



EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/practice/process/service:

Unacceptable Behaviour Policy.

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

This is a new policy.

Key findings from this assessment (or reason why an EqIA is not required):

The assessment made clear that some protected characteristics might impact on how a customer interacts with us and that this should be taken into account in the policy and its application.

Summary of actions taken because of this assessment:

We will add text to the policy that alerts staff to the potential impact of cognitive impairment and how that might be affecting the behaviour of some individuals and a reminder that reasonable adjustments should be made to take account for any such disability.

Ongoing actions beyond implementation include:

Keep policy and its application under review.

Lead person(s) for this assessment (job title and department only):

Corporate Governance and Policy Officer.

Senior responsible owner agreement that the policy has been fully assessed against the needs of the general duty (job title only):

Corporate Support Manager.

Publication date (for completion by Communications):

04/11/2022

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V0.1	01.09.2022	
V0.2	20.09.2022	Reviewed by Corporate Support Manager before submission to Equalities Officer
V0.3	06.10.2022	Reviewed by Equalities Officer. Corporate Support Manager comments in v.02 reviewed and addressed before submission to SRO.
V0.4	31.10.2022	Review by Corporate Support Manager, then forwarded to Chief Executive for approval.

Step 1 - Framing the planned change

Discussing step 1 and step 2 with the 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/practice/ process/service. You can use the information in your project specification, business case etc.

The primary objectives of the policy are to clearly define what unacceptable behaviour is for both staff and customers and to provide guidance to staff in what they can do in the event they are subject to unacceptable behaviour.

- Clearly define what unacceptable behaviour is for both staff and customer
- Provide guidance to staff in what they can do in the event they are subject to unacceptable behaviour
- Empower staff and give them the confidence to deal with unacceptable behaviour
- Reduce current risk that the level of abusive behaviour is permitted to carry on past a point most organisations would find tolerable before action is taken.

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

Although there is no legislative requirement to have such a policy, it is good practice to have a stated policy to deal with the unacceptable actions or behaviour of SLAB's customers.

There is currently an ad hoc process followed by departments, teams or managers in relation to isolated cases where customers have been abusive or vexatious.

Although these processes are semi-formal and not arbitrarily applied there is no clear guidance for staff and there is a danger that the level of abusive behaviour is permitted to carry on past a point most organisations would find tolerable before action is taken.

1.3 Who is affected by this policy/practice/process/service? *Be clear about who the ‘customer’ is.*

SLAB staff, applicants, opponents, solicitors, and other members of the general public, as well as other interested parties in legal aid cases. The procedure should facilitate predictability and consistency for the profession and applicants in their interactions with SLAB around complaints, whilst providing SLAB staff with greater clarity.

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

01/11/2022

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.

Other linked work includes the Customer Services Policy, the Customer Support Needs Policy and the Complaints Handling Procedure.

The policy requires that the method of communication may need to be altered in order to manage behaviour defined by the policy and it is important that the alternative method of communication is suitable for the individual’s communication needs.

Accordingly, the EqIA looks at both the evidence around both behaviours and previously established evidence on communication needs that was used for the EqIA on customer support needs.

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

The information you gather in this section will:

- help you to understand the importance of your policy/practice/process/service for different equality groups,
- inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and
- provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.

2.1 What information is available about the experience of each equality group in relation to this policy/practice/process/service?

Stay focused on the topic and scope of your policy/practice/ process/service. Does the policy/practice/process/service relate to an area where there are already known inequalities? Refer to the EqlA guidance for sources of evidence.

Remember, this step in the EqlA process is NOT about the impact your policy has on equality groups and what we need to do to mitigate those. That assessment is done under Step 4.

Note: If you proceed to a full EqlA you should continue to add to this section as the policy/practice/process/service develops, you come across new evidence and/or undertake a consultation.

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
Age	<p>Aggressive behaviour, cognitive impairment, and depressive symptoms in elderly subjects</p> <p>www.homecare.co.uk/advice/obsessive-behaviour-and-dementia</p>	<p>There is evidence of cognitive disorders affecting levels of aggression in elderly people.</p> <p>Obsessive Compulsive Disorder, which can translate into</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p data-bbox="454 499 835 531">Older people and reading</p> <p data-bbox="454 715 633 746">Reading age</p> <p data-bbox="454 882 1066 962">OFCOM Online nation report 2019 + 2018 research into access and inclusion.</p>	<p data-bbox="1184 371 2125 451">unreasonable levels of contact, is linked to cognitive impairment and developmental disorders such as dementia.</p> <p data-bbox="1184 499 2125 659">Older adults use a different reading strategy from younger adults and rely more than young adults on holistic cues to the identities of words, such as word shape: so unfamiliar words and phrases may be harder to quickly decipher accurately.</p> <p data-bbox="1184 715 2125 834">The average reading age in Scotland is 11 years. Written communication above this threshold will not be well understood by the majority of the public.</p> <p data-bbox="1184 882 2125 1129">Older adults are much less likely to have a smartphone or internet access, but will have a landline. In 2019, 13% of adults reported that they do not use the internet. This has remained unchanged since 2014. People over 54 are less likely to use the internet (19% for 55-64s, 33% for 65-74s and 48% for those aged 75+).</p>
Disability	Aggressive behaviour in adults with intellectual disability: defining the role of drug treatment	Cognitive and developmental problems can affect levels of aggression. Conditions such as dementia, autism and mental health disorders can contribute to the susceptibility of individuals to display aggressive behaviour.

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
	<p>Characteristics of Aggressive Behaviour in people with mild to borderline Intellectual Disability and co-occurring Psychopathology</p> <p>The Effects of Severity of Autism and PDD-NOS Symptoms on Challenging Behaviours in Adults with Intellectual Disabilities</p> <p>Understanding Aggressive Behaviour in Autism</p> <p>Autism and OCD</p> <p>Overview of literacy disabilities</p> <p>Dyslexia prevalence; severe dyslexia prevalence; dyslexia simulation</p> <p>Communication support and disabilities, UK govt</p> <p>OFCOM 2018 research into access and inclusion</p>	<p>Obsessive Compulsive Disorder, which can translate into unreasonable levels of contact, is linked to cognitive impairment and developmental disorders such as autism.</p> <p>There are various forms of literacy disability, with dyslexia being the most common. Dysgraphia may be important for people we are asking to provide written information. Fewer studies of dysgraphia have been done, 5%-20% is the range quoted on a number of sites (provenance unknown).</p> <p>10% of the Scottish population is thought to be dyslexic in some way. 4% may be severely dyslexic.</p> <p>By making it clear that we can make adjustments for people with disabilities, they know that we wish to include them in our service provision.</p> <p>Disabled people are generally less likely than non-disabled people to personally use most communications services and devices. Overall, the largest disparities are found in smartphone ownership in households (where 53% of disabled people have a smartphone in their household compared to 81% non-disabled people) and in internet use (67% of disabled people use the internet compared to 92% of non-disabled people). Some of this can be explained by their general older demographic and lower socio-economic grouping; some is related to disability. The</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
		findings vary by disability , with visual impairments most likely to affect use of communication devices.
Race	<p>Census results</p> <p>SCILT: Languages in Scotland</p>	<p>The main intersection between race and communication support needs is in English language comprehension and potential requirements for translation or interpreting services. The relevant results from the 2011 census are:</p> <p>“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%, for those who arrived aged 65+ it was 31%.</p> <p>The proportion of Scotland’s population aged 3 and over who could speak, read and write English was 94%. This proportion was lowest for those born in the EU Accession countries (75%) or in the Middle East and Asia (89%).”</p> <p>The most commonly spoken languages in Scotland other than English are Polish, Urdu, Scots, Punjabi and Arabic.</p>
Sex, Gender Reassignment, Sexual orientation,	<p>Trans mental health study; Stonewall survey of LGBT mental health</p>	<p>The evidence for other protected characteristics does not highlight any impact of these characteristics in themselves on the ability of people to communicate effectively. However gender reassignment and sexual orientation are linked to higher levels of mental ill health.</p>

Equality characteristics	Evidence source (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? <i>Lack of evidence may suggest a gap in knowledge/need for consultation (step 3).</i>
Religion or Belief, Pregnancy or maternity, Marriage or civil partnership	Gender differences in aggression	There is extensive evidence in relation to male aggression suggesting men are more likely to display physically aggressive behaviour but verbal aggression is equally likely in males and females.
Care Experienced (<i>corporate parenting duty</i>)	Who Cares? Scotland Statistics SLAB care experience literature review Mental health of young people looked after by local authorities in Scotland, 2002	Being care experienced is linked to higher levels of mental ill health and poorer educational outcomes, as well as a greater likelihood of being involved in the criminal justice system or experiencing homelessness.

2.2 Using the information above and your 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.

This is of particular significance to the protected characteristics of Disability and Age but should be a positive impact.

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 EqlA 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 EqlA
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 EqlA

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.

We have consulted with staff, including the Executive Team, as well as the Law Society of Scotland.

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

There was consultation with the Director of Corporate Services and the Director of Operations along with key managers in those directorates. We learned that the policy proposal was in line with current practice and staff were of the view that an official policy provided them with the necessary support for those staff subjected to unacceptable behaviour.

What was clear that a detailed specification of unacceptable behaviour was not required as the policy had to be flexible enough to allow continued engagement with people displaying these behaviours, especially in cases where a disability was involved. Furthermore, the requirement for a separate appeals process was deemed unnecessary, as there is already an established complaints process.

The draft policy was also shared with the Law Society of Scotland, which confirmed it was very similar to their own policy and that they were in support. The policy was also shared with the Society's Legal Aid Committee.

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? How 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.

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. For example, to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impact	Negative impact	No impact	
potential for discrimination	X			<p>While the behaviours described in the policy are unacceptable and staff have the right to restrict contact, the policy does make it clear to people what is considered unacceptable but is flexible to take account of SLAB's requirement to make reasonable adjustments. If staff are aware of a cognitive impairment this will be taken into consideration and then the policy enables staff to make allowances for that if appropriate.</p> <p>Positive impacts will be in offering a range of formats and communication channels to meet the needs of more groups.</p>
potential for developing good relations	X			<p>The flexibility of the policy to take into consideration behaviour related to cognitive impairment should improve the opportunities to resolve problems/complaints/issues. The public facing information about the policy should make it clear that if someone has a condition that affects their aggression levels then they should make it known so that reasonable adjustments can be made.</p> <p>A public statement about the availability of adjustments and promotion of the policy could develop good relations between staff and customers.</p>
potential to advance equality of opportunity	X			<p>A policy that clearly defines what unacceptable behaviour is but considers cognitive impairments that affect aggression</p>

				levels has the capacity to improve our services for customers who might not normally be able to effectively engage. A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.
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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, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			While the behaviours described in the policy are unacceptable and staff have the right to restrict contact, the policy does make it clear to people what is considered unacceptable but is flexible to take account of SLAB's requirement to make reasonable adjustments. If staff are aware of a cognitive impairment then the policy can make allowances for that. Positive impacts will be in offering a range of formats and communication channels to meet the needs of more groups.
potential for developing good relations	X			The flexibility of the policy to account for aggression related to cognitive impairment should improve the opportunities to resolve problems/complaints/issues. The public facing information about the policy should make it clear that if someone has a condition that affects their aggression levels then they should make it known so that reasonable adjustments can be made.

				A public statement about the availability of adjustments and promotion of the policy could develop good relations, between staff and customers.
potential to advance equality of opportunity	X			<p>A policy that clearly defines what unacceptable behaviour is but allows for cognitive impairments that affect aggression levels has the capacity to improve our services for customers who might not normally be able to effectively engage.</p> <p>A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.</p>

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, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Positive impacts will be in offering a range of formats and communication channels to meet the needs of more groups.
potential for developing good relations	X			A public statement about the availability of adjustments and promotion of the policy could develop good relations, between staff and customers.
potential to advance equality of opportunity	X			A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.

Sex, Gender Reassignment, Sexual orientation, Religion/Belief, Pregnancy/maternity, 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, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Positive impacts will be in offering a range of formats and communication channels to meet the needs of more groups.
potential for developing good relations	X			A public statement about the availability of adjustments and promotion of the policy could develop good relations, between staff and customers.
potential to advance equality of opportunity	X			A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.

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, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			While the behaviours described in the policy are unacceptable and staff have the right to restrict contact, the policy does make it clear to people what is considered unacceptable but is flexible to take account of SLAB's requirement to make reasonable adjustments. If staff are aware of a cognitive impairment then the policy can make allowances for that.

				Positive impacts will be in offering a range of formats and communication channels to meet the needs of more groups.
potential for developing good relations	X			<p>The flexibility of the policy to account for aggression related to cognitive impairment should improve the opportunities to resolve problems/complaints/issues. The public facing information about the policy should make it clear that if someone has a condition that affects their aggression levels then they should make it known so that reasonable adjustments can be made.</p> <p>A public statement about the availability of adjustments and promotion of the policy could develop good relations between staff and customers.</p>
potential to advance equality of opportunity	X			<p>A policy that clearly defines what unacceptable behaviour is but allows for cognitive impairments that affect aggression levels has the capacity to improve our services for customers who might not normally be able to effectively engage.</p> <p>A complaints process and reporting mechanism which identified impacts of this protected characteristic on the dissatisfaction has the capacity to improve our services for all customers.</p>

4.2 Describe how the assessment so far might affect other areas of this policy/practice/process service and/or project timeline?

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
	<p>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.</p>
X	<p>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.</p>
	<p>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.</p>
	<p>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.</p>

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/review 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 (for example 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.

We have reported on progress with the EQIA to the Equality Project Group. As the policy is a project on the Business Plan we have also reported to the Board on its progress.

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.

We will add text to the policy that alerts staff to the potential impact of cognitive impairment and how that might be affecting the behaviour of some individuals and a reminder that reasonable adjustments should be made to take account for any such disability.

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.*

Measure	Lead department/individual	Reporting (where/frequency)
Log of occasions where the policy has been used	CEO	Every quarter as part of quarterly complaints report

6.3 EqlA review date. This EqlA should be reviewed as part of the post-implementation review of the policy/practice/process/service.

The date should not exceed 3 years from the policy/practice/process/service implementation date.

01/11/2023

Step 7 - Assessment sign off and approval

Once final consultation has been undertaken with Corporate Policy Officer (Equalities), all equality impact assessments must be signed off by the relevant Director or Senior Responsible Owner (SRO), even where an EqlA is not required. The Chief Executive must approve all equality impact assessments. Note the relevant dates here:

Director/ SRO sign off: 01/11/2022

Chief Executive approval: 01/11/2022

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.