



# Equalities Annual Report

2004/05

# PREFACE

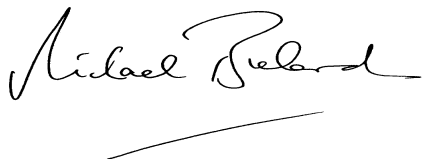
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## **Joint Statement by Sir Michael Bichard, Chair and Brian Harvey, Acting Chief Executive of the Legal Services Commission**

This is our third equalities annual report, which presents the results of our equal opportunities monitoring for the period 1 April 2004 to 31 March 2005. The Report represents a significant amount of work to better inform our aim to deliver fair and equal access to justice.

During 2004/05 we continued to use the data we collect for our equalities annual reports to inform our assessment of the impact of LSC policies and decision-making. In July 2004 we launched a new national telephone service, CLS Direct, and have begun to gather information about its users, which we report on for the first time.

We are committed to ensuring that the Commission promotes equality and eliminates discrimination both as an employer and in helping people to get access to quality legal services that meet their needs. Equal opportunities information helps us meet these commitments only if monitoring is carried out in a way that meets our business needs. As we review how best to secure the delivery of a range of legal aid services for some of the most disadvantaged people in society so we have also begun to review what equal opportunities information we collect. In reviewing what information we need, we will prepare for the new demands of the forthcoming public duties to promote disability and gender equality in early 2007.



**Sir Michael Bichard, Chair**



**Brian Harvey, Acting Chief Executive**

**April 2006**

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# INTRODUCTION

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## About the Commission

The Legal Services Commission is an executive non-departmental public body reporting to the Department for Constitutional Affairs (DCA). Our remit is to maintain and develop the Community Legal Service (CLS) and Criminal Defence Service (CDS) through which we fund legal and advice services in England and Wales. We also have a responsibility to identify unmet need for publicly funded civil legal and advice services, and to develop suppliers and innovative services to meet the priority needs that we identify. In 2004/05 we received funding of £2bn with which we funded over 2.4m acts of assistance.

We employ over 1,700 permanent staff working in twelve offices across England, one in Wales, and a London head office. We also operate eight Public Defender Service (PDS) offices, where we directly employ staff to deliver criminal legal aid. We spent £96.4m on administration costs in 2004/05.

## The Commission's equality duties

Under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 the Commission has a duty to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. We have specific duties to publish a race equality scheme and to ensure arrangements are in place to monitor and assess the impact of our policies on different racial groups.

The Commission published its *Equality Scheme* in May 2002 and revised it in 2005. As well as race, we included disability and gender within the scope of the scheme. Our *Equality Scheme* identified the Commission's principal functions (relating to service provision and employment), and included commitments in respect of impact assessments, consultations, monitoring, access to information, training and complaints.

We published our first equalities annual report in January 2004, which covered the period 1 April 2002 to 31 March 2003. In this third report we publish the results of work carried out under the *Equality Scheme* during the period 1 April 2004 to 31 March 2005. All reporting complies with the relevant legislation regarding data protection.

## Work of the Commission's equalities group

The equalities group is an executive staff group that contributes to the development and implementation of strategies intended to ensure ongoing compliance with equalities legislation. The group also has oversight of the Commission's equalities related duties in conducting its functions both as an employer and a public body.

Membership of the group is drawn from central functions and regional office staff with experience in key business areas. The group meets periodically to discuss the integration of equalities aspects into the Commission's work. In addition to the main areas of work outlined in this report, the significant issues discussed and contributions made by the group in 2004/05 included the following:

- **Accessibility:** The group has continued to have oversight of work around ensuring that the Commission continues to make improvements to the accessibility of its buildings leading up to and beyond the 1 October 2004 deadline.
- **Translators strategy:** Having identified a business need for streamlined procurement procedures, members of the group took forward a procurement project to secure the services of a number of companies to form a group of preferred suppliers. This group will meet the Commission's needs for language translation services and services to produce documents in alternative formats, be it for large scale projects or ad hoc requests.
- **Customer service:** Members of the group pushed forward a number of customer service actions, detailed later in this report.

# PART 1: KEY PUBLIC SERVICE FUNCTIONS

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- 1.1 The Commission's functions as a service provider are determined by the Access to Justice Act 1999. The Equality Scheme sets out our key functions in relation to our duties under the Race Relations (Amendment) Act 2000 against which we undertake equal opportunities monitoring. We report below on the outcome of monitoring carried out in 2004/05.

## Profile of clients funded by the Community Legal Service

We will review and report on relative success rates of individual applications for case funding

*LSC Equality Scheme*

- 1.2 The Community Legal Service (CLS) provides publicly funded civil legal aid and advice services. Solicitors' offices and not for profit agencies undertaking civil legal aid work hold a General Civil Contract with the Commission, which specifies the categories of law they are authorised to practise.
- 1.3 The General Civil Contract operates under two headings: Controlled Work and Licensed Work. Controlled Work is referred to in this section as 'legal help'.<sup>1</sup> Licensed Work covers all other representation, except very high cost cases which are managed under separate contracts, and is referred to here as 'civil representation'.
- 1.4 The Controlled Work contract for solicitors outlines the number of cases a supplier is authorised to start ('matter starts') in a particular year. The Controlled Work contract for not-for-profit agencies sets out the number of hours of direct casework time that the supplier is authorised to undertake in the year.
- 1.5 The Licensed Work contract does not limit the amount of casework a supplier can undertake. Instead, an application for funding is made to the Commission for each case and our regional office staff decide whether the case will receive funding on the basis of the client's financial eligibility and the merits of the case.
- 1.6 During 2004/05 the Commission continued to monitor the ethnicity of CLS clients in receipt of legal help and civil representation. We principally contrast the findings for black and minority ethnic origin (BME) clients with their white counterparts. However, in places we report in more detail, examining the data according to the six main National Census 2001 categories<sup>2</sup> and their sub-categories.<sup>3</sup>
- 1.7 For a second year we report the disability status of clients receiving legal help and gender data on clients receiving civil representation. We intend to improve the

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<sup>1</sup> Controlled Work under the General Civil Contract (legal help) covers legal advice and assistance, Help at Court and Legal Representation before the Mental Health Tribunal and the Immigration Appellate Authorities.

<sup>2</sup> The six main categories are: 'Asian', 'black', 'Chinese', 'mixed', 'other' and 'white'

<sup>3</sup> The sub-categories are: 'Asian British Indian', 'Asian British Pakistani', 'Asian British Bangladeshi', 'Asian British other'; 'black British Caribbean', 'black British African', 'black British other'; 'mixed white and black Caribbean', 'mixed white and black African', 'mixed white and Asian', 'mixed other'; 'white British', 'white Irish', 'white other'.

reliability of the gender data on legal help clients and disability data for civil representation applicants. However, this requires fundamental changes to our IT recording systems.

- 1.8 For both legal help and civil representation there was a proportion of clients for whom equal opportunities information was not provided. The proportion is indicated against each table as appropriate. The provision of this information is voluntary and we have no information about a substantial number of clients who decline to provide information or their reasons for doing so.
- 1.9 For meaningful analysis and to allow direct comparisons with previous reports the 'not known' element has been discounted from the 2004/05 data. Although the proportion of civil representation applicants whose ethnicity is 'not known' has continued to decrease (from 60.4% in 2002/03 to 55.3% in 2003/04 and 32.9% in 2004/05) there is still some work to do to encourage suppliers to submit clients' equal opportunities information and to ensure it is being entered into our information systems. We are presently considering how best to achieve improved returns.

## Ethnicity

**TABLE 1: Legal help matters completed by ethnicity of client<sup>4</sup>**

Categories of law	White %			BME %			Total number		
	02/03	03/04	04/05	02/03	03/04	04/05	02/03	03/04	04/05
Actions against the police etc.	73.6	76.1	71.8	26.4	23.9	28.2	4,872	4,616	3,893
Clinical negligence	88.9	88.0	86.0	11.1	12.0	14.0	4,310	3,907	3,385
Community care	56.9	64.0	47.8	43.1	36.0	52.2	2,409	2,961	2,966
Consumer	82.6	81.6	81.8	17.4	18.4	18.2	8,539	6,110	3,795
Debt	88.7	90.3	89.0	11.4	9.7	11.0	55,333	54,564	53,716
Education	74.5	76.0	73.1	25.5	24.0	26.9	3,518	3,073	2,668
Employment	80.2	82.2	78.0	19.8	17.8	22.0	11,956	10,773	9,501
Family	89.8	89.5	88.5	10.2	10.5	11.5	302,902	291,520	268,205
Housing	70.0	76.4	70.1	30.0	23.6	29.9	85,713	80,149	77,485
Immigration – asylum	9.1	28.0	9.6	91.0	72.0	90.4	184,924	116,657	102,571
Immigration – non asylum	8.5	32.6	10.2	91.5	67.4	89.8	32,680	34,104	36,559
Mental health	75.2	78.1	74.3	24.8	21.9	25.7	27,938	29,821	31,465
Personal injury	82.4	86.6	84.0	17.6	13.4	16.0	7,721	5,507	3,794
Public law	73.4	72.6	60.2	26.6	27.4	39.8	1,449	1,502	1,388
Welfare benefits	76.0	80.3	75.3	24.0	19.7	24.7	82,325	77,906	71,740
Miscellaneous	89.7	89.0	88.5	10.3	11.0	11.5	23,729	16,096	9,882
<b>TOTAL</b>	<b>64.4</b>	<b>73.9</b>	<b>67.8</b>	<b>35.6</b>	<b>26.1</b>	<b>32.2</b>	<b>840,318</b>	<b>739,266</b>	<b>683,013</b>

1.10 Table 1 shows legal help matters completed by ethnicity of client for the years 2002/03, 2003/04 and 2004/05. Although the total number of matter starts has reduced in each year, there has not been a significant drop in the proportion of BME clients receiving legal help.<sup>5</sup>

1.11 The volume of immigration matters continued to drop during 2004/05 in line with wider immigration trends. Discounting the immigration categories, BME clients

<sup>4</sup> Figures provided in Table 1 discount the numbers of matters where the ethnicity of the applicant was not known i.e. not supplied or not recorded. These amounted respectively to 29,783 (3.9%) in 2003/04 and 39,673 (5.5%) in 2004/05. We do not have an equivalent figure for 2002/03 as these matters were incorporated in the ethnic category "Other," which forms part of the figure for BME.

<sup>5</sup> As we report in the LSC Annual Report 2004/05, preliminary findings from the yet to be published English and Welsh Civil and Social Justice Survey, carried out by the LSC's Legal Services Research Centre, suggests that there has been an increase in the proportion of cases where suitable assistance was obtained and that the incidence of problems has fallen in major areas of law since the last survey in 2001. This would suggest that the fall in reported applications from 2002/03 to 2004/05 is not a result of people having problems in accessing help. See LSC Annual Report available at <http://www.legalservices.gov.uk/aboutus/how/corporate.asp>.

represented 17.4% of total recorded clients in 2004/05, compared with 14.6% in 2003/04 and 16.3% in 2002/03.

- 1.12 In general, the breakdown by ethnicity for the year 2004/05 was more in line with 2002/03 than 2003/04. A number of categories that had shown a drop in the percentage of BME clients helped in 2003/04 showed a return to the 2002/03 levels in 2004/05. Examples of these included actions against the police etc, community care, debt, education, employment, housing, mental health, personal injury and welfare benefits.
- 1.13 There has continued to be an increase in the percentage of BME clients receiving legal help over the last three years for problems relating to clinical negligence, family and public law. As in previous years, a high number of BME clients continue to be helped in actions against the police etc and with problems relating to community care, clinical negligence, education, housing, mental health and public law.
- 1.14 Looking at sub-categories of ethnicity, and discounting immigration, a more detailed analysis of the legal help data suggested that in 2003/04 the percentage of black clients receiving legal help fell to 1.3% from 6.1% in the previous year. The percentage of black clients in receipt of legal help during 2004/05 rose again to 6.3%. A high number of 'black or British black Caribbean' clients were helped with actions against the police etc, and with education and mental health problems.
- 1.15 The Commission has 10 regional offices in England and one in Wales.<sup>6</sup> The Commission's regional boundaries largely reflect local authority boundaries and in England regional boundaries also match those of the Government's Regional Development Agencies. In last year's report we undertook to analyse legal help data further by our regions to help identify patterns of need in particular communities.
- 1.16 While all regions noted an increase in the percentage of BME clients in receipt of legal help, there was a significant increase in the proportion of BME clients recorded in London from 58.0% in 2003/04 to 73.5% in 2004/05: see Table 2. This was true despite a small decline in the total number of legal help cases recorded in the London region. This is more than double the national average of BME clients in receipt of legal help (32.2%). The West Midlands continues to also have a significant percentage of BME clients in receipt of legal help, as do the South Eastern, Yorkshire & Humberside and North Western regions.

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<sup>6</sup> Our regions are Eastern (Cambridge), Merseyside (Liverpool), East Midlands (Nottingham), London, North East (Newcastle), North Western (Manchester), South Eastern (Brighton and Reading), South Western (Bristol), West Midlands (Birmingham), Yorkshire & Humberside (Leeds); and Wales (Cardiff).

**TABLE 2: Legal help matters completed by region and ethnicity of client**

Regional Office	2003/04			2004/05		
	White %	BME %	Total number	White %	BME %	Total number
BIRMINGHAM	71.1	28.9	63,196	67.0	33.0	58,419
BRIGHTON	87.6	12.4	29,155	85.9	14.1	27,156
BRISTOL	91.5	8.5	54,802	90.9	9.1	51,238
CAMBRIDGE	86.4	13.6	48,921	83.6	16.4	43,855
CARDIFF	93.2	6.8	45,684	92.6	7.4	41,170
LEEDS	79.1	20.9	71,394	75.4	24.6	64,152
LIVERPOOL	90.2	9.8	38,593	87.3	12.7	34,478
LONDON	42.0	58.0	178,928	26.5	73.5	169,813
MANCHESTER	81.7	18.3	74,729	79.0	21.0	67,729
NEWCASTLE	89.0	11.0	49,575	87.4	12.6	46,534
NOTTINGHAM	83.2	16.8	54,221	79.5	20.5	48,901
READING	80.1	19.9	30,068	75.8	24.2	29,568

1.17 Table 3 suggests that the overall percentage of BME clients applying for civil representation appears to have increased from 19.1% to 27.6% during 2004/05. In keeping with previous years, there were increases in the numbers of applications for civil representation from BME clients in immigration and nationality, welfare benefits, community care, employment and housing.<sup>7</sup> Upward trends were recorded for actions against the police etc, debt, family law, public law and welfare benefits.

<sup>7</sup> However, it should also be noted that the number of cases discounted due to the ethnicity of the applicant being not known has reduced considerably and this may explain the effect. See footnote 8 over.

**TABLE 3: Number of applications received for civil representation by category of law and ethnicity<sup>8</sup>**

Category of law	2002/03			2003/04			2004/05		
	White %	BME %	Total	White %	BME %	Total	White %	BME %	Total
Actions against the police etc	68.1	31.9	687	66.7	33.3	774	64.0	36.0	1,033
Clinical negligence	89.7	10.3	3,534	88.9	11.1	3,511	83.9	16.1	4,841
Community care	57.2	42.8	194	31.4	68.6	491	37.2	62.8	527
Consumer	73.9	26.1	705	74.8	25.2	643	72.5	27.5	806
Debt	73.6	26.4	428	65.4	34.6	425	57.2	42.8	547
Education	62.7	37.3	434	68.6	31.4	373	66.5	33.5	481
Employment	49.5	50.5	91	46.2	53.8	91	46.4	53.6	97
Family	85.8	14.2	63,002	87.1	12.9	70,699	75.8	24.2	104,137
Housing	49.5	50.5	8,113	49.9	50.1	8,129	48.1	51.9	10,983
Immigration & nationality	14.8	85.2	1,860	17.9	82.1	2,276	8.7	91.3	1,538
Mental health	77.8	22.2	81	65.0	35.0	120	66.7	33.3	150
Personal injury	58.0	42.0 <sup>9</sup>	603	89.2	10.8	434	80.8	19.2	380
Public law	68.2	31.7	454	66.3	33.7	655	59.6	40.4	713
Welfare benefits	41.4	58.6	58	26.5	73.5	34	19.6	80.4	92
Miscellaneous	78.3	21.7	1,418	76.8	23.2	1,717	73.8	26.2	2,142
Total	79.7	20.3	81,662	80.9	19.1	90,072	72.4	27.6	128,467

1.18 A comparison of the data indicates similar percentages in the granting and part granting of applications according to ethnicity for 2002/03 and 2004/05: see Table 4. The refusal rate for BME clients increased between 2002/03 and 2003/04, but has reverted to 7.9% in 2004/05.

<sup>8</sup> Figures provided for 2004/05 discount the 63,032 cases (32.9%) where the ethnicity of the applicant was not known, i.e. not supplied or not recorded. The corresponding discount for 2003/04 was 111,316 cases (55.3%).

<sup>9</sup> The high proportion of BME clients in receipt of legal aid for civil representation for personal injury claims in 2002/03 was as a result of a multi-party action involving a large number of South African claimants.

**TABLE 4: Relative success of applicants for civil representation by ethnicity**

Ethnicity		2002/03 %	2003/04 %	2004/05 %
White	Grant	90.0	88.5	90.0
	Part grant*	3.3	4.5	3.2
	Refuse**	6.8	7.0	6.8
BME	Grant	90.9	87.5	88.8
	Part grant*	1.9	2.9	3.3
	Refuse**	7.2	9.7	7.9

\* Part grant – this is when a solicitor is awarded a lower level of representation than is applied for e.g. the solicitor applied for Full Representation<sup>10</sup> but was only granted authority to provide the client General Family Help<sup>11</sup>. Part granting does not affect whether or not the client pays a contribution, only the amount of work that the Commission determines it is appropriate for the solicitor to undertake.

\*\* Applicants are entitled to appeal the Commission’s decision to refuse to grant civil representation. The figures give the data in respect of the Commission’s initial decision. Where an applicant appeals, his or her details are held on a separate part of the Commission’s corporate information system, where details are also held concerning the outcome of the appeal.

1.19 If an application is initially refused and the decision carries a right to a review, the applicant is entitled to appeal that decision. The application for a review of the decision is examined by a regional office staff member with the authority to overturn the original decision (stage one). If they agree with the original decision, then they will refer the matter to the Funding Review Committee (stage two), made up of independent solicitors and barristers. Appeals data is set out over.

1.20 During 2004/05 of those applicants whose ethnicity was known, 4.82% of stage one applicants were of BME origin and 4.28% of stage two applicants were BME. A comparison of 2003/04 and 2004/05 data shows similar trends in the grant and part grant of applications according to ethnicity at both stage one and two: see Tables 5 and 6.

<sup>10</sup> Representation by solicitors or barristers for civil cases that could go to court.

<sup>11</sup> This is licensed work that requires an application to the Commission for a certificate. It may only be provided by family franchisees.

**TABLE 5: Outcome of stage one appeals to grant civil representation by ethnicity**

Ethnicity		2003/04 %	2004/05 %
White	Grant	48.4	47.4
	Refuse	50.5	51.6
	Further Information*	0.1	0.1
	Reject**	0.9	1.0
BME	Grant	35.5	40.6
	Refuse	64.0	59.3
	Further Information*	0.4	0.0
	Reject**	0.1	0.1

\* Where more information about the case is requested.

\*\* Where insufficient or incomplete information is provided.

**Table 6: Outcome of stage two appeals to grant civil representation by ethnicity**

Ethnicity		2003/04 %	2004/05 %
White	Abandon	3.7	3.6
	Grant	25.3	24.0
	Part grant	4.1	6.5
	Refuse	66.9	65.9
BME	Abandon	3.3	2.1
	Grant	29.3	27.5
	Part grant	2.2	7.8
	Refuse	65.2	62.6

## Disability

1.21 We first reported the disability status of legal help clients in last year's report. Table 7 shows that as expected a high proportion of disabled clients received legal help for welfare benefits, community care, clinical negligence and mental health. Since 2003/04 the percentage of cases where the disability status of the applicant was not supplied or recorded has fallen from 45.5% in 2003/04 to 31.2% in 2004/05. An analysis of applicants by region shows no significant variances from the total national figures provided in Table 7.

**TABLE 7: Legal help matters completed by disability status of client<sup>12</sup>**

Categories of law	2003/04			2004/05		
	Disabled %	Not disabled %	Total	Disabled %	Not disabled %	Total
Actions against the police etc	12.1	87.9	1,991	12.7	87.3	2,329
Clinical negligence	26.6	73.4	1,915	31.3	68.7	1,999
Community care	52.9	47.1	930	41.6	58.4	2,230
Consumer	17.2	82.8	3,366	18.9	81.1	2,536
Debt	18.5	81.5	29,294	21.8	78.2	43,864
Education	10.0	90.0	1,581	14.3	85.7	2,005
Employment	8.6	91.4	5,681	8.9	91.1	7,237
Family	5.5	94.5	163,067	5.6	94.4	180,730
Housing	19.1	80.9	44,691	19.6	80.4	56,783
Immigration asylum	1.3	98.7	71,970	1.1	98.9	77,352
Immigration other	3.2	96.8	20,735	3.1	96.9	27,672
Mental health	38.3	61.7	17,971	36.7	63.3	22,679
Personal injury	10.0	90.0	2,518	12.3	87.7	2,302
Public law	14.5	85.5	802	16.4	83.6	1,032
Welfare benefits	55.7	44.3	43,359	58.9	41.1	60,049
Miscellaneous	12.0	88.0	9,196	13.9	86.1	6,689
Total	14.2	85.8	419,067	16.3	83.7	497,488

<sup>12</sup> Figures for 2004/05 exclude the 225,198 (31.2%) and for 2003/04 the 349,985 (45.5%) of cases where the disability status of the applicant was not supplied or recorded.

## Gender

1.22 Table 8 shows that the number of applications received for civil representation by gender for 2004/05 has remained similar to those recorded for 2003/04. The trend has shown that there was a higher proportion of female applicants for representation for family and housing law cases, while there were more male applicants in actions against the police etc, education, employment, immigration and mental health cases. An analysis of the gender of applicants by region does not show any significant variances from the total national figures provided in Table 8.

**TABLE 8: Number of applications received for civil representation by category of law and gender<sup>13</sup>**

Categories of law	2003/04			2004/05		
	Female %	Male %	Total	Female %	Male %	Total
Actions against the police etc	23.5	76.5	1,701	23.1	76.9	1,620
Clinical negligence	56.3	43.7	8,203	53.5	46.5	7,375
Community care	47.9	52.1	828	53.8	46.2	692
Consumer	47.1	52.9	1,561	47.2	52.8	1,235
Debt	47.2	52.8	949	47.6	52.4	819
Education	38.8	61.2	860	34.7	65.3	755
Employment	42.2	57.8	173	35.9	64.1	131
Family	63.1	36.9	158,405	63.0	37.0	152,228
Housing	58.3	41.7	13,926	59.0	41.0	13,632
Immigration	30.5	69.5	3,081	33.2	66.8	2,202
Mental health	36.5	63.5	241	26.7	73.3	202
Personal injury	30.9	69.1	1,213	41.3	58.7	999
Public law	36.3	63.7	1,147	49.5	50.5	103
Welfare benefits	44.1	55.9	59	50.2	49.8	3,146
Miscellaneous	51.1	48.9	3,442	37.5	62.5	811
Total	60.6	39.4	195,789	60.8	39.2	185,950

1.23 As for 2003/04 female and male applicants had similar success rates during 2004/05 when applying for civil representation.

<sup>13</sup> Figures provided discount the 5,549 (2.9%) of cases where the gender of the client is not known in 2004/05 and 5,599 (2.8%) of cases in 2003/04.

**Table 9: Relative success of applicants for civil representation by gender**

	2003/04 %		2004/05 %	
	Female	Male	Female	Male
Grant	89.2	88.6	90.6	89.8
Part Grant*	4.6	2.9	3.3	2.4
Refuse**	6.3	8.5	6.2	7.8

\* Part grant – this is when the solicitor is awarded a lower level of representation than is applied for e.g. the solicitor applied for Full Representation but was only granted authority to provide the client General Family Help. Part granting does not affect whether or not the client pays a contribution, only the amount of work that the Commission determines it is appropriate for the solicitor to undertake.

\*\* Applicants are entitled to appeal the Commission’s decision to refuse to grant civil representation. The figures give the data in respect of the Commission’s initial decision. If an applicants appeals their details are held on a separate part of the Commission’s corporate information system, where details are also held concerning whether or not the appeal was successful.

1.24 Tables 10 and 11 show the outcome of applications to regional offices to review funding decisions (stage one) and the outcome of appeals referred to Funding Review Committee (stage two). As in the previous year, whilst there appears to be a higher proportion of refusals for male applicants at stage one, the outcomes according to gender at stage two are relatively even.

**TABLE 10: Outcome of stage one appeals to grant civil representation by gender**

	2003/04 %		2004/05 %	
	Female	Male	Female	Male
Grant	49.5	39.1	49.4	40.5
Refuse	49.7	60.1	49.9	58.5
Further Information	0.1	0.0	0.0	0.0
Reject	0.7	0.7	0.6	1.0

**TABLE 11: Outcome of stage two appeals to grant civil representation by gender**

	2003/04 %		2004/05 %	
	Female	Male	Female	Male
Abandon	4.5	4.3	4.7	4.4
Grant	25.9	26.7	24.2	24.8
Part grant	3.9	3.0	8.9	6.2
Refuse	65.8	66.0	62.2	64.5

## National surveys of civil legal needs

We will conduct and publish national surveys of civil legal needs

*LSC Equality Scheme*

- 1.25 The findings of the first Legal Services Research Centre's (LSRC) national periodic survey of justiciable problems were published in February 2004.<sup>14</sup> This is the baseline survey in a long-term project to provide a broad empirical base for civil justice policy development. It was designed to establish the nature, pattern and impact of people's experience of justiciable problems across England and Wales, and detail the use and success of different problem resolution strategies.
- 1.26 Last year we reported on the headline findings from the survey in relation to BME respondents, disabled respondents, those experiencing discrimination problems, and differences based on gender.
- 1.27 The LSRC have undertaken a follow up survey of legal needs, the findings of which will be published in early 2006 as the English and Wales Civil and Social Justice Survey.

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<sup>14</sup> Pascoe Pleasance, Alexy Buck, Nigel Balmer, Aoife O'Grady, Hazel Genn and Marisol Smith (2004) Causes of Action: Civil law and Social Justice (TSO: London). LSRC publications are available from the LSRC at <http://www.lsrc.org.uk>.

## Award and management of contracts and management of the Quality Mark

We will monitor and report on the organisations which have been awarded LSC contracts and Quality Marks and changes to these

### *LSC Equality Scheme*

- 1.28 All civil legal aid is delivered through contracts with quality assured suppliers. There are separate contracts for solicitors and NfP suppliers, all of which are required to be holders of the LSC's Quality Mark and are subject to auditing by the Commission.
- 1.29 The LSRC has conducted an annual equal opportunity survey of these suppliers since the launch of contracted services in 2000. The survey findings, covering ethnicity, gender, disability and age, are published each year by the LSRC in its equal opportunities reports series (renamed the diversity reports), which are available on the LSRC website at <http://www.lsrc.org.uk>.
- 1.30 The Fifth Annual Diversity Report, was completed in the Autumn of 2005. Following changes to the way in which the survey was conducted the response rate from suppliers increased to 48.6% from an average the previous year of around 30%.
- 1.31 Amongst the findings of 2004/05 survey, the 2005 Report highlights interesting correlations between the diversity of practitioners and their clients. It was found that, as in previous years, the proportions of BME, white British, male and female majority managed suppliers varied significantly by contract type, as did the age profile of those with managerial control. The Report suggests that much of the variation in contract types may be explained by managerial control mirroring the ethnicity, gender or age of clients. It was found for the first time that there was a strong relationship between the ethnicity of majority management and clients, a link that reflected individual ethnic sub-categories.

## Equality impact assessments

We will publish a description and explanation of the policies we plan to introduce, and a brief summary of the results of our assessment of the likely effects of the policy as part of our consultation process

### *LSC Equality Scheme*

- 1.32 Equality impact assessments consider the impact of policies on diverse groups, taking into account gender, race or disability. In this way, they are valuable in ensuring that equal opportunities principles, strategies and practices are incorporated into the Commission's everyday work.
- 1.33 In accordance with our specific duties under the Race Relations (Amendment) Act 2000, the Commission undertook in its *Equality Scheme* to conduct equality impact assessments for all new policies and revisions to existing policies being consulted on externally under the Commission's *Code of Practice on Written Consultation*. Consultations are available on the Commission's website at <http://www.legalservices.gov.uk>.
- 1.34 In September 2004 we revised our equality impact assessment guidance to bring it up-to-date with the CRE's online guidance.<sup>15</sup> At the same time we chose to integrate our equality impact assessment guidance into new project management standards that were rolled out to staff in October 2004. Equalities impact assessments are now managed through the life of a project, starting with the inclusion of a provisional equalities impact assessment, if necessary, at the project proposal stage, and the inclusion of a full equalities impact assessment in the full business case during project initiation. As a result staff working on a wider variety of areas have been prompted to build impact assessments into their work that might have ordinarily been missed, for example an impact assessment, including a disability impact assessment, of a new online advice system.
- 1.35 Equalities impact assessments continue to be published on the Commission's Internet site as part of consultations.

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<sup>15</sup> During 2003/04 the Commission's Equality Executive took part in a user group involving the Home Office Race Equality Unit, the Commission for Racial Equality (CRE) and other Government Departments. It was established to test the CRE's guidance on race equality impact assessments and develop an internet site to house the guidance. The CRE guidance and website were launched in late August 2004 and are available at <http://www.cre.gov.uk/duty/reia/index.html>.

## Awards of grants to organisations

We will monitor and report on the organisations in receipt of grants and changes to these

*LSC Equality Scheme*

### Partnership Initiative Budget

- 1.36 The Partnership Initiative Budget (PIB), formerly the Partnership Innovation Budget, was introduced in December 2000, to help the Commission fund local initiatives to help individuals access advice and information in priority areas of laws that do not fall within normal funding mechanisms. Funding was awarded to projects via two application rounds in 2000 and 2002.
- 1.37 During 2004 we replaced the PIB with the CLS Development Fund. Although no new projects were funded under the PIB during 2004/05, we continued the funding of around 130 projects, many of which were specifically equalities-related. We reported on examples of these projects in our Equalities Annual Report 2003/04, which is available on our website [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

### CLS Development Fund

- 1.38 The CLS Development Fund was established in 2004 to allow more flexibility to the Commission in how we may allocate funds to contribute to local needs. Legal aid service providers were invited to apply to their regional offices for funding for projects or initiatives under the Fund. The CLS Development Fund has been used to: maintain existing services, expand or enhance existing services or projects or set up new services. From 2005 the Fund has been made available for service providers working under a Specialist Quality Mark only.
- 1.39 A total of £2m was available for the CLS Development Fund in 2004/05. Here are some examples of projects and organisations funded by the CLS Development Fund:

Organisation	Funding aim
Newham Asian Woman's Project, London region	To expand an existing advice service to provide culturally sensitive advice about debt and community care to Asian women and families escaping domestic violence.
Goodmans Solicitors, Merseyside region	The award from the CLS Development Fund contributed towards the development of a new solicitor based discrimination service for Merseyside. The service will include discrimination awareness sessions for advice providers, telephone support for advice providers with discrimination cases and information and advice for disabled people.
Blackpool Citizens Advice Bureau, North West region	To develop a community outreach advice service for people with mental health problems.
Bruce Lance and Co., South East region	To provide further training in the use of British Sign Language to assist deaf clients and widen access to service for deaf clients.
Safer Swindon Shop, South West region	To provide greater support to black and ethnic minority groups in the area. Also to raise awareness of services, such as translation, available to the diverse community by holding events and becoming involved in projects such as the Swindon Multi-Agency Advice Centre in a consultancy capacity.
ACECAA/Africa Centre Wales, Wales office	To improve access to advice and information for socially excluded ethnic minority women and young people, mainly from refugee backgrounds.
Calderdale Women's Centre, Yorkshire & Humberside	To continue funding a project that provides information and advice to women in the area particularly those in vulnerable groups such as Asian women, victims of domestic violence, disabled women including those with mental health problems and/or learning difficulties.

## Training Contract Grant Scheme

1.40 The Commission launched the Training Contract Grant Scheme (TCGS) in order to help support the development of legal aid solicitors following concerns by the Law Society and Legal Aid Practitioners Group about decline in the number of newly qualified solicitors choosing a career in legal aid work.

1.41 To date we have launched three rounds of the TCGS on an annual basis and have provided nearly 400 grants to 338 solicitor and 49 not-for-profit organisations. In 2004/05 we made 100 grants available to 99 organisations of which 98 grants were taken. Interested organisations are selected based on their ability to contribute to national and regional priorities to meet local needs. Successful organisations were responsible for recruiting trainee solicitors to be awarded LSC grants. Table 12 shows the diversity of grant recipients.

**TABLE 12: Recipients of LSC training contract grants**

	BME	White	Female	Male	Disabled	Caring responsibility	Not known
	%	%	%	%	%	%	%
2004/05	18	60	53	26	3	14	21

1.42 In March 2005 the Commission re-stated our commitment to the TCGS, announcing that it would now run on a rolling basis, with 100 grants awarded annually. Our current investment in the next generation of solicitors stands at over £10 million. Since its inception the TGCS has not been subject to any kind of operational review. The LSC has consulted on a new Strategy for the Community Legal Service. In order to ensure that the Scheme is reconciled to the LSC's vision for the CLS and fits with our Corporate Priorities we have delayed the launch of the next scheme until later in 2006.

## Direct provision of legal information

We will monitor and report on requests for provision of information in other languages and formats and outcomes of these requests

*LSC Equality Scheme*

1.43 In July 2004 the Commission launched Community Legal Service Direct. This brought together the existing JustAsk! website and CLS information leaflets with a national telephone helpline. Community Legal Service Direct is a key part of our strategy to improve access to quality legal advice and information. Key developments in relation to equality and diversity are outlined below.

### Information leaflets

1.44 The CLS Direct information leaflets provide basic information on key areas of the law that affect people's lives. They are written clearly and simply by independent experts and are accredited by the Plain Language Commission. The leaflets offer a general introduction to the area of law covered and details of appropriate organisations to contact for further help.

Dealing with Debt	Rights for Disabled People
Employment	Community Care
Divorce and Separation	Education
Renting and Letting	Immigration and Nationality
Buying and Selling Property	Mental Health
Losing your Home	Alternatives to Court
The Human Rights Act	Family Mediation
Claiming Asylum	Veterans
Welfare Benefits	Domestic Violence, Abuse and Harassment
Wills and Probate	Living Together and your Rights if you Separate
Dealing with the Police	Dealing with Someone Else's Affairs
No-win, No-fee Actions	Care Proceedings
Problems with Goods and Services	Neighbourhood and Community Disputes
Medical Accidents	Equal Opportunities
Personal Injury	

1.45 We update all the leaflets each year to ensure that the information remains accurate and relevant. The CLS Direct information leaflets are additionally translated into Braille, audio and bi-lingual English and Welsh.

1.46 In addition to the information leaflets, the Commission produces nine leaflets containing details about the LSC and the services that we provide. We record all requests for the provision of leaflets in alternative formats and languages. Table 13 below shows the languages and formats that were requested in 2004/05. The percentage of requests shown in the table is based upon the number of requests for a leaflet in another language or format and not the actual number of copies of leaflets requested.

**TABLE 13: Demand for information leaflets in foreign languages and alternative formats**

Language & Alternative Formats	Requests %	Language & Alternative Formats	Requests %
Albanian	4.69	Kurdish	2.30
Arabic	15.26	Mandarin	0.46
Audio	3.13	Pakistani	0.64
Bangladeshi	0.09	Portuguese	2.67
Bengali	4.69	Punjabi	2.30
Braille	0.83	Russian	0.64
Cantonese	1.01	Serbo-croat	0.64
Putonghua	2.39	Somali	0.09
Czech	0.64	Spanish	3.58
Farsi	8.36	Tamil	2.30
French	9.74	Turkish	5.42
Gujarati	2.76	Urdu	10.48
Hindi	3.22	Vietnamese	2.21
Italian	0.64	Welsh	8.82

1.47 Between 14 July 2004 and 31 March 2005 there were 437 requests for leaflets in alternative languages and formats. Urdu continued to be the most requested language for leaflets to be translated into. The most popular subjects were *Claiming Asylum, Family Mediation, Immigration and Nationality, Mental Health and Welfare Benefits*.

1.48 We use the information recorded to inform what leaflets we produce in which language and format. For example we are currently reviewing which languages to translate the Claiming Asylum leaflet into and over the next year, we will carry out a thorough review of language and format needs.

## CLS national telephone service

1.49 The Community Legal Service Direct national telephone helpline (0845 345 4 345) enables callers to:

- get advice from qualified legal advisers about benefits and tax credits, debt, education, housing or employment
- order free legal information leaflets
- find quality local advice services
- listen to recorded messages about common legal problems.

1.50 The service is of particular use to those who find it difficult to access traditional face-to-face legal services, such as people with mobility problems, people with caring responsibilities or people living in rural areas.

1.51 All of the automated part of the telephone service is translated into Welsh to give Welsh speaking people the opportunity to access the service in their preferred language. Advice in Wales is offered through a dedicated provider using bi-lingual advisers.

1.52 All non-automated services within the CLS Direct telephone helpline can access Language Line, so that callers can use any elements of the service in their own language through a translator. It is also possible to arrange a translator for a follow up call between a client and an advice provider. If this service is needed we recommend that the client first call with the assistance of an English-speaking friend and arrange a translator.

1.53 The CLS Direct telephone helpline can also be accessed through Type-Talk. This enables those who have a hearing or speech impairment to access the full range of telephone advice services through a free operator service that they can interact with through a textphone. Once a person has contacted an adviser through Type-Talk the service provides the caller with the flexibility to continue using Type-Talk, or to use written correspondence or fax.

1.54 A Directory Line allows callers to find a local legal adviser and makes use of Language Line to enable callers for whom English is not their first language to use the service. Between the launch of the telephone service on 14 July 2004 and 31 March 2005, the Language Line facility was used 121 times. To help us assess demand for foreign language services we record demand for services: see Table 14.

**Table 14: Demand for Directory Line in foreign languages**

Language	% of Demand	Language	% of Demand
Albanian	4	Japanese	1
Amharic	2	Kurdish	4
Arabic	4	Mandarin	1
Bengali	7	Portuguese	5
Cantonese	1	Punjabi	11
Chinese	1	Russian	4
Dari	1	Somali	1
Farsi	7	Spanish	2
French	9	Swahili	1
Greek	1	Taiwanese	1
Gujarati	7	Tamil	1
Hindi	2	Turkish	5
Iranian	1	Urdu	13
Italian	3		

1.55 Between 14 July 2004 and 31 March 2005, our telephone advice suppliers delivered 24,227 instances of legal help or advice or assistance. These suppliers submit monthly reports on callers they have advised, which include data on their gender, age, disability status and ethnicity: see Tables 15 and 16.

**TABLE 15: Demand for telephone information by ethnicity**

Ethnicity	Debt %	Welfare benefits %	Education %	Employment %	Housing %
White British	74.9	75.1	74.3	86.5	63.5
White Irish	0.7	1.0	0.9	0.8	0.6
White Other	1.8	0.9	3.0	1.7	0.4
Black or Black British African	1.6	1.8	2.5	1.1	1.1
Black or Black British Caribbean	2.1	1.7	2.3	1.4	1.6
Black or Black British Other	0.9	0.5	0.5	0.3	1.0
Asian or Asian British Indian	1.9	2.8	3.0	2.6	2.0
Asian or Asian British Pakistani	1.4	1.9	2.3	1.1	1.5
Asian or Asian British Bangladeshi	0.5	0.4	0.2	0.2	0.4
Asian or Asian British Other	0.7	1.0	1.0	0.5	0.2
Chinese	0.3	0.2	0.5	0.3	0.2
Mixed White & Black Caribbean	0.3	0.3	0.8	0.5	0.1
Mixed White & Black African	0.3	0.2	0.6	0.1	0.1
Mixed White & Asian	0.3	0.2	0.3	0.1	0.1
Mixed Other	0.3	0.4	0.7	0.3	0.2
Other	3.6	4.4	1.6	1.7	6.3
Not known	2.9	7.3	5.5	3.2	20.9

**TABLE 16: Demand for telephone information by disability**

	Debt %	Welfare benefits %	Education %	Employment %	Housing %
Disabled	1.0	3.0	1.0	1.0	2.0

1.56 A comparison of the information recorded about telephone service users with that on the ethnicity of applicants for legal help, above at Table 1, suggests that the telephone service is being used just as much, if not more, than traditional advice services by people from minority ethnic communities as from white communities.<sup>16</sup>

<sup>16</sup> The 'not known' percentage has been discounted for the percentages of CLS Legal Help applicants but not for CLS telephone service users.

**TABLE 17: Comparison of traditional and telephone advice service use by ethnicity**

	Debt		Welfare benefits		Education		Employment		Housing	
	%		%		%		%		%	
	BME	White	BME	White	BME	White	BME	White	BME	White
Legal Help clients	11.0	89.0	24.7	75.3	26.9	73.1	22.0	78.0	29.9	70.1
CLS telephone service	14.2	77.4	15.8	77.0	16.3	78.2	10.2	89.0	14.8	64.5

**CLS Direct website**

1.57 The Community Legal Service Direct website ([www.clsdirect.org.uk](http://www.clsdirect.org.uk)) provides legal advice and information and enables users to find details of quality assured legal advisers. The website is translated into Welsh and sections containing key legal information are also translated into Arabic, Bengali, Chinese, Gujarati, Hindi, Punjabi, Turkish and Urdu. In addition, the content of the site is now speech enabled with Browsealoud, helping people who have difficulty reading text to use it.

1.58 Over the next year we plan to review the layout and content of the website. We are aiming to obtain Plain Language Commission and Royal National Institute of the Blind ‘See it Right’ accreditation to make the site more user-friendly and accessible for people with a sight problem. In the meantime the Commission has recently developed an in-house minimum accessibility standard for all LSC websites, using best practice from the Web Content Accessibility Guidelines issued by the World Wide Web Consortium, RNIB and Disability Rights Commission guidelines. The CLS Direct website already meets most of the standards and we expect it is be fully compliant within the next financial year.

**Publicity**

1.59 To promote awareness of Community Legal Service Direct services, we have developed English and bi-lingual English and Welsh marketing materials to accompany general promotion of the service through relevant organisations, local press, conferences and the Yellow Pages. We are developing a strategy for targeting marketing of the multi-language pages of the website in order to promote it to diverse communities. This will form part of a wider review of the accessibility of Community Legal Service Direct services that will develop an equality and diversity strategy for these services.

## Customer Service

- 1.60 In addition to our regular Equality Scheme commitments we made equality and diversity an important feature of our customer service work during 2004/05. Our Central Customer Service Team set themselves the objectives of integrating equality and diversity into customer service work and to contribute to the Commission becoming a more disability confident organisation. Better customer service drives up standards of service in all areas of the Commission's work.
- 1.61 An important element of this work has been to find out more about who our customers are, what their needs are, and the nature of their everyday dealings with the legal aid system, in order to tailor our work and skills to better meet their needs. We have also taken steps to make better use of and improve our staffs' skills to provide services to our diverse customers. We captured these aims in a customer service equality and diversity action plan, some highlights of which are described below.

### Customer focus groups

- 1.62 In March 2005 we engaged a private consultancy, Cragg Ross Dawson, to conduct eight small client focus groups and 16 in-depth interviews across England and Wales. This was a one-off exercise to obtain feedback about experiences of legal aid applicants of all ages and backgrounds.
- 1.63 Each focus group included people with disabilities and from different ethnic groups. Some participants who reported issues relating to a serious illness, mobility or a mental health problem did not consider themselves as being 'disabled'. Participants did however consider that disability and health problems had been relevant to their experiences of seeking a legal remedy for their problem and in some circumstances had added to their stress and practical problems: for example, one woman with depression reported that she had to rely on a friend to complete paperwork.
- 1.64 Ethnic minority participants did not identify race as an obstacle when seeking a legal remedy. African-Caribbean participants seemed most confident in their abilities to overcome difficulties and most driven to achieve their desired results.

### Monitoring complaints

- 1.65 Since April 2004 we have recorded the number of complaints against the Commission relating to discrimination. During 2004/05, our first year of recording, 1% of complaints related to discrimination. Discrimination complaints are referred to our Equality and Diversity Manager if necessary for specialist advice.
- 1.66 From April 2005 we amended our complaints database to enable us to record the ethnicity of complainants who have either received or been refused legal aid using the client's equal opportunities information, where it has been provided with their original application. In summer 2005 we further amended the database to enable us to record gender and age. From September 2005 we have conducted a survey of all initial complainants, which amongst other things collects information about their ethnicity, disability status, gender and age. We have also amended the database to enable us to record the type of discrimination complained about; i.e. whether it is on the ground of age, disability, race, religion, gender or sexual orientation.

1.67 We will review the information collected on complaints and make changes to policy and practice as necessary. We are also committed to seeking feedback from those groups to ensure that it is not a lack of access that prevents them from complaining. We will report on the outcome of our complaints monitoring in next year's report.

### **Customer service diversity awareness training and support**

1.68 Our Procurement and Facilities department provided training on disability awareness to all front-line reception staff as part of their programme of work to improve the accessibility of Commission premises. Our Central Customer team have supplemented this training by providing all front-line staff with reference booklets on 'Welcoming Disabled Customers'. Some regional offices have taken the initiative to provide their own disability and cultural awareness training, which has included British Sign Language training and training with the Samaritans. This customer service work supplements general equality and diversity training organised for all Commission staff by the Human Resources Department.

### **Other customer service measures**

1.69 We put in place a directory of LSC staff with foreign language skills to assist with ad hoc customer service translation needs. When we reviewed our corporate correspondence standard we included measures to ensure that it takes account of accessibility requirements. This is a quality-controlled standard that applies to all of our correspondence.

# PART 2: FUNCTIONS AS AN EMPLOYER

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## Workforce monitoring

We will monitor and report on relative success rates of individuals to recruitment, promotion, pay awards, performance ratings, access to training and secondments, and requests for special assistance. We will also report on outcomes of disciplinary proceedings, grievances and exit interviews

*LSC Equality Scheme*

### Introduction

- 2.1 The Commission monitors the ethnic origin of staff in accordance with its duty to promote good race relations under the Race Relations Act 1976 s71 and commitments made under the Commission's Equality Scheme. The Commission also monitors staff's gender and disability status under additional commitments set out in the Equality Scheme.<sup>17</sup>
- 2.2 We report the results of our workforce monitoring here, for the period 1 April 2004 to 31 March 2005.<sup>18</sup> This is our third such report. For comparison, we generally set out figures for 2002/03, 2003/04 and 2004/05. Statistics for non-executive Commissioners and external appointees to Regional Legal Services Committees and our other national level committees are also reported below.
- 2.3 The Commission has adopted the ethnic classification used by the 2001 census, but given the small numbers of staff falling into sub-categories, and the need to maintain anonymity, we report on one of two bases: (1) the six main census 2001 categories ('Asian', 'black', 'Chinese', 'mixed', 'other', 'white') or (2) black and minority ethnic origin ('BME')<sup>19</sup> and 'white'<sup>20</sup> ethnic origin. Applicants for posts and staff have been invited to provide equal opportunities data on a voluntary basis. Where information on ethnicity has not been provided we report it as 'not known'.
- 2.4 The Commission operates from its head office in London - which houses the central departments ('CD') including finance, operations, human resources and IT - and 10 regional offices ('RO') in England, and an office in Wales. The offices are abbreviated as follows:
- East Midlands ('EM'); Eastern ('E'); London ('L'); Merseyside ('M'); North East ('NE'); North Western ('NW'); South Eastern ('SE'); South Western ('SW'); Wales ('W'); West Midlands ('WM') and Yorkshire & Humberside ('YH'). The Commission also operates a processing office in Chester ('Ch') and eight Public Defender Services ('PDS') offices.

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<sup>17</sup> The Commission also monitors staff on the basis of age and religion, whether they have caring responsibilities, by length of service, grade and employment status.

<sup>18</sup> We reported the results of our workforce monitoring for the first time in our Equalities Annual Report 2002/03, and then again in 2003/04. Copies of these first two reports are available on our website at <http://www.legalservices.gov.uk>.

<sup>19</sup> 'BME' includes 'other' ethnic group.

<sup>20</sup> 'White' includes 'white British' and 'white Irish'.

2.5 For the purposes of this report we have simplified our staff structure of ten levels into four groups<sup>21</sup> in order of seniority:

- Group 'A' covers our most senior members of staff, including executive team<sup>22</sup> members, director positions, regional directors and heads of central departments
- Group 'B' includes contract managers, regional planning and partnership managers and consultants, account managers and similar positions
- Group 'C' includes regional and planning partnership executives and support officers, operations supervisors, senior caseworkers and similar positions
- Group 'D' covers caseworkers and administration staff.

2.6 Overall, during 2004/05, 2.3%<sup>23</sup> of staff were employed at levels that fell within Group 'A'; 20.7% within Group 'B'; 42.1% within Group 'C' and 34.9% within Group 'D'. These percentages are similar to those reported in previous years.<sup>24</sup>

## Staff in post

2.7 The Commission employed 1,882 staff as at 31 March 2005.<sup>25</sup> During 2004/05, 11% (199) of Commission staff defined themselves as belonging to BME groups, which represented a slight increase from 2003/04 when we reported that 9.5% of staff were from BME groups. Table 18 shows the percentages of staff by the six main census 2001 categories. The 2003/04 data showed a substantial increase in the proportion of staff for whom equal opportunities data has not been recorded. This prompted us to review our equal opportunities monitoring procedures and database and we now have plans to improve the process to prepare for the challenges of future monitoring requirements. However the effect of these changes are not likely to be seen fully for another year.

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<sup>21</sup> We have not included in the four groups a very small number of staff employed on a technical scale. During 2003/04, regional office posts were renamed from Levels 1 to 6 to Bands A-D; Groups A-D used in this Report do not correspond to the names of staff's grades.

<sup>22</sup> In June 2004 the Commission replaced its Executive Board with the creation of an Executive Team designed around the key processes at which the Commission needs to excel. The Executive Team consists of the Chief Executive, the Deputy Chief Executive and Executive Directors of Policy and Planning, Service Design, Service Delivery, and Corporate Services.

<sup>23</sup> Percentages have been rounded up and so may not total 100%.

<sup>24</sup> In the Equalities Annual Report 2002/03 the percentage of staff in each group were: 2.7% in Group A; 21.2% in Group B; 41.3% in Group C and 34.9% in Group D. During 2003/04 these were: 2.8% in Group A; 21.2% in Group B; 44.0% in Group C and 31.9% in Group D.

<sup>25</sup> This is a snapshot of staff for whom we held equal opportunities data as at 31 March 2005. This includes staff employed on a casual basis, not included in the first year's report for 2002/03, as well as PDS staff, employees on temporary contracts, and those on agency contracts.

**TABLE 18: Ethnicity of staff in post\***

	Asian %	Black %	Chinese %	Mixed %	Other %	White %	Not known %
2004/05	4.1	4.6	0.5	1	0.3	76.9	12.5
2003/04	3.1	4.3	0.5	1.2	0.2	75.8	14.9
2002/03	3.4	4.7	0.3	1.5	0.5	86.5	3.1

2.8 During 2004/05, 60.0% (1,136) of all Commission staff were female, and 40.0% (734) were male.<sup>26</sup> 2.4% (45) of staff considered themselves a person with a disability.<sup>27</sup>

**Staff in post: ethnicity**

2.9 Across the Commission as a whole, most staff were employed at levels that fell within Group C. However, Table 19 shows that as in previous years Group D had the highest proportion of BME staff but that there was a small increase in the percentage of BME staff employed at levels within Group B.

**TABLE 19: Ethnicity of staff by level\***

Group	2002/03 %			2003/04 %			2004/05 %		
	BME	White	Not known	BME	White	Not known	BME	White	Not known
A	2.3	97.7	0.0	2.0	98.0	0.0	2.3	95.3	2.3
B	7.3	89.0	3.8	6.8	83.0	10.2	8.3	82.1	9.6
C	8.5	88.7	2.8	8.8	77.5	13.7	8.0	79.4	12.5
D	15.5	82.2	2.3	12.6	68.5	18.9	15.6	70.8	13.6

2.10 Table 20 shows that our West Midlands office and in the London offices (London regional office and central departments) have continued to employ the highest proportions of BME staff with little variance between 2003/04 and 2004/05.

\* Includes PDS staff

<sup>26</sup> During 2003/04 60.5% (1,093) of all Commission staff were female and 39.5% (714) were male.

<sup>27</sup> During 2003/04 3.1% (56) of all Commission staff declared that had a disability.

**TABLE 20: Ethnicity of staff according to office<sup>28</sup>**

Office	All Staff %			BME %			White %			Not known %		
	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
All	100.0	100.0	100.0	10.5	9.4	10.9	86.7	76.4	77.3	2.8	14.2	11.8
LSC												
CD	26.8	27.6	31.9	15.4	12.2	14.2	78.6	73.1	73.1	6.0	14.6	12.7
Ch	3.5	3.2	3.1	0.0	0.0	0.0	98.2	79.3	81.8	1.8	20.7	18.2
E	4.9	5.2	4.6	1.3	2.1	2.4	98.8	86.2	87.8	0.0	11.7	9.8
EM	7.2	7.1	6.7	6.8	7.8	6.7	92.3	76.6	79.5	0.9	15.6	13.4
L	12.1	12.1	13.5	25.5	23.4	25.9	71.9	65.1	63.6	2.6	11.5	10.5
M	4.4	4.1	4.1	1.4	1.3	1.4	97.2	91.9	86.3	1.4	6.8	12.3
NE	6.2	5.7	6.3	2.0	1.0	1.8	98.0	74.8	79.3	0.0	24.3	18.9
NW	6.2	5.5	5.5	5.0	5.0	4.1	93.0	86.0	87.8	2.0	9.0	8.2
SE	7.1	5.7	5.3	7.0	5.8	6.4	92.2	88.3	88.3	0.9	5.8	5.3
SW	5.9	5.8	4.5	3.1	3.8	3.8	89.6	66.7	82.5	7.3	29.5	13.8
W	4.3	4.0	4.1	4.3	4.1	5.5	95.7	89.0	87.7	0.0	6.8	6.8
WM	5.7	5.2	5.0	18.3	18.1	19.1	80.7	73.4	73.0	1.1	8.5	7.9
YH	5.9	5.0	5.4	7.3	5.7	4.2	93.7	81.1	83.2	0.0	13.3	12.6

**Staff in post: Gender**

2.11 There has been no significant change to the overall percentages of female and male staff employed by the Commission over the past three years. During 2003/04 the Commission employed 60.5% female staff and 39.5% male staff, compared with 60.1% and 39.9% in 2002/03. Table 21 shows that at middle levels, Groups B and C, the staff remained evenly distributed. More than two thirds of staff within Group D were female. While the majority of staff employed within Group A were male, the increase in female staff employed at most senior levels remained relatively high in 2004/05 compared with 2002/03.

**TABLE 21 Gender of staff by level**

	2002/03 %		2003/04 %		2004/05 %	
	Female	Male	Female	Male	Female	Male
A	20.5	79.5	29.4	70.6	27.9	72.1
B	51.5	48.6	54.8	45.2	57.4	42.6
C	58.1	41.9	58.0	42.0	59.9	40.1
D	71.3	28.8	70.4	29.6	66.0	34.0
All LSC	60.1	39.9	60.5	39.5	60.0	40.0

2.12 A similar ratio of female to male staff was found across most Commission offices, with the highest variances between 2003/04 and 2004/05 notable in the South East and Yorkshire & Humberside regional offices: see Table 22.

<sup>28</sup> The figures in Table 20 do not match exactly those given in Table 18 because it excludes PDS staff, the statistics for whom are reported separately in Section 3.

**TABLE 22: Gender of staff by office \*\***

Office	2002/03		2003/04		2004/05	
	Female	Male	Female	Male	Female	Male
CD	54.3	45.8	53.0	47.0	53.1	46.9
Ch	71.4	30.4	63.8	36.2	61.8	38.2
E	56.3	43.8	58.5	41.5	54.9	45.1
EM	63.3	35.0	68.7	31.2	68.4	31.6
L	54.1	45.9	59.2	40.8	58.0	42.0
M	66.7	33.3	70.3	29.7	70.3	29.7
NE	59.0	41.0	56.3	43.7	57.7	42.3
NW	63.0	37.0	68.0	32.0	70.4	29.6
SE	68.7	30.4	63.1	36.9	69.1	30.9
SW	64.6	35.3	60.9	39.0	61.6	38.4
W	62.9	37.1	68.5	31.5	64.9	35.1
WM	64.5	30.1	66.0	34.0	65.6	34.4
YH	66.3	33.7	65.6	34.4	71.9	28.1

### Staff in post: disability

2.13 The percentage of staff with a disability has remained low over the past three years. After rising slightly during 2003/04 the percentage of staff with a disability fell below 3% again during 2004/05: see Table 23. We hope that new disability equality policies will help to redress this trend.

**TABLE 23: Percentage of staff with a disability \***

	2002/03			2003/04			2004/05		
	%			%			%		
	All LSC	RO	CD	All LSC	RO	CD	All LSC	RO	CD
A	0.0	0.0	0.0	2.0	0.0	2.8	2.3	0.0	3.6
B	0.4	0.2	1.2	2.9	2.3	4.0	2.9	3.7	2.0
C	0.8	0.7	1.2	2.9	3.2	2.9	2.6	3.0	2.3
D	0.9	1.3	0.0	3.6	3.9	1.5	2.0	2.8	1.2
All Staff	2.3	2.3	2.3	3.1	3.0	3.3	2.4	2.7	2.1

\*\* Excludes PDS staff

\* Includes PDS staff

## Recruitment, promotion and retention of staff

2.14 During 2004/05 448 staff were recruited to the Commission. As for the previous year under report, we have been unable to provide equal opportunities information for a significant proportion of new staff. In the Autumn of 2004 the Commission launched an online recruitment website, <http://www.lsc-careers.info>, which has resulted in a disappointingly low number of candidates choosing to submit equal opportunities information. We have reviewed the operation of online monitoring and will be amending the website accordingly.

**TABLE 24: External candidates appointed by ethnicity**

	2002/03 %			2003/04 %			2004/05 %		
	BME	White	Not known	BME	White	Not known	BME	White	Not known
CD	15.6	71.9	12.5	13.4	64.3	22.2	15.8	66.2	18.0
RO	18.4	71.1	10.5	17.5	68.5	14.0	12.0	68.3	19.7
All LSC	13.8	70.2	16.0	19.6	66.1	19.6	10.6	49.9	39.5

**TABLE 25: External candidates appointed by gender and disability**

	2002/03 %			2003/04 %			2004/05 %		
	Female	Male	Disabled	Female	Male	Disabled	Female	Male	Disabled
CD	53.1	46.9	3.1	61.4	38.6	2.4	51.9	48.1	0.0
RO	36.8	63.2	0.0	58.0	42.0	3.5	57.9	42.1	3.5
All LSC	52.1	47.9	1.1	60.6	39.4	2.6	57.7	42.3	1.4

2.15 Data published for 2002/03 suggested that a disproportionately low percentage of BME staff were being appointed to internal positions. However, the data published for 2003/04 for permanent and temporary promotions suggested that, subject to an increase in the proportion of staff for whom we had no equal opportunities data relating to ethnicity, this might no longer have been the case. Tables 26-28 suggest that the proportion of BME staff appointed internally during 2004/05 was lower than the overall proportion of BME staff in post. However, it is also notable that the proportion of staff for whom ethnicity was not known was also higher than the overall average: measures to improve data collection should improve this. There has been little variance in the proportions of female and male staff being awarded permanent or temporary promotions. The percentage of staff appointed internally who have had a disability has been slightly higher than the percentage of staff in post with a disability.

**TABLE 26: Internal staff appointed\*\***

	Ethnicity %			Gender %		Disability %		
	BME	White	Not known	Female	Male	No	Yes	Not known
CD	7.8	82.5	9.7	56.3	43.7	95.1	4.9	0.0
RO	4.5	75.8	19.7	66.2	33.8	96.0	2.0	2.0
All LSC	5.6	78.1	16.3	62.8	37.2	95.7	3.0	1.3

**TABLE 27: Internal staff awarded a permanent promotion\*\***

	Ethnicity %			Gender %		Disability %		
	BME	White	Not known	Female	Male	No	Yes	Not known
CD	7.4	80.2	12.3	56.8	43.2	96.3	3.7	0.0
RO	3.4	74.8	21.8	64.6	35.4	95.9	1.4	2.7
All LSC	4.8	76.8	18.4	61.8	38.2	96.1	2.2	1.8

**TABLE 28: Internal staff awarded a temporary promotion\*\***

	Ethnicity %			Gender %		Disability %		
	BME	White	Not known	Female	Male	No	Yes	Not known
CD	9.1	90.9	0.0	54.5	45.5	90.9	9.1	0.0
RO	7.8	78.4	13.7	70.6	29.4	96.1	3.9	0.0
All LSC	8.2	82.2	9.6	65.8	34.2	94.5	5.5	0.0

2.16 The Commission monitors the ethnicity, gender and disability status of all staff who have left its employment against the following reasons for leaving: dismissal; resignation; end of contract; ill-health retirement; not confirmed from probation; redundancy and unknown. The number of staff who left for a reason other than resignation is too small to report.

2.17 During 2004/05 a total of 250 staff left employment with the Commission in comparison with 420 during 2003/04 and 319 during 2002/03. Table 29 provides the percentages of staff who left the Commission by ethnicity, gender and disability status during 2004/05. Where ethnicity was recorded, the proportion of BME staff who left rose in 2003/04 but decreased again during 2004/05. There has been little variance by gender or disability, with a slightly better retention rate of women than men during 2004/05 than previous years.

\*\* Excludes PDS

**TABLE 29: Staff leaving the Commission**

	Ethnicity %			Gender %		Disability %
	BME	White	Not known	Female	Male	Yes
CD 2004/05	5.9	67.6	26.5	48.5	51.5	2.9
RO 2004/05	8.2	62.4	29.4	57.1	42.9	2.4
All LSC 2004/05	7.6	63.9	28.6	54.6	45.4	2.5
All LSC 2003/04	12.9	82.3	4.8	61.2	38.8	3.2
All LSC 2002/03	6.3	52.7	41.1	59.9	40.1	1.3

## Staff training

2.18 Managers are provided with a training budget each year, based on their assessment of training needs as set out in people plans. This provides managers with flexibility and discretion to respond to individual training needs within the remit of the organisational budget.

2.19 Table 30 shows the percentages of staff receiving training across the Commission. Statistics for staff training include all those employees who received training regardless of whether they subsequently left employment with the Commission. There remains little variance between the overall diversity of staff and proportions of staff in receipt of training.

**TABLE 30: Staff trained 2004/05**

	Not trained %	Trained %
CD	64.2	35.8
RO	38.6	61.4
All LSC	45.2	54.8

**TABLE 31: Staff trained by ethnicity, gender and disability**

	Ethnicity %			Gender %		Disabled %
	BME	White	Not Known	Female	Male	Yes
CD	16.7	70.6	12.7	48.2	51.8	2.6
RO	3.7	76.8	19.5	64.6	35.4	0.0
All LSC 2004/05	8.6	79.4	12.0	59.5	40.5	2.9
All LSC 2003/04	8.4	78.4	13.1	59.3	40.7	2.6
All LSC 2002/03	7.3	76.5	16.3	59.8	40.2	1.9

## Reward and recognition of staff<sup>29</sup>

2.20 The Commission operates a system of performance related pay. Following a six-month probation period staff agree a personal development plan with line managers. Under that plan staff have one or more appraisals each year, at which they receive a rating based on their performance against personal targets and objectives.

2.21 We report here the distribution of staff across appraisal ratings, the average annual pay increase<sup>30</sup> and non-consolidated bonuses<sup>31</sup> paid to staff by ethnicity, gender and disability. Managers have discretion to award individual staff a percentage increase within a fixed band according to the appraisal rating awarded.

2.22 A number of staff were ineligible for a performance rating because they were temporary staff, had not yet completed their probationary period or were one of a small number of senior staff who were not included in the mainstream pay award and bonus scheme: these staff are recorded here under the category 'no rating'. A total of 1407 staff were given appraisal ratings during 2004/05.

2.23 Table 32 shows the distribution of appraisal ratings given to all staff. For 2003/04 we reported against the following categories: 'outstanding', 'very good', 'effective', 'not fully effective', and 'unsatisfactory'. The categories of performance ratings used were revised during 2004/05 to the following: 'exceeded', 'succeeded', 'not fully met objectives' and 'unsatisfactory'.<sup>32</sup> As a consequence we are unable this year to provide direct comparisons with the data reported in the 2002/03 and 2003/04 Reports. There has been a redistribution of 'outstanding', 'very good' and 'effective' awards to the new awards 'exceeded' and 'succeeded'. The distribution of appraisal ratings for 2002/03 and 2003/04 are provided for illustration at Table 33.

<sup>29</sup> The statistics reported in this section include senior executives who were excluded from the same sections of our first Equalities Annual Report 2002/03.

<sup>30</sup> This is the consolidated pay increase, which is added to an employee's pensionable salary.

<sup>31</sup> This is a non-consolidated, one-off award, which is not added to an employee's pensionable salary. During 2003/04 pay increases and non-consolidated bonuses were awarded in two tranches. While we were able to report equal opportunities data in respect of the annual pay increase for 2003/04 we were unable as a consequence of the two payments to collate data to report on the award of bonuses.

<sup>32</sup> During previous years the following performance categories were used: 'outstanding', 'very good', 'effective', 'not fully effective' to 'unsatisfactory'.

**TABLE 32: Distribution across appraisal ratings**

	Number of staff	Percentage of staff
Exceeded	435	23.1
Succeeded	908	48.3
Not fully met objectives	53	2.8
Unsatisfactory	11	0.6
No rating ***	474	25.2

**TABLE 33: Distribution across appraisal ratings 2002/03 & 2003/04**

	2002/03		2003/04	
	Number of staff	Percentage of staff	Number of staff	Percentage of staff
Outstanding	106	6.5	105	5.8
Very good	464	28.6	435	24.1
Effective	641	39.5	655	36.2
Not fully effective	38	2.3	193	10.7
Unsatisfactory	16	1.0	18	1.0
No rating	356	22.0	401	22.2
Total	1,621 <sup>33</sup>	100	1,807	100

\*\*\* See para 2.23

<sup>33</sup> The 2002/03 figure of 1,621 excludes PDS staff, but the 2003/04 includes PDS staff.

## Reward and recognition: ethnicity

2.24 Table 34 shows the distribution of staff by ethnicity within appraisal ratings. It is disappointing that of those staff given an 'exceeded' rating only 5.5% were BME. Where staff were eligible for an annual pay increase BME staff as a group received on average a slightly lower increase than white staff: see Tables 34 and 35. Of staff who were awarded a bonus during 2004/05 7.7% were BME compared with 5.9% during 2002/03.

**TABLE 34: Distribution within appraisal ratings by ethnicity**

	BME %	White %	Not known %
Exceeded	5.5	86.0	8.5
Succeeded	11.5	76.4	12.1
Not fully met objectives	9.4	77.4	13.2
Unsatisfactory	0.0	72.7	27.3
No rating <sup>***</sup>	13.9	69.6	16.5
All LSC	10.6	76.9	12.5

**TABLE 35: Annual Pay increase by ethnicity**

	BME %	White %	Not known %
All LSC 2004/05	2.0	2.3	4.3
All LSC 2003/04	2.2	2.7	1.2
All LSC 2002/03	2.6	3.4	0.7

**TABLE 36: Annual pay increase and appraisal rating: ethnicity**

	BME %	White %	Not known %
Exceeded	4.1	4.6	4.3
Succeeded	2.9	3.3	2.9
Not fully met objectives	0.7	1.3	1.1
Unsatisfactory	0.0	0.0	0.0
No rating <sup>***</sup>	0.0	0.0	0.0

<sup>\*\*\*</sup> See para 2.23

**TABLE 37: Non-consolidated bonus awards by ethnicity**

	BME	White	Not known
Number of staff	6	62	10
Staff receiving a bonus	7.7%	79.5%	12.8%
Average bonus	£513.67	£542.52	£185.90

**Reward and recognition: gender**

2.25 As was the case during 2003/04, the split between female and male staff across the top appraisal ratings reflected the general distribution of staff by gender across the Commission: see Table 38. Staff who received a rating of ‘objectives not achieved’ were more likely to be male. This was similar to the ‘not fully effective’ rating given during 2003/04. These results are likely to be affected by the small number of staff given these ratings. There was little difference between the percentages of annual pay increases awarded to female and male staff: see Table 39. Although nearly twice the number of female than male staff were awarded a bonus during 2004/05 the average bonus payment awarded to female staff was slightly less than that awarded to male staff: see Table 41.

**TABLE 38: Distribution across appraisal rating by gender**

	Female %	Male %
Exceeded	63.2	36.8
Succeeded	62.8	37.2
Not fully met objectives	30.2	69.8
Unsatisfactory	40.0	60.0
No rating ***	58.2	41.8

**TABLE 39: Annual pay increase by gender**

	Female %	Male %
All LSC 2004/05	2.5	2.3
All LSC 2003/04	2.3	2.4
All LSC 2002/03	3.3	3.3

\*\*\* See para 2.23

**TABLE 40: Annual pay increase and appraisal rating: gender**

	Female %	Male %
Exceeded	4.3	4.2
Succeeded	2.9	2.9
Not fully met objectives	0.9	1.2
Unsatisfactory	0.0	0.0
No rating ***	0.0	0.0

**TABLE 41: Non-consolidated bonus awards by gender**

	Female	Male
Number of staff	52	26
Staff receiving a bonus	66.7%	33.3%
Average bonus	£459.75	£564.23

## Reward and recognition: disability

2.26 As with previous years, since the total number of disabled staff has remained relatively small (45; 2.4%), caution should be taken when drawing inferences from the data where the proportion of disabled staff is compared with the remainder of LSC staff. Table 42 shows that the general distribution of appraisal ratings amongst disabled and non-disabled staff was proportionate to the percentage of disabled staff employed by the Commission with the exception of the 'objectives not achieved' rating, which as previously noted, represented a small group of staff. There was little difference in annual pay increases awarded to disabled staff during 2004/05: see Tables 43 and 44.

**TABLE 42: Distribution across appraisal rating by disability**

	Disabled %	Not disabled %
Exceeded	2.5	97.5
Succeeded	2.3	97.7
Not fully met objectives	1.9	98.1
Unsatisfactory	0.0	100
No rating ***	2.9	97.1

\*\*\* See para 2.23

**TABLE 43: Annual pay increase by disability**

	Disabled %	Not disabled %
All LSC 2004/05	2.6	2.5
All LSC 2003/04	2.3	2.5
All LSC 2002/03	3.5	3.3

**TABLE 44: Annual pay increase and appraisal rating: disability**

	Disabled %	Not disabled %	Not known %
Exceeded	4.5	4.3	5.5
Succeeded	3.1	2.9	3.0
Not fully met objectives	0.0	1.1	0.0
Unsatisfactory	0.0	0.0	0.0
No rating ***	0.0	0.0	0.0

**TABLE 45: Non-consolidated bonus awards by disability**

	Disabled	Not disabled
Number of staff	2	76
Staff receiving a bonus	2.6%	97.4%
Average bonus	£342.00	£498.59

## Grievance and disciplinary proceedings

2.27 The Commission continued to record a small number of grievance proceedings. During 2004/05 seven formal grievance proceedings were commenced by Commission staff, compared with four during 2002/03. A total of nine disciplinary cases were brought against staff during 2004/05, compared with 15 cases during 2003/04. No disabled staff were involved in either grievance or disciplinary proceedings.

\*\*\* See para 2.23

**TABLE 46: Grievance and disciplinary complaints**

Number of staff	Ethnicity			Gender	
	BME	White	Not known	Female	Male
Grievance	0	5	2	6	1
Disciplinary	2	4	3	4	5

## Public appointments to the Legal Services Commission

### Selection of non-executive Commissioners

2.28 The Lord Chancellor is responsible for appointing non-executive Commissioners, and defines their terms and conditions. The selection process is open and competitive. It is undertaken in accordance with guidance issued by the Office of the Commissioner for Public Appointments.

2.29 Equal opportunities monitoring of Commissioners is undertaken by the Government. To enable a complete analysis of public appointments, we have included the information here. As at 31 March 2005 there were 11 non-executive Commissioners.

**TABLE 47: Commissioners**

	BME %	White %	Female %	Male %	Disabled %
Commissioners	9.0	91.0	55.0	45.0	9.0

### Members of the Regional Legal Services Committees

2.30 The Commission's Regional Legal Services Committees (RLSCs) mirror the Commission's regions in England and Wales. During 2004/05 they provided independent advice about the need for legal services within their regions, which informs plans for developing services and awarding legal aid contracts. RLSCs analyse a local needs assessments produced by Community Legal Service Partnerships to produce regional reports that identify priorities for LSC contracts. RLSCs also worked to build up links with local and regional initiatives.

2.31 Each RLSC consisted of external members and is chaired by a non-executive Commissioner. All Committee members are required to have knowledge and experience of aspects of publicly funded legal services. Typically, external members include local suppliers of legal services, local authority officers and other interested parties. They are appointed by the Chair of the Committee, with approval from the Commission's Chair. RLSC members are not Commission employees, but are regulated by the Terms and Conditions of External Appointments to the Legal Services Commission's RLSCs and must follow the Code of Best Practice for Legal Services Commission members where appropriate. As at 31 March 2005 there were 48 serving RLSC members.

**TABLE 48: Regional Legal Services Committee members**

	BME %	White %	Not known %	Female %	Male %	Disabled %
RLSC members	8.0	81.0	10.0	42.0	58.0	13.0

# PART 3: PUBLIC DEFENDER SERVICE

3.1 The Public Defender Service (PDS) was launched as a pilot in 2001/02, following a Government recommendation that a proportion of advice delivered by the Criminal Defence Service (CDS) should be provided by lawyers directly employed by the LSC. The first offices opened in May 2001 and eight offices were established. These include three satellite offices (Pontypridd, Chester and Darlington), which were set up to enable access to the service in smaller towns, managed by the major city offices (Swansea, Liverpool and Middlesbrough respectively). The PDS offices have been subject to a four-year research programme undertaken by independent academic researchers who are due to present their final findings of the pilot during 2006.

## Provision of Criminal Defence Services by the Public Defender Service

We will monitor and report on the profile of clients accessing these services.

*LSC Equality Scheme*

3.2 Table 49 suggests that the ethnicity of PDS clients may reflect the diversity of the local population serviced by individual office services. There has been a small increase in the percentage of data not known in most offices which we intend to address in 2005/06.

**TABLE 49: Public Defender Service clients by ethnicity**

	Client numbers 04/05	White %			BME %			Not known %		
		02/03	03/04	04/05	02/03	03/04	04/05	02/03	03/04	04/05
Birmingham	371	59.4	54.1	52.8	39.2	41.1	36.4	1.4	4.8	10.8
Cheltenham	759	91.5	90.8	88.5	3.3	6.8	5.5	5.2	2.4	5.9
Chester*	288	-	95.9	88.5	-	2.3	3.5	-	1.8	8.0
Darlington*	427	-	86.3	77.3	-	3.6	1.9	-	10.2	20.8
Liverpool	495	81.3	81.3	84.2	13.9	13.1	9.1	4.8	5.6	6.7
Middlesbrough	425	62.9	66.2	71.5	5.7	11.1	3.8	31.4	22.7	24.7
Pontypridd	307	94.2	95.7	96.4	1.1	2.0	2.0	4.3	2.3	1.6
Swansea	392	91.2	91.5	90.8	4.9	6.8	5.4	3.9	1.6	3.8

\*The Chester and Darlington offices opened towards the end of 2002/03 and handled only a small number of cases in that period; data for 2002/03 was therefore not recorded in the previous year's reports.

3.3 As expected from statistics on criminal defendants, Table 50 shows that the majority of PDS clients are male. Table 51 suggests that only small percentages of PDS clients are considered to be disabled.

**TABLE 50: Public Defender Service clients by gender<sup>34</sup>**

	Client numbers	Female %			Male %			Not known %		
		02/03	03/04	04/05	02/03	03/04	04/05	02/03	03/04	04/05
Birmingham	371	18.9	17.5	19.7	71.2	79.4	80.1	9.8	3.1	0.3
Cheltenham	759	16.4	20.3	20.3	66.8	71.9	78.5	16.8	7.8	1.2
Chester*	288	-	19.8	22.9	-	80.2	77.1	-	0.0	0.0
Darlington*	427	-	14.0	14.8	-	84.1	84.3	-	1.9	0.9
Liverpool	495	11.9	18.0	19.4	72.2	73.4	75.4	15.9	8.7	5.3
Middlesbrough	425	15.3	21.5	16.0	77.7	73.8	80.5	7.0	4.7	3.5
Pontypridd	307	21.3	22.4	20.8	62.3	67.2	76.2	16.4	10.4	2.9
Swansea	392	22.1	21.9	21.9	64.5	71.1	75.0	13.4	7.1	3.1

\*The Chester and Darlington offices opened towards the end of 2002/03 and handled only a small number of cases in that period; data for 2002/03 was therefore not recorded in last year's annual report

<sup>34</sup> 2002/03 data on gender was only captured for the period 1 October 2002 to 31 March 2003 due to a fault on the PDS IT system.

**TABLE 51: Public Defender Service client base by disability<sup>35</sup>**

	Client numbers	Disabled %			Not disabled %			Not known %		
		02/03	03/04	04/05	02/03	03/04	04/05	02/03	03/04	04/05
Birmingham	371	2.3	0.8	6.7	89.5	94.1	83.6	8.2	5.1	9.7
Cheltenham	759	3.3	5.0	8.3	91.3	91.0	86.6	5.4	4.0	5.1
Chester*	288	-	8.3	9.4	-	89.9	85.4	-	1.8	5.2
Darlington*	427	-	3.3	3.7	-	83.2	75.9	-	13.5	20.4
Liverpool	495	6.4	5.4	7.7	87.0	88.4	87.3	6.6	6.2	5.1
Middlesbrough	425	2.4	4.1	8.0	61.4	70.9	67.5	36.2	25.0	24.5
Pontypridd	307	6.4	2.3	3.9	93.6	93.3	93.8	0.0	4.3	2.3
Swansea	392	2.9	6.4	11.5	93.5	91.1	87.0	3.6	2.6	1.5

\*The Chester and Darlington offices opened towards the end of 2002/03 and handled only a small number of cases in that period; data for 2002/03 was therefore not recorded in previous Equalities Annual Reports.

## Public Defender Service workforce monitoring

- 3.4 The PDS employ small numbers of staff in individual offices, ranging from two to 12 staff. We therefore report here on the 'staff in post' profile for the PDS as a whole. Statistics for PDS' employees' promotion, reward and recognition, grievances and dismissals are included in the overall figures for all Commission staff within Part 2.
- 3.5 During 2004/05 the diversity of PDS staff remained stable: see Table 52. The number of PDS staff increased by 16, to a total of 85 staff as of 31 March 2005. A total of 12 staff left the PDS during 2004/05: see Table 55.

<sup>35</sup> In 2002/03 clients were asked whether they were 'able bodied', 'unregistered disabled' or 'registered disabled'. Those recorded as 'unregistered disabled' and 'registered disabled' were classified as 'disabled' for purposes of the report. The PDS monitoring form has since been amended to ask whether the client considers themselves disabled, to reflect the Commission policy elsewhere.

**TABLE 52: Staff in post under the Public Defender Service**

	BME %	White %	Not known %	Female %	Male %	Disabled %
PDS staff 2004/05	4.7	75.3	20.0	65.9	32.9	0.0
PDS staff 2003/04	5.8	72.5	21.7	60.9	39.1	0.0
PDS staff 2002/03	6.5	80.7	12.9	61.3	38.7	1.6

**TABLE 53: Appointments to the Public Defender Service**

	BME %	White %	Not known %	Female %	Male %	Disabled %
All appointees 2004/05	5.3	87.9	15.8	57.9	42.1	0.0
All appointees 2003/04	8.3	79.2	12.5	62.5	37.5	0.0
All appointees 2002/03	3.9	61.5	34.6	69.2	30.8	0.0

**TABLE 54: Public Defender Service promotions**

	BME %	White %	Not known %	Female %	Male %	Disabled %
Promotions	0.0	87.5	12.5	50.0	50.0	0.0

**TABLE 55: Public Defender Service leaving**

	BME %	White %	Not known %	Female %	Male %	Disabled %
Leaving	8.3	75.0	16.7	41.7	58.3	0.0