



**Scottish Legal Aid Board**

# **Single Equality Scheme: Annual Report 2009**

**December 2009**

# Scottish Legal Aid Board –Single Equality Scheme Annual Report 2009

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## 1. Introduction

Welcome to the first annual report of the Scottish Legal Aid Board's (the Board) Single Equality Scheme. The Board is committed to promoting equality and to tackling discrimination on any ground, including age, disability, gender, race, religion or belief and sexual orientation.

We published our Single Equality Scheme in December 2008. This scheme can be found at [http://www.slab.org.uk/about\\_us/equality/](http://www.slab.org.uk/about_us/equality/). This scheme sets out current activity and what we planned to do over 2008-2011. This report updates on the activity and progress made throughout 2009.

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

If you would like this report in other languages or in Braille, large print, or on audiotape please contact us.

Our equality strategy is subject to monitoring and review and we intend that it will evolve over time as our work progresses. If you have any comments on our scheme, we would be happy to hear from you. Please send any comments or communication requests to:

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## **2. The Scottish Legal Aid Board**

### **2.1 Who we are**

The Scottish Legal Aid Board is a non-departmental public body set up in 1987 to manage legal aid in Scotland. Our work is overseen by Board members, who are appointed by Scottish Ministers. The number of members can vary from 11 to 15. Members have a balanced range of knowledge and experience; they include people with backgrounds in law, business, the advice sector and the wider community.

While Ministers in the Scottish Government decide legal aid policy, the Board has legal power to advise Ministers. Ministers propose the legislation to set the rules for legal aid, and the fees to be paid to the legal profession. The Scottish Parliament makes and changes legislation – including the tests for granting legal assistance. These tests are then applied to every single case.

### **2.2 What we do**

The purpose of legal aid in Scotland is to provide access to justice for those people who are unable to pay for it on their own. Our work contributes to the efficient running of the justice system in Scotland by providing an efficient legal aid system. Legal assistance allows people who would not otherwise be able to afford it get help from a solicitor for their legal problems. By “legal assistance”, we mean “advice and assistance” and “legal aid”. Individuals seeking legal advice or representation apply for legal assistance through their solicitor. A large part of our job is to decide who should get legal assistance. If legal assistance is granted, it can be used to pay solicitors, counsel – advocates and solicitor advocates – and other costs of the case.

Most civil and criminal legal aid applications are made through private solicitors or solicitors working in a law centre. These solicitors and their firms register with the Board to provide work that is paid for under legal aid. However, the Board also directly employs some solicitors to provide legal assistance and representation for both civil and criminal matters. The network of Public Defence Solicitors’ Offices (PDSOs) (<http://www.pdso.org.uk>) has seven offices throughout Scotland. The PDSOs employ criminal defence lawyers with experience of dealing with all types of criminal cases. For civil matters we now operate Civil Legal Assistance Offices in Inverness, Lochgilphead, Aberdeen and Edinburgh. These services provide direct advice and representation to those eligible for civil legal assistance. This year we have also initiated a grant funding programme. This fund will provide money to services aimed at enhancing the provision of legal advice services for people affected by the economic downturn.

Our work also includes providing advice, information and evidence about legal aid to a wide range of stakeholders. We communicate with people who may

apply or have applied for legal aid, people opposing applications for civil legal aid, the solicitors who provide work under legal aid and the Government. We also frequently provide information to MSPs and other representatives of assisted persons and opponents and to bodies like the Law Society and Scottish Legal Complaints Commission and the Ombudsman.

In addition, internal corporate functions enable our staff to carry out their jobs efficiently and effectively. This includes recruiting and managing staff as well as managing our buildings, finance and information systems. We also procure a range of goods and services needed to deliver our business.

Our Corporate Plan sets out our priorities up to and including 2011. Each year we publish an Annual Report which shows our activity and progress made. You can read our Corporate Plans and Annual Reports on our website at:

<http://www.slab.org.uk>.

### **3. Progress made in 2009**

In our Single Equality Scheme we set out the ways in which we have already responded to our equalities obligations. In addition we published a clear action plan for ensuring we continue to meet our equalities obligations. This has evolved over time and has been strengthened by relationships forged with partner organisations. We have succeeded in carrying out most of our actions scheduled for 2009. A few actions have taken longer than originally envisaged, in the main because they relate to work that has been re-prioritised. We report below on some of the highlights in 2009. The progress across the entire action plan can be found at Section 5.

#### **3.1 Delivering services**

The legal aid system provides free or subsidised legal assistance for those who need it but who could not otherwise afford to pay for it themselves. Legal assistance is a key element of the justice system and it is important that we serve all our communities to the highest standards.

#### **Managing and providing legal assistance**

In 2008, we recommended to the Cabinet Secretary for Justice that civil legal aid financial eligibility levels should change to improve access to civil legal aid. In April 2009 the Scottish Government extended the civil legal aid rules to apply to an estimated one million more people. Anyone with a disposable income of £25,000 or less is now eligible to apply for civil legal aid. The previous limit was £10,306. Around three-quarters of all adults are now potentially eligible for legal aid. This opens up access to justice for more people and is of particular benefit in the current economic climate. We commissioned independent researchers to model the operation of the current and a range of proposed means tests for civil legal aid on the population as a whole. This modelling provided eligibility estimates based on disability, ethnicity, gender and age. We expect to make around 1,700 more grants of civil legal aid a year to people who would previously have been ineligible for civil legal aid.

#### **Developing legal advice provision**

In 2009 the Board announced that 16 projects will share more than £2 million of Scottish Government funding. This funding will enhance legal advice services for people affected by the economic downturn and particularly targeting issues such as repossession and debt. We invited organisations such as advice agencies, charities and law centres to apply for grants to provide new or enhanced legal advice or representation services, directly aimed at people in most need. All grant funding work is about targeting assistance on a needs basis and should promote equality of access. An Equality Impact Assessment (EqIA) was carried out on the communication, implementation and monitoring of this programme.

Another way of complementing and building on current legal advice provision for those most in need is through existing in-court advice services. The in-court advice services operate at six sheriff courts across the country. People can seek free advice and help and representation from in-court advisers, some of whom are solicitors. In April 2009 the Board took over the funding of these services from the Government. We are currently working on the communication strategies with each local service to ensure wide and appropriate advertising within local communities. An EqIA of the management and monitoring of the in court services will be carried out in 2010.

### **Provision of direct legal advice**

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 assistance and to work with local organisations. We have pioneered projects which address gaps for equality groups through Part V services. Previous projects included a Disability Legal Advice Project in Lanarkshire and the Fife Rights Forum Mental Health Law Project, which aimed to improve access to legal advice for people with a disability.

The current phase of Part V programme started in April 2008. It now comprises four Civil Legal Assistance Offices, in Inverness, Lochgilphead, Aberdeen and Edinburgh. The office in Inverness works in partnership with local private sector solicitors, advice agencies and other local agencies. They provide advice and representation for people from the Highland, Western Isles, Moray, Shetland and Orkney council areas who are having difficulties finding legal help from elsewhere. The Inverness office employs six solicitors and offers an appointment-based service that covers a wide range of legal problems from family law and employment issues to nuisance/harassment cases and landlord/tenant grievances. The service shares its office with a solicitor employed by the Ethnic Minorities Law Centre, who deals with clients from the Highland area wishing to pursue race and religion discrimination claims.

The Lochgilphead office employs one solicitor and provides a service to people across the Argyll and Bute council area on a similar range of legal problems.

The Aberdeen and Edinburgh offices have been recently established to help provide advice to people affected by the economic recession. Their remit is focused on issues such as housing, debt and mortgage repossession. The Aberdeen office employs two solicitors who will provide advice and representation to people living in the Aberdeen City and Aberdeenshire council areas. The office will be shared with a solicitor from the Ethnic Minorities Law Centre who will provide advice and representation to people from black and ethnic minorities communities in Aberdeenshire who are facing problems as a

result of the economic downturn. We fund this project as part of our grant-funding programme.

Alongside the economic recession work, the Edinburgh office (which employs five solicitors) also runs the Prison Advice Project. This has been operating in HMP Saughton in Edinburgh, Cornton Vale in Stirling (which is a women's prison) and Polmont Young Offenders Institution since October 2008. In February 2009 the project also began operations in HMP Addiewell in West Lothian. The primary aim of the project is to enable prisoners and their families to resolve their civil legal problems whilst in prison so that they have a better chance of making a new start when the prisoners are released. The solicitors hold monthly surgeries in each of the prison's Community Links Centres where they provide direct legal advice to prisoners. They also give training to staff and workers from agencies operating in the prison such as SACRO, Apex and Families Outside. The main areas of work that they cover are family, debt and housing.

Over the next year the solicitors in the Prison Advice Project are planning to try out new ways of providing legal advice to prisoners through videoconferencing and email. They also aim to ensure that all prisoners have access to legal advice. Currently, the solicitors see all clients in the Community Links Centres, but they are aware that there are prisoners across all four prisons who feel unable to get to the Centres for a wide range of reasons. The team members therefore wish to target their training over the next year on prison staff who have access to all prisoners. The aim is to train staff to recognise when a prisoner's problem may be a civil legal issue that might be solved with advice, and to help the prisoner get that advice (either from a member of the Prison Advice Project team or from another advice agency, such as a CAB).

### **3.2 Mainstreaming equality and Equality Impact Assessments**

Equalities mainstreaming is essential and underpins our equalities strategy. In 2009 we continued to demonstrate strong leadership on equality issues. Our Equalities Project Board, chaired by our Chief Executive, continued to meet regularly to monitor and co-ordinate action.

Another main way of achieving a mainstreamed equalities approach is through the completion of Equality Impact Assessments (EqIAs) of our functions and new policies. We have been carrying out EqIAs across functions and projects since 2005. EqIAs have been successful in allowing managers to amend policies, where the need for this is identified, to ensure fairness for all relevant groups.

Those areas that were identified for 2009 as top priorities and any significant new projects have all been assessed. Over the year, we started or completed a total of 20 EqIAs.

## Human resources

Six separate EqIAs were carried out across human resources functions. These assessments had input and involvement from all of our HR staff. These were:

- absence management
- learning and development
- performance management
- resourcing and recruitment
- reward, pay and benefits
- work-life balance

These assessments help us continue to ensure there is no unlawful discrimination and harassment in our employment practices and to actively promote equalities within our workforce. These assessments will be reviewed in 2010.

Monitoring our human resources data helps us to identify unfair discrimination, and is a way of showing whether the equal opportunities policy is being implemented. Staff data for 2008/09 is aggregated by race, disability and gender and a summary can be found at Appendix A. This data shows that in March 2009 we had an overall 60/40% female/male gender breakdown.

Grades 1 and 2 are mainly administrative roles and make up 45% of all posts. Around 60% of these grades are occupied by women. This is a trend that continues within grades 3 and 4, which contain senior administrators and team leaders. Here around 80% of posts are taken by female members of staff. More men are employed at the next grade step (grade 5) than women (65% compared to 35%). Moving to relatively more senior and management grades (grades 6 and 7), the ratio of men and women is relatively equal. Women account for 55% and men account for 45%. The gender ratio at the most senior grades is different. For grade 8 staff the ratio is around 3:1 men to women. All staff at Director level are male.

While the staffing statistics show gender differences we do not believe that there is gender segregation. It is important to note that the number of staff in both grade 8 and Director level is small (7 and 5 respectively) with no staff turnover in recent times. Our flexible working arrangements offer options for both men and women with childcare and other caring responsibilities. Overall in 2008-009 vacancies men were just as likely as women to apply for vacancies. Offers were slightly more likely to be made to women than men (54% compared to 46%).

While in the last year we have recorded ethnicity for more staff, the level is still lower than we aim for and stands at 68% of all staff. We believe that this return rate disguises the true picture of staff demographics for the Board. The declared number of black and minority ethnic (BME) staff is low at 1%. We are working

to ensure that staff data is as accurate and complete as possible. This includes the introduction in 2008 of a self-service function, through which staff are encouraged to check and record their equality-related information. Currently around a third of staff do not complete their ethnicity record and 15% do not record anything for disability. It is important that we increase the level of completion for these.

We hope the new "self serve" system, with a further annual reminder to staff for whom we have no data, may make it easier for people to record information about ethnicity and disability. This year we have also been working on a new online job application process and aim to introduce this in 2010. We have also redesigned the recruitment monitoring form to help encourage responses to equality questions, in particular to encourage a response to the disability question. This now allows for a "prefer not to say" option for all equality information, which will mean that we will know what the proportion of people is who are unwilling to declare this information, rather than those who have just not been able to respond for other reasons. This allows for more complete recording and will help us look at whether there might be reasons why people do not disclose and whether we can do any further work to respond to any barriers that prevent people declaring this information.

We continue to monitor equal pay. We want everyone to be motivated to add value in their job and, by doing a good job, to benefit. In particular, we want them to have real pay progression and consolidated increases – with faster progression for those lower in their pay range. Higher performance will be also be recognised. We have conducted a high-level equal pay audit by gender by grade for 2008/9, using the template provided by the Scottish Government. We also considered ethnicity and disability in this audit. We have investigated further all results with a difference of  $\pm 3\%$ . We believe these differences are mostly related to changing either grade composition or expertise. Where this is not the case, the gap has usually reduced from that reported last year. We will continue to carefully monitor pay and intend to conduct a more in-depth analysis of pay using our Equal Pay Reviewer software system next year to help inform any action required for our next pay deal due from 1 August 2011.

### **Further coverage of EqIA**

The Legal Profession and Legal Aid (Scotland) Act 2007 transferred the power to grant solemn criminal legal aid from the courts to the Board. As summary criminal justice and legal assistance reform was implemented in 2008, the transfer of this power was rescheduled to avoid introducing too much change to the justice system at the same time. An EqIA was completed for this work at the start of 2009 and has helped by suggesting a wider consultation on the proposed test to include advice, information, and support services that serve equality communities. A further equalities impact assessment will be carried out after the

consultation on these tests closes. We expect to begin granting solemn legal aid in late 2009, early 2010.

Other EqIAs that were completed or will begin in 2009 cover a wide range of our work under civil and criminal legal assistance and a number of corporate functions. These assessments have been taken forward by managers from across all our directorates. They include:

- grant funding programme
- switchboard services
- review of the duty solicitor scheme
- advice and assistance and summary criminal legal aid financial verification
- planning and co-ordination of legal services project
- Management of high costs cases
- guidance to the profession on sanction for counsel
- tapering of civil financial eligibility
- civil simplification project
- communications function
- mental health best value review
- information for solicitors on mental health case work
- information for solicitors on asylum and immigration work

You can get background and more information on all these areas of work and any actions arising from EqIAs by contacting us directly (see page 3 for details).

### **3.3 Gathering information and involving people in the work we do**

We have worked to improve the quality of the information we collect. This will help deepen our understanding of how people across the equality strands are affected by our employment policies and practices and by the management and delivery of our services. In particular and throughout 2009 we have focused time and resource on the effective involvement of disabled people in the work that we do.

#### **The Justice Disability Steering Group**

In July 2009, in partnership with others, we launched an innovative project to examine the experiences of disabled people within the justice sector. This work was carried out by Capability Scotland on behalf of the Justice Disability Steering Group (JDSG). The JDSG is made up of representatives from the Board, the Law Society of Scotland, the Scottish Government, the Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, and the Scottish Prison Service.

The primary aim of the JDSG is to develop ways in which disabled people can get involved in improving access to services across the justice system in Scotland

and to draw on disabled people's skills and experience to improve the Scottish justice sector for all.

The JDSG recognises that, whilst much of the system is delivered fairly and in an accessible way, some physical, attitudinal and procedural barriers do exist and more needs to be done to promote equal access and opportunities.

The JDSG is committed to improving effectiveness and efficiency across the justice sector. This collaboration will offer a wider perspective and enable each JDSG member to identify what changes are required in each specific organisation.

The JDSG launched a 6-month involvement programme with disabled people aimed at eliminating discrimination and promoting equal opportunities and appointed Capability Scotland to manage this programme on their behalf. The project began with a survey of 225 members of Capability Scotland's "One in Four" Poll and an online survey open to all. These findings were used to inform the next stages of involvement.

The JDSG had previously gathered views across the independent disability sector on the proposed Justice Involvement Strategy. Many of the services that provide support and advice to a wide range of disabled people then helped the JDSG to arrange and facilitate discussion groups with their services' users. These services were:

- Black and Ethnic Minorities Infrastructure in Scotland
- Capability Scotland
- Inclusion Scotland
- Scottish Disability Equality Forum
- Guide Dogs
- Scottish Association for Mental Health

Discussion groups were also held in Cornton Vale and Barlinnie prisons. With help and support from SPS staff we were able to speak with prisoners about their experience of the criminal justice system, in particular to talk to them about their disability and whether they thought this might have impacted on their experiences.

These events were held over the summer and autumn at locations across Scotland. People talked about their experiences and perceptions of accessing justice as alleged offenders, witnesses, victims and litigants. In relation to legal aid, they spoke about their experiences of identifying and seeking advice and representation for legal problems. Main themes discussed were access, information, communication and attitudinal barriers.

The end of the project was marked by a national conference in November 2009. At this event, some of the disabled people who gave their views and experiences were invited to further discuss these with practitioners and policy makers from across the justice sector. This provided a chance for staff to hear direct from people with a range of disabilities about their experiences and for disabled people and the services that support them to hear about current policy and practices. Through this involvement project the JDSG also intends to build a network of advisers by identifying individual disabled people who have an interest in contributing to a longer-term involvement strategy.

The conference will help the JDSG prioritise action areas and develop action plans. The report of the full findings from this project will be published on our website in early 2010. We will consider thoroughly all the findings from this involvement project and develop an action plan. Any actions that arise from this or any future involvement with disabled people will be reported through our Equality Scheme.

## **Research**

We continue to develop our understanding of inequalities in Scotland and how these might relate to our current and future policies and practices. We will 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.

We believe that seeking views and feedback from service users and stakeholders is vital to ensuring a quality service. We continue to consult and involve equality groups about our policies and procedures through our stakeholder research programme. We routinely collect applicants' views on our services and the legal aid services provided by solicitors. In November we published the results from the 2009 Civil Applicant Survey. This survey, of over 765 people, provides a valuable insight into people's experience of the civil legal aid system and gauges levels of satisfaction with the services provided by solicitors and the Board. While differences across age, gender, disability and ethnicity were explored in the analysis, no significant differences were found. The results of this survey are on our website at [http://www.slabb.org.uk/about\\_us/research/Stakeholderengagement.htm](http://www.slabb.org.uk/about_us/research/Stakeholderengagement.htm)

We recognise that there are different ways to engage with equality groups, many of which can be harder to reach. Large scale survey work will not always be the best way of reaching and talking with the full range of our stakeholders and those that apply for legal aid. In the past we have commissioned separate and more in-depth research to provide evidence for our work under race, gender and disability equality. All of these research reports are on our website.

In 2009, we began considering ways in which we could explore and understand asylum seekers' expectations and interactions with solicitors, identify any quality concerns they may have and any perceived or real barriers to accessing legal services. We are currently exploring ways in which we could talk directly to a wide range of asylum seekers about their understanding and interactions with the judicial system, identifying any barriers to accessing services and exploring opportunities to ensure that asylum seekers can access legal aid and services as easily as possible. We intend to consult with a range of partners and to begin this research early in 2010.

As well as carrying out our own equality-linked research, in November we took part in research carried out by the Institute of Employment Studies for the UK Government's Office for Disability Issues (ODI). The ODI works is seeking to build up a detailed picture of organisations' views and experiences regarding recruiting, employing and providing services for disabled people. We are giving our views to help inform the provision of support and guidance on employing and providing services for disabled people, and to inform future policy.

### **Data analysis**

Effective information gathering on equalities is important and we will look at what information we need and for what purpose. This will involve steps to improve our information systems for employment functions (see section 3.2) and our service delivery.

In 2009, completion rates for equalities information from those that apply for legal aid remains low. We will urgently review the way we ask and record equalities questions and introduce a single system which is consistent, easy to understand and encourages participation. This will include using the codes from for the 2011 Census as this will make comparisons and analysis easier in future. We have set up a working group to take forward the necessary changes to both paper forms and the legal aid online system.

Previous anecdotal evidence suggested that some solicitors may perceive that their clients will be uncomfortable disclosing equality information and therefore may not ask clients when they are completing legal aid forms. We passed findings from research we commissioned<sup>1</sup> in 2008 to the Law Society of Scotland. This showed that clients of solicitors are comfortable giving ethnicity information. We welcome the new equality and diversity guidance the Law Society<sup>2</sup> has issued

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<sup>1</sup> "Race Equality Research" York Consulting research report. Commissioned by the Scottish Legal Aid Board. Available at [www.slab.org.uk/about\\_us/equalities](http://www.slab.org.uk/about_us/equalities)

<sup>2</sup> "Ensuring fairness, creating opportunities. A practical guide to equality and diversity for Scottish solicitors." The Law Society of Scotland, 2009.

for solicitors and firms and are pleased that this guidance makes use of our research. The guidance includes recommendations that solicitors who work under legal aid should complete ethnicity monitoring forms with legal aid clients and set out the approach to legal aid and costs in plain English to clients. While this guidance is both positive and helpful, we will also continue to communicate directly and work with solicitors registered to provide legal aid to highlight the importance of collecting information on the ethnicity of their clients and recording this on legal aid forms.

### **3.4 Continuing our work into 2010**

One of the first things we intend to do in 2010 is to review priorities and timetabling for EqIA for the remaining two years of the scheme. We will map where EqIAs have taken place, what actions have been taken forward as a result and which areas are priorities for future assessments. In addition, we will look at the process for monitoring and following up assessments, and we will discuss this with managers and give guidance. We will look specifically at strengthening guidance and training for project managers and sponsors about continuing to review equality actions throughout the life of projects and at post-implementation reviews. These areas of work have been included as new actions.

The Equality Bill currently going through the Westminster Parliament contains provision for a new public sector equality duty which will streamline and simplify the current provision. The Scottish Government is consulting on what specific duties should be placed on Scottish public authorities to help them deliver on the general Equality Duty outlined in the Equality Bill, and we shall be giving them our views. The consultation will close in January 2010.

Our Equalities Project Board is chaired by our Chief Executive, with managerial representation from all our departments. We will continue to implement, co-ordinate and monitor the work to deliver the commitments laid out in our action plan through this Project Board.

## **4. Progress against the Single Equality Scheme Action Plan**

We identified key measures and actions to take forward to achieve our equality objectives over 2008-2011. Many of these actions cover all equality strands. We have been careful to classify each action to show where it fits within each public sector duty. Some actions relate specifically to one strand and are signposted as such.

### **Race Equality Duty**

- R1 Eliminate unlawful discrimination
- R2 Promote equality of opportunity
- R3 Promote good relations between people of different racial groups

### **Gender Equality Duty**

- G1 Eliminate unlawful sex discrimination and harassment
- G2 Promote equality of opportunity between men and women

### **Disability Equality Duty**

- D1 Eliminate unlawful discrimination
- D2 Eliminate harassment of disabled people that is related to their disability
- D3 Promote equality of opportunity between disabled people and others
- D4 Take steps to take account of disabled people's disabilities even where that involves treating them more favourably than others
- D5 Promote positive attitudes towards disabled people
- D6 Encourage participation by disabled people in public life

We have provided an update of progress made in 2009 against each action point.

In line with the statutory guidance relating to the equality public duties, the action plan is a "live" document. In monitoring progress against the action plan, we have taken the opportunity in this report to make updates to the original action plan.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2009
<b>Delivering services</b>					
Registering legal aid providers and reviewing their work	EQIA for Quality Assurance for criminal solicitors.	R1, R2, D1, D3, D4, G1, G3	Service improvement. If appropriate policies are modified or the justification for no action is clearly set out.	Dec-08	Completed. An update is scheduled to take place prior to the implementation of the Scheme in 2010.
Registering legal aid providers and reviewing their work	EQIA for any future Civil Quality Assurance plans.	R1, R2, D1, D3, D4, G1, G3	Strengthening of response to equality issues within the profession.	Within period of scheme	Progressing. The Board and the Law Society are considering carrying out a joint EQIA in relation to civil Quality Assurance Committee.
Registering legal aid providers and reviewing their work	Review equality compliance monitoring arrangements for the Board's revised criminal Code of Practice.	R1, R2, D1, D3, D4, G1, G3	Service improvement. If appropriate policies are modified or the justification for no action is clearly set out.	Jun-09	Completed. Code of Practice not yet issued. Draft code has been impact assessed and this will be reviewed again before code is issued.
Registering legal aid providers and reviewing their work	Review equality compliance monitoring arrangements for Law Society of Scotland's, Faculty of Advocate and Scottish Government.	R1, D1, G1	Positive partnership working and information sharing.	Jun-09	Progressing. Timescale now changed to end of scheme. The Law Society Of Scotland issued clear guidance for the profession in September 2009.
Registering legal aid providers and reviewing their work	Discuss collective responsibilities under the equality duties with Scottish Government and Law society	R1, D1, G1	Clarification of Board responsibilities towards solicitors under the equality duties.	By Dec 2009	Law Society Of Scotland issued clear guidance for the profession in September 2009

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Legal Aid Fund administration	Monitoring the duty solicitor scheme to minimise equality implications.	R1, D1, G1	An improved understanding of the evidence base for developing policies and practice.	June 2010	Completed. EQIA previously completed for Reform of Summary Criminal Legal Assistance in 2007. As part of the wider monitoring and review of the summary justice reforms, the Board is continuing to look at the operation of the duty scheme throughout the country. Interim duty plans will continue to June 2010. EQIA will be carried out prior to consultation for the new duty scheme.
Providing direct legal advice	Improved monitoring of PDSO clients.	R1, D1, G1	Monitoring of PDSO clients to help ensure non-discrimination in service delivery.	Ongoing	Progressing. New "file opening" forms also include equality information.
Providing direct legal advice	Part V operational impact assessments.	R1, R2, D1, D2, D3, G1, G2	Understanding of equality implications within civil legal assistance provider.	By June 2009	Rescheduled for 2010.

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing direct legal advice	Developing equality training tailored to delivery of legal advice by directly employed solicitors.	R1, D1, G1	High quality training resources available for and used by directly employed solicitors.	Ongoing and as appropriate	Progressing. Currently carrying out a training needs analysis. This training plan will be ready in 2010.
<b>Information Gathering</b>					
Registering legal aid providers and reviewing their work.	Monitor and analyse civil applications with clear equality implications.	R1, D1, G1	Service improvement. Good evidence base for future service provision.	Ongoing.	Progressing. Analysis of applications for civil legal aid and grants of civil advice and assistance published on our website in 2009. This included analysis across age and gender of applicant and legal case type.
Assessing eligibility	Review monitoring procedures to equality questions.	R1, R2, D1, D3, D4, G1, G3	An improved understanding of the evidence base for developing our policies and practices.	As and when new forms are designed.	Progressing. Working group set up in 2009 to review and implement equality monitoring collections on online and paper forms.

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing corporate functions	Monitor complaints by all equality strands and the reason for the complaint.	G1, G2, D1, R1	Data is recorded to show action has been taken to remove barriers identified in complaints from members of the public about the Board.	Ongoing.	Progressing. Planned changes to the case management system scheduled for the end of March 2010. These will allow for the recording of whether complaint relates to an equalities matter.
Providing corporate functions	Developing equalities partnerships with other bodies as well as benchmarking best practice and data.	R2, D3, G2	Information sharing and exchange with Scottish Government, Law Society of Scotland and partner justice organisations. Compare information to develop best practice.	Ongoing.	Progressing. Continued involvement on relevant networks including: -Public Sector Equality Network -Non-Departmental Public Body Equality Group -Working group for Interpretation and Translation

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing corporate functions	Involvement of disabled people in our policies and practices.	D6	Effective and efficient involvement of disabled users in policies and practices.	May 2009	Completed. JDSG project of involvement launched July 2009 and reported December 2009.
Providing corporate functions.	Work to improve recording of equalities monitoring information by solicitors.	R2, D3, G2	Ensuring increased completion of service data monitoring.	Ongoing and as appropriate	Progressing. Research evidence fed into Law Society recommendations made in their Diversity and Equality Guidance for solicitors.  Working group set up in 2009 to review and implement equality monitoring collections on online and paper forms. Any change made will be followed up with guidance to profession.

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing corporate functions	Implement an improved process by HR function for recording and monitoring of equality data for all job applicants and all staff.	R1, D1, G1	An improved base for developing our HR policies.	Annual monitoring of workforce data.	Progressing. EQIA of HR recruitment in 2009. Continued reporting and analysis of annual work force data. Re-issue monitoring form to all employees where no data exists in 2009. Revision to wording of recruitment monitoring form to try to improve capture rate and accuracy (within new recruitment online process January 2010).
Providing corporate functions	Perform and report on an equal pay audit.	G1	Ensure a valid explanation for any pay differentials identified within the Board.	Annually.	Completed June 2009. We have conducted a high-level equal pay audit by gender ethnicity and disability. We have investigated all results with a difference of $\pm 3\%$ .
Providing corporate functions	Consult on our policies and practices.	R3, D5, G2	Receive and action upon timely and constructive feedback from service users and members of the public about our policies and procedures.	Ongoing and as appropriate	Progressing. Ongoing programme of stakeholder engagement.  Civil applicant survey published 2009 analysed across age, gender, disability and ethnicity.  Research with asylum seekers planned for 2009.

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing advice to government and others	Carry out staff survey with equality related needs.	R1, R2, D1, D3, G1, G2	Clear and up to date understanding of staff experience and views on equality related issues.	2010	Progressing. Project planning for 2010 survey began November 2009.
<b>Mainstreaming</b>					
All functional areas.	Completion of EQIA by function.	R1, R2, R3, D1, D3, G1, G2	Service improvement. Where appropriate policies are modified or the justification for a policy is clearly set out.	By end of scheme.	Progressing. 20 EqIAs completed or began in 2009. Prioritising exercise and revised timetable covering all functional areas to be set in 2010. Clear guidance set on monitoring and follow up of assessments.
Providing corporate functions	Review EQIA Process.	R1, D1 G1	Necessary and appropriate changes made to EqIA process to ensure buy in and use by project managers.	Dec-09	Completed. No change required to EqIA process based on staff feedback however more support to project managers may be required.

FUNCTIONAL AREA	EQUALITY ACTIONS	DUTY	OUTCOME EXPECTED	BY WHEN	PROGRESS MADE AS OF DECEMBER 2009
Providing corporate functions	Review procurement terms and conditions for all contracts for assurance that they comply with relevant equality legislation.	R1, R2, D1, G1	All contract conditions compliant with the equality duties.	By end of year 2010	The majority of our contracts are now covered by Scottish Government Terms and Conditions. We will begin to impact assess these Terms and Conditions and our procurement policies and procedures for all area of business in January 2010. We also await guidance from Scottish Government on how public procurement can be used to deliver equality outcome. We expect this to follow the consultation exercise on the duties that should be placed on Scottish public authorities to help them deliver the forthcoming Single Equality Duty.
Providing corporate functions	Consider our existing equalities policies in light of current guidance on transgender.	G1	Appropriate guidance in place to support staff.	By end of year 2010.	

<b>FUNCTIONAL AREA</b>	<b>EQUALITY ACTIONS</b>	<b>DUTY</b>	<b>OUTCOME EXPECTED</b>	<b>BY WHEN</b>	<b>PROGRESS MADE AS OF DECEMBER 2009</b>
Providing corporate functions	Ongoing evaluation of the delivery of equality and diversity training to all new staff.	R2, D3, D5, G2	Service improvement.	By end of Year 1 for training plan, delivered during year 2	Completed. Equality training was delivered to all new staff in 2009. All staff have completed an interactive training CD-ROM "challenging behaviour". Changes made in 2009 to induction training programme as a result of feedback collected from staff.
Providing corporate functions	Monitor coverage And quality of equalities training for existing staff.	R2, D3, D5, G2	Ensure ongoing training is provided to tie in with need.	Reviewed annually	Ongoing. Corporate training plan for 2010 includes requirement for further training of front line legal staff in PDSO; CLAO and courts.
Providing corporate functions	Ensure that all Board members receive adequate equalities training.	R2, D3, D5, G2	An improved understanding of Board members' responsibilities under the equality duties.	2009	Progressing. Board members received equality training in 2008. The future training plan for Board members will include equalities training and will be agreed for April 2010.

# Appendix

## Recruitment and staffing data 2008-2009

**Table 1. Employee statistics 2008-2009: gender and ethnicity**

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total Staff
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
<b>Staff in post at 31 March 09</b>	62%	38%	0%	100%	0%	100%	-	-	100%	0%	62%	38%	-	-	63%	37%	368
<b>% of Total</b>			0%		0%		0%		1%		67%		0%		32%		
<b>Staff employed between 01 April 08 and 31 Mar 09</b>	61%	39%	50%	50%	0%	100%	-	-	100%	0%	60%	40%	-	-	62%	38%	420
<b>Total</b>			0%		0%		0%		0%		67%		0%		30%		
<b>Those who receive training</b>	64%	36%	-	-	-	-	-	-	-	-	75%	25%	-	-	33%	67%	11
<b>Total</b>			0%		0%		0%		0%		73%		0%		27%		
<b>Those who benefit from a bonus as a result of performance assessment procedures</b>	70%	30%	100%	0%	-	-	-	-	-	-	68%	32%	-	-	33%	67%	118
<b>Total</b>			1%		0%		0%		0%		69%		0%		27%		
<b>Those who suffer detriment as a result of performance assessment procedures.</b>	60%	40%	-	-	-	-	-	-	-	-	67%	33%	-	-	74%	26%	5
<b>Total</b>			0%		0%		0%		0%		60%		0%		30%		
<b>Involved in grievance procedures</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
<b>Total</b>			0%		0%		0%		0%		0%		0%		0%		
<b>Involved in disciplinary procedures</b>	57%	4%	-	-	-	-	-	-	-	-	50%	50%			67%	33%	7
<b>Total</b>			0%		0%		0%		0%		57%		0%		43%		
<b>Those who cease employment</b>	50%	50%	100%	0%	0%	100%	0%	100%	100%	0%	49%	51%	0%	100%	55%	55%	54
<b>Total</b>			2%		0%		2%		2%		76%		0%		20%		

**Table 2. Employee statistics 2008 – 2009: gender and declared disability**

	Disabled		Not Disabled		Not Stated	
	Female	Male	Female	Male	Female	Male
<b>Staff in post at 31 March 09</b>	57%	43%	63%	37%	56%	44%
<b>% of Total</b>	6%		80%		15%	
<b>Staff employed between 01 April 08 – 31 Mar 09</b>	59%	41%	61%	39%	55%	45%
<b>Total</b>	5%		81%		14%	
<b>Those who receive training</b>	50%	50%	75%	25%	0%	100%
<b>Total</b>	18%		73%		9%	
<b>Those who benefit from a bonus as a result of performance assessment procedures</b>	67%	33%	69%	31%	79%	21%
<b>Total</b>	3%		86%		12%	
<b>Those who suffer detriment as a result of performance assessment procedures.</b>	100%	0%	67%	33%	0%	100%
<b>Total</b>	20%		60%		20%	
<b>Involved in grievance procedures</b>	100%	0%	-	-	-	-
<b>Total</b>	4%		0%		0%	
<b>Involved in disciplinary procedures</b>	100%	0%	50%	50%	50	50%
<b>Total</b>	14%		57%		29%	
<b>Those who cease employment</b>	100%	0%	49%	51%	40%	60%
<b>Total</b>	4%		87%		9%	

**Table 3. Employee statistics 2008-2009: grade, gender and ethnicity**

Grade	Job	Grade	Job
1	Administrative Assistants	5	Senior Team Leader/ Senior Specialist
2	Administrative Officers	6	Assistant Manager/Junior Professional
3	Senior Administrative Officer/ Deputy Team Leader	7	Manager/Professional
4	Team Leader/Specilist	8	Head of Function/Senior Professional
		Director	

  

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total Staff
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
<b>Employed at Grade 1</b>	62%	38%	-	-	-	-	0%	100%	-	-	57%	43%	-	-	80%	20%	58
<b>% of Total</b>			0%		0%		2%		0%		72%		0%		26%		
<b>Employed at Grade 2</b>	59%	41%	0%	100%	-	-	-	-	100%	0%	63%	38%	-	-	50%	50%	110
<b>Total</b>			1%		0%		0%		1%		73%		0%		25%		
<b>Employed at Grade 3</b>	88%	12%	-	-	-	-	-	-	-	-	87%	13%	-	-	89%	11%	49
<b>Total</b>			0%		0%		0%		0%		61%		0%		39%		
<b>Employed at Grade 4</b>	79%	21%	-	-	-	-	-	-	100%	0%	83%	17%	-	-	76%	24%	52
<b>Total</b>			0%		0%		0%		2%		56%		0%		40%		
<b>Employed at Grade 5</b>	35%	65%	-	-	-	-	-	-	-	-	36%	64%	-	-	33%	67%	46
<b>Total</b>			0%		0%		0%		0%		61%		0%		39%		
<b>Employed at Grade 6</b>	54%	46%	100%	0%	-	-	-	-	-	-	52%	48%	-	-	56%	64%	52
<b>Total</b>			2%		0%		0%		0%		81%		0%		17%		
<b>Employed at Grade 7</b>	54%	45%	-	-	-	-	-	-	-	-	55%	45%	-	-	55%	45%	40
<b>Total</b>			0%		0%		0%		0%		69%		0%		28%		
<b>Employed at Grade 8</b>	25%	75%	-	-	-	-	-	-	-	-	25%	75%	-	-	25%	75%	8
<b>Total</b>			0%		0%		0%		0%		50%		0%		50%		
<b>Director</b>	0%	100%	-	-	-	-	-	-	-	-	0%	100%	-	-	-	-	5
<b>Total</b>			0%		0%		0%		0%		100%		0%		0%		

**Table 4. Job applicant statistics<sup>3</sup> 2008 – 2009: gender and ethnicity**

	Total Gender		Asian		Black		Chinese		Mixed Ethnic		White		Any other		Ethnicity not stated		Total
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
<b>All external applicants for employment 1 Apr 08 – 31 Mar 09</b>	51%	48%	3%	1%	1%	1%	0%	0%	0%	0%	24%	20%	1%	0%	22%	18%	690
<b>% of Total</b>	100%		2%		2%		1%		1%		44%		1%		48%		
<b>External applicants interviewed for employment</b>	51%	42%	2%	2%	0%	2%	1%	1%	0%	1%	30%	26%	0%	2%	16%	11%	123
<b>Total</b>	100%		4%		2%		2%		1%		56%		2%		34%		
<b>Offer made to external applicants</b>	54%	46%	4%	2%	0%	2%	0%	0%	0%	0%	35%	37%	0%	0%	16%	5%	57
<b>Total</b>	100%		5%		0%		0%		0%		72%		0%		21%		
<b>Offer accepted by external applicants</b>	54%	46%	4%	2%	0%	2%	0%	0%	0%	0%	36%	38%	0%	0%	14%	5%	56
<b>Total</b>	100%		5%		2%		0%		0%		77%		0%		20%		
<b>Internal applicants for promotion/transfer</b>	62%	38%	0%	0%	0%	0%	0%	0%	0%	0%	50%	27%	0%	0%	12%	12%	26
<b>Total</b>	100%		0%		0%		0%		0%		77%		0%		23%		
<b>Internal applicants promoted/transferred</b>	64%	36%	0%	0%	0%	0%	0%	0%	0%	0%	45%	27%	0%	0%	18%	9	11
<b>Total</b>	100%		0%		0%		0%		0%		73%		0%		27%		

<sup>3</sup> Percentages may not add up to 100% because of rounding or numbers "not known".

**Table 5. Job Applicant statistics<sup>4</sup> 2008- 2009: gender and declared disability**

	Disabled		Not Disabled		Not Stated	
	Female	Male	Female	Male	Female	Male
<b>All external applicants for employment 1 Apr 08 – 31 Mar 09</b>	0%	1%	38%	28%	13%	12%
<b>Total</b>	2%		66%		32%	
<b>External applicants interviewed for employment</b>	1%	1%	46%	36%	4%	4%
<b>Total</b>	2%		82%		16%	
<b>Offer made to external applicants</b>	2%	2%	47%	40%	5%	4%
<b>Total</b>	4%		88%		9%	
<b>Offer accepted by external applicants</b>	2%	2%	46%	41%	5%	4%
<b>Total</b>	4%		88%		9%	
<b>Internal applicants for promotion/transfer</b>	0%	0%	58%	38%	4%	0%
<b>Total</b>	0%		96%		4%	
<b>Internal applicants promoted/transferred</b>	0%	0%	64%	36%	100%	0%
<b>Total</b>	0%		100%		100%	

<sup>4</sup> Percentages may not add up to 100% because of rounding or numbers "not known"