



EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Complaints Handling Procedure.

Is the policy new (proposed), a revision to an existing policy or a review of current policy?

This is based on a revision to the SPSO's model CHP.

Key findings from this assessment (or reason why an EqIA is not required):

The findings demonstrate that the procedure has either no impact or a positive impact on groups with protected characteristics.

Summary of actions taken because of this assessment:

The elements of the complaints procedure that we have the freedom to change will be improved to better facilitate the recording of equalities complaints with a view to using that information to inform service delivery.

Ongoing actions beyond implementation include:

None.

Lead person(s) for this assessment (job title and department only):

Corporate Governance and Policy Officer.

Senior responsible owner agreement that the policy has been fully assessed against the needs of the general duty (job title only):

Corporate Support Manager.

Publication date (for completion by Communications):

19/10/2022

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Version/Author	Date	Comment
V0.1	April 2022	Initial draft for discussion and review by equalities colleagues
V0.2	May 2022	Further draft for review by equalities colleagues
V0.3	June 2022	Further draft for review by equalities colleagues
V0.4	August 2022	Further draft for review by equalities colleagues
V0.5	August 2022	Further draft for review by equalities colleagues
V0.6	August 2022	Further draft for review by equalities colleagues
V0.7	September 2022	Full draft for review by Corporate Support Manager

Step 1 - Framing the planned change

Discussing step 1 and step 2 with the Policy Officer (Equalities) at an early stage will help identify appropriate evidence. This may include support from the wider Policy and Development team.

1.1 Briefly describe the aims, objectives and purpose of the policy/practice/process/service.

You can use the information in your project specification, business case etc.

The following objectives can be identified for this policy area:

1. To develop and improve our services based on user experience and feedback
2. To embed procedures which lead to all complaints being handled fairly, consistently and wherever possible resolved to the complainant's satisfaction
3. To make the process of making a complaint as easy as possible
4. To support the early resolution of complaints.

These objectives support two of our strategic objectives:

- Strategic Objective 1 - We deliver a high quality user focussed service
- Strategic Objective 2 - We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery.

Fully implemented, a complaints policy should also support key values:

- Accountability - this means that we can demonstrate that we work within our stated policies and procedures and apply them accurately and consistently
- Responsiveness - this means that, as a learning organisation, we reflect on how our work affects others, encourage the identification of opportunities for change and innovate using established design principles that embody our values.

1.2 Why is the change required? *Legislative, routine review etc.*

SLAB is a public body named in section 2 of the Scottish Public Services Ombudsman Act 2002. This gives the Scottish Public Services Ombudsman (SPSO) the power to investigate complaints against SLAB.

By virtue of section 5(1), SPSO is entitled to investigate any action taken by or on behalf of SLAB in the exercise of its administrative functions, and any service failure.



The Public Services Reform(S) Act 2010 provided the SPSO with the authority to lead the development of model complaints handling procedures (model CHPs) across the public sector. The model procedure is a required basis for a complaints policy in the public sector. The first model policy was introduced in 2013. We further updated our policy in 2018. Our complaints policy closely mirrors the model policy.

The model has been updated and published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 on 31 January 2020 to give public sector organisations time to implement any changes by April 2021.

1.3 Who is affected by this policy/practice/process/service? *Be clear about who the ‘customer’ is.*

SLAB staff, applicants, opponents, other members of the general public and (indirectly) solicitors, as well as opponents and other interested parties in the case. The procedure should facilitate predictability and consistency for the profession and applicants in their interactions with SLAB around complaints, whilst providing SLAB staff with greater clarity.

1.4 Policy/practice/process/service implementation date? *Project end date, date new legislation will take effect.*

01/04/2021

1.5 What other SLAB policies or projects may be linked to or affected by changes to this policy/practice/process/service?

The EqIA for related policies might help you understand potential impacts, and/or your findings might be relevant to share.

Linked projects include SLAB’s business plan, our current equality outcomes, current project list, and associated policies on communications.

Other linked work includes improvements to template letters and other written correspondence with assisted persons/applicants, opponents and other interested parties in the case, as well as early stage work in relation to an [interpreting service](#) which forms part of a [central government framework](#). A suite of [accessibility](#) and [language](#) options are available through SLAB’s website.

Step 2: Consider the available evidence and data relevant to your policy/practice/process/service

The information you gather in this section will:

- help you to understand the importance of your policy/practice/process/service for different equality groups,
- inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and
- provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.

2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service?

Stay focused on the topic and scope of your policy/practice/process/service. Does the policy/practice/process/service relate to an area where there are already known inequalities? Refer to the EqlA guidance for sources of evidence.

Remember, this step in the EqlA process is NOT about the impact your policy has on equality groups and what we need to do to mitigate those. That assessment is done under Step 4.

Note: If you proceed to a full EqlA you should continue to add to this section as you develop the policy/practice/process/service, come across new evidence and/or undertake a consultation.

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
Age	(1) Older people and reading (2) Reading age (3) OFCOM online report 2019 and 2018 research into access and inclusion	<ul style="list-style-type: none"> • Older adults use a different reading strategy from younger adults; relying more than young adults on holistic cues to the identities of words, such as word shape, so unfamiliar words and phrases may be harder to quickly decipher accurately. (1) • The average reading age in Scotland is 11 years. Written communication above this threshold will not be well understood by the majority of the public. (2) • Older adults are much less likely to have a smartphone or internet access, but will have a landline. In 2019, 13% of adults reported that they do not use the internet.

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p>(4) Highest level of qualification is linked to reading comprehension and problem solving ability - evidence split by equality groups</p> <p>(5) Scottish Government Civil Justice statistics</p> <p>(6) SLAB's applicants surveys</p>	<p>This has remained unchanged since 2014. People over 54 are less likely to use the internet (19% for 55-64s, 33% for 65-74s and 48% for those aged 75+). (3)</p> <ul style="list-style-type: none"> • Educational attainment is not evenly spread across equality groups. Older people are more likely to have no qualifications and less likely to have a qualification above SCVQ level 4. People with a limiting condition are almost three times as likely to have no qualifications as those without (although this will be influenced by age). (4) • Older people are less likely to experience civil justiciable problems. (5) • 5% of SLAB's civil legal aid applicants are over 65. (6)
Disability	<p>(7) Overview of literacy disabilities</p> <p>(8) Dyslexia prevalence; severe dyslexia prevalence; dyslexia simulation</p> <p>(9) UK Government - communication support and disabilities</p> <p>(10) Capital District Health Authority guidance; Book -</p>	<ul style="list-style-type: none"> • There are various forms of literacy disability, with dyslexia being the most common. Dysgraphia may be important for people we are asking to provide written information. Fewer studies of dysgraphia have been done, 5%-20% is the range quoted on a number of sites (provenance unknown). (7) • 10% of the Scottish population is thought to be dyslexic in some way. 4% may be severely dyslexic. (8) • Disabled people are generally less likely than non-disabled people to personally use most communications services and devices. Overall, the largest disparities are found in smartphone ownership in households (53% of disabled people have a smartphone in their household compared to 81% non-disabled people), and in internet use (67% of disabled people use the internet compared to 92% of non-disabled people). Some of this can be explained by their general older demographic and lower socio-economic grouping; some is related to disability. The

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p>Anxiety: The Cognitive Perspective (5) Scottish Government Civil Justice statistics (6) SLAB's applicants surveys</p>	<p>findings vary by disability, with visual impairments most likely to affect use of communication devices. (9)</p> <ul style="list-style-type: none"> • People experiencing mental health problems can find concentration and remembering difficult, as well as heightened stress levels. Anxiety and stress can exacerbate problems with reading comprehension. (10) • People with disabilities are more likely to experience civil justiciable problems. (5) • SLAB's applicant survey shows that 54% had a disability or limiting condition. Respondents who reflected on their background cited mental health issues as having an impact on their ability communicate effectively. (6) • SLAB's civil legal applicant survey showed that 52% of respondents had a disability or limiting condition, 24% described it as mental illness and 25% as reduced physical capacity. (6)
<p>Race</p>	<p>(11) Highest level of qualification is linked to reading comprehension and problem solving ability - evidence split by equality groups (6) SLAB's applicants surveys (12) Census results</p>	<ul style="list-style-type: none"> • Looking by ethnic group, the lowest level of attainment is for White Scottish people, followed by White Polish. All other ethnic groups have a lower proportion of no qualifications and a higher proportion of above SCVQ level 4. (11) • 97% were white (1% Polish and 2% other White) and 1% African, Caribbean or Black. (6) • By ethnic group, 87% were white (with 2% Polish and 3% other White) and 8% from other ethnic groups (2% any mixed or multiple ethnic groups, 2% African, Caribbean or Black). (6) • Those, whose first language is not English, may require translation or interpreting services as the relevant results from the census below show: <ul style="list-style-type: none"> ○ The proportion of the population aged 3 and over reported as not being able to speak English well or at all was 1.4% overall, and 11% for those born outside the UK.

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
		<ul style="list-style-type: none"> ○ This proportion generally increased with age of arrival into the UK: for those who arrived aged under 16 it was 5% while for those who arrived aged 65 and over it was 31%. ○ The proportion of Scotland’s population aged 3 and over who could speak, read and write English was 94%. This proportion was lowest for those born in the EU Accession countries (75%) or in the Middle East and Asia (89%). (12)
Sex	(6) SLAB’s applicants surveys	<ul style="list-style-type: none"> ● 74% of applicants for criminal legal aid are male and 26% female. (6) ● 64% of applicants for civil legal aid were female and 36% male. (6)
Gender Reassignment	(13) Trans mental health study ; Stonewall survey of LGBT mental health	<ul style="list-style-type: none"> ● The evidence for other protected characteristics does not highlight any impact of these characteristics in themselves on the ability of people to communicate effectively. However gender reassignment and sexual orientation are linked to higher levels of mental ill health. (13)
Sexual orientation	(13) Trans mental health study ; Stonewall survey of LGBT mental health	<ul style="list-style-type: none"> ● The evidence for other protected characteristics does not highlight any impact of these characteristics in themselves on the ability of people to communicate effectively. However gender reassignment and sexual orientation are linked to higher levels of mental ill health. (13)
Religion or Belief	None	
Pregnancy or maternity	None	
Marriage/civil partnership	None	

Equality characteristics	Evidence source (web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
Care Experienced (<i>corporate parenting duty</i>)	14) SLAB care experience literature review	Being care experienced is linked to higher levels of mental ill health and poorer educational outcomes, as well as a greater likelihood of being involved in the criminal justice system or experiencing homelessness.(14)

2.2 Using the information above and your knowledge of the policy/practice/process/service, summarise your overall assessment of how important and relevant the policy/practice/process/service is likely to be for equality groups.

The procedure is likely to be of most importance to people who are less able to deal with written correspondence. Most of SLAB’s communication in relation to complaints, particularly investigation complaints, is by letter. Telephone contact is also a frequently used medium, especially where SLAB is being contacted. Recall and comprehension of the information provided is also likely to be a key issue for those who communicate by telephone.

2.3 Outcome of step 2 and next steps. Complete the table below to inform the next stage of the EqIA process.
Consult with the project group and/or Corporate Policy Officer (Equalities) on completing this section.

Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality or our corporate parenting duties	N	Proceed to Step 5: agree with decision makers that no EqIA is required based on current evidence
There is relevance to some or all of the equality groups and/ or our corporate parenting duties	Y	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups and/ or our corporate parenting duties	N	Proceed to Step 3: complete full EqIA

Step 3 - stakeholder involvement and consultation

This step will help you to address any gaps in evidence identified in Step 2. Speaking to people who will be affected by your policy/practice/process/service can help clarify the impact it will have on different equality groups.

Remember that sufficient evidence is required for you to show ‘due regard’ to the likely or actual impact of your policy/practice/process/service on equality groups. An inadequate analysis in an assessment may mean failure to meet the general duty.

The Policy and Development team can help to identify appropriate ways to engage with external groups or to undertake research to fill evidence gaps.

3.1 Do you/did you have any consultation or involvement planned for this policy/practice/process service?

No

The Procedure is based on the SPSO Model Complaints Handling Procedure. NDPBs cannot deviate from this in the main.

3.2 List all the stakeholder groups that you will talk to about this policy/ practice/ process/ service.

N/A

3.3 What did you learn from the consultation/involvement? Remember to record relevant actions in the assessment action log.

N/A

Step 4 - Impact on equality groups and steps to address these

You must consider the three aims of the general duty for each protected characteristic. The following questions will help:

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

4.1 Does the policy/practice/process/service have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?

In the tables below, record the impact the policy/practice/process/service, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy/practice process/service or actions will be required to mitigate that impact. Copy any actions across to the project action log.

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Offering a range of formats and communication channels, such as in person, on the telephone, email/letter correspondence in relation to complaints to meet the needs of more groups. Adjustments based on need as well, such as shorter conversations for those whose memory or concentration are affected. The draft policy does not exclude any specific types of requests that are associated with certain disabilities or conditions.
potential for developing good relations	X			A public statement about the availability of adjustments and promotion of the policy could develop good relations between staff and customers.

potential to advance equality of opportunity	X			A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.
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Sex	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no impact on this protected characteristic.
potential for developing good relations			X	Evidence suggests no impact on this protected characteristic.
potential to advance equality of opportunity			X	Evidence suggests no impact on this protected characteristic.

Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Offering a range of formats and communication channels to meet the needs of more groups, as well as any adjustments for those whose memory or concentration are affected. The draft policy does not exclude any specific types of requests that are associated with certain disabilities or conditions. Since 2014, Next Generation Text Relay (NGTR) have provided customers with an improved text relay service to landline and mobile phones. This service allows users to communicate using a variety of devices -

				smartphones, tablets PCs - using an app. It is mainly used in a functional capacity to contact services or colleagues. Incoming calls to users are easier to make than previous services.
potential for developing good relations	X			A public statement about the availability of adjustments and promotion of the policy could develop good relations between staff and customers with disabilities.
potential to advance equality of opportunity	X			<p>A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for disabled people.</p> <p>There is useful government guidance on general formats which suit one type of impairment more than another:</p> <ul style="list-style-type: none"> • visual impairments - audio, audio description, Braille, Moon, telephone • learning disabilities and literacy difficulties - audio, audio description, easy read, easy access, Makaton, subtitles • hearing - BSL, Makaton, subtitling, text, phone, SMS • co-ordination difficulties - large print, audio, audio description, telephone.

Gender Reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Possible impacts would be associated with the mental health of members of relevant groups, rather than with the characteristic itself.
potential for developing good relations			X	

potential to advance equality of opportunity			X	
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Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Offering translation and/or interpretation for our main communication channels.
potential for developing good relations	X			A public statement about the availability of adjustments and promotion of the policy could develop good relations between staff and customers from different backgrounds where language is a barrier.
potential to advance equality of opportunity	X			A more consistent and transparent approach should help more people who have communication support needs due to their language skills to access SLAB's complaints process.

Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no impact on this protected characteristic
potential for developing good relations			X	Evidence suggests no impact on this protected characteristic
potential to advance equality of opportunity			X	Evidence suggests no impact on this protected characteristic

Sexual Orientation	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no impact on this protected characteristic.
potential for developing good relations			X	Evidence suggests no impact on this protected characteristic.
potential to advance equality of opportunity			X	Evidence suggests no impact on this protected characteristic.

Pregnancy & Maternity	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no impact on this protected characteristic.
potential for developing good relations			X	Evidence suggests no impact on this protected characteristic.
potential to advance equality of opportunity			X	Evidence suggests no impact on this protected characteristic.

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no impact on this protected characteristic.
potential for developing good relations			X	Evidence suggests no impact on this protected characteristic.
potential to advance equality of opportunity			X	Evidence suggests no impact on this protected characteristic.

Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	Evidence suggests no direct impact on this protected characteristic
potential for developing good relations			X	Evidence suggests no direct impact on this protected characteristic
potential to advance equality of opportunity			X	Evidence suggests no direct impact on this protected characteristic

4.2 Describe how the assessment so far might affect other areas of this policy/practice/process/service and/ or project timeline?

No impact.

4.3 Having considered the potential or actual impacts of your policy/practice/process/service on equality groups, you should now record the outcome of this assessment below.

Choose from one of the following (mark with an X or delete as appropriate):

Please select (X)	Implications for the policy/practice/process/service
X	<p>No major change Your assessment demonstrates that the policy/practice/process/service is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>
	<p>Adjust the policy/practice/process/service You need to take steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy/practice/process/service when implemented.</p>
	<p>Continue the policy/practice/process/service with adverse impact The policy/practice/process/service will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.</p>
	<p>Stop and remove the policy/practice/process/service The policy/practice/process/service will not be implemented due to adverse effects that are not justified and cannot be mitigated.</p>

Step 5 - Discuss and review the assessment with decision makers and governance structures

You must discuss the findings of this assessment with senior decision makers during the lifetime of the project/review and before you finalise the assessment. Relevant groups include, but are not limited to, a Project Board, Executive Team or Board members. EqlA should be on every project board agenda therefore only note dates where key decisions have been made (for example draft EqlA sign off, discussion about consultation response).

5.1 Record details of the groups you report to about this policy/practice/process/service and impact assessment. Include the date you presented progress to each group and an extract from the minutes to reflect the discussion.

N/A.

Step 6 - Post-implementation actions and monitoring impact

There may be further actions or changes planned after the policy/practice/process/service is implemented and this assessment is signed off. It is important to continue to monitor the impact of your policy/practice/process/service on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

6.1 Record any ongoing actions below.

This can be copied from the project action log or elsewhere in this assessment and should include timescales and person/team responsible. If there are no outstanding items please make this clear.

We will establish a mechanism to identify any impacts that a protected characteristic might have had on the dissatisfaction that is being expressed in the complaint so that we can improve our services for all customers.

6.2 Note here how you intend to monitor the impact of this policy/practice/process/service on equality groups. In the table below you should:

- *list the relevant measures,*
- *identify who or which team is responsible for implementing or monitoring any changes,*
- *identify where the measure will be reported to ensure any issues can be acted on as appropriate.*

Measure	Lead department/ individual	Reporting (where/ frequency)
Data on requests for communication support needs as part of the CHP and data on complaints that relate to an equalities issue.	CEO	Annually

6.3 EqlA review date.

This EqlA should be reviewed as part of the post-implementation review of the policy/practice/process/service. The date should not exceed three years from the policy/practice/process/service implementation date.

01/04/2024

Step 7 - Assessment sign off and approval

Once final consultation has been undertaken with Corporate Policy Officer (Equalities), all equality impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where an EqlA is not required. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:

Director/SRO sign off: 28/09/2022

Chief Executive approval: 18/10/2022

All full equality impact assessments must be published on SLAB's website as early as possible after the decision is made to implement the policy, practice, process or service.