

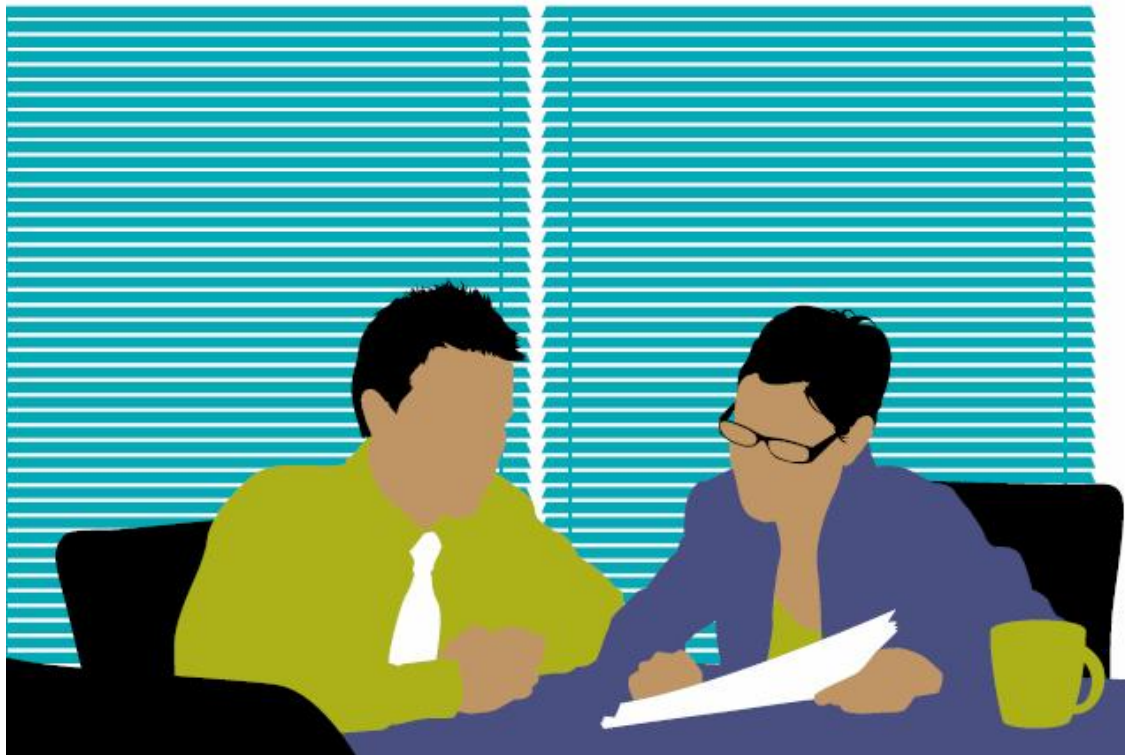


Scottish Legal Aid Board

Single Equality Scheme

2008 – 2011

December 2008



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1. Introduction

1.1 A Single Equality Scheme

This is the Scottish Legal Aid Board's (the Board) first Single Equality Scheme 2008 - 2011. This scheme supersedes all previous equality schemes and strategies published by the Board. Within this scheme we report on our current work and future actions responding to our Race, Disability and Gender duties.

The Equality Duties for Race, Disability and Gender represent strong statements of actions for public bodies to take due care for equality groups and to promote good relations with them. The duties have been introduced to allow a focus on each group and create a scheme of action. We believe that while this is a good approach it is easier to see the connections between the duties within one scheme. This scheme presents a co-ordinated approach to the equality duties by linking common themes of action. Often people have multi-dimensional issues, that are not singularly due to a person's race or gender but a mixture of both or more.

This scheme sets out what we are currently doing and what we plan to do over the next three years to meet each equality duty. We welcome any comments or suggestions you may have about our scheme, priorities and proposed actions.

1.2 Our equality duties

The Board as a public sector organisation recognises the strength and importance of the law in relation to the equality duties. We aim to meet our general duties which can be summarised as follows:

Race Equality Duty

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

Disability Equality Duty

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

Gender Equality Duty

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

Further to this we have specific responsibilities under the duties. We are acutely aware of the differences between each equality duty and do not want to lose the distinct nature of the issues within our action plans. However, many of the specific duties are similar for race, disability and gender:

- Produce a scheme that shows how we intend to meet our duties to promote equality
- Publish a plan demonstrating how we intend to meet these general and specific duties
- Ensure that we have a clear statement of our arrangements to assess the impact of our proposed policies on the promotion of equality
- Gather information in relation to employment and service delivery.
- Publish the results of our assessments annually and review our schemes every three years

1.3 Other equality areas

Although we are required by statute to meet the three equality duties, it is important that we address the other key areas of equality legislation relating to age, sexual orientation and religion or belief. This legislation mainly relates to employment law but has been widened in recent years to cover some aspects of the provision of goods, facilities and services.

The Board is keeping a watching brief on the publication of the Single Equality Bill in 2009, which looks likely to widen the public equality duties to include the areas of age, sexual orientation and religion or belief. We recognise that when discrimination occurs it can often be multi-strand (e.g. as a consequence of one's age and disability) and so we aim to consider all the equality strands together. Many aspects of our work already include all these areas, in particular our Equality Impact Assessment processes and this scheme will demonstrate this progress.

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 11-15. Members have a balanced range of knowledge and experience; they include people with background in business, the advice sector and the wider community.

We employ approximately 400 people; they are based mainly at our head office in Edinburgh. We operate Public Defence Solicitors Offices (PDSOs) in which people are employed to deliver criminal legal assistance at seven locations throughout the country. In addition we operate a Civil Legal Assistance Office for people in the Highlands and Islands.

Ministers in the Scottish Government decide legal aid policy. 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

Our Mission Statement

"To promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost effective manner."

By "legal assistance", we mean "legal aid" and "advice and assistance". Legal assistance allows people who would not otherwise be able to afford it get help from a solicitor for their legal problems.

A large part of our job is to decide who should get legal aid. Individuals seeking legal advice or representation make an application for legal assistance through their solicitor. The solicitor could be in private practice, employed by the Board or in a law centre. At present, legal assistance cannot be used for other organisations that someone might choose to use, such as Citizens Advice Bureaux or local authority advice teams, to give second tier advice. If legal assistance is granted, it is used to pay solicitors, counsel – advocates and solicitor advocates – and other costs of the case.

The Legal Aid Act and related regulations set out:

- our statutory functions
- the tests that have to be applied to applications (some by solicitors, some by the Board, and some by the courts)

- exactly what can be paid for out of the Fund and the rates that can be paid for solicitors, advocates and outlays
- what money has to be paid into the Fund by applicants and their opponents

The legal aid fund is not ring-fenced and is demand led. In 2006 - 07 the total net expenditure from the fund was £150.2 million. This includes £106.6 million for criminal cases; £39.0 million for civil cases and £4.5 million for children's legal assistance.

Our corporate plan sets out our priorities up to and including 2011. You can read the corporate plan and find out more about the work we do on our website <http://www.slab.org.uk>

2.3 Specific areas of work

Throughout this document we refer to our "functional areas". By "functional areas" we mean the various parts of our work that allow us to meet our statutory functions. These areas are summarised below.

1) Registering providers of legal assistance and reviewing their work

We register solicitors and firms who do legal aid work, and monitor aspects of work they do under legal aid.

This involves:

- assessing solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done
- registering firms and solicitors who do legal assistance work and making sure these firms and solicitors maintain high standards, including funding civil quality assurance which is run by the Law Society of Scotland.

2) Assessing eligibility

For civil legal assistance, children's legal assistance and for most criminal cases, we carry out statutory tests to decide if people qualify for legal assistance. Depending on the type of case, this may include, for example, their financial situation, whether they have a legal basis for their case, and whether it is in the interests of justice to grant legal assistance. This also includes deciding if people have to pay towards the cost of legal assistance, then collecting these amounts.

3) Legal aid fund administration

This includes paying solicitors and advocates and collecting money that is owed to the Board. This includes:

- managing the Legal Aid Fund and deciding whether to grant applications for legal aid;
- managing the duty solicitor scheme. Anyone taken into custody has the right to use the duty solicitor scheme. A duty solicitor is available at every Sheriff and District Court;
- investigating and tackling fraud and abuse of legal aid.

4) Providing direct legal advice

We employ some solicitors to provide legal assistance and representation for both civil and criminal matters. The network of Public Defence Solicitors' Offices (PDSOs) has seven offices throughout Scotland (<http://www.pdso.org.uk>). The PDSO offices employ criminal defence lawyers with experience of dealing with all types of criminal cases.

For civil matters we have recently initiated new Legal Outreach Projects. We also operate a Civil Legal Assistance Office to help ensure people across the Highlands and Islands who are eligible for legal assistance can access legal help in civil cases from a solicitor and employ a solicitor to provide civil legal advice to clients in Argyll and Bute. More information on these services and their importance in responding equality can be found at Section 5.

5) Providing information about legal aid to the public and solicitors.

This includes information for

- the public, including a telephone helpline, leaflets, website and an annual report;
- solicitors, including legal aid handbooks and newsletters;
- provide training to members of the profession.

6) Providing corporate functions.

Internal corporate functions are those that enable our staff to carry out the Board's statutory functions – for example, information systems, managing the office buildings and recruiting and managing staff. We also procure a range of goods and services.

7) Providing information and advice to government and others.

This work includes research as well as operational and financial reporting. We also advise Scottish Ministers on how legal aid is working and potential ways to develop it.

3. Our equality strategy 2008-2011

3.1 Aims

We have a clear strategy and structure for meeting our equalities obligations. This has evolved over time and has been strengthened by relationships forged with partner organisations.

Our equality strategy has two aims:

- to set out how we intend to take forward equalities work
- to explain how this equality scheme will contribute to that work and help us fulfil our public sector duties.

3.2 Equality objectives and action planning

Our strategy involves addressing high level equality objectives which will prove a focus for this scheme. Our objectives are:

- **Delivering services**

Legal assistance is a key element of the justice system and it is important that we recognise and serve our communities to the highest standards. In instances where we provide legally aided advice directly we will work to ensure that we do this to the highest standards.

- **Mainstreaming equality**

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

We will continue to reduce unlawful discrimination and harassment in our employment practices and actively promote equalities within our workforce through the development, implementation and monitoring of evidence based HR policies and practices including equality in pay. We are committed to performing an equal pay audit and reporting on it as required under the gender equality duty.

- **Gathering information**

We will continue to improve the information we collect and analyse to deepen our understanding of how people across the equality strands 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 will involve steps to improve our information gathering systems for employment functions and for our public functions. 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 also 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.

Finally we will consult and involve equality groups about our policies and procedures. We recognise that there are many different methods to engage with hard to reach groups and will continue to employ these in our work.

All of our actions and activity under each of these high level objectives can be found in section 6. Many of these actions and initiatives been identified in response to the equality duties but also as because they represent good practice.

3.3 Accountability

Our equalities work is steered internally by an Equalities Project Board. This is chaired by our Chief Executive, with managerial representation from across the departments. It is responsible for moving forward the equality agenda and oversees the equality work. Dedicated staff from our policy and development team updates the project board about the strategy on an ongoing basis and co-ordinate and support cross-departmental actions.

The Board's Executive Team are updated on progress of equality work bi-monthly and oversee development of equality actions in their areas of responsibility. High level equality updates are sent to Board members bi-annually. Board members received equality training in June 2008, which covered their obligations under the equality duties.

The gender and disability equality duties have the requirement to report annually on progress under each scheme. As this is a single scheme we intend to report annually on all strands and actions within this scheme as well as review our priorities and work objectives. This report will also contain staffing figures for the previous year and our service data stats. This is an important process for our equality work, ensuring that it remains fresh and responds to changes of priorities within the Board and from government.

3.4 Our relationships with other organisations

We actively seek to work with colleagues from across the justice and Scottish public sector to enhance our equalities work. We have been at the forefront of establishing cross-organisational work with justice organisations including the Crown Office, the Scottish Court Service, ACPOS, the Law Society as well as

various departments within the Scottish Government. We are members of an NDPB equality group which has representation from 25 Scotland-wide NDPBs; the Scottish Government public sector equality group and Equality Exchange. We have worked to establish relationships with the Equality and Human Rights Commission to discuss areas of common interest.

3.5 Equality Impact Assessments

Our EQIA process aims to mainstream equality by getting managers to think about the impact of new and current policies 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. All assessments ask for the likely impact of a policy on the three key strands plus age, sexual orientation and religion or belief. The 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 ongoing and the timetable at the end of this scheme shows. The latest version of the [guidance](#) and [toolkit](#) can be found on our website.

Equality Impact Assessments have been successful in identifying areas where action needs to be taken to address inequality.

4. Collecting evidence

4.1 The importance of evidence gathering

We are committed to evidence-based policy development. Gathering evidence is an important method to ensure that our services and practices mirror and address the issues within the society we serve. Evidence gathered in different ways and from different sources has helped us, and will continue to help us to identify and develop appropriate adjustments and actions that can help address inequalities.

4.2 Equality in Scotland in 2008

The profile of our communities in Scotland is complex and evolving. To best understand who we serve we have carried out an extensive literature review of equality data. The issues highlighted below have been highlighted within this review.

Gender

The Scottish population is made up of 52% women and 48% men. Men with a white background are more likely to be in full time employment. Women overall are more likely to be economically inactive. This has an implication for legal aid provision as men would have a lower likelihood of being eligible for civil legal aid in comparison to women.

The use of legal aid varies by stage of life. Whilst over half of those of pensionable age are potentially eligible, they are far less likely than those of working age to actually apply. Just over a third of working age people is eligible for legal aid. This also applies to those aged under 18. Whilst those aged under 18 and those aged over 65 form a high proportion of the eligible population, they form a far lower proportion of grants. Conversely, the proportion of civil grants to those aged 25 – 44 is far larger than would be predicted based on their proportion within the eligible population. This is due to the prevalence of justiciable problems amongst this section of the population including divorce and child contact. Family or matrimonial proceedings accounted for 70% of grants of civil legal aid in 2006/07.

Disability

The 2001 census included health problems due to age and disability, where these limited the respondents' daily activities or the work they could do. Overall a fifth of Scotland's population was defined as having a limiting long-term illness (LLTI) in 2001, falling to 11% of the population aged 16 - 64.

There are only minor differences in Census figures by gender in regard to LLTI; overall women are slightly more likely to regard themselves as having a LLTI (21% compared with 19% of men). This may be due to the older age profile

seen amongst women overall. Amongst those aged 16 – 64 11% of men consider themselves as having a LLTI, compared with 10% of women.

Amongst all those aged 16 – 74, just 22% of those with a LLTI are economically active, compared with 76% of those without a LLTI. Men with an LLTI are more likely than women with an LLTI to be economically active; 26% compared with 18%.

Those without a 'white' ethnic background are less likely than those with to consider that they have a LLTI. This applies to both the population overall - where age may also be a factor and, to a lesser extent the 16 – 64 age group.

Ethnicity

While the overall black and minority ethnic (BME) population in Scotland is relatively low (2.1% in the 2001 census), the population is concentrated within the major urban areas of Glasgow and Edinburgh.

Looking to the criminal justice system, the proportion of those of non-white ethnic origin in prison increased from 2.1% in 2001 to 3.4% in 2007. Those of black ethnic background appear to comprise a larger proportion of prisoners than would be expected compared with 2001 census figures. In 2001 black ethnic minorities accounted for 0.2% of the Scottish population and 0.8% of the prison population, in 2007 they accounted for 1.4% of the prison population.

We are aware of the rapid change of demographic profile as a result of the expansion of the European Union since 2004 which has seen many people from Eastern Europe come to Scotland for work. This has had an impact on our services anecdotally with people requiring legal representation in court.

The 2011 census will provide an up to date analysis of ethnic variation in the population in Scotland. In 2008 the Scottish Government announced a new ethnicity classification which is recommended for Scotland's 2011 Census and for use in all relevant Scottish Official Statistics. The classification will allow people to self-express their national identity, more fully, before they go on to express their ethnic origin or heritage. In the future and where appropriate we will ensure that these categories are used in our research and data collection to directly compare ethnicity and indeed other equalities related information with national data sources.

4.3 Staff demographics

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. Current staff data is aggregated by race, disability gender and a summary can be found from Appendix B - F. We have recorded and monitored

demographic background information of staff over a number of years. We publish this data annually.

This data shows that:

- In March 2008 we had an overall 60/40% female/male gender breakdown. The figures are quite similar to local government where women comprised 67% of staff in 2005¹.
- Grades one and two are mainly administrative roles and make up 45% of all posts. Sixty per cent of these grades are occupied by women. This is a trend that continues within grades three and four, which contains senior administrators and team leaders. Here 80% of posts are taken by female members of staff. More men are employed at the next grade step (grade 5) than women (60% compared to 40%). Moving to relatively more senior and management grades (grades 6 and 7), the ratio of men and women is relatively equal. Women account for 53% and men account for 47%. 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. However it is important to note that the number of staff in both grade 8 and Director level is small (7 and 5 respectively) and therefore staff turnover rates will be significantly lower.
- The recording of staff ethnicity is low and stands at 65% of all staff. It is likely that this low rate disguises the true picture of staff demographics for the Board. The declared numbers of Black and Minority Ethnic (BME) staff is low (2%).
- Five per cent of our staff declare a disability. This is below the national average of 20% of the population having a disability.

The Board is working to ensure that staff data is as accurate as possible and to encourage a high a return for data monitoring. This includes the introduction in 2008 of a self service function. Staff have been encouraged to check and record their personal data. Currently 33% of staff do not declare their ethnicity and 19% chose not to declare whether they have a disability. It is important that we increase the level of declaration for both. It is hoped that the roll out of the new 'self serve' system may make it easier for people to declare both ethnicity and whether they perceive themselves as having a disability.

We are in the process of completing a full EQIA for the range of HR functions, including our recruitment processes. This EQIA will take into account our current and past staffing figures and we will respond to any concerns uncovered regarding advertising, selection and interview processes to ensure we continue to adhere to our Equal Opportunities Statement (see 5.2 and Appendix G).

¹ *A Gender Audit of Statistics*. p. 118

This EQIA will examine and help us to respond to any issues and barriers that may be associated with the disclosure of equality information. In 2008 we carried out an open tender exercise to identify suitable contractors to help our understanding of the issues and barriers for job applicants in disclosing equality background information. In particular we aimed to explore the motivations behind workplace disclosure or non disclosure of a disability and to explore ways in which disabled members of staff are actively involved in the workplace. Unfortunately we did not receive suitable responses to our research specification however we will consider the merits of tendering again for such research in 2009/2010.

4.4 Employee opinion survey 2007

We conducted an employee opinion survey in November 2007. Of the 255 staff to complete the survey (72% response rate), 38% were male and 62% were female, which reflects the gender balance of the organisation. Five per cent of those responding to the staff survey reported that they had long-term illness, health problem or disability. Ninety five per cent report their ethnicity as white, with 4% reporting that they preferred not to say.

Staff were asked how they feel about their work, the environment in which they work and working for the Board as a whole. The overwhelming majority of women (86%) and men (81%) reported that the Board is an equal opportunities employer. In addition the majority of women (70%) and men (64%) also reported that the Board values the diversity of employees. Furthermore, taking into account experiences at work, the large majority of staff feel they are treated fairly and equally by the Board on account of their gender.

4.5 Our Service Data, Monitoring of Civil and Criminal Applications

Monitoring our other functions will ensure that the way in which we administer and manage our services is done in a fair and equal way.

Gender equality data

We collate gender data for applications for and grants of advice and assistance, civil legal aid and criminal legal aid and publish it in our annual report. Overall there is little change from 2005-2006 and 2006-2007 application and grant rate figures.

These application figures have been taken from our Annual Report 2006-2007.

Civil legal aid applications

In 2006/07 a total of 119,236 grants of civil advice and assistance (including ABWOR) were made. Of these, 54% were made to women and 46% to men, the same percentages recorded for the two previous years. For ABWOR grants

however there were a higher percentage of men than women (67% compared to 33%).

In 2006/07 a total of 16,291 applications were made for civil legal aid, 57% by women and 43% by men again similar to last year.

The rate of refusal of civil legal aid based on means is similar for both men (3%) and women (4%). This represents very little change from 2005/06. Men, however have a higher rate of refusal based on the merits of a case, 33% compared to 25% for women.

The rates of abandoned applications are similar for both genders (13% for men and 12% for women). We saw an increase in the number of abandoned cases from the previous 12 months.

In 2007 we commissioned independent researchers to model the operation of the current means test for civil legal aid on the population as a whole, using data from the Family Resources Survey. This work provides a baseline of eligibility and showed that 38% of men and 45% of women were eligible i.e. either fully eligible and require no financial contribution, or partially eligible and require some financial contribution. The gender difference is smaller for those who are fully eligible or who are 'passported' by virtue of receipt of qualifying benefits (16% of women compared to 15% of men).

Criminal legal aid applications

In 2006/07 men were four times more likely to apply for criminal advice than women (including both advice and assistance and ABWOR) – 81% of applicants were men compared to 19% of women. The same percentages were recorded in the previous year 2005/06. This gender difference is mirrored in applications for ABWOR (80% men, 20% women). The higher percentage of men over women applying for criminal assistance compared with those applying for civil assistance reflects the fact that in general male rates of offending are significantly higher than female rates². In 2005/2006 there were 89,984 applications for summary criminal legal aid. Of these, 84% were from men and 16% from women. The rates of refusal for summary cases are slightly higher for men than for women (14% compared to 11%).

Further data monitoring

We will work to improve in the coverage of the collection of ethnicity of legal aid applicants as highlighted in section 3.4. Levels of compliance of race data on applicants for legal aid is low (5% of forms completed). This low coverage maybe explained by both form design and practitioners and applicants

² *Criminal Proceedings in Scottish Courts, 2006/07* (2008). Scottish Government Statistical Bulletin. p.13

unwillingness to complete this section. There will always be challenges around form design, particularly because of space restrictions, however in 2008 we made improvements in the way equality information is collected on Legal Aid Online and to the forthcoming new civil forms. This will be complemented by messages to the profession highlighting the importance of collecting the ethnicity of legal aid clients and that clients may be more comfortable giving this information than is perhaps currently perceived by many practitioners.

4.6 Research and stakeholder involvement

We have ongoing programmes of research and stakeholder involvement. These are designed to inform our strategic policy decision-making process. We seek the opinions of a number of stakeholder and customer groups to inform and continually develop our work, these include: our staff, the profession, applicants and opponents, members of the general public, legal advice providers and the wider justice system. Where possible we ensure that we analyse and feedback stakeholders opinions according to gender, age and disability.

We are carrying out an analytical project which intends to give a better understanding of how supply of legal aid solicitors is operating, rather than only giving a picture of where suppliers are located. We will soon have much improved evidence on the experiences and behaviours of applicants and legal aid suppliers throughout the country. We will be analysing application data according to gender and age as well as particular legal case type. This will allow us to better identify trends in both the supply of legal aid to different types of applicants as well as supply for particular legal problems that may be more likely to be associated with disability, race and or gender. This analytical work forms part of a wider programme of work on the supply and the factors that might be affecting the supply of publicly funded legal advice.

We believe that seeking views and feedback from service users and stakeholders is vital to ensuring a quality service. Consultation allows us to identify any inequalities that may exist as a result of our daily functions. To help develop action planning for race equality in 2008 we commissioned research to develop our understanding of the knowledge, perception and experiences of ethnic minority groups who may apply or have applied for legal aid. The research demonstrates our commitment to promoting good race relations by encouraging dialogue among people from different racial groups on our policies. The research also helped us measure public access to legal aid information and services. The research was informed by a short review of relevant documents and information relating to the Board's current and past race equality activities. While areas for improvement were identified, the research concludes that "...to date SLAB's Race Equality Scheme and activity undertaken in support of its development reflects the use of available guidance and support. There is clearly a level of senior commitment within the SLAB that is also reflected in

commissioning this research". The full findings of this research can be found on our website. We have also published commissioned research carried out in 2006 and 2007 to support gender and disability action planning.

In December 2007 we co-founded the Justice Disability Steering Group (JDSG). This group seeks to establish a shared effective and efficient approach to the involvement of disabled people in policy and practice development across the justice sector. Membership of the group includes the Scottish Court Service, Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service and The Law Society of Scotland.

The central aims of the JDSG are to:

- seek to establish an multi-agency strategy for the on-going involvement of disabled people that is coordinated, effective and efficient and which avoids duplication of effort and avoids overloading disabled people and disability organisations;
- examine the specific issues and barriers people with impairments can face across the Justice System and how to remove these barriers or reduce their impact.

In 2008 and on behalf of the JDSG we commissioned a contractor to approach a number of disability organisations to ask for advice and comment on the joint involvement proposals. We expect these proposals will be taken forward during 2009.

5. Responding to equality

5.1 Managing and providing legal assistance

The legal landscape in Scotland is complex. Within this civil and criminal legal aid play an important role in ensuring the provision of access to justice for those eligible and in need of it.

Presented below are our policies and operations that have been directly and indirectly designed to respond to potential inequalities. An overview of all of our responses to equalities since 2005 can be found at Annexe A.

Accessing legal assistance

The Board currently operates a national telephone helpline which allows members of the public to find out more about legal aid; if they qualify; where to find a legal aid solicitor and or order leaflets. The helpline is open 7 days a week 7am to 11pm. There is a language interpretation service through this helpline for those who request.

Our communications support for those who are considering accessing legal aid includes leaflets in different formats including Braille, large print and audio tape on request. Our leaflets are available in ten different languages; in addition people can request information leaflets to be translated into any language.

In early 2008 we launched an enhanced online interactive solicitor finder tool. This tool can be used by members of the public and professionals to locate solicitors by postcode and geographical area who provide services under legal aid. We contacted all firms who were registered to provide services under legal aid to update their records and collect additional details such as the types of cases offered under civil legal aid. This information will help those searching for legal aid make a more informed choice about where they might access help for a specific legal problem e.g. mental health, housing, immigration or family related cases.

Previous discussions with representatives from Citizens Advice Scotland and Scottish Women's Aid provided anecdotal evidence that some of their service users have been unable to, or have experienced significant problems in finding a legal aid solicitor. In response to this, we agreed to formally identify and explore the nature and level of concerns these advice services may have regarding the supply of solicitors providing services under legal aid. The research provided us with a greater understanding of the level and nature of supply of legal aid for particular case types. The research also identified areas where the Board can support advice service organisations in supporting their service users who are considering or have applied for legal aid. The findings are available on our website.

Applying for and receiving advice and assistance and legal assistance

A solicitor can give advice to an applicant under advice and assistance provisions, which pays for advice on any matter of Scots law. The applicant's solicitor will decide if they meet the financial eligibility limits for advice and assistance. A solicitor is required to apply to the Board for an increase if extra costs are incurred for a client; if for example, adjustments have to be made.

In applying for advice and assistance and legal aid, solicitors can seek funding to allow them to make special arrangements – for example to provide a BSL interpreter for a client who is deaf or arranging to visit a client at home if attending a solicitor's office is difficult due to a mobility impairment.

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 most cases: financial eligibility and the merits of the case.

For civil legal aid, children's legal aid and for most criminal cases, we carry out statutory tests to decide if people qualify for legal aid. In assessing financial eligibility for civil legal aid, 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 lower 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. If it is above the upper limit legal assistance is refused.

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 travel 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.

Complaints

Information about our complaints procedure can be found on our website. Should we receive a complaint about our services we will not discriminate against the complainant for any reason such as ethnicity, nationality, religion, age, sex, sexuality, disability or marital status.

Direct provision of civil legal assistance

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. The Board has pioneered projects which address gaps for equality groups. Previous projects included a 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.

The current phase of Part V programme has just begun and includes new Legal Outreach Projects. The Mental Health Advice Project and the Prison Advice Project will involve a range of activity aimed at addressing unmet legal need associated with people in institutional settings.

The pilot will be providing outreach legal surgeries, training and second tier advice; so that those with mental health issues, offending behaviour and their families are able to access advice at the right time, and so that the advice is provided in a way that contributes to rehabilitation or resettlement in the community.

Both projects will also involve solicitors working with voluntary and public sector agencies such as SACRO, Families Outside and local Citizens Advice Bureaux to provide support, second tier advice and training to their advisers.

These new projects will run alongside direct provision for civil matters. A Civil Legal Assistance Office has been opened in Inverness, the first in Scotland and works in partnership with local private sector solicitors who provide legal aid services, as well as advice for local agencies. The new service can help where people are having difficulties finding legal help including taking someone on as a client. Employing three full-time solicitors, the office offers an appointment-based service and helps to open up access to legal advice across the region, dealing with a wide range of legal problems from family law and employment issues to nuisance/harassment cases and landlord/tenant grievances. The Part V projects are equalities oriented by nature. In recognition of this, the Part V manager is working to produce cultural-awareness material offering practical advice and guidance for solicitors working directly with clients

Public Defence Solicitors Offices

Our PDSO offices deliver criminal legal assistance to those that require it from seven locations throughout the country

We are aware of meeting client needs at our PDSO offices. If a client has any physical access issue, we have contracts in place which allows solicitors to meet clients in accessible meeting room facilities at local venues. 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.

The PDSO have taken steps to address the challenges presented by a changing society by employing a paralegal who speaks Polish to represent and help those in trouble who may not be clear about the Scottish criminal system. PDSO solicitors have received Islamic Awareness Training aimed at criminal justice professionals. The training has provided a better understanding of basic beliefs and Islamic practices as well as examining Islamic issues within the criminal justice system.

5.2 Recruitment and management of our staff

We work to ensure that no applicant receives less favourable treatment on the grounds of race, disability, gender, marital status, religion or belief and age. We welcome job applications from all sections of the community. In an instance 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 recognise that there needs to be a balance between work and life and we have practices in place to ensure that balance is met. Our innovative flexible working arrangements allow every team within the Board to agree flexible working solutions to suit their own type of work, team size and personal requirements within extended office opening hours. We won the Working Families 'Scottish Employer of the Year Award' 2005, sponsored by Lloyds TSB.

We are committed to developing and using employment procedures and practices which do not discriminate and to providing equality opportunities to all employees as outlined in our equal opportunities statement (See Appendix G). We introduced a Dignity at Work policy in 2006, which aims to eliminate bullying and harassment within the Board. To reinforce this policy we use an e-learning programme, "Challenging behaviour" which is compulsory for all employees and equality and diversity training is offered to all new employees. The effectiveness of our diversity policies is reflected in the most recent staff survey.

5.3 Equality issues within the legal profession

We pay solicitors and advocates to provide advice under legal assistance. They therefore have a key role in ensuring equality of access to the legal aid system.

The solicitors we employ directly working in the PDSO and Part V projects, have the same responsibilities under the equalities duties as any other member of staff employed by the Board.

Private practice solicitors provide the majority of legally aided advice, assistance and representation. We have no contractual relationship with private practitioners. The primary regulator for solicitors is the Law Society of Scotland (the Society). The Society is responsible for ensuring that legal firms comply with equalities legislation.

The Society's Code of Conduct sets out how solicitors should deal with their clients by:

- imposing an obligation not to discriminate in professional dealings with clients separately from the obligations imposed directly on solicitors by the anti-discrimination legislation arising due to their status as employers and service providers;
- providing that solicitors should also observe the spirit of the legislation when dealing with their clients;
- stating that there should be no unlawful discrimination in recruitment, training, promotion and termination of employment processes; that solicitors should have an awareness and understanding of equal opportunities issues and that there should be no unlawful discrimination in the provision of legal services.

We also actively work with other organisations to promote good practice in the delivery of legal advice. We will clarify with the Scottish Government and the Society to discuss our respective responsibilities with regards the legal profession and develop future work in this area.

Where a person has a complaint about a solicitor, on any grounds, we advise them to first speak to him or her and the firm's Client Relations Partner, to try to resolve the problem. If the client is unsatisfied with the response we advise them to contact the Scottish Legal Complaints Commission as the body who investigates complaints made by members of the public about services provided by legal practitioners.

We are reliant on the Society as the regulator to enforce their Code of Conduct. The powers we can apply to civil and criminal legal assistance solicitors differ for each type of aid.

Where a client requires representation from an advocate, their solicitor will instruct an advocate on their behalf. Advocates are regulated by the office of the Dean of the Faculty of Advocates as delegated by the Lord President. Advocates adhere to a "cab rank principle"; thereby an advocate will not refuse a case if the funds are available to take the case forward i.e. where the Board has agreed to meet the cost of representing the defendant.

Civil Legal Assistance

The quality of, and registration system for, civil legal assistance is based on the Society's powers, with the Board having no statutory authority. The Board is represented on the Quality Assurance Committee which is responsible for managing the Quality Assurance Scheme for solicitors providing civil legal assistance. The Board meets the cost for the Quality Assurance Scheme. We have little direct responsibility for solicitors delivering civil legal assistance.

Criminal Legal Assistance

Under the Legal Aid (Scotland) Act 1986, both solicitors and firms wanting to provide criminal legal assistance require to be registered with the Board and comply with the Code of Practice for Criminal Legal Assistance. The Code enables the Board to monitor the quality of criminal legal assistance work carried out in Scotland and to ensure that the considerable sums spent on criminal legal assistance is being properly spent. Our current Code of Practice for criminal solicitors requires them to adhere to the Society's Code of Conduct, which prohibits solicitors from acting in a discriminatory manner. Serious non-compliance of our Code of Practice can result in de-registration.

Due to recent reforms to legal assistance, we are in the process of updating our Code of Practice and will carry out an EQIA to ensure this code adequately responds to equality issues. In 2009 the Board will introduce and manage a Criminal Quality Assurance Scheme. This scheme will assess, through peer review, solicitors compliance with the quality guidelines and criteria agreed with the Law Society of Scotland. The plans for the Scheme have been impact assessed for equalities.

We will continue to review the equality compliance monitoring arrangements for both civil and criminal work and to consider whether activity in this area (our own, the professional bodies' or the Government's) for both solicitors and advocates is adequate. We are currently monitoring the implementation of the Society's new EQIA initiative which will see all functions, including those relating to the quality provision of the Civil Quality Assurance Scheme, rigorously assessed. We will also approach the Society to propose a Memorandum of Understanding with the Society covering our respective activity and responsibilities relating to equalities.

6. Equality action plan 2008 - 2011

To ensure that the issues discussed within this scheme are taken forward, the Board has identified key measures and actions to take forward to achieve our equality objectives for the next three years. Many actions identified 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.

These actions have been agreed with all project managers and have been identified through the various processes described in this document including impact assessments and research feedback.

The specific sections of each equality duty have been described below with codes ascribed to each action within the plan.

Race Equality Duty		Gender Equality Duty	
R1	Eliminate unlawful discrimination	G1	Eliminate unlawful sex discrimination and harassment
R2	Promote equality of opportunity	G2	Promote equality of opportunity between men and women
R3	Promote good relations between people of different racial groups		
Disability Equality Duty			
D1	Eliminate unlawful discrimination	D4	Take steps to take account of disabled people's disabilities even where that involves treating them more favourably than others
D2	Eliminate harassment of disabled people that is related to their disability	D5	Promote positive attitudes towards disabled people
D3	Promote equality of opportunity between disabled people and others	D6	Encourage participation by disabled people in public life

Functional Area	Equality Actions	Duty	Who is responsible	By when	Outcome expected
Delivering services					
Registering legal aid providers and reviewing their work	EQIA for Quality Assurance for criminal solicitors	R1, R2, D1, D3, D4, G1, G3	Legal services	Dec-08	If appropriate policies are modified/amended or the justification for a policy is clearly set out.
Registering legal aid providers and reviewing their work	EQIA for any future Civil Quality Assurance plans.	R1, R2, D1, D3, D4, G1, G3	The Law Society of Scotland		Strengthening of Law Societies responses to equality issues within the profession
Registering legal aid providers and reviewing their work	Review equality compliance monitoring arrangements for the Board's criminal Code of Practice	R1, R2, D1, D3, D4, G1, G3	ACQA	Jun-09	Where appropriate policies are modified/ amended or the justification for a policy is clearly set out.
Registering legal aid providers and reviewing their work	Review equality compliance monitoring arrangements for the Law Society of Scotland's and Faculty of Advocates Codes of Conduct	R1, D1, G1	Equalities Project Board	Jun-09	Where appropriate policies are modified/ amended or the justification for a policy is clearly set out.
Registering legal aid providers and reviewing their work	Submit a proposal for a Memorandum of Understanding between the Law Society of Scotland and the Board	R1, D1, G1	Equalities Project Board	Dec-09	Proposals may include sharing of timeous and relevant equality information.

Registering legal aid providers and reviewing their work	Meet with the Scottish Government to discuss collective responsibilities under the equality duties.	R1, D1, G1	Equalities Project Board	By Dec 2009	Clarification of Board responsibilities towards solicitors under the equality duties.
Legal aid fund administration	Monitoring the duty solicitor scheme to minimise equality implications	R1, D1, G1	Criminal applications		An improved understanding of the evidence base for developing policies and practice
Providing direct legal advice	Improved monitoring of PDSO clients	R1, D1, G1	PDSO	Ongoing	Improve monitoring of PDSO clients to ensure non-discrimination in service delivery.
Providing direct legal advice	Part V operational impact assessments	R1, R2, D1, D2, D3, G1, G2	Part V head of service	By June 2009	Understanding of equality implications within civil legal assistance provider.
Providing direct legal advice	Developing equality training tailored to delivery of legal advice by directly employed solicitors	R1, D1, G1	Part V head of service	Ongoing and as appropriate	High quality training resources for employed solicitors

Functional Area	Equality Actions	Duty	Who is responsible	By when	Outcome expected
Information gathering					
Registering legal aid providers and reviewing their work.	Monitor and analyse civil applications with clear equality implications	R1, D1, G1	Civil Applications	Continued annual reporting. Supply mapping results available from August 2008	Good evidence base for future service provision
Assessing Eligibility	Review monitoring procedures to equality questions.	R1, R2, D1, D3, D4, G1, G3	Civil Applications, Criminal Applications. Policy & Development	As and when new forms are designed.	An improved understanding of the evidence base for developing our policies and practices.
Legal aid fund administration	Equality monitoring	R1, D1, G1	Treasury; Policy & Development	Ongoing	Reduce allegations of equality bias by specific sections of society.
Providing corporate functions	Monitor complaints by all equality strands and the reason for the complaint	G1, G2, D1, R1	Chief Executives Office	Ongoing	Data is recorded to show action has been taken to remove barriers identified in complaints from members of the public about the Board.
Providing corporate functions	Developing equalities partnerships with other bodies as well as benchmarking best practice and data.	R2, D3, G2	Policy & Development	Ongoing to December 2011	Information sharing and exchange with Scottish Government, Law Society Scotland and partner justice organisations. Compare information to develop best practice.

Providing corporate functions	Consult with women and men, people with a disability and those from a minority ethnic background on our policies and practices	R3, D5, G2	Policy & Development	Ongoing and as appropriate	Receive timely and constructive feedback from service users and members of the public about our policies and procedures
Providing corporate functions	Involvement of disability users in our policies and practices	D6	Policy & Development	May 2009	Plan for effective and efficient involvement of disabled users in policies and practices.
Providing corporate functions	Work to improve recording of equalities monitoring information by solicitors	R2, D3, G2	Policy & Development	Ongoing and as appropriate	Ensuring increased completion of service data monitoring
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	Human Resources, Information Systems, Policy and Development	Annual monitoring of workforce data.	An improved base for developing our HR policies
Providing corporate functions	Perform and report on an equal pay audit.	G1,	Human resources	By June 2010	Ensure a valid explanation for pay differentials within the Board.
Providing advice to government and others	Carry out staff survey with equality related needs.	R1, R2, D1, D3, G1, G2	Policy & Development	2010	Positive staff responses to equality issues.

Functional Area	Equality Actions	Duty	Who is responsible	By when	Outcome expected
Mainstreaming					
Providing corporate functions	Completion of EQIA by function	R1, R2, R3, D1, D3, G1, G2	All functional areas	By end of scheme. See timetable in Appendix	Where appropriate policies are modified/amended or the justification for a policy is clearly set out.
Providing corporate functions	Review EQIA Process	R1, D1 G1	Policy & Development	Dec-09	Change to EQIA process from staff feedback
Providing corporate functions	Review procurement terms and conditions for standard contracts to ask for assurance that they comply with relevant equality legislation.	R1, R2, D1, G1	Procurement	Awaiting forthcoming public procurement guidance from the Scottish Government.	All contract conditions compliant with the equality duties.
Providing corporate functions	Consider our existing equalities policies in light of current guidance on transgender.	G1	Human Resources	By end of year 2.	Appropriate guidance in place to support staff.
Providing corporate functions	Ongoing evaluation of the delivery of equality and diversity training to all new staff	R2, D3, G2	Human Resources Policy & Development	By end of Year 1 for training plan, delivered during year 2	Improved understanding of diversity and equality issues for all.
Providing corporate functions	Look at coverage of equalities training for existing staff	R2, D3, G2	Human Resources; Policy & Development	Reviewed annually	Ensure ongoing training is provided to tie in with needs identified via EQIAs
Providing corporate functions	Ensure that all Board members have received equalities training.	R2, D3, G2	Human Resources Policy & Development	2009	An improved understanding of Board Member responsibilities under the equality duties.

Appendix A. Our equality progress 2005- 2008

The table below provides an overview of the areas where equality progress has been made since 2005. This represents all the highlights of our work during this time.

Area of action	Since when	Relating to strand
Registering providers of legal aid and auditing their work.		
We mapped legal aid providers and their equality provisions through a firm survey. This has improved our understanding of client provision across Scotland.	December 2007	All equality strands
Assessing eligibility.		
Passporting of benefits including incapacity benefit when assessing a legal aid applicants means.	n/a	Disability Equality
Awareness of cultural and religious background when assessing legal aid eligibility	Equality Impact Assessment 2005	Race Equality
Administration of the Legal Aid Fund.		
If a client is eligible for legal aid and requires reasonable adjustments for their case, the Legal Aid Fund will pay for this. This may include translation services and payment for home visits.	n/a	All equality strands
Roll out of improved legal aid online will help make recording of equalities information easier for firms. New application forms now include 2001 Census ethnicity categories (National Statistic standard).	From 2007	Race equality
Providing legal advice through direct employment of solicitors.		
Polish paralegal employed by PDSO in response to emerging issues for a specific group in the community.	April 2008	Race Equality
Accessibility contracts have been introduced for all PDSO offices across Scotland.	June 2007	Disability Equality
PDSO client profile survey found positive responses for the PDSO service.	March 2008	All equality strands
Part V projects have direct links to equality work. Civil legal assistance is focussed towards hard to reach groups such as mental health patients and prisoners.	September 2008	All equality strands

Area of action	Since when	Relating to strand
Providing information about legal aid to the public and solicitors.		
Our communications work includes availability of all leaflets in different formats including Braille, large print and audio tape on request as well as ten different languages. All documents are published to plain English standard. Accessibility features incorporated on the corporate website including a 'Browsealoud' website reader. We have one member of staff who has knowledge of British Sign Language and have a contract with Deaf Action to provide BSL support when needed.	2007	Race equality, Disability equality
We currently have a telephone helpline, which allows members of the public to find out more about legal assistance; if they qualify and where to find a legal aid solicitor.	2007	All equality strands
We continue to actively seek views and feedback from our service users to ensure a quality service. We commissioned research to develop our understanding of the knowledge, perception and experiences of ethnic minority groups who may apply or have applied for legal assistance.	April 2008	Race equality
Providing corporate functions.		
<p>Workforce development:</p> <ul style="list-style-type: none"> • Using an equal opportunities statement to outline our commitment to equality; • Introduction of a "Dignity at work policy". We aim to eliminate bullying and harassment within the Board. We use an e-learning programme, "Challenging Behaviour" to support this and is compulsory for all employees; • Equality training is a core requisite for staff induction; • 2007 SLAB staff survey included equality profiling of workforce and questions about equality of opportunity; • Provided training covering equalities responsibilities to Board members in 2008; • An occupational health adviser and an employee support service within HR to work 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; • Detailed parental policy including maternity, paternity and parental arrangements and leave for adoptive parents. A childcare voucher scheme has been introduced to allow staff to flexibly meet the costs of childcare; • Staff focus group established in 2008 to consider pay and benefits. 	Ongoing	All strands

Area of action	Since when	Relating to strand
Improved workforce monitoring through implementation of a self-service feature within our HR information system. To give staff easier access to update personal HR records, including personal equalities details and allows accurate, confidential and responsive data capture for analysis.	April 2008	All Strands
Client access to the Board at 44 Drumsheugh Gardens has been improved. This includes lifts, accessible meeting room, hearing loops and disabled toilets for visitors and staff. We have relocated all public areas near to the building entrance.	Ongoing	Disability Equality
Co-founded a Justice Disability Steering Group to take forward action for involving disable people.	December 2007	Disability equality
Introducing, timetabling for equality impact assessments for functions and policies within the Board. Revised equality impact assessments to include age, religion or belief and sexual orientation	Since 2005	All strands
All managers received training on using Equality Impact Assessments	2006 and May 2008	All strands
We updated our procurement contracting conditions to include an equalities clause in line with the equality duties.	Since 2007	All strands
Equality training delivered to Board members covering responsibility under the equality duties	May 2008	All strands
We have forged relationships with the equalities and human rights commission to identify areas of common interest.	October 2007	All strands

Appendix B. Employee statistics 2007 – 2008³: 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	
Staff in post at 31 March 08	60%	40%	0%	100%	-	-	-	-	100%	0%	61%	39%	-	-	74%	56%	378
% of Total			1%		0%		0%		1%		65%		0%		33%		
Staff employed between 01 April 07 – 31 Mar 08	60%	40%	67%	33%	-	-	-	-	67%	33%	62%	38%	-	-	58%	42%	417
Total			1%		0%		0%		1%		67%		0%		31%		
Those who receive training	70%	30%	-	-	-	-	-	-	-	-	75%	25%	-	-	50%	50%	10
Total			0%		0%		0%		0%		80%		0%		20%		
Those who benefit from a bonus as a result of performance assessment procedures	0%	0%	-	-	-	-	-	-	-	-	68%	32%	-	-	72%	28%	119
Total			0%		0%		0%		0%		67%		0%		33%		
Those who suffer detriment as a result of performance assessment procedures.	0%	0%	-	-	-	-	-	-	-	-	25%	75%	-	-	50%	50%	6
Total			0%		0%		0%		0%		67%		0%		33%		
Involved in grievance procedures	100%	0%	-	-	-	-	-	-	-	-	-	-	-	-	0	100%	1
Total			0%		0%		0%		0%		0%		0%		100%		
Involved in disciplinary procedures	100%	0%	-	-	-	-	-	-	-	-	100%	0%			100%	0%	3
Total			0%		0%		0%		0%		67%		0%		33%		
Those who cease employment	53%	47%	100%	0%	0%	100%	-	-	100%	0%	62%	38%	0%	100%	36%	64%	53
Total			4%		2%		0%		2%		64%		2%		26%		

³ All figures are for Board, PDSO and Part V staff.

Appendix C. Employee statistics⁴ 2007 – 2008: gender and declared disability

	Disabled		Not Disabled		Not Stated	
	Female	Male	Female	Male	Female	Male
Staff in post at 31 March 08	58%	42%	62%	38%	51%	49%
% of Total	5%		76%		19%	
Staff employed between 01 April 07 – 31 Mar 08	61%	39%	62%	31%	57%	7%
Total	5%		79%		16%	
Those who receive training	0%	17%	86%	14%	50%	50%
Total	10%		70%		20%	
Those who benefit from a bonus as a result of performance assessment procedures	75%	25%	70%	30%	62%	38%
Total	3%		79%		18%	
Those who suffer detriment as a result of performance assessment procedures.	-	-	25%	75%	50%	50%
Total	0%		67%		33%	
Involved in grievance procedures	-	-	-	-	100%	0%
Total	0%		0%		100%	
Involved in disciplinary procedures	100%	0%	100%	0%	100	0%
Total	33%		33%		33%	
Those who cease employment	100%		52%	48%	50%	50%
Total	2%		77%		21%	

⁴ All figures are for Board, PDSO and Part V staff.

Appendix D. Employee statistics⁵ 2007 – 2008⁶: grade, 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	
Employed at Grade 1	58%	42%	100%	0	-	-	-	-	-	-	55%	45%	-	-	65	35%	65
% of Total			1%		0%		0%		0%		68%		0%		31%		
Employed at Grade 2	60%	40%	0%	100%	-	-	-	-	100%	0%	66%	44%	48%	52%	33%	67%	111
Total			1%		0%		0%		1%		69%		26%		3%		
Employed at Grade 3	86%	14%	-	-	-	-	-	-	-	-	81%	19%	-	-	94%	6%	43
Total			0%		0%		0%		0%		63%		0%		37%		
Employed at Grade 4	79%	21%	-	-	-	-	-	-	50%	50%	78%	22%	100%	0%	83%	17%	53
Total			0%		0%		0%		4%		60%		2%		34%		
Employed at Grade 5	40%	60%	-	-	-	-	-	-	-	-	44%	56%	-	-	33%	67%	45
Total			0%		0%		0%		0%		60%		0%		40%		
Employed at Grade 6	55%	45%	100%	0%	-	-	-	-	-	-	58%	42%	0%	100%	45%	55%	53
Total			2%		0%		0%		0%		75%		2%		21%		
Employed at Grade 7	51%	49%	-	-	-	-	-	-	-	-	54%	46%	-	-	45%	55%	35
Total			0%		0%		0%		0%		69%		0%		31%		
Employed at Grade 8	28%	72%	-	-	-	-	-	-	-	-	33%	67%	-	-	25%	75%	7
Total			0%		0%		0%		0%		43%		0%		57%		
Director	0%	100%	-	-	-	-	-	-	-	-	0%	100%	-	-	-	-	5
Total			0%		0%		0%		0%		100%		0%		0%		

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/Specialist	8	Head of Function/Senior Professional
		Director	

⁵ All figures are for Board, PDSO and Part V staff.

⁶ Where date not stated, figures are for 31st March 2008.

Appendix E. Job applicant statistics⁷ 2007 – 2008: 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	
All external applicants for employment 1 Apr 07 – 31 Mar 08	57%*	40%*	0%	100%	0%	100%	100%	0%	0%	100%	67%	33%	-	-	55%	41%	323
% of Total			2%		1%		1%		1%		26%		-		71%		
External applicants interviewed for employment	61%	39%	0%	100%	0%	100%	100%	0	0%	100%	60%	40%	-	-	64%	34%	101
Total			1%		1%		1%		1%		47%		-		50%		
Offer made to external applicants																	
Total																	
Offer accepted by external applicants	62%	38%	-	-	-	100%	-	-	-	-	59%	41%	-	-	71%	29%	55
Total					2%						67%				31%		
Internal applicants for promotion/transfer	64%	36%	-	-	-	-	-	-	100%	-	58%	42%	-	-	80%	20%	25
Total									4%		76%				20%		
Internal applicants promoted/transferred	83%	17%	-	-	-	-	-	-	-	-	78%	22%	-	-	100	0	12
Total											75%				25		

⁷ Figures are for Board, PDSO and Part V applicants

Appendix F. Job Application statistics 2007- 2008⁸: gender and declared disability

	Disabled		Not Disabled		Not Stated	
	Female	Male	Female	Male	Female	Male
All external applicants for employment 1 Apr 07 – 31 Mar 08	0%	100%	65%	35%	52%	43%
Total	<1%		35%		64%	
External applicants interviewed for employment	0%	100%	62%	38%	57%	43%
Total	<1%		64%		35%	
Offer made to external applicants	0%	100%	63%	37%	63%	37%
Total	1%		84%		15%	
Offer accepted by external applicants	0%	1%	63%	37%	63%	37%
Total	2%		84%		14%	
Internal applicants for promotion/transfer	100%	0%	62%	38%	67%	33%
Total	4%		84%		12%	
Internal applicants promoted/transferred	100%	0%	80%	20%	100%	0%
Total	8%		83%		8%	

⁸ All figures are for Board, PDSO and Part V applicants.

Appendix G. Equal Opportunities and equal pay statements

Equal Opportunities Statement

The Board is committed to providing equal opportunity in employment. No job applicant or employee will be treated less favourably on the grounds of gender, race, colour, religion, nationality, age, disability, sexual orientation or marital status; nor will they be disadvantaged by conditions or requirements which cannot be shown to be justifiable. This policy will be followed in the recruitment, reward, training and promotion of both new and existing employees and will apply to the application of grievance, disciplinary or other procedures, the provision of employee benefits and all terms and conditions of employment

Equal Pay

The Board is an equal opportunities employer and is committed to ensuring that all employees, regardless of gender, ethnicity or disability, receive equal pay for doing equal work or work of equal value. The Board aims to avoid unfair discrimination in its pay and reward system, and to reward fairly the skills, experience and potential of all staff. With this in mind the Board will operate a pay and reward system which is transparent, based on objective criteria and free from bias.

The Board will:

- Examine existing and future pay practices for all employees (including those who are absent on maternity leave and other breaks) to ensure that they comply with best equal pay practice
- Carry out regular monitoring of the impact of these practices and publish an equal pay audit by June 2010
- Inform employees of how these practices work and how their pay is arrived at

Provide training and guidance for those involved in making decisions about pay and benefits

Appendix H. Glossary

Direct discrimination

Treating one person less favourably than another because of their race, gender, age, sexual orientation, disability, religion or belief.

Diversity

This is about recognising and valuing difference in the broadest sense.

Duty

A mandatory and legal obligation to do something.

EHRC

Equality and Human Rights Commission.

EQIA

Equality Impact Assessment. An assessment of planning, service and employment policies, paying specific attention as to how the services affect women and men.

Equal Pay

Relates to payment for work of equal value regardless of whether the post holder is a man or woman.

Harassment

Violating a person's dignity or creating an intimidating, degrading, humiliating or offensive environment for that person.

Indirect discrimination

When an apparently neutral criterion is applied to everyone but can only be met by a considerably smaller proportion of people and is to their detriment which cannot be objectively justified.

JDSG

Justice Disability Steering Group.

LLTI

Limiting long-term illness.

Mainstreaming

Is a long-term strategy to frame to frame policies in terms of the realities of people's daily lives, and to change cultures and structures accordingly. It aims to deliver better government through informed policy making.

Monitoring

The process of collecting, analysing and evaluating information, to measure performance, progress or change.

Passporting

A method of granting legal assistance without background checks as the applicant is eligible because they receive certain state benefits.

PDSO

Public Defence Solicitors Office. Scottish system of public defenders.

Stakeholders

Our stakeholders include the Scottish Government, solicitors, applicants, potential applicants, legal information providers, professionals in the judicial system and members of staff.

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