



EQUALITY IMPACT ASSESSMENT

SUMMARY

Title of policy, project or function:

Civil Legal Aid Form 2 Development

Is the policy, project or function new (proposed) or already exists?

The form already exists, but there has been amendments made to this fairly recently. We have also introduced additional telephone support.

Has a screening exercise been carried out before this full assessment?

No

Key findings from the assessment:

There are some improvements being made in relation to the way in which we are communicating with our customers and we will ensure that we consider this when developing the online form 2.

Actions as a result of the assessment:

None at present.

Date impact assessment published:

April 2017

Lead official(s) responsible for assessment:

Cindy Morrice

Department:

Civil Finance

Name of sponsor/ Director who has signed off that the policy/ function has been sufficiently assessed against the needs of the equality duty:

Marie-Louise Fox

Date of sign off:

23/3/17



Step 1 - Examine the information available to assess likely impact of the function/ policy on different equality groups

- Describe the policy, project or function. What does it aim to do? What and who will it affect? *You can update or use information from your screening assessment if one was completed.*

The Form 2 is used by applicants when applying for civil legal aid where they are not in receipt of a pass-ported benefit*. We use the information on this form to help assess whether the applicant is financially eligible and assess whether they will be liable to pay a contribution towards the cost of their case.

The form has recently been reviewed, but the review of the form was simply a fine-tuning exercise to try and simplify the form, make it easier to understand and also hopefully reduce the number which SLAB have to reject due to being incomplete.

We have also recently added an additional telephone support for people where the forms have not been fully completed or part of the verification is missing. Our administration team try to make contact with the applicants by telephone to discuss what information is needed to progress the application. If we are unable to make telephone contact we will write to the applicant. The telephone support does not change the actual assessment process, but it offers a different type of communication for applicants rather than just a letter, which will hopefully offer a better service for those who may be affected by different equality groups.

*Passporting benefits obviate the need for assessment of the applicant's financial eligibility - the current passporting benefits are (as at March 2017): ESA- Income based, Income Support, Job seekers allowance- income based or Universal Credit. Please note that these can be subject to change.

- What is known about each of the equality groups who might use or be affected by this policy? For evidence see [Scottish Government equality finder](#) (contains information on equality groups and the justice system), the SLAB shared drive - information on the different groups (contains other information on equality groups) and [SLAB's research webpage](#) for information on the demographics of applicants of legal aid and solicitors providing work under legal aid.

You need to look at the evidence you have for each group - Race, Sex (gender), Gender Reassignment, Disability, Sexual Orientation, Pregnancy & Maternity, Age, Religion and Belief, and Marriage & Civil Partnership. Think about the people likely to be affected by the policy. Does the policy relate to functions that have been identified as being important to particular protected groups? Does it relate to an area where there are already known inequalities? Good evidence is required for you to show 'due regard'. An inadequate analysis in an assessment may mean failure to meet the general duty.



The main group of people using this function is applicants who are applying for civil legal aid. There will be some involvement from solicitors and sometimes other third parties who will assist the applicant when applying for civil legal aid, but given the form is about applicant information we have based our information on what we know about our applicants.

APPLICANTS FOR CIVIL LEGAL AID

The information provided has been taken from the Annual Report 15/16. This shows the gender split for applicants and the age of the applicants across all civil legal aid applications.

Count of La Reference	Sex		Grand Total
	F	M	
Age_Banding			
0 to 4	19	16	35
5 to 9	26	22	48
10 to 14	29	38	67
15 to 19	143	134	277
20 to 24	775	673	1448
25 to 29	1423	1097	2520
30 to 34	1537	1158	2695
35 to 39	1336	1024	2360
40 to 44	1204	990	2194
45 to 49	1241	846	2087
50 to 54	1051	790	1841
55 to 59	726	542	1268
60 to 64	442	366	808
65 to 69	288	260	548
70 to 74	181	130	311
75 to 79	106	82	188



80 to 84	46	42	88
85 and over	18	24	42
Grand Total	10591	8234	18825

The table above shows the age and gender split for the **total** number of civil legal aid applications received by SLAB. We are aware that there is a higher number of applications from females than males between the ages of 25 to 54, but we do not think this would have any impact, it simply reflects the position in society whereby more females pursue divorces, contact actions and so on.

When splitting down the ages of the female applicants using the banding between ages 0-24 we saw 9% of the applications received from females fell into this band. In the banding of aged between 25-64 we saw 85% of our applications from females and over the age of 65 we received 6%.

In male applicants the same banding split showed that between ages 0-24 we received 11% of our applications, then 83% from between 25-64 and lastly 7% over the age of 65.

We have recently carried out a survey on applicants who had applied for civil legal aid during 2015/16 and we have been able to ascertain the following data in relation to the different ethnic groups who had applied.

ETHNIC GROUP	NUMBER	%
Prefer not to say/not answered	23	5
White Scottish	391	73
White other British	47	9
White Irish	2	<1
White Gypsy/Traveller	1	<1

ETHNIC GROUP	NUMBER	%
White Polish	13	2
White any other ethnic group	15	3
Any mixed or multiple ethnic groups	8	2
Pakistani, Pakistani Scottish or Pakistani British	7	1
Indian, Indian Scottish or Indian British	5	1
Chinese, Chinese Scottish or Chinese British	4	1
Asian other	5	1
African, African Scottish or African British	12	2
African, Caribbean or Black other	2	<1
Other ethnic group	1	<1
Total	536	100

STAFF

All our staff have undergone training on call handling. Our staff are well equipped to deal with different types of situations which may crop up during telephone calls such as language barriers, customers who have difficulty in reading and writing. We are constantly looking for ways to improve the skills and knowledge our staff have when dealing with customers, such as currently looking to roll out training on dealing with people with mental health issues.

- **Are there any gaps in understanding of your policy/ function in relation to equality groups? *You should think about opportunities to fill any gaps in evidence through your consultation plans for the policy/ function at Step3.***

Not that we are aware of.

Step 2 - Impacts on priority characteristics and suggested steps to address these

Does the policy/ function have any impacts (whether intended or unintended, positive or negative) on any of the equality groups? Describe for each group the ways in which the policy, as it is planned or as it operates, might have negative and/ or positive impacts. You should answer these three questions for each group:

1) Is there potential for discrimination? 2) Is there potential for developing good relations? 3) Is there potential to advance equality of opportunity?

Race

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants, solicitors or SLAB staff under this protective characteristic. However, our evidence shows that a small proportion of applicants are from ethnic minority groups. We are currently undergoing a review of all our letters with a view to make them as plain English as possible and to remove any unnecessary legal jargon.

- 1) No
- 2) No
- 3) Yes

Sex (gender)

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic. Whilst there are some minor gender and age differences these are not associated with the policy itself, but are features of the populations concerned.

- 1) No
- 2) No
- 3) No

Gender reassignment

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic.

- 1) No

- 2) No
- 3) No

Disability

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic. Applicants can communicate with us in a number of ways such as electronically, hand written or face to face in an interview. We are currently exploring more ways in which we can improve our communication such as online videos which people will be able to access at home via our website.

- 1) Yes
- 2) No
- 3) Yes

Pregnancy and maternity

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic.

- 1) No
- 2) No
- 3) No

Religion and belief

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic.

- 1) No
- 2) No
- 3) No

Age

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic. Whilst there are some age differences (for example the majority of applicants are between the age of 25 to 64) these age differences are not associated with the policy itself but are features of the populations concerned. We are aware that it may be the case that

certain age bands of customers may prefer to communicate with us in different formats, hence why we are currently trying to open up more channels of communication such as written, electronically, telephone or in some occasions face to face.

- 1) No
- 2) No
- 3) No

Marriage and civil partnership

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic

- 1) No
- 2) No
- 3) No

Sexual orientation

Please explain your answer:

This policy shows no indication of positively or negatively affecting applicants under this protective characteristic.

- 1) No
- 2) No
- 3) No

Where there is potential for indirect/ direct discrimination, what can you do to reduce or eliminate this risk?

The issues we have identified so far tend to relate to differences in the make up of applicants. We may need to consider the use of BSL and other options for assisting applicants who have sight/hearing difficulties. Some of these issues will be considered as part of the development of the online form 2. We are also in the middle of creating some videos which will be available on our website which will talk either the applicant, their solicitors or third parties through some of the key areas of our business. We also offer support via our help line number.

Do you need to make changes to your policy or function on the basis of this assessment?

No - however the information in this assessment will be used to inform ongoing developments on and in relation to the Form 2.

What is the likely impact of these changes on the plans for the policy/ function? (resources, cost, timings etc.)

Work is already being carried out in relation to the development of the online form 2, videos and training for the staff. We will ensure that we liaise with our equalities officer and Communications team as part of this project to see what options are available to assist.

We will be closely monitor the success of the changes we have made in terms of extended telephone contact, letter review, video updates and putting more focus on asking our customers and their solicitors on how these changes have impacted on their ability to use our service.

Step 3 - Consultation and stakeholder engagement

Do you/did you have any consultation/ involvement planned for the policy/ function?

Yes

We have agreed with “Scottish Accessible Information Forum” that they will review our letters and provide feedback in relation to ease of use for different equality groups.

What do you hope to achieve from your consultation/ involvement?

We will be better informed as to whether our letters are going to be easy for our customers to understand and also identify any changes we need to make.

Consultation with SLAB internal staff and solicitors from CLAO to obtain solicitors’ views on whether this form and supporting measures would be easier to follow and complete.

List the main stakeholder agencies that you intend to or have already discussed this policy with. Give details of any equality groups represented.

SLAB staff

CLAO

Step 4 - Discuss and review the assessment with decision makers and governance structures

You must discuss the results with senior decision makers before you finalise the assessment.

Give details of the governance structures you will report to on this assessment, or have already reported to - Project Board/ Executive Team/ Board Members.

Signed off by the Project Board on **01.02.17**

Signed off by the Executive Team on **30.03.17**

Have you presented the results of the assessment to the groups you have listed above? Please include the date you presented to each group listed.

Yes, as noted above.

Will there be any changes made to the plans for the policy/ function or actions as a result of this assessment?

No

If yes, give details of likely changes and actions arising from this assessment.

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Step 5 - Publication and review of EQIA

All assessments must be published as early as possible after the decision is made to implement a new policy or function.

Date of publication:

April 2017

Review date:

31/12/2022