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| **Report to:** | The Board |
| **Meeting Date:** | 20 March 2023 |
| **Report Title** | Draft equality outcomes 2023-26 |
| **Report Category** | For Discussion |
| **Issue status:** | Business from a project |

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| **Written by:** | John Osborne – Policy Projects Manager |
| **Director responsible:** | Colin Lancaster |
| **Presented by:** | John Osborne |
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| **Delivery of Strategic Objectives** | |
| Select the Strategic Objective(s) relevant to the issues | 1. We deliver a high quality user focussed service  2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery  3. We engage with users and delivery partners across the legal aid and justice system to inform good design of our system and services |

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| **Link to Board or Committee Remit** |
| The Board has reserved authority to approve SLAB’s equality outcomes. |

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| **Publication of the Paper** |
| We consider this paper is suitable for publication. |

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| **Previous Consideration** | |
| **Meeting** | **Detail** |
| N/A | N/A |

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| **Executive Summary** |
| This report presents the Board with a set of draft equality outcomes for the period of the next corporate plan, 2023-26. These are consistent with and support the delivery of the corporate objectives being presented to the Board for approval at this meeting.  Subject to Board consideration, the outcomes and associated activities would form the basis of a plan to be published alongside the Corporate Plan in April. |

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| **Report** |

## Background

1. Equality outcomes should be based on evidence and stakeholder engagement that identifies the biggest inequalities within our remit. These can be long term outcomes that cannot be achieved within a single reporting cycle, but focus on delivering change that is possible in that period.[[1]](#footnote-2)
2. In line with the Equality and Human Rights Commission’s guidance, the equalities team has reviewed a range of internal and external evidence, discussed key issues with stakeholders and analysed the current themes in the corporate plan to develop outcomes.

## Draft outcomes and activities

### Create the conditions to narrow the gender and ethnicity pay gaps

1. This outcome would fit with the corporate plan objective of Investing in our People.
2. As a focus on narrowing the gender and ethnicity pay gaps will be woven through the delivery of the People Strategy, this will help us to support our people to develop the skills and ways of working needed to deliver our mission, both now and in the future.
3. Internal evidence review suggested two main areas for potential focus. These were pay gaps and workforce diversity. Further discussion with the Head of HR and Organisational Development highlighted that many of the activities under the people strategy would contribute to narrowing the pay gaps over the long term. The amount of effort likely required to shift workforce diversity for small gains meant that some degree of continuing pay gap was accepted as an outcome.
4. SLAB has a negative pay gap when looking at disability, but there are pay gaps in relation to the protected characteristics of sex and race.
5. Associated activities would include reviewing our recruitment policy using the Scottish Government’s minority ethnic recruitment toolkit and setting indicators to monitor impact, but also wider work. Policies around flexible working, family friendly policies, reward, job evaluation and design, internal promotions, leadership and management would all assist with this outcome. The workforce planning element of the people strategy would also contribute.

### We gather and use equality data to inform our policies and improve our services

1. This outcome would fit with the strategic objectives of High Quality Administration, High Quality Delivery of Client Legal Services and Targeted Funding and Investing in our People.
2. This equality outcome would continue from 2021-2023, with a range of supporting activity. Our focus in the last set of outcomes was on creating the platforms to collect client and applicant data.
3. The activities for this set of outcomes would be to consolidate the progress made in collecting this data, for example by highlighting the importance when we conduct training with solicitors.
4. As we move more into the use of data, we can additionally highlight our employee data and the use of that in equality impact assessments linked to the staff policy review. The proposal to use Oracle HR and therefore gather equalities data at recruitment stage that is consistent with current staff information would also fit under this outcome. Reviewing the questions used in the Oracle system will likely be part of this and we would aim for consistency between client, applicant and staff data.
5. Aside from this internal data, we will analyse the SOPOR using equality data and support the use of equalities data by client legal services in their planning and delivery of services. We discussed with the EHRC how our research programme could additionally explore areas where statistical data may be limited in application and we have known gaps in knowledge (such as for people who are trans or have a trans history). Information gathered from monitoring the continued implementation and development of the customer communication support needs service will contribute to this outcome.

### We gather and use equality data to advise Ministers as part of our advice on legal aid reform and work to monitor the availability and accessibility of legal services

1. This outcome would fit with the strategic objective of Shaping the Future. This will ensure that equalities considerations are at the heart of our advice to Ministers.
2. This equality outcome focusses on our functions beyond funding and delivering services.
3. We will use the improved information gathered about legal aid applicants to better understand the availability and accessibility of legally aided services for equality groups.
4. Analysis of equality data will be an integral part of the advice we provide to Ministers on how to improve or reform the legal aid system.

### We make key information about our work and legal aid accessible to those who need our help

1. This outcome would align with the strategic objective of High Quality Administration and the emphasis on understanding and meeting customers’ needs.
2. This outcome builds on the previous outcome related to ease of access to our services.
3. Through external review and particularly through stakeholder engagement, we would propose to focus on making information about legal aid and our work more accessible to children, British Sign Language (BSL) users and those with cognitive impairments.
4. Whilst we have made good progress in making some of our content accessible, more could be done to make forms, information and guidance more easily understood by these groups. Communications colleagues have a focus on making information more accessible. These improvements will improve accessibility generally for all service users.
5. A focus on the needs of child applicants was part of the research programme for last year (although we could not resource it) and work related to this group may help when the UNCRC is incorporated into domestic law. This research and further engagement with stakeholders representing children, BSL users and those with cognitive impairments will shape how we develop content for this group.
6. Planned reviews of template letters to applicants from Principal Sums and the Collections teams would fit under this outcome.

## Next steps

1. Subject to Board consideration and approval, a full equalities outcome plan will be developed. This will be subject to review and agreement by the Executive Team.

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|  | **Governance Links** |
| 1 | Finance and Resources  Budgets will be required for commissioned research and for making information about our work accessible. |
| 2 | Risk  Risks will be escalated as appropriate to the size and nature of the workstream or project within the risk management framework. |
| 3 | Legal and Compliance  Development and publication of our equality outcomes meets regulation four of [The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012](https://www.legislation.gov.uk/sdsi/2012/9780111016718/contents). The specific outcomes we have developed will further assist with meeting regulations six, seven and eight. |
| 4 | Performance  The detailed plan will further measures which will be reflected in reports to the Board and in the Annual Report, beyond the pay gap information. |
| 5 | Equalities Impact  Each new policy or change will be equality impact assessed. The overall plan should tackle the biggest inequalities within our remit. |
| 6 | Privacy Impact and Data Protection  N/A. |
| 7 | Communications and Engagement  Projects and workstreams under the plan will consider engagement with stakeholders as appropriate. |

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| **Conclusion and next steps** |
| The Board is asked to consider the paper and comment on any issues. |

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| **Appendices/Further Reading** |
| [**Equality outcomes plan 2021-23**](https://www.slab.org.uk/app/uploads/2021/03/Equality-Outcomes-Plan-2021-23.pdf)  The main outputs reviewed to develop the 2023-26 outcomes are available on request. |

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1. EHRC guidance on equality outcomes, p.17- <https://www.equalityhumanrights.com/en/node/849> [↑](#footnote-ref-2)