

EQUALITY IMPACT ASSESSMENT

SUMMARY

Title of policy, project or function:

Review of SCL

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

New policy for an existing function

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

No: this project should directly affect staff's job roles and contracts, so checks for equality impacts are needed.

Key findings from the assessment:

There are a number of areas where the new policy could have an impact on equalities groups within the staff team. These will be addressed mainly through clear operational rules.

Actions as a result of the assessment:

Lone working policy to be developed

Rota software procurement to include specific criterion around visual impairment

Date impact assessment published:

23/01/2020

Lead official(s) responsible for assessment:

John Osborne

Department:

Strategic Development

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

Marie-Louise Fox, Director of Operations

Date of sign off:

16 January 2018

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?

The project aims to deliver an operating model for the SCL in time for CJA implementation. Included within scope of the operating model is:

1. Developing options and recommendations for a remit for the SCL under the CJA
2. A documented organisational design, including revised job descriptions and contracts where necessary and appropriate
3. Operational guidance to cover key scenarios

Included in scope of the project are all aspects of organisational design including the development of job descriptions and the development of new contracts. New contracts will be subject to SLAB's bargaining unit framework agreement. Managing the transition to the new system and monitoring implementation will be part of the project.

The organisational design workstream will involve aligning the structure of the SCL with the agreed operating model by:

- Understanding the business processes, workflows, roles and responsibilities, volumes of work, activity analysis and resources
- Designing and testing new models or structures

The main outputs are listed below, which are drawn from a review of operating model frameworks. These will include recommended roles and responsibilities for key activities. This will include looking at IT needs, phone systems and location. Procurement of case management and contact handling systems are being taken forward in another project, but interim case management and recording systems are within scope. These will be recommendations to the project board.

Key outputs

1. Stakeholder map
2. Locations footprint
3. Value chain map
4. Organisational model
5. Scorecard
6. IT blueprint

7. Demand and capacity analysis
8. Operational process mapping

Key outputs from the organisational design process will be used to develop job descriptions and contracts for agreement with SLAB's recognised trade union.

The revised process and organisational model will affect SCL staff and people who are in police custody who wish advice from a solicitor.

Operational guidance will be developed to ensure a smooth transition to the new way of working after the Criminal Justice Act is implemented. A new rota will be implemented as part of the new contract and way of working.

Objective 1 was specifically part of the Criminal Justice Act project. The scoring of options included factors such as maximising the number of people who could access advice, speed of access and ease of securing service. See [CJA project EqlA](#) for impacts of the Act and SLAB's responses to these. Only those parts of the advice giving process which are directly within the control of SCL have been considered as part of this EqlA.

Objectives 2 and 3 are uniquely part of the SCL project and are the subject of this EqlA.

1.2 What is known about each of the equality groups who might use or be affected by this policy? For evidence see [Scottish Government equality finder](#) (contains information on equality groups and the justice system), the [SLAB shared drive](#) - information on the different groups (contains other information on equality groups) and [SLAB's research webpage](#) for information on the demographics of applicants of legal aid and solicitors providing work under legal aid.

Current staffing complement: 13 solicitors on rota, a mix of ages and gender. Other equalities characteristics have not been declared in sufficient numbers to be used for analysis. Currently there is a mix of homeworking, police station attendances and in-office phone line shifts. Adjustments have been and are being made in respect of protected groups, such as maternity and disability.

Justice-wide estimates for the implementation of the CJA suggest that 13% of people detained will have a vulnerability, many of which are likely to intersect with protected characteristics.

In relation to lone working, the nature of SCL's work means that staff could be working alone at night in the vicinity of police stations, or as part of travel to and from attendance. The [Scottish Crime and Justice Survey](#) demonstrates that women tend to feel less safe than men when thinking about walking alone at night.

Employment rates (72.9% for those aged 16-64 in 2016) are strongly patterned by certain equalities characteristics, such as for those who have a disability (42.9) and those from ethnic minorities (57.6). In relation to gender, in 2016 87.2% of men in employment were in full time employment compared to 58.3% of women.¹ Part-time working is more likely to be undertaken by women with caring responsibilities and tends to be less well paid on average than full-time work.² Lone parent households tend to be headed by women³.

1.3 Are there any gaps in understanding of your policy/ function in relation to equality groups? *You should think about opportunities to fill any gaps in evidence through your consultation plans for the policy/ function at Step3.*

Whilst there are gaps in the equalities information available through SLAB's HR systems, other sources of information have been used to increase our understanding of the potential implications, such as HSE guidance, Trade Union briefings.

¹ From SG equality evidence finder

² <http://www.gov.scot/Publications/2017/03/5882/1>

³ [OPFS factsheet](#)

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? Yes

Please explain your answer:

The potential impact only falls to SCL staff, as exploration of the issue for clients as part of the process mapping work has shown there to be no impact in relation to interpreter services accessed / provided specifically by SCL. Additionally, the impact that new SCL processes can make on clients cannot be differentiated by protected characteristic (i.e. it is not possible to prioritise or de-prioritise calls/ attendances systematically).

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's recruitment policies and practices mean that no-one from this group will be subject to discrimination, but there is an opportunity to promote job roles in a way that encourages more applications from people who belong to minority ethnic groups.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes. Ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas. Where externally advertised, the recruitment campaign should be designed to encourage applications from minority ethnic groups.

Sex (gender)

Is there any potential impact on this group? Yes

Please explain your answer:

The potential impact only falls to SCL staff, as the impact that new SCL processes can make on clients cannot be differentiated by protected characteristic (i.e. it is not possible to prioritise or de-prioritise calls/ attendances systematically).

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design. Rota patterns currently being considered could accommodate part-time working as either relief work⁴ or by "sharing a line" in a rota with another part-time worker. This would need to be subject to close cooperation between employees and the manager. The nature of the 24/7 role of the SCL means that childcare may be less readily available for employees in this role than those who work other patterns (such as 9-5, Monday to Friday).

Ensuring that the SCL staff as a group rotate through both night and day shifts for health and safety reasons⁵ means it is unlikely that an employee could access only day shifts in a part-time rota to help with access to childcare.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

⁴ <http://shift-work.com/shift-schedule-issues/relief-crews/>

⁵ <http://www.acas.org.uk/index.aspx?articleid=3877>

Lone working at night may be more unattractive for women, in line with general perceptions of safety, although the nature of lone working is not changing as a result of the review

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes. Ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas. SLAB putting in place a lone working policy. Job adverts could include the ability to accommodate part-time work, subject to either relief shifts being needed or another worker willing to "share a line". Rota patterns will be subject to review, which presents an opportunity to further consider their structure in order to offer adjustments.

Gender reassignment

Is there any potential impact on this group? Yes

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonerline work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas.

Disability

Is there any potential impact on this group? Yes

Please explain your answer:

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design. Rota patterns currently being considered could accommodate part-time working as either relief work⁶ or by “sharing a line” in a rota with another part-time worker. This would need to be subject to close cooperation between employees and the manager.

Current rota patterns being considered combine phone-line shifts and attendance shifts, which presents limited opportunity for offering shifts that may better accommodate certain needs: for example, if someone is seeking to work phone-line only shifts due to physical access requirements.

Ensuring that the SCL staff as a group rotate through both night and day shifts for health and safety reasons⁷ means it is unlikely that an employee could access only day or night shifts in a part-time rota as an adjustment for a disability.

SLAB’s wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

People may have medical conditions or disabilities that make it more difficult to work alone, although the nature of lone working is not changing as a result of the review.

- 1) Yes - although SLAB’s wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) Yes - new IT systems should offer ability to interact with software / hardware which helps people with visual or auditory impairments
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas. SLAB putting in place a lone working policy. Job adverts could include the ability to accommodate part-time work, subject to either relief shifts being needed or another worker willing to “share a line”. Rota patterns will be subject to review, which presents an opportunity to further consider their structure in order to offer adjustments.

⁶ <http://shift-work.com/shift-schedule-issues/relief-crews/>

⁷ <http://www.acas.org.uk/index.aspx?articleid=3877>

Pregnancy and maternity

Is there any potential impact on this group? Yes

Please explain your answer:

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonerline work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

Current rota patterns being considered combine phone-line shifts and attendance shifts, which presents limited opportunity for offering shifts that may better accommodate certain needs: for example, if someone is seeking to work phone-line only shifts.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

Lone working may be more unattractive for those who are pregnant, although the nature of lone working is not changing as a result of the review.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas. SLAB putting in place a lone working policy. Rota patterns will be subject to review, which presents an opportunity to further consider their structure in order to offer adjustments.

Religion and belief

Is there any potential impact on this group? Yes

Please explain your answer:

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonerline work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas.

Age

Is there any potential impact on this group? Yes

Please explain your answer:

The potential impact only falls to SCL staff, as the impact that new SCL processes can make on clients cannot be differentiated by protected characteristic (i.e. it is not possible to prioritise or de-prioritise calls/ attendances systematically).

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas.

Marriage and civil partnership

Is there any potential impact on this group? Yes

Please explain your answer:

The potential impact only falls to SCL staff, as the impact that new SCL processes can make on clients cannot be differentiated by protected characteristic (i.e. it is not possible to prioritise or de-prioritise calls/ attendances systematically).

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas.

Sexual orientation

Is there any potential impact on this group? Yes

Please explain your answer:

The potential impact only falls to SCL staff, as the impact that new SCL processes can make on clients cannot be differentiated by protected characteristic (i.e. it is not possible to prioritise or de-prioritise calls/ attendances systematically).

For SCL staff, decisions on allocation of attendance requests (in Scotland / cross-border) or requests to do off-shift phonenumber work should be subject to clear rules, to avoid the possibility of discrimination by individuals. A degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

Rota patterns should normally be the same for all solicitors, unless reasonable adjustments are needed, which could be built into shift-swapping rules and rota design.

SLAB's wider work to raise awareness and train staff on equalities issues will help to mitigate any risk of direct or indirect discrimination.

- 1) Yes - although SLAB's wider set of corporate policies and procedures, such as dignity at work and the grievance procedure, help to mitigate this potential.
- 2) No
- 3) Yes - ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas.

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

As noted above, by ensuring clear operational guidance in both the day-to-day operation of SCL and the development and management of rotas. By advertising external posts in a way that encourages applications from key under-represented groups such as women, people with a disability and people from an ethnic minority. Future review of the rota will be a key point at which to assess whether further flexibility in rota design is possible or necessary.

The level of flexibility envisaged in the rota and associated operating procedures is the maximum that could allow SLAB to meet the core requirement of 24/7 cover for the phonenumber and attendances, given the level of uncertainty around how the CJA will operate and impact on SCL demands.

This includes that rota patterns will normally be the same for all solicitors, unless adjustments are needed, which could be built into shift-swapping rules and rota design. Rota patterns currently being considered could accommodate part-time working as either relief work or by "sharing a line" in a rota with another part-time worker. This would need to be subject to close cooperation between employees and the manager. Shift swapping rules should incorporate a degree of discretion and consideration of appropriate equalities-related issues will be part of those rules to be applied by the manager.

The review of the rota and EqIA in the second half of 2018 gives a chance to reconsider the potential level of flexibility in light of new information on the operation of the CJA and the functioning of the new rota.

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

The requirement to ensure clear rules are in place for operational management of the service now have the added weight of being necessary to avoid potential discrimination. Considerations around equalities have been part of ongoing developments within the project: for example, they were taken into account as part of decision-making around allowing shift swaps and in considering whether the SCL could prioritise calls for certain groups of clients.

Rota software procurement should offer ability to interact with software / hardware which helps people with visual impairments. Case management software or new telephony systems are outwith scope, but the findings of this impact assessment will be shared with relevant staff.

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

None: these are already being factored into the elements of the policy that are within scope.

Step 3 - Consultation and stakeholder engagement

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

Yes

SCL managers and solicitors will be involved in developing the organisational design and the detailed business process model, including in developing new rotas. Consideration of equalities impacts has been be part of these discussions and developments.

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

Consideration of possible equalities impacts, including through obtaining preferences for patterns of working in rota design.

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

SCL solicitors / managers; SLAB's union

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

SCL Review Project Board - SRO is Marie-Louise Fox

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.

Initial review of potential impacts considered by project board on 30 October 2017. Full equality impact assessment considered by project board on 4 December 2017, 15 December 2017 and 16 January 2018.

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

Yes

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

Schedule of requirements for software to help manage rotas, along with the assessment of the tenders, will include ability to interact with software / hardware which helps people with visual impairments.

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:

23/01/2020

Review date:

TBA

The review should take place at the same time as a review of the roster patterns, to allow for any adjustments to be made at that time.