



Equality Scheme

May 2002

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“Treating everyone fairly, valuing diversity, creating dignity and respect.”

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Foreword

Joint statement by the Chairman, Mr Peter Birch CBE, and Mr Steve Orchard CBE, Chief Executive of the Legal Services Commission.

The introduction of new statutory obligations under the Race Relations Act 1976 ("the RRA") as amended by The Race Relations (Amendment) Act 2000 offers the Legal Services Commission ("LSC") an opportunity to consolidate the work done so far on equal opportunities and a framework for ensuring that equality issues are "mainstreamed" into future operational and policy development. Anticipating the Government's intentions to introduce further legislation, the LSC will address the issues of discrimination on the grounds of gender and disability at the same time as it implements the new requirements under the RRA.

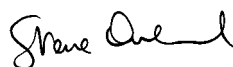
This Equality Scheme identifies how we will consider the effects of our key activities and operations in order to identify where changes need to be made to ensure that we continue to deliver our services fairly in a diverse society. The Scheme sets out how the Commission intends to meet the new obligations under the RRA, extended where relevant to include issues relating to gender and disability. The Scheme covers those functions that we have assessed as relevant to the performance of the new general duty under the RRA.

We will ensure, through a programme of training and support, that all our employees are fully aware of our commitments under the Scheme. Sufficient resources will be allocated to enable us to meet and go beyond our statutory obligations. We also commit the Commission to setting up effective internal systems to monitor compliance with these duties and to review progress regularly.

Effective consultation is a key element of the Scheme, and all those affected by our policies should be assured that their views will be welcomed and taken into account.



P Birch CBE



S Orchard CBE

Dated May 2002

1. Introduction

1.1 Role of the Legal Services Commission (“LSC”)

The LSC was created as an executive non-departmental public body by the Access to Justice Act 1999, replacing the Legal Aid Board on 1st April 2000. Our role is to fund legal and advice services in England and Wales, to identify where there is unmet need, and to promote improvements in the range and quality of services to meet priority needs.

The Commission operates two schemes: the Community Legal Service (CLS), which from 1st April 2000 replaced the old civil system of legal aid, bringing together networks of funders (for example local authorities) and suppliers into partnerships to provide the widest possible access to information and advice and the Criminal Defence Service (CDS) which from 2nd April 2001 replaced the old system of criminal legal aid and provides criminal defence services to people accused of crimes.

The LSC is a key component of the Government’s plans to modernise justice by improving access and enhancing the value for money of public expenditure. It has a broader set of interests and responsibilities than the Legal Aid Board, consistent with the Government’s aims of:

- co-ordinating the planning, commissioning and provision of publicly funded legal representation, legal advice and information services within available resources
- securing access to services for those with a priority need
- enhancing public understanding of legal rights and responsibilities
- establishing quality standards for services provided

The LSC is the major public funder of civil legal and criminal defence services in England and Wales, with plans to spend over £1.6 bn in 2002/3. The Commission has over 1,300 permanent staff, working in twelve offices across England, one in Wales, and a head office in London. In addition, we have opened five public defender offices in 2001/2. The Lord Chancellor is accountable to Parliament for our activities and performance. The Lord Chancellor also appoints the Chair of the Commission and its ten members. Information about the Commission members, our Executive Board, and the locations of our offices is available at our website www.legalservices.gov.uk

1.2 The LSC and anti-discrimination legislation

The LSC is currently required to comply with anti-discrimination legislation in respect of race (the RRA), sex (the Sex Discrimination Act 1975 as amended, “SDA”) and disability (the Disability Discrimination Act 1995 as amended “DDA”), and this Equality Scheme addresses the requirements of these. The Government’s plans to implement the Race and Employment Directives adopted under Article 13 of the EC Treaty are likely to impose new duties on the LSC, and once the full extent of these is known the Scheme will be amended as required.

Key requirements of the existing legislation are set out below:

1.2.1 Race Relations Act

The RRA prohibits direct and indirect discrimination on the basis of race. In addition, the Race Relations (Amendment) Act 2000 imposes a new general duty on the LSC to have due regard, in carrying out our functions, to the need to eliminate unlawful discrimination and promote equality of opportunity and good race relations between persons of different racial groups. The LSC is also required to publish an Equality Scheme setting out our arrangements for assessing, consulting, monitoring and reporting on the impact of our policies on the promotion of race equality. The Scheme must also set out our arrangements for ensuring public access to information and services provided by us and training our staff on issues relevant to the duty to promote race equality. We are also subject to additional duties in relation to our activities as an employer.

1.2.2 Sex Discrimination Act

The SDA prohibits direct and indirect discrimination on the basis of sex. We have included a requirement to monitor and report on the performance of our functions on the basis of gender within the scope of this Equality Scheme to enable us to assess what improvements if any need to be made.

1.2.3 Disability Discrimination Act

The DDA prohibits direct discrimination on the basis of disability, and failure to make reasonable adjustments to prevent disabled applicants or employees from being placed at a substantial disadvantage compared to applicants or employees who are not disabled. The DDA also requires the LSC, as a service provider, not to discriminate against people with disabilities, including making reasonable adjustments to enable disabled people to use our services. From 1st October 2004 new duties will come into effect requiring the LSC to make other reasonable adjustments to our premises to overcome barriers to access. These new duties will also apply to suppliers of legal and advice services within the CLS and CDS. We have included a requirement to monitor and report on the performance of our functions on the basis of disability within the scope of this Equality Scheme to enable us to assess what improvements if any need to be made. We are committed to ensuring that people with disabilities are able to access all of the services provided by the LSC on an equal basis, and to ensuring that there is equality of opportunity for all applicants and LSC staff.

1.3 **Our objectives**

Our objectives have been framed in the context of the Government's overarching aims, the strategic objectives of the Lord Chancellor's Department and the Department's Public Service Agreement. A summary

has been set out below, but for more in depth information please see our Corporate Plan, available at our website.

Key Objective 1

In establishing, developing and maintaining the CLS, we will:

- a) promote improvements in the range and quality of services provided as part of the CLS and in the ways in which they are made accessible to those who need them;
- b) secure that the services provided in relation to any matter are appropriate having regard to their nature and importance; and
- c) encourage the swift and fair resolution of disputes without unnecessary or unduly protracted proceedings in court.

Key Objective 2

In establishing, developing and maintaining the CDS, the LSC will:

- a) ensure that qualifying individuals have access to appropriate criminal defence services; and
- b) contribute fully to achieving the Criminal Justice System Strategic Plan.

Key Objective 3

The LSC will aim to improve progressively the quality, efficiency and value for money of the services provided by its suppliers to members of the public.

Key Objective 4

In performing its functions, the LSC will consult and involve its service users and other stakeholders and representatives, including those with special needs, and will aim to ensure that its decisions and actions are justifiable to all those affected by them.

Key Objective 5

In performing its administrative functions, the LSC will improve progressively the quality, efficiency and value for money of its services.

Key Objective 6

The LSC will develop its people and systems to support continuous improvement.

We will report on our progress in meeting these objectives, and the associated targets set out in our Corporate Plan, in our Annual Report, which is published in July of each year and is also available at our website.

2. Our Equal Opportunities Policies

The LSC is committed to the development and promotion of equality of opportunity for all. Our equal opportunities policies are appended to this Scheme for ease of reference. The policy that governs our activities as an employer, the LSC Human Resources Equal Opportunities Policy "Treating everyone fairly, valuing diversity, creating dignity and respect" is set out in Appendix A. The policy governing our provision of services, the LSC Equal Opportunities (Services) Policy is set out in Appendix B.

3. Our functions

Our functions are wide-ranging and are prescribed by legislation (the Legal Aid Act 1988 and Access to Justice Act 1999). We have considered the full range of our functions, and the policies that underpin them, and have assessed their relevance to the general duty under the RRA to eliminate unlawful discrimination and promote equality of opportunity and good race relations between persons of different racial groups. Based on this assessment, we have taken decisions as to what needs to be done to ensure that our equal opportunities policies can be met in each case. It is our intention, once further information has been obtained through the impact assessment and monitoring processes, to consider the introduction of targets for the performance of specific functions (for example, staff recruitment). We will regularly review the relevance of the functions identified to meeting the general duty, to take account of changing priorities.

3.1 Needs assessment and regional planning

The LSC, together with our partners in the CLS, is responsible for the assessment of need for publicly funded civil legal and advice services in England and Wales. We will prepare guidance for our regional planning teams as to how they should go about assessing needs for legal services on the part of excluded client groups. This assessment informs the LSC's planning process for letting contracts to supply LSC funded services, and establishing pilots of new modes of service delivery. We will consider the needs of black and minority ethnic clients, women and people with disabilities as part of this assessment and planning process, and will ensure that relevant sectors of the community are fully consulted.

3.2 Award and management of contracts for the provision of funded services

The LSC is responsible for the award of contracts to suppliers of legal and advice services, and the management of those contracts. Separate contracts exist for civil matters (the General Civil Contract) and criminal matters (the General Criminal Contract). In considering the future development of both contracts, we will assess the possible impact of any significant changes using the Guidance on Impact Assessment (see Appendix C) and will ensure fully effective consultation takes place in accordance with our Consultation Code of

Practice. We will continue to monitor both the award of new contracts and the operation of existing contracts to ensure equality of opportunity for all applicants and contracted suppliers. We will take positive steps to support black and minority ethnic organisations wishing to become or remain contracted suppliers, where required. Further information about any such initiatives will be available in our Corporate Plan.

3.3 Quality Mark auditing of organisations

The Quality Mark is a quality assurance standard for legal information, advice and specialist legal services. The LSC or accredited organisations audit applicants to determine whether a Quality Mark should be awarded or retained. Quality Mark accreditation is one of the entry criteria for obtaining a contract with the LSC to supply publicly funded legal and advice services. Work to develop the Quality Mark and extend its application to new types of service and methods of delivery is ongoing, and full details are available in our Corporate Plan. We will assess the impact of changes to the Quality Mark using our Guidance on Impact Assessment (Appendix C), and will ensure that full effective consultation takes place in accordance with our Consultation Code of Practice. We will continue to monitor the award of the Quality Mark to LSC funded and non-funded organisations to ensure equality of opportunity for all applicants. We will take positive steps to support black and minority ethnic organisations, and those specifically serving minority ethnic communities, women, or the disabled, wishing to obtain Quality Mark accreditation, where required. Further information about any such initiatives will be available in our Corporate Plan.

We will also consider how best to promote equality of opportunity and good race relations through the enforcement of appropriate requirements in the Quality Mark, for example requiring Quality Marked organisations to have an Equal Opportunities Policy and setting minimum standards for the contents of such policies, and ensuring that they are adhered to.

3.4 Managing CLS partnerships

We are responsible for the development of CLS Partnerships (“CLSPS”) in England and Wales. CLSPs bring together organisations offering legal and advice services, such as solicitors in private practice, CABs, law centres and local authority in-house services amongst others. They include representatives of the LSC, local authorities, and other funders, providers and users of legal and advice services. Partners act together to co-ordinate and improve access to, and delivery of civil legal services. We will encourage active participation in the work of the CLSPs by all sectors of the community through effective consultation.

3.5 The LSC as an employer

The LSC employs over 1,300 permanent staff throughout England and Wales. We are also responsible for selecting committee members to sit on a variety

of committees, for example the Regional Legal Services Committees, further details about which are available at our website.

The LSC Human Resources Equal Opportunities Policy, "Treating everyone fairly, valuing diversity, creating dignity and respect," (Appendix A) applies to all our activities as an employer and selector of committee members. As an employer of more than 150 staff, we are also subject to the specific requirements regarding monitoring and reporting for employers in the RRA.

3.6 Award of grants to organisations, including distribution under the Partnership Innovation Budget

The LSC administers a grant budget for the delivery of services not already funded under General Civil or Criminal contracts. One example is the grant awarded to the Immigration Law Practitioners Association in 2000/1 to support the design and delivery of training aimed at expanding the availability of quality advice for asylum seekers. Under this umbrella, the Partnership Innovation Budget ("PIB") was also introduced in 2001 to fund local or regional initiatives to encourage innovation in advice services. We will assess the impact of grant funding using our Guidance on Impact Assessment (Appendix C) and monitor the award of grants to ensure equality of opportunity for all applicants.

3.7 Development of Funding Code policy

The LSC's Funding Code defines the civil legal and advice services that we may fund as part of the CLS, and reflects the Lord Chancellor's Direction on priorities. It sets out detailed criteria and procedures which apply to individual funding decisions. The Funding Code was approved by Parliament, and came into effect from the beginning of April 2000.

In considering the future development of the Funding Code, we will assess the possible impact of changes using our Guidance on Impact Assessment (see Appendix C) and will ensure fully effective consultation takes place in accordance with our Consultation Code of Practice.

3.8 Selection of duty solicitors

The Commission is responsible for ensuring that duty solicitors are available to give advice at police stations on a 24 hour a day basis and at magistrates' courts to assist members of the public who do not have their own solicitor. There are over 5,500 duty solicitors serving all the police stations and courts throughout England and Wales. They are now selected for their competence under the Law Society's Criminal Litigation Accreditation Scheme and the Commission is responsible for allocating them to local duty schemes. In 2000/01 300,000 members of the public were given advice at police stations and over 450,000 at court by duty solicitors.

We will monitor the approval of duty solicitors and their allocation to local duty schemes to ensure equality of opportunity for all applicants.

3.9 Operation of the Public Defender Service

The LSC opened five public defender offices in 2001/2, in Liverpool, Swansea, Middlesbrough, Birmingham and Cheltenham. Each carries out the full range of criminal defence services for members of the public who choose to use their services. The public defenders work independently of the LSC's operational management, reporting directly to the Head of the CDS Executive. Tony Edwards, a Non-Executive Commission member, is the Head of Professional Service for the PDS.

The LSC Human Resources Equal Opportunities Policy (Appendix A) applies equally to PDS staff. In addition, we will monitor client access to PDS services to ensure that there is equality of opportunity for access to advice and representation.

3.10 Operation of Funding Code (individual casework decisions)

The LSC, and in some instances, our contracted suppliers, considers individual applications for funding for civil legal services against the criteria contained in the Funding Code. We will monitor the outcomes of applications and report on trends to ensure that there is equality of opportunity in the application process.

3.11 Direct provision of legal information

The LSC manages four direct sources of information about the law and advice services: the JustAsk! website (www.justask.org.uk), the CLS Directory, the CLS Directory Line, and the CLS Information leaflets.

We will promote equality of opportunity through facilitating access to these sources of information by all sectors of the community. We will monitor requests for the provision of information in different languages and formats (for example, Braille) and will endeavour to meet requests as far as possible within budget constraints.

3.12 Fraud Investigation

The LSC is responsible for investigating contracted suppliers who deliver legal and advice services as part of the CLS or CDS where there are indications that they are defrauding the CLS Fund and CDS expenditure.

We will continue to ensure that investigations are conducted fairly, regardless of the black and minority ethnic origin, gender or disability status of the individuals or organisations under investigation.

3.13 Debt collection and recovery

The LSC is responsible for the collection of monies owing to the LSC Funds in respect of clients' contributions, legal costs, the statutory charge, and

recoupments from suppliers where overpayments have been made in respect of civil or criminal services.

We will continue to ensure that the process of debt collection and recovery is operated fairly, regardless of the black and minority ethnic origin, gender or disability status of debtors.

3.14 Procurement

In addition to contracts with suppliers of legal and advice services, the LSC also contracts for the provision of goods and services to the LSC from a number of suppliers (for example, to provide office furniture). Our standard terms and conditions contain a clause requiring suppliers to comply with all relevant discrimination legislation. Our selection process for the award of contracts is also designed to avoid discriminatory decisions.

3.15 Other casework decisions

LSC staff and in some instances our contracted suppliers make a variety of decisions on a case by case basis, covering for example assessment of financial eligibility for public legal funding, the application of the statutory charge to monies recovered or preserved, assessment of costs and payment of solicitors' bills and recovery of defence costs orders.

We will ensure that the guidance, training and review arrangements applicable to these decisions are non-discriminatory.

4. Assessing the impact of policies on the promotion of equal opportunities and good race relations

On many occasions, the LSC is required to implement policies which are determined externally, mainly by our sponsoring department, the Lord Chancellor's Department. These policies will have been subject to equality impact assessments by the departments that have ultimate policy responsibility for them.

Where the LSC has lead responsibility for the development of new policies, we will if appropriate conduct an equal opportunities impact assessment, using the Guidance on Impact Assessment appended to this Scheme (Appendix C) and will consult on the outcome of that assessment. We will then monitor and report on the effect of the implementation of the new policies as set out in section 6 of this Scheme.

5. Consultation

The Commission is fully committed to effective consultation on new policy initiatives. All national UK public consultation exercises by the LSC must be conducted in accordance with our Code of Practice on Consultation, which is based on the Government Code of Practice on Written Consultation January

2001. The full text of the Code is available at our website. Hard copies may also be obtained from our Secretariat department (please see section 10 for address). This will be free on request, and in an accessible format such as Braille, disc, audiotape and languages other than English as required. Smaller scale consultation exercises, for example those done regionally, will also take into account the Code of Practice as far as it is relevant.

6. Monitoring

The LSC has a duty under the RRA to monitor any adverse impact that our policies may have on race equality. We have summarised below the arrangements we have made to monitor the impact of our functions in relation to race, gender and disability.

Monitoring requirements have initially been identified in eight areas. All data will be sorted to show ethnic origin (using the 2001 Census categories) and where appropriate the gender and disability status of the individuals or organisations. All reporting will comply with the relevant legislation regarding data protection, and the results will be made public in accordance with our publication arrangements (see section 7). Monitoring data and reports will be used where relevant to assist us in our corporate planning.

6.1 Workforce monitoring (including selection of committee members, PDS staff and duty solicitors where applicable)

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.

6.2 Profile of eligible clients of CLS suppliers funded by the CLS

We will conduct and publish national surveys of legal needs (civil) and review and report on relative success rates of individual applications for case funding.

6.3 Award and management of contracts for the provision of funded services

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

6.4 Quality Mark auditing

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

6.5 Awards of grants to organisations

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

6.6 Operation of PDS Scheme

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

6.7 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.

7. Publication of assessments, consultations and monitoring

For every function that we consider to be relevant to the general duty, we will publish the results of our assessments, consultations and monitoring as follows:

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.

Consultation

Our approach to consultation is set out in section 5.

Monitoring

Our arrangements for monitoring the impact of all functions relevant to the general duty are set out in section 6. For each of the initial eight areas identified, we will publish an explanation of our monitoring methodology, summaries and assessments of monitoring, and details of any planned programmes of work identified as necessary as a result.

How we plan to publish our results

We will use a range of methods to publish the results of our assessments, consultations and monitoring, drawing on existing mechanisms for communicating with those affected:

- Our annual report, published in July each year, will summarise our progress at headline level
- We plan to give details of the progress made by the Commission towards fulfilling the commitments outlined in the Scheme in a separate publication
- Our newsletter to the profession, *Focus* (30,000 copies distributed per edition)

- *CLSP News* - the newsletter for the Community Legal Services Partnerships in England and Wales,
- Our website, which includes information on consultation materials, statutory materials, guidance, as well as our newsletter to the profession, *CLSP News* and our annual report

In some cases, it might be more appropriate for us to publish results as part of the assessment, consultation and monitoring processes. Whatever communication method we use, we will ensure that the information is accessible to all those affected, including people from ethnic minority communities and those with disabilities.

8. Public access to information and services

The LSC is committed to effective communication with the public, our suppliers, and all other stakeholders. We recognise that there is a risk that some sections of the community may not receive equality of opportunity in assessing information or accessing services provided by the LSC.

We will seek to facilitate access through the use of a wide range of methods of delivery and formats, in line with our Consultation Code of Practice. We will monitor requests for the provision of information in other languages and formats and seek to meet these where feasible within budget constraints.

9. Training

The Commission will ensure that all staff and Commission members receive a suitable programme of training on the RRA, the requirements of the Equality Scheme and the arrangements for equality impact assessments and monitoring tailored to their grades and responsibilities. Our Human Resources department will identify training requirements and methods of delivery and assessment by conducting a formal training needs analysis. This will begin in 2002 and the programme of delivery of training will continue over the initial period of the Scheme. It will be revised and updated as necessary to reflect the changing needs of the LSC and its customers.

Key objectives of the training will be:

- To raise awareness of best practice procedures and anti-discrimination legislation appropriate to areas of LSC work and of equal opportunities issues generally
- To make staff aware of their responsibilities under the RRA. To provide training targeted to the needs of the roles that employees perform within the LSC
- To provide those employees involved in equality impact assessment and the collection and analysis of monitoring data with the necessary skills and knowledge to do this work effectively

- To ensure that all staff are aware of and work within our Equal Opportunities policies and related Human Resources policies and guidance
- To provide staff dealing with complaints with the necessary skills and knowledge to investigate and monitor complaints regarding discrimination effectively
- To provide those employees involved in the consultation process with the necessary skills and knowledge to do this work effectively
- To evaluate the effectiveness of the training to meet these objectives.

10. Publication and review of the Equality Scheme

This Scheme will be published on our website. Hard copies will be available on request from the LSC Secretariat department, LSC Head Office, 85 Grays Inn Road, London WC1X 8XT. Telephone 020 7759 0000. This will be free on request, and in an accessible format such as Braille, disc, audiotape and languages other than English as required.

Each part of the Scheme, and the Scheme as a whole, will be reviewed at least once every three years from the date of first publication and revised as required. The results of our first formal review of the Scheme will be reported in 2005.

Comments on the Scheme are welcome and should be directed to the Secretariat department at the above address.

11. Complaints

The LSC's approach to customer service is set out in our Corporate Plan and the LSC Leaflet "Customer Services," both of which are available at our website. If you feel our staff have treated you in discriminatory manner, you have the right to complain to us using the complaints procedure outlined in the Customer Services leaflet. Your complaint will be properly investigated and remedial action taken if appropriate in accordance with the complaints procedure.

We also require suppliers providing publicly funded legal services under contract to the LSC to have an Equal Opportunities Policy and operate complaints procedures. If you feel a supplier has treated you in a discriminatory manner, you should complain directly to them using their complaints procedure in the first instance.

LSC EQUALITY SCHEME: APPENDIX A

Treating everyone fairly, valuing diversity, creating dignity and respect

1. Introduction

Our purpose as an organisation is to help people get quality legal services that tackle real needs. This is our contribution to making the justice system, fair, accessible and affordable for all, and to combating social exclusion.

This means that we must also stand out as an employer in our commitment to equality and diversity. We will ensure fair and equal treatment for everyone. We will value the variety of backgrounds, styles, perspectives, values and beliefs that people bring. We will treat everyone with dignity and respect. We will make sure that everyone knows clearly what is expected of them and how they can contribute to achieving this vision.

This policy is about making this a reality.

2. Equality in our people policies and practices

2.1. Roles and Responsibilities

Wherever possible we will look creatively at new work patterns, employee practices and flexible working. We will explore job sharing and part time working as a positive means of providing equality of opportunity. We will review the roles that people play to remove any discrimination or bias.

2.2. Recruitment & selection

We will send a clear message in job advertisements that the Commission offers careers in which people can be successful, based on their talents and abilities, and that everyone has an equal chance to make a difference.

Advertisements will reach the widest possible readership. If appropriate, we will encourage applications from those under-represented in the workforce, for example, by advertising in publications of special interest to people of ethnic minority origin, or disabled people in addition to wider press advertising.

Selection criteria and procedures will be regularly reviewed to ensure that they are relevant to the roles being filled, and that no part of a campaign is discriminatory to either an individual or a particular group of candidates.

All applicants declaring a disability will be supported during selection events and appropriate adjustments will be made to suit the circumstances and needs of the individual.

2.3. Training and Development

The criteria for selecting employees for training opportunities will be non-discriminatory and based upon the employee's development needs and potential, business needs and the availability of appropriate work-related courses. Whenever practicable, training will be arranged so that all categories of employees, including those who have alternative working patterns, may benefit.

Where necessary, training will be tailored to meet the individual needs of staff with disabilities and appropriate facilities on training courses will be provided.

The Commission's programme of training courses will be designed to support the aims of this policy. Everyone will receive guidance or training and development in matters that have a bearing on equality and diversity related issues within their role, during their induction to the Commission. Every effort will be made to understand the impact of equality and diversity throughout the range of courses that we offer.

2.4. Assessment and Feedback

Employees will be appraised twice annually through the Assessment and Feedback process. The formal reviews will be based on objective evidence of performance. There will be positive encouragement to discuss suitable opportunity for career development. The scheme will be reviewed regularly to ensure it does not discriminate unfairly.

2.5. Employees with disabilities

We will provide reasonable adjustments to enable a person with a disability to work with the maximum convenience and efficiency.

If a member of staff becomes disabled or an existing disability worsens, wherever possible, we will make arrangements for the person to continue working. We may also use an independent medical advisor to give guidance and advice on the appropriateness of adjustments.

We will work in partnership with the Employers Forum on Disability to provide an environment, which is free of potential discrimination to disabled individuals.

2.6. Redeployment and other policies

Selection for redeployment will be conducted in a manner which avoids any direct or indirect discrimination. All our policies and benefits reflect our desire to promote equal treatment for all employees.

2.7. Monitoring

We will monitor employment, recruitment & selection, transfers, promotion, compensation, training and development and disciplinary, as well as grievance procedures.

All employees and potential employees will be asked for information, which will be held in **strictest confidence and** used for statistical monitoring purposes only.

Monitoring will provide one method of assessing the effectiveness of our policies and procedures. This may lead to alternative actions or policies, which better achieve the promotion of equal opportunities.

This policy and our practices are constantly reviewed through auditing procedures and are formally reviewed annually.

2.8. Communication

The details of this policy will be communicated to all current employees and new recruits. All job applicants will receive details of the policy on request. Where necessary, information will be made available in other formats e.g. in large print or electronically.

Annual Equal Opportunity statistics will be published in the Legal Services Commission annual report or in a separate report. This information will also be available to everyone on the Intranet and Internet.

3. Creating dignity and respect.

We define harassment as unreciprocated and unwelcome conduct whether physical, verbal or non-verbal that affects the dignity of an individual at work. The Commission understands that harassment can cause an individual to feel humiliated, threatened, patronised, bullied, denigrated, distressed or persecuted. It can involve a single incident or may be persistent. Harassment is wholly unacceptable both in the workplace and in any work-related setting outside the workplace such as during business trips and business-related social events.

This policy applies to everyone and if behaviour is perceived as unwanted, unreasonable and offensive by the recipient, the intention of the perpetrator is irrelevant.

Unacceptable behaviour or conduct that is covered by the policy includes (but is not limited to):

Unwanted physical contact

- ❖ Unnecessary touching patting or pinching.
- ❖ Insulting or abusive behaviour or gestures.
- ❖ Physical threats and assault.

Unwanted verbal communication

- ❖ Patronising nicknames.

- ❖ Propositions/ suggestions that sexual favours may further an individual's career.
- ❖ Unwelcome advances or offensive flirtation.
- ❖ Derogatory remarks or stereotyped assumptions.
- ❖ Innuendo, unsolicited or lewd comments.
- ❖ Offensive jokes.
- ❖ Unwanted, intrusive or persistent questioning.
- ❖ Abusive language or threats.
- ❖ Offensive comments about dress, appearance or physique.
- ❖ Insults which refer to an individual's or a group's race, nationality, colour, ethnic or national origins, religion, sex, marital status, disability, sexual orientation, age, gender reassignment or work pattern etc.

Unwanted non-verbal behaviour

- ❖ Exclusion from workplace conversation or events.
- ❖ Unfair allocation of work or responsibilities.
- ❖ Graffiti referring to an individual's characteristics or private life.
- ❖ Abusive or offensive gestures including whistling or leering.
- ❖ The creation or transmission of sexually or racially discriminatory written or verbal material.
- ❖ The display of pornographic or suggestive literature or other items, including pictures, films or videos.
- ❖ Use of stand alone personal computers (PCs), laptop computers or departmental PCs attached to network systems to store or display material that contains obscene, profane, inflammatory, threatening, harassing (whether racially, sexually or otherwise), disruptive or otherwise offensive images or literature, video clips or other items. Such behaviour is also a breach of our E-mail and Internet Policy.
- ❖ Open or covert hostilities which are based on an individual's or a group's race, nationality, colour, ethnic or national origins, religion, sex, marital status, disability, sexual orientation, age, gender reassignment or work pattern etc.

Bullying

Bullying is defined as:

- ❖ Persistent action, criticism or personal abuse either in public or private, which humiliates, intimidates, undermines or demeans the individual involved.
- ❖ May include persistently: "picking on" an individual, insulting them, reprimanding them in front of their colleagues or ignoring or excluding them.

4. Raising a grievance

The Commission will take prompt, appropriate measures to address grievances about failures to provide equality of opportunity and harassment and prevent them from happening again. All complaints are taken seriously and all forms of retaliation are prohibited.

4.1. Addressing a situation informally

If an individual believes that they have been the subject of harassment or failures to provide equality of opportunity, the situation should be brought to the attention of the person involved. In a case of harassment, the situation or act should be raised with the person responsible for the behaviour or conduct. They should be told that the behaviour is offensive and should be stopped. We suggest that the situation is raised before it reaches an intolerable level or an individual's personal well-being is being affected.

The following guidelines may assist an individual should they wish to address their concern on an informal basis with the harasser: -

- ❖ Collect any evidence and keep a history of events
- ❖ Plan what you are going to say
- ❖ Arrange to speak in private or at least away from your/their desk
- ❖ Be specific about their behaviour, use examples
- ❖ Say how their behaviour made you feel or how the behaviour affected you
- ❖ Be sure to say "no, it is not acceptable" clearly and firmly
- ❖ Don't send mixed messages by making a joke of the situation
- ❖ Don't get drawn into a long discussion or debate about the behaviour
- ❖ They may wish to apologise, if so, thank them.

A member of the Human Resources Department can be approached for advice about how to deal with an harassment matter and employees also have access to a counsellor through the Commission's Employee Assistance Programme, the free phone is 0800 269 616.

4.2. Addressing a situation formally

If an informal approach does not resolve the issue the individual should report the incident direct to their line manager/supervisor. If this involves confronting the person carrying out the harassment or discrimination, the situation should instead be reported to the senior departmental or office manager. Alternatively, an employee can always report the incident to another senior member of staff or to a member of the Human Resources Department.

We understand that this is a sensitive area and that many instances may be embarrassing to discuss. Each case will be treated with the utmost sensitivity and expressing a grievance will not affect the future employment of the member of staff with the Commission in any way.

A grievance will then be dealt with the following way:

4.3. The Investigation

Once a grievance has been discussed with a chosen member of staff, the person raising the grievance will be asked to co-operate in an investigation. The

investigation will take place as soon as is reasonably practicable (usually within 7 working days) and will result in a decision as to what action should be taken.

A senior member of staff or a member of the Human Resource Department will conduct any investigation confidentially in an independent and objective manner.

During the investigation, where appropriate, the alleged harasser may be transferred to another department or suspended on full pay. Such action does not imply any guilt.

4.4. Outcome of Investigation

Any employee found by us to have violated the policy, or who fails to properly address harassment issues, will be subject to appropriate disciplinary action - up to and including dismissal for gross misconduct - depending on the circumstances.

When the outcome of the investigation is found to uphold the allegation, it may be appropriate to permanently move one of the parties involved. The employee who has made the complaint will be notified of the outcome of any disciplinary procedure.

Under the law, employees may be personally liable for their actions and can be personally liable to pay compensation. More serious cases of harassment or discrimination may constitute a criminal offence.

No person who makes a claim or who takes part in an investigation will suffer retaliation. We will take every step to protect an individual from intimidation, victimisation or discrimination for filing a grievance or for assisting in an investigation.

However if a complaint is found to be malicious or without foundation, the complainant may himself or herself become subject to appropriate action by the Commission that may result in disciplinary action.

5. Responsibility of managers and staff

Everyone has a role in fulfilling the Commission's commitment to equal opportunities, maintaining a work environment that is productive and free from discrimination, and in treating colleagues and customers with respect.

Everyone must:

- ❖ Co-operate with any measures introduced to ensure equality of opportunity and diversity.
- ❖ Report any suspected discriminatory acts or practices.
- ❖ Not induce or attempt to induce others to practice unlawful discrimination.
- ❖ Not victimise anyone as a result of them having reported or provided evidence of discrimination.

- ❖ Not harass, bully, abuse or intimidate others on account of their race, nationality, colour, ethnic or national origins, religion, sex, marital status, disability, sexual orientation, age, gender reassignment, work pattern, or on any other grounds.

Managers and supervisors must:

- ❖ Ensure that the standards established by this policy are adhered to within their area of responsibility.
- ❖ Set an example by their own behaviour.
- ❖ Inform and advise staff on equality of opportunity / diversity issues.
- ❖ Actively support the organisation's commitment to treating everyone fairly; valuing diversity, creating dignity and respect, and any related initiatives.
- ❖ Respond to breaches of this policy promptly and decisively.
- ❖ Notify Human Resources of any individuals or behaviour that amounts to discrimination or harassment regardless of whether a complaint is made.

LSC EQUALITY SCHEME: APPENDIX B

EQUALITY OF SERVICE DELIVERY POLICY

1. POLICY STATEMENT

The Legal Services Commission (“LSC”) serves a diverse society. That is a society made of men and women; of people of different races, cultures and religions; of people with and without disabilities; of young people and older people; of straight and gay people; and of people with many other differences.

We recognise, respect and value that diversity and will strive in all we do to serve the interests of people from all sections of society.

In particular we will:

- in performing our public functions, take account of the interests of all sections of society;
- ensure that wherever possible the services we provide directly meet the needs and expectations of **all** our service-users; and
- seek to influence others with whom we work, or from whom we purchase goods and services, to share our commitment to valuing the diversity of our society and promoting equality of opportunity.

In order to assess our performance, we will monitor the impact of new and existing service initiatives and report annually on our findings from 2003 onwards (see below).

2. SCOPE

This policy applies to the delivery of all the services for which we are responsible. These can be summarised briefly as:

- i. The assessment of need for civil legal and related services and the creation of plans to meet that need
- ii. The delivery of civil legal and advisory services and family mediation services by publicly funded suppliers contracted to the LSC and Quality Marked providers as part of the Community Legal Service (“CLS”) and criminal defence services as part of the Criminal Defence Service (“CDS”)
- iii. The direct provision of legal services to the public by the LSC
- iv. The provision of a range of services to those suppliers and providers, their clients and others by the LSC that support and regulate the above.

A separate LSC Human Resources Equal Opportunities Policy (also available) entitled "Treating everyone fairly, valuing diversity, creating dignity and respect," applies to our activities as a public employer of staff and is also available from our website and the Secretariat department (please see section 8 below for contact details).

3. DISCRIMINATION AND THE LAW

The LSC is committed to achieving full compliance with all applicable legislation prohibiting discrimination in the provision of services by public bodies such as ourselves.

4. IMPACT ASSESSMENT, MONITORING AND REPORTING

In May 2002, we published an Equality Scheme as required under the Race Relations Act 1976 ("RRA"), as amended by the Race Relations (Amendment) Act 2000, setting out our arrangements for:

- a) assessing and consulting on the impact of the promotion of equal opportunities of any new service initiatives;
- b) monitoring the operation of new and existing service initiatives for any adverse impact on the promotion of equal opportunities
- c) publishing the results of assessments, consultations and monitoring for any adverse impact on the promotion of race equality of new and existing service initiatives;
- d) ensuring that those covered by this policy have access to information and services provided;
- e) training our staff on issues relevant to the duty to promote race equality of opportunity and equal opportunities generally

Although not a legal requirement under the RRA, the Equality Scheme extends beyond race to consider issues relating to gender and disability where appropriate.

It is currently intended to report at least annually on the outcomes of the assessments, consultation and monitoring described in the Scheme. The first report will be published at the same time as the LSC annual report for 2002-2003 in summer 2003.

Where we see from information arising from our agreed monitoring programme or elsewhere that we are failing to meet our equality objectives, we are committed to addressing the problem and will consider setting appropriate targets in order to assist doing so.

5. CUSTOMER SERVICE

The LSC's approach to customer service is set out in our corporate plan and the LSC leaflet "Customer Services", both of which are available on the LSC website at www.legalservices.gov.uk. If you feel that our staff have treated

you in a discriminatory manner, you have the right to complain to us using our complaints procedure outlined in the Customer Services leaflet. Your complaint will be properly investigated and remedial action taken if appropriate in accordance with the complaints procedure.

We also require suppliers providing publicly funded legal and mediation services under contract with the LSC to have an Equal Opportunities Policy and to operate complaints procedures. If you feel that a supplier has treated you in a discriminatory manner, you should complain directly to them using their complaints procedure in the first instance.

6. AVAILABILITY OF THIS POLICY

This policy and related documents will be published on the LSC's website and intranet. Hard copies will also be available free of charge on request from the LSC Secretariat department (see "Further Information" below). Where requested, copies will also be provided in other formats, for example in large print or audio, free of charge.

7. REVIEW OF THIS POLICY

This policy will be kept under continuous review and updated as required. A more formal review will take place no less than every three years from the original publication date.

8. FURTHER INFORMATION

For further information please contact the Secretariat Department, LSC Head Office, 85 Grays Inn Road, London WC1X 8XT. Telephone: 020 7759 0000.

LSC EQUALITY SCHEME: APPENDIX C

Equal Opportunities Impact Assessment

Introduction

This document is designed as a tool to take you through the process of equal opportunities impact assessment. Please note that this paper deals with assessing the future impact of proposals that have not yet been implemented.

Under the Race Relations (Amendment) Act 2000 (RRA 2000), there is a new statutory duty for certain specified public authorities “to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good race relations between persons of different racial groups” (the “general duty”). The LSC is subject to this duty from **3 December 2001**.

A number of public authorities subject to the general duty will also be required to meet certain “specific duties” imposed by the Home Secretary by Order. One of the proposed specific duties is to “set out its arrangements for assessing and consulting on the impact of the promotion of race equality of policies it is proposing for adoption”. The Order imposing this specific duty on the LSC is in force from **3 December 2001** with a requirement for full compliance by **31 May 2002**.

The assessment of all **new** policies and projects for their impact on equal opportunities should therefore start as soon as possible and from **31 May 2001 at the latest**.

This document is intended to assist you in complying with the specific duty to assess the impact on the promotion of race equality of policies. Its purpose is to give guidance on how to conduct impact assessments for policies and projects throughout the LSC. This is in order to eliminate the potential for unlawful discrimination from policies and projects and also creatively to seek ways to promote equal opportunities.

The RRA 2000 only requires us to consider issues relating to race equality. However, the government intends to introduce similar provisions for gender and disability (likely to be in 2003). Moreover, there are a number of other groups in society without specific legal protection at the moment, which may be subject to the adverse impact of policies, and who, therefore, as a matter of good policy, we would want to consider as part of any impact assessment (eg the elderly, the young, gay men and lesbians).

Thus we encourage the assessment of policies in relation to the promotion of equality of opportunity in its broader sense and not confined to race equality alone.

The aim of this document is to help you produce the best proposals you can, having taken into account the need for equality of opportunity. However, it is important to

recognise that it will not be possible to produce perfect policies. It is inevitable that the consequences of some decisions you make will not emerge until those decisions have been implemented. What then becomes important is that proposals are monitored and evaluated for their impact on equality and that, where problems occur, action is taken to deal with them.

This document has been drafted with regard to the draft Statutory Code of Practice on the Duty to Promote Race Equality: A guide for public authorities. This is available on the CRE website at www.cre.gov.uk/duty.

This paper has been written by Marie Burton, CLS Policy Team (020 7759 1171). Comments are welcome and can be e-mailed to Marie on marie.burton@legalservices.gov.uk.

NB:

Rather than repeating policies and projects throughout this document, they will be referred to collectively as “**policy**” or “**policies**”.

Carrying out equal opportunities impact assessment

1 When should you carry out an equal opportunities impact assessment?

You should carry out an equal opportunities impact assessment whenever you are involved in making policies or devising projects which involve written external consultation of some kind at a national, regional or local level. This means that in the vast majority of cases equal opportunities impact assessments will be carried out either by Central Functions Departments or by the Partnership and Planning teams in the Regional Offices.

The guidance for CLSPs and RLSCs will include additional information for the Regional Partnership and Planning teams on how to conduct equal opportunities impact assessments in relation to the work of CLSPs and RLSCs.

The areas where equal opportunities impact assessments will be carried out within this organisation are diverse. Recent examples of the sorts of situations where impact assessment would now arise include:

- Consultation on the Actions against the Police, etc franchise category
- Financial eligibility changes
- Bureaucracy review
- Specialist Help Quality Mark consultation
- Regional strategy consultations

It is important that impact assessment is considered at an early stage of the process of development so that it can be fully incorporated into any decisions that are made about the measures proposed. It should not be a bolt-on at the end.

When dealing with the issue of equal opportunities impact assessment, you should take a proportionate approach. Measures which are likely to have a significant external impact will require more rigorous assessment than other more minor matters.

2 Who should carry out the equal opportunities impact assessment?

The “project manager” should carry out the impact assessment. The “project manager” is the person who manages the policy or project on a day to day basis on behalf of the “project owner”.

3 How should you go about impact assessment?

a) Decide the aims and objectives of your policy

Aims are the general statements about what you want to achieve and **objectives** are more specific statements describing the steps you will take to achieve your aim.

For example:

The **aim** of the Equalities Project is to carry out “ the first stage of implementing the new requirements under the Race Relations (Amendment) Act 2000 by the target dates of December 2001 and May 2002”.

Some **objectives** of the Equalities Project are:

- To update and publish the LSC equal opportunities policy for staff by December 2001;
- To produce and publish the LSC equal opportunities policy for the provision of services by December 2001;
- To prepare and publish Equality Scheme by May 2002.

You should set out what you want to achieve through your policy and how you intend to achieve it.

Going through this process should enable you to identify the groups that will be affected by the measures you are proposing to take.

b) Looking at the groups that will be affected by your policy, decide whether your policy is:

1. A general policy

A general policy may be neutral in impact or it may impact differentially on different groups.

A general policy may impact differentially on different groups because of variations in matters such as cultural norms and values, resources, language and communication skills and ability to access services.

You should not assume that a general policy will have a neutral impact. You will need to consider the potential for unequal impact of your proposal on different social groups.

If the policy may impact differentially on different groups, then you will need to consider whether the differential impact is justifiable. You should consider whether you want to monitor the impact of the policies and/or whether you want to take steps to reduce the potential for differential impact.

2. A policy which is specifically aimed at promoting equal opportunities

There may be circumstances where policies will be specifically designed to have a positive differential effect on disadvantaged or under-represented groups in the community. Such policies will be aimed at addressing issues of inequality or eliminating barriers in respect of such groups (eg targeting QM training at minority ethnic solicitors' firms). Where this is the case, this should be stated as an objective of the proposals and the justification for differential treatment of the social group concerned should be documented. It is important that the equal opportunities impact assessment shows that the policy is both legal and justified.

It remains important to ensure that the impact on other groups is considered as part of the impact assessment. For example, a project aimed at improving access to services

for people with mental health problems would be viewed as promoting equal opportunities. However, it should also ensure that the project would be accessible to black people with mental health problems (who are over-represented within this group).

Please remember that the law prohibits discrimination on the grounds of race, sex and disability, apart from in certain limited circumstances.

If in doubt regarding the issues raised above, from May 2002, the Secretariat Department should be able to offer guidance in these areas (in consultation with the Legal Department).

c) Impact statement

Any external consultation paper should now include a “provisional” equal opportunities impact statement. This should state your preliminary assessment of the likely impact of the policy, with reasons. You will then ask for views on your impact assessment as part of the process of consultation. If you are having problems drafting your provisional impact statement, the Secretariat Department should be able to give you some assistance.

4 Assessment of potential impact

a) The starting point

According to the CRE Code of Practice, the question you need to ask is: “Could this policy affect some racial groups differently and will it promote good race relations?”

For our purposes, you should adapt the question to: “Could this policy affect some groups in society differently and will it promote equal opportunities?”

b) What level of impact assessment is appropriate?

The level of impact assessment that is appropriate for your policy will depend on the nature of the policy. Assessing the equal opportunities impact of a policy should be proportionate to the likely impact of the policy itself. It is not intended that the process of impact assessment should be unduly onerous.

In deciding the level of assessment to carry out, the aspects of your policy that you will need to consider include:

- the number of people it is likely to affect
- the amount of money involved
- the extent of the change that is being proposed or that will be required as a result of the proposals
- the wider public policy implications of the proposals

Therefore, generally, a limited policy initiative will not require the same level of scrutiny as a major national policy change, such as the introduction of exclusive contracting. The first might be dealt with by consultation alone, while the latter might justify a dedicated piece of research. You need to decide what level of impact assessment is required for your policy. The more extensive the likely impact of your

policy, the higher the degree of assessment that will be required.

If you experience problems in deciding what level of assessment is needed, then, again, the Secretariat Department should be able to help.

c) Consider whether any issues have come up in this area in the past that might indicate concerns related to equality

This may indicate aspects of your policy that need to be reviewed and, if appropriate, amended. You may find past consultation documents and responses a useful source of information.

d) Consider past complaints and litigation

These may raise issues of inequality, which again, may suggest areas of your policy that will require attention and, where appropriate, adjustment.

For information on past complaints, you should contact Customer Services, either nationally or regionally or both, depending on the nature of the policy.

For information on past litigation, you should contact Rose James, Deputy Legal Director, in the Legal department at Head Office, Gray's Inn Road.

e) Data and Research

First, look at what data is available on the issues concerned. Again, keep this proportionate to the matter in question. For a small-scale local project, you may not need to go beyond local knowledge or information held locally. On the other hand, major policy changes may require more sophisticated statistical information and analysis.

The sort of data you should use includes:

- Demographic data and other statistics, including Census findings
- Survey data
- Ethnic and other equal opportunities monitoring data
- One-off data gathering exercises

There may also be other research information, apart from data, which will be useful for assessing the policy.

Further information: See Appendix A (p9) for further guidance on finding and using data and research information.

f) Consider policies of other public authorities

If appropriate, in carrying out the assessment, you should compare your proposed policy with other similar policies in other government departments or agencies (eg LCD and the NHS).

5 Consultation

Why should you consult?

The process of consultation is crucial to the assessment of policy impact. Consultees

will have knowledge, information and expertise that you do not have and be alive to issues of which you may not be fully aware.

The LSC has a **Code of Practice on Consultation** which sets out the process for any national consultation. When conducting a national consultation, you are required to follow the LSC Code of Practice. You should also have regard to the LSC Code of Practice when consulting generally. The LSC Code of Practice is available on the intranet in the Policy and Legal Document Library at http://isdsv1/intranet/organisation_wide/document_library/intra_manuals/intra_policy_and_legal/index.htm and also on the LSC website.

However, not every policy will require a full scale national or regional consultation. Again, it is important to take a proportionate approach, depending on the policy in question and what the policy is designed to achieve.

Further information: See Appendix B (p11) for guidance on good practice on consultation, including who to consult and how.

6 The assessment

Once you have gathered all this information, you will need to assess whether there is likely to be a differential impact (either positive or negative) on certain groups and what it may be. You will also need to assess whether the proposals act to promote equal opportunities.

As stated above, the question you will need to ask is: “Could this policy affect some groups in society differently and will it promote equal opportunities?”

You will need to consider the policy in terms of:

- The advantages and disadvantages for different groups
- Whether it challenges or reinforces stereotypes
- Whether it gives different groups real choices
- Whether it promotes equality of opportunity

It will be a matter of weighing up all the different factors and coming to the best answer you can on the information you have. In doing so, you should take into account the views expressed on your provisional impact assessment on consultation.

The potential for conflicting impact on different groups, should also be recognised, as different groups will have different needs. Thus, a policy which has a beneficial impact for a certain group, may have a negative impact for another. It will be necessary to try to balance these conflicting impacts.

If you experience difficulty in making your assessment or drafting your final impact statement, then this is another area where the Secretariat Department should be able to assist you or, if necessary, help you find external expertise.

7 Outcome

a) You assess that the policy is not likely to result in a differential impact for any groups and also promotes equal opportunities

You should not need to take any further action in relation to the policy. You should, however, consider what monitoring arrangements are appropriate.

b) You assess that the policy is not likely to result in a differential impact for any group, but does not generally promote equal opportunities

A policy with a neutral equal opportunities impact is an acceptable outcome. You should also be aware however of our general aim to promote equal opportunities through our policies. You should consider what the policy is designed to achieve and whether you may be able to incorporate the promotion of equal opportunities and diversity within the policy. You may get suggestions on how the policy could promote equal opportunities through your consultation process (see above). You will also need to consider monitoring arrangements.

c) You assess that the policy is likely to have a differential impact on a particular group

1 Is your policy legal?

You may need to get advice from the Legal Department at Head Office on this.

Yes: Go to 2.

No: The proposals must be changed to eliminate any element of unlawfulness.

2 Is your policy designed to promote equal opportunities?

Yes: You may want to consider monitoring the policy once implemented or, if you feel it is appropriate in the circumstances, taking steps now to reduce the extent of the differential impact on different groups.

No: If appropriate, the policy should be changed to eliminate the differential impact on different groups. However, the policy may be justifiable in the circumstances, irrespective of such impact. Where the differential impact is justifiable, you should still consider whether you may be able to take steps to reduce the differential impact and what monitoring is required.

8 Publishing the results

You should publish the results of your assessment and consultation process when introducing the policy in question. This will be the final impact statement for the policy and will replace the provisional impact statement.

The final impact statement should include the following:

- A brief account of how you assessed the likely effects of the policy including:
 - The information that you used
 - The consultation you carried out (who with, how and a summary of the response)
 - The results of your assessment

- Any changes to your policy as a result of the assessment
- What you plan to do next

9 Monitoring and Evaluation

The process of assessment will only help you to identify the potential for differential impact and to take action to minimise this. It is only through monitoring that you will be able to see whether the measures taken have resulted in a policy that promotes equal opportunities. The Commission has decided the areas in which monitoring will be carried out and the form the monitoring arrangements will take. If you consider that additional or different monitoring is required as a result of your policy, you should contact the Secretariat Department for assistance.

Appendix A

Finding and Using Data and Research

1 Data

The data should reflect as much as possible the “local population”, which will depend on the area affected by your proposals. This may therefore be on a national, regional, partnership or other basis. Again, this may not be possible in every instance.

When gathering statistical information, you should also bear in mind that the profile of certain sections of the community in terms of ethnicity, class, gender, disability and age is likely to be different to the population as a whole. This is true of the financially eligible population for example, or those in receipt of social housing. You should take this into account when dealing with policies aimed at these groups.

You should also try and get data on the substance of the proposals (eg, mental health projects: statistics on users of mental health services; website projects: statistics on access to the internet).

Try to find information which relates to all the different equal opportunities categories, such as gender, ethnicity, disability, age, sexual orientation and any target groups. However, reliable and comprehensive data on some areas, such as sexual orientation is difficult to come by. You should get the best fit you can, depending on the circumstances.

Internal

The Commission has a number of research publications that may assist. The LSRC Equal Opportunities Survey 2000 contains statistical information on the ethnic and gender breakdown of suppliers and LSRC will be producing an annual report on equal opportunities and contracting. Quality and Cost: Final Report on the Contracting of Civil Non-Family Advice and Assistance Pilot also contains information on different socio-economic client groups.

There are other organisational sources of data which may prove useful. Business Objects contains information on closed cases in relation to gender and ethnicity. In addition, many of the CLSPs have now carried out their own surveys. We will also be producing comprehensive monitoring reports on specified areas of our business from April 2003.

External

Local authorities and government departments may have useful statistical information. Interest groups and representative bodies may also have conducted their own research.

In terms of government statistics, such as the Census, a good starting point is the National Statistics website (www.statistics.gov.uk) which contains statistics across the range of government departments. The Census is a key source of socio-economic data. Unfortunately, the data from the Census 2001 is not due to be available until 2003. Data collected by the NHS or the Department of Work and Pensions (former

DSS) may also be useful in this context.

In addition, the Home Office publishes a comprehensive statistical report called “Racial Equality in Public Services” which may be a useful source of information. It can be found in the Race Equality and Diversity section of the Home Office Website at www.homeoffice.gov.uk.

For a very major and far-reaching project, if there is not sufficient data, consider whether it would be possible to commission specific research. This is what happened in relation to exclusive contracting.

The LSRC and the CLS Policy team at Head Office, Gray’s Inn Road may be able to help with sources of statistical information.

Using the data

Remember it is not always going to be possible to be very scientific, partly because of the limits of the data available. When considering the data, you are looking to see whether your policy is likely to have a disproportionate impact on any particular group. If this appears to be the case, you need to think about the reasons behind it. This should alert you to the risk of adverse impact of your proposals.

2 Research

You should consider whether there is a need for research information other than statistics. There may be existing research on the area in question, which you can use. You may also be able to get qualitative information from interest groups and representative bodies. Again, LSRC or CLS Policy Team may be able to help you with this.

Appendix B

1 Who should you consult?

The LSC Code of Practice has a list of the organisations that should be consulted in any national consultation. This list includes the details of the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. The Code of Practice indicates there is list of interested parties for consultation on specific areas and in the future there will be a specific list for equal opportunities/diversity issues.

When carrying out a smaller-scale consultation, it may also be worthwhile to involve all or some of these organisations in less formal consultation. You may otherwise find that you are failing to increase access for some of your target groups. The group of people consulted should be representative, but it can also be focused.

It will be important to consult “stakeholders” in the issue under discussion, such as end-users, suppliers and also community groups and local or national interest groups. Any consultation should aim to be representative of the community, involving as much as possible people from different racial groups, women, people with disabilities, the elderly, the young, gay men and lesbians and any other groups which may be differentially affected by the proposals.

2 How should you consult?

You should make sure that the consultation process is “well-managed, properly-timetabled, has clear aims, and is clearly explained to the people involved”(CRE Code of Practice).

Please remember that the method of consultation will vary depending on who you wish to consult with. You need to tailor the language, media and place of consultation to the people you want to reach.

The LSC Code of Practice deals with formal written consultations on major policy changes. Other appropriate methods of consultation include:

- Surveys or questionnaires
- Focus groups of selected individuals
- Local meetings
- Informal meetings
- Targeted meetings (eg for specific groups)
- Meetings with representative organisations or community leaders
- Advisory groups of people with particular skills or experience

These may be more useful for less extensive or more local initiatives.

When carrying out consultation, think about:

- Using language that appeals to all and does not imply a preference for any particular group
- Using easily understandable language (“plain English”)
- Looking at different methods of communication (eg Braille, audio, translations)
- Taking an inclusive approach

Consultation methods should be monitored for effectiveness and, if appropriate, adapted. The results of the consultation should also be published (see above).

LSC Equalities Scheme

Appendix D

Outline Timetable for RRA Compliance 2002 to 2005

RRA Requirement	Likely areas of activity & provisional dates	Who responsible for compliance
Impact assessment of policies	By summer 2002 we will issue revised guidance to our Regional Planning and Partnership teams on the needs assessments of client groups, to be used in all RPP clients needs assessments thereafter. We intend to issue further guidance on the minimum contents and approach to auditing Quality Mark requirement for organisations to have an equal opportunities policy for consultation by 2004/5.	Project or policy managers responsible for formulation and implementation of new policies in these areas
Monitoring and reporting	We shall review all recording mechanisms to ensure that they are of an appropriate standard and effectiveness by October 2002, and implement any changes needed by April 2003.	Dept heads for data collection and reporting internally. Secretariat dept for external publication
Training	A training needs analysis will be conducted in the first half of the 2002/3 financial year; training will then be rolled out throughout the period of the Scheme and beyond as required.	Human Resources dept.
Corrective action and target setting	We will consider what corrective action needs to be taken and what targets could usefully be set to improve compliance with the RRA once the results of the first year's monitoring are available (2003) and annually thereafter	Dept heads
Publication and review of Scheme	The Scheme will be published 31 st May 2002 and reviewed three years later if not before.	Secretariat dept

legal services

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