faced some form of barrier to simply making an appointment in the first place, with communication being a major challenge.
   * For people from ethnic minority backgrounds, communication barriers are mostly related to language difficulties. Understanding either a solicitor’s website or the SLAB website could be a challenge, making it difficult to know how to get in touch with a solicitor. Making an appointment is a further hurdle.
   * People with disabilities face a number of communication barriers, which differ depending on the nature of the disability. Website accessibility is also crucial for those who may need to undertake significant planning to get to an appointment.
   * For people with experience of poor mental health, the biggest communication challenge is needing to frequently explain not only the reason for the appointment, but details of their condition or diagnosis. Other barriers faced by this group at this stage relate to difficulties around understanding or retaining information.
4. The first common theme to emerge when discussing the appointment itself was a difficulty filling in forms. This could be due to language, understanding or accessibility issues. Another common theme across people with disabilities and people from ethnic minority backgrounds was a concern around confidentiality in relation to extended family or support workers attending appointments. The third theme to emerge when discussing the appointment was the need to ensure the best use of the time available and to allow more time, if needed. Some flexibility in the structure and length of appointments would benefit most of the groups we talked to, albeit in different ways.
5. A common theme across almost all groups when discussing their needs after an appointment was the need for a summary of discussions to be prepared and shared with them. Another specific point raised by people from ethnic minority backgrounds was a desire for more background information on the Legal Aid process. A few highlighted different situations in which they had been asked to provide specific documentation, but that they had not understood what this documentation was or where to get it.
6. The second scenario explored in the conversations was getting phone or face-to-face advice from a solicitor in a police station. It quickly became clear that most of the issues outlined above were also applicable in this scenario. The dominant theme in conversations about this scenario was a desire for solicitors to be aware of or trained in how to support people with protected characteristics in a stressful situation. For example, that they are not taken advantage of due to the state of their mental health, or their inability to communicate or document information.

## Other Issues raised in relation to the needs of groups with a protected characteristic

1. Participants were made aware of the other protected characteristic groups involved in the research and were asked whether any groups should be given more of a priority than others when it came to ensuring their needs are met. The consensus within and across the groups was that access to services should be equitable regardless of characteristic or need, albeit that the ways in which services are accessed would need to differ by group.
2. Training was raised occasionally by a small number of participants. These comments tended to suggest that more training was needed by service providers, and that the training currently provided tends to be quite basic. Specific points raised in the different groups included more detail about what diversity and equality means for individuals and their needs, and more training into the issues and characteristics of different cultures and ethnicities.
3. Providing mechanisms for feedback and registering complaints also arose organically in response to examples of poor service provided by participants. There were mixed views on the value and ease of challenging perceived poor practice or inappropriate language.
4. Views on the collection of equalities data were mixed. On the whole there was a reasonable level of understanding of why organisations might collect this information. For individuals with experience of collecting or using this data there was a clear understanding. Others were more uncomfortable and many stated that they would only provide it if there was a clear explanation of why it was being used. For some, their discomfort was around not knowing why the information was going to be used, and if it could be used against them in some way, or to the detriment of someone else.

## Views on existing equalities outcomes

1. Participants generally felt that the existing outcomes were clear and understandable. A minority across the groups were slightly more negative, describing them as too wordy, too formal, or trying to do too many things at once.
2. When examining the specific wording of the outcomes, a number of points of clarification or improvements to the wording were suggested, which are detailed in Chapter 5. Beyond these specific changes, participants did not suggest anything which was missing from the outcomes or provide suggestions for new outcomes.

## Conclusions

1. This research has identified a number of points for consideration by SLAB when drafting future equality outcomes. At a general level, a desire to recognise and understand the specific needs of each group, and to tailor communication and service delivery accordingly, were important themes across all protected characteristics. These themes were equally evident when participants discussed how SLAB could best engage with groups with protected characteristics.
2. It is important to acknowledge that there are limitations on the extent to which SLAB can influence the wider sector. For example, areas related to training, standards of service and conduct are likely to fall under the remit of Law Society of Scotland, rather than SLAB. The suggestions included in this report therefore focus mainly on areas where SLAB is able to shape future developments. These include points with direct relevance to the Legal Aid process, or those in the context of SLAB’s direct solicitor’s service, ensuring it is designed to support and promote appropriate engagement with different equalities groups.
3. Areas where improvements could improve the experiences of those with protected characteristics include:

* The provision of more information to applicants about Legal Aid and using a solicitor.
* Accessibility, in terms of both the language and formats of Legal Aid paperwork and physical access requirements.
* Engaging with applicants, for example: considering that people need different ways to record information, providing a short summary of discussions and ensuring appropriate involvement of support staff. There is also a need for flexibility in length and number of appointments, arising from the potential additional work required to communicate with protected groups or for details of cases to be disclosed.
* Improved training to solicitors on all protected characteristics and the implications of these e.g. cultural differences, features of specific mental health conditions etc.
* Mechanisms for feedback and complaints and ensuring equalities monitoring forms explain why data is collected and what it is used for.

1. By demonstrating a positive and proactive approach to working with groups with protected characteristics, SLAB may have a wider impact on the sector. There could also be a case for reviewing how equality is reflected in SLAB’s Codes of Practice at some point in the future.

# Introduction

1. Legal Aid is a vital element of Scotland’s justice system. It provides access to legal assistance and representation for those people who are unable to pay for it. This gives those without means – often the most vulnerable people in society – the ability to defend or pursue their rights, or fund their defence.
2. The Scottish Legal Aid Board (SLAB) is a public authority. Its role is to manage Scotland’s Legal Aid system and advise Scottish Ministers on strategic developments. As a public body, SLAB is subject to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (and amendments). The regulations provide a framework to assist SLAB to pay due regard to the three aims of the public sector equality duty as set out in the Equality Act (2010) which are to:

* Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
* Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
* Foster good relations between people who share a protected characteristic and those who do not.

1. A number of requirements are set out in the legislation, including a duty for public authorities to publish equality outcomes and report progress. SLAB is approaching the end of its second equalities cycle (2017-2020[[1]](#footnote-1)) and is developing new equality outcomes for 2020-2023.
2. The Lines Between, an Edinburgh-based social research agency with expertise in inclusive research approaches, was commissioned as an external facilitator by SLAB to involve people with protected characteristics in the process of shaping these new outcomes. This report details the findings from this research.

## Method

1. A qualitative approach was considered most appropriate for this research. Given the diversity across the protected characteristic groups that SLAB wished to engage with, specific, tailored discussions within each group was deemed the best way to achieve meaningful participation. These structured conversations allowed us to identify and explore differences of opinions across and within each protected characteristic group.
2. A total of twenty-three participants took part in this research, comprising of four focus groups which each lasted between 60 and 90 minutes, as well as one face-to-face interview and one telephone interview. All took place in October 2019. Table 1 shows the number of participants from each protected characteristic group as well as some details of the individuals who took part in each group. Within each group there was a relatively equal split by gender, and a range of ages and socio-economic backgrounds were represented.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Table 1. Focus group participants*** | |  | | |
| **Protected Characteristic Group** | **Participant Characteristics** | | **Number of participants** | **Location** | |
| Gay, lesbian and bisexual (LGB)[[2]](#footnote-2) | * 3 who identified as gay * 2 who identified as lesbian * 1 who identified as bisexual | | 6 | Glasgow | |
| People with experience of poor mental health[[3]](#footnote-3) | * 2 participants with Bipolar disorder * 1 participant with depression and anxiety * 1 participant with epilepsy and anxiety | | 4 | Glasgow | |
| People from different ethnic minority backgrounds | * 3 Asian Scottish * 3 Polish / Eastern European * 1 Black British | | 7 | Edinburgh | |
| Learning / physical disability | * 2 people with learning disabilities * 2 people with learning disabilities and physical disabilities (wheelchair users) * (2 support workers also attended and participated in the conversations) | | 4 | Edinburgh | |
| Visual impairment | * 2 people with varying degrees of visual impairment | | 2 | Edinburgh | |

1. Participants were recruited by two different means. Firstly, an external recruitment agency specialising in recruiting harder to reach groups was approached to recruit for focus groups with LGB people, people with experience of poor mental health and people from different ethnic backgrounds. For the group with learning and physical disabilities and visual impairments, The Lines Between used their own connections and networks to recruit participants. Participants were offered an incentive of a £50 Love2Shop gift card, paid once the discussion had ended as a ‘thank-you’ for taking part.
2. A discussion guide was developed by the Lines Between and approved by SLAB, which provided a basis for the discussions. This included hand-outs for the participants with explanations of Legal Aid, scenarios and the equalities outcomes. The guide and the handouts were adapted for accessibility depending on the protected characteristic groups participating, for example for the group with learning and physical disabilities explanations of legal aid and scenarios were simplified and read out in stages.
3. Each discussion was recorded, transcribed and analysed by The Lines Between. Quotes have been included within this report to illustrate the themes which emerged from the conversations. These quotes have not been attributed to any individuals, but instead to the protected characteristic group that was the focus of the discussion.

# Overall reflections on the need of groups with protected characteristics

*“Being equal, it’s a bit of a bizarre notion, what are we trying to be equal to? There’s no normal anymore. I think about it as being respected and being included and not being excluded because of anything that I’m presenting as being.”* [LGB]

1. At the start of our conversations, participants were asked to provide examples of situations where they felt their protected characteristic had negatively impacted their ability to access advice or services. Initially, few participants felt that they had been disadvantaged in this way. The researchers took time to establish rapport with each group to explore their experiences in more detail.
2. Key themes quickly emerged from each of the protected characteristic groups. These stemmed from participants sharing examples of similar experiences with a wide range of services, how they had felt about those experiences and how it impacted their perceptions of the service. These themes are discussed in this chapter.
3. Some of these key themes are evident across the four groups in the research. A desire to recognise and understand the specific needs of each group, and to tailor communication and service delivery accordingly, are important for all.
4. Though not directly linked to experiences with Legal Aid, SLAB or solicitors, these overarching themes were also reflected on when discussing how SLAB should interact with groups with protected characteristics. They are therefore relevant to SLAB when drafting the next equality outcomes and more widely when considering service design.

## Gay, Lesbian and Bisexual

1. The overarching theme to emerge from the gay, lesbian and bisexual group was the frequent assumption made by professionals or service providers that people are heterosexual. These heteronormative assumptions are clearly very frustrating for this group; this was one of the first issues raised in the conversations and was mentioned several times in relation to many different situations. This group felt that they regularly had to explain and justify their identity in ways that a straight person would not.
2. This group also noted their discomfort at having to correct a professional who had made an assumption about their sexuality, and the discomfort of professionals who have been corrected. This was often seen as an awkward situation, bringing unnecessary stress into a conversation. In some of the examples given by participants, this had not been handled well. However, most were clear that if a service provider simply apologised for the assumption and moved on, there would be no further issue.
3. Participants suggested that a service provider could use the term ‘partner’ when addressing a spouse or significant other to avoid this situation arising.

*“If I say I’m Mrs X and they say ’and your husband’s name?’, I’m like ‘Urgh’. That’s just it and I get that that’s a natural thing people do, you know if she’s a Mrs there must be a Mr, but I just think it’s a general education, especially if you’re in a job that’s customer based and it’s dealing with the public the word partner should just be used at all times”* [LGB]

*“If you’re talking about something stressful already, and if somebody assumes your sexuality wrong it can just be the point that tips you over into feeling incredibly frustrated or disempowered or just hanging up the phone.”* [LGB]

## People from different ethnic minority backgrounds

1. The experiences of people from ethnic minority backgrounds varied extensively within our conversations. This group included one black-British individual, others with different heritages and some recent migrants from Eastern Europe. Whilst they had a range of different experiences, some common themes nevertheless emerged across this group.
2. Access issues were the most prevalent concerns. These were primarily linked to language and communication, with participants highlighting the difficulties faced by those with poor or no English. These included the challenges of making phone calls or appointments, of explaining a situation, of filling in forms or understanding background materials.
3. Secondly, some participants raised the inherent assumptions which are made about service users’ knowledge. Discussions focussed on public bodies requiring service users to provide official documentation, and the difficulty faced by those who are new to the UK in either knowing what the documentation is, or how to get one. One example was the need to provide a recent P60 to illustrate earnings, and whether a recent immigrant would either have this, or know where to get one.
4. The third overarching theme for this group was the need for service providers to understand cultural differences and sensitivities. Participants discussed how some issues, such as domestic abuse, may be more common in some cultures than others. This, coupled with some cultures being less open to discussing these issues, could impact the ability of service providers to quickly get to the heart of an issue.

## People with experience of poor mental health

1. For people with experience of poor mental health, stress in formal situations was a common theme throughout the conversations. This could manifest itself in tension whilst waiting for a service or appointment, and in making it challenging to absorb and retain information. For some, the ability to retain information was a daily challenge due to the nature of their conditions. Much of the conversation with this group focussed on ways in which service providers could be better equipped to communicate with them.
2. There was also a desire for a greater understanding of mental health. Firstly, this group did not want to be patronised as a result of, or defined by, their mental health condition. There was a general dislike of the term ‘mental health’ and the fact that this term encompasses a range of conditions. Secondly, this group do want service providers to understand the range of conditions, how these differ and how these differences may impact the way a person engages with a service.

*“I think that’s probably the worst thing, if people treat me differently – that’s like second class citizen.”* [Experience of poor mental health]

*“Just say exactly what it is - I’ve got bipolar, and I deal with it that way. Whereas if you turn round to me and say mental health issue – I don’t like that word because the whole ‘mental’ thing, I think it’s a horrible word.”* [Experience of poor mental health]

*“I saw an occupational health report which said ‘mental health’ and nothing else. I thought that’s kind of insulting, that’s all it says. And they say well that’s what it’s down as. And it is what it’s down as but when you read that paper and there’s nothing else you feel degraded by it.”* [Experience of poor mental health]

## People with learning / physical disabilities

1. Access was the most prevalent theme for people with these kinds of disability. This was discussed in a number of forms – making contact with a service, getting information or understanding discussions. The group were also explicit in their desire not to be defined by their disability. They expressed a need for service providers to take time to understand an individual’s requirements and consider how best to interact with them.

“*One thing I would ask [service providers to change] is if they stopped looking at the disability and looked at the individual person.”* [Learning/physical disability]

1. There was, however, understanding of the limitations which organisations face in ensuring equal access:

*“It’s also being honest about expectations. There might be certain things that you or somebody can fulfil as an organisation, and certain things that people can’t, for a variety of reasons, and I think an honest approach is really important.”* [Visual impairment]

1. The other important theme across our conversations with people with disabilities was that appropriate consideration is given to engaging with carers and support workers. These interactions can be complex, as it cannot always be assumed that a carer or support worker is known to, or trusted by, an individual. A support worker could simply be the duty worker assigned to an individual that day, with little or no relationship to the individual; this poses a more significant challenge to confidentiality. At times they could be accompanied by family members, but consideration still needs to be given to the extent to which they should be included in discussion.
2. Related to this, this group also discussed how a service provider’s approach to involving carers can affect the experience of a person with disabilities. Too often discussions and advice are directed at the carer or support worker, rather than the individual who is seeking to use the service.

# The needs of people with a protected characteristic in relation to SLAB functions

*“Whatever is good for mostly disabled or blind or partially sighted people, will always be good for everybody at the end of the day, because everyone will find it useful.”* [Visual impairment]

1. Having discussed the experiences of the different groups more broadly, the conversations moved on to explore how SLAB might best meet the needs of each group. Only a few of the participants claimed to have any experience of Legal Aid, either having friends or relatives who had used it, or having investigated it for themselves. For that reason, participants were all provided with a brief introduction to Legal Aid, the application process, and SLAB’s role in administering Legal Aid and working with solicitors.
2. Participants were then asked to consider two specific scenarios in relation to SLAB’s functions. These were the first appointment with a solicitor in a civil matter, and phone or face-to-face advice from a solicitor at a police station. Reflections on the needs of protected characteristic groups in each of these scenarios is detailed in the rest of this chapter.

## Scenario 1: First appointment with solicitor in a civil matter

1. Researchers firstly outlined some of the reasons why an individual might contact a solicitor for advice, for example employment, housing or debt issues, divorce or custody matters. Participants were then asked how they would expect SLAB to ensure that someone with their protected characteristic was treated fairly and equally in such a scenario. It became clear from the discussions that the requirements of these groups extended beyond simply the meeting itself, with participants raising challenges before, during and after the appointment. Each of these stages is therefore discussed in more detail below.

## *Making an appointment and getting there*

1. Almost all groups faced some form of barrier to simply making an appointment in the first place, with only the LGB group not raising any concerns about this stage. Common across all the other groups were barriers to communication. These took various forms.
2. For people from ethnic minority backgrounds, communication barriers are mostly related to language difficulties. Understanding either a solicitor’s website or the SLAB website could be a challenge, making it difficult to know how to get in touch with a solicitor. Making an appointment is a further hurdle. Participants discussed how a lack of confidence in spoken English can either prevent someone making a phone call, or cause a call to fail and discourage them from making any further attempts at contact. This highlights the potential for, and value of, greater use of online appointment booking services. A few participants gave examples of service providers who hold open door sessions with translators present.

*“I feel quite confident now, but in the past making phone conversations was very difficult. I remember with the Advice Bureau, to make an appointment you have to make a call, and I think that could be one of my first barriers – I’d think no, I’m not doing this call so I’ll continue to have a problem, or try to solve it differently.”* [Ethnic minority background]

1. People with disabilities face a number of communication barriers, which differ depending on the nature of the disability. Those with learning or physical disabilities may lack the capacity to make a phone call to arrange an appointment. Some of these individuals need the assistance of support workers, and have to wait for appointments at a time when a support worker is available to accompany them. Those with visual impairments may need to find contact details on a website, but the site needs to be accessible, for example having high contrast settings or be compatible with assisted reading technology.
2. Website accessibility is also crucial for people with disabilities who may need to undertake significant planning to get to an appointment. A website needs to have details of the solicitor’s address and useful information about access. This should include not just ‘obvious’ information like presence of steps; but things like the location of nearby bus stops, and the use of tactile pavements outside buildings. Related to this, there is a need for solicitors’ staff to be aware that there are good reasons why someone might call to get this access information; it should not be seen as a chore to explain access arrangements.

*“It’s informing people before they arrive that this is what you’re going to have to compete against. Or, this is a listed building, so we’ve got several steps, you have to walk halfway around the building to get to the ramp, or if there’s heavy push doors. This means people have the physical information about what’s going to happen.”* [Visual impairment]

1. Participants also shared other examples of removing access barriers. These included the need for readable (i.e. large font) signage outside and inside buildings and location boards in buildings which are readable or tactile. They reflected that these are often considered, but not always particularly well executed. Those with visual impairments were also clear that staff should feel comfortable approaching people to ask if they would like assistance or to be guided around an office.

*“Aldi have asked me twice now if I wanted help with my shopping because I can’t actually read the shelf… The staff just come up to you, and I can honestly say that hasn’t happened anywhere else.”* [Visual impairment]

1. For people with experience of poor mental health, the biggest communication challenge is needing to frequently explain not only the reason for the appointment, but details of their condition or diagnosis. The latter may need to be done several times in order for an individual to be directed to the most appropriate professional. This is seen as a time-consuming and frustrating process. Whilst this group has a desire for professionals to understand how their condition might impact their needs, they also want to be able to speak to one person who understands and not to have to repeat themselves several times.

*“I struggle to get words out and if I go and see one person and I talk to them, and then somebody else comes back to you and they’ll ask you the same questions, when I’ve just spent the last two hours explaining this to somebody else, there’s no way on this earth that I’m going to be able to do that all again.”* [Experience of poor mental health]

1. Other barriers faced by this group at this stage relate to difficulties around understanding or retaining information. One pointed out their poor memory, meaning that reminder letters or emails, or text reminders, would be useful in ensuring they attend the appointment. Another spoke of the anxiety of finding an appropriate solicitor and suggested that SLAB could act as an initial point of contact and then find and put an individual in touch with a solicitor who better understands their needs.
2. As noted above, the gay, lesbian and bisexual individuals we spoke to had no difficulty getting in touch with a solicitor. The key frustration they raised was that it is often before an appointment when assumptions about sexuality are made. Another consideration discussed by this group was that they may do some prior research using solicitors’ websites to look for evidence of lived experience or diversity within the firm’s staff. For some, this helps to provide some reassurance that the firm is more likely to understand their needs. For others the presence of gay, lesbian or bisexual staff within a firm was less important than whether the firm had experience and knowledge of dealing with cases where sexuality was involved (such as employment or housing discrimination). Similarly, some valued evidence of support of gay rights being evident on firms’ websites (i.e. support of Pride events).

## *During the appointment*

1. When discussing the meeting with a solicitor, there were several common themes across the groups. Participants also suggested a number of potential changes. While these changes were in response to the specific challenges faced by their own group, it is important to note that several have the potential to benefit the wider public when dealing with Legal Aid, not just those in the protected characteristics.

## *Theme 1: Forms*

1. The first common theme was a difficulty filling in forms. This could be due to language, understanding or accessibility issues, which are discussed in more detail below. Given that the Legal Aid forms are within SLAB’s remit, consideration should be given to whether any changes can be made to make this process easier for applicants.
2. For people from ethnic minority backgrounds, a language barrier is the biggest challenge when filling in forms, highlighting the need for these to be available in a range of languages and be easy for solicitors to access. Accompanying notes and leaflets can be useful for explaining some of the basics of the Legal Aid process, but participants suggested these are of less value once individuals start asking specific questions. Without a family member present as an unofficial translator it can then be difficult to keep an appointment on track. Potential misunderstandings about discussions and advice were also described.

*“There is enough diversity and enough need for us to have these resources [signage and leaflets in different languages], but they seem to be quite scarce. When we try to tackle inequality, we have these solutions, and we assume that people are trained how to use them, what to look at, and people just don’t know. Especially if it’s the cultural difference for example if I’m Polish and someone is Scottish, people don’t look at the same signs I maybe look at, so they just don’t see that they are missing things.”* [Ethnic minority background]

1. People with experience of poor mental health may need help understanding forms, or help and more time to fill them in. They again raised the fact that their conditions can make it challenging to absorb information, so even if a solicitor has explained the purpose and detail of the forms, this might not be clear after the appointment. One participant, who was an ex-serviceman, described how the charity ‘Help for Heroes’ now deals with all his paperwork and appointments, due to his inability to manage this himself. He suggested that SLAB could offer a centralised service to help people complete the Legal Aid paperwork, or answer any questions they might have. Difficulty understanding forms was also raised by the ethnic minority group and people with disabilities, suggesting this could also be of value to them.
2. Accessibility of forms was the biggest challenge for people with disabilities. Participants with learning difficulties suggested that forms or accompanying information could be provided in versions with pictures or symbols which would make them more accessible. Participants with visual impairments gave many examples of the barriers they faced dealing with forms. These included font sizes being too small, even on ‘large print’ versions, no electronic versions of forms being available, and an anxiety over whether solicitors are reading out forms accurately or skipping information for the sake of speed. This group suggested a number of solutions: forms in a range of font sizes, ensuring solicitors have screens or tablets available so they can show large print versions on screen, having electronic versions of forms which can be read by screen reading technology, and also talking forms which use audio to describe to the applicant which part of the form they are filling in.

*“I’m registered disabled, I’m registered blind, and yet the NHS still send me out paperwork that I can’t read; they send a standard letter out. I’m going through the process of applying for the Personal Independence Payment and I’ve asked DWP for everything to either be electronic or large print so I can read it. I’ve had nothing in large print from them, everything’s been in font 10. I can’t read that so I have to get my wife or someone else to read it for me which is quite annoying.”* [Visual impairment]

## *Theme 2: Confidentiality*

1. A common theme across people with disabilities and people from ethnic minority backgrounds was a concern around confidentiality in relation to extended family or support workers attending appointments. For people from different ethnic backgrounds, family members can often act as unofficial translators. Participants raised the difficulty of knowing how much family members should be involved in conversations, and the challenges around this when the issue under discussion may relate to family matters e.g. divorce or custody.

*“It’s that privacy, that confidentiality, you are telling somebody else that’s not related to you, not a family member. Especially with ethnic backgrounds, a lot of people don’t want to speak out loud about certain issues and things that are going on behind closed doors.”* [Ethnic minority background]

1. People with disabilities may also bring friends or relatives to an appointment and the same considerations apply. However, an additional layer of complexity for this group is that many have support workers who attend such appointments with them. Sometimes these support workers are well known, but they could simply be the worker assigned to that individual for the day. In such instances the worker may not be known to the individual, let alone trusted, raising big questions about the extent to which they should be involved during the appointment. One participant also noted the need to look out for instances of controlling behaviour or the supporting individual controlling the conversation. In addition to this, as noted in the previous chapter, solicitors and other service providers can engage with support workers (or indeed friends and relatives) at the expense of the individual, which can negatively impact on the experience of people with disabilities.

*“I would need someone to help me with the meeting, but they would have to sign something as well, so that they weren’t going to spread anything.”* [Learning disability]

## *Theme 3: Time allocated to support people with protected characteristics*

1. The third theme to emerge when discussing the appointment was the need to ensure the best use of the time available and to allow more time, if needed. Some flexibility in the structure and length of appointments would benefit most of the groups we talked to, albeit in different ways.
2. For people with disabilities and those from ethnic minority backgrounds, there appears to be a clear need to take the necessary time at the start of an appointment to allow solicitors to understand how best to communicate and interact with an individual. This could be establishing the best way to look at forms and paperwork, or the extent to which a support worker is involved in conversations, as discussed above. There was agreement across the conversations with those with disabilities, experience of poor mental health and from ethnic minority backgrounds that it was imperative that solicitors remain calm and have patience and understanding during appointments.

*“It’s important to me that someone takes the time to understand what I’m saying, for someone to be patient so I don’t feel rushed”* [Learning/physical disability]

*“I think just having those 5-10 minutes at the start to go: ‘this is what I can see and this is what you need to do for me’.”* [Visual impairment]

1. Those with experience of poor mental health highlighted the potential for stress and anxiety throughout the appointment, from waiting before an appointment to dealing with the solicitor. This group would appreciate a clear outline of the appointment at the outset, detailing what will be discussed, how long it will take, and what fees will be charged.

* One participant gave an example of a bad experience with a solicitor, explaining how their condition means they can lose track of time and talk for a long time themselves, or ‘zone-out’ and let others talk. This led to him receiving an unexpected bill which he could not pay, and it was escalated to the Sheriff Court and the fee increased further. Though they provided this as an example of Legal Aid, this is unlikely to be the case. Nevertheless, this left the individual with a very negative view of solicitors and does not reflect well on the sector.

1. Finally, there was some discussion among those from minority backgrounds of the need for longer, or more, appointments at the start of the application process. Their reasoning for this related to the cultural differences outlined above, and concerns that it may take a few appointments for an individual to discuss issues which may be more sensitive or taboo within their communities, such as divorce or domestic abuse.
2. In addition to these themes, a few other more specific issues were raised in discussions about the appointment itself. These included:

* For people with physical disabilities, continued consideration of general access requirements, such as accessible toilets, room to manoeuvre wheelchairs etc.
* For gay, lesbian and bisexual individuals, there were again no issues other than the general use of language discussed earlier. Some of this group repeated their desire for solicitors to have knowledge or experiences of dealing with cases where sexuality was involved, if that was also the context of their case.

## *After the appointment and next steps*

## *Theme 1: Summary of discussions*

1. A common theme across almost all groups when discussing their needs after an appointment was the need for a summary of discussions to be prepared and shared with them. This was raised spontaneously by a number of groups; others were probed on whether it would be useful and agreed that it would. The expectation was that this would be about the specifics of their appointment and discussions, rather than a generic fact sheet about next steps.
2. A call for a summary of discussions was suggested without prompting by an individual with experience of poor mental health, given the difficulty they faced in remembering conversations. Others in the group agreed this would be valuable.
3. Individuals in the group from ethnic minority backgrounds also raised this spontaneously. Their reasoning mainly focussed on the need to ensure that the information provided by solicitors did not get ‘lost in translation’ and that there was a definitive version of discussions. This group also noted the importance of checking the spelling of ‘unusual’ names, to ensure that such a summary, or any other standard follow-ups, were sent to the correct individual or email address.
4. The group of individuals with learning disabilities were prompted on the value of a summary and agreed it would be useful. As with during the appointment, there is a need to consider different formats for this summary and other follow-up information, to ensure it is accessible. This could include pictures or symbols as well as the main points. People with learning disabilities highlighted how valuable the use of picture cards is in service provision scenarios. One gave an example of use in a doctor’s surgery, indicating it had given them autonomy to make decisions without them having to rely on their support worker.
5. Consideration also needs to be given to making sure the summary is sent to and received by the individual, rather than a support worker, and in a format that is accessible to the individual i.e. large print or electronic format.
6. One participant with a visual impairment gave an unprompted example of where he had received a tailored summary of an appointment in a healthcare setting. This was clearly valuable and enabled the individual to feel comfortable that what they remembered from the meeting matched the actual record of the conversation, allowing them to maintain trust in the relationship. This was especially important for this individual as they were currently in dispute with another service provider because information they had been read before signing an agreement had been misleading.

*“I was at my diabetic clinic recently and I received a letter from my consultant summarising our appointment and everything we discussed, in large print, without me even asking. He did that for me so I thought that was really good. It would have been handy if it had gone in an email, but I don’t know if they were allowed to.”* [Visual impairment]

*Theme 2: Additional background information*

1. Another specific point raised by the group of people from ethnic minority backgrounds was a desire for more background information on the Legal Aid process. A few highlighted different situations in which they had been asked to provide specific documentation, but that they had not understood what this documentation was or where to get it. It was felt that, for those new to the UK, more detail on what certain processes or documents entailed would be useful. This could take the form of a glossary of terms, or more detailed information such as what a P60 is and where to get one from.

## Scenario 2: Phone or face to face advice from solicitor at police station

1. The second scenario explored in the conversations was getting phone or face-to-face advice from a solicitor in a police station. It should be noted that participants found it difficult to distinguish between the responsibilities of the police officers and those of a solicitor. In part, this was due to the hypothetical nature of this second scenario. Researchers attempted to keep the discussions focussed on the role of solicitors and explore how SLAB could ensure the needs of people with protected characteristics are met. However, we recognise that not all of these needs can necessarily be met within SLAB’s remit.
2. As with the discussions in the first scenario, participants were asked if there were any changes they would like to see made to the process by which they got phone or face-to-face advice, and were probed on communication, reasonable adjustments, standard adjustments and so on. However, it quickly became clear that most of the issues outlined in scenario 1 were also applicable to scenario 2. Participants were therefore asked what other things they would like SLAB and solicitors to take into account.
3. The dominant theme in conversations about this scenario was a desire for solicitors to be aware of or trained in how to support people with protected characteristics in a stressful situation. For example, that they are not taken advantage of due to the state of their mental health, or their inability to communicate or document information. This was common across all groups with the exception of the LGB group, though differed by protected characteristic as outlined below.
4. For those with experience of poor mental health, there was discussion around the need for solicitors who know how to act appropriately when a person is potentially in a volatile or crisis situation. There was acknowledgement that in such instances an individual was likely to be taken to a healthcare setting rather than police station, and that in the event of the latter the police were responsible for duty of care. Nevertheless this group did express a desire for solicitors to be informed about dealing with such individuals. They also raised the very specific point of understanding that a person with a mental health condition who is arrested on a Friday may not have access to their medication over the weekend. Finally, building on the discussions outlined above about the challenge this group potentially faces in retaining information, there is a need for solicitors to ensure that individuals in this group have the means to accurately record the advice or information they are given.
5. For people with physical / learning disabilities, the main concern was also recording any advice or information. There was an assumption that in a police station the way to do this would be with a pen and paper. However, this is inappropriate for a number of people in this group, due to their inability to use the equipment or due to visual impairment. For people with visual impairment, there is a concern that any advice they are read may not be accurate i.e. a police officer may skip over certain points for speed. This group need solicitors to ensure that they have been fully and correctly informed. Finally, there is the issue of whether this group are simply able to use a phone to get phone advice; this could be due to lack of capacity to remember phone numbers or use a phone, or due to visual impairment.
6. For our other two groups, there were fewer concerns about this scenario.

* Those from ethnic minority backgrounds reflected again on the language barriers that individuals might face in such a situation, and on the need for appropriate translation of paperwork or the availability of interpreters.
* As with scenario 1, gay, lesbian and bisexual individuals simply noted their needs would depend on the situation. If this was related in some way to sexuality, for example a hate crime, some would look to find a solicitor with some experience of dealing with those issues.

# Other Issues raised in relation to the needs of groups with a protected characteristic

*“The service should be equal but that doesn’t mean we reach out in the same way. Some groups will need to be reached out to in a different way and some groups are particularly difficult to get to. They might need more effort to get to, but everyone should be entitled to the same service.”* [Ethnic minority background]

1. During the conversations a small number of other issues arose in relation to the experiences and needs of those with protected characteristics. These are discussed briefly in this chapter.

## Prioritisation

1. Most of the conversations with each group focussed on their own specific needs. However, participants were made aware of the other protected characteristic groups involved in the research and were asked whether any groups should be given more of a priority than others when it came to ensuring their needs are met. This was asked both in relation to service providers generally, and in relation to SLAB specifically.
2. The consensus within and across the groups was that access to services should be equitable regardless of group or need. Many acknowledged that the ways in which services are accessed would need to differ by group, or that some groups might need extra assistance. For example, those with physical disabilities would have some different requirement to those with poor mental health. However, the expectation was that service providers should be striving to meet all these requirements to allow for equal access, rather than prioritising.
3. Views in the LGB group differed slightly. Whilst there was consensus that everyone should have equal access, a few suggested that people with poor experiences of mental health should have some priority treatment as this group could potentially be more vulnerable than others. This group also recognised that there may be some cross-over between groups with shared protected characteristics. For example, some LGB individuals may be more likely to experience poor mental health. One person in the ethnic minority group also commented on people with poor mental health being prioritised.

*“I would be inclined to say that I would be ok to follow down the pecking order over somebody that required a service based on disability or a mental health issue. As much as my issue might be the same I can process it differently to somebody who has a mental health issue or somebody who has a disability so I would think that although equality is important I still think that there still needs to be a sort of ranking,”* [LGB]

1. The LGB group also spontaneously raised the issue of transgender individuals. Transgender individuals were not excluded from this research, but none were recruited as part of the group. Participants noted the challenges and discrimination faced by this group on a regular basis, and the legal implications of changing gender, and there was agreement that the needs of transgender individuals should be prioritised over gay, lesbian and bisexual individuals.

## Training

1. Training was not included as a specific discussion point within the discussion guide for the conversations, but was raised occasionally by a small number of participants. These comments tended to suggest that more training was needed by service providers, and that the training currently provided tends to be quite basic. Specific points raised in the different groups included:

* The LGB group simply commented that diversity and equality training tends to cover the essentials but not much detail about what this means for individual groups or their needs.
* Participants in the ethnic minority group made a similar argument, and also noted that whilst training and tools are often available, many people across different services are still not necessarily capable or confident in using them.
* This group also raised the need for more training into the issues and characteristics of different cultures and ethnicities. There was a feeling that greater appreciation of these differences and the subtleties between different groups might help service providers identify and resolve issues more quickly.
* One of the participants with a visual impairment discussed how organisations would benefit from utilising the experiences of those with the protected characteristics to provide lived experience in the delivery of training.

## Feedback and complaints

1. Similarly, providing feedback and mechanisms for registering complaints were not a focus of the discussions, but arose organically in response to examples of poor service provided by participants.

* Following discussion in the LGB group about the assumptions of sexuality and the use of incorrect language, participants were asked if they would feel comfortable challenging such behaviours. There were mixed views; some felt happy to raise the issue and felt it was necessary for them to do so in order for things to change. Others felt that raising it as an issue might make the situation awkward, or make them feel uncomfortable. It was noted that rarely would this behaviour constitute raising a formal complaint; rather it was a case of raising what participants saw as inappropriate service. They therefore suggested that solicitors or SLAB introduce a ‘compliments and feedback’ section on their websites, to enable both good and poor service to be highlighted.
* In response to examples of perceived poor practice by solicitors, those with experience of poor mental health were also asked if they would know where and how to complain, and if they would feel able to do so. The consensus was that there was no value in challenging poor service due to the low likelihood of successfully winning an argument with a solicitor.

## 

## Equality Monitoring Forms

*Services collecting equalities information*

1. As part of the discussion on the existing equalities outcomes (see Chapter 5), participants were also asked their views on collecting equalities monitoring information. Researchers sought to understand whether participants understood why they were asked by service providers to supply this information, and about how comfortable they felt providing it.
2. Views on this were mixed. Some participants had experience in their own lives of collecting and using this information, for example in a health or procurement setting. For these individuals there was a clear understanding of why the data is collected and how it is used. However, a few made it clear that they would still have concerns providing this information for anyone other than a public service provider, given concerns about private companies, particularly social media, selling or exploiting personal data.
3. On the whole there was a reasonable level of understanding of why organisations might collect this data. Many stated that they would only provide it if there was a clear explanation of why it is being collected and how it is being used. Some suggested that providing an example of how the data had impact a service being provided might help encourage others to provide their information. For SLAB, there is a clear need to ensure that equalities forms include an explanation of why the data is being collected.

*“I only give that information when I’m adequately informed as to why they need it. So if someone tells me why they need it them I’m happy to give it. And I need to know how and where it’s going to be used.”* [Visual impairment]

*“If you’re actually caring about the people, rather than just like oh we’re just trying to meet targets... I’d be very happy if they disclosed that.”* [Experience of poor mental health]

*Experience of providing information*

1. Participants also had mixed views on their experience of providing information, though most felt relatively comfortable doing so. For some, their discomfort was around not knowing why the information was going to be used, and if it could be used against them in some way (or indeed used to the detriment of someone else). Specific points raised in the discussions included the following.
2. A few individuals in the LGB group discussed completing equalities forms for university applications. In these instances it was unclear whether their answer in relation to their sexuality was going to be taken as a positive or negative for their application. There was some discussion within the group about positive discrimination, with mixed views on the morality of this. Given that some in this group expressed discomfort about disclosing their sexuality in the first place, the uncertainty over how the information was to be used added to their concerns.

*“I do agree that it’s important to understand why we collect it because I really relate to that feeling of just being like a tick box… I’m only being picked because I’m gay, or I’m only being picked because I’m bi; I’m not being picked because of my worth outside of my sexuality. So understanding why that information is collected is important.”* [LGB]

1. One individual in the group with experience of poor mental health also discussed how information about their physical and mental health had been collected by their university. They explained that this information was available to teaching staff, in order to help them support students. However, their experience did not reflect this system being used effectively in practice. Like the LGB group, this individual had hoped that by providing the information it would make their, and others’ experiences, more positive.

*“I think a lot of companies do just have that information just to say: ‘oh look how diverse we are’, but I think some of them do use it properly.”* [Experience of poor mental health]

1. People with disabilities, particularly those with visual impairments, were probed specifically on whether disability questions included in equalities forms were appropriate or detailed enough. Participants reflected that usually the disability question was a ‘catch-all’ question and agreed that more detail about the type of disability or condition would be beneficial if organisations were using the information to improve the service they offer, particularly in terms of access requirements.

# Views on existing equalities outcomes

*“You’re a human being. And you’re going to feel good some days and bad other days. And we’re all on the same journey. But in a big workplace, how do you communicate all of that?”* [Experience of poor mental health]

1. The final objective of the research was to explore views on the existing equalities outcomes. In the conversations participants were read each of the outcomes in turn and asked for their views. Researchers probed on whether the outcomes made sense, whether the wording used was appropriate and if any changes should be made to them.
2. Participants generally felt that the outcomes were clear and understandable. A minority across the groups were slightly more negative, describing them as too wordy, ‘quango-y’, too formal, or trying to do too many things at once.
3. When examining the specific wording of the outcomes, a number of points of clarification or improvements to the wording were suggested. These are detailed below in relation to each outcome and could be taken into consideration by SLAB when drafting the next set of outcomes. Beyond these specific changes, participants did not suggest anything which was missing from the outcomes or provide suggestions for new outcomes.

## Outcome 1

1. Outcome 1 is: *Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business.*
2. Specific feedback on this outcome included:

* Discussion around what a ‘diverse workforce’ means. In the group of different ethnic minority backgrounds, the conversation focussed on how likely it would be for a group of solicitors to include minority groups and to have lived experience of these groups.

*“If they are lawyers, what do they know about inequality? They come from the highest shelf of society, and I – [new speaker] I just wanted to make the same point about ‘diverse workforce’; it’s quite likely it’s not diverse. And it’s sometimes it feels a bit insulting if someone claims that it is.”* [Ethnic minority background]

* Within the LGB group this wording generated the most heated discussion across all the conversations. Again this related back to whether the workforce needed to be diverse, or whether it was more important they were trained to understand the needs of certain groups. In this group, one individual felt positively about ‘diverse workforce’ as it provided reassurance that LGB people might be employed by the organisation. Others, however, didn’t feel the need for the workforce itself to have LGB people; they were more interested that the workforce were understanding of, and experienced in, the needs of LGB people, regardless of their own sexuality.

*“Right now the people who will be representing us will be the people from my own community who are in those jobs because people aren’t well trained, people aren’t all understanding.”* [LGB]

* There were questions about what ‘understanding diversity’ means in this context i.e. what actions are being undertaken as a result of the understanding? Or how does that understanding impact how the business is delivering its service?

## Outcome 2

1. Outcome 2 is: Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid.
2. Most comments on this outcome related to why it focussed on minority ethnic people and disabled people. Some acknowledged these two groups face more obvious accessibility issues in terms of language and physical access, though not necessarily the same issues. Nevertheless, there were still questions around why the outcome did not suggest that everyone should experience equal access.

*“I think it’s saying too much in one sentence. You’re mixing two lots of people together… Although there are sometimes parallel requirements, it doesn’t necessarily mean that all their requirements are the same.”* [Visual impairment]

1. Other points raised in relation to this outcome included:

* Comments that the text should read ‘people with disabilities’, not ‘disabled people’.
* Questions around what was included in ‘disabled people’, i.e. are those with hidden disabilities or mental health conditions adequately represented by this language.
* One person in the ethnic minority group suggested replacing ‘Minority ethnic people and disabled people…’ with ‘People who are experiencing barriers…’. Their argument was that this might focus minds on what the barriers are and lead to action to address them.

*“If someone says: ‘I want to remove to barriers…’, you’re more likely to try and understand what those barriers are, rather than with a statement like this, which sounds nice but which might not lead to that much.”* [Ethnic minority background]

## Outcome 3

1. Outcome 3 is: System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.
2. Most groups had few comments on this outcome. There was a comment around the meaning of ‘system users’ which could be simplified. More generally, as noted in the previous chapter, there is a lack of awareness of why equalities information is collected, and a few suggested that this reasoning could be built into the outcome, rather than allude to it by saying ‘applicants are aware of why we collect equalities information’.
3. In the LGB group, there was an interesting discussion around the wording: ‘and can conveniently disclose this information’. Across the group this was interpreted in three different ways: firstly that SLAB might be disclosing the information collected, secondly that SLAB staff are able to disclose *why* the information is being collected, and thirdly that system users themselves are able to explain *why* the information is being collected. Whilst this was not raised in other groups, it suggests there would be some benefit in reviewing, clarifying and simplifying this wording.

# Conclusions

1. This research has identified a number of points for consideration by SLAB when drafting future equality outcomes.
2. Throughout the conversations, participants were able to reflect on both positive and negative experiences of where service provision had been impacted by their protected characteristic. At a general level, a desire to recognise and understand the specific needs of each group, and to tailor communication and service delivery accordingly, were important themes across all protected characteristics. These themes were equally evident when participants discussed how SLAB could best engage with groups with protected characteristics. SLAB has useful evidence to draw upon when drafting the next equality outcomes and also when considering service design more widely.
3. In this final chapter, we outline suggested actions for SLAB to consider, linked to key themes that emerged from the research. It is important to acknowledge that there are limitations on the extent to which SLAB can influence the wider sector. For example, areas related to training, standards of service and conduct are likely to fall under the remit of Law Society of Scotland, rather than SLAB.
4. The suggestions below therefore focus mainly on areas where SLAB is able to shape future developments. These include points with direct relevance to the Legal Aid process, or those in the context of SLAB’s direct solicitor’s service, ensuring it is designed to support and promote appropriate engagement with different equalities groups.
5. It is anticipated, however, that SLAB may have a wider impact on the sector by demonstrating a positive and proactive approach to working with groups with protected characteristics. If there is a possibility of joint training with Law Society of Scotland, this could be valuable. There could also be a case for reviewing how equality is reflected in SLAB’s Codes of Practice at some point in the future.

## Providing information about Legal Aid and using a solicitor

1. There was some discussion in the groups about whether SLAB could have a greater presence in the Legal Aid process and provide more support to applicants, for example help with filling in forms or finding a solicitor with relevant work or lived experience related to their issue. Currently, SLAB can clarify general points in relation to applications; consideration could be given to whether greater assistance could be made available, or whether applicants could be given clearer guidance on who could assist (e.g. Citizen’s Advice). Similarly, SLAB has a solicitor finder tool where solicitors are encouraged to inform SLAB about accessibility and specialisms. If applicants have access to this tool, it should be made more visible e.g. on the SLAB website and in information packs.
2. There was also a desire for applicants to be given a clear and easy to understand outline of what a first appointment might entail. From a solicitor’s point of view that would mean being clear about how long an appointment might last, what will be discussed and how much it will cost. We understand that SLAB is working on guidance about Legal Aid in general which should clarify the role of the first appointment in the Legal Aid process. A review might include ensuring transparency of the process to an applicant.

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## Accessibility

1. Legal Aid application forms and additional information packs are already translated into a number of languages, including into British Sign Language. Based on the conversations, we would still recommend a review of the formats of Legal Aid paperwork and the wording used in them, to ensure they are fit for purpose. SLAB should ensure that solicitors know these alternative formats are available and can access them easily. Different formats include:

* An appropriate range of languages
* Large print versions, electronic formats and speaking forms
* A picture or symbol pack to explain the process to people with learning disabilities or communication difficulties.

1. When reviewing the additional information packs, SLAB should consider if all relevant information about how to get relevant documentation is included, and available in different languages / formats - to help those who may have less experience of life in the UK or have led more chaotic lives.
2. There may be potential for SLAB’s direct solicitor services to co-ordinate or hold open-door sessions with translators and additional help available.
3. A range of other actions related to accessibility lie more directly with solicitors. Where possible, they should be encouraged to consider:

* Ensuring websites are fully accessible e.g. large font and high contrast versions.
* Having clear access information on websites.
* Clear signage outside and inside the building and a willingness to guide people.
* Being able to access different formats or languages of forms and having screens and tablets available to show electronic or large print versions.

## Engaging with applicants

1. The research highlighted a number of ways in which solicitors could improve their engagement with protected characteristic groups. For example, providing additional appointment reminders for those with poor mental health, considering that people need different ways to record information, and ensuring appropriate involvement of support staff. Again, the best approach for SLAB is to consider best practice for dealing with protected groups when designing or reviewing their direct solicitor services.
2. Participants also discussed the need for flexibility in length and number of appointments, and an understanding from solicitors that the process can induce stress or anxiety - for everyone, but especially those with poor mental health. To a large degree this falls outside SLAB’s remit, apart from where consideration to these factors can be made within the direct solicitor services.
3. The need for longer or more appointments stems from the potential additional work required to communicate with protected groups or for details of cases to be disclosed. While acknowledging there are limitations around how much extra time solicitors can spend with a Legal Aid applicant, SLAB’s guidance to solicitors could be clarified on the extent to which factors related to protected characteristics constitute reasonable or necessary additional work.
4. One of the key themes in relation to a first appointment with a solicitor was the desire for a short summary of the discussions, provided in an accessible way. SLAB should consider whether introducing this is feasible, and what impact there might be on SLAB’s payments to solicitors.

## Training

1. The research suggests the need for additional training to solicitors on all protected characteristics and the implications of these e.g. cultural differences, features of specific mental health conditions etc. This could include the need to make applicants feel comfortable asking for help, taking time to understand their needs and how to meet them, and the words and language to use when communicating with different groups. There was a suggestion this training could form part of a solicitor’s continuous professional development.
2. Again, whilst there is some scope for SLAB to influence this via the training of the direct solicitor service, the majority of the training undertaken by the sector is within the remit of Law Society of Scotland. SLAB could investigate whether it is feasible to conduct joint training, for example when launching new equalities monitoring questions.
3. While the need to think about and address equality will be a constant, the equality landscape is constantly changing e.g. trans rights and mental health are increasingly in the public conscience. These may develop further in the next three-year cycle. As in previous cycles, there would be value in SLAB reviewing the new equalities outcomes after 18 months to look for any new evidence which suggests there should be a change in direction or focus within the organisation. Given the different needs of the transgender community, it is recommended that SLAB undertake additional research into their requirements.

## Feedback and complaints

1. Consideration could be given to how, and how easily, people are able to draw attention to instances where they feel they have been treated inappropriately. When this is related to protected characteristics, few want to make a formal complaint, but to highlight poorer practice with a view to improving future service.
2. SLAB’s website could be designed to include such a feedback route. Other channels such as emails, letters or phone, would be equally as appropriate and the contact details for these channels would need to be easily available.
3. It is important that these channels also invite feedback on positive experiences, as participants shared an appetite to highlight and reinforce good practice.

## Equalities monitoring information

1. There is clear evidence that equalities monitoring forms need to explain why data is collected and what it is used for. Examples of it being used to improve service provision might encourage people to submit their information. We note that SLAB is revising their equalities monitoring form to include such an explanation. The intention to include expanded options for recording disabilities will also benefit SLAB in helping to tailor needs across a very diverse group.

1. Three outcomes were established for the 2017-2020 cycle: (1) Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business. (2) Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid. (3) System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information. [↑](#footnote-ref-1)
2. Transgender individuals were not excluded from the research, but none were recruited to take part in this group. [↑](#footnote-ref-2)
3. This was a key subset of the disability protected characteristic which was of interest to SLAB. [↑](#footnote-ref-3)