EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:
SLAB Digital Design Standards and Principles.

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

This policy was originally drafted in 2019 and was used to build our standard base components (fields, lists, grids, icons) that will be used for developing SLAB systems moving forward. The policy has now been updated to reflect these new components based on Digital First standards and to comply with WCAG 2.1.

The policy will be reviewed annually based on the latest information from Digital First Scotland and User Research of our internal and external systems.

Key findings from this assessment (or reason why an EqIA is not required):
This policy was created to ensure equalities and accessibility is at the forefront of our system design. This includes linking with our **equality outcomes** to improve equalities data collection and reporting.

Summary of actions taken because of this assessment:

- Identify potential users for testing accessibility both internally and externally or find tools that can emulate
- Identify tools for testing our digital services that emulate accessibility constraints, for example colour blindness, contrast for sight loss
- Improved design standard on reporting capability.

Policy lead(s) for this assessment (job title and department only):
Head of I.S. and Projects Office.
Service Owner - I.S. and Projects Office.

Senior responsible owner agreement that the policy has been fully assessed against the needs of the general duty (job title only):
Director of Corporate Services and Accounts.

Publication date (for completion by Communications):
20/07/2022

Step 1 – Framing the planned change

Discussing steps one and two with the Corporate Policy Officer (Equalities) at an early stage will help identify appropriate evidence. This may include support from the wider Policy and Development team.

1.1 Briefly describe the aims, objectives and purpose of the policy.

1. To build, commission and purchase accessible workplace tools and processes to make it easier for SLAB and our users to work effectively across our different platforms
2. To build accessible, intuitive and user friendly systems which external users can interact with to provide information required for SLAB decision making
3. To make better use of data, to improve transparency and accountability of the outcomes from our decision making.

The aim of the policy is to define a set of design standards and principles for SLAB for all its digital services. It should act as a guide for Product Managers, writing User Stories and Developers developing systems to ensure that SLAB systems;

- have a consistent look and feel – make it recognisable as a SLAB system
- have a familiar flow – Form entry, decision making are the same across all aid types and forms
- meet accessibility criteria as per WCAG 2.1 to allow as wide user group as possible to use our digital services
- use and re-use common code and practice to reduce development maintenance costs.

By applying this policy to all services whether bespoke or purchased, SLAB can be assured that any equality impacts are mitigated and accessibility is maximised.

Customers should find these services familiar, intuitive and easy to use. We should take opportunities to future proof our systems. Although we currently have minimal applicant interaction with our systems, our design should accommodate any future expansion of applicant access across all aid types.

We should also take opportunities to improve equalities data collection and reporting to support us in the furtherance of our public sector equality duty.

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

This is a routine review of our systems and practices.

1.3 Who is affected by this policy/practice/process/service?

The policy is a guide for Project Development teams developing or procuring systems. The beneficiaries of this policy will be the customers (internal staff, Legal Aid Online Users, Legal Aid applicants) that use our digital services.

1.4 Policy/practice/process/service implementation date *e.g. project end date, date new legislation will take effect.*

20/07/2022

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

The EqIA for related policies might help you understand potential impacts, and/or your findings might be relevant to share. Refer to SLAB's business plan, our current equality outcomes, current project list etc.

All project development projects where a digital service is the outcome should be linked and adhere to this policy.

It should be stressed that the digital service may only be part of the overall service SLAB provides and each project should consider whether a non-digital or digital assistance service should be provided alongside the digital service.

Similarly, outputs from systems such as letters, notifications should be subject to a separate review on the language used.

Equalities questions are asked as part of the legal aid process and are set out in a separate policy statement. The system is the vehicle by which SLAB asks them. The system should build in the ability to capture and report on equalities monitoring data of all users – including LAOL users.

This policy can therefore support our approach to equality monitoring.

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

2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service? *Note: If you proceed to a full EqIA you should continue to add to this section as you develop the policy/practice/process/service, come across new evidence and/or undertake a consultation.*

We do not have data on our Legal Aid Online users, but we do have data on the profession generally and most recently from the civil solicitors' survey. This policy seeks to proactively tackle any digital accessibility issues by adhering to WCAG 2.1.

Equality characteristics	**Evidence source (e.g. web link, report, survey, complaint)**	**What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service?** Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).
Age	(1) SLAB employee data 2019-20 (2) SLAB's applicants surveys (3) LSS profile of the profession 2018 (4) SLAB civil solicitor survey (5) SLAB administrative data (6) Age UK	Date of birth is a commonly used field for gathering this information and enables greater flexibility in reporting or data analysis. We do not have age data on registered LAOL users. Applicants: SLAB's applicant surveys show that 34% of applicants for criminal legal aid were in the 45-64 age bracket and 5% aged 65+. For civil legal aid, 5% of applicants were 65 or over and 28% aged between 45 and 64. (2) Solicitors: For the profession in general (including paralegals), the survey suggests 38% are aged 46 to 65, with around 2% aged 66+. (3) Of the respondents to SLAB's civil solicitor survey, 55% were over 45 and 4% were aged 65+. (4) SLAB's administrative data shows that 40% of civil legal aid applicants were aged 45+. Those aged 45 and over made up 18% of summary criminal applicants, 16% of solemn criminal applicants and 20% of criminal appeal applicants. In children's legal aid, 11% were aged 45+. (5)

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	**What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service?** Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).
		Designing digital accessibility for older users is similar to designing them for people with disabilities (see below). Relevant accessibility standards are covered in W3C including web content accessibility guidelines (WCAG). Many age-related **impairments** can affect ability to utilise systems, such as declining (6): • vision — including reduced contrast sensitivity, colour perception, and near-focus, making it difficult to read web pages • physical ability — including reduced dexterity and fine motor control, making it difficult to use a mouse and click small targets • hearing — including difficulty hearing higher-pitched sounds and separating sounds, making it difficult to hear podcasts and other audio, especially when there is background music • cognitive ability — including reduced short-term memory, difficulty concentrating, and being easily distracted, making it difficult to follow navigation and complete online tasks. These issues overlap with the accessibility needs of people with disabilities. Thus, websites, applications, and tools that are accessible to people with disabilities are more accessible to older users as well. Disability typically increases with age 40 onwards.

Disability	WCAG 2.1 (5) Digital First Standards (6) Accessibility Emulators (see policy) (1) Employee data (2) SLAB's applicants surveys (3) LSS profile of the profession 2018 (4) SLAB civil solicitor survey	Data can inform future service provision and inform advice on the operation of the legal assistance schemes and the accessibility of LAOL. We can get this from reports on our staff, the equalities data from LAOL for applicants and the law society data on the profession. The WCAG 2.1 and Digital First Standards set out a range of points that digital services need to incorporate such as good contrast, minimum font sizes, proper structure of content to be compatible with screen readers etc. (5) (6) Of the 75-80% of staff declaring their status, 15-20% of SLAB's staff in 2019/20 had a disability or long term condition. (1) For the profession in general (including paralegals), the survey suggests 5% have a disability. (3) SLAB's applicant surveys show that 54% of applicants for criminal legal aid had a disability or limiting condition. (2) For civil legal aid, 52% of respondents had a disability or limiting condition, 24% described it as a mental health problem and 25% as reduced physical capacity. (2) For civil solicitors, 4% of respondents agreed they had a long-standing illness, health problem or disability that limits their daily activity. (4)

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	**What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service?** Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).
Race	(1) Employee Data (2) SLAB's applicants surveys (3) LSS profile of the profession 2018 (4) SLAB civil solicitor survey (5) Census results (6) Equality Outcomes Report	It will be relevant to collect and report on race of applicant profile and correlation on service outcomes. Data will inform future service provision and inform advice on the operation of the legal assistance schemes. The design of systems should not affect race but we should investigate how our systems might work with translation tools for applicant facing systems. The main intersection between race and this policy is in English language comprehension. The relevant results from the 2011 census are: • The proportion of the population aged 3 and over reported as not being able to speak English well or at all was 1.4% overall, and 11% for those born outside the UK. This proportion generally increased with age of arrival into the UK: for those who arrived aged under 16 it was 5% while for those who arrived aged 65 and over it was 31%." (5) Staff: Of the 75-80% of staff declaring their status for ethnicity, fewer than 5% are from a non-white minority ethnic groups. (1) Applicants: SLAB's applicant surveys show that 97% of applicants for criminal legal aid were white (1% Polish and 2% other White) and 1% African, Caribbean or Black. For civil legal aid, 87% of applicants were white (with 2% Polish and 3% other White) and 8% from other ethnic groups (2% any mixed or multiple ethnic groups, 2% African, Caribbean or Black). (2)

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	**What does the evidence tell you about the experiences of this group in relation to the policy/practice/process/service?** Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).
		Profession: For the profession in general (including paralegals), the survey suggests 4% identify themselves as being from a non-white ethnic group. (3) Of the respondents to SLAB's civil solicitor survey, 5% were from a non-white ethnic background. (4)
Sex		There is no evidence which indicates that this characteristic will be affected by this policy.
Gender Reassignment		There is no evidence which indicates that this characteristic will be affected by this policy.
Sexual orientation		There is no evidence which indicates that this characteristic will be affected by this policy.
Religion or Belief		There is no evidence which indicates that this characteristic will be affected by this policy.
Pregnancy or maternity		There is no evidence which indicates that this characteristic will be affected by this policy.
Marriage or civil partnership		There is no evidence which indicates that this characteristic will be affect by this policy.
Care Experienced ***(corporate parenting duty)***		There is no evidence which indicates that this characteristic will be affect by this policy.

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

The Design Policy will underpin all future design of digital services for use by SLAB staff and external users, whether purchased or designed by or for SLAB. Any feature which hampers or is a barrier to accessibility would have an impact on both our current and potential pool of employees, our ability to support diversity in the profession and to consider future design options which provide access to applicants. It is clear from the evidence we have gathered that there is the potential for this policy to impact on people with disabilities, people of different ages (especially where age correlates with disability) and people whose first language is not English.

A Design Policy which takes account of the need to capture and be able to report on equalities characteristics in line with SLAB's Equality Monitoring Policy.

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

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

Step 3 – stakeholder involvement and consultation

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

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

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

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

Yes.

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

1. Scottish Government Digital First
2. Developers
3. Product Managers
4. Legal Aid Online User Group
5. PDSO/CLAO
6. Research on WCAG standards.

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

We consulted with SG Digital First in 2018 about their development standards and we were given **links to materials** to build our development components. Their standards are **WCAG 2.1** compliant and therefore we are confident they will help us to meet the needs of our stakeholders. By following these standards we can be confident that we will meet accessibility requirements. Through regular review of both WCAG and SG standards we will future proof ourselves to any changes.

The UX research was conducted in 2018 and was more about system flow and general functionality issues with Legal Aid Online as we have no real data on equalities with regard to LAOL users apart from the profile of the profession (see evidence above) that covers all solicitors and not just those delivering legal aid services.

Further consultation is a work in progress. Our initial research for Legal Aid Online involved 12 firms and formed the basis of the initial development work. As the upgraded systems are developed we will engage further with the groups mentioned above and make amendments to the policy.

The research with the User Group brought out some basic issues on usability not linked to accessibility. The research and engagement with Digital First and the standards of WCAG 2.1 have informed the policy in terms of accessibility. These are government best practices in system and design with regard to equalities and accessibility and therefore we can take the research they have done and apply it to our systems.

From the research we have learned and developed standards fields, messages and so on for our systems to be used going forward.

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

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

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

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

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

In addition to the actions below, the design standard will be adapted to ensure that not only do we gather data in effectively in a way that supports and provides a service but also that we can extract and report data out in a meaningful and efficient way, this will support our Equalities Monitoring Policy.

Age	**Place 'X' in the relevant box(es)**			**Describe the changes or actions (if any) you plan to take.** E.g. to mitigate any impact or maximise the positive impact.
	Positive impact	**Negative impact**	**No impact**	
potential for discrimination	X			See actions under disability.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By meeting industry recognised accessibility standards we expect to advance equality of opportunity for this group.

Sex	**Place 'X' in the relevant box(es)**			**Describe the changes or actions (if any) you plan to take.** For example, to mitigate any impact.
	Positive impacts	**Negative impacts**	**No impact**	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Disability	**Place 'X' in the relevant box(es)**			**Describe the changes or actions (if any) you plan to take.** For example, to mitigate any impact.
	Positive impacts	**Negative impacts**	**No impact**	
potential for discrimination	X			The Design policy will include accessibility standards:

				• All SLAB systems should work with some form of voice recognition, Read & write type of software where the user cannot use a conventional keyboard and mouse • SLAB tests that all systems are tested use a colour blindness simulator • SLAB tests that all systems are tested use a contrast simulator • SLAB systems are tested with software such a Dragon/ Read and Write which people with dyslexia use. The technology is compatible for assistive technologies. We will test as many accessibility features as we can and ensure ours is Readable, scalable and browser independent and align to the accessibility guidelines from mygov.scot. Within our development standards; colours, fonts, sizes and components are aligned with **digital first Scotland** the required minimum for equalities and accessibility. These standards incorporate the recommended guidance on making the system accessible to people with Dyslexia or any other visual impairment.
potential for developing good relations			X	
potential to advance equality of opportunity	X			By making our systems more accessible by default we will advance equality of opportunity.

Gender Reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Simplicity of language and user tips can be used.
potential for developing good relations			X	
potential to advance equality of opportunity	X			There is potential to consider compatibility with online translation tools for those who need and could use the information in another language, without professional translation. This will have more impact as we rollout applicant access and we should consider at that point.

Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	

potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Sexual Orientation	**Place 'X' in the relevant box(es)**			**Describe the changes or actions (if any) you plan to take.** For example, to mitigate any impact.
	Positive impacts	**Negative impacts**	**No impact**	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Pregnancy & Maternity	**Place 'X' in the relevant box(es)**			**Describe the changes or actions (if any) you plan to take.** For example, to mitigate any impact.
	Positive impacts	**Negative impacts**	**No impact**	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

4.2 Describe how the assessment so far might affect other areas of this policy/practice/process/service and/or project timeline? *Examples of the items you should consider here include, but are not limited to:*

- **Procurement criteria**: *does you assessment indicate you should include equality as part of the technical specification for any current, or future, procurement process?*

All future procurement will ask vendors to align to the basic principles of this policy where relevant with a particular regard to WCAG 2.1

- **Communication plan/ products**: *do you need to communicate with people affected by this policy in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach people (e.g. representative organisations, the Law Society of Scotland)? This might apply to public information, leaflets, or targeted promotion of a change in policy to particular customer groups.*

No such action necessary. Might be relevant as part of individual projects

- **Cost**: *do you propose any actions because of this assessment which will incur additional cost?*

Research costs have been included in the business case.
No.

- **Resources**: *do the actions you propose require additional or specialist resource to deliver them?*

The project team will carry out the user research, create training materials and provide the further guidance to enhance the user experience of completing the form which ever format is used.
No.

- **Timing**: *will you need to build more time into the project plan to undertake research, consultation or to complete any actions identified in this assessment?*

N/A.

4.3 Having considered the potential or actual impacts of your policy/practice/process/service on equality groups, you should now record the outcome of this assessment below. Choose from one of the following (mark with an X or delete as appropriate):

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

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

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

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

The policy was presented to the Executive team in September 2019.
The EqIA was discussed with the Director of Strategic Development. SLAB's policy development tool used to complete the policy in November 2019.
The EqIA for the policy was originally reviewed in January 2020 by Head of IS and Director of Corporate Services and Accounts.
The policy has been reviewed in January 2022 and the EQIA has been considered by the Executive Team in February 2022.
The policy and EqIA were submitted to the Chief Executive in July 2022 for final sign off.

Step 6 – Post-implementation actions and monitoring impact

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

6.1 Record any ongoing actions below. *This can be copied from the project action log or elsewhere in this assessment and should include timescales and person/team responsible. If there are no outstanding items please make this clear.*
Policy has been updated in line with the assessment.

Action	When	Who

Review Digital First standards	10/01/2023	IS Technical Architect and Development team
Review WCAG standards	10/01/2023	IS Technical Architect and Development team
Review emulator tools	10/01/2023	IS Technical Architect and Development team
Review assistance software	10/01/2023	IS Technical Architect and Development team
Review department training need	Monthly	Management - https://abilitynet.org.uk/training
There is potential to consider compatibility with online translation tools for those who need and could use the information in another language, without professional translation. This will have more impact as we rollout applicant access and we should consider this at that point.	Rollout of applicant access	IS Team

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

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

This will be a process of continuous improvement and the design of systems is built into the development lifecycle of all projects. I.S. and Projects Office will continue to monitor and keep up to date with changes to Digital First and WCAG to keep our systems relevant to the latest research. As part of our UX engagement we will try and find solicitors or other LAOL users with accessibility characteristics but in the absence of these we have our emulators that we can use to test and development.

We will report annually to the Executive Team of any material changes to the policy from this research

Action	When	Who
Find key users	Continuous	IS Technical Architect
Gather feedback from user	Continuous, after deployments	IS Technical Architect
Report to Exec	Annually	Head of IS

6.3 EqIA review date. This EqIA should be reviewed as part of the wider post-implementation review of the policy/practice/process/service. The date should not exceed three years from the policy/practice/process/service implementation date.
01/07/2025

Step 7 – Assessment sign off

All equality impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where an EqIA is not required, and be reviewed by the Director of Strategic Development for quality assurance purposes. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:

Director/SRO sign off: 11/01/2022

Chief Executive approval: 20/07/2022

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