



Equality Outcomes Plan 2023-26

The Scottish Legal Aid Board

www.slab.org.uk

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Introduction

Over recent months we have conducted an extensive internal and external evidence review, and we have engaged with internal and external stakeholders to help us develop our new equality outcomes plan for 2023-26.

Our priorities over the coming period are: narrowing our gender and ethnicity pay gaps; gathering and analysing equality data to inform and improve our services; inform our advice to Ministers and assist us in monitoring availability and accessibility of legal services; and improving the accessibility of information about legal aid.

Our new equality outcomes plan has been developed in tandem with our new corporate plan and our four equality outcomes contribute to the vision, mission, purpose and corporate objectives of the corporate plan.

We fund, deliver and advise on services that enable people to exercise their rights and live in a fair society that respects the rule of law. We want to help people access the legal support they need and empower our people to shape and deliver a legal aid system that supports a just, safe and resilient Scotland.



Colin Lancaster
Chief Executive



Ray Macfarlane
Chair

Context for our equality outcomes

This plan sets out our equality outcomes for 1 April 2023 to 31 March 2026. Our equality work follows a three year reporting cycle in line with our corporate plan. The new set of equality outcomes has been developed in tandem with our new corporate plan to ensure that we embed our equalities work across the board. We will continue to mainstream equalities across all our organisation's activities and report on this work in the annual report.

In November 2022 we published our [annual report and accounts 2021-22](#) which ensured we continue to meet our statutory reporting timeline. That report included:

- an update on our work to mainstream equality into the way we work
- a summary of our employee equality information
- details of our gender pay gap and an updated equal pay statement.

Our organisation

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

Legal aid funding pays for solicitors, advocates and other necessary services to help people resolve problems by negotiation or in a court or tribunal. The vast majority of services paid for through the Legal Aid Fund are delivered through the private sector (94.1%). The third sector and our own direct services¹ also deliver case by case services but on a much smaller scale.

Finally, a small amount of funding provides direct grants for projects to deliver targeted legal services². The Legal Aid Fund also finances the quality assurance schemes we manage.

Legal aid and wider justice system policy is the responsibility of the Scottish Government, and where legislative change is required, the Scottish Parliament. Inequality in access to legally aided services is something that we cannot control and is outwith our remit to directly change. The nature of the current legal aid legislation means that this judicare funding is unplanned and largely non-targeted. This feature of the current system means that resources for case by case services cannot be more purposely directed towards meeting any specific Scottish Government priority or the legal problems experienced by any specific equality groups. The pattern of requests for legal aid is determined by a combination of members of the public deciding whether to seek help and hundreds of predominantly small firms of solicitors in the private sector deciding whether or not to offer a particular kind of service, whether to act for a person if they ask for assistance and, if so, whether to do so on legal aid³.

¹ Our direct services include our Public Defence Solicitors' Office (PDSO), Civil Legal Assistance Office (CLAO) and Solicitor Contact Line (SCL).

² For more information about how the Legal Aid Fund was spent in 2021-22 please see our Annual Accounts at www.slab.org.uk/corporate-information/publications/corporate-information/annual-reports/

³ For more information please see our Corporate Plan 2023-26 at www.slab.org.uk/corporate-information/publications/corporate-information/corporate-and-business-plans/

Legal context

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

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

In Scotland, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (and subsequent updates) support public authorities like the Scottish Legal Aid Board (SLAB) to meet the general duty. The Equality and Human Rights Commission (EHRC)⁴ monitor and regulate compliance with the public sector equality duty and relevant regulations in Scotland.

Our approach to developing equality outcomes for 2023-26

With reference to good practice set out in the relevant EHRC guidance⁵, we have undertaken a series of steps as part of our process to revise our equality outcomes.

1. Evidence review

We have undertaken a review of equality evidence including:

- our own evidence: what we have found through both internal and external stakeholder research⁶
- evidence relating to the justice sector in Scotland: a review of published reports and research, and priorities that continue to be identified through our work with justice partners
- evidence relevant to SLAB as a public service provider and employer in Scotland including a review of reports, research and frameworks published by the Scottish Government and the Equality and Human Rights Commission (EHRC).

The key sources that have informed our outcomes are included in this report and wider references are included in [Appendix A](#).

2. External stakeholder engagement

As part of our equality outcome development process we engaged with external stakeholders. We contacted a range of justice partners and representative equality organisations to ask for their help in shaping our next equality outcomes. We sought their insight on current equality

⁴ www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty

⁵ EHRC non-statutory guidance for listed public authorities in Scotland: www.equalityhumanrights.com/en/advice-and-guidance/guidance-scottish-public-authorities

⁶ Our research publications can be found at www.slab.org.uk/corporate-information/publications/research-publications/

issues, which assisted us in setting clear goals and more closely capture our current equality outcomes. Throughout our engagement we focussed on:

- their views on what they perceive as significant equality issues with regards to clients accessing legal aid and legal aid funding
- to recommend how in their view these issues could be addressed
- whether they have any specific evidence they could share or point us to.

We received a small number of responses (four in total) however this engagement provided us with some valuable reflection and highlighted areas for further consideration in the development of our outcomes as follows:

- Respondents reported a lack of accessibility and clarity of information with forms, as well as needing more transparency on the legal aid process and costs related to protected characteristics
- The people we spoke to saw a need to provide information in plain English, simple and jargon free
- Organisations fed back that there is a lack of awareness and understanding of legal aid, especially among minority ethnic communities
- Respondents have also fed back that some justice organisations who work with and advise children seem to have a lack of awareness of legal aid, or appear not to raise awareness of it. They perceive a need from SLAB to reach out and raise awareness and understanding of SLAB itself and legal aid
- Information provided on children's legal aid is viewed as insufficient and not child friendly
- Organisations suggested to provide information in form of easy read, videos or animations to make it more accessible for children and people with a disability.

3. Internal engagement

Our internal evidence review highlighted our pay gaps and workforce diversity as areas for improvement. Further discussions suggested that many of the activities under our people strategy would contribute to narrowing our pay gaps over long term.

We have considered equality related matters that we'd like to improve and we want to focus on our communication and ensure client's accessibility and understanding of information around legal aid.

We see a need to embed equalities into our new communications strategy. We have reviewed the feedback we received from external stakeholders with regards to the accessibility of information. Whilst we have made good progress in making some of our content accessible, more could be done to make forms, information and guidance more easily understood.

We have also looked at our communication with clients by letter. We have conducted an extensive review and revision of our letters and have spoken to solicitors to investigate their communication needs. We have identified the need for communication in some areas but not in others. Further work and discussions will be needed to assess clients' needs for communication and to ensure our service meets their needs.

4. Aligning with corporate priorities 2023-26

At the heart of the payment schemes we administer is the enabling and protection of civil, political, social and human rights. Equality and diversity is therefore a key principle in the delivery of our functions. In line with our focus on organisational and operational excellence, we recognise that we can do more in this area. We have been engaging with the EHRC about how we approach our equalities work, specifically our impact assessment practice and the mainstreaming of equality.

As detailed in our [Corporate Plan 2023-2026](#), our strategic objectives will be delivered by a range of activities that mirror those in this report to deliver our equality outcomes. Our equality outcomes will therefore directly support our strategic objectives:

- Administering, providing and promoting legal aid (in other words, being an excellent administrator of the current legal aid schemes)
- Reform and advice to Ministers (in other words, protecting the public interest through legal aid and wider justice system reforms)
- Preparing for a future legal aid system.

5. Wider staff communication about our equality outcomes

Our new outcomes have been publicised to our workforce through our employee intranet. Routine progress updates will be communicated across the organisation and employee involvement is built into relevant work streams as appropriate.

We introduce new employees to our equality work as part of our corporate induction programme. This ensures all employees know about our corporate equality priorities and how these relate to them and their job role. The induction session is delivered by our Policy Officers (Equalities) and provides an opportunity for employees to tell us what equality means to them and their views on the priorities SLAB is working towards. We also provide Equality Impact Assessment (EqIA) workshops for managers, or those that are involved in the process of completing an EqIA or have an interest in understanding the process. Additionally, our Policy Officers (Equality) provide one to one sessions for any staff who need assistance with completing EqIAs.

Our equality outcomes for 2023-26

Our four equality outcomes for 2023-26 will support our strategic priorities and the three aims of the general duty. We have provided a high level overview of the activity that helps us achieve these outcomes, what success will look like and how we will measure the impact on relevant equality groups.



Equality outcome 1



Create the conditions to narrow the gender, disability and ethnicity pay gaps

Relevant protected characteristics	Sex, Disability, Race
Equality Duty deliverables	<ul style="list-style-type: none">• Advance equality of opportunity• Eliminate discrimination

Internal evidence review as well as our engagement with internal stakeholders suggested that our pay gaps and workforce diversity should be areas for focus.

Analysis of the latest staffing data shows pay gaps in relation to the protected characteristics of sex, disability and race.

While there is insufficient data to enable a more detailed analysis of the gap in respect of race, there is some evidence of vertical and possibly also occupational segregation in respect of sex and disability. This suggests that the composition of SLAB's workforce is driving its pay gaps and that there is potential for positive impacts to flow from targeted changes in some of our people policies.

The following evidence has been subject to the review:

- Equal Pay update (2018-19)
- Pay gap statistics (2022)
- Draft ET pay gap update (2019)
- [Annual Report and Accounts for year ended March 2022](#)
- Staff survey equalities briefing (March 2022)
- [Equality monitoring of employee protected characteristics 2021-22](#)
- Letter review and the use of pronouns (2021)
- Equality outcomes plan 2020-23
- [“Why equal pay matters”](#), Equality and Human Rights Commission (accessed January 2023)
- [“Unequal Depression for Equal Work? How the wage gap explains gendered disparities in mood disorders”](#), Social Science & Medicine (2016)
- [Gender pay gap action plan: annual report, Scottish Government](#), March 2021
- [Closing the gap: Roles for stakeholders](#), Close the Gap (accessed January 2023)
- [Fair opportunities for all - A strategy to reduce pay gaps in Britain](#), EHRC (2017)
- [Gender pay gap statistics](#), Close the Gap (March 2022)
- [Annual Survey of Hours and Earnings](#), ONS (October 2022)
- [Economic Benefits of Gender Equality in the European Union](#), EIGE (2017)
- [Ethnicity pay reporting: a guide for UK employers](#), CIPD (2023)
- [Race in the workplace: the McGregor-Smith review](#), (2017)
- [Ethnicity pay gaps](#), ONS (2019).

Workstream 1: Pay and grading review	
Evidence	<ul style="list-style-type: none"> • Gender and ethnicity pay gap data • Occupational segregation data
Who will benefit?	<ul style="list-style-type: none"> • Our people
Activity	<ul style="list-style-type: none"> • Carry out a full pay and grading review as key part of People Strategy <ul style="list-style-type: none"> ○ Ensure we have a fair and equitable system to compare jobs of equal value and this is robust and consistently applied ○ Review and benchmark salary scales with a view to pay cohesion
Measures	<ul style="list-style-type: none"> • Refreshed pay and grading system launched • Staff feedback
Owner	<ul style="list-style-type: none"> • Director of Corporate Services and Accounts
Duration	<ul style="list-style-type: none"> • Year 1

Workstream 2: Development of a workforce planning framework	
Evidence	<ul style="list-style-type: none"> • Gender and ethnicity pay gap data • Occupational segregation data
Who will benefit?	<ul style="list-style-type: none"> • Our people • Our customers
Activity	<ul style="list-style-type: none"> • We will develop a workforce planning framework that will set out how we will seek to ensure we have a workforce of the right size and with the right skills to enable us to deliver our corporate objectives, taking account of our Long Term Financial Planning, the Scottish Government's response to the Legal Aid Review, projected trends in the wider justice system, and our existing business plans and strategies, including our ICT strategy
Measures	<ul style="list-style-type: none"> • Implementation of a SLAB approach to workforce planning
Owner	<ul style="list-style-type: none"> • Director of Corporate Services and Accounts
Duration	<ul style="list-style-type: none"> • Year 1

Equality outcome 2



Gather and use equality data to inform our policies and improve our services

Relevant protected characteristics	All protected characteristics
Equality Duty deliverables	<ul style="list-style-type: none"> • Advance equality of opportunity • Eliminate discrimination

This continues from our previous equality outcomes from 2021-23 with additional supporting activities. In the last set of outcomes we focused on setting up the systems to collect client and applicant equality data to ensure a more systemic collection of data to assist us in being responsive to our customers.

We want to focus on delivering high quality Client Legal Services by enhancing coherence and joint-working across our legal services and assessing existing management information. This will allow us to identify gaps in data/analysis to support continuous improvement and to review delivery models to respond to contextual changes. This data will be used at a high level to understand trends and inform strategic policy development, for example as part of the equality impact assessment process.

Workstream 3: Gathering and use of applicant equality data	
Evidence	<ul style="list-style-type: none"> • Our own experience of current data limitations in understanding the experiences of our customers throughout the legal aid process; includes the amount and quality of data collected across relevant protected characteristics, how the data can be reported on, and our communication about how we use the data • EHRC Guidance - Evidence and the Public Sector Equality Duty
Who will benefit?	<ul style="list-style-type: none"> • People granted legal aid • Applicants
Activity	<ul style="list-style-type: none"> • Review percentage of disclosure across the relevant protected characteristics and devise communications or engagement as needed to improve disclosure • Analyse our Operational Performance Overview Reporting by relevant protected characteristics
Measures	<ul style="list-style-type: none"> • Improved percentage of disclosure across the relevant protected characteristics • Using our own data for Equality Impact Assessments • Outputs of analysis on our Operational Performance Overview Reporting
Owner	<ul style="list-style-type: none"> • Director of Strategic Development
Duration	<ul style="list-style-type: none"> • Developing, supporting and promoting equalities data analysis - Year 1

Workstream 4: Gathering and use of client equality data for Client Legal Services	
Evidence	<ul style="list-style-type: none"> • Our own experience of current data limitations in understanding the experiences of our customers when receiving legal advice and representation from Client Legal Services; includes the amount and quality of data collected across relevant protected characteristics, how the data can be reported on, and our communication about how we use the data • EHRC Guidance - Evidence and the Public Sector Equality Duty
Who will benefit?	<ul style="list-style-type: none"> • Customers of Client Legal Services
Activity	<ul style="list-style-type: none"> • Review percentage of disclosure across the relevant protected characteristics and devise communications or engagement as needed to improve disclosure • Develop reports to support review of delivery models to respond to contextual changes, including equalities data as appropriate • Targeted support on use of data in Equality Impact Assessments for Client Legal Services
Measures	<ul style="list-style-type: none"> • Data can be reported on as required • Improved percentage of disclosure across the relevant protected characteristics • Using this data on customer demographics and needs in completed Equality Impact Assessments for Client Legal Services
Owner	<ul style="list-style-type: none"> • Director of Corporate Services and Accounts
Duration	<ul style="list-style-type: none"> • Reviewing percentage of disclosure - Year 1 • Developing reports and using data on customer demographics and needs in Equality Impact Assessments for Client Legal Services - Year 1, 2 and 3

Workstream 5: Gathering and use of staff equality data	
Evidence	<ul style="list-style-type: none"> • People Strategy priority objective
Who will benefit?	<ul style="list-style-type: none"> • Our people
Activity	<ul style="list-style-type: none"> • Enable capture of equalities data in Oracle from recruitment stage through to employment • Develop HR metrics including equalities data as appropriate
Measures	<ul style="list-style-type: none"> • Data can be captured and reported on as required • Using our own data for Equality Impact Assessments
Owner	<ul style="list-style-type: none"> • Director of Corporate Services and Accounts
Duration	<ul style="list-style-type: none"> • Enabling capture of equalities data at recruitment stage - Year 1 • Developing HR metrics - Year 2 or 3

Workstream 6: Structured plan to identify improvements in coverage of equality information available to SLAB	
Evidence	<ul style="list-style-type: none"> • Review of legal aid specific evidence available in equality impact assessments
Who will benefit?	<ul style="list-style-type: none"> • People granted legal aid • Applicants • Solicitors
Activity	<ul style="list-style-type: none"> • Identify priority groups and topics where research work will aid our understanding of any difference in experience
Measures	<ul style="list-style-type: none"> • Plan in place to improve coverage of equality information
Owner	<ul style="list-style-type: none"> • Director of Strategic Development
Duration	<ul style="list-style-type: none"> • Year 1

Equality outcome 3



Gather and use equality data to advise Ministers as part of our advice on legal aid reform, and work to monitor availability and accessibility of legal services

Relevant protected characteristics	All protected characteristics
Equality Duty deliverables	<ul style="list-style-type: none"> • Advance equality of opportunity • Eliminate discrimination

Focusses on our functions beyond administering the legal aid schemes. We will use the information gathered about legal aid applicants to better understand the availability and accessibility of legally aided services for equality groups.

Analysis of equality data will be an integral part of our role to advise Scottish Ministers on the strategic development of an accessible and high quality legal aid system. For this outcome we want to focus on consolidating the progress we have made so far.

Workstream 7: Advice to Ministers on legal aid reform or improvement includes relevant equalities assessments as appropriate	
Evidence	<ul style="list-style-type: none"> • EHRC guidance - Technical guidance on the Public Sector Equality Duty: Scotland
Who will benefit?	<ul style="list-style-type: none"> • Legal aid applicants • Solicitors • Other stakeholders in a reformed system
Activity	<ul style="list-style-type: none"> • Provide Scottish Government with advice on preferred options for reform by carrying out equality impact assessments
Measures	<ul style="list-style-type: none"> • Equality impact assessments accompany any advice to the Scottish Government
Owner	<ul style="list-style-type: none"> • Director of Strategic Development
Duration	<ul style="list-style-type: none"> • Year 1 and 2

Workstream 8: Undertake analysis to better understand the availability and accessibility of legally aided services for equality groups	
Evidence	<ul style="list-style-type: none"> • With improved disclosure of equalities information through our systems we will be able to undertake this analysis
Who will benefit?	<ul style="list-style-type: none"> • Current and future legal aid applicants
Activity	<ul style="list-style-type: none"> • Analyse trends in supply of legally aided services by relevant protected characteristics
Measures	<ul style="list-style-type: none"> • Outputs from analysis and report to Scottish Government
Owner	<ul style="list-style-type: none"> • Director of Strategic Development
Duration	<ul style="list-style-type: none"> • Year 2

Equality outcome 4



Make key information about our work and legal aid accessible to those who need our help

Relevant protected characteristics	Age, Disability
Equality Duty deliverables	<ul style="list-style-type: none"> • Advance equality of opportunity • Eliminate discrimination

Builds on the previous outcome related to ease of access to our service.

Through external review and particularly through external stakeholder engagement, we want to collaborate with stakeholders and support the accessibility of information about our work and legal aid.

Workstream 9: Engage external stakeholders to review and develop information materials	
Evidence	<ul style="list-style-type: none"> • Initial feedback from external stakeholders involved in work with children and disabled people
Who will benefit?	<ul style="list-style-type: none"> • Legal aid applicants • Members of the public • Solicitors
Activity	<ul style="list-style-type: none"> • Further engagement with external stakeholders representing children, BSL users, and those with cognitive impairments, with a view to review and develop publicly available information on legal aid
Measures	<ul style="list-style-type: none"> • User feedback
Owner	<ul style="list-style-type: none"> • Director of Strategic Development
Duration	<ul style="list-style-type: none"> • Engage external stakeholders to understand their needs and review publicly available legal aid information - Year 1 • Develop accessible legal aid materials with external stakeholders and our communications team by March 2026 - Year 2 and 3

Workstream 10: Review of Principal Sums and Collections letters	
Evidence	<ul style="list-style-type: none"> • Research and feedback on template letters
Who will benefit?	<ul style="list-style-type: none"> • Legal aid applicants and people involved in the legal aid process
Activity	<ul style="list-style-type: none"> • Ongoing testing, staff briefings and launch of letters
Measures	<ul style="list-style-type: none"> • Ad hoc feedback through operational teams administering letters
Owner	<ul style="list-style-type: none"> • Director of Operations
Duration	<ul style="list-style-type: none"> • Year 2 and 3

Appendix A

List of evidence reviewed to support our equality outcomes 2021-23

External evidence

[The Vision for Justice in Scotland](#)

[Safeguarding children in the justice system](#)

[Addressing racial inequality in the workplace](#)

[Learning Disability, Autism and Neurodiversity Bill - Lived Experience Advisory Panel: recruitment information - priority](#)

[Working towards a more accessible and equitable profession](#)

[SPSO Child Friendly complaints project update](#)

Consultation on care and justice bill - children at court evidence LGBT Health Needs Assessment (2022)

[MWC Racial Inequality and Mental Health in Scotland](#)

[ACE Impact on Criminality](#)

[Solicitors risk Equality Act issues: disability survey \(LSS\)](#)

[What do older workers value about work and why?, Institute for Employment Studies - Centre for Ageing Better \(2017\)](#)

[Age Inclusive Workplace, Age Scotland \(accessed January 2023\)](#)

[Research: Men Get More Actionable Feedback than Women, Harvard Business Review \(2021\)](#)

[Telework after COVID: a “Silver Lining” for Workers with Disabilities?](#)

[Do Ask, Do Tell: Capturing data on sexual orientation and gender identity globally, Stonewall \(2016\)](#)

[Fairer Scotland for Disabled People: employment action plan, Scottish Government \(2018\)](#)

How to improve board diversity: a six-step guidance to good practice, EHRC (2016)

[Gender and the workplace, Parliamentary Briefing, Engende \(2016\)](#)

Regional employment patterns in Scotland: Statistics from the Annual Population Survey (2017)

Scottish Survey Core Questions (2019)

[Gay glass ceilings: Sexual orientation and workplace authority in the UK, Science Direct \(2019\)](#)

[Scotland’s Labour Market: People, Places and Regions - Statistics from the Annual Population Survey 2020-21](#)

[The Experience of Misgendering Among Trans and Gender Diverse People, University of Massachusetts Doctoral Dissertation \(2020\)](#)

[Health Care Needs Assessment of Gender Identity Services, Scottish Public Health Network \(2018\)](#)

[Trans People in the UK, Government Equalities Office \(2018\)](#)

[Guide: Providing services for transgender customers, Government Equalities Office \(2015\)](#)

[Why pronouns are important, UNISON \(2022\)](#)

[LGBT in Britain: Trans Report, Stonewall](#)

[Use of pronouns, Scottish Trans \(accessed February 2023\)](#)

[Do I have to share my pronouns at work?, Woman’s Place UK \(2021\)](#)

[Talking About Pronouns in the Workplace, Human Rights Campaign Foundation](#)

[What to know about gender pronouns, Medical News Today \(2021\)](#)

[Sexual harassment and harassment at work: technical guidance, EHRC, 2020](#)

[The disability pay gap, EHRC, 2017.](#)

Scottish Legal Aid Board specific evidence

- Equal Pay update (2018-19)
- Pay gap statistics (2022)
- Draft ET pay gap update (2019)
- [Annual Report and Accounts for year ended March 2022](#)
- Staff survey equalities briefing (March 2022)

- [Equality monitoring of employee protected characteristics, 2021-22](#)
- Letter review and the use of pronouns (2021).
- [CLAO client and contact survey \(2021\)](#)
- [PDSO client and contact survey \(2021\)](#)
- [Survey of private practice criminal legal aid clients \(2021\)](#)
- [Survey of private practice civil legal aid clients \(2021\)](#).