



Equality Outcomes and Mainstreaming Report

Progress Report
October 2018

The Scottish Legal Aid Board

www.slab.org.uk

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Introduction

This is a progress report for the 18 month period from April 2017 on how we mainstream equality and diversity both externally, in the work that we do to administer the Legal Aid fund and internally in accordance with the Equality Act 2010.

Our role

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 that 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 those 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 2017-2020 is published on our website: <https://www.slab.org.uk/about-us/what-we-do/corporate-plans/>

Context for the report

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 (and subsequent updates) are designed to help public authorities like the Scottish Legal Aid Board (SLAB) meet the general duty.

In April 2017, SLAB published a second set of equality outcomes to achieve by April 2020 and reported on progress on our work to progress achievement of equalities outcomes and mainstreaming equalities. Full information about the development of our equality outcomes 2017 - 2020 is in our [April 2017 equality report](#)².

This report provides an update on the progress we have made towards achieving our equality outcomes since April 2017, 18 months into a three year plan. 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 employees and people who apply to work for us).

² Our Equality Outcomes and Mainstreaming report April 2017 can be found at <https://www.slab.org.uk/about-us/equalities/>

Section 1: Mainstreaming equality

Mainstreaming is the process of thinking about equality in day-to-day decision making and applying it to our daily practices. The main ways that we achieve this and the progress we have made as an organisation are noted below.

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. Governance of our corporate work on equality is delivered through a number of mechanisms:

Executive Team	Chaired by our Chief Executive this group reviews progress on work to achieve our equality outcomes every 6 weeks.
Business plan	Progress is reported on all our equality priorities through our monthly business plan updates. These updates inform 1-2-1 meetings between Directors and the Chief Executive.
Equalities Project Group	Led by our Director of Strategic Development and including our dedicated equality resource, this group manages our equality reporting requirements, monitors all our equality work, and leads on policy specific projects and external equality projects (e.g. cross justice work).

Board members receive an annual report on our equalities work. Board and committee papers provide decision makers with an update on equality as appropriate to the paper topic to ensure strong governance and transparency.

Board diversity and succession planning

It is widely recognised that diversity at Board level and in organisational leadership encourages innovative thinking and leads to better decision making and governance. It is therefore important that we look beyond gender to wider diversity at Board level across the protected characteristics, and also in the skills and experiences our board members bring to the table.

In our most recent recruitment round we wanted to reach a diverse pool of potential applicants. To do this we worked with Scottish Government to advertise positions with organisations that included those who could help us reach equality groups. The skills we advertised related to our improved board member skills matrix. We will review our approach our next appointment round in September 2020.

SLAB was one of the first organisations to sign the 50/50 by 2020 pledge to commit to progressing gender balance on our Board. In April 2017, we reported a gender balanced board. The recent appointment by Scottish Ministers of four male board members has changed our current gender breakdown to 42% female and 58% male.

It is our understanding that the Scottish Government continues to work on the best way to provide public bodies with the equality profile of Board members (timescales currently unknown). In the meantime we will continue our own work on succession planning and will continue to learn from the work of other public bodies through various networking forums.

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 equality groups. Since April 2017 we have published, or are scheduled to publish imminently, the following EqIAs:

- Legal Aid Online (review)
- Streamlining Programme
- Criminal Justice (Scotland) Act 2016
- Scottish National Standards for Information and Advice Providers (SNSIAP)
- Civil Legal Assistance Office Oracle database
- Civil Legal Assistance Office - Implementation.

We will complete a review of our EqIA process by April 2019 with the aim of improving our approach and ability to monitor our performance. We have completed research into the toolkits used by other organisations and the governance arrangements they have in place. We have also improved signposting to our current toolkit through our intranet site, corporate induction and in our Learning Management System.

We are using this research to improve and refresh our own EqIA toolkit and governance. Some key changes we have made include:

Support for project boards	Our Corporate Policy Officer (Equalities) is attending project boards to support the beginning of the EqIA process.
Internal audit	Internal Audit will audit compliance with our EqIA processes where appropriate
Project documentation	'EqIA' will remain on project board agendas for all projects
Business plans	Includes space to report on EqIA progress where relevant and to record where an EqIA is not required.
Governance papers	Will include a standard heading on equality from October 2018 onwards.

Procurement processes and award criteria

We continue to following the Scottish Government's Procurement Journey and include equality in the annual audit of our procurement processes.

Youth employment and work experience

We aim to support young people and undergraduates to gain useful and relevant work experience where we can with consideration to the nature of our work and the size of our organisation. We do this in a variety of ways, and since April 2017 we have:

- supported four people aged 15 - 24 years to undertake a week long work placement in our Facilities, Information Systems or Legal Services teams.
- accommodated at least 5 requests for law undergraduates or students to work shadow one of our criminal defence or civil legal assistance solicitors,

We also continue to recruit a student from Napier University who is undertaking a relevant degree to fill our Human Resources Administrator position each year. The student is required to work for a year as part of their course and continues to study while working with us.

Civil Legal Assistance Office (CLAO) projects

There are three CLAO projects focusing on improving outcomes for equality groups:

1. Edinburgh primary care referrals

In the Edinburgh and Lothians CLAO, this project focuses mainly on housing and homelessness as well as associated legal problems linked to debt and low income. We want to find ways of facilitating access to our services as early and quickly as possible for people facing these kinds of problems.

We want to improve referral protocols to allow earlier and more effective referral from primary healthcare settings, for advice and representation in relation to legal problems and introduce training for practitioners to support this. Links have been established with NHS Lothian and the Improvement Service and there have been discussions with GP practices in Edinburgh to explore the feasibility of establishing referral protocols. A pilot GP practice has been identified to test referrals.

2. Victims of trafficking project (North East)

CLAO Aberdeen is working with partnership agencies to raise local awareness about victims of trafficking, provide training and support for CLAO and other agencies and develop referral routes for agencies who deal with victims of trafficking. This will contribute to the Scottish Government's overall aim of eliminating trafficking and exploitation. The project will develop training and referral routes.

3. Mental health and housing project

Monitoring of all new clients admitted to the CLAO housing law service in Edinburgh has identified that 61% had long standing mental health issues. Services users with mental health problems

encounter housing law issues arising from their disability. The project aims to provide an analysis of the specific housing law needs of the group and barriers to their accessing justice.

Grant funding programme

Our grant funding programme priorities for are set by the Scottish Government and Money Advice Service. Information about our wider grant funding work is available on our [website](#)³. Two projects that have a particular impact on equality groups and those funding or providing advice to those groups include:

- **Scottish Women’s Rights Centre Legal Project**

SLAB continues to fund the Scottish Women’s Rights Centre Legal Project. Since October 2017 the project has been led by Rape Crisis Scotland in partnership with JustRight Scotland. The project aims to fill the gaps that exist between women’s experiences of gender-based violence and their ability to access justice by working with specialist solicitors. The project delivers and improves access to legal advice and assistance and representation. This is in relation to civil matters, for women affected by gender based violence including civil legal advice and representation, and related advocacy support for women affected by gender based violence.

- **Making Advice Work Stream 3**

The Money Advice Service published the Reaching Marginalised Groups [MAW Stream 3 report](#)⁴ in October 2017. The learning points within this report are for advice providers or funders. The marginalised groups referred to in the report include people with disabilities, people experiencing domestic abuse and people with additional specific needs. The funding for projects in MAW Stream 3 ended in March 2018.

Partnership working in the public sector and on justice issues

- **Non-Departmental Public Bodies (NDPB) Equality Forum**

The NDPB Equality Forum is a collaboration of Scottish public sector bodies who each have a responsibility for responding to the Public Sector Equality Duties. We are Deputy Chair for the forum which draws expertise and resources from a range of partners to influence and support the development and implementation of policy and practice on equality, diversity and inclusion in Scotland. The forum is involved in the Scottish National Equality Improvement Project led by Scottish Government.

³ <https://www.slab.org.uk/about-us/what-we-do/policyanddevelopmentoverview/>

⁴ See <https://www.moneyadviceservice.org.uk/en/corporate/reaching-marginalised-groups/preview>

- **Working with justice partners**

The work that we do and the influence that we have contribute to positive reform of the justice system. We are a member of the Justice Board who, with the Justice Leaders Network, are committed to working together to deliver the Justice in Scotland vision and priorities⁵.

The Justice Board continues to monitor the work of the **Justice Equality and Diversity (JED) sub group**. The JED sub group is currently reviewing the equality priorities for justice. This follows the successful completion of the Criminal Justice Disability Project that was set up by the JED sub group to promote and enable accessibility of service across the criminal justice sector in Scotland for people with disabilities. The final report of the CJDPP has been published by the member organisations and is available [here](#). A [large print version](#) is also available or you can view a [BSL version](#) of the Executive Summary.

We are a member of the **Working Group on Interpreting and Translation (WGIT)**. This group comprises the main justice organisations and aims to work collaboratively to establish common standards for interpreting and translation throughout the Scottish Justice System. One of the priorities for this group is to work with Scottish Government on the delivery of Scotland's first British Sign Language (BSL) National Plan, as required by the BSL (Scotland) Act 2015. It sets out Scotland's ambition to be the best place in the world for BSL users to live, work and visit and it includes 70 actions we will take by 2020 to help us make progress towards this goal.

Stakeholder feedback

Stakeholder engagement forms a big part of our research activity. Research helps us to collect evidence where there are known inequalities and can help the Board increase the participation of equality groups. All our big surveys include the collection of equality data that is proportionate and relevant. Our Research Team also help to review or evaluate other projects and changes to policy, both internally and externally.

All research published since April 2017 contain a suite of demographic information. Research we have published includes:

- **Criminal applicant survey (2018):** [Research briefing and topline results](#)
When asked if it was more difficult to access the services of a criminal defence lawyer because of their equality characteristics, applicants told us that mental health problems made it more difficult to seek help and/ or understand what was happening during the process.
- **Civil legal aid applicants survey (2017)-** [Findings report](#)
Only a minority of respondents (7%) stated that they had experienced difficulties in accessing legal aid because of a protected characteristic, with most of these respondents

⁵ See <https://beta.gov.scot/publications/justice-scotland-vision-priorities/pages/1/>

identifying themselves as having a disability. The difficulties that had been experienced were generally related to either their disability or to language barriers.

When considering statistically significant differences in satisfaction throughout the questionnaire by demographics, mixed results were found. Those with disabilities were generally more positive throughout the survey, while those who stated they had experienced difficulties in accessing legal aid due to a protected characteristic were generally less positive throughout. Results were more mixed by ethnicity and religion.

- **Public Defence Solicitors' Office Client Satisfaction Survey (2017): [report](#)**
Respondents were asked whether anything to do with their personal situation had made it more difficult for them to access PDSO services. Only a small number of respondents provided a comment about equality issues. These tended to focus on the respondent's age and/or a health issue or disability, for example:

“MS and UTI made me very confused - poor short term memory, hallucinating. Cannot thank enough the PDSO for their help and advice”.

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 2: Progress on our equality outcomes

Our Equality Outcomes focus on our role as an employer, and our external role as a funder of services, provider of services to legal aid applicants, and providers of funded legal and advice services. Our outcomes are:

1. Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business.
2. Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid.
3. System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.

A summary of activities to achieve our equality outcomes is provided in Appendix A.

In the past 18 months we have focussed on raising awareness on equality topics across the protected characteristics, improving our equalities impact assessment process and identifying ways in which we can improve equalities data collection, which in turn will provide more data for our impact assessments.

There has been good progress in raising awareness of disabilities (specifically mental health issues which may lead to a disability) and their impact in the workplace and on the people we provide services to. Many of our people have experienced mental health problems and/ or are dealing with vulnerable customers, and we have prioritised actions to help us support staff in work and in delivering our services.

We have completed the groundwork for improving our system-generated letters and the means to tailor the letter format to maximise accessibility in our communications with applicants. Implementation will take place during the second half of this cycle of reporting.

Similarly, we have identified options to improve the collection of equalities data about legal aid applicants. We consistently receive more disclosure of equalities data in our surveys with applicants than we do through the application process. Over the course of the next 18 months we will work with the Law Society of Scotland and the profession to maximise the collection of equalities data as part of the application process. This in turn will provide additional insight on the impact of proposed policy changes on equality groups.

More detail on progress is provided below.

1. Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business.

Mental Health at Work (ongoing to April 2020)

We continue to engage with the See Me in Work Programme to address the issues raised by employees in our See Me Mental Health Check Survey (2016). The survey highlighted ‘staff training needs’ as the main area for improvement with only 11% of employees reporting they have received training on mental health since 2013. We received good feedback about support for people returning to work following time off to deal with mental health problems. However, the routes to support were not transparent and the survey results showed that we need to improve on our ‘in work culture’ and awareness of fair and inclusive recruitment processes.

The See Me Mental Health Check Survey does not specifically explore customer service and mental health. However, through the survey employees told us that training on how to speak to people with mental health problems would be welcome along with clarity on how SLAB can support employees dealing with customers with mental health problems.

Our mental health action plan focuses on training which the survey results clearly showed is a priority. In addition, we have prioritised general awareness raising on mental health issues and have started conversations about mental health with a view to tackling our organisational culture. Improving understanding within our organisation is the first step to improving our customer service.

Progress to date includes the launch of our mental health action plan in October 2017 by our Chief Executive. A first action has been for all employees to complete e-learning modules on mental health (and about other equality groups in line with our current corporate induction). Currently 88% of employees have completed the module. We have also worked with our charity committee and sports and social club to encourage them to link the work they do with equality issues. During mental health awareness week we published information on using occupational health and HR support services. We will signpost to this information in future articles and awareness raising.

Priority next steps include the delivery of practical workshops for managers on managing mental health at work which we are currently commissioning. We continue to source and promote stress management materials and have a ‘mental health and wellbeing’ section in our Learning Management System (LMS). Building on this work above we will soon be planning to improve employee support for dealing with customers with mental health problems including the development of a vulnerable customers policy.

Measuring impact

Doing the **mental health check survey again** in May 2019 will help us to directly measure the impact of this workstream. We expect our results on ‘training’ to improve from red to amber

status. We may also see an improvement from amber to green on our status for ‘organisation culture’. In addition to changes in the traffic light status of key work areas we expect to see positive employee comments about the work we have been doing.

We have had **qualitative feedback** through the equality challenge (full update below) about our focus on mental health at work.

“I was so pleased to see something like this happening at SLAB. The session I went to flew by (I felt it could have gone on longer!) and was really useful and interesting.”

“Keep up the great work. Am so pleased as a sufferer to find I can talk without fear!”

Our **workforce disclosure** rates on disability have increased from 5% to 19⁶%. We only recently started to gather data on what proportion refers to mental health. Therefore, we do not know if the increase in disclosure is a direct impact of the work we have done on mental health.

Our staff surveys include a question on discrimination and bullying and harassment, and general statements about equality and diversity. We have also asked employees about their understanding of equality and diversity issues at work.

Survey Question/ Statement	2015	2017	Next survey improvement
Agreed that SLAB is an equal opportunities employer	84%	76%	Increase in % agreeing
Agreed SLAB values the diversity of employees	76%	70%	Increase in % agreeing
Believed they had experienced discrimination	12%	16%	Decrease in % experiencing discrimination
understanding of equality and diversity issues at work	Not asked	90% felt their understanding was good to some degree	Continue to monitor this.

Awareness raising on equality, diversity and inclusion (ongoing to April 2020)

This workstream is delivered through our Equality Challenge project; an online forum that encourages a conversation about equality. Employees can use the Equality Challenge to ask any equality questions and to share challenges or positive experiences. SLAB also use it to respond to the issues raised by employees and to engage with national awareness raising events. Through a recent review of the equality challenge project we are planning to further promote this online forum with employees to increase participation, specifically in sharing practice across the organisation.

⁶ This is 19% of those employees who have completed their equality record. For 2017-18, 68% of our employees have completed their equality record.

Employees have been able to ask questions through our Equality Challenge since February 2017, and since then we have:

- **Received and responded to 17 individual ‘questions’:** Issues raised include absence recording for mental health, dress codes and gender, use of gender pronouns and equality data capture.
- **Acknowledged several awareness days** including LGBT History month, World Suicide Prevention Day and Carer’s Week with signposting to SLAB policy and further resources.
- **Held 2 engagement events;** Time to Talk day in February 2018 and Mental Health Awareness Week in May. This supports work under our mental health action plan (see above).

The engagement events have been particularly successful in starting to break down the barriers to talking about mental health. The events focused on employees and their own mental wellbeing, and hearing from others about their lived experience of mental illness. Encouraging employees to share how they deal with stress to maintain their own mental health will help us support colleagues.

We have also included session on mindfulness and ran a workshop on ‘Resilience Building’. These sessions support employees to manage their own mental wellbeing, which is important to us as an employer and is also important in support employees to manage when dealing with difficult situations with customers.

Measuring impact

We monitor the intranet ‘hits’ for all the equality challenge articles. These are consistently the same as or higher than other communications (184 to 334 hits). We also continue to have interest from staff in raising queries through the online form.

Employee feedback tells us that this work is having a personal impact.

“I just wanted to say that I really appreciate these posts on Mental Health. I recently approached my manager to speak to them to let them know that I have been struggling recently with events in my personal life and balancing that with work and we have found a solution to help get things back on track. I can honestly say I don't think I would have had the confidence to do that without all the recent posts and focus on mental health at work.”

Information on reasonable adjustment available to all employees (end date April 2018)

We have completed employee guidance on the range of facilities we have in our Thistle House office that can be accessed by visitors, clients and employees. This will be incorporated into the administration manuals of our other offices by December 2018.

The guidance includes information about our facilities (e.g. hearing loops and accessible parking), clarity on our legal obligations, and supports employees to take a proactive approach to seeking information about physical and communication support needs.

The guidance is based on the work from the Criminal Justice Disability Project (see Section 1) and the customer service poster developed with the project's Disability Advisory Group (see image).

In the next 18 months, we will progress a review of the reasonable adjustment information for employees moving teams, or where new managers become responsible for people with reasonable adjustments already in place.

Measuring impact

We will set up ways to monitor and report on the number and kind of reasonable adjustments we make on an ongoing basis. We will also monitor any issues raised through our complaints process.

2. Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid.

Review of template letters (end date April 2020)

This workstream will benefit all our customers through improved communication about a legal aid application or grant. We also want to improve customer understanding about any action we have taken, or that we need them to make, in relation to a legal aid application or grant. We have made good progress to date and expect to implement all new letters by April 2019.

We are here to help you

Are you having problems using our services or facilities?

Please tell our staff and they will try to help.



Bonnington Symbols

In partnership with:-

- Crown Office and Procurator Fiscal Service
- Police Scotland
- Scottish Courts and Tribunals Service
- Scottish Government
- Scottish Legal Aid Board
- Scottish Prison Service
- The Law Society of Scotland

Progress on this project includes:

Improving our letter format/ good practice	Feedback from the Scottish Accessible Information Forum (SAIF) ⁷ has been used to test new letter software. This software is ready to use and will improve accessibility through improved formatting options e.g. good practice font sizes and use of bullet points.
Redrafting letter content	Plain English principles are being applied during the redrafting process. We will remove jargon or provide clear explanations as appropriate. Our communications team is supporting this process.
Engagement with end users	We are in the process of planning engagement with end users to test and get feedback on the changes we have made to our letters. We aim to complete this engagement by end of October and all feedback will inform the final version.

We will measure the impact of this through a snapshot of recorded calls, monitoring of complaints and customer satisfaction surveys.

Legal Aid Handbook Review (extended to end of April 2020)

We have established a major project to review the content and structure of our legal aid handbooks, which provide guidance to solicitors about how we apply the various tests for legal assistance. This is a significant undertaking. We will apply our refreshed equalities impact assessment procedure as each piece of guidance is reviewed, and will amend our policies and processes if necessary.

Improved communication on office accessibility (end date of April 2019)

This workstream focuses on the accessibility of our offices in the network of Public Defence Solicitors' Offices (PDSO) and Civil Legal Assistance offices (CLAO). We have now updated all our public web pages to include office accessibility, using symbols and photographs where we can. This format is the same as the format we already use for Thistle House (main office).

In the next 18 months we will review the access audits of our solicitor offices and develop plans for improvements.

⁷ <http://www.saifscotland.org.uk>

Activity under the Communications Strategy 2017-2020 (ongoing to April 2020)

The focus of activity is development of our website. This is the main way we share general information about our services with our customers. An independent audit of our website is now complete. The results are being used in the next stage of work to develop an improved website. We will test the new website with end users which will include testing of all accessibility features.

Where resource allows, we are revising communication guidance for employees and updating our template documents (e.g. governance reports). These projects will each result in a new section on our employee intranet and aim to improve the accessibility (format and language) of our internal and external communications. Both projects are due to be complete by April 2019. New sections on our employee intranet will be developed for each.

Form 2 Digitisation (extended end date of April 2020)

Our Form 2 collects financial and other information from applicants when a means assessment is required for civil legal aid. The test focuses on identifying an applicant's disposable income and is underpinned by the collection of a range of data from applicants. A digital form will improve accessibility for some groups (e.g. allow the use of screen readers and larger fonts). The project will consider further user needs as appropriate.

Development work will start by the end of March 2019.

3. System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.

This project aims to review and set a framework for improved equality data capture across applicants and solicitors. Progress is summarised as follows:

We have completed desk research and employee interviews to fully understand the range of data we collect; why, how and when we collect it. The findings from this work can be summarised as follows:

- The equalities data currently requested from applicants is limited. No equalities data is captured in relation to solicitors or advocates.
- We mainly collect equality data through legal aid application forms and the information put into Legal Aid Online by solicitors. The same standard equality questions are asked for all types of legal aid. In addition, some equalities information is gathered incidentally as part of the case information.
- Apart from equality impact assessments, employees were unclear about the uses or need to collect equality information.

- SLAB's directly employed solicitor services attempt to collect equalities data during the client contact process. Their success in this is limited.
- SLAB successfully collects equality information through customer surveys.

The findings from the research above has helped us to think about improvements we could make to data collection under the headings of 'direct service delivery', 'operational decision making' and 'policy development and strategic planning'.

Using these headings, our Executive Team has agreed to the development of detailed project plans that include working with the Law Society of Scotland, across several priority areas.

Section 3: Employee information and equal pay

How we gather employee data

Our employee data is gathered and held by our Human Resources (HR) department through self-service access to our HR Oracle system. Employees can review and update their information at their convenience and in privacy. We collect information about age, sexual orientation, disability, sex, religion or belief, ethnic origin, national identity, and transgender for employees and people who apply to work with us. The monitoring of pregnancy and maternity information and return to work after maternity leave is fully embedded in our HR processes.

External applicant data is gathered through our online recruitment system hosted by an external supplier and disclosure rates continue to be high. When recruiting for an employee via an agency we ask the agency to ensure completed equality monitoring forms are returned. The data we receive in this way does not currently form part of our recruitment data.

The figures used for reporting include all staff employed by SLAB within each financial year i.e. all employees who joined and/ or left during the year. We have agreed that from 2018-19 onwards we will adopt an 'as at 31 March' format for reporting. Employee data reporting will also be moved to our annual report in 2019.

HR System changes and the impact on our data

In April 2017, we changed our HR system and took the opportunity to update our employee equality monitoring questions to reflect good practice at that time. We decided not to migrate any data from the previous system because we did not know if or when long serving employees had last updated their information.

Employees have been encouraged to complete their equality data through posts on our employee intranet and a poster campaign, both intended to reassure employees about how the data is stored and used. Despite this there has been a significant decrease in data completion compared to our previous reports.

Our 2016-17 data showed that 52% of our workforce had updated their equality information. This has improved for our 2017-18 data which shows that 68% of our workforce has now updated their equality information. We have a low non-disclosure or 'prefer not to say' rate for those who have completed their equality information (only 4 - 11% in 2017-18) when compared to previous years (previously reported as 11 - 32%).

Our HR system will be updated again in October 2018 as part of wider system upgrade to Oracle Cloud. Managing this change will include working with employees to increase the completion of equality data records and to maintain high disclosure rates.

Changes to the way we present our data

We have reviewed the way in which we report our equality data in response to changes in:

- data protection legislation with the introduction of the General Data Protection Regulations (GDPR) in May 2018,
- the proportion of our workforce that has completed their equality data information, and
- good practice published by expert equality organisations.

The changes we have made aim to balance transparency and our duty to protect the anonymity of our employees. These changes are:

- we report using percentages only, we do not include the count of people in each group,
- the data represents the people who have completed their equality information only, including prefer not to say responses, and
- we can now report on three high level groups under ethnic origin which are ‘white Scottish, British and Irish’, ‘White minority ethnic’ and ‘non-white minority ethnic; as per guidance from the Coalition for Race Equality and Rights.

Our full recruitment and employee equality monitoring of protected characteristics for the period 1 April 2016 to 31 March 2017 and 1 April 2017 to 31 March 2018⁸ is published separately.

What does our employee data tell us

The demographic of our workforce has remained very similar to that reported in April 2017. This reflects our ongoing low levels of direct recruitment (i.e. not through an agency). We continue to have good quality data through our recruitment process with <10% ‘prefer not to say’.

The top line comparison of our workforce demographic for 2016-17 and 2017-18 is shown in Appendix B. The main change across the two years is the 16% increase in disclosure. This has increased the actual population we are reporting on in 2017-18 when compared to 2016-17. This means our percentages are not directly comparable. The proportion of some minority groups appear to have decreased however the actual number of people in these groups has remained the same or increased slightly.

The number of employees involved in a **grievance, disciplinary action and/or dismissal**, during April 2016 to March 2018 is small (<10 people). These numbers mean we are unable to form any definite conclusions but will continue to gather and monitor this information.

The number of employees who were **appraised** during April 2016 to March 2018 as ‘not fully effective’ or ‘regularly fall below requirements’ is small (<10 people). These numbers mean we are unable to form any definite conclusions but will continue to gather and monitor this information.

⁸ See the Equality Monitoring of Protected Characteristics 2016-17 and 2017-18 documents on the Equalities page of the SLAB website <http://www.slab.org.uk/about-us/equalities/>

Over April 2016 to March 2018, 100% of **maternity leavers** returned to work. Of these, 50% requested a variation to their contractual hours on return to work; one person withdrew their request before a decision was made and the rest were approved on a permanent or long-term trial basis.

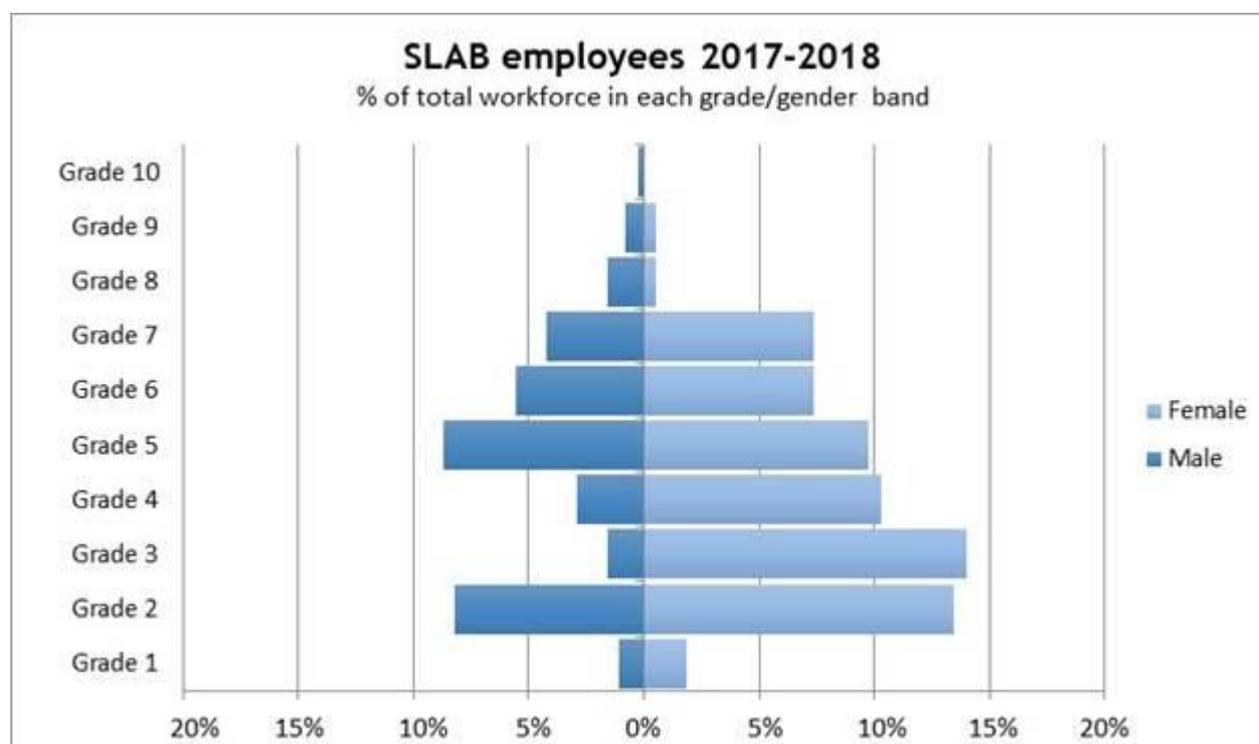
For the first time we have monitored employee take up of both **paternity and shared parental leave**. For April 2016- March 2018, 11 employees requested and took the full two weeks parental leave entitlement, and 1 employee accessed shared parental leave.

During April 2016 to March 2018, five employees returned to work following a period of **long term disability related absence** and five people did not return. Note these figures include employees who did not declare having a disability, but who were supported in the context of requiring a reasonable adjustment.

We have focused on our 2017-18 employee data in the rest of this section because it is the most up to date and there has been little change from 2016-17.

Sex: we continue to have a 65-70% female and 30-35% male gender breakdown. This breakdown is common in the public sector. The 2011 Scotland census shows that 52% of the Scottish Population is female and 48% is male. Women are disproportionately represented in all grades until Grade 8 and above (see Figure 1).

Figure 1: Gender breakdown of SLAB employees 2017-18 by grade.



Age: Our employees are clustered around the middle age ranges with few employees aged <24 years (<5%) and 55+ years (15-20%). The average employee age is 45 years. The data suggests that our age profile is increasing.

The data below represents the **68% of our 380 employees who have completed their equality record.**

Disability: Fifteen to twenty percent (15-20%) of employees who have completed their equality record have declared a ‘disability or long term health condition’. This is a significant increase in disclosure (<10% in 2015-16) and is comparable with the average public sector employment rate for people with disabilities (1 in 9). We think this increase in disclosure could be the result of:

- introducing the census question format which expands on disability alone to include long term health conditions
- introducing the range of potential disabilities or long term health conditions thereby helping people understand what we mean
- the work we are doing on mental health.

Sexual orientation: Less than five percent (<5%) of employees identify as lesbian, gay, bisexual or other/ unsure which is in line with the 2015 Scottish Survey Core Questions dataset. However, it is also the group with the highest ‘prefer not to say’ response of 10-15%.

Ethnic Origin: Our 2017-18 data tells us that:

- 85-90% of employees identify as ‘White Scottish, British or Irish’,
- <5% identify as ‘White minority ethnic’, and
- <5% identify as ‘non-white minority ethnic.’

The 2015 national figures⁹ show that 5.3% of the Scottish population fall into the ‘white minority’ group and ‘non-white minority ethnic groups’ represented 3.7% of the population. The data we have suggests SLAB’s workforce is likely to be less representative than the Scottish population. By contrast, our recruitment data shows our applicant demographic is more representative (<5% white minority and 5-10% non-white minority ethnic representation). We have analysed our recruitment data for equality of outcome through our recruitment process and there are no significant differences from application stage to appointment across ethnic groups.

Religion or Belief: The number of employees identifying as Christian is lower than the Scotland Census figure (35-40% compared to the 2015 nationally declared figure of 49%¹⁰). The percentage of SLAB employees declaring no religion is 50-55% compared to the 2015 national figure of 47%). The number of employees identifying with ‘other religions’ (aggregating minority groups e.g. Buddhist, Hindu, Muslim) is <5% compared to the national profile of 3.3%. Note that 5-10% of employees responded ‘prefer not to say’.

⁹ See <http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid/Ethnicity>

¹⁰ See <http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid/Religion>

Transgender: Our workforce population is too small to report on transgender.

Gender pay gap

One of the key strategic aims of the 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.

As a listed public authority, SLAB is required to publish information every two years on the percentage difference between male employees' average hourly pay and female employees' average hourly pay (both excluding overtime). This is our gender pay gap.

SLAB's all staff (i.e. full time and part time) mean gender pay gap at March 2018 is 13.8% (median figure is 18.3%). The clustering of female employees in the lower grades continues to influence this pay gap.

This was reported to Scottish Government as part of the pay award 2017/18 settlement. This is a slight improvement on figures reported as at August 2017 (mean was 13.9% and median figure was 18.3%) and at March 2016 (mean was 14.2% and median was 23.3%). The 2016 mean pay gap in Scotland is reported as 14.9% (median figure is 15.6%)¹¹.

Over the remaining period of this Equalities Action plan - we will publish our People Strategy for 2018-22. As part of the action plan to implement that strategy we will ensure our recruitment policies do not have any inadvertent biases and look within scales to ensure that there are no biases within those.

We are required to publish our policy on equal pay and information on occupational segregation every 4 years. We published this information in our April 2017 Equality Mainstreaming report and will provide an update when we report at the end of our three-year equality outcome cycle in April 2020.

The way we train our staff

We recognise and value the differences and individual contribution that people make. We provide support and encouragement to employees to develop their careers and increase their contribution to the organisation through the enhancement of their skills and abilities.

All employees have access to our Learning Management System (LMS) containing a suite of equality and diversity e-learning courses and resources. We have a specific section on mental health which is one of our current priorities. Access to online learning for their personal development or personal interest is also free.

¹¹ See Close the Gap's March 2017 annual paper - <https://www.closesthegap.org.uk/content/resources/Briefing17.pdf>

Equality and diversity is a part of our corporate induction programme. The induction session includes a face to face discussion with our Corporate Policy Officer (Equality) after completion of six core equality online learning modules; Working with the Equality Act, Disability Etiquette, Challenging Behaviour, Mental Health at Work, Cultural Awareness, and Transgender Awareness. (all developed by Skill Boosters).

In addition to compulsory corporate training, managers plan for relevant equalities training based on their departmental or individual employee needs. Examples of equality and diversity related training that has taken place since April 2017:

- Understanding and supporting customers with mental health problems completed by 39 employees in our Civil Finance team
- Dealing with Debt and Mental Health completed by 2 employees in our Civil Finance team
- The Equality Act 2010 and Disability Damage Claims completed by 10 employees in our Legal Services team
- Resilience Building Workshop completed by 15 employees
- Mental Health and Workplace Mediation completed by two of our Human Resources team
- Stonewall LGBT Good Practice e-learning completed by 8 employees in our PDSO team.

How we use our employee data

We analyse our employee data to provide assurance our policies and procedures take into account the public sector equality duties. Our HR team use the data to analyse our pay and performance management information and report this to our Executive Team. We have used the data to inform changes to our flexible working policy that now includes homeworking. The equality impact assessment that supports this change in policy can be found on our website.

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

Equality Outcome 1: Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business (relevant to all protected characteristics).	
Project/ duration	Priority work
Mental Health at Work Years 1 to 3	<ul style="list-style-type: none"> • Training and awareness raising on mental health issues • Improved transparency on employee support available • Engagement with employees about disclosing disability (as part of corporate equality data gathering) • Revisit the mental health check survey in May 2019.
Awareness raising on equality, diversity and inclusion Years 1 to 3	<ul style="list-style-type: none"> • Regular IntraSLAB updates and articles on equality topics including national awareness days and SLAB priorities (Equality Challenge) • Improved signposting to information, guidance and learning about equality practice (Equality Challenge) • Develop and resource relevant information, training and guidance • Incorporate equality and inviting in speakers to complement team training or other corporate work.
Information about reasonable adjustments Year 1 only	<ul style="list-style-type: none"> • Development of reasonable adjustment resources for all offices • Employee training or awareness raising as required • Review of need to improve reasonable adjustment information for employees moving teams and/ or new managers.
Equality outcome 2: Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid (relevant to disability and raced only).	
Project/ duration	Priority work
Review of template letters	<ul style="list-style-type: none"> • Purchase new software to improve the formatting options for current system letters • Redraft and improve current system letters for customers Undertake end user engagement to inform final letter format and language.
GALA Project (Legal Aid Handbook Review)	<ul style="list-style-type: none"> • Aims to review the information help in our handbook, other guidance and user needs • Set a framework for longer term changes.

Equality outcome 2 continued.	
Project/ duration	Priority work
Improved communication on office accessibility	Review access audits of our offices and set actions Publish access information online Link to work on reasonable adjustments under equality outcome 1.
Communication Strategy	Independent website accessibility audit Revised communications guidance for employees Update template documents with accessibility embedded
Form 2 Digitisation	To be developed in line with project plan and is likely to include early consideration of user needs and digital accessibility specifications.
Equality outcome 3: System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.	
Project/ duration	Priority work
Options for increased data capture	Project aims to develop options for increase capture of equalities data on applicants and system user to help SLAB in managing and developing the legal aid system.

Appendix B. Equality Monitoring of Protected Characteristics 2016-17 and 2017-18 Comparison tables.

Table 1 Employees Sex Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Sex	100% equality record completion	100% equality record completion
Female	65-70%	65-70%
Male	30-35%	30-35%

Table 2 Employees Age Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Age (years)	100% equality record completion	100% equality record completion
<24	<5%	<5%
25-34	15-20%	20-25%
35-44	25-30%	25-30%
45-54	30-35%	30-35%
55-64	10-15%	10-15%
65+	<5%	<5%

Table 3 Employees National Identity Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
National identity	52% equality record completion	68% equality record completion
Scottish	65-70%	60-65%
Other British	25-30%	25-30%
Other national identity	5-10%	5-10%
Prefer not to say	<5%	<5%

Table 4 Employees Ethnic Origin Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Ethnic origin¹²	52% equality record completion	68% equality record completion
White majority	90-95%	85-90%
White minority ethnic	<5%	<5%
Non-white minority ethnic	<5%	<5%
Prefer not to say	<5%	5-10%

Table 5 Employees Religion or Belief Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Religion or Belief	52% equality record completion	68% equality record completion
No religion	50-55%	50-55%
Christian	40-45%	35-40%
Other religion or belief	<5%	<5%
Prefer not to say	5-10%	5-10%

Table 6 Employees Sexual Orientation Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Sexual orientation	52% equality record completion	68% equality record completion
Heterosexual/ straight	85-90%	85-90%
Lesbian, Gay or Bisexual	<5%	<5%
Other/ not sure	<5%	<5%
Prefer not to say	5-10%	10-15%

Table 7 Employees Disability Distribution Comparison 2016-17 with 2017-18

Category	2016-2017 % based on 382 employees	2017-2018 % based on 380 employees
Disability	52% equality record completion	68% equality record completion
Yes	20-25%	15-20%
No	70-75%	70-75%
Prefer not to say	5-10%	5-10%

¹² We have referred to the Coalition of Race Equality and Rights guidance '[Equal Pay Duties - Race and Disability, PSED: Get ready for April 2017](#)' when considering aggregated data categories.