



# Equality outcomes progress and mainstreaming report

October 2020

The Scottish Legal Aid Board

[www.slab.org.uk](http://www.slab.org.uk)

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## Introduction

This report shares our achievements against our equality outcomes for 2017-2020 and sets out the progress we have made in our work to mainstream equality throughout our organisation.

Good progress has been made in delivering the workstreams we set out in 2017 and we have been able to show the impact of this in areas such as mental health at work. Some of our planned changes will now be implemented in early 2021 and we have plans in place to monitor the impact of these changes on equality groups. Measuring impact continues to be a key area of improvement for us, which is why we will continue work to improve the equality data we are able to gather about people who apply for legal aid and the solicitors who deliver legal aid services. This will complement our well established programme of research that already helps us to understand the views and experiences of the people who use our services and through which we already gather good equality information.

We are pleased to see the progress we have made to mainstream equality. The organisational improvements we set out in our [corporate plan 2017 - 2020](#) have provided opportunities to do this. We are still building the architecture to support the delivery of outcomes firmly within the legal aid system through a programme of policy review and improved data capture and this will be our priority in the next outcomes cycle.

Our equality outcomes will be published in a separate report and will reflect our new corporate priorities and objectives, which have just been agreed. The global pandemic has presented many challenges but also opportunities to rethink our equality priorities, and this will be reflected in our new outcomes report.



**Ray Macfarlane**  
Chair



**Colin Lancaster**  
Chief Executive

## Context for the report

This report covers the period 1 April 2017 to 31 October 2020. It includes:

- The progress we have made against our equality outcomes<sup>1</sup>
- an update on our work to mainstream equality into the way we work
- a summary of our employee equality information
- details of our gender pay gap and our equal pay statement.

This report would normally include our new equality outcomes for the next three years in line with our corporate planning cycle. However, the global pandemic has delayed the publication of our corporate priorities, including our equality outcomes. Our updated equality outcomes will therefore be published before 31<sup>st</sup> March 2021 which meets our statutory reporting timeline.

### Our organisation

Our primary purpose is to manage access to legal aid funding by applying the rules set by the Scottish Parliament for assessing eligibility for legal aid and checking accounts submitted for payment by solicitors and advocates.

Legal aid funding pays for solicitors, advocates and other necessary services to help people resolve problems by negotiation or in a court or tribunal. The vast majority of services paid for through the Legal Aid Fund are delivered through the private sector. The third sector and our own in-house legal services also deliver case by case services but on a much smaller scale. Finally, a small amount of funding provides direct grants for projects to deliver targeted legal services. The Legal Aid Fund also finances the quality assurance schemes we manage.

### Legal context

The Equality Act 2010 introduced the public sector equality duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

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<sup>1</sup> We previously published an interim report on progress against our 2017-2020 outcomes in October 2018. This can be found at <https://www.slab.org.uk/corporate-information/how-we-work/equalities-and-diversity/>

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

In Scotland, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (and subsequent updates) support public authorities like the Scottish Legal Aid Board (SLAB) to meet the general duty.

The Equality and Human Rights Commission (EHRC)<sup>2</sup> monitor and regulate compliance with the public sector equality duty and relevant regulations in Scotland.

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<sup>2</sup> <https://equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

## What we have learned from our second equality outcomes cycle

Each equality outcomes cycle is an opportunity to think about what worked and where we can improve. We use this information to improve our approach to managing work to deliver our equality outcomes with aim of improving our future performance.

Looking back at what we have learned from the last two outcomes cycles we realised that there remain common themes of improvement. We have therefore carried across the themes from our April 2017 into this report to show where we were then and where we are now.

### Link to corporate planning and priorities

2017: Our equality outcomes and corporate planning cycles and core content were not previously aligned. We have taken the opportunity to match our equality outcomes cycle to our corporate planning cycle of three years from April 2017. In this last cycle we have also aligned more core content in the equalities plan with the corporate plan content.

2020: This approach has worked well in terms of integrating equality into our corporate work and progressing more activity than in previous years. Our workforce can clearly see how our equality outcomes support our corporate priorities and core functions. Although COVID-19 has delayed the publication of our corporate plan and our revised equality outcomes, we will continue to align these planning cycles to maintain the positive impact as described.

### Embed activity in relevant strategies

2017: In reviewing our equality outcomes we have worked with managers across the business to make connections between their upcoming priorities and our equality outcomes.

2020: This approach has helped mainstreaming of equality into workplans and improved ownership and governance to improve delivery of work to support our equality outcomes e.g. communications strategy.

Delivery of work through our People Strategy has been less successful as this was published in 2019 which was mid way through our equality outcomes cycle. The impact of COVID-19 also means our previous workforce priorities are being revised and will now be delivered through the DANWE project (designing a new work environment) and the review of our HR policies.

### Improved reporting on progress

2017: Embedding equality work in key strategies and linking to departmental priorities will enable streamlined progress reporting through Director's established business plan reporting. Our previous approach resulted in our equalities work plan being an extra layer on top of managers' other priorities which did not encourage ownership. Our revised approach should overcome this barrier and result in a more efficient reporting process.

2020: Progress against all our equality workstreams were included in business plan reporting to the Executive Team. This has improved ownership by relevant managers and the Executive Team's oversight and accountability to deliver our equality outcomes.

We continue to face challenges in our ability to measure the impact of our work on equality groups. We rely on solicitors to complete equalities monitoring data across all legal aid types and application processes. We have very low rates of completion (specifically on race and disability): 93% non-completion across all aid types in 2019. In response, we have developed a policy about gathering equality data (equality outcome 3). Our IT system set up means that we will need to implement the required system changes in line with system re-writes across each legal aid type. We expect to have more detail on this long term project when we publish our revised equality outcomes before 31<sup>st</sup> March 2021.

One of our key corporate projects over 2017-20 has been the transformation the way we measure and publish information on our operational performance. This has been a complex and long running project. This project is still ongoing and we have restated measures to better capture equalities impacts we can identify without monitoring data - such as impacts on people affected by the process associated with guardianship applications. These steps are being captured in an equality impact assessment of this project as it develops.

#### **Our outcomes need to be focused within our remit and evidence based**

2017: For 2013-2017 our equality outcomes applied to all protected characteristics and were broad in scope. In some areas we could have focussed activity to ensure impact on specific equality groups. In this next outcomes cycle we have focussed on our role and remit where we are more able to deliver results.

2020: Equality outcome 2 has been targeted at specific equality groups based on our initial evidence review. This has really helped to focus the work of the workstreams under this outcome. For example, in the letter template review this focus helped us to prioritise the equality groups we engaged with in our research and stakeholder engagement.

Our 2017-2020 outcomes and supporting workstreams have been more clearly within our remit to deliver and that is reflected in the progress we have made. Our current focus is to set out our policy framework within the legal aid schemes in projects like GALA (see equality outcome 2 progress update) which will enable us to target activity in future outcomes cycles.

#### **Our outcomes should be ambitious but achievable**

2017: We need to be realistic about the resource we have to deliver work under our equality outcomes as well as other priorities. We anticipate a reduction in the number of planned activities which will be focused on areas that evidence tells us will have most impact. We also need to build in capacity to respond to changes in priorities driven externally or revealed through ongoing customer engagement.



2020: Our workstreams have been more focused and evidence based than in previous outcome cycles. However, in our mid way report in October 2018 we said we would develop a vulnerable customers policy which we have been unable to start due to other priorities.

To better manage the risk of setting additional projects on top of previously agreed priorities we have appointed dedicated project management resource to deliver on significant corporate projects. We have also recruited a Policy Development Officer who is currently dedicated to supporting the delivery of projects important to the delivery of our equality outcomes and mainstreaming priorities.

## Progress against our equality outcomes 2017 - 2020

The equality outcomes we set in April 2017 were based on evidence<sup>3</sup> and were finalised in consultation with employees, our leadership team, Board members and external equality organisations.

Our outcomes were:

1. Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business.
2. Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid.
3. System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.

Our equalities work plan to progress these equality outcomes comprised nine workstreams with an identified owner and timeline. In this section we set out the activities that helped to deliver our equality outcomes along with the relevant indicators to illustrate progress.

Please note that the information below builds on the progress report we published in [October 2018](#) which will contain additional detail.

**Equality Outcome 1: Our diverse workforce is aware and understands equality and diversity and the impact of this in helping us manage and deliver our business.**

**Relevant to all protected characteristics**

**Equality Duty deliverables:** advance equality of opportunity, eliminate discrimination, foster good relations.

### **Workstream one: Mental Health at Work**

**What we did:** Our baseline employee Mental Health Check survey (2016) clearly showed that training on mental was a priority, and that we needed to improve our organisational culture around mental health at work. All the activity under this workstream was targeted at employees to help them manage their own mental health and improve understanding of colleague's mental health.

We reported in October 2018 that 88% of employees had completed e-learning on core equalities topics including mental health awareness. Since then, 97% of our line managers including our

<sup>3</sup> Full details available in SLAB's [Equality Outcomes and Mainstreaming Report April 2017](#).

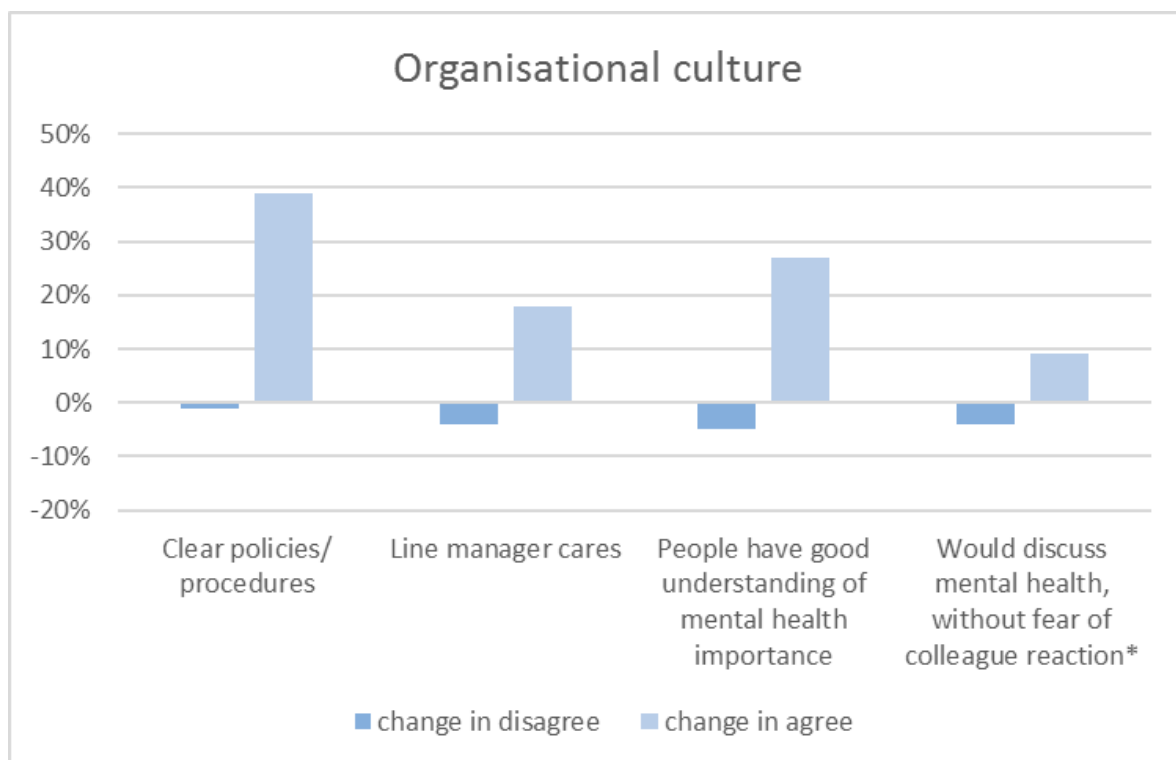
Executive Team attended workshops to provide practical skills to successfully manage mental health issues within their team. These were delivered by an external provider that specialises in mental health at work and was tailored to our requirements. This was supplemented by a one hour e-learning course on mental health which has been added to our learning management system for all employees to access.

We ran more guest speaker events on national mental health awareness days (e.g. ‘Time to Talk’ day). We commissioned a series of resilience workshops for employees who identified this as a personal development need. We have also posted articles about mental health at work on our intranet with links to SLAB policy and information about our occupational health provider.

**Measuring impact:** The 2019 follow up mental health check survey (2019) confirmed that the activities above have had a positive impact. There is still room for improvement and the survey data and other measures below will be used in our equality impact assessments of our employee related policies.

In 2019, 74% of respondents had received mental health training compared to 11% of respondents in the baseline survey. We also saw many large positive increases in employees’ perceptions of our organisational culture as shown in Graphs 1 and 2 below<sup>4</sup>. Responses against all these statements now show 50% agreement or more, and up to 73% agreement that their line manager cares about their mental health.

**Graph 1: Organisational culture changes between 2016 and 2019**



<sup>4</sup> \* refers to a change in wording of the statement in 2019 compared to the 2016 survey.

**Graph 2: Organisational culture changes between 2016 and 2019**



We analysed the survey results by those who had experienced mental health problems and those who had not. Against all statements for organisational culture, those with experience of mental health problems are less likely to agree and more likely to disagree.

Our **workforce disclosure** rates on disability increased from 5% to 15-20<sup>5</sup> between April 2017 and March 2020. Our new HR Oracle Cloud system (April 2019) supports employees to declare absences related to anxiety/depression, bereavement, personal and work related stress. There has been an increase in the disclosed number of mental health related absences from 2018 with 33% of reported absence being due to mental health between April 2019 to March 2020. This is a positive change in terms of people being supported to tell us when these issues affect them, and in enabling managers to better support those employees. We have not included the data for 2020 as our recorded absence has been uncharacteristically low during COVID-19 as experienced by other organisations.

We have adopted the Civil Service People Survey<sup>6</sup> (CSPS) questionnaire and methodology in order to allow benchmarking with other organisations (see below). We will continue to monitor these.

Survey indicators	SLAB	CSPS average
SLAB is committed to creating a diverse and inclusive workplace	62% agree	75% agree
Overall, how anxious did you feel yesterday?	29% felt anxious	32% felt anxious

<sup>5</sup> This is 15-20% of those employees who have completed their equality record. For 2019-20, 79% of our employees have completed their equality record.

<sup>6</sup> For more information see <https://www.gov.uk/government/collections/civil-service-people-survey-hub>

## Workstream two: Awareness raising on equality, diversity and inclusion

**What we did:** This workstream has been delivered through our Equality Challenge project; an online forum that encourages employees to engage in conversations about equality. Employees can use the Equality Challenge to ask any equality questions and to share challenges or positive experiences. SLAB also uses it to respond to the issues raised by employees and to engage with national awareness raising events.

We have completed various activities under this workstream including:

- Responding to employee questions via our intranet.
- Acknowledging a number of ‘awareness’ days, including holding engagement events on mental health (see previous section).
- Rolling out five equality modules to all staff and incorporating these into corporate induction, including one on mental health.

**Measuring impact:** The Equality Challenge work has been important in supporting organisational culture change seen in our work on mental health already described above. It has also proven to be a useful and additional means of engagement with employees in terms of supporting individuals to raise issues that are important to them.

During 2019 we spoke with Directors and managers to explore ways to improve employee engagement with the Equality Challenge which has been steadily declining. Only two queries have been received since October 2018. There was overall positive feedback about the success of this project. However, it was suggested that the Equality Challenge needs to be incorporated into or will be superseded by other corporate work, notably the DANWE project (designing a new work environment) and HR policy review.

Our staff survey results that tell us SLAB’s Employee Engagement Index compares unfavourably to the Civil Service Benchmark, which also makes it clear that wider consideration of employee engagement is required and that equality issues should be incorporated into that.

## Workstream three: Information on reasonable adjustments available to all employees

**What we did:** This workstream focused on improving employee knowledge about the physical accessibility and facilities available in each of our offices that can support reasonable adjustments for our customers. We reported in October 2018 that we completed employee guidance on the range of facilities we have in our Thistle House office that can be accessed by visitors, clients and employees. The guidance includes information about our office facilities (e.g. hearing loops and accessible parking) and supports employees to take a proactive approach to meeting customers’ physical and communication support needs.

This kind of information is being incorporated into the administration manuals of our Civil Legal Assistance and Public Defence Solicitors' Office website for each of our PDSO offices.

We have not reviewed the information we share about an employee's reasonable adjustment when the employee moves to a new team, or where new managers become responsible for people with reasonable adjustments already in place. On further consideration we recognised that we had no evidence from managers or employees to suggest this is a priority.

#### **Measuring impact**

We have monitored the issues raised through our complaints process and none have related to physical access to our buildings.

### **Equality outcome 2: Minority ethnic people and disabled people experience equal access to quality accessible services and information about legal aid**

**Relevant to the protected characteristics race and disability**

**Equality Duty deliverables:** advance equality of opportunity, eliminate discrimination

### **Workstream four: Review of template letters**

**What we did:** The workstream focused on reviewing and updating the accessibility (format and language) of our letters sent to applicants for civil legal aid. We commissioned a research consultancy to gather feedback from members of the public on 17 template letters that had gone through a first stage of internal review; application of Plain English principles as support by our Communications team and reformatting to meet guidelines provided by the Scottish Accessible Information Forum. The letters included in the research cover all stages of the civil legal aid application process for legal aid applicants or opponents. They contained the commonly used terminology used in the process of applying for civil legal aid. Of the 25 interviews, 11 were with English language learners and 14 with indigenous English speakers (adult literacy learners).

The research findings led to further changes to the letters as follows:

- Swapped some jargon to simpler words to further improve accessibility.
- Improved the distinction between information relevant to the person's specific application and general information included in the letter. Any further personalisation to the letters will require changes to our IT systems.
- Kept the letters as short as possible.
- Continued to use bold, bullet points and headings to keep the format accessible, in response to positive feedback.

The letters are being tested by our Projects Office and will be launched by the end of March 2021. The timeline has been affected by COVID-19. We will publish the equality impact assessment which informed this work at the same time.

We have now developed an approach and a set of principles that can be applied in further reviews of written communication sent to legal aid applicants across all legal aid types.

**Measuring impact:** The letters are not currently in use and therefore we are unable to report on the impact at this time. However, the research consultancy who gathered feedback from members of the public told us:

*“It is also worth noting that the organisations who helped us [connect with research participants] were very positive about the research and praised SLAB for seeking to test the letters with learners”.*

### Workstream five: GALA Project (Guidance on Administration of Legal Aid)

**What we did:** This project is reviewing how we apply any discretion we have in applying the rules in the legal aid schemes; around 160 different types of decision. As part of this process, we are making the link between our decision making and our public sector equality duty more transparent and explicit. Significant work has already gone into prioritising the policy areas (or decisions) that we need to review first and this work is already underway. We have already completed the following activity:

- Set out our policy ‘universe’ which provides our policy structure.
- Agreed templates and guidance that standardise our policy statements, and supporting guidance for frontline employees. This includes an agreed typology to distinguish between policy, guidance and our statutory frameworks.
- Embedded our corporate equality impact assessment (EqIA) process into the processes and governance to deliver this workstream.

This project started under equality outcome 2 due to the connection to improving the accessibility of information to our customers. We now acknowledge that the outstanding work is a vehicle for mainstreaming equality into our operational policy and setting a programme of policy review.

We have completed qualitative research with solicitors and employees about their use and interaction with our published written guidance known as the legal aid handbook. We have now improved the accessibility of this information through new advanced web based indexing and search tools. There are processes in place to capture changes and monitor any issues.

**Measuring impact:** Our Communications team continues to gather feedback about the refreshed legal aid handbook. There have been no equality issues among the feedback received. We have developed changes to the collection of data in our application systems to encourage improved disclosure of equality information for legal aid applicants. These changes are still to be

implemented but are essential to enable us to measure the impact of our operational policies in the long term (see equality outcome 3).

### **Workstream six: Activity under our Communications Strategy**

**What we did:** Our new SLAB website went live in August 2019 and meets the Web Content Accessibility Guidelines<sup>7</sup> (known as WCAG 2.1); these are an internationally recognised set of recommendations for improving web accessibility. We also continue to offer the BrowseAloud feature which can translate and read out the web page content for those who need it.

Our Public Defence Solicitors Offices (PDSO) has also moved to this new platform. The new website is based on the GOV.UK style approach to design which aims to direct visitors to the information they need. It is more accessible, mobile-friendly and easier to navigate. The website content hasn't changed dramatically but the improved platform will offer PDSO opportunities for adding features. For example we have a new 'For clients' section where documents can be securely sent to specified offices, and a 'Contact us' form that supports people to contact an office online and request a call back. Google Translate is also embedded on the site which allows visitors to instantly translate website content into other languages.

We have had limited resource to review our communication guidance for employees and to update template documents to include accessibility features. Some of this work is being progressed through other projects e.g. our template letter review is setting standards for letters and as part of the GALA project our Communications team is developing a style guide for web content and the use of accessible language. A full review of the guidance will be an ongoing iterative process.

**Measuring impact:** We have plans to test the new website with end users which will include testing of all the website's accessibility features. These plans have been delayed due to COVID-19 but will be rescheduled.

### **Workstream seven: Accessibility audits of our offices are complete**

**What we did:** We have audited the accessibility of all our buildings and have updated the accessibility information on our websites. This information makes it clear to customers the kinds of accessibility features we have at each office. It also provides basic information about alternative meeting locations where our offices may be inaccessible to some people, and who to contact to discuss any physical access or communication support needs.

<sup>7</sup> <https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag>



Thistle House, our main office in Edinburgh, was audited against an agreed audit template developed by the Scottish Courts and Tribunals Service. The Civil Legal Assistance Offices (CLAO) and Public Defence Solicitors Offices (PDSO) have been audited against the Law Society of Scotland access template as the appropriate benchmark for small frontline offices.

**Measuring impact:** We completed this action in partnership with other justice agencies and agreed to continually work towards improved office accessibility. We didn't have any evidence that this was a significant problem for us however we are now able to use the template to identify opportunities to incorporate accessibility into planned office improvements led by our Facilities team. We will continue to monitor any complaints or customer survey responses that indicate an issue with our office accessibility.

## Workstream eight: Form 2 Digitisation

**What we did:** The Form 2 is used by applicants when applying for civil legal aid where they are not in receipt of a passported benefit. We use the information on this form to help assess whether the applicant is financially eligible for Civil Legal Aid. This is not a review of how we apply any discretion in the financial assessment process. It is an update to transfer this document into an online format for applicants. The change is part of our ICT Strategy and our obligation as a public authority to provide digital services.

We have commissioned an external contractor to develop the online form for us. The form is being designed to meet WCAG accessibility standards and the project is being informed by our equality impact assessment process and end user feedback. The form will be intuitive i.e. it will hide and display questions based on the answers of other questions, and questions will also validate to ensure that forms are complete before being able to be submitted to us. We expect that applicants using the digital form will get more 'right first time'. This will reduce the number of forms that we can not accept because they are incomplete.

At the time of writing this report we have agreed to pilot the new form through our own in-house solicitors and a small group of private firms at the end of October.

**Measuring impact:** The digitised form is not yet available to the public. We have received positive feedback from end users on early versions of the online form. We have made changes in response to feedback about the language used in the form, the format and layout, and issues relating to accessing the form on different devices. We are currently developing ways to measure the impact of the online form on equality groups.

**Equality outcome 3: System users and legal aid applicants are aware of why we collect equalities information and can conveniently disclose this information.**

**Relevant to the protected characteristics race and disability**


**Equality Duty deliverables: advance equality of opportunity, eliminate discrimination**

**Workstream nine: options for increased data capture on applicants and system users**

**What we did:** We have a strong history of collecting equalities data from solicitors and applicants through our research programme. However, collection of this data, where optional, through our administrative systems has not been very successful. We are aware that more systemic collection of data would help us be responsive to our customers and will help us in our role to advise Scottish Ministers on the strategic development of an accessible and high quality legal aid system.

Through internal research into what we do and the equality data we gather, we identified three separate uses of customer data and decided to consider these as separate workstreams. These workstreams include:

- **Service delivery:** The way we collect information about customers who might have additional communication needs could be improved. We are not always aware what adjustments might be needed to support our customers. We recognise the need for a clear policy on customer communication needs so that we can effectively meet our public sector equality duty. SLAB is contacted by a wide variety of people for a number of different reasons. Therefore, the definition of who a customer is can be drawn quite broadly - meaning that there will be multiple communication needs requiring several possible solutions and approaches. At the moment we handle this on an *ad hoc* basis. The potential impact on the customer can be high if we do not ask or know about the need for an adjustment. It is therefore important that our employees have clarity on what factors need to be considered when a customer expresses a communication support need. We have developed a policy statement that will be used to inform our customer service policy that we will develop in our next equality outcomes cycle.
- **Operational decision making:** We do use information related to protected characteristics as part of our operational decision making functions on individual cases, but we could be more explicit and transparent about what information we use and how we make our decisions. This work is being done under the GALA project described under equality outcome 2 above.
- **Strategic development:** this workstream is looking at the declaration and gathering of applicant and solicitor data (those who deliver legal aid services). This data would be used at a high level to understand trends at a strategic level and to inform strategic policy development, for example as part of the equality impact assessment process. We have developed a revised set of equality monitoring questions for legal aid applicants. Plans to incorporate these into our legal aid online form through a programme of system



improvements. We have also started research with solicitors to understand their views on SLAB gathering their equality data. This work is at an early stage and has been impacted by COVID-19.

**Measuring impact:** This work has not launched and therefore we are unable to report on any impact at this stage. Impact measures will continue to be developed as the implementation of this work continues.

## How we manage and embed equality across our business

Mainstreaming is the process of thinking about equality in day-to-day decision making and applying it to our daily practices. The main ways that we achieve this and the progress we have made as an organisation are described below.

### Leadership, governance and business planning

Equalities matters to us and commitment by leaders and senior management continues to be a key factor in our mainstreaming approach. Governance of our corporate work on equality is delivered through a number of mechanisms:

<b>Executive Team</b>	Chaired by our Chief Executive this group reviews progress on work to achieve our equality outcomes and actions relating to equality impact assessments each month.
<b>Board and Committee members</b>	Receive an annual report on our equalities work. Board and committee papers provide decision makers with an update on equality as appropriate to the paper topic to ensure strong governance and transparency.
<b>Business plan</b>	Progress is reported on all our equality priorities through our monthly business plan updates reported to the Executive Team.
<b>Equalities Project Group</b>	Chaired by our Director of Strategic Development, this group manages our equality reporting requirements, monitors our corporate work on equality, and leads on policy specific projects including external equality projects (e.g. with other justice organisations).

### Board diversity and succession planning

SLAB has long acknowledged the benefits of a gender balanced Board and was one of the first organisations to sign up to the **Partnership for Change**<sup>8</sup>. Our current gender breakdown is 45% female and 55% male.

It is widely recognised that diversity at Board level and in organisational leadership encourages innovative thinking and leads to better decision making and governance. It is therefore important that we look at gender and wider diversity at Board level across the protected characteristics and in the skills and experiences our board members bring to SLAB.

<sup>8</sup> See <https://onescotland.org/equality-themes/5050-by-2020/>. This is a voluntary commitment to a 50/50 gender balance on our Board by 2020

In our most recent recruitment round we worked with Scottish Government to try and reach a diverse pool of potential applicants. To do this we advertised our Board positions with organisations that included those who could help us reach equality groups. The skills we advertised related to our improved board member skills matrix. While our actions influence the demographic of those who apply for Board member positions, the final appointment is a decision made by Scottish Ministers. We are starting to plan our next appointment round and are reviewing the approach we used in 2017 with our sponsor team at Scottish Government. This will incorporate our duties under the Gender Representation on Public Boards (Scotland) Act 2018 and statutory guidance<sup>9</sup> published by the Scottish Government.

It is our understanding that the Scottish Government continues to work on the best way to provide public bodies with the equality profile of Board members. In the meantime we will continue our own work on succession planning and learn from the work of other public bodies.

## Equality impact assessments

Our Equality Impact Assessment (EqIA) process and guidance helps us to think about the impact of new and current policies or projects on equality groups. Since October 2018 we have published the following EqIAs:

- Solicitor Contact Line review
- Research function
- Applicant Payment Options
- Severe Weather and Travel Disruption
- Direct Services: Case Management System
- Grant Funding
- Covid-19 Human Resources policy changes
- Criminal Summary and Solemn Special Urgency

We have improved and refreshed our own EqIA toolkit and governance. Some key changes we have made include:

	<b>Change implemented</b>	<b>Impact of change</b>
<b>Support for project boards</b>	Our Corporate Policy Officer (Equalities) attends project boards to support the EqIA process.	Although beneficial in terms of progressing EqIAs and advising on equality issues, our limited resource is prioritised for projects delivering our equality outcomes.
<b>Internal audit</b>	Internal Audit will audit compliance with our EqIA processes where appropriate.	Equalities was a specific topic audited in relation to Business Continuity, as well as Purchasing and Supply Chain Management in 2019/20.

<sup>9</sup> <https://www.gov.scot/publications/gender-representation-public-boards-scotland-act-2018-statutory-guidance/pages/1/>

	<b>Change implemented</b>	<b>Impact of change</b>
<b>Project documentation</b>	'EqIA' will remain on project board agendas for all projects.	Routine consideration of the EqIA has improved mainstreaming of equality and resulted in increased requests for assistance from the Policy team.
<b>Business plans</b>	Includes space to report on EqIA progress and to record if an EqIA is not required.	Has improved transparency in our governance of corporate work and to identify which EqIAs are in progress.
<b>Governance papers</b>	Included a standard heading on equality in Board reports from October 2018 onwards.  Legal Assistance Policy Committee (LAPC) standard policy framework mandates of equalities impact consideration as part of any policy development (November 2018 onwards).	Provides assurance to SLAB's Board that equality issues are being considered and issues or opportunities are being reported.
<b>Monitoring programme of EqIAs</b>	Use of a project management tool - JIRA - to log all ongoing EqIAs, assign responsibility and EqIA progress status.	JIRA provides improved monthly governance reports for the Executive Team on progress of EqIAs.

We are clear that good equality impact assessments are the key to effectively mainstreaming equality into our day to day business. We continue to make good progress in our assessment of our policies and practices and their impact on equality groups but we acknowledge that there is more work to do. We will be doing further work to improve our governance of our equality impact assessment process and building capacity to measure the impact of our policies and practices as a key corporate priority.

An early step we have already taken is to develop clear policy development and review guidance. This guidance sets out our corporate approach to policy development and review, with clarity on how our equality impact process supports this and should be integrated into all policy review or change. We are currently piloting this guidance with a small group of managers, supported by our Policy Team, with a view to rolling this out more widely by the end of November.

## **Procurement processes and award criteria**

We continue to following the Scottish Government's Procurement Journey. Our improved equality impact assessment toolkit also highlights and provides a place to records identified equality requirements that should be included in any tender process.

## **Civil Legal Assistance Office (CLAO) projects**

There are several CLAO projects focusing on improving outcomes for equality groups. These projects and the data they collect will feed into the equality impact assessment and development of the CLAO 2020-2023 Business Plan.

### **1. Edinburgh Health Justice Partnership**

Formerly known as Edinburgh primary care referrals, this project focuses mainly on housing and homelessness as well as associated legal problems linked to debt and low income.

We have done work on improving referral protocols to allow earlier and more effective referral from primary healthcare settings for advice and representation in relation to legal problems. We worked with NHS Lothian and the Improvement Service and set up a pilot project with GP practices in Wester Hailes Healthy Living Centre, Sighthill, Whinpark and Leven to test referrals. The level of referrals has been lower than expected and we are exploring the reasons for this. The next step is to meet with the link workers to discuss whether or not people are coming to them with housing problems and where they are referring them to. We are not able to report on outcomes at this stage.

### **2. Human Trafficking project (North East)**

Led by CLAO Aberdeen, the project developed training and raised awareness for both CLAO employees and local stakeholders about how to identify issues with trafficking and who can provide support and assistance to people facing these issues. We also raised awareness of CLAO's services which may be used by people who have been trafficked. To be a confirmed victim of trafficking the person needs to go through the National referral Mechanism which is an independent process that has to be consented to. This makes monitoring of actual victims complicated and challenging and our known numbers are very low. However, the fact that solicitor have had training as result of this project means that solicitors are more confident to investigate suspected trafficking or exploitation as an element of the case.

### **3. Mental health and housing project**

Sixty-one percent (61%) of all new clients admitted to the CLAO housing law service in Edinburgh had long standing mental health issues. Mental ill health is strongly associated with both poverty and social exclusion. The percentage of CLAO service users with mental ill health is significantly higher than that found by the Scottish Health Survey 2017 in the general population. This suggests that individuals experiencing mental health issues may be more likely to encounter housing law

problems which would lead them to seek advice from CLAO. The project provided an analysis of this group's specific housing law needs and barriers to accessing justice.

CLAO routinely record the stage in procedure at which someone approaches them for assistance. The data suggests that people declaring a mental health issue are more likely contact CLAO at a later stage of litigation than those with no declared mental health issue. This finding suggests implications for CLAO service design and also more widely for SLAB and the Scottish Government for any follow on work from the Legal Aid Review.

The report recommended that CLAO:

- a. Provide training to advice agencies who collaborate with CLAO to improve early identification of cases where there is an equalities argument available and increase awareness of an integrated human rights and equalities approach. This should also improve the chances of individuals with mental ill health receiving assistance at an earlier stage. It also recommended strategies to allow public interest litigation to be pursued where there has been a systemic breach of human rights.
- b. Make changes to how we provide our own services to remove barriers for people experiencing mental health issues, such as considering the design and layout of interview rooms; the use of jargon in correspondence; timing of meetings; and support and training for staff.

These recommendations are taken into account as part of the continuous process of reviewing and improving service provision and ensuring that staff have the training and support that they need to carry out their jobs effectively. They informed our decision to develop the following Edinburgh Heritable Court Helpdesk project and the jargon free language used in standard documents developed to facilitate the work of that project.

We have also developed training for partner agencies to include examples of how CLAO might use equalities legislation strategically and how agencies can identify those issues.

#### **4. Edinburgh Heritable Court Helpdesk Pilot**

The restructuring of City of Edinburgh's Advice Services to focus on advice provision in the community led to a need for in-court advice and representation provision at Edinburgh's heritable court, which we agreed to provide, from July 2019, on the basis that it presented an opportunity for CLAO to meet its policy objectives in a more efficient and effective way, as it allowed us to represent a larger number of people in court each week, without requiring significant additional resource.

We also considered that providing this service would allow us to target services at people with health problems and disabilities as we know that there is a correlation between those issues and both living in social housing and having housing problems. We also know that people with mental health problems are particularly likely to access advice late, so a service which provides representation on the day of court is likely to meet the needs of those individuals more effectively.



After an initial 12 week trial, the trial was extended, following positive feedback from the court, until lockdown when the service was suspended. As the heritable court resumes in Edinburgh, we are considering how we can safely and effectively provide our service in the new environment.

### **5. Gender Based Violence Project (Highland and Islands)**

This project aims to:

- establish the areas of law in which women who experience gender based violence typically require legal help
- whether advice and representation is available in these sort of cases in all areas in the Highlands and Islands area and,
- what barriers there might be to accessing this help.

Contacts and referrals experiencing these issues are currently receiving summary advice and referrals are being attempted, on their behalf, where a need for legal input is identified.

### **Grant funding programme**

Our grant funding programme priorities are set by the Scottish Government and SLAB manages grant funded projects that meet these priorities. Information about our wider grant funding work is available on our [website](#)<sup>[1]</sup>.

The **Scottish Women's Rights Centre Legal Project** has a specific focus on equalities groups. Since October 2017 the project has been led by Rape Crisis Scotland in partnership with JustRight Scotland. The project aims to fill the gaps that exist between women's experiences of gender-based violence and their ability to access justice by working with specialist solicitors. The project delivers and improves access to legal advice and assistance and representation across Scotland. This is in relation to civil matters, for women affected by gender based violence including civil legal advice and representation, and related advocacy support for women affected by gender based violence.

Scottish Government Consumer Directorate asked SLAB to develop a debt advice related grant funded programme subject to their priorities and parameters. This programme has been developed for submission to Ministers for approval and is intended to complement the work around the Scottish Government's Debt Routemap<sup>10</sup> using funding from the levy on financial services. We have completed an equality impact assessment of the areas for which we are responsible, including processes for open application arrangements, assessment against criteria, programme building and then monitoring of the projects and programmes.

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<sup>[1]</sup> <https://www.slab.org.uk/about-us/what-we-do/policyanddevelopmentoverview/>

<sup>10</sup> [A Debt Advice Routemap for Scotland](#), 2019, Scottish Government

## Partnership working in the public sector and on justice issues

- **Non-Departmental Public Bodies (NDPB) Equality Forum**

The NDPB Equality Forum is a collaboration of Scottish public sector bodies who each have a responsibility for responding to the Public Sector Equality Duties. We currently Chair the forum which draws expertise and resources from a range of partners to influence and support the development and implementation of policy and practice on equality, diversity and inclusion in Scotland. The forum is involved in the Scottish National Equality Improvement Project (SNEIP) led by Scottish Government. The SNEIP is one of the main ways in which all public authorities can share knowledge and practice on equality and input to the current review of the public sector equality duty in Scotland.

- **Working with other Justice organisations**

We continue to work with justice partners on joint equality issues and to share knowledge. We are a member of the Justice Board who, with the Justice Leaders Network, are committed to working together to deliver the Justice in Scotland vision and priorities<sup>11</sup>.

We are a member of the **Working Group on Interpreting and Translation (WGIT)**. This group comprises the main justice organisations and aims to work collaboratively to establish common standards for interpreting and translation throughout the Scottish Justice System. Since October 2018 work has focussed on supporting Scottish Government to deliver the long term goal of the British Sign Language National Plan 2017-2023<sup>12</sup>; that **BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland**. We have contributed to the development of training programmes aimed at supporting BSL/English interpreters working within the Justice sector. We are members of the recently established BSL-led justice advisory group which is chaired by Scottish Government. The remit and terms of reference of the group are to be agreed. The group is expected to play a key role in developing and delivering a programme of improvements to help the justice agencies better meet the needs of BSL users. Both of these groups have been on hold since March 2020 due to the impact of COVID-19.

## Advising the Scottish Government

The Scottish Government consulted on legal aid reform in the summer of 2019<sup>13</sup>. SLAB's response<sup>14</sup> highlighted where the governing framework for the legal aid schemes may be viewed as problematic from an equalities perspective.

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<sup>11</sup> See <https://www.gov.scot/publications/justice-scotland-vision-priorities/>

<sup>12</sup> <https://www.gov.scot/publications/british-sign-language-bsl-national-plan-2017-2023/pages/11/>

<sup>13</sup> <https://consult.gov.scot/justice/legal-aid-reform-in-scotland/>

<sup>14</sup> See pages 33-38 of response, covering people, problem types and geographic areas, available from - <https://www.slab.org.uk/news/slab-publishes-response-to-consultation-on-legal-aid-reform/>

Research into the experience of issues faced by people who are deaf or hard of hearing highlighted that this group face various barriers, particularly in relation to access to suitable communication supports and the arrangements for paying for these. This is reflected in the Scottish Government's Fairer Scotland for Disabled People report<sup>15</sup> that identified an issue with how the current legal aid framework might negatively impact people with some types of disability. We agree that the current legislative framework can mean that people with disabilities who need additional communication support to engage with their solicitor may find that they pay an increased cost in either contributions or clawback. Any change in legislation would need to be led by Scottish Government.

## Stakeholder feedback

Stakeholder engagement forms a big part of our research activity<sup>16</sup>. Research helps us to collect evidence where there are known inequalities or explore differences in experience, and can help SLAB increase the participation of equality groups. Our larger surveys include the proportionate and relevant collection of equality data.

Survey research since October 2018 contains a suite of demographic information, whilst qualitative work also regularly includes prompts relating to equalities. Recent research includes:

- **End user letter testing (2019)**  
As noted in the report on progress against the review of template letters under equality outcome 2, the feedback has been instrumental in redesigning template letters that SLAB uses.
- **Understanding experiences of child contact disputes (2019): [report](#)**  
The report noted particular challenges for families from minority ethnic backgrounds and vulnerable clients, such as those with mental health or addiction issues, in navigating the legal and judicial processes involved in contact disputes. Whilst these findings are not directly about legal aid itself, they provide useful context for the wider justice system.
- **CLAO client and contacts survey (2019)**  
The CLAO client and contacts survey aimed to learn more about how satisfied people who sought assistance from the CLAO were with the service they received. A wide range of demographic information was collected from the 339 respondents and the results were explored for differences by these characteristics.

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<sup>15</sup> <http://www.gov.scot/Publications/2016/12/3049/0>

<sup>16</sup> See <https://www.slab.org.uk/corporate-information/publications/research-publications/>

- **Staff survey (2019)**

The survey tool uses the Civil Service People Survey questions in order to help benchmark SLAB's results against those of other organisations. The survey also included a suite of demographic information. The analysis provided by the independent contractor showed no systematic variances by demographics and noted that SLAB's results on bullying, harassment and discrimination were in line with other public sector organisations. The results have been taken into account in planning for the DANWE project (designing a new work environment) and will be used as evidence for the HR policy review.

- **Solicitor quality assurance review (2019)**

All participants were prompted to consider issues relating to equalities as part of their interviews. Interviewees from the civil scheme were positive about the introduction of criteria that looks at the solicitors considerations of equalities and diversity (already in place in the criminal and children's schemes). There was a suggestion that training could be enhanced to ensure peer reviewers are better equipped to be able to identify potential equality and discrimination issues.

- **Civil solicitor survey (2020): [report](#)**

Respondents provided demographic information that is useful evidence for the Scottish Government or SLAB when considering the possible impacts of policy change. Almost all of the 300 respondents provided demographic information. This information has been used in SLAB's EqlAs of changes made to the administration of the legal aid schemes due to the impact of Covid19.

## Employee information and equal pay

### How we gather and present our employee data

We gather information on employees and people who apply to work with us across all relevant protected characteristics; age, sex, sexual orientation, disability, religion or belief, race (including ethnic origin and national identity), gender reassignment and pregnancy and maternity (including return to work after maternity leave).

Our employee data is held by our HR department. Employees can directly provide, review and update their information via self-service access to our HR systems at their convenience and in privacy. We publish data in percentage bands to ensure individuals can not be identified.

Equality information about people who apply to work with us is gathered through our online recruitment system hosted by an external supplier. The data we receive when recruiting for an employee via an agency does not currently form part of our recruitment data.

We moved to reporting employee data ‘as at 31 March’ in 2018-19, thereby providing a snapshot of the actual position on this date. Our full recruitment and employee equality monitoring information for the period 1 April 2018 to 31 March 2019 and 1 April 2019 to 31 March 2020 is published separately<sup>17</sup>.

### HR System changes and the impact on our data

In April 2019, we upgraded our Human Resources system to Oracle Cloud. We decided not to migrate the existing employee equalities data from the previous system even though that data was collected as part of a previous system change in April 2017. We wanted to take the opportunity to further update our equality monitoring questions in line with good practice as published by equality organisations (e.g. Stonewall Scotland) and using the NDPB Equality Forum employee equality data monitoring guidance.

Employees have been encouraged to disclose their equality information through news updates on our employee intranet and the launch of a new training module available in our Learning Management system: both provide reassurance to employees about how their data is stored and used. Managers were reminded to talk to their teams about updating their equality information through weekly bulletins following the initial launch of the new system.

Our data as at 31 March 2020 shows that 79% of our workforce have provided their equality information. This is an increase on the 65% of staff who provided the data in 2018-19.

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<sup>17</sup> These document are available on the Equalities and diversity page of the SLAB website <http://www.slab.org.uk/about-us/equalities/>

## What our employee data tells us

The demographic of our workforce remains very similar to that reported in October 2018. This reflects our ongoing and long term low levels of turnover.

We have found that the numbers of relevant staff are too small across the following areas to allow us to form any definite conclusions with regards to differences between equality groups:

- Numbers of employees involved in a new grievance, disciplinary action and/or dismissal
- Number of employees appraised as 'not fully effective' or 'regularly fall below requirements'
- Number of persons taking paternity or shared parental leave

In **2018-19** 100% of **maternity leavers** returned to work. Of these, 43% requested a variation to their contractual hours on return to work and all were approved on a permanent or long-term trial basis. In **2019-20**, 86% of **maternity leavers** returned to work. Of these, 17% requested a variation to their contractual hours on return to work and all were approved on a permanent basis.

In **2018-19**, 33% of employees on long term **disability related absence** leave returned to work, 17% did not return, and the remaining 50% were still absent in the reporting period. In **2019-20**, 86% of employees on long term disability related absence leave returned to work and the remaining 14% retired. Note that these figures include employees who did not declare a disability, but who were supported in the context of requiring a reasonable adjustment.

## Workforce distribution by protected characteristics

The following information provides a top-line breakdown of our 2019-20 employee data by each relevant protected characteristic. This information does not vary significantly to our 2018-19 data therefore we have chosen to report the latest figures.

**Sex:** we continue to have a 65-70% female and 30-35% male gender breakdown. Although a similar gender breakdown is found in other public sector organisations, the mid-2018 population estimates<sup>18</sup> in Scotland show that that 51% of the Scottish population is female and 49% is male.

**Age:** Our employees are clustered around the middle age ranges, similar to the distribution in the 2011 Scotland census, with fewer employees aged <=24 years and 65+ years. The mean employee age is 45 years; a slight increase from 44 years in 2017/18.

**Gender reassignment:** We monitor data in relation to this protected characteristic but have no significant findings to report. We continue to engage with staff as appropriate.

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<sup>18</sup> With reference to the Scottish Government Equality Evidence Finder - <http://www.equalityevidence.scot/> - and quoted source data <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates>

The data for the remaining protected characteristics below represents the 79% of our 342 employees who at 31<sup>st</sup> March 2020 who completed their equality record (i.e. non-complete records are excluded from the calculations)

**Disability:** 15-20% of employees who completed their equality record declared a ‘disability or long term health condition’. This level remains higher than the average public sector employment rate of 11.7%<sup>19</sup> for people with disabilities in Scotland (reported in 2016). The Scottish Health Survey 2018<sup>20</sup> tells us that 32% of adults had a long-term limiting mental or physical health condition or disability in 2017.

**Sexual orientation:** Fewer than five percent (<5%) of employees identify as lesbian, gay, bisexual, or other/ unsure. This has not changed since the October 2018 report and representation in SLAB is similar to the 2018 Scottish Household Survey<sup>21</sup>.

**Ethnic Origin:** Our data tells us that:

- 85-90% of employees identify as ‘White Scottish, British or Irish’,
- <5% identify as ‘White minority ethnic’, and
- <5% identify as ‘non-white minority ethnic.’
- 5-10% selected ‘prefer not to say’.

When compared with Census data, SLAB’s population by ethnic origin is broadly in line with Scotland as a whole. Our recruitment data suggests we attract a representative demographic and that our process to appointment does not suggest any detriment for minority ethnic groups.

**Religion or Belief:** The number of employees identifying as Christian (35-40% ) is lower than that reported for adults in Scotland (2018 figure of 46%<sup>22</sup>). The percentage of SLAB employees declaring no religion (45-50%) is similar to the 2018 national figure of 50%. The number of employees identifying with ‘other religions’ (collating Buddhist, Hindu, Muslim and others e.g. Jewish) is <5%, in line with the national profile of 3.5%. There has been a reduction in the proportion of employees disclosing ‘no religion’ since we reported in October 2018.

<sup>19</sup> <https://www.gov.scot/publications/increasing-employment-disabled-people-public-sector-consultation/pages/4/>

<sup>20</sup> With reference to the Scottish Government Equality Evidence Finder - <http://www.equalityevidence.scot/> - and quoted source data <https://www.gov.scot/publications/scottish-health-survey-2018-volume-1-main-report/>

<sup>21</sup> <https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/>

<sup>22</sup> With reference to the Scottish Government Equality Evidence Finder - <http://www.equalityevidence.scot/> - and quoted source data <https://www2.gov.scot/Topics/Statistics/About/Surveys/SSCQ/SSCQ2018>

## Gender pay gap

As a listed public authority, SLAB is required to publish information every two years on the percentage difference between male employees' average hourly pay and female employees' average hourly pay (both excluding overtime). This is our gender pay gap.

One of the key strategic aims of SLAB's pay policy is to work towards making sure that pay is fair and non-discriminatory. We conduct an annual equal pay audit and apply our pay policy consistently and transparently.

In March 2020, SLAB's mean gender pay gap for all staff (i.e. full time and part time) was 13.3%. This was reported to Scottish Government as part of the pay award 2019-20 settlement. This figure is a slight decrease from 14.2% reported in March 2019 and 13.8% reported in March 2018. Our median gender pay gap at March 2020 is 18.3% (the same as reported in both March 2018 and March 2019).

The 2019 mean gender pay gap for all employees in Scotland (as reported by Close the Gap) was 13.3%<sup>23</sup> which is the same as our reported mean gender pay gap. The median pay gap in Scotland was 14.3% which is significantly lower than our reported figure.

In 2019, SLAB undertook analysis to investigate the potential causes of our pay gap, and assessed that the clustering of female employees in the lower grades, and disproportionate number of male staff in higher grades (albeit there is still a female majority at higher grades) continue to be key drivers in the pay gap. A number of recommendations came from this analysis however the impact of COVID-19 on our workforce has meant that we have not yet been able to progress these. Despite this, there are actions that we still need to take over our next three year equality reporting cycle to address our gender pay gap.

We will:

- Undertake a review of recruitment policy and procedures through a gender lens to identify any barriers to advancing equality of opportunity for men and women.
- Develop a programme of employee policy review which will be supported by our corporate equality impact assessment process. Tackling the gender pay gap will be a priority as part of the EqIA.
- Agree across our Policy, HR and Analytical teams the range of indicators we need to report to our Executive Team that will help us to track our progress in addition to the overall pay gap figure.

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<sup>23</sup> See Close the Gap's January 2020 briefing, at <https://www.closesthegap.org.uk/content/resources/Working-Paper-21-Gender-Pay-Gap-statistics-2019.pdf>



## Vertical segregation

We publish our policy on equal pay and information on occupational segregation every three years in line with our corporate plan and equality outcomes reporting cycles.

Vertical segregation concerns the clustering of equality groups at particular levels of the grade structure. Where an equality group is absent from a particular level, or overrepresented at another, further analysis may be required to explore the potential reasons for this.

The information we publish is specifically with regards to women and men; people who have a disability and those who do not; and people from ethnic minority communities and those who are not. Small populations in some cases make detailed analysis and subsequent conclusions regarding race and disability difficult.

## Gender

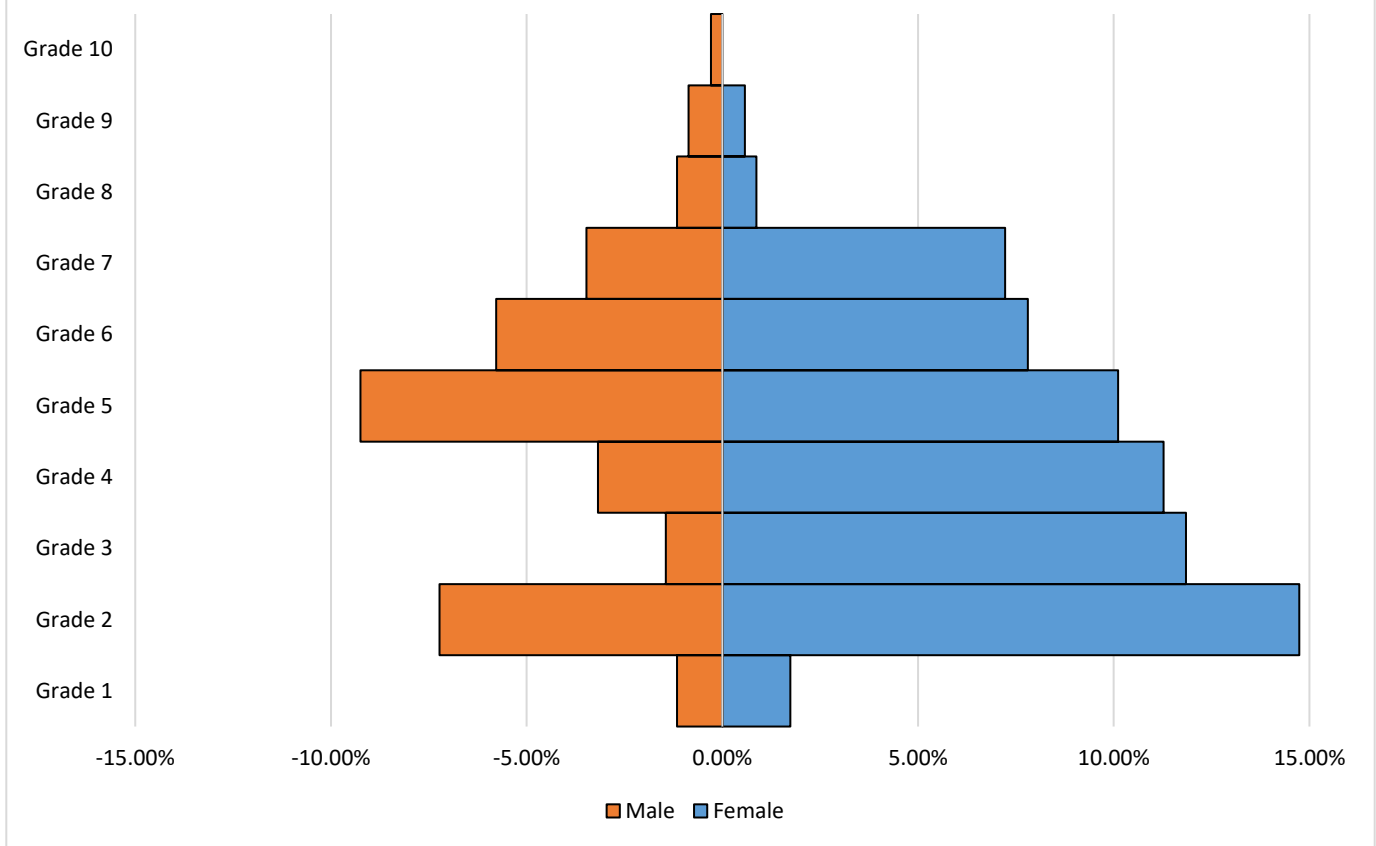
Female employees form a majority of employees at each of our three grade bands<sup>24</sup>, including the most senior grades (7+). However, the size of this majority is greatest in the lower paid band (grades 1-3) at 74%, compared to 62% and 60% in the two higher paid bands. This pattern is the same as previously reported.

In terms of vertical segregation, 43% of all SLAB's female employees are employed at Grades 1 - 3 compared to only 29% of all male employees. Male employees continue to be significantly underrepresented at the lower grades within SLAB. In particular, only 4% and 9% of male staff are employed at Grades 3 and 4 respectively, compared to 18% and 17% of female staff. At senior grades, 13% of all female employees are employed at Grade 7+, compared to 17% of all male employees. See Graph 3 below.

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<sup>24</sup> Grades 1-3, Grades 4-6 and Grades 7+. Grade 1 is our lowest paid grade.

**Graph 3: SLAB employees- gender by grade as at 31 March 2020**



Since our last report there has been a slight shift in the distribution of female employees from Grades 1-3 into Grades 4-6. However the equivalent shift amongst men was more pronounced with the percentage of all men at Grades 1-3 reducing from 36% in 2017 to 29% in 2020. There has been no increase in the proportion of total female employees at Grade 7+ since the previous report.

### Disability

The percentage of employees with a disability who are employed at Grade 7+ is 15-20%, a small increase from 18% reporting in 2017. At grade bands 1-3 and 4-6, the percentage of employees declaring a disability is 15-20%, whilst the percentage at Grade 7+ is 25-30%. This compares with the overall rate amongst SLAB employees of 15-20%. The percentage of employees with a disability who are employed at Grades 1-3 is 40%, which is similar to the proportion of employees who do not have a disability employed at those grades (39%). For context, 15-20% of our employees declare having a disability.

### Race

Our analysis of vertical segregation by race is limited given the small number of employees disclosing being from ethnic minority groups. There is ethnic minority representation at Grade 7+ which is an improvement from our last report when we had no representation to report.

## Horizontal segregation

Horizontal segregation concerns the clustering of equality groups into specific job types. We have looked at differences across our Directorates<sup>25</sup> and separated out the Public Defence Solicitors Offices (PDSO), the Solicitor Contact Line (SCL) and the Civil Legal Assistance Offices (CLAO).

CLAO has been considered separately from its Directorate which is Strategic Development. They are sufficiently occupationally different from other teams in Strategic Development and we consider that they can be usefully compared with PDSO. Although numbers within SCL are small, they have a different work pattern to other solicitor groups which again, we thought would be interesting to review.

## Gender

Looking at segregation by gender, our data shows that whilst the Corporate Services Directorate and PDSO are broadly in line with the SLAB total figures (i.e. approximately 2 out of 3 employees in these directorates are female), there are notable variations within other parts of the organisation. Key variations are:

- The Strategic Development (not including CLAO) and Chief Executive's function continues to have a lower than average proportion of female employees (56%).
- The greatest difference can be seen within CLAO, where 92% of staff are female (i.e. over 25% higher than the SLAB figure)<sup>26</sup>. Our Operations Directorate is 71% female to 29% male.
- The position is also considerably different in SCL, which is the only male-majority team (with men comprising 58% of that team).

## Disability and Race

As already noted, the figures for disability and ethnic origin make it difficult to identify significant trends or contrasts.

## The way we train our staff

In recognition of the valuable contribution our people make to delivering a high quality service we provide support and encouragement to employees to develop their skills and knowledge throughout their career at SLAB.

All employees have access to our Learning Management System (LMS) containing a suite of free equality and diversity e-learning courses and resources. We have a specific section on mental health which has been one of our equality priorities.

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<sup>25</sup> For the purposes of this analysis the 'directorates' do not strictly observe our current structure in that we've separated out our frontline solicitor services, and the Legal Services Team is included in the Operations directorate.

<sup>26</sup> NOTE: this figure for CLAO comprises only 13% of total female staff employed by SLAB.

Equality and diversity is included in our corporate induction programme. This includes a group discussion with our Corporate Policy Officer (Equalities) after completion of six core equality online learning modules: Working with the Equality Act, Disability Etiquette, Challenging Behaviour, Mental Health at Work, Cultural Awareness, and Transgender Awareness (all developed by Skill Boosters).

Managers and Directors are responsible for building equalities learning and development into their departmental or individual employee needs. Examples of equality and diversity related training that has taken place since October 2018 include:

- Mental Health First Aider Training for 2 members of staff from Facilities & HR.
- Resilience Building workshops for employees who identified a personal development need and for our CLAO offices in Aberdeen & Inverness.
- The development of our employee equality data online module by our Human Resources team with support from the Corporate Policy Officer (Equalities).
- Our solicitors often attend CPD events on changes in relevant areas of law e.g. mental health and incapacity law.

## **How we use our employee equality data**

We gather good quality employee equality data. However, we need to improve how we use it to inform our employee policies and practices and understand the impact of our policies on equality groups. This is a key priority going into our next reporting cycle and in planning for the recovery phase of the COVID-19 pandemic.

- **Review of our employee policies**

We have begun work to schedule a review of our employee policies over a two year year period. We will use our employee data and employee engagement (e.g. surveys) to inform the equality impact assessment of these policies. We have dedicated resource to deliver this programme including a Project Manager who will oversee its development and delivery, a Policy Officer to support the equality impact assessment process and we have just recruited a new HR Policy professional to take the lead on the policy review aspect.

Our initial focus will be to review the policies affected by COVID-19 before we move onto other policy areas. These priority policies include those on Health and Wellbeing and Flexible Working, including home working.

- **Mainstreaming equality measures**

An outcome of the review of our employee policies will be a suite of measures that we will identify and develop to measure the impact of our employee policies on equality groups. These will then be integrated into reports to our Executive Team and will be used to identify and

prioritise future policy changes. This will be an iterative process as we work through the programme of review over the next equality reporting cycle.

- **Designing a New Working Environment (DANWE)**

There have been widely reported differential impacts on equality groups as a result of the COVID-19 pandemic. This project encompasses several workstreams as part of our COVID-19 recovery planning where we will need to carefully consider how we mitigate any negative impacts and ensure we also keep in mind the other aims of the general equality duty; to advance equality of opportunity and foster good relations. We are also close to publishing our EqlA of the changes made for employees when we went into lockdown where all employees, where possible, were working from home in a variety of personal circumstances. This project looks forward to consider, on a longer term basis, employee wellbeing, longer term homeworking, occasional office working or working in other locations (e.g. court) and development of additional policies.

- **Mainstreaming the governance, extraction and analysis of the annualised data we report as part of our public sector equality duty**

We have previously reported that we would publish our annualised employee equality data in our annual report. This has not happened due to a number of issues including a number of changes to our HR system which has diverted resource. This is still an action we want to progress within the next 18 months.