EQUALITY IMPACT ASSESSMENT

SUMMARY

Title of policy, project or function:

Legal Aid Online (LAOL)

Is the policy, project or function new (proposed) or already exists?

It is a new web based system replacing the previous paper based system

Has a screening exercise been carried out before this full assessment?

No

Key findings from the assessment:

We believe the move from a paper based system to LAOL which is web based will overall have no negative impact on equality groups. There is potential for there to be a positive impact on people with disabilities who will be able to complete the online forms using assistive technologies.

This EqIA will be referred to and updated with each LAOL policy and system development to continue the move from paper to online processes.

It is recommended that the system is routinely assessed to ensure it is industry compliant with regards to web based accessibility standards. Necessary changes can be addressed in line with ongoing system updates.

Actions as a result of the assessment:

The EqIA will be referred to and updated with each policy and system development to continue the move from paper to online processes.

It is recommended that the system is assessed to ensure it is industry compliant with regards to web based accessibility standards. Necessary changes can be addressed in line with other system updates.

Date impact assessment published:

30/08/2017

Lead official(s) responsible for assessment:

Legal Aid Online project team

Department:

Information Systems Department

Name of sponsor/ Director who has signed off that the policy/ function has been sufficiently assessed against the needs of the equality duty:

Colin Lancaster, Chief Executive

Date of sign off:

August 2017

Step 1 - Examine the information available to assess likely impact of the function/ policy on different equality groups

1.1 Describe the policy, project or function. What does it aim to do? What and who will it affect?

Legal aid online (LAOL) is a web based system developed to replace paper based processes for the submission and processing of legal aid applications. This includes:

1. how solicitors submit applications for legal aid
2. correspondence
3. submitting accounts
4. sending attachments
5. Searching cases

Each of these will change the way solicitors and their staff process applications and account.

The old process required paper applications to be completed and sent through the post with any associated attachments. Once received they were registered on to our systems and letters sent to progress the application and intimate decisions. The profession had no access to review their case statuses and were required to write to us or contact us by phone to establish this. Once the case was completed they were then required to create paper accounts and post them along with any supporting evidence.

The new process removes the paper applications and the internal registration process and requires the profession to complete the application on the online system. There is a facility to scan and attach documents to the application but the ability to send documents via the post if necessary has been retained. All correspondence is processed through the online system and firms have access to search on case statuses via the online system. The majority of accounts can now also be submitted via the online system.

The changes principally affect solicitors who are required to approve all the work processed with regards to applications and accounts; however it is recognised that the following parties may also be involved with work being delegated to them to input on the online system:

- Staff within solicitor's firms
- Law accountants
- Producers of case management systems
- SLAB employees

1.2 What is known about each of the equality groups who might use or be affected by this policy?

It is not considered that the introduction of LAOL has impacted on the stakeholders in terms of the recognised equality characteristics of sex (gender), race, gender reassignment, sexual orientation, pregnancy & maternity status, religion or belief, and marriage and civil partnership

There is evidence for the characteristics of age and disability potentially being impacted and consideration has been given to this when moving to online services. As part of a review of the online services the following information is primarily based on the Law Society Profile of the Profession 2013[1] which covers all the profession and not just solicitors who carry out legal aid work.

1. Age – According to the Law Society 2013 profile, the majority of solicitors (79%) are aged between 25 and 55 years of age. However, there are significantly more female respondents in the 25 to 35 years old age group in comparison to males (42% and 23% respectively). This changes for solicitors aged 56 years and above, with 28% of male respondents falling into this category in comparison to just 9% of females.

The Scottish Household Survey 2013[2] shows a clear relationship between age and personal use of the internet. 96% of 25-34 year olds use the internet compared to 84% of 45-59 year olds. This percentage lowers again to just 63% of 60 – 74 years olds using the internet. This indicates that people in the older age brackets may be less confident or able in using internet based technology and therefore may find it more difficult to use than people in the younger age brackets. However, it should be noted that internet usage can also be linked to other factors. An example is household income; 96% of households with a net annual income of £30,001 - £40,000 have internet access and this increases to 98% where the net annual income is £40,001 or more. The percentage of households with internet access and the numbers of people overall using the internet is increasing on an annual basis.

[1] http://www.lawscot.org.uk/media/226958/profile%20of%20the%20profession%202013.pdf
[2] http://www.gov.scot/Publications/2014/08/7973

Although the Law Society of Scotland survey indicates there is a reasonable number of male solicitors over 56 this is not seen as a major barrier moving forward for the reasons noted above and the option for solicitors to delegate the use of LAOL to other members of their staff.

2. Disability – The Law Society 2013 profile information indicates that 4% (n=126) of solicitors indicated that they consider themselves to have a disability. Of the 119 respondents who specified what this disability/impairment was, 37% have a long term illness, disease or condition, and 21% have a physical disability. Of those that are currently employed within the legal profession, only 3% consider themselves to have a disability. Of the 93 who also indicated what their disability/impairment was, 38% have a long term illness, disease or condition, 22% have a sensory impairment, and a further 20% have a physical disability.

According to http://www.web-accessibility.org.uk/ around 20% of people in the UK cannot access the web as easily because a disability prevents them from accessing the web using the same technology as a non-disabled person. However, good design can assist end user access to web based systems in various ways. For example, the ability to increase fonts and change screen colours for people who sight impairments or colour blindness, use of voice recognition software, and enabling people with mobility disabilities (e.g. loss of fine motor skills or with tremors) to navigate forms using keyboards or joysticks and may prefer to input information using voice recognition software.

1.3 Are there any gaps in understanding of your policy/ function in relation to equality groups?

The LAOL system is used by a combination of solicitors and administration staff. There is information available on the demographics of solicitors practising in Scotland. However LAOL is and will be used by other groups including law accountants and firm administration staff and we have no demographic statistics for these groups.

We believe the possible impacts identified below for solicitors will be similar to these other groups and we will continue to monitor feedback/ undertake surveys with LAOL users before, during and after the roll out of the LAOL services.

Step 2 - Impacts on priority characteristics and suggested steps to address these

Does the policy/ function have any impacts (whether intended or unintended, positive or negative) on any of the equality groups? Describe for each group the ways in which the policy, as it is planned or as it operates, might have negative and/ or positive impacts. You should answer these three questions for each group:

1) Is there potential for discrimination?

2) Is there potential for developing good relations?

3) Is there potential to advance equality of opportunity?

Race

Is there any potential impact on this group? No
Please explain your answer:
This development shows no indication of positively or negatively affecting stakeholders under this protective characteristic.

1) No
2) N/a
3) N/a

Sex (gender)

Is there any potential impact on this group?No
Please explain your answer:
This development shows no indication of positively or negatively affecting stakeholders under this protective characteristic.

1) No
2) N/a
3) N/a

Gender reassignment

Is there any potential impact on this group? No
Please explain your answer:
This development shows no indication of positively or negatively affecting stakeholders under this protective characteristic.

1) No
2) N/a
3) N/a

Disability

Is there any potential impact on this group? Yes
Please explain your answer:
The evidence available suggests that there are specific needs for people with disabilities. LAOL needs to continue to be developed with regards to up to date industry standards to ensure compatibility with technologies used by people with disabilities to access the internet. People with sensory impairments and physical disabilities (such as loss of fine motor skills) need to be given due consideration.

An equality impact assessment was not carried out prior to the online services being introduced however we did monitor end user feedback and calls to the LAOL helpdesk. There was only one equality related issue reported regarding colours and fonts which was considered in the LAOL development phase.

1) **Yes (as above)**
2) **N/a**
3) We believe the gradual move from a paper based system to a web based system will have an overall positive impact on people with disabilities. It lends itself to increased autonomy for people through the option to use assistive technologies such a voice recognition software and more basic options such as using screen reading software and increasing font sizes which is controlled by the end user.

Pregnancy and maternity

Is there any potential impact on this group? Choose an item.
Please explain your answer:
This development shows no indication of positively or negatively affecting stakeholders under this protective characteristic.

1) No
2) N/a
3) N/a

Religion and belief

Is there any potential impact on this group? Choose an item.
Please explain your answer:
This development shows no indication of positively or negatively affecting stakeholders under this protective characteristic.

1) 1) No
2) N/a
3) N/a

Age

Is there any potential impact on this group? Choose an item.
Please explain your answer:
As noted above, there is published evidence that shows a correlation between age and internet usage. However, this is mitigated by other factors and research shows that internet usage across age groups is increasing year on year. The LAOL system also allows solicitors to delegate the firm's interaction with the system if preferable. We are therefore confident that there is unlikely to be an impact on this equality group.

1) No (as above)
2) N/a
3) N/a

Marriage and civil partnership

Is there any potential impact on this group? Choose an item.

Please explain your answer:

This policy shows no indication of positively or negatively affecting stakeholders under this characteristic.

1) No
2) N/a
3) N/a

Sexual orientation

Is there any potential impact on this group? Choose an item.

Please explain your answer:

This policy shows no indication of positively or negatively affecting stakeholders under this characteristic.

1) No
2) N/a
3) N/a

Where there is potential for indirect/ direct discrimination, what can you do to reduce or eliminate this risk?

As the solution is web based there is standard functionality where users are provided with an option to make changes to how they view the screen e.g. increasing the font size of the text presented. As part of the ongoing improvement to online services we are looking at introducing dictation services which will allow speech to be directly entered into the online system, this will be specifically advantageous to online accounts. We will address any individual requests where the introduction of online services would cause major impact to anyone with a disability or from another protected equality group. We will test the system for use with text readers (e.g. Read&Write Gold for which we have a corporate licence for staff use). These actions help towards our aim to eliminate discrimination and promote equality of opportunity.

The system has also been designed so that either the solicitor can use it directly or they can delegate the processing of legal aid online to members of staff so we have not limited use to an individual.

Do you need to make changes to your policy or function on the basis of this assessment?

No at present but ongoing consideration of latest technology and accessibility standards should be reviewed with each upgrade to the system and/ or as further paper based systems are converted to LAOL.

What is the likely impact of these changes on the plans for the policy/ function? (resources, cost, timings etc.)

n/a

Step 3 - Consultation and stakeholder engagement

Do you/did you have any consultation/ involvement planned for the policy/ function?

Yes

What do you hope to achieve from your consultation/ involvement?

We carried out a number of surveys with end users of LAOL and included equality/disability questions within this. To date there have been no barriers to using LAOL reported. We received feedback from one user who uses speech services to complete legal aid online applications direct from dictation but we were not given information on whether this related to a disability.

List the main stakeholder agencies that you intend to or have already discussed this policy with. Give details of any equality groups represented.

Law Society of Scotland
Firms involved in the pilot phase
Law accountants associations

Step 4 - Discuss and review the assessment with decision makers and governance structures

You **must** discuss the results with senior decision makers before you finalise the assessment.

Give details of the governance structures you will report, or have already reported, to about this assessment.

The Legal Aid Online project board members and Executive Team

If you have presented the results of the assessment to the groups you have listed above please include the date you presented to each group listed.

Yes – duration of project and Executive Team in March 2015.

Will there be any changes made to the plans for the policy/ function or actions as a result of this assessment?

No

However, it is recommended that the system is routinely assessed to ensure it is industry compliant with regards to web based accessibility standards. Necessary changes can be addressed in line with other system updates.

The EqIA will be referred to and updated with each policy and system development to continue the move from paper to online processes.

If yes, give details of likely changes and actions arising from this assessment.

n/a

Step 5 - Publication and review of EQIA

All assessments must be published as early as possible after the decision is made to implement a new policy or function.

Date of publication:

30/08/2017

Review date:

30/08/2019
Or in line with plans for LAOL developments.