

The Scottish Legal Aid Board



**Disability Equality Scheme
Annual Report 2006-07**

December 2007

<p>Scottish Legal Aid Board – Disability Equality Scheme Annual Report 2006-07</p>

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1. Introduction

This is the first Disability Equality Scheme (DES) progress report of the Scottish Legal Aid Board (the Board). The 2006-2009 Disability Equality Scheme was published in December 2006 and is available on our website at http://www.slab.org.uk/about_us/equality/. This report updates on progress made during the first year since publication.

The Board's Disability Equality Scheme and our overarching Equality Strategy give a clear commitment to achieving equality for people with a disability. This report updates on the areas of action outlined in the original scheme as well as outlining other areas of relevant work.

We will continue to report annually on the progress made under the DES. We are happy to receive feedback about and input to our scheme. The scheme will be subject to review and will evolve over time to reflect our new functions. We therefore welcome your comments on the scheme.

Please contact us if you would like any information or copies of policies mentioned in this scheme.

Please send any comments or contributions to:

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2. How the Board has addressed Disability Equality

Our aims for disability equality lie in two distinct areas.

- The first is to deliver our public functions to our service users (including applicants for legal aid and solicitors), stakeholders and the wider public.
- The second is to ensure that our employment practices comply with our requirement to meet the Disability Equality Duty.

We have reviewed our evidence base, considered our main functions and activities according to disability and committed to delivering certain actions over the remainder of the schemes life (see Section 5). Our Disability Equality Scheme outlined areas for action. Our action plan shows how these areas link to each objective and shows progress on and a timeframe for completion of each.

Each specific action is related to one of three top level objectives. These include, data gathering and monitoring; human resource policy development; and corporate mainstreaming of disability equality. These objectives reflect those outlined in the Gender Equality Scheme and have been applied to our Disability Scheme to achieve cross-strand consistency.

2.1 Data Gathering and Monitoring

We will continue to improve the information we collect and analyse to deepen our understanding of how disabled people are affected by our employment policies and practices and by our service. Addressing gaps in our information gathering is important and we will look at what information we need and for what purpose. This includes steps to improve our information gathering systems.

In addition we will continue to develop our understanding of inequalities in Scotland and how these might relate to our current and future policies and practices. We will ensure that we review relevant data sources and research across relevant areas such as social and economic life, demographic and population change, education and training, the labour market and crime and justice.

2.2 Human Resource Policy Development

We will ensure that we avoid unlawful discrimination in our employment practices and actively promote disability equality within our workforce through developing, implementing and monitoring evidence-based HR policies and practices.

2.3 Corporate Mainstreaming of Disability Equalities

Equalities mainstreaming is essential to the organisation and underpins our corporate equalities strategy. We will ensure that disability equality is addressed throughout the organisation in accordance with our equality strategy. This will be achieved through the completion of Equalities Impact Assessment (EQIA) for our current functions and new policies; strong leadership on disability equality issues from senior management and training of all staff.

Our original Disability Equality Scheme outlined our approach to disability equality, what we have done to promote disability equality and the work carried out within the Board to prepare for the Duty. A number of areas were highlighted in the scheme. We have updated these areas where appropriate below and also highlighted additional areas and developments

2.4 Specific Activities

2.4.1 Client Access to the Board.

Part of our obligations is to ensure that clients have the best possible opportunity to reach us and to take positive steps to make services accessible to disabled people. Our offices in Edinburgh have good access provisions for any visitor.

There are parking spaces opposite the offices, and vehicles displaying a disabled driver sticker can park directly outside our offices at 44 Drumsheugh Gardens. Support dogs are welcome at our offices. There is an access lift to our entrance. Our waiting area has seats of different heights, and space is available for wheelchair users. Our disabled toilets are designed to be accessible for all.

Our interview room, where applicants can come and talk to someone about matters to do with legal aid, is located on the ground floor. The room is fitted with an induction loop and is accessible to wheelchair users. All doors within the public areas allow for access by wheelchair.

We have one current employee who has knowledge of British Sign Language (BSL) and have a contract with Deaf Action to provide BSL support when needed. The public can arrange appointments in advance to ensure that we can comply with their hearing needs.

2.4.2 Communications

We have been proactive in our approach to communications. We ensure that all documents are published to plain English standard. It was clear from focus group research that disabled people wanted to see information provided in a range of suitable formats and that our website is suitable for people with different types of disability.

We ensure that all leaflets can be made available in different formats including Braille, large print and audio tape. We use guidance from the RNIB when

publishing large type documents. The website is now speech enabled through the Browsealoud tool. We plan to further enhance our site early in 2008 with the launch of a new-look site. We will review our accessibility policies and statements for the website and ensure the website is designed to relevant accessibility guidelines (Action Point 1.2).

2.4.3 Applying for and Receipt of Legal Aid

All legal aid applications are made through a solicitor.

Advice and assistance

The most basic type of legal assistance is known as “advice and assistance”, which is usually granted by a solicitor and will enable a client to receive advice on any matter of Scots Law. The assistance can consist of, for example, negotiating a settlement or writing letters, but stops short of representation in court, except in some specific circumstances set down by law. In assessing financial eligibility for advice and assistance, the solicitor should, by law, be authorised by the regulations to disregard various state benefits including any paid in relation to a disability.

Solicitors can seek funding to allow them to make special arrangements – for example to provide a BSL interpreter for a deaf client or arranging to visit a client at home if their attending solicitor’s office would create difficulty.

Civil Legal Aid

If the problem relates to a civil dispute, and can only be resolved by court action, the solicitor can apply to us for civil legal aid. We then have to apply two tests to all cases: financial eligibility and the merits of the case.

In assessing financial eligibility, we consider the applicant’s income and capital. Income is based on a fixed twelve-month period which starts from the date the application is made. We take into account all the income the person can reasonably expect to receive during this period and from it we make allowances for all necessary expenses. One figure is deducted from the other and the balance is known as the disposable income. If the disposable income is above a limit set annually by the Scottish Parliament, the applicant has to pay a proportion to us as a contribution towards the cost of the legal services provided.

The legislation governing this provides that various disability-related welfare benefits, such as Disability Living Allowance, are not counted as income for financial eligibility.

In addition, the legislation gives us discretion to consider making an allowance when calculating disposable income for any additional expense the applicant has as a result of their disability. We ask applicants to tell us about any specific costs they incur because of special needs relating to their disability. This can include

things like the need for a special diet, the cost of extra clothing, equipment or travelling costs.

We also have regard to the amount of capital a person has when they apply for civil legal aid. We can consider leaving capital out of account if it can be shown that the funds are necessary to provide ongoing care or to replace essential items of equipment needed as a result of a disability.

Criminal legal aid

Similarly, if the problem relates to a criminal matter and criminal legal aid has been granted, we will pay for additional services, such as providing a BSL interpreter for the deaf, if the applicant needs these to ensure the proper conduct of their case.

2.4.4 Workforce development

We welcome applications for all new positions from disabled people. We will make all reasonable adjustments needed to accommodate an applicant's or new employee's disability. We ensure that no applicant receives less favourable treatment as a result of their disability (or on the grounds of race, gender, marital status, religion or belief and age).

Where an existing employee declares or develops a disability we ensure that they are dealt with sensitively and in a supportive manner. Our aim is wherever possible to retain employees who develop a disability and ensure they are supported through reasonable adjustments in the workplace so they can make an effective contribution

We are committed to developing and using employment procedures and practices which do not discriminate on grounds of disability and to providing equality opportunities to all employees. We have achieved this in the following ways:

- Using an equal opportunities statement, which outlines our commitment to equal opportunities in employment.
- Through a new "Dignity at work policy and procedure" approved in December 2006, we aim to eliminate bullying and harassment within the Board and ensure that employees differences are respected and valued and any conflict is fairly handled. We are using an e-learning programme, entitled 'Challenging Behaviour' to support this and we have made this a compulsory training requirement for all employees throughout 2007. This also features as part of corporate induction for new employees
- Equality and diversity training is a compulsory part of our induction. This introduces employees to the concepts of diversity and the areas covered by equalities legislation. The session summarises both our organisational commitment to equality and diversity and the behaviour expected of all employees.

- An occupational health advisor and our employee support service within HR works with employees and line managers to ensure that appropriate support and adjustments are made in line with good practice when an existing employee develops a disability. This service also advises on any adjustments needed when we appoint new employees with existing disabilities.
- Implementation of a self-service feature within our HR information system aims to give staff easier access to update their personal HR records. This will include their personal equalities details, and allow more accurate, confidential and responsive data capture for employees who develop a disability.
- We have begun scoping materials for specific equality training for solicitors within Part V and PDSO offices.

2.4.5 Part V

Part V of the Legal Aid (Scotland) Act 1986 allows the Board to employ solicitors to give advice and assistance under the Act, to act for people receiving legal aid and to work with local organisations. The second phase of Part V projects was launched in November 2005, with five projects aimed at identifying new approaches to delivering legal advice in communities across Scotland and improving access to justice. Two projects, the Disability Legal Advice Project in Lanarkshire and the Fife Rights Forum Mental Health Law Project aim to improve access to legal advice for people with a disability.

Disability Legal Advice Project

This pilot project involves Citizens Advice Scotland, Capability Scotland, Update and the Disability Rights Commission joining forces with the Board to improve access to legal advice for disabled people across North and South Lanarkshire. The Part V solicitor provides second-tier support to advisers within Citizens Advice Bureaux and disability organisations in these areas. The solicitor also gives specialist training on disability-related legal issues to advisers and local solicitors and direct advice and representation for disabled people.

Fife Rights Forum

This project provides specialist legal advice to clients with mental health issues in Fife. The solicitor is employed to take on legal aid casework and provide a secondary advice service to advice and rights staff. This involves working with local organisations and considering how legal advice can be improved for people experiencing mental health problems, with a particular focus on young people's needs.

2.4.6 Public Defence Solicitors Offices

Public Defence Solicitors Offices (PDSOs) give people who are eligible for legal aid and have been charged with a criminal offence a further choice of access to a solicitor. PDSO lawyers are salaried specialist criminal defence solicitors who can investigate, research and defend a case. There are seven PDSO offices

across Scotland. The PDSO operates independently of the Board. Applications for criminal legal assistance made by the public defence solicitors are assessed in exactly the same way as those by private solicitors.

If a client has trouble accessing a PDSO office, contracts have been arranged with local hotels to use meeting room facilities as an alternative venue. The letter of engagement received by clients from PDSO is clear in explaining that accessible meeting points can be arranged if necessary. All PDSO information leaflets are available in a variety of accessible formats (Action Point 5.1).

2.4.7 Equality Issues within Legal Aid Supply

We are committed to reviewing our obligations for the arrangements for monitoring the equality compliance of solicitors providing legal aid services (Action 2.5). For a full summary of the issues, please see section 4.5 of our [Gender Equality Scheme](#).

3. Evidence

3.1 Research with Disabled People and Solicitors on Legal Aid

Focus groups and interviews were carried out to collect evidence for the original Disability Equality Scheme. The research aimed to get solicitors providing legal assistance and disabled people to identify specific disability issues. Similar research was carried out in preparation for the publication of our Gender Equality Scheme. This research again involved people with a disability.

Solicitors and disabled people held similar views. They told us that the key to the Board delivering a good public service was through providing good information about legal aid. They suggested information should be available in a range of suitable formats, including Braille, large text and audiotape. They commented on website accessibility and disseminating information about legal aid.

Recruiting and employing disabled people was also seen as important, including providing information about job opportunities at the Board in different formats and providing disability equality training for all staff.

The key findings identified main areas which were important for the Board to meet the needs of disabled people. The results of this research were published in December 2006 on our [website](#).

The research provided valuable feedback for us to carry out future actions. Our actions can be found at section 5.

4. Progress on Key Commitments

4.1 Policy and Development Team Structure

The Policy & Development team has seen an overhaul and expansion over the past twelve months and includes the addition of a research and policy team. This is headed by an assistant manager and includes a research officer, a stakeholder involvement officer and an equalities assistant. All have been in post since March 2007. This was identified as a requirement for immediate action within the Disability Equality Scheme.

The new structure gives means that there is a focus for the Board's Equalities Strategy and a focal point for the gathering of disability data.

4.2 Equality Impact Assessments

An Equality Impact Assessment (EQIA) process aims to mainstream equality within organisations. An EQIA can deliver effective policies by getting those responsible to think about the impact on different groups of people. It enables policy makers to picture the outcomes of a given policy more accurately and to introduce measures that might be taken to advance equality for specific groups.

We have used an EQIA tool since 2005. We developed the EQIA toolkit in-house in consultation with our project and advisory boards. The EQIA tool enables managers to assess Board functions as well as new policies and programmes. Our approach to EQIA aims to cover the primary equality strands of race, disability and gender. Managers received training on using the toolkit during 2006 and gave feedback on its usability.

In 2007 we piloted a revised toolkit and accompanying guidance. There is now an initial shortened screening questionnaire. If we find impacts on equality groups, we carry out a full assessment. An equalities assistant gives project managers support and guidance throughout the assessment. The EQIA process encourages equality groups, including people with a disability, to consider Board policies and programmes and to be involved in developing them. Our EQIA process is an ongoing one. An updated timetable of assessments showing our priorities for the next three years is in Appendix 3 of our [Gender Equality Scheme](#).

4.3 Developing plans for involvement with disabled people.

We are currently reviewing work conducted by other organisations in the UK to involve disabled stakeholders/service users. This exercise aims in particular to give us examples of good practice in effectively involving disabled service users in service delivery and in workforce development. We will use the review to inform future decisions on how we engage with disabled people.

4.4 Overview of progress against commitments made in the Disability Equality Scheme.

The table below provides an overview of progress made on each commitment within our Disability Equality Scheme. Progress has been recorded against each action; however we are aware that more needs to be done to meet the terms of the DED. The action plan in section 5 addresses each of these points further.

Action	Progress	Plans
Improving Board website to improve accessibility	Yes	Planned website redesign. Addition to the site of 'Browsealoud' reading tool for the deaf.
Ensuring disabled people are involved in the development and implementation stages of our legal aid reform.	Yes	Will be met through the requirement within the Equality Impact Assessment process to consult relevant groups.
Review of HR policies and systems to ensure compliance with duty	Yes	Will be met through the requirement within the Equality Impact Assessment process to consult relevant groups.
Introduce regular requests for staff to update equalities information	Yes	Through the planned development of a self-service facility.
Introduce monitoring to identify equality issues in complaints. Review of the range of ways we accept complaints.	Yes	Investigating potential to look at numbers of complaints on equality. Complaint procedure allows complaints through email, post, telephone or letter and includes an equality statement.
Revisiting the type of data that directly employed solicitors collect on disability equality	Yes	In consultation with PDSOs and Part V offices
Developing induction training on disability equality specifically tailored to delivery of legal advice by directly employed solicitors.	Yes	Delivery of induction on mental health to solicitors. Consider type of training directly employed solicitors will need.
Completing work to analyse our current data collection systems, and consulting on options for gathering information.	Yes	Coverage of disability data is not complete. This is an ongoing priority. .

5. Action Plans

Our plan for action for the duration of the scheme is outlined below. This supersedes the plan outlined in section 6 of our scheme published in December 2006. These actions have been linked to specific outcomes, timescales and responsibilities.

Function 1: Providing information about legal aid Corporate and stakeholder communications					
Actions		By whom	Milestones & Progress	Outcome expected	Objective strand
1.1	Conduct impact assessments for functions including disability.	Communications	EQIA completed by June 2008	Manage risk, reduce risk of discrimination, evaluate scope of accessibility in written communications.	Mainstreaming
1.2	Reviewing website accessibility	Communications	TBC	Accessible, flexible website rebuild	Mainstreaming

Function 2: Registration of providers of legal aid and audit compliance Civil Registration. Code of Practice: Criminal. Development of National Quality Framework Criminal Legislation. Compliance Audits					
Actions		By whom	Milestones	Outcome expected	Objective strand
2.1	Monitor and analyse civil applications with clear disability implications	Civil Applications	Annual data reporting See action point 8.3	Data for specific areas for example divorce.	Data gathering Mainstreaming
2.2	EQIA for Quality Assurance scheme for criminal solicitors.	Criminal Applications	Before development of final criteria	Where appropriate policies are modified/amended or the justification for a policy is clearly set out.	Mainstreaming
2.3	EQIA for any future Civil Quality Assurance plans.	To be agreed	To be agreed	Where appropriate policies are modified/amended or the justification for a policy is clearly set out.	Mainstreaming
2.4	Review equality compliance monitoring arrangements for the Board's criminal Code of Practice	Equalities Project Board	June 2008	Where appropriate policies are modified/ amended or the justification for a policy is clearly set out.	Mainstreaming
2.5	Review equality compliance monitoring arrangements for the Law Society of Scotland's and Faculty of Advocates Codes of Conduct	Equalities Project Board	June 2008	Where appropriate policies are modified/ amended or the justification for a policy is clearly set out.	Mainstreaming

Function 3: Assessing eligibility Registration processes, Legal Aid Online, A&A Hardship, Forms Means and Merits Assessments Assessment of increases and sanctions					
Actions		By whom	Milestones	Outcome expected	Objective strand
3.1	Disability Monitoring	Civil Applications Criminal Applications and Policy and Development	Linked action point 8.3	An improved understanding of the evidence base for developing our policies and practices.	Data collection Mainstreaming

Function 4: Administration of the Legal Aid Fund Payments to the profession. Solicitor investigations. Recovery/preservation of property/clawback and contribution debts. Assisted person investigation					
Actions		By whom	Milestones	Outcome expected	Objective strand
4.1	Disability data collection and monitoring	Treasury Policy and Development	Linked action point 8.3	Reduce allegations of bias on grounds of disability.	Data Gathering Mainstreaming

Function 5: Providing legal advice through direct employment of solicitors PDSO, Part V Solicitors					
Actions		By whom	Milestones	Outcome expected	Objective strand
5.1	PDSO impact assessments Understanding of disability implications within a customer facing role	PDSO	Identification of disability issues within PDSO June 2008	Establish processes to minimise disability differentials within all aspects of PDSO's work	Mainstreaming
5.2	Part V impact assessments Understanding of disability implications within a customer facing role for new phase of Part V	Policy and Development	Identification of disability issues and evaluation within Part V. 2008		Mainstreaming
5.3	Developing induction training on disability equality specifically tailored to delivery of legal advice by directly employed solicitors	Policy and Development	Identification of usable equality resources of value to solicitors	High quality training resources for employed solicitors.	Mainstreaming

Function 6: Managing the duty solicitor scheme Duty plans					
Actions		By whom	Milestones	Outcome expected	Objective strand
6.1	Monitoring the duty solicitor scheme to minimise implications for people with a disability.	Criminal Applications	Linked action point 8.3	An improved understanding of the evidence base for developing our policies and practices.	Mainstreaming

Function 7: Corporate functions					
Procurement policy. Complaints procedure. Equality Impact Assessment					
Actions		By whom	Milestones	Outcome expected	Objective strand
7.1	Monitor complaints by disability and the reason for the complaint	Chief Executives Office	Review by June 2008	Data is recorded to show action has been taken to remove barriers identified in complaints from members of the public about the Board.	Data Gathering
7.2	Monitor progress of disability action plan.	Policy and Development	Annual reporting		Mainstreaming
7.3	Completion of EQIA by function	All functional areas	Timetable in Gender Equality Scheme	Where appropriate policies are modified/amended or the justification for a policy is clearly set out.	Mainstreaming
7.4	Developing equalities partnerships with other bodies as well as benchmarking best practice and data	Policy and Development	Ongoing to June 2010	Information sharing and exchange with the Scottish Government, Law Society Scotland. Compare information to develop best practice.	Data Gathering
7.6	Include equalities in our special contract conditions	Procurement	June 2007	Special contract conditions compliant with the DED	Mainstreaming
7.7	Review procurement terms and conditions for standard contracts to ask for assurance that they comply with relevant equality legislation.	Procurement	Awaiting forthcoming public procurement guidance from the Scottish Government	All contract conditions compliant with the DED.	Mainstreaming

Function 8: Provider of advice to the Board					
Survey and stakeholder work. Research Programme. Research and Analysis. Statistical Analysis.					
Actions		By whom	Milestones	Outcome expected	Objective strand
8.1	Analyse staff survey according to disability related issues.	Policy and Development	Staff survey, Autumn 2007	Positive staff responses to disability equality issues.	Data Gathering
8.3	Analyse disability related data across range of available datasets	Policy and Development	Equalities analytical programme available September 2007	An improved understanding of the evidence base for developing our policies and practices.	Data Gathering
8.4	Consider disability issues in research and analysis of the supply of legally aided solicitors.	Policy and Development	First phase results due October 2008	An improved understanding of the evidence base for developing our policies and practices.	Data Gathering

Function 9: Recruiting and employing people					
Recruitment, retention, promotion and staffing composition. Staff policies. Staff development and training.					
Actions		By whom	Milestones	Outcome expected	Objective strand
9.1	Implement a consistency of process within HR functions for recording and monitoring of disability data for all job applicants and staff.	Human Resources Information Systems Policy and Development	Annual monitoring of workforce data by disability.	An improved understanding of the evidence base for developing our HR policies.	Data Gathering
9.3	Review the current delivery of equality and diversity training to all new staff	Human Resources Policy and Development	By end of Year 1 for training plan, delivered during year 2	Improved understanding of diversity and equality issues for all.	Mainstreaming
9.4	Provide equalities training for Board Members.	Human Resources Policy and Development	Deliver 2008	Improved understanding of diversity and equality issues for all.	Mainstreaming
9.5	Look at coverage of equalities training for existing staff	Human Resources Policy and Development	June 2008	Ensure ongoing training is provided to tie in with needs identified via EQIAs	Mainstreaming
9.6	Review HR Policies/benefits	Human Resources	Ongoing	Reduce likelihood of any risk to workforce from disability discrimination	HR policy development Mainstreaming
9.7	Introducing regular requests for staff to update equalities information	Human Resources	Early 2008	Accurate equalities data from members of staff	Mainstreaming