

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	The Legal Profession and Legal Aid (Scotland) Act 2007 (Membership of the Scottish Legal Complaints Commission) Amendment Order 2014	
Minister	Minister for Community Safety	
Lead official	John Thomson	
Officials involved in the EQIA	Name	team
	Debbie Headrick	Justice Analytical Unit
Directorate: Division: Team	Justice: Civil Law and Legal System: Access to Justice	
Is this new policy or revision to an existing policy?	Revision	

Screening

Policy Aim

This Order will reduce the numbers of the board of the SLCC from 12 to 9, placing on a statutory footing This order will put on a statutory footing, what is already current practice. The order will “make sure our public services are high quality, continually improving, efficient and responsive to local people’s needs”, this is in-keeping with the Scottish Government’s National Outcomes.

Who will it affect?

This order will only affect the board of the SLCC.

What might prevent the desired outcomes being achieved?

No factors were identified that might prevent the desired outcomes being achieved.

Stage 1: Framing

Results of framing exercise

The results of the framing exercise showed that no group will be disproportionately affected more than any other. There is evidence from the data collected that the over 35's age groups make more complaints but the impact of the amendments affect all equally.

Extent/Level of EQIA required

The framing exercise suggests that there is likely to be no impact on those with protected characteristics and therefore only a "light touch" assessment is required.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	Age of those making complaints through the SLCC.	SLCC Equality stats	
DISABILITY	Complainants who consider themselves to have a disability	SLCC Equality stats	
SEX	Gender of Complainants	SLCC Equality stats	
PREGNANCY AND MATERNITY	Gender of Complainants	SLCC Equality stats	
GENDER REASSIGNMENT			This information is not held by SLCC and is not available at present.
SEXUAL ORIENTATION	Sexual Orientation of general population	Stonewall	
RACE	Ethnicity of Complainants	SLCC Equality stats	
RELIGION OR BELIEF	Religion of Complainants	SLCC Equality stats	

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations among and between different age groups			X	The Order will affect all, equally

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The Order will affect all, equally.

Advancing equality of opportunity				X	The Order will affect all, equally
Promoting good relations among and between disabled and non-disabled people				X	The Order will affect all, equally

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations between men and women			X	The Order will affect all, equally

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations			X	The Order will affect all, equally

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations			X	The Order will affect all, equally

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations			X	The Order will affect all, equally

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally

Promoting good race relations				X	The Order will affect all, equally
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Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	The Order will affect all, equally.
Advancing equality of opportunity			X	The Order will affect all, equally
Promoting good relations			X	The Order will affect all, equally

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	No
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ² ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	Not discriminatory
If not justified, what mitigating action will be undertaken?	

Describing how Equality Impact analysis has shaped the policy making process

In this section, set out a narrative that describes how the equality impact analysis has shaped and informed your policy development. Include, for example:

- ◆ No changes have been made to the policy as a result of the Equality Impact Analysis. No changes have had to be made as the process confirmed that this order impacts positively on all.
- ◆ There have been no implications on costs, resources etc. arising from the EQIA analysis.

Monitoring and Review

As no equality issues identified in the EQIA there are none to monitor.

² See EQIA – Setting the Scene for further information on the legislation.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Legal Profession and Legal Aid (Scotland) Act 2007 (Membership of the Scottish Legal Complaints Commission) Amendment Order 2014 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name:

Position: Deputy Director

Authorisation date: