



# Equalities Mainstreaming and Equality Outcomes April 2013

The Scottish Legal Aid Board

[www.slab.org.uk](http://www.slab.org.uk)

## Chief Executive's Foreword

This is our first Equality Mainstreaming report. I welcome the opportunity to show our commitment to mainstream equality and diversity in the Scottish Legal Aid Board. Equality and diversity matter to us. In this report we outline the wide range of work we have done to ensure that we comply with the general and specific equality duties. This is in relation to both our staff and our service users.

Over the past year we have continued to develop our governance and leadership so that we are better placed in delivering our general and specific public equality duties. I chair our equality strategy group and we monitor our equality work regularly. We have built upon and learnt from our past experiences of carrying out equality impact assessments. We have issued new guidance and we have better integrated assessments into project management structures.

We have a long history of investing in research and evidence gathering around equalities and in involving people. From this involvement we can say that our staff and service users believe we are treating staff and service users fairly and that our equalities work is on the right track.

We are pleased with our progress but we know we can develop further. Our new equality outcomes are based on the evidence we have collected and on feedback from our staff and from various representative bodies. We believe they will positively challenge us in the right areas and with continued planning we believe they are achievable and will make a real difference.

I welcome your comments and your views on how we can continue to develop our approach to equality and diversity.

*Lindsay Montgomery*



**Lindsay Montgomery**  
Chief Executive

If you would like this report in Braille, large print, or on audiotape or in a language other than English, please contact us on 0131 240 1888 or email [general@slab.org.uk](mailto:general@slab.org.uk).

# Contents

[Section 1 - About the Scottish Legal Aid Board](#) - Page 4

[Section 2 - Embedding Equalities in our Business Planning and Governance](#) - Page 6

- 2.1 Equality Impact Assessment
- 2.2 Leadership, governance and business planning
- 2.3 Partnerships and learning from others

[Section 3 - The three elements of the General Equality Duty](#) - Page 8

- 3.1 To eliminate unlawful discrimination, harassment and victimisation
  - Helping people get information about and access legal assistance
  - The way we deliver legal aid
  - Our networks of publically funded advice - Public Defence Solicitors' Offices and Civil Legal Assistance Offices
  - Our grant funded work
  - The way we get feedback from our stakeholders
  - Advising the Scottish Government and working with other partners on justice issues
  - Our service standards
  - The way we procure our corporate services
  - The way we recruit our staff
  - The way we train our staff
  - The policies we have designed to protect and support our staff
  - The way we collect views from our staff
  - Our employee equalities data
  - Our statement on equal pay
  - Pay award 2011-12
  - Equal pay analysis
- 3.2 To advance equality of opportunity between people who share a relevant protected characteristic and those who do not
  - Staff training and information
  - Raising awareness of mental health and the law
  - The way we procure our corporate services
  - Stakeholder engagement
- 3.3 Foster good relations between people who share a protected characteristic and those who do not

[Section 4 - Our Equality Outcomes](#) - Page 25

## Section 1- About the Scottish Legal Aid Board

We are a Non-Departmental Public Body (NDPB) responsible to the Scottish Government. One of our main responsibilities is to administer the public funding available for legal aid. Legal aid is a vital public service for people in Scotland, many of them vulnerable. It enables people who would otherwise not be able to do so to pursue or defend their rights or to fund their criminal defence.

There are two main types of legal aid help: advice and assistance (A&A) and legal aid. Together these are called legal assistance.

Advice and assistance covers a wide range of matters, so long as they are matters of Scots law. It pays for advice from a solicitor but, apart from a few exceptions under assistance by way of representation (ABWOR), it will not cover 'representation' - that is, putting the case in court.

Legal aid provides funding for a solicitor to put the case in court and some tribunals. It covers the preparation work, as well as the hearing itself, and can provide funding for advocates, experts and other costs. Cases often begin with advice and assistance, and legal aid may be the next step if necessary.

The main types of case that advice and assistance and legal aid can help with are:

- **Civil cases** - Such as divorce and other matters affecting family and children, actions for compensation after an accident or medical negligence or for assistance for adults with incapacity.
- **Criminal cases** - Help, advice and representation for someone charged with a criminal offence or needing advice about a criminal matter.
- **Children's cases** - Under the Children (Scotland) Act 1995, which helps to make sure children are protected and supervised. The Children's Hearings (Scotland) Act 2011 provides for the Board to grant children's legal aid, thereby enabling children to have legal representation at hearings. Legal aid also funds appeals against decisions of children's hearings.

The vast majority of legal assistance is provided by solicitors working in private practice or in law centres. However we also provide direct legal advice to people across Scotland. We have a small network of seven [Public Defence Solicitors' Offices](#) (PDSO) across the country. Around 23 PDSO solicitors are employees of the Board. The network provides opportunities to compare against private practice and provides invaluable feedback to us, the Scottish Government and justice sector partners on the operation of the criminal justice system and criminal legal assistance.

We also operate a network of four [Civil Legal Assistance Offices](#) (CLAO) across Scotland where a team of around 13 Board employed solicitors provide civil legal advice and representation services for clients in the local geographic area who are eligible for legal aid and have unmet legal needs. The offices work closely with the advice sector and private sector solicitors and provide a referral hub which makes and receives referrals to and from other agencies and private sector solicitors.

As part of the Police Station Duty Scheme, we also operate the Solicitor Contact Line (SCL) which is open 24 hours a day, 7 days a week. The SCL is the first point of call for the police where a suspect has asked for advice from a solicitor. The SCL provides direct advice by telephone to suspects who require advice when they are in a police station. If the suspect has their own solicitor, the SCL will contact the solicitor and ask them to provide advice. If they cannot do so or they are not available, the SCL can provide advice to the suspect or arrange for another solicitor from the duty scheme to attend in person, if required.

We also have grant funding powers. The Board is implementing a new programme of projects between October 2012 and March 2015 with funds from the Scottish Government and the Money Advice Service. The grant funding programme aims to enhance legal advice services for people affected by the economic downturn, particularly targeting issues such as repossession and debt. Different projects are funded, delivering advice and support to people in areas across Scotland.

We currently employ around 360 people. Most of our workforce is based mainly in our headquarter offices in Edinburgh, but we also employ people in locations across the country working in the Civil Legal Advice Offices and Public Defence Solicitors' Office.

The work we do is overseen by a non-executive Board; the Chairman and members are appointed by the Scottish Ministers, following a public appointments process. Our executive management is headed by the Chief Executive, who is supported by three directors and a Principal Legal Advisor. The Chief Executive is also the Accountable Officer for the organisation.

One of our statutory duties is to advise Scottish Ministers on the operation of legal aid and make proposals for change and reform. However, it is Ministers in the Scottish Government who decide legal aid policy. Ministers propose the legislation to set the rules for legal aid, including the fees to be paid to the legal profession and the eligibility criteria for applicants. The Scottish Parliament makes and changes legislation and we apply these eligibility criteria in every case.

For more detailed information on our range of work and our plans for the future please see our [corporate plan](#).

## Section 2 - Embedding Equalities in our Business Planning and Governance

### 2.1 *Equality Impact Assessment*

Our Equality Impact Assessment (EqIA) process helps to mainstream equality by getting staff to think about the impact of new and current policies or projects they are managing on different groups of people. It enables those responsible for functions and for taking forward big changes or new policies to more accurately assess the impact on equality groups and to introduce measures that might be taken to advance equality.

We have been carrying out EqIA on functions and big changes since 2005. Our most recent revision of the EqIA tool took place in autumn 2012. This ensured that the tool reflected the EHRC non statutory guidance on Impact Assessment. A new tool and procedural notes were issued to managers alongside a clear message from our Chief Executive about the importance of assessments and his expectations regarding adequately considering impact on disadvantaged or marginalised groups and in demonstrating good governance.

We have a corporate timetable for Equality Impact Assessments. This timetable is based on a review of the work carried out across all our departments and this covers our current operational priorities. We plan to carry out equality impact assessments of changes made to and new ways of delivering and managing the full range of our services and procedures. This timetable also includes a review of some existing functions that have previously been impact assessed. Our senior management team review progress made against the timetable every two months. Additionally each director reviews their planned assessment every six months.

We believe that the new guidance means that our assessments will take place at the right time and show regard to the general equality duty. From 2013 we will be publishing any impact assessment that we have completed.

### 2.2 *Leadership, governance and business planning*

Equalities matters to us and we believe that we have made substantial progress in being a mainstreamed organisation. A key factor in our mainstreaming approach has been the role of leaders and senior management in taking forward equality issues. Our equalities work is steered internally by an Equalities Project Board. Managers from across key business areas are represented. The group aims to meet around four times a year and considers and makes decisions on equality issues and sets priorities. Our Chief Executive has always chaired this group.

We are working to fully integrate equality by ensuring that equality features appropriately in business planning and in reports to our board and its committees. Our senior management team are updated on progress made on equality work including Impact Assessments every two months. This means that directors are aware of development equality actions and issues in their departments.

Progress made against our equality strategy is also presented to our board around every six months. In November 2012 we developed new guidance for managers who are presenting papers to our and board meetings on key operational and policy areas. All papers presented to board members should now record how equalities have or will be assessed in key areas of work. This will ensure that board members are aware of how equalities have been considered in significant areas of work that we are planning for.

### *2.3 Partnerships and learning from others*

We continue to work closely with other Non Departmental Public Bodies, the Scottish Government and others to help us interpret the Equality Act and public duties. We are a member of both the NDPB Equalities group and Public Sector Equality and Diversity Network (co-ordinated by the Scottish Government). We have attended various equality related events over the last year that have helped us prepare for the new duties, including EHRC events and workshops. Through such networks we are able to share our approach to equalities and listen and learn from others, for example about how they interpret EHRC guidance, about the way they train staff, engage with stakeholders and set equality strategy.

To further enhance our equalities work where we can we actively seek to work in partnership across the Scottish justice and public sectors. In addition to our own work to collect evidence on disability related issues, in 2009 we were a member of a pan justice group that commissioned work involving disabled people to hear and respond to their views and experience of both civil and criminal justice.

## Section 3 - The three elements of the General Equality Duty

In this mainstreaming report we highlight the ways in which we believe we are responding to our responsibilities as a public sector body under the Equality Act. We believe we are contributing to the general equality duty to:

- Eliminate discrimination and other unlawful conduct
- Advance equality of opportunity
- Foster good relations

We have outlined our work to embed equalities through Equality Impact Assessment, in our business planning and in our governance structures. This work potentially covers all three elements of the duty.

The next part of this report describes how we approach each of the three individual elements of the public equality duty. We illustrate activity and progress across the full range of our functions. This covers both how we recruit and manage our staff and how we deliver the range of services for our service users.

### *3.1 To eliminate unlawful discrimination, harassment and victimisation*

#### **Helping people get information about and access legal assistance**

The Board currently operates a national telephone helpline which allows members of the public to find out more about legal aid, if they qualify, where to find a legal aid solicitor and order leaflets. The helpline is open 7 days a week, 7am to 11pm. There is a language interpretation service through this helpline for those who request it. Our main office is accessible for those who might need to visit for information.

Our communications support for those who are considering accessing legal aid includes leaflets in different formats including Braille, large print and audio tape on request. Our leaflets are available in ten different languages. In addition people can request information leaflets to be translated into any language. In 2012, before we launched our new website, we asked Capability Scotland to carry out a web accessibility audit. This helped ensure that the site is as accessible as possible to disabled people.

#### **The way we manage legal aid**

A large part of our job is to decide who should get legal aid. People seeking legal advice or representation can make an application for legal assistance through their solicitor. The solicitor could be in private practice, employed by the Board or in a law centre. If legal assistance is granted, it is used to pay solicitors, counsel - advocates and solicitor advocates - and other costs of the case.

We are driven to ensure consistent and fair application in our decision making. Decisions of granting any application for legal assistance are not influenced by the equality characteristics of applicants. Decisions made regarding grants are also

reviewed internally by our Internal Independent Quality and Checking Unit to ensure they adhere to guidance.

Private practice solicitors provide the majority of legally aided advice, assistance and representation. They therefore have a key role in ensuring equality of access to the legal aid system. The solicitors we employ directly working in the PDSO and Part V projects have the same responsibilities under the equalities duties as any other member of staff employed by the Board (see page 12 for more info about these two networks). We have no contractual relationship with private practitioners. The primary regulator for solicitors is the Law Society of Scotland (the Society). The Society's Code of Conduct sets out how solicitors should deal with their clients by:

- Imposing an obligation not to discriminate in professional dealings with clients separately from the obligations imposed directly on solicitors by the anti-discrimination legislation arising due to their status as employers and service providers.
- Providing that solicitors should also observe the spirit of the legislation when dealing with their clients.
- Stating that there should be no unlawful discrimination in recruitment, training, promotion and termination of employment processes; that solicitors should have an awareness and understanding of equal opportunities issues and that there should be no unlawful discrimination in the provision of legal services.

We are reliant on the Society as the regulator to enforce their Code of Conduct regarding standards of services and we currently have no contractual relationship with solicitor firms who provide services under legal assistance. However, it does not mean we have no ability to influence how solicitors deal with their clients. There is a Code of Conduct for criminal work that is already in place and there will be one shortly for children's legal assistance. That allows us to reinforce the Society's requirements. For example, the Children's Code of Conduct says that solicitors working in children's legal assistance must not discriminate on grounds of any protected characteristic and allows us to de-register firms failing to comply with the code.

We also operate peer review Quality Assurance Schemes. All solicitors who are registered with the Board to provide criminal legal assistance are subject to peer review under the Board's Criminal Quality Assurance (CQA) scheme. This scheme was devised in partnership with the Law Society of Scotland. The scheme is administered by the Board under the Part IVa of the Legal Aid (Scotland) Act 1986, and is part of the overall compliance regime. A Quality Assurance Scheme also operates for solicitors working under civil legal assistance. The Civil Scheme is managed by the Law Society of Scotland and funded by SLAB. The system is overseen by a Civil Quality Assurance Committee, which comprises three members appointed by the Board, three members appointed by the Law Society of Scotland and three lay members.

The peer review for criminal work consist of an examination of a range of solicitors' files by one or more of a panel of peer reviewers who are experienced and currently practising criminal solicitors. The purpose of the review is to

examine the quality of the work carried out on behalf of the client, based on the evidence contained within the file. Files are assessed against set peer review criteria for summary, solemn and criminal appeal cases. The criteria cover issues like initial client contact, bail matters, handling of preliminary or guilty pleas, trial preparation, communication of outcomes, and legal aid matters. The criteria were developed in consultation with the Society and with the reviewers themselves. One of the areas considered in these reviews is equality and diversity issues. In each review the following question is considered: *“Has the solicitor taken all reasonable steps to address any issues relating to age, disability, race, gender, religion or belief and sexual orientation which arose in the course of the case?”*

It was noted during the equality impact assessment on the Criminal Quality Assurance Scheme that the Board does not have any way of ensuring that criminal solicitors are not discriminatory in their work. Therefore, it was agreed that this question would help to ensure an adequate standard of work by criminal solicitors, and help satisfy us that cases are properly taken on and that the client has not been disadvantaged in any way. In addressing this, the peer reviewers are asked to consider matters such as language difficulties, access difficulties and cultural issues.

A solicitor can give advice to a person under advice and assistance provisions. This pays for advice on any matter of Scots law. The applicant’s solicitor will decide if they meet the financial and legal merit tests for advice and assistance. For civil legal aid and for most criminal cases, we carry out statutory tests to decide if people qualify for legal aid. At the moment the courts deal with applications for children’s legal aid. However, from June 2013 we will also be making the decisions on these applications.

The legislation governing how we make decisions on legal aid means that various disability-related welfare benefits, such as Disability Living Allowance, are not counted as income for financial eligibility. In addition, the legislation gives us discretion to consider making an allowance when calculating disposable income for any additional expense the applicant has as a result of their disability.

We ask applicants to tell us about any specific costs they incur because of special needs relating to their disability. This can include things like the need for a special diet, the cost of extra clothing, equipment or travel costs.

We must take into account to the amount of capital a person has when they apply for legal aid. For legal aid applications we can consider leaving capital out of account if it can be shown that the funds are necessary to provide on-going care or to replace essential items of equipment needed as a result of a disability.

Once a person has been granted legal assistance, extra costs may be incurred for a client. For example, to provide a British Sign Language (BSL) interpreter for a deaf client, or for someone who cannot communicate in English, or to arrange to visit a client at home if attending their solicitor’s office would create difficulty. For advice and assistance, the solicitor can request an increase to cover these kinds of costs. For legal aid, solicitors do not need to apply to us for approval to employ BSL or any other interpreters. The expense of using interpreters can be justified as

a claim in their final accounts, although there are guidelines on the costs we will pay.

For civil legal aid applications made after 21 March 2013, if extra funding beyond the standard cost limit is needed because of a client's special needs this will be viewed sympathetically by us in deciding whether to increase the available funding.

The Scottish Government sets legislation and regulations that govern the way legal aid operates and is responsible for equality impact assessing any changes. However where we have been asked to implement big changes to the way legal aid is managed we also carry out equality impact assessments.

Before implementation of a new Policy Station Duty Scheme we carried out an EqIA. The Board determines how the Scheme operates to ensure prompt and reliable access to legal advice. Issues around solicitors' caring responsibilities and disabilities were taken into account in the design of this scheme. We also previously carried out an EqIA of the Court Duty Scheme to make duty solicitors available in each Sheriff and JP/District Court at all times throughout the year and found no negative impacts.

Two major changes we are currently preparing for are around a new contributions scheme for criminal legal assistance and the widening the availability of legal assistance for Children's Hearings. The Scottish Civil Justice Council and Criminal Legal Assistance Bill was passed by the Scottish Parliament in January. This introduces contributions to most types of criminal legal assistance. Contributions are already paid in A&A, ABWOR, civil legal aid cases, and in children's legal aid when the Children's Hearings (Scotland) Act 2011 comes into force in July 2013. From August 2013 the new criminal contributions are due to be implemented too.

While the Scottish Government has already carried out an impact assessment of this Bill we are also carrying out an Equality Impact Assessment of how the planned future contribution scheme will operate. We have already involved Capability Scotland to get their views on the proposals and likely future impact of any contract scheme to ensure we consider fully any impacts on disabled people.

The Children's Hearings (Scotland) Bill replaces the interim legal representation scheme with a permanent, sustainable, national scheme that will see legal representation for children and parents available through the civil legal aid system. This will make it possible to provide state-funded legal representation whenever it is required to ensure the effective participation of children or parents. A full impact assessment of the Bill and all the proposed changes has already been carried out by the Scottish Government. However, as we are planning for the processing of more legal assistance applications, we will also be carrying out an Equality Impact Assessment to look at the way we are communicating the changes in availability of legal assistance and how these applications are processed.

## Our networks of publically funded advice - Public Defence Solicitors' Offices and Civil Legal Assistance Offices.

Our Civil Legal Assistance Offices (CLAO) are located in Highland and Islands, Edinburgh, Aberdeen and Aberdeenshire, and Argyll and Bute. Each of the offices works in partnership with other local solicitors and agencies in the area to provide legal services to clients who are eligible for legal aid. The partnership arrangement that each CLAO has with other local service providers involves the CLAO working as a referral office. Each CLAO holds extensive details of what work local solicitors and advice agencies undertake, and where there is a local solicitor or agency able and willing to take a case, refers the matter to them. Where no other solicitor or agency can be found, the CLAO may be able to take the case if the work is in one of the types of legal work covered by the local CLAO.

It is not uncommon for people contacting CLAO for help to feel vulnerable, worried and upset about their legal problems and possible future outcomes. In addition some clients are or feel marginalised, may be experiencing mental health problems and may have had problems accessing legal assistance before. It is therefore crucial that the service standard approach is to be helpful and respectful. The ethos of the service is to be inclusive and enabling. Early identification of needs happens at the initial contact assessment stage. Later a more detailed and professionally informed assessment is made of an individual's personal requirements to inform any reasonable adjustments that maybe needed to service provision. This can include the use of technology, communication and interpretation and training of staff. A compassionate, non-judgmental and listening approach to clients is adopted. All staff demonstrate an enabling and empathetic approach for all clients but particularly for those in the protected characteristics.

In 2012 we commissioned research to produce an in depth view on clients' experiences and satisfaction with accessing CLAO for help for their legal problems. This research supports that the offices operate a professional and client led service. We wanted to ensure that we spoke to a wide range of clients in different geographical locations and who had experienced different types of legal problem. We also aimed to ensure a spread in terms of age, sex, and levels of deprivation and as far as possible and appropriate, including those from the most vulnerable groups, e.g. people with mental health problems. We wanted to hear from people on the issues that are recognised as important to clients accessing legal advice and that are linked to the service standards expected from solicitors. This included how clients thought they were treated and the attitudes shown towards them, and how clients viewed the way their CLAO solicitor communicated with them and managed their expectations. These results are an overwhelmingly positive reflection of the services received by clients and no equalities related issue were found in the analysis.

As part of their Continuing Professional Development (CPD) the CLAO solicitors have attended a variety of equalities related events. This has included events on asylum and immigration law. In addition, solicitors attended an event about the launch of The National Autistic Society's autism alert card. The autism alert card can be carried by a person with autism and used in situations where they may find communication difficult. The card outlines key facts about autism and asks people

to show respect and tolerance. Solicitors also heard how mental health impacts on clients through attendance at a conference for 'See me' - Scotland's national campaign to end the stigma and discrimination of mental ill-health.

Our Public Defence Solicitors' Offices deliver criminal legal assistance to those that require it from seven locations throughout the country. In 2012 we carried out research to explore PDSO clients' satisfaction with their solicitor and the service they received. The profile of those surveyed reflects the diversity of the client group of PDSO. In particular, over a third of respondents declared they had a disability or long term health issue. Overall the results show the majority of PDSO clients were highly satisfied with the standards of service received and no differences across equalities groups were found in the analysis.

Both the CLAO and PDSO networks have been Equality Impact Assessed, with no negative impacts identified. The PDSO, like the CLAO, operate with an ethos that is inclusive and enabling. Here are a few examples to illustrate this. The letter of engagement received by clients from PDSO is clear in explaining that accessible meeting points can be arranged if necessary. PDSO also operate a case management system with equalities embedded as a recorded issue to provide detailed reports and a tailored service to clients of the service. All PDSO information leaflets are available in a variety of accessible formats. In the past the PDSO have taken steps to address the challenges presented by a changing society by employing a paralegal who speaks Polish to represent and help those in trouble who may not be clear about the Scottish criminal system. As part of their Continuing Professional Development the majority of the PDSO solicitors attended a one day event on representing and advising clients in police custody. Part of this event focused on helping suspects with a learning disability which was presented by The Scottish Disability Consortium.

[Full findings](#) from research to collect feedback from both CLAO clients and PDSO clients can be found on our website.

### **Our grant funded work**

Our grant funding programme priorities for 2012-15 were set by the Scottish Government and Money Advice Service. The grant funding programme has two aims. To help people access direct assistance to avoid/resolve problems and to support people to use formal dispute resolution mechanisms where appropriate and proportionate.

One area of funding focuses on direct assistance and representation on the resolution of mortgage repossession, tenancy repossession and related debt matters and on pre and post-court follow-up work and advice services that tackle multiple and serious debt. This funding stream seeks to assist hard-to reach groups, in particular vulnerable people who have not received help or assistance with their problems until a late stage, to help them with their long-term problems thereafter.

The other area of funding helps to provide information, one-off advice and direct casework assistance to people with small claims-level cases, enabling them to

resolve matters, pre-action or settle them early in the court process. This stream is designed to assist people who require help with the court process. Projects funded under this stream must show that they are responding to the needs of the local population requiring access to local courts.

An Equality Impact Assessment was carried out on the funding programme before it began. This covered how it is managed and what would be expected from funded projects. As the funding programme continues, this assessment will be reviewed and updated. The programme is driven by a person focused approach. All projects funded are expected to focus on each person's individual circumstances and respond to their particular needs. The priorities do not focus on equalities as a discrete area for funding under either stream, but the requirement to assist vulnerable groups is implicit throughout.

When assessing applications for grants we require evidence of a strong commitment to promote equality and diversity by organisations. We consider their internal arrangements and handling of services when assessing for equalities. This is built into the assessment framework where assessors were looking for good organisational statements and policies in relation to equalities. Applications were assessed as strongest for equalities where there was evidence of strong organisational policies in place dealing with obligations to staff and service users. Applications had to also show a commitment to service design which would deal with barriers to service users and provide examples of how current services have been delivered in line with equalities policy.

Prior to funding being granted, each project agrees to terms and conditions set by the Board. The contract is clear about their responsibilities under equal opportunities legislation. All funded projects are also required to regularly carry out reviews of their service to continuously improve client outcomes and standards of service throughout the project's duration. In particular, we have an expectation that projects will use monitoring and other data to measure the extent to which the project meets the needs of people from all communities in the project area.

We are now asking projects to provide more detailed quantitative information about clients than they did under our previous grant funding programme. Projects are now asked to record an agreed equality dataset for each client assisted. Projects are asked to provide a report on this data every six months. As part of this, they will be asked to reflect and comment on project client characteristics and see what gaps they identify for improving assistance to specific groups. The first analysis report from funded projects is due in June 2013. More information about our [grant funding programme](#) can be found on our website.

### **Advising the Scottish Government and working with other partner on justice issues**

One of our statutory functions is to advise Scottish Ministers on the operation of legal aid. In 2011 the Board took on a specific function to monitor legal services, to identify instances of problems with access or levels of supply that appear likely to increase the risk of this happening, and to report this to Scottish Ministers. The analytical strategy for this monitoring clearly identifies that different client groups

may experience different access issues. We have representation from the EHRC on a Reference Group that helps us monitor and provide insight into data and reports collected on the supply of legal services. We have also sought to gather views from a wide variety of interested parties on whether they know of any access problems that may arise for particular groups of people. This includes organisations working with or on behalf of a range of equality groups.

We carried out an equality impact assessment on how we intended to deliver this new monitoring function in 2012. This assessment highlighted no negative impacts and many positive impacts. Our first report highlighted equality related issues relating to supply and monitoring of supply. A [report and more information](#) on our work to monitor legal services are available.

### The way we get feedback from our stakeholders

Stakeholder engagement forms a big part of our research activity, we invest in hearing from our stakeholders at the right time and in the right way. Research is a powerful tool to collect evidence where there are known inequalities and can help the Board increase the participation of equality groups. Many of the Board's past research projects have been driven directly by equality issues. For example, specific research on asylum seekers was carried out in 2010 because we knew our traditional telephone surveys would not be appropriate to collect views from this group of applicants. This research fed directly into a Best Value Review the Board carried out on asylum applications and payment of legal aid. There were no issues relating to legal aid specifically and nothing that suggested discrimination.

We also invested in innovative research work with other justice partners (carried out in 2009) to involve disabled people because we knew we had to try new ways to engage directly with disabled people about their views and experiences of justice in Scotland. Disabled people told us directly about their experiences and views of accessing and moving through the legal system, of which legal aid is one aspect. Previously we have also commissioned interviews and focus groups to inform our equality work under race and gender (in 2006 and 2007).

Over and above specific equalities related research, all of our big surveys now include the collection of data on all the protected characteristics. The way we ask questions on equalities is handled carefully and the information collected is always anonymous. The way we ask the questions is in line with EHRC and Scottish Government guidance. We have established good equality profiles of our staff, applicants and solicitors and we can analyse results of surveys for differences across groups. We also ask separate equality questions within some of the surveys, e.g. in our staff and applicant surveys we ask people if they think their equality characteristics affect the way they are treated at work or when they applied for legal assistance.

No significant differences have been reported across equality groups in the results of recent surveys of:

- People who apply for legal aid using private solicitor firms

- People who receive services provide by the Board’s directly employed solicitors (Public Defence Solicitors’ Office and Civil Legal Advice Offices)
- Solicitors who provide legal aid

More information and [findings on the research](#) we have carried out can be found on our website.

### Our service standards

We aim to provide a high level of service to all our customers. Our commitment is that:

- We will deal with all matters relating to legal aid applications and accounts timeously, accurately and fairly
- We will always treat customers with courtesy and respect their right to confidentiality

If we receive a complaint about the service we provide:

- We will look into the complaint honestly, thoroughly and fairly, and as quickly as possible
- We will treat it seriously
- We will be polite and helpful to the complainant
- We will not deal with the complainant’s application for legal aid any differently, simply because they have made a complaint
- We will not discriminate against the complainant for any reason

### The way we procure our corporate services

We use various Scottish Government Terms and Conditions (SGTCs) for many of our procurement contracts. In 2012 we reviewed these again and it was established that the SGTCs could not be used as completely “off-the-shelf” documents. The suite of SGTCs we use was revised to reflect the Equality Act and to ensure that all non-discrimination clauses contained the same requirements. For contracts where the Board has to use a supplier contract we try to ensure that the same in-house non-discrimination requirements are included.

We follow Scottish Government advice and guidance as detailed in the ‘Procurement Journey’. Our corporate procurement strategy and policy already address equalities issues under Corporate Social Sustainability (CSR). CSR is the standard award criteria for all our contracts. In some tender exercises contractors are requested to supply corporate equality statements and policies. We are currently reviewing our policies and guidance for managers who are involved in commissioning to ensure equalities issues are adequately explained. This will help ensure managers know how and where to look out for equality related issues that may need to be reflected in the tendering process for contracts they are involved in.

As discussed previously we have an active programme of stakeholder involvement. We often carry out this research ourselves but sometimes, especially for big

national surveys, we commission research contractors to collect views on our behalf. As this work involves contacting and speaking to people, equality issues can be very relevant. Any research that we procure is evaluated in terms of how the contractor will address equality issues that arise in the research requirement, e.g. increasing participation of people who do not speak English, who have disabilities or who have childcare responsibilities. We reflect equalities in our award criteria for our engagement work so good responses to this will often attract better scores for any bid.

While we believe we have updated our procurement policies to reflect the Public Sector Equality Duty, we await guidance that we expect to be issued from the EHRC and Scottish Government Procurement on equalities issues and relationship with suppliers. This will help us benchmark our current performance.

### **The way we recruit our staff**

When we recruit people to work for us we ensure that no applicant receives less favourable treatment on the grounds of race, disability, gender, marital status, religion or belief, age and transgender. We welcome job applications from all. We are an equal opportunities employer and our staff have stated that they believe this to be the case.

Everyone who applies to work with us is asked to complete an equalities monitoring form. This information is kept separately from the main application and managers involved in the selection process never see this information. We ask those selected for interview to tell us whether they have any access issues, or require adjustments to the process (e.g. length of time for interview or testing sessions, aids for viewing or presenting materials). We also seek post-interview feedback from applicants where adjustments are made, to help us learn for the future. Specialist advice and support has been sought from agencies working with specific disabilities so that we can best prepare for and provide support at interviews.

### **The way we train our staff**

We recognise and value the differences and individual contribution that people make. We provide support and encouragement to staff to develop their careers and increase their contribution to the organisation through the enhancement of their skills and abilities. All staff have ready access via their computer to information which maps core skill requirements to relevant learning opportunities. Access to online learning for their personal development or personal interest is also free.

Equalities training is a compulsory part of our corporate induction programme. This involves a face-to-face training session and participation in an online learning programme ('Challenging Behaviour'). Staff receive regular updates on equalities through our staff newsletter. An electronic library of information on equalities legislation, good practice and evidence is updated regularly and also available to all staff.

In addition to compulsory corporate training, when we compile the Board's training plans each year, management are asked to consider and plan for relevant equalities training based on identified need. Examples of equalities related training include:

- Three employees from our Reception team attended a one day 'Start to Sign' course delivered by Action on Hearing Loss (formerly RNID). The group gained enough sign language to communicate at a basic level and the training increased their awareness of the barriers deaf people face on a daily basis. The course will aid communication with deaf customers as well as between deaf and hearing staff.
- Three departmental managers have directed all their staff to complete "Challenging Behaviour" refresher sessions, followed by "Understanding Bias".
- Our managers attended an employment law update seminar covering the implications of the Equality Act 2010, abolition of the default retirement age and changes to family provisions.
- Effective Call Handling training continues to be rolled out across the organisation with the aim of supporting staff and improving customer service. Front-line staff often deal with challenging calls and can be required to assist our clients to understand the legislation and procedures as applicable to their situation.
- Employees in the Solicitor Contact Line, Criminal Legal Services and the PDSO have attended Police Procedure Awareness sessions delivered by the ACPOS Solicitor Access Implementation Team. The training has provided an insight into client vulnerabilities (e.g. children in custody, mental health, those under the influence of drugs/alcohol, etc.) and the police procedures in place to manage these.

### **The policies we have designed to protect and support our staff**

We are committed to developing and using employment procedures and practices which do not discriminate and to providing equality of opportunity to all employees. We introduced a Dignity at Work policy in 2006, which aims to eliminate bullying and harassment within the Board. This was reviewed in 2010 to reflect the Equality Act. We promote an environment free from discrimination, bullying and harassment and encourage staff to speak up against behaviour which breaches this so that it can be dealt with fairly.

Our unique and innovative approach to flexible working received national awards and recognition when implemented from 2005. Particular praise and attention was received from equalities groups and carers associations due to the inclusive and reason-neutral approach taken which allows all staff access to flexible working and have more control over their work-life balance.

Where an existing employee declares or develops a disability we ensure that they are dealt with sensitively and in a supportive manner. The aim is always to ensure

that they are supported through fair processes and reasonable adjustments in the workplace so they can continue to make an effective contribution. Our HR team works closely with staff and managers with Occupational Health input to ensure that proactive support is given in all ill-health cases to facilitate a return to work. Adjustments are routinely made and access to relevant external support is regularly offered. We believe that this is why so many of our staff are comfortable to declare themselves and/or support colleagues with disabilities.

### **The way we collect views from our staff**

We ask our staff about how they feel about their work, the environment in which they work and working for the Board as a whole. Our last staff survey was carried out in 2010. The majority of our staff took part in the survey (84%) and we are confident that these results are representative of our workforce as a whole. We believe the effectiveness of our diversity policies is reflected in the most recent staff survey. This showed that the overwhelming majority of women and men (over 90%) agreed that the Board is an equal opportunities employer. Only 1% of staff disagreed. In addition, the majority of women and men also reported that the Board values the diversity of employees, with only 2% disagreeing. Taking into account experiences at work, the large majority of staff feel they are treated fairly and equally on account of their gender, age and race, and only very small numbers (1-2 %) of staff reported that they were not treated fairly on account of their religion, disability or sexuality.

We intend to carry out another staff survey in 2013. Once again we will ensure this survey allows us to consider equality issues and we will look for any differences in opinions across all equality characteristics.

We asked our staff to give views on what our equality outcomes should be for the future. They gave us useful feedback on the outcomes set for both our staff and for our service users. In a recent staff survey regarding pay and reward we also collected equality characteristics, this will allow us to look for any difference in views around pay according to different equality groups.

### **Our employee equalities data**

We collect information on age, sexuality, religion and belief, pregnancy and maternity and transgender from staff and from people who apply for jobs with us. Our employee information is presented for 2011-2012 at Appendix 1.

We analyse our employee data to provide assurance that our equal opportunities policy is being implemented and/or identify where further investigation may be required. This data contributes to the EqIA of HR functions which help us to check for any unfair practices and to actively promote equalities within our workforce.

We have been improving the coverage and quality of workforce equality information. This has been a key area of action for us in the past and will continue to be so. We reviewed the way we collect and report on this data in 2012 to align with EHRC, Scottish Government and other guidance. We are pleased to see that

the number of people reporting equalities information from both our staff and those applying for jobs with us has been increasing.

We do not have complete coverage for all protected groups, but our rates of returns are increasing and are above the rates of many other organisations. We have very high return among people who apply for jobs with us. Only a small number of people applying for jobs with us did not declare their characteristics (6% sexuality, 3% transgender and 2% disability). Rates of disclosure among staff varies from 100% for gender and age, 88% for sexuality, 84% for disability, 73% for race, 72% for religion and 66% for transgender. The number who we record as 'Prefer not to say' includes those who have actively recorded that and those who have effectively not responded, i.e. people who have not taken the chance to return any information on their equality records. Some characteristics such as religion and transgender have been added to the equalities records more recently so staff have had less time to update these.

Our on-going work to improve our staff response rates across all equality characteristics will be picked up in our new equality outcomes. We will continue to encourage existing staff and make it convenient for them to complete and update their records. We will initially focus on characteristics where we have lower disclosure rates such as race, transgender and religion. However, we do not plan to make disclosure of equality information compulsory for staff. If an individual is unwilling to provide such information, we do not believe that we can force them to do so. We would instead want to understand why they may be unwilling and work to ensure that we break down all barriers to doing so. We recently invited a university dissertation student to survey our staff on their views around the disclosure of equalities information. Recommendations will be made to us early in 2013.

The EHRC report 'Roadmap for improving equality data' acknowledges the challenges when comparing and benchmarking equalities data. We will continue to compare employee data with census information and, where relevant, other employers' datasets. Analysis of the information that is provided to us leads us to believe that there is diversity within our workforce.

We have a spread of age groups within our workforce. Five per cent of our staff are aged under 25 years, 40% are aged 25-39 years, 44% of our staff are aged 40-54 years and 11% are aged 55 and over. Three per cent of staff declare themselves to be Black or from an Ethnic Minority or mixed race. However, this could increase further as the percentage who 'prefer not to say' what their race is decreases. In the 2001 Census, minority ethnic groups made up 2% overall of the Scottish population. Five per cent of our staff declare themselves as having a disability. The majority of staff record their sexuality as heterosexual (82%) and a further 2% as gay/lesbian or bisexual. The most common recorded religious groups are 'no religion' and Christianity (both at 33% each), and 7% of staff recording themselves as belonging to another religion.

Statistics for March 2011 to April 2012 show we have an approximate 63/37% female/male gender breakdown. Grades 1 and 2 are mainly administrative roles and make up 34% 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 females. None of these ratios had changed since the previous year. At the next grade step (grade 5) there are now 51% of women compared to 43% in the previous year. Within the more senior specialist and management grades (grades 6 and 7), there remain more women than men, with women accounting for 59% (compared to 60% the previous year) and men 41%.

At the more senior manager grade (grade 8) 75% of posts are filled by males, compared to 87% the year before. In the year reported, all staff at director level are male. It is important to note that the number of staff in both grade 8 and director level is small (eight and five respectively) and there has been little staff turnover in recent times.

Whilst the statistics indicate the gender differences, we do not believe that there is gender segregation. With such small numbers, individual recruitment decisions can make a significant change to gender statistics. For example, in 2012 a female was appointed to the small team of five Executive Directors, which will significantly impact on future statistics.

Thirteen people applied for internal vacancies (promotion or transfer) in the period 2011-2012, compared to 38 the year before. Marginally more women than men applied for these vacancies. Although the numbers are very small, more men were promoted than women, unlike last year where almost an equal proportion of men and women were promoted or transferred. Further analysis on individual recruitment outcomes revealed no discrimination on account of gender.

While it is not reported in the appendix, we had a 100% return to work for the six women who left on maternity between 1 April 11 and 31 March 2012.

### **Our statement on equal pay**

We continue to implement the Scottish Living Wage and a minimum £250 basic pay increase for those earning under £21,000, as well as the continued commitment to no compulsory redundancies, provided protection to low earners - particularly those individuals with a protected characteristic.

Women make up around two-thirds of Scotland's public sector workforce, with a higher number of women than men employed in the public sector than the private sector. Comparing the Board with 43 other public sector bodies, including Scottish Government, covering 29,000 employees, it has a higher proportion of female staff (63% versus 48%). The Board also has a higher proportion of part time employees (20% versus 15.5%) and a higher proportion of females within this (18% versus 12%). The Board also has a higher proportion of staff earning less than £21k (35% versus 30%) and of the gender split among those earning less than £21k, the Board has a higher proportion of females (65% versus 58%).

Therefore, with higher numbers of women within the Board than within the rest of the public sector and the private sector, any action that protects employment,

such as our continued commitment to no compulsory redundancies, protected this group.

In addition, there is a higher proportion of women in our workforce earning under £21,000 and a higher proportion of women who are part-time and earning below £21,000. Therefore, our low pay measures, including the Living Wage and the minimum £250 basic pay increase, protected these individuals and in many cases provided a positive benefit. Our pay award helped in working towards reducing the gender pay gap within the Board as it should increase the overall base levels of pay for the lower end where women are concentrated.

We do not believe we have introduced or perpetuated any direct or indirect discrimination for individuals in the application of our pay award. Although the Board's Policy and pay award 2011-12 did provide a benefit for some individuals, on the basis that, for example, they are more highly represented among the lower paid, the policy is applied on the same basis to all staff regardless of gender, age, disability, ethnicity, etc. The pay freeze and suspending non-consolidated performance payments did not impact any protected group unduly. Any risk of individuals being adversely affected by the pay freeze measures is mitigated by the Board's policy to protect posts and the no compulsory redundancy policy.

One of the key strategic aims of the Board's pay policy is to continue to work towards making sure that pay is fair and non-discriminatory. We have already impact assessed the full range of our HR policies. We are also carrying out an impact assessment on our pay review policy for 2012-13.

### Equal pay analysis

Mean and median gender pay information are reported in Appendix 2. We have investigated further all equal pay results, on both a mean and a median basis, with a difference of  $\pm 3\%$  and we believe these differences are mostly related to levels of expertise.

Our salary scales allow employees to progress from band minimum to band maximum over five years. As a result, pay gaps can occur over short periods because of differences in length of service of the staff within our grades. New appointments can also radically alter the snapshot in time that an equal pay audit represents, particularly so in areas with relatively small numbers of staff.

This is the case with our senior management team, which at the time of the equal pay audit comprised all males. Subsequent to this equal pay audit a female director has been appointed to the senior management team. There have been six female appointments at middle management and one male appointment. We would therefore expect our equal pay gender gap to decrease over time as the gender balance alters and new employees progress up the pay scale.

We are content that no discrimination on account of gender exists. Although populations are currently too small to allow for detailed analysis for ethnicity and disability, we are content that no pay discrimination exists. We have shared our

results with our trade union, which has recognised the reasons behind any pay gap and accepted there is no discrimination.

Our next pay deal is due from 1 August 2013, before which we plan to carry out another equal pay audit.

### *3.2 To advance equality of opportunity between people who share a relevant protected characteristic and those who do not*

#### **Staff training and information**

The training and information we disseminate to staff on equalities is aimed at helping ensure not only that there is no discrimination and that we deliver high standards of service but also that we promote awareness of rights under the Equality Act. Last year we also specifically highlighted Lesbian Gay Bisexual Transgender networking opportunities run by Scottish Enterprise but open to our staff to attend.

#### **Raising awareness of mental health and the law**

Both the Inverness and Argyll and Bute CLAO offices facilitated one day events on 'Mental Health and the Law - The System, Stigma and Jargon (It's all about real people!)'. These days were designed to bring professionals together (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 events provided an opportunity to better understand both the client group and the processes involved around those who are detained for treatment under the Mental Health Act. An important part of the event was to hear from people about their experiences of mental health and access to health and legal services. [Background and evaluation](#) of these awareness raising days can be found on our website.

#### **The way we procure our corporate services**

Public sector bodies are encouraged through the Scottish Sustainable Procurement Action Plan to make the maximum possible use of supported factories and businesses. In 2011, the Board placed a contract with Haven Recycle, a supported business (where more than 50% of the workforce is disabled) which provides employment to those furthest removed from the jobs market, for the disposal of redundant IT equipment. The Board will also make use of the new Scottish Procurement Framework Agreement for Supported Factories and Businesses wherever possible.

#### **Stakeholder engagement**

As outlined previously, our research with groups of disabled people, asylum seekers and different ethnic minorities was driven by the fact we believe some groups need special opportunity to be heard. In 2012 we expanded our stakeholder engagement work to engage with applicants of criminal legal assistance. This is a group where we know there is often a higher incidence of mental health. Our

history of stakeholder engagement illustrates our openness to hear from different equality groups.

We also regularly connect with equality leads at the Law Society of Scotland to discuss and share our work and equality issues around provision of legal advice by solicitors that may be paid for under legal aid. In the past, discussion has included looking how legal assistance can respond to equality related issue and looking also at the separate responsibilities legal firms as service provider's have not to discriminate in professional dealings with clients.

We have worked with Capability Scotland and various deaf charities representing deaf people to collect views and clarify the legal aid rules around provisions of BSL interpreting for deaf or hearing impaired people who receive legal assistance. We now plan to review communications to solicitors on legal aid and BSL interpreting to ensure this is clear and we will consider the use of BSL clips on key message about legal assistance. This work will form part of our work to deliver our new equality outcomes.

### *3.3 Foster good relations between people who share a protected characteristic and those who do not*

We believe our investment in training and information on equalities for our staff helps to deliver this element of the duty by helping people better to understand the issues and the barriers often faced by some groups of people.

We continue to promote mental health awareness amongst our staff and endeavour to remove the stigma of mental ill-health in the workplace. We provide information, which is complemented though the national 'See Me' campaign materials on our noticeboards. More importantly however, we try to tackle stigma though our positive actions. Our HR team works closely with staff and managers, who are all needed to provide the support and recommended adjustments where an employee is returning to work after an absence due to mental ill-health or has experienced illness whilst remaining at work. We now find that, due to the numbers of staff over time who have required such support, awareness has increased. There is more openness about mental health and an assumption that colleagues will be supportive. We acknowledge that some smaller teams may not yet have this experience and we can always do more. We will look at ways of raising awareness further via training.

It is currently more difficult to see how we can directly foster good relations with our service users, e.g. people who apply for legal assistance, but we will continue to consider this and we will be working with our partners such as the Law Society of Scotland to consider if and where we can directly respond to this.

## Section 4 - Our Equality Outcomes 2013

Equality outcomes help further one or more of the 'needs' of the general equality duty. Our outcomes are future states that we will work to. They are designed to cover the next four years and we will report progress made against them in 2015. Our outcomes are designed to complement our on-going work to monitor equal pay, to impact assess our policies and functions and our work to further embed equalities into our corporate planning and governance.

We used the EHRC guidance to help us in our outcome setting. To help us identify the right outcomes we looked not only at our evidence from our own research and surveys but also looked at others sources of evidence such as household surveys and EHRC reports. We also looked back at our previous equality actions plans, activities and issues that have been discussed with key managers and within our Equalities Project Board. We looked at the equality characteristics and considered each one. We found we had good evidence, previous discussion, and activities for most of the characteristics in particular for gender and disability. For some of the 'newer' characteristics, e.g. transgender and sexuality, we found we had less available evidence. This made us think about how we could collect further evidence on these and that we might want to consult and get view specifically on these characteristics.

Setting our outcomes was a step-by-step process. After the review of our evidence we looked at the issues identified and began to draft up what we thought were positive future states for people using legal assistance and for our corporate culture/standards. When our outcomes were beginning to form we thought about the full range of activities and outputs we could do to address the issues and allow us to help meet the outcomes. We also identified measures we might use to show whether we are meeting the outcomes.

Our Equalities Project Board and our board members considered the draft outcomes. We then began consulting on the outcomes. We wanted to know whether the outcomes we had identified were the right ones. We wanted to know whether they were understood and whether they were thought to be achievable.

We focussed on engaging with equality groups where we knew there were already known issues to address or where we had lower levels of evidence. We sought advice on our outcomes, the evidence used and indeed the proposed activities and outputs planned with Capability Scotland, Stonewall Scotland and Scottish Transgender Alliance. We had individual in depth meetings with these organisations to get their views and advice on how we might meet our outcomes. We also shared our outcomes and plans with equality leads at the Law Society of Scotland and with other public bodies. Feedback was on the whole positive and our evidence base and approach to outcome setting was viewed as sensible and clear.

We engaged with staff on our outcomes which produced useful feedback for us to consider. Seventy five members of our staff completed a short survey on the outcomes. We asked them whether they thought people were treated fairly and equally in the workplace but also whether they thought our services users were being treated equally and fairly. We covered all characteristics.

Positively, the large majority of our staff believed that staff and service users were treated equally. None or only a very small number of people who responded felt that there was any inequality for any of the groups, both for staff and for service users (ranging from 0 to 7 people). Interestingly, staff showed lower levels of understanding on some characteristics such as transgender. This feedback supports one of our outcomes which raises awareness around all characteristic. We asked staff to consider our broad outcomes. Again, the majority of those responding felt they were sensible areas for us to be working toward. Only small numbers (ranging from 1 to 9 people) felt that the areas were not sensible.

After our consultation with staff and service users, the main areas of work for our outcomes remained unchanged. However, based on our feedback we did combine two outcomes into one (all the proposed activities remain the same). We also added an additional outcome which focussed in on solicitors who deliver legal assistance.

The outcomes apply to all equality characteristics. Where there are known specific issues relating to one or more groups, e.g. people with disabilities, these groups will be prioritised in action planning.

Our outcomes focus on both staff and services users. They also include looking at the ways we can work with the legal profession to ensure they are aware of equalities issue relating to legal assistance. The main themes of our outcomes are around information about legal assistance, awareness raising around equality characteristics in our workforce and consideration of the impact of diversity in our business.

We have identified activities and outputs we expected to do to help us achieve our outcomes. We have also identified various measures that we can use to help measure or progress this through our surveys of staff, solicitors and applicants. The work to monitor and coordinate our progress towards meeting these outcomes will be taken forward by our Equalities Project Board. We will review progress internally regularly and report to our governing board members every year. We will report on our progress on our website in 2015.

Below are our outcomes. We have illustrated these with some examples of the kind of activities we aim to carry out to help deliver these outcomes.

- *People, irrespective of their equality characteristics, have equal access to appropriate information that helps them in accessing legal assistance in a timely manner*

We want to ensure that everyone gets the right information about legal assistance. We have listened to feedback from people who are deaf or hard of hearing. We will be considering the use of BSL video clips for key message about legal assistance on our website. We will be communicating with solicitors to ensure they are clear about how legal assistance can cover costs relating to BSL and spoken language interpretation. We will be working on partnership with other justice agencies as part of Scottish Government's Making Justice Work Programme and as part of the Working Group for

Interpretation and Translation to help improve access to legal assistance for those eligible and information about legal assistance.

- *People who apply for legal assistance are aware of why we collect equalities information and can conveniently disclose this information*

We want to further our understanding of who applies for legal assistance. We have built good equality evidence base through our nationwide surveys. However, we will continue to work to improve the returns from applicants at the point of application for legal assistance. We already have a system that allows people to disclose their equalities information. This information is not mandatory. The collection of this information should not prevent or delay the application for legal assistance. This equality data on people applying for legal aid is collected and returned by solicitors. It is the solicitor who makes the application on behalf of the person applying for legal assistance. The equality information is not always returned to us and return rates are relatively low. We have good coverage for age and gender which we use to help us analyse trends in legal assistance. In the future, new online forms may make it easier to design better equalities sections. Rather than relying on the solicitor to ask for and collect this, the person would be able to complete it for themselves. We intend also to communicate with both solicitors and with applicants to explain the importance of collecting this data and reassure where there are any concerns about why and how we use the data.

- *Our diverse workforce is aware and understands equalities and diversity and the impact of this is helping us manage and deliver our business*

Our dignity at work policy and our current training programme does cover all characteristics but there has been limited corporate work or communication and awareness raising with staff regarding some characteristics such as transgender and sexuality. We know there is a lower level of understanding around how some characteristics such as being transgender may impact in the workplace and for service users. We aim to introduce a new corporate awareness programme on equalities. We hope to be developing this with help and advice from organisations that represent each of the equality characteristics.

Employee response rates for disclosure of equalities information is generally high and we have seen the numbers going up for existing staff in the past years but they are variable. We will work to encourage staff to record and update their equalities information, we will address any concerns around how we hold and use this data.

We will review our customer services standards and look at training needs to ensure we are managing customers with mental health issues according to best practice.

We will continue to develop and review evidence on representativeness in our workforce across grades, roles, promotion, training and development opportunities. We will have senior management level discussion on ways of harnessing diversity and how we are demonstrating that we value diversity.

This will include benefit analysis of signing up to or establishing diversity champion programmes.

- *Those who deliver legal assistance are aware and understand equalities and diversity and the impact on the accessibility of legal assistance*

We plan to communicate with solicitors who provide legal assistance about ways in which legal assistance responds to equalities issues. We will aim also to work in partnership with the Law Society of Scotland where appropriate on equalities issues, e.g. in communicating with the profession about equalities issues.

For more information on our outcomes and how we are planning to work towards these please contact Clare Duffy, Research and Policy Programme Manager, on 0131 240 1888 or email [duffycl@slab.org.uk](mailto:duffycl@slab.org.uk).