



Equalities Mainstreaming and Equality Outcomes

Progress Report
April 2015

The Scottish Legal Aid Board

www.slab.org.uk

Contents

SECTION 1: ABOUT THE SCOTTISH LEGAL AID BOARD	4
SECTION 2: LEGISLATIVE FRAMEWORK ON EQUALITY IN SCOTLAND	5
SECTION 3: PROGRESS TO ACHIEVE OUR EQUALITY OUTCOMES.....	6
3.1 Equality outcome 1: People, irrespective of their equality characteristics, have equal access to appropriate information that helps them in accessing legal assistance in a timely manner. ..	7
3.2 Equality outcome 2: Our diverse workforce is aware and understands equalities and diversity and the impact of this is helping us manage and deliver our business.....	7
3.3 Equality outcome 3 - People who apply for legal assistance are aware of why we collect equalities information and can conveniently disclose this information.....	8
3.4 Equality outcome 4: Those who deliver legal assistance are aware and understand equalities and diversity and the impact on the accessibility of legal assistance.....	9
SECTION 4: EMBEDDING EQUALITIES ACROSS OUR BUSINESS	11
4.1 Leadership, governance and business planning	11
4.2 Equality impact assessments.....	11
4.3 Procurement processes and award criteria.....	12
4.4 Youth employment and work experience	12
4.5 Grant funding programme.....	13
4.6 Advising the Scottish Government and working with other partners on justice issues.....	14
4.7 Working with justice system partners to drive change	15
4.8 British Sign Language interpreting pilot.....	17
4.9 Stakeholder feedback.....	18
SECTION 5: EMPLOYEE INFORMATION	19
5.1 How we gather employee data	19
5.2 Changes to the way we present our data	19
5.3 What does our employee data tell us	20
5.4 Our statement on equal pay	21
5.5 The way we train our staff.....	23
5.6 How we use our employee data	23
Appendix A. Summary of activities to achieve SLAB’s equality outcomes	25
Appendix B. Equality Monitoring of Protected Characteristics 2012-13 and 2013-14 comparison tables.....	26
Table 1 Employees Gender Distribution Comparison 2013-14 with 2012-13.....	26
Table 2 Employees National Identity Distribution Comparison 2013-14 with 2012-13	26
Table 3 Employees Ethnic Origin Distribution Comparison 2013-14 with 2012-13	26
Table 4 Employees Religion or Belief Distribution Comparison 2013-14 with 2012-13.....	27
Table 5 Employees Sexual Orientation Distribution Comparison 2013-14 with 2012-13	27

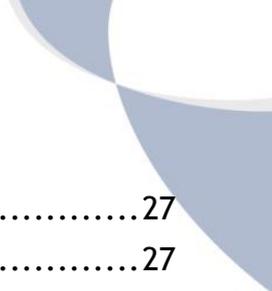


Table 6 Employees Transgender Distribution Comparison 2013-14 with 2012-13.....	27
Table 7 Employees Disability Distribution Comparison 2013-14 with 2012-13	27
Table 8 Employees Age Distribution Comparison 2013-14 with 2012-13	28

SECTION 1: ABOUT THE SCOTTISH LEGAL AID BOARD

We are a Non-Departmental Public Body responsible to the Scottish Government. Legal aid provides a range of help for people in Scotland, many of them vulnerable. It enables people, who would otherwise not be able to do so, to resolve disputes with legal assistance, pursue or defend their rights or fund their criminal defence.

This help is often required at difficult times in people's lives. Every year in Scotland, legal assistance helps those who need protection from domestic abuse to seek court orders to protect them; people to challenge repossession of their homes; parents to challenge a spouse or partner attempting to take children out of the country; and people to seek compensation for medical negligence. Legal aid also facilitates legal challenges, including those to the Supreme Court, which are in the wider public interest. The outcome of these cases can have a direct tangible benefit to many others.

Legal aid in Scotland funds a mixed model of help. It is primarily a system which focuses on enabling broad access to assistance from solicitors in private practice or law centres without there being a cost limit. This means that legislation requires the Scottish Government to provide the funding for all legal aid applications that meet the statutory tests. We manage the day to day running of legal aid through our assessment of large volumes of legal aid applications and assessing and paying accounts submitted by solicitors and advocates. Solicitors and advocates in private practice are able to offer publicly funded services to the public, subject to our assessment processes.

We also administer a significant programme of targeted public funding that enables access to advice, assistance and representation for people across Scotland. These grant funding programmes focus on tackling unmet legal needs and complementing other forms of advice paid for through legal aid. We provide a direct advice and representation service through a small network of publicly funded criminal defence solicitors, Civil Legal Assistance Offices and a 24 hour Solicitor Contact Line which facilitates and delivers advice for suspects in police custody across Scotland.

For more detailed information on our range of work and our plans for the future please see our corporate plan¹.

¹ Our Corporate Plan 2014-17 is published on our website:
http://www.slab.org.uk/export/sites/default/common/documents/about_us/whatwedo/Corporate_Plan_2014-2017.pdf

SECTION 2: LEGISLATIVE FRAMEWORK ON EQUALITY IN SCOTLAND

The Equality Act 2010 introduced a new public sector equality duty often called the general equality duty. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need 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.

In Scotland, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 are designed to help public authorities like the Scottish Legal Aid Board (SLAB) meet the general duty.

In April 2013 SLAB published a set of equality outcomes² to achieve by April 2017. We also published information on the composition of our workforce and how we embed equalities in our day to day work.

This report provides an update on the progress we have made over the last two years towards achieving our equality outcomes. We highlight how we continue to mainstream equality into our core business processes, and provide an update on how we gather and use equality monitoring data (for staff and people who apply to work for us).

² Our April 2013 Equalities Mainstreaming and Equality Outcomes Report can be viewed at <http://www.slab.org.uk/about-us/equalities/>

SECTION 3: PROGRESS TO ACHIEVE OUR EQUALITY OUTCOMES

The equality outcomes we set in April 2013 are based on evidence we gathered from a variety of sources. We consulted with staff, our Equalities Project Board, Board members and three external organisations³ to ensure we had identified the right ones. Our 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 have been prioritised.

Our equality outcomes are:

- People, irrespective of their equality characteristics, have equal access to appropriate information that helps them in accessing legal assistance in a timely manner.
- Our diverse workforce is aware and understands equalities and diversity and the impact of this in helping us manage and deliver our business.
- People who apply for legal assistance are aware of why we collect equalities information and can conveniently disclose this information.
- Those who deliver legal assistance are aware and understand equalities and diversity and the impact on the accessibility of legal assistance.

In our April 2013 report we identified various activities and outputs that would help us achieve our equality outcomes along with ideas on how we could measure our progress. These have been expanded and developed into a detailed work plan which clearly outlines the activities, key deliverables and associated measures we will monitor to help us evidence progress. Our equalities work plan was approved by our Equalities Project Board in autumn 2014 after several months of internal consultation. We believe that the structure the plan provides will help focus our efforts more efficiently in the period up to April 2017. A summary of the activities we have identified to help us achieve our equality outcomes are detailed in Appendix A.

Overall, our progress against our equality outcomes has been good and we have highlighted the work we have completed over the last two years. This activity has mainly helped us set our baseline measures and take initial steps towards long term change. This means that our ability to directly measure the impact of the work we have done so far will be limited. There has been less progress in some areas than planned. We have reflected on the reasons for this and outlined revised actions or timescales below.

³ Individual meetings were held with Capability Scotland, Stonewall Scotland and Scottish transgender Alliance.

3.1 Equality outcome 1: People, irrespective of their equality characteristics, have equal access to appropriate information that helps them in accessing legal assistance in a timely manner.

We have completed an audit of the information submitted to us by firms and funded service providers registered to deliver legal aid about their accessibility to equality groups. This information is made available to people looking for a legal aid solicitor through our web based 'find a solicitor' function. Of the 1359 registered offices only 260 (19%) have told us they are 'accessible'. Of these 260 offices, 62 of them provide further information on what they mean by being 'accessible' e.g. they have ground floor meeting rooms or can arrange home visits. In order to improve the quality and range of information available to people through our 'find a solicitor' function, our Communications Team is revising the information we want firms to provide. This includes the information on the accessibility of the services firms provide to protected equality groups. Where possible we will mirror the Law Society of Scotland's equality framework and guidance to the profession to encourage a positive response and full disclosure.

Our key public information booklets for all legal aid types will be translated into British Sign Language. The translations will include audio and subtitles. We are in the process of discussing our requirements with a Scottish Government approved supplier. We expect to translate our leaflet about children's legal aid first, followed by information about criminal legal aid, civil legal aid and information for opponents pending a wider review of this information planned in early 2015-16.

We are auditing the accessibility of all our buildings against an agreed audit template developed by the Scottish Courts and Tribunals Service (previously the Scottish Court Service). This work has been delayed due to the relocation of our main office in Edinburgh from Drumsheugh Gardens to Thistle House which required the full resource of our Facilities department. We have started to audit our Thistle House office and expect to audit our full estate by July 2015. The result of these audits will help develop a long term plan to improve the accessibility of our estate where required. It will also inform other equalities work and will help us better publicise the accessibility of our offices beyond physical access.

3.2 Equality outcome 2: Our diverse workforce is aware and understands equalities and diversity and the impact of this is helping us manage and deliver our business.

We have reviewed the equality related material delivered to all new employees through our corporate induction programme. Based on the range of topics covered across the full corporate induction and the positive feedback we receive about the equalities induction session, we consider the current material to be adequate. However, we have purchased a new online resource 'Working Effectively with the Equality Act' (DVD) which will enhance our provision. Combined with discussion via video technology it will ensure that remote workers, unable to attend a group session, can still receive an effective induction.

We have committed to delivering a programme of equality and diversity awareness sessions for employees, prioritising reception teams and organisation-wide changes in policy or procedure e.g. changes to our complaints processes. Our Reception team at Thistle House has worked through two DVDs 'Cultural Awareness' and 'Disability Etiquette' (by Skill Boosters) and have attended a facilitated discussion about meeting the needs to visitors and staff. This will be followed up with further information on the range of facilities available in each office (linked to the accessibility audits of our estate) and how to make reasonable adjustments so that people can access our offices, services or take part in meetings and events we are hosting. We intend to roll out this approach to Reception staff in our other offices and monitor feedback from staff and customers.

Our complaints process has been reviewed and is compliant with the standards set by the Scottish Public Sector Ombudsman. We offer to produce our complaints process in alternative formats and we are clear about the ways in which people can submit their complaint. We are updating the system we use to log complaints and will soon be able to log and report on equality related complaints. We are also working with Justice partners to explore the translation of all our complaints procedures into Easy Read format using a consistent set of symbols.

SLAB has been working with Scottish Natural Heritage on a shared services project for our Human Resources (HR) systems which provides us with an opportunity to review our employee monitoring categories. There is general agreement across Non-Departmental Public Bodies (NDPB) represented at the NDPB Equality Forum that employee monitoring questions should be based on the Scottish Census 2011 categories. The HR part of the shared services project is expected to be complete by June 2015 and will be an ideal opportunity to engage with staff on why we collect equality data and how we use it.

In 2014, we planned to sign the 'See Me' pledge through See Me Scotland to help tackle the stigma of mental health. Unfortunately, we submitted our application at the same time See Me Scotland decided to review the pledge framework. We commented on the draft revised framework and attended the launch on 28th April. We plan to sign up to the new framework subject to it still meeting our needs to set clear actions to tackle the stigma of mental health for staff and our customers.

To help us harness diversity to deliver our business we planned to have started the process of establishing a staff consultancy group to be in place by July 2015. Senior Managers will be considering the remit of this group by July and expect to have a staff consultancy group in place shortly thereafter.

3.3 Equality outcome 3 - People who apply for legal assistance are aware of why we collect equalities information and can conveniently disclose this information.

We have reviewed the various ways we collect equality information about legal aid applicants and the various return rates. There is the ability to collect this information through our Legal Aid Online (LAOL) system used by solicitors to submit applications for legal aid. However, the return rates for information submitted in this way is very low (ranging from 0.1% to 4.6% return). It is clear there are barriers to solicitors and applicants providing this information through the LAOL

system and we are exploring these, and the solutions we can implement, to help improve return rates. Alongside this, we have plans to review and communicate the reasons why we collect this information and how we use it.

We continue to collect and publish robust equalities data as part of our research and grant funding programmes. This data is used by us, and other organisations such as the Scottish Government, to highlight areas of concern and inform changes in policy.

3.4 Equality outcome 4: Those who deliver legal assistance are aware and understand equalities and diversity and the impact on the accessibility of legal assistance.

The Law Society of Scotland has developed a framework of equality and diversity standards for the legal profession⁴. The framework aims to support the profession in benefiting from the widest possible talent pool and also ensuring firms can meet the needs of the Scottish public. We responded to the Society's consultation on the new framework in November 2014 and benchmarked ourselves against the draft requirements to help identify actions to improve our performance. We are supportive of the framework will work in partnership with the Law Society of Scotland where appropriate on promoting equality.

Our network of Civil Legal Assistance Offices (CLAO) is located in the Highland and Islands, Edinburgh and the Lothian's, 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 CLAO have a strong history of taking a proactive approach to meeting the needs of clients and ensuring they feel they are able to effectively participate in the legal process. Clients are asked for information across all the protected characteristics and solicitors are able to record potential vulnerable witness issues and reasonable adjustments needed. A new case management system for the CLAO is being developed to help standardise how we record and report across all the protected characteristics, client communication needs and other reasonable adjustments.

Our network of Public Defence Solicitors Offices (PDSO) has been particularly effective over the last year in using the mental health provisions of the 1995 Act. Our solicitors have worked with psychologists and psychiatrists to take cases away from a criminal outcome, securing an acquittal in an examination of the facts in a high profile murder and mental health disposals in several other cases. The Director of PDSO is also engaged in the Supporting Offenders with Learning Disabilities (SOLD) network⁵ which aims to reduce offending and improve support for offenders with learning disabilities in Scotland. To ensure equalities is firmly at the centre of the PDSO ethos, PDSO Heads of Office have equalities embedded into their performance and management objectives.

⁴ See <http://www.lawscot.org.uk/about-us/equality-and-diversity/framework-for-success/>

⁵ See <http://soldnetwork.org.uk/>



All solicitors who are registered with SLAB to provide criminal legal assistance are subject to peer review under our Criminal Quality Assurance Scheme. One of the areas considered in these reviews is equality and diversity issues. We plan to have identified how we can extract more meaningful equality information from the peer review data we hold by October 2015 in order to share and promote good practice.

Another area of work we are progressing is to review our Criminal Code of Practice which will include making the equality criteria in the Code more robust. SLAB is responsible for monitoring compliance with the Code by solicitors registered to provide criminal legal assistance. We will equality impact assess these changes and consult with stakeholders in due course.

SECTION 4: EMBEDDING EQUALITIES ACROSS OUR BUSINESS

4.1 Leadership, governance and business planning

Equalities matters to us and commitment by leaders and senior management continues to be a key factor in our mainstreaming approach.

Our internal Equalities Project Board steers our equalities work and is chaired by our Chief Executive. Managers from across key business areas are represented and in 2014 we welcomed one of our Board Members, Ros Micklem, to the group. Ros brings valuable experience in promoting equality and access to justice in addition to strengthening the leadership and governance of our equalities work.

Progress on our equality work and wider public sector and justice equality issues are reported to our senior management team every two months. Board members receive an annual paper specifically reporting on our equalities work. Board and committee papers are expected to provide decision makers with an update on equality in relation to the paper topic as appropriate to ensure strong governance and transparency.

4.2 Equality impact assessments

Our Equality Impact Assessment (EqIA) process and guidance helps us to think about the impact of new and current policies or projects on protected equality groups. In response to significant changes in legislation we have undertaken and published two full EqIAs since April 2013:

- Procedure for consideration of exclusion of solicitor or advocate under Section 31 of the Legal Aid (Scotland) Act 1986
- Children's legal assistance: the legal aid aspects of the Children's Hearings (Scotland) Act 2011

In addition to these full assessments we screen the impact on equality groups of project work and changes in policy to help us identify where a full impact assessment is required. We also input to EqIAs undertaken by the Scottish Government on policy reform and changes in regulations.

In this section we outline changes we have made to improve our EqIA process and guidance, and the way we consider the impact on equality groups throughout the life of a project. As we continue to refine our own processes and learn from the successful approaches used by other public authorities in undertaking and publishing EqIAs, we expect to see an increase in the pace of full equality impact assessments being completed. We will also consider what further support is needed by staff responsible for undertaking impact assessments.

In December 2013 our Equalities Project Board reviewed and improved the governance structure outlined in our EqIA procedure. A full assessment can only be signed off by our senior management team once:

- All sections of the full assessment form are completed using 'n/a' rather than leaving any section blank.

- The EqlA has been discussed, reviewed and approved by the relevant decision makers. These must be listed with the date(s) the EqlA was discussed.
- The Corporate Policy Officer (Equalities) has confirmed that due process has been followed.

Our Executive Team and Equalities Project Board continue to monitor our corporate timetable for EqlAs at least every two months. This timetable is also reviewed and updated by our Projects Office which is responsible for leading on large projects and operational change. Our EqlA form is now a standard project document for all projects coordinated through the Projects Office. Equality is also being embedded in other project templates (e.g. project board standard agenda and highlight report templates) to ensure project boards proactively consider the impact on equality groups throughout the life of the project.

We believe that the actions outlined above continue to help project leads and departmental managers consider equality at the right time and show regard to the public sector equality duty.

4.3 Procurement processes and award criteria

We have reviewed our procurement award criteria and conditions in line with the EHRC guidance to support public authorities to meet their equality duties in relation to public procurement. The guidance is written with reference to the Scottish Government's Procurement Journey. These requirements will be included in the annual audit of our procurement processes.

4.4 Youth employment and work experience

Despite the fact that SLAB is a relatively small organisation with low turnover and reducing staff, we aim to support young people and undergraduates to gain useful and relevant work experience where we can. We do this in a variety of ways from the chance to shadow one of our solicitors for a day to providing a paid placement for university students who work for a year as part of their university degree.

We work in partnership with Job Centre Plus to offer voluntary work experience placements to 18 to 24 year olds. Two people have each undertaken a 3 week placement which gives people an insight into the work we do in our Accounts Department. One of the work placements led to the person getting a job with us. We will proactively work with Job Centre Plus to continue with this scheme.

Law undergraduates and students often contact us to work shadow one of our solicitors to learn more about legal aid and working with clients. Since 2013, we have accommodated at least 8 requests in both our Solicitor Contact Line team and across our CLAO network.

Our Human Resources Administrator position is filled each year by a student from Napier University who is undertaking a relevant degree and is required to work for a year as part of the course. The students work and earn in a full role with us and we support them to undertake a work based project towards the end of their placement.

4.5 Grant funding programme

Our grant funding programme priorities are set by the Scottish Government and Money Advice Service. SLAB manages over 100 grant funded projects under three programmes. These programmes aim to enhance legal and lay advice services to people across Scotland who need direct assistance with civil matters.

The programmes funded to September 2016 include:

The **Economic Downturn programme** which focuses on direct assistance and representation on the resolution of mortgage repossession, tenancy repossession and related debt matters. It also provides 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 **Making Advice Work Programme** has three streams:

- Stream 1 contains projects which provide advice, information and representation for people with a focus on help to resolve benefit and complex debt problems. It provides targeted assistance to help people successfully move over to the new benefits system.
- Stream 2 focuses specifically on advice for tenants of social landlords. These Projects aim to provide advice, information and/or representation for social tenants dealing with the impact of changes to the benefit system, particularly those changes which are likely to impact on their ability to manage their housing costs or to sustain their tenancies.
- Stream 3 aims to tackle barriers in accessing advice or to test new ways of resolving problems related to debt, financial management and social welfare law. These projects are specifically set up to help people with disabilities and people experiencing domestic abuse.

An evaluation of stream 1 and 2 of the Making Advice Work Programme in December 2014 showed that around 58% (n=328)⁶ of those accessing the projects reporting being diagnosed with at least one of ten mental health conditions. This compares to a 2013 general population survey where around one-third of respondents reported having been given a diagnosis of one of fifteen mental health problems⁷. This suggests that advice should not be seen as a standalone service, but be linked to organisations that provide specialist support to help tackle the root cause of the issue. This kind of approach is being trialled specifically under Stream 3 of the MAW programme, which will be evaluated separately.

⁶ Client survey: all survey respondents, excluding 'prefer not to say'. Sample size n=569.

⁷ Attitudes to Mental Health in Scotland: Scottish Social Attitudes Survey 2013, <http://www.scotland.gov.uk/Publications/2014/11/1894>.

The **Tackling Money Worries Programme** is designed to focus on improving outcomes for low-income families with children where they face a change in their circumstances which places them at higher risk of debt and money problems. Projects focus on tackling the unmet debt and financial capability needs of low income families affected by one of the following key life events:

- The birth of a child and early years, particularly where families have a disabled child
- Change to family structure, for example when relationship breakdown occurs
- Impact of going through the criminal justice system, including families where someone is in prison or about to leave prison

An assessment of the impact on equality groups is carried out for the grant funding programmes before they begin. This covers how it is managed and what would be expected from funded projects. All projects funded are expected to focus on each person's individual circumstances and respond to their particular needs. The requirement to assist vulnerable groups is implicit throughout.

When assessing applications for grants we require organisations to provide evidence of a strong commitment to promote equality and diversity. Equality is built into the assessment framework where assessors look for strong organisational statements, policies and case studies in relation to equalities both as employers and service providers.

Project monitoring and client outcomes

Prior to funding being granted, each project agrees to terms and conditions set by SLAB. The project agreement sets clear expectations on the project's responsibilities under equal opportunities legislation. We expect projects to 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.

Projects provide detailed quantitative information about clients which includes an agreed equality dataset for each client assisted. We periodically ask projects to reflect on the data provided and to consider whether there are any gaps in the populations they are targeting.

All programmes will be evaluated at the end of the funding period. Evaluation reports will be published on our website. For further information about the grant funding projects visit <http://www.slab.org.uk/about-us/what-we-do/policyanddevelopmentoverview/#powers>.

4.6 Advising the Scottish Government and working with other partners on justice issues

In 2011, SLAB took on a specific function to monitor the availability and accessibility of legal services. We do this by identifying 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.

One of the areas of potential concern highlighted in our 2013 report was about mental health law in three areas of Scotland. We sought the views of key stakeholders on the data and our conclusions. Respondents agreed with our assessment that the three council areas noted in the

2013 report were areas of concern. This included feedback from Social Work Scotland's Mental Health Sub-Group, which involves representatives from the local authorities highlighted. Our assessment has therefore been refined to reflect the high probability that there are systemic access problems are occurring in Clackmannanshire, Stirling and West Dunbartonshire. We will share our findings with the Scottish Government, the Scottish Tribunals and Administrative Justice Advisory Committee, the relevant local authorities and the President's Office of the Mental Health Tribunal Scotland. We will reassess this area of law in line with our work plan contained in the third monitoring report published in December 2014⁸.

Under the monitoring duty we also plan to improve on our stakeholder engagement with a wide range of organisations representing protected equality groups. We are specifically interested in exploring the issues that people who are deaf or hard of hearing have reported to us about difficulties in accessing legal advice linked to BSL interpreter costs. The costs of BSL interpreting (or alternative communication support) are met once legal aid is in place. We plan to work with stakeholders to agree a way to better quantify when in the process people are experiencing barriers to accessing legal advice and to gather the right evidence to help inform the way forward.

4.7 Working with justice system partners to drive change

The work that we do and the influence that we have contribute to positive reform of the justice system. We work closely with other justice system partners to help improve the operation of the justice system and access to justice. We are a member of the Justice Board which oversees the delivery of the Scottish Government's justice outcomes programme and comprises the Justice and Safer Communities Directors and the Chief Executives of the main Justice agencies including Crown Office and Procurator Fiscal's Office, Scottish Courts and Tribunal Service and Scottish Prison Service.

We are leading on the delivery of the Enabling Access to Justice project, part of the Making Justice Work programme. The programme was established by the Scottish Government to provide an outcome-focused programme of work to advance the wider interests of the justice system and justice users through partnership working between each of the key justice operational delivery partners. The Enabling Access to Justice project focuses on resolving civil problems as early as possible, by getting the right help, to the right person, at the right time. Our work with funders of advice services has developed an approach to strategic planning that takes into account the varying needs of different groups by highlighting how equality impact assessments and health inequality impact assessments should contribute to the process.

In April 2013 the Justice Board set up the Justice Equality and Diversity (JED) sub group⁹ to take forward work on gender equality and access to the criminal justice system for people with

⁸ Monitoring Duty reports are published on our website - <http://www.slab.org.uk/about-us/what-we-do/policyanddevelopmentoverview/Accessstolegalservicesreferencegroup/>

⁹ The JED Sub Group is chaired by the Crown Office and Procurator Fiscal's Office (COPFS). Members include SLAB, Scottish Government Safer Communities Directorate, Police Scotland, Scottish Prison Service, Scottish Courts and

disabilities. The JED sub group has been working on six workstreams to help tackle gender inequality at a senior level in our organisations:

- **Focus Groups on perceived equality related barriers to development, promotion or retention:** Police Scotland is sharing their experiences of running focus groups with staff to explore staff perceptions of barriers to development, promotion and retention. We plan to explore these issues through a large scale staff survey in 2015-16 and follow up, potentially via focus groups, to explore any barriers staff tell us about.
- **Unconscious Bias training:** The Justice Board has approved a strategic approach to tackling Unconscious Bias in justice sector organisations. Senior management teams will attend coaching sessions on unconscious bias to strengthen existing leadership skills and agree sector wide outcomes. The approach will also be embedded into future leadership development.
- **Shared Mentoring Programme:** The Scottish Government's mentoring scheme is now open to all JED sub group members under a pilot scheme arrangement. The ability to support people according to a disclosed equality group will be challenging. Evaluation measures are being developed and will be used to monitor the success of the pilot.
- **Employee equality networks:** The group is working on how to connect existing staff equality networks across member organisations and share practice on ensuring networks are successful. Network leads are being consulted to help shape our approach to this.
- **Community engagement to tackle under representation:** The JED sub group ran a 'behind the scenes' event at the Scottish Police College in September 2014. The aim was to encourage young people from under represented groups, specifically young women, to consider a job in criminal justice. Organisations were asked, where possible, to be represented by female role models. One of our female criminal solicitors from our Solicitor Contact Line, along with representatives from other Justice organisations, met with 4th and 5th year children from a Lanarkshire School to talk about their careers and job roles. The JED sub group hopes to develop this event into a sustainable product to support the curriculum for excellence and to be shared with other schools.
- **Consultation with external equality groups:** SLAB attended two of the engagement events led by the Scottish Prison Service. A report summarising the outcome of these events is expected in May 2015 and will help the JED sub group prioritise future work. The events were also successful networking opportunities to develop better relations with a variety of organisations representing equality groups and other stakeholders.

Tribunals Service, Scottish Children's Reporter Administration, Fire and Rescue Scotland and the Law Society of Scotland. The Judicial Institute and Judicial Appointments Board attend as observers.

The JED sub group set up the Criminal Justice Disability Project Group (CJDPG) to take forward work on disability: specifically to address the recommendations set out in the Justice Disability Steering Group’s “Access to Justice” report¹⁰ and the EHRC reports “Hidden in Plain Sight”¹¹ and “Out in the Open”¹². The work of the CJDPG is supporting other projects and key pieces of work including the Scottish Government’s response to the UN Convention on the Rights of People with Disabilities.

The Equality and Human Rights Commission (EHRC) sit as an observer on the CJDPG. A range of disabled people’s organisations are members of the CJDPG’s Disability Advisory Group¹³ which is central to helping prioritise the group’s work and develop the right solutions to the published recommendations.

There is cross over between the work of both the JED sub group and CJDPG and our own equalities work to achieve our equality outcomes. This provides reassurance that our areas for improvement are in line with those identified by other justice organisations and that, where appropriate, we can benefit from shared resource and experience to progress work in these areas.

We are also a member of the Working Group on Interpreting and Translation (WGIT). This group has been integral in advising the Scottish Government on the Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014. In order to reflect the 2014 Regulations, the WGIT has also revised the multi-agency code of practice for working with interpreters in the Scottish Criminal Justice System.

4.8 British Sign Language interpreting pilot

The Scottish Government currently funds an NHS 24 online British Sign Language (BSL) Video Relay Interpreting Service pilot which aims to improve access to health services for people in Scotland who are Deaf, deafened or hard of hearing. On 2nd March 2015 this service was expanded so that BSL users can contact all public sector organisations, including SLAB, using the BSL Video Relay Interpreting Service, rebranded contactScotland¹⁴.

SLAB is a member of the multi-agency Implementation Group (led by Scottish Government) which is driving this phase of the pilot. The group has set key performance measures to monitor and

¹⁰ [‘Access to Justice’](#) Report 2009, Justice Disability Steering Group in partnership with Capability Scotland

¹¹ [‘Hidden in Plain Sight’](#), Equality and Human Rights Commission

¹² [‘Out in the Open’](#), Equality and Human Rights Commission

¹³ The Disability Advisory Group members include Scottish Council on Deafness, Scottish Disability Equality Forum, Epilepsy Scotland, Deafblind Scotland, Inclusion Scotland, Sense Scotland, People First (Scotland), Learning Disability Alliance Scotland, Autism Scotland Network, Supporting Offenders with Learning Disabilities Network, Epilepsy Scotland, Scottish Association for Mental Health represented by Disability Agenda Scotland (who may also co-ordinate representation from Enable Scotland, Royal National Institute of Blind People Scotland and Capability Scotland).

¹⁴ More information about this pilot and contactScotland is available at www.contactsotland-bsl.org. The website has been designed specifically for BSL users.

evaluate progress on the extended public sector wide service. We will contribute to the report and recommendations to Scottish Ministers on the future of contactScotland In June 2015.

4.9 Stakeholder feedback

Stakeholder engagement forms a big part of our research activity and we invest in hearing from our stakeholders at the right time and in the right way. Research helps us to collect evidence where there are known inequalities and can help SLAB increase the participation of equality groups. All our big surveys include the collection of data on all the protected characteristics. Our Research Team also help to review or evaluate other projects and changes to policy, both internally and externally.

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

- people who apply for civil legal aid using private solicitor firms
- Solicitors who provide civil legal aid

More information and findings on the research we have carried out can be found on our website at www.slab.org.uk/about-us/what-we-do/research/.

SECTION 5: EMPLOYEE INFORMATION

5.1 How we gather employee data

We work hard to gather information on our workforce and people who apply to work for us across all the protected characteristics. Employees can view their equalities information as held in their individual HR Oracle file. Currently, employees must request that our Human Resources (HR) department update this information on their behalf. The shared services pilot with Scottish Natural Heritage will widen the range of information in HR Oracle that employees can directly change themselves, including equality monitoring information. This will remove any risk that the process may have created a barrier to completing or updating the information. As reported under progress against our equality outcomes, we will review our monitoring categories as part of this project and use this opportunity to further encourage staff to update their equality information. The monitoring of our disclosure rates will continue to be one of our success measures under our plan to better communicate with staff about equality and diversity issues in 2015-16.

External applicant data is sourced from our online recruitment system hosted by an external supplier and disclosure rates continue to be high. We recently identified that an error had occurred in relation to a system update to the diversity monitoring form in 2012 which had corrupted our national identity and ethnic origin data spanning the two years included in this report. This is reflected in our data as a high volume of 'not stated' responses. The issue has been rectified for data collected from 1 April 2014 which will be reflected in future reporting.

5.2 Changes to the way we present our data

In April 2013, we published employee equality data as part of our overall reporting under the Public Sector Equality Duty. There are no templates on how this data should be presented, only EHRC guidance detailing what we should aim to report on. Although we met the reporting requirements and have received no negative feedback on our published information, we felt that we could improve on the format of our reports in time for this progress report.

Our previous data tables were large and complicated. This made them less effective at helping people to easily identify relevant information relating to our population of employees, leavers and applicants. Our employee numbers are small and can make some cross tabulations meaningless. We have tried to address this by changing the format of our data in the following ways:

- The use of simple frequency tables helps to convey discrete sets of data in a consistent way. Each protected characteristic has been given its own 'chapter' to ensure people can easily find the data they are interested in.
- We have revised the bandings for Grade and Age. This increases the number of people in each band which helps us to compare the data by two or more variables in a meaningful way.

- We previously suppressed data of <10. We have revised this to <5 (including zero values and associated percentages) which is in line with good practice whilst maintaining anonymity.

Our full recruitment and employee equality monitoring of protected characteristics for the period 1 April 2012 to 31 March 2013 and 1 April 2013 to 31 March 2014¹⁵ is published separately.

5.3 What does our employee data tell us

We collect information on age, sexual orientation, gender, religion and belief, ethnic origin, national identity, and transgender from staff and from people who apply for jobs with us. The monitoring of pregnancy and maternity information and return to work after maternity leave is fully embedded in our HR processes.

The coverage and quality of our workforce and recruitment equality information has remained very similar to that reported in April 2013 reflecting our continued low levels of recruitment. We had hoped to see an increase in disclosure rates however this has remained the same. Specific work to improve disclosure rates is due to take place during 2015-16 as part of our work to progress our equality outcomes. We therefore hope to see an increase in disclosure rates when we report in April 2017.

The top line comparison of our equality monitoring of protected characteristics data for 2012-13 and 2013-14 is shown in Appendix B. There has been very little change in this data across the two years since we last reported and we have therefore focused on reviewing the 2013-14 data only in this report.

A high number of people applying for jobs with us declare their characteristics (91% sexual orientation, 95% transgender and 94% disability). Disclosure for Religion and Belief is relatively low at 82% but this is still better than for internal applicants (67%). The issues with our recruitment system as already mentioned make our figures for national identity and ethnic origin difficult to interpret for the purposes of this report. Rates of disclosure among staff varies from 100% for gender and age, 96% for national identity, 82% for sexual orientation, 87% for disability, 71% for race, 66% for religion or belief and 67% for transgender. The number who we record as 'prefer not say' includes those who have actively recorded that response and those who have effectively not responded i.e. people who have not taken the chance to return any information on their equality records.

We will continue to compare employee data with census information and, where relevant, other employers' datasets. Discussions at the NDPB Equality Forum indicate that more organisations are working towards using the equality monitoring categories used in the Scottish Census 2011. This should help with future benchmarking and comparisons across public sector organisations.

¹⁵ See the Equality Monitoring of Protected Characteristics 2012-13 and 2013-14 data published on the Equalities page of the SLAB website <http://www.slab.org.uk/about-us/equalities/>.

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 but with very low staff turnover it is an ageing workforce. Five per cent of our staff are aged 24 years and under, 37% are aged 25-39 years, 35% are aged 40-49 years, 19% are aged 50-59 years and 5% are aged 60 years and over. Two per cent of staff declare themselves to be Black and Minority Ethnic (BME) or mixed race. In the 2011 Census, minority ethnic groups made up 4% overall of the Scottish population. Only five per cent of our staff declare themselves as having a disability, yet we know this to be higher, so will be working hard to raise awareness and declaration levels. The majority of staff record their sexuality as heterosexual (80%) and a further 2% as gay/lesbian or bisexual. The most common recorded religious groups are Christianity and 'no religion' (both at 32% each), and 2% of staff record themselves as belonging to another religion.

Statistics for April 2013 to March 2014 show we have an ongoing 64/36% female/male gender breakdown. This ratio is broadly reflected across Grades 1 to 3 (mainly administrative roles) and Grades 4 to 6 which contain team leaders, assistant managers and technical specialist roles. At manager and senior manager level, which is Grade 7 and above, there is a fairly equal gender split of 55/45% female/ male gender breakdown. However, only one of our Executive Team (Director and Chief Executive level) is female. It should be noted that the number of staff at this level is small and one change in appointment can have a big impact on the gender balance. At Board level our gender breakdown is 34/ 66% female/ male.

We had a 100% return to work for all 14 women due to return from maternity leave between 1 April 2012 and 31 March 2014. The number of employees involved in grievances, disciplinary action and dismissals (and other reasons for leaving) during the same time period is small (6 people or less). Based on these numbers we are unable to form any definite conclusions. We will continue to gather and monitor this information.

5.4 Our statement on equal pay

One of the key strategic aims of SLAB's pay policy is to continue to work towards making sure that pay is fair and non-discriminatory. We conduct an annual equal pay audit and apply our pay policy to all staff regardless of any protected characteristic.

Annual Pay Awards

Our annual pay awards are within the parameters of Scottish Public Sector Pay Policy, by which we are bound. We have previously shared our results with our trade union, which recognised the reasons behind any pay gap and accepted there was no discrimination. In preparation for our 2013-14 pay award we conducted a pay and benefits survey asking staff to rank the fundamental elements of the reward package in order of importance to them. We analysed the results by grade, gender and age and there was very little variation in the results. This gave us comfort that there are no perceived inequalities in the areas of pay and benefits. The Union conducted its own survey around the same time.

Measures within Public Sector Pay Policy aim to protect the lower paid and protect employment in general. Scottish Government analysis has shown that within the public sector there are higher numbers of women and disabled people than in the private sector¹⁶. Our staffing profile shows that SLAB employs higher numbers of women and disabled people than the public sector average.¹⁷ Implementation of the pay policy protects these groups within SLAB.

We continue to implement the Scottish Living Wage and a minimum basic pay increase for those earning under £21,000 a year. We continue to provide a commitment to no compulsory redundancies and to apply pay progression and the basic award allowed within policy where affordable. These components are applied based on criteria that are not determined by any protected characteristic.

We do not believe we have introduced or perpetuated any direct or indirect discrimination for individuals in the application of our pay awards. Our pay awards help in working towards reducing the gender pay gap within SLAB as they increase the overall base levels of pay for the lower end where women are concentrated.

Equal pay analysis

Mean and median gender pay information¹⁸ is reported to our Board members as part of our routine annual equalities reporting. We have investigated further, on both a mean and a median basis, all equal pay results with a difference of $\pm 3\%$ and we believe these differences are mostly related to levels of expertise. Our “All staff” position is improving and analysis by grade shows that the pay gap in the lower grades, where we also employ more people with a protected characteristic than the public sector average, is within an acceptable range of 1-2%.

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.

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.

Our next pay award is due to be implemented from 1 August 2015, before which we plan to carry out another equal pay audit.

¹⁶ [Scottish Government EQIA 2013-14 Public Sector Pay Policy](#)

¹⁷ Based on comparison with the public bodies included in aggregate EQIA data supplied by the Scottish Government (February 2013)

¹⁸ See our current equal pay analysis (average and median) published alongside this report on the SLAB website <http://www.slab.org.uk/about-us/equalities/>

5.5 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 direct 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' by Skill Boosters). Staff receive updates on equalities issues through our staff intranet on topics such as mental health, dyslexia and updates on wider equality issues.

In addition to compulsory corporate training, management is asked to identify and plan for relevant equalities training based on their departmental or individual employee needs. Examples of equality and diversity related training that have taken place since from April 2013 to April 2015 include:

- Six employees attended 'Mindfulness' training. The course provides support to employees dealing with stress or other mental health issues.
- Our Equalities Project Board members have completed the 'Public Sector Duties for Managers' online learning course through Access 2 Learning. The course will help project board members understand the legislative context we are working in.
- 16 people viewed a webinar about Adults with Incapacity.
- Two employees in our Facilities department have learned how to use our ProSkid evaluation chairs. These are used to help people with limited mobility get out of the building in the case of a fire.
- Several employees have undertaken individual learning as part of their continuing professional development on topics such as Autism awareness and Mental Health updates.

Our Civil Legal Assistance Offices (CLAO) are in the process of rolling out a programme of Mental Health First Aid Training to further help staff to provide a service that meets the needs of people with mental health issues. Employees from the CLAO Aberdeen office regularly attend the Aberdeen Mental Health and Wellbeing Network which focuses on raising awareness and helping agencies to share knowledge.

5.6 How we use our employee data

We analyse our employee data to provide assurance our policies and procedures provide equality of opportunity and to help us identify where further investigation may be required. Our HR team

use the data to analyse our pay and performance management information which is also considered by our Executive Team.

In January 2015 we moved approximately 300 staff our office at Drumsheugh Gardens to Thistle House (both locations are in central Edinburgh). Staff were invited to ask questions and submit suggestions for the new office environment at an early stage of the Relocation project. Questions covered various topics such as separate male and female showering facilities (previously unisex facilities at Drumsheugh Gardens which was seen as a barrier to female staff using them), toilet facilities for people with specific medical conditions and disabled parking facilities. The move from a high number of discrete offices to open plan working was a clear area of uncertainty for staff however no equalities issues were raised or seen to be an issue based on our employee demographic.

Before the relocation took place our Facilities team researched public transport facilities so that all staff, including those with limited mobility or other conditions, were aware of the nearest transport links and approximate distances to bus stops etc. from our new office. Through our ongoing work directly supporting staff with mobility restrictions we considered it appropriate to allocate two disabled car parking spaces at Thistle House. Staff with a disability or shorter term mobility restrictions can reserve a parking space if they want to travel to work by car.

Thistle House was purpose built as office accommodation. The physical accessibility is immediately improved compared to Drumsheugh Gardens. For example there is easy access to all areas of the building due to the open plan layout, even flooring throughout and lift access. These are just a few examples and we will publicise this improved accessibility on completion of the accessibility audit of our full estate.

In parallel with the relocation we are also running a flexible home working pilot as an extension to our existing flexible working policy. Employees were invited to join team pilots to work from home (for up to 40% of their weekly working hours) where, as in the majority of job roles, our Citrix based systems can facilitate homeworking. Equality of access to this pilot will be included as part of the overall pilot review in August 2015.

For more information on our equalities work please contact Louise Baggott, Corporate Policy Officer (Equalities) on 0131 240 1981 or email baggottlo@slab.org.uk

Appendix A. Summary of activities to achieve SLAB’s equality outcomes

People, irrespective of their equality characteristics, have equal access to appropriate information that helps them in accessing legal assistance in a timely manner	
Activity Eq1(a)	To improve communication with the public and service users (including legal aid applicants) about legal assistance, including information conveyed by those who deliver legal assistance.
Activity Eq1(b)	Review and better publicise the accessibility of our offices, firms registered to deliver legal aid and funded service providers, and ensure service users can conveniently request reasonable adjustments.
Our diverse workforce is aware and understands equalities and diversity and the impact of this in helping us manage and deliver our business.	
Activity Eq2(a)	To improve employees awareness of equality and diversity issues and ensure understanding of our legal obligations as colleagues and providers of a public service
Activity Eq2(b)	To review our complaints procedures and improve employee awareness to ensure we respond effectively to equality related complaints
Activity Eq2(c)	To improve our understanding of our workforce demographic and develop ways to harness diversity to deliver our business
People who apply for legal assistance are aware of why we collect equalities information and can conveniently disclose this information.	
Activity Eq3(a)	To communicate with service users and providers on our reasons for collecting equalities information and develop better ways for people to provide us with this information
Those who deliver legal assistance are aware and understand equalities and diversity and the impact on the accessibility of legal assistance	
Activity Eq4(a):	To better harness and share practice across legal assistance providers on engagement with equality groups and to influence and promote equality standards for legal advisors

Appendix B. Equality Monitoring of Protected Characteristics 2012-13 and 2013-14 top line comparison tables.

Table 1 Employees Gender Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Gender	Female	261	64%	252	64%	-9	-3%
	Male	147	36%	142	36%	-5	-3%
	Total	408	100%	394	100%	-14	-3%

Table 2 Employees National Identity Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
National Identity	British	78	19%	72	18%	-6	-8%
	English	6	1%	5	1%	-1	-17%
	Irish	6	1%	6	2%	0	0%
	Scottish	267	65%	251	64%	-16	-6%
	Other	<5	n/a	5	1%	n/a	n/a
	Not stated	47	12%	55	14%	8	17%
	Total	408	100%	394	100%	-14	-3%

Table 3 Employees Ethnic Origin Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Ethnic Origin	Asian	9	2%	8	2%	-1	-11%
	Black	<5	n/a	<5	n/a	-	-
	Chinese	<5	n/a	<5	n/a	-	-
	White	288	71%	271	69%	-17	-6%
	Mixed	<5	n/a	<5	n/a	-1	-33%
	Other	<5	n/a	<5	n/a	-	-
	Not stated	108	26%	113	29%	5	5%
	Total	408	100%	394	100%	-14	-3%

Table 4 Employees Religion or Belief Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Religion or Belief	Buddhist	<5	n/a	<5	n/a	n/a	n/a
	Christian	132	32%	126	32%	-6	-5%
	Hindu	<5	n/a	<5	n/a	n/a	n/a
	Muslim	<5	n/a	<5	n/a	n/a	n/a
	Other	<5	n/a	<5	n/a	n/a	n/a
	No religion	126	31%	127	32%	1	1%
	Not stated	142	35%	134	34%	-8	-6%
	Total	408	100%	394	100%	-14	-3%

Table 5 Employees Sexual Orientation Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Sexual Orientation	Heterosexual	333	82%	316	80%	-17	-5%
	Lesbian, Gay or Bisexual	7	2%	7	2%	n/a	n/a
	Not stated	68	17%	71	18%	3	4%
	Total	408	100%	394	100%	-14	-3%

Table 6 Employees Transgender Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Transgender	No	278	68%	264	67%	-14	-5%
	Not stated	130	32%	130	33%	0	0%
	Total	408	100%	394	100%	-14	-3%

Table 7 Employees Disability Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	Count	change
Disability	No	341	84%	323	82%	-18	-5%
	Yes	18	4%	19	5%	1	6%
	Not stated	49	12%	52	13%	3	6%
	Total	408	100%	394	100%	-14	-3%

Table 8 Employees Age Distribution Comparison 2013-14 with 2012-13

		2012-13		2013-14		Change	Percent
		Count	%	Count	%	count	change
Age (banded)	<= 24	22	5%	21	5%	-1	-5%
	25 - 39	161	39%	145	37%	-16	-10%
	40 - 49	136	33%	136	35%	0	0%
	50 - 59	73	18%	73	19%	0	0%
	60+	16	4%	19	5%	3	19%
	Total	408	100%	394	100%	-14	-3%