

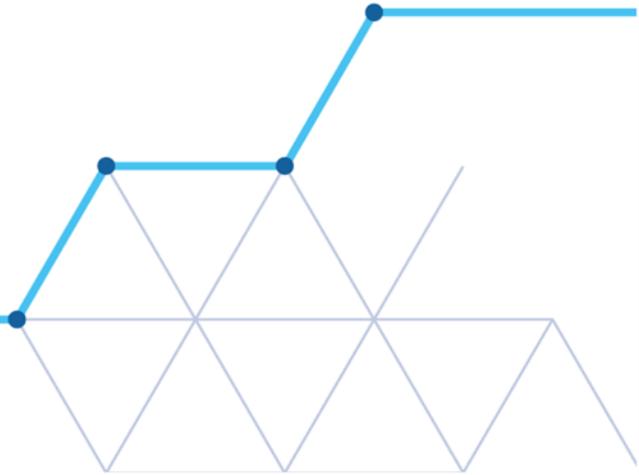


Ministry
of Justice

Legal Support: The Way Ahead

Equalities Statement

Protecting and advancing the principles of justice



Introduction:

1. This Equalities Statement sets out an analysis of the equalities impacts arising from the proposals detailed in the Legal Support Action Plan.
2. Section 149 of the Equality Act 2010 requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:
 - eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and,
 - foster good relations between people who share a protected characteristic and those who do not.
3. Paying 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

Policy summary:

4. For people to successfully resolve their legal problems, they may need additional support throughout the process of resolution. The support required ranges widely and is largely dependent on the person and the legal problem they face. The aim of the Legal Support Action Plan is to provide individuals who are experiencing legal problems with the appropriate legal support.
5. The Legal Support Action Plan sets out the detail on how we propose to support individuals facing legal problems. The Plan lists a number of different approaches to do this. The intention of the policies set out in the Legal Support Action Plan is to enhance the provision of legal support to individuals experiencing a legal problem. We anticipate (and depending on our findings in the various pilots proposed) that some individuals may seek to use a variety of the proposed support mechanisms whilst others may be sufficiently assisted by access to one of these.
6. This Equalities Statement sets out our initial impact assessment of the policies. In this statement we assess: (i) how the policies as a package may have impacts and (ii) how each separate policy may also have any impacts. As set out in the Legal Support Action Plan, a number of the proposals are at a very early stage. Our analysis of these proposals and all proposals contained in the Plan is ongoing and in relation to some, proposals we have expressly stated that their purpose in part is to collate better data so we can more fully understand potential impacts. Where this is the case, it is detailed below. To summarise, under the Legal Support Action Plan:
 - We will conduct a review of the thresholds for legal aid eligibility, and their interaction with the wider criteria. Whilst the review is ongoing we will continue

with current arrangements to passport all recipients of universal credit through the means test.

- We will ensure that more people are aware of their entitlement to legal aid – and will advertise its availability.
 - We will increase the scope of legal aid for separated migrant children in immigration cases.
 - We will bring special guardianship orders in private family law into scope of legal aid.
 - We will extend eligibility for non-means tested legal aid for parents, or those with parental responsibility, who wish to oppose applications for placement orders or adoption orders in public family law proceedings.
 - We will remove the mandatory requirements from the Civil Legal Advice telephone gateway for those seeking support in discrimination, debt and special educational needs cases.
 - We will also consider options to simplify the Exceptional Case Funding (ECF) scheme to ensure it works as effectively as possible.
 - We will consider making changes to legal aid for inquests, to ensure that bereaved families are properly supported.
 - We will work collaboratively with providers to develop web based tools to bring together in one place the range of legal support available.
 - We will improve the signposting advice and support available from our specialist telephone service and test enhancements to this service.
 - We will work collaboratively with the legal and advice sector to evaluate the impact of legal support hubs.
 - We will pilot face-to-face early legal advice in a specific area of social welfare law and we will evaluate this against technological solutions.
 - We will enhance the support we offer to litigants in person.
 - We will use funding to encourage the delivery of legal support through technology.
7. As set out in the Legal Support Action Plan, some of the proposals being considered will require further consultation with stakeholders (for example, the reviews of legal aid eligibility and criminal legal aid schemes) before any decision can be made as to whether to take them forward. We will undertake separate assessments on the impacts of those policies, including ongoing assessment of the impact on groups with protected characteristics.

8. In addition, several of the proposals in the Legal Support Action Plan are intended to pilot, test or research different initiatives, with the specified aim of establishing what works and to gather more complete data on the people using the services in question. As part of the testing and evaluation process we will consider specifically the impact of any pilot on groups with protected characteristics, and will use the data collected from these pilots to review and update the equalities considerations in relation to these proposals.
9. In this document we have considered the impact of the proposals set out in the Legal Support Action Plan on groups with protected characteristics where the data currently allows for them to be identified. We acknowledge that our data is limited and we will continue to build this evidence, revising our equalities assessment where necessary to ensure that due regard is properly given to the potential impacts of any proposal. We have highlighted in this Equalities Statement where data is limited and what we propose to do to improve this.

Summary of equality impacts:

10. In developing the proposals that are discussed in the Legal Support Action Plan, we have considered our duties under the Equality Act 2010, and have considered each proposal in this light. In addition, we have also considered these cumulatively as a package of proposals.
11. Our current assessment is that the policies outlined in the Legal Support Action Plan are not directly discriminatory within the meaning of the Act as they all apply equally; we do not consider any of the policy proposals would result in people being treated less favourably because of any protected characteristic.
12. We have set out below our initial assessment of any potential indirect impacts.
13. When taken as a package, it is our view that the range of proposals will benefit a wide range of different groups, including those with protected characteristics, and we have kept this consideration in mind in their development. We have adopted a multi-channel approach to our research and piloting of different forms of legal support, including online, telephone, and face-to-face support. This will ensure groups for whom one form of support may not be appropriate will be able to access another form of support. For instance, certain disabled groups may not be able to access face to face support, and remote support may be more appropriate. Conversely, other groups for whom remote advice is not appropriate may be able to access face to face support.
14. Taken as a whole we currently consider that our cumulative proposals (the individual policies in isolation are considered later in this document) are proportionate to achieving the policy aim. We consider that if any groups do indirectly benefit or otherwise more or less than other groups from the delivery of the proposals discussed in the Legal Support Action Plan it is justified as a proportionate means to our legitimate aim of enhancing legal aid and support provision and exploring different forms of support to determine the extent to which they can provide more effective support.

Methodology to determine discrimination potential:

15. Adhering to guidance published by the Equality and Human Rights Commission (EHRC), our approach to assessing the potential for particular disadvantage resulting from the proposals has been to identify the individuals whom the proposals would impact (the 'pool'), and then draw comparisons between the potential impacts of the proposals on those who share particular protected characteristics, with those who do not share those characteristics.
16. Guidance from the Equality and Human Rights Commission (EHRC) states that the pool to be considered at risk of potential indirect discrimination should be defined as those people who may be affected by the policy (adversely or otherwise) and that this pool should not be defined too widely.

The pool of affected individuals:

17. The primary pool of people affected by the policies discussed in the Plan will be those people seeking legal support to help them resolve a legal problem (or problems). Some of the proposals will also affect legal aid providers, the advice sector, and other sectors involved in delivering legal support.

Analysis:

18. Data on the incidence of legal problems amongst people with protected characteristics is limited. Government holds certain data on the demographics of people granted legal aid¹, though this is only a subset of people experiencing a legal problem.
19. No comprehensive information is held on the protected characteristics of HMCTS users. Even if available, these would still only be a subset of people experiencing a legal problem. Legal problem and resolution surveys have been undertaken in the past, which involve large surveys of people across the country and establish the paths these people follow to resolve their legal problem. The most recent of these was undertaken by Ipsos MORI and was published in 2016 (based on 2015 fieldwork)². This research indicates that:
 - 56% of people in the survey who experienced a legal need were women compared to 51% in the general population).
 - Only 6% of people in survey who experienced a legal need were 16-24 compared to 15% in the population).
 - The proportions of people in the survey who experienced a legal need were higher than the equivalent proportions in the general population for the following age groups 25-34, 35-44, 45-54 and 55-64.

¹ Legal Aid Statistics Quarterly (June to September 2018), tables 12.1-12.15).

² Ipsos MORI Law Society Legal Services Board 2016, <https://www.lawsociety.org.uk/support-services/research-trends/largest-ever-legal-needs-survey-in-england-and-wales/>

- 17% of the people who experienced a legal need were over 65 compared to 21% in of the general population.³
- There was no demographic data on other protected characteristics as it wasn't collected when these surveys were conducted.

20. The research also found that:⁴

- Individuals over the age of 45 were statistically more likely than average to obtain advice or assistance with their legal problem where as those aged between 17-24 and 25-34 were statistically less likely than average to do so.
- In addition, those who were permanently sick/disabled, temporarily sick or have a long-term disability were statistically more likely than average to try and handle a legal problem alone before obtaining advice or assistance as well as those aged 45-54 and 55-64.
- Individuals under the age of 24 were 2-5% less likely than the average person to seek help from the advice sector⁵.
- Between 4-6% of individuals from different ethnic backgrounds (White, 'White other', Mixed or other Ethnicity, Asian and Black) were likely to seek help from the advice sector⁶.

21. Another proxy for the demographics of people seeking assistance from the advice sector may be the demographics of people seeking Legal Help (i.e. publicly funded early legal advice). This does not give a complete picture as this is would represent a subset of people with a legal problem - those who want to seek advice from a solicitor and who also qualify for legal aid (i.e. have a legal problem within scope, have a meritorious claim, and satisfy eligibility criteria). Nonetheless, as a proxy, the legal aid data indicates that:

- The proportion of clients in 2017-18 awarded Legal Help were⁷
 - 52% male – slightly above the proportion in the general population (49%⁸)
 - 24% from a BAME background – above the proportion in the general population (14%⁹)

³ Ipsos MORI Table 3.1

⁴ Ipsos MORI Table 4.2

⁵ Ipsos MORI Figure 5.1

⁶ Ipsos MORI Figure 5.2

⁷ Legal Aid Statistics Quarterly (June to September 2018), table 12.4

⁸ <https://www.ethnicity-facts-figures.service.gov.uk/british-population/demographics/male-and-female-populations/latest>

⁹ <https://www.ethnicity-facts-figures.service.gov.uk/british-population/national-and-regional-populations/population-of-england-and-wales/latest>

- 33% with a disability – above the proportion in the general population (17%¹⁰)
- 30% aged between 25-34 – above the proportion in the general population (14%¹¹)

22. Below we have highlighted the equalities considerations, impacts and mitigations of the proposals discussed in the Legal Support Action Plan. In accordance with our legal duties, we will continue to consider equalities impacts as we continue to develop these proposals, and will update our equalities assessment where necessary.

23. The impact on equalities and protected groups will be a focus of any evaluation of proposals discussed in the Legal Support Action Plan, and will be considered in detail prior to any decision to move forward with a proposal.

24. The Government also acknowledges that there are gaps in the data collected about the protected characteristics of those who are granted legal aid. The Legal Aid Agency publish quarterly client statistics on the protected characteristics of race, sex, disability, and age¹². However, no data is collected on other protected characteristics. In addition, there is limited data available on the protected characteristics of those people accessing wider legal support, and this is not collated centrally. Whilst there is some research about the incidence of legal problems and those who access other forms of legal support, it is limited. We are comfortable to proceed at this stage, and one of the intentions of the various pilots proposed as part of our legal support programme is to collect data to improve our evidence base and support future policy development.

Bringing proceedings on Special Guardianship Orders in private family law into scope of legal aid.

Eliminating discrimination

Direct discrimination

25. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

26. We do not think that the extension of legal aid to Special Guardianship Orders in private family law (where there is no risk of abuse to the child) will be indirectly discriminatory within the meaning of the 2010 Act. We are of the view that the extension of legal aid here would impact positively on children and their carers.

¹⁰ Table DC3302EW- Long term health problem or disability by health by sex by age with % calculated and checked from NOMIS 21 May 2013

¹¹ Calculated from ONS 2011 census data for population for each age to give figures for 25-34 age range for comparison.

¹² Legal Aid Statistics Quarterly (July to September 2018), Tables 12.1 -12.5.

27. There is no data on the proportion of people with protected characteristics making an application for a special guardianship order.

Advancing Equality of Opportunity

28. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
29. As stated above, we have considered data on the awarding of legal aid in private family law matters as proxy data. This indicates that there may be some groups that are over represented, for instance, women. If this holds true in the case of those making an application for a Special Guardianship Order, these groups may disproportionately benefit compared to others. We have considered this and think that it is proportionate to achieving the legitimate aim of improving access to justice by providing better legal support.

Fostering Good Relations

30. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

31. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Extending eligibility for non-means tested legal aid for parents, or those with parental responsibility, who wish to oppose applications for placement orders or adoption orders in public family law proceedings.

Eliminating discrimination

Direct discrimination

32. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

33. We do not think that extending access to non-means tested legal aid for parents or those with parental responsibility who wish to oppose applications for placement or adoption orders, will be indirectly discriminatory within the meaning of the 2010 Act. These changes will increase access to legal aid in these cases, and will ensure consistency in our policy on non-means tested legal aid where the state intervenes to permanently remove a child from its parents, against the parents' wishes. From the readily available information, we believe the effect of the change, removing anomalies in the current framework, will have a positive impact on children and their parents.
34. By their very nature, placement and adoption orders will impact children and likely other protected characteristics (e.g. gender), however data on these types of applications is not routinely collected. We think any benefits that are witnessed disproportionately by a specific group as a result of these changes justified as part of a proportionate means to achieve the aim.

Advancing Equality of Opportunity

35. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
36. There is no data on the proportion of people with protected characteristics making an application for legal aid to oppose applications for placement orders and adoption orders. By their very nature, placement and adoption orders will impact children and likely others with protected characteristics, however data on these types of applications is not routinely collected. We think any benefits that are witnessed disproportionately by a specific group as a result of these changes are justified as part of a proportionate means to achieve the aim.

Fostering Good Relations

37. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

38. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Removing the mandatory requirements from the Civil Legal Advice telephone gateway.

Eliminating discrimination

Direct discrimination

39. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

40. We do not think that removing the mandatory requirements from the Civil Legal Advice (CLA) telephone gateway will be indirectly discriminatory within the meaning of the 2010 Act.
41. We only have very limited information to assess accurately whether any groups with protected characteristics may be under or over represented among users of the CLA telephone gateway in the mandatory categories of law. That one of the mandatory categories of law is special educational needs suggests that people with a disability may be more likely to be affected, whilst some data suggests that BAME individuals may also be more likely to be affected by the change. The proposal itself removes the requirement to seek advice through the CLA service first, the same eligibility requirements will apply, and the same people will be receiving legal aid as do at present. Should people wish to continue to access remote advice, they will continue to be able to. Therefore, we do not think that this proposal is indirectly discriminatory within the meaning of the 2010 Act.

Advancing Equality of Opportunity

42. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

43. The limited available data suggests that people with a disability and BAME individuals may be more likely to benefit from this proposal. We have considered this and think that it is proportionate to achieving the legitimate aim of improving access to justice by providing better legal support.

Fostering Good Relations

44. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

45. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Improvements to the Exceptional Case Funding Scheme.

Eliminating discrimination

Direct discrimination

46. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

47. We do not think that our proposals to improve the Exceptional Case Funding (ECF) scheme will be indirectly discriminatory within the meaning of the 2010 Act. These changes are focused on improving user access to the ECF scheme, and improving user experience by providing for timely funding determinations.

48. The limited data available suggests that the ECF scheme is disproportionately accessed by BAME individuals when compared to the general population, likely because of the high proportion of ECF applications that concern immigration matters. However, these changes will have a positive effect on those individuals without any identified disadvantage to others with protected characteristics. We currently consider that the proposal will not indirectly discriminate.

Harassment and Victimisation

49. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

Launching a campaign to promote awareness of legal support.

Eliminating discrimination

Direct discrimination

50. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

51. This policy will involve MoJ and the Legal Aid Agency taking steps to improve awareness of how people can access support to help them resolve their legal problems, including, where appropriate, how to access legal aid. We will also build awareness of legal aid and mediation into our work to improve signposting.
52. The target audience for any improved awareness of legal support, including legal aid, will be those that are not currently aware or clear of how to access this. We do not hold data on those people who do not seek legal aid, or wider legal support, but may do if they were aware.
53. As such we cannot accurately assess the extent to which any protected group may or may not benefit from this proposal. When analysing the impact of any initiatives to promote awareness, we will seek to identify the impact of this on groups with protected characteristics.
54. In addition, we will seek to ensure that those with protected characteristic are not disadvantaged or excluded from this awareness raising campaign, and so we will ensure that the information is widely available in a variety of formats and will make reasonable adjustments where necessary to ensure inclusiveness for disabled people. At this stage, we do not think that this proposal will be indirectly discriminatory within the meaning of the 2010 Act.

Advancing Equality of Opportunity

55. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity. As this campaign aims to improve people's awareness of their entitlement to legal support, we think it will have a positive impact on advancing equality of opportunity.

Fostering Good Relations

56. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

57. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Piloting early legal advice in a specific area of social welfare law.

Eliminating discrimination

Direct discrimination

58. Our assessment is that this pilot will not be directly discriminatory within the meaning of the 2010 Act. The pilot is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

59. We do not think that the proposed pilot of face to face pilot of early legal advice in a specific area of social welfare law will be indirectly discriminatory within the meaning of the 2010 Act.

60. We do not have the necessary information on the demographics of those who may seek early legal advice under the pilot to accurately assess whether any groups with protected characteristics may be under or over represented. The existing legal aid data on Legal Help for housing matters indicates that people with disabilities, in particular long-standing illnesses or mental health conditions may be over-represented. Were this proportion to also apply to recipients of Legal Help for a specific area of social welfare law, such as housing benefit law, then these groups may benefit more greatly when compared to other groups if the pilot is focused on housing benefit matters.
61. A key objective of this pilot is to develop evidence on the people using these services, which – as above – is an existing limitation in policy development. Through the data gathering in each pilot, we will specifically gather evidence on utilisation and access by people with protected characteristics so that we can better inform future policy.

Advancing Equality of Opportunity

62. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
63. Providing access to early legal advice for a specific area of social welfare law has the potential to improve outcomes and support access to justice by better supporting people to resolve problems at an early stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

64. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

65. We do not consider there to be a risk of harassment or victimisation as a result of this pilot.

Face to face legal support hubs pilot.

Eliminating discrimination

Direct discrimination

66. Our assessment is that this pilot will not be directly discriminatory within the meaning of the 2010 Act. The pilot is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

67. We do not think this pilot will be indirectly discriminatory within the meaning of the 2010 Act. This pilot is focused on co-ordination of provision of services, and should, if successful, enhance legal support available to those accessing the pilot services. The same service will be provided to all users of the service and no distinction based on protected characteristics. The providers of the services affected by this pilot will be

from the advice sector, though specific details on location and scope are yet to be finalised, and will be determined through further consultation with stakeholders.

68. This pilot will be supporting the provision of services for those who access them. Given this pilot focuses on physical co-location, those who are not able to access the physical location in which these services are provided will not be able to benefit from the available services. The demographics of people able to access these services will depend on the geographical location(s) in which the pilots are located, which are to be determined through further consultation with stakeholders.
69. A pilot of face to face services may, in particular, mean that those with a physical disability, or another disability which limits ability to travel to a specific location may not be able to benefit from the services offered through this pilot. In addition, those with caring responsibilities, which the available information does indicate are more likely to be women¹³ may also be less able to benefit from face to face services.
70. Though there is limited data into the existing client base of people seeking face to face advice services across England and Wales and the extent to which people with protected characteristics, specifically those with a disability, are unable to access these services. As part of our evidence gathering for this project, we will consider the use of these services from people with protected characteristics, when compared to other pilot services (e.g. telephone, online), and the efficacy of reasonable adjustments that are being or can be made to support those accessing face to face advice. Whilst there is some research about the incidence of legal problems and those who access other forms of legal support, it is limited. One of the intentions of this pilot, as part our legal support programme, is to collect data to improve our evidence base and support future policy development.

Advancing Equality of Opportunity

71. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
72. Improving access to and efficacy of the legal support available to people has the potential to improve outcomes and support access to justice by better supporting people to effectively engage with processes and resolve legal problems at an early stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

73. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

74. We do not consider there to be a risk of harassment or victimisation as a result of this pilot.

¹³ Such as Office for National Statistics, Carers UK

Online signposting legal support pilot.

Eliminating discrimination

Direct discrimination

75. Our assessment is that this pilot will not be directly discriminatory within the meaning of the 2010 Act. This pilot is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics. The same service will be provided to all users of the service.

Indirect discrimination

76. We do not think this pilot will be indirectly discriminatory within the meaning of the 2010 Act. This pilot is focused on co-ordination of provision of online services, and should, if successful, enhance legal support available to those accessing the pilot service.

77. This pilot will be supporting the provision of services for those who access them. Given the services will be provided online, any positive access to justice benefits delivered by this service will be accessible only by those with the capability and willingness to access the service. Whilst the data indicates a large proportion of people with or without legal problems are able to access online services, there will be a cohort of people not able to benefit from these services (assuming they provide a benefit). For instance, people without sufficient capability to navigate online or text heavy services. We will seek to ensure that those with protected characteristics are not disadvantaged or excluded from this awareness raising campaign, and so we will ensure that the information is widely available in a variety of formats and will make reasonable adjustments where necessary to ensure inclusiveness. However, the nature of this pilot may mean that some people with a disability that limits their ability to access online services may not be able to access, and benefit from, these services to the same degree as other groups.

78. One of the intentions of this pilot, as part of our legal support programme, is to collect data to improve our evidence base and support future policy development. Through the data gathering in this pilot, we will specifically gather evidence on utilisation and access by people with protected characteristics to inform future policy.

Advancing Equality of Opportunity

79. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

80. Improving access to and efficacy of the legal support available to people has the potential to improve outcomes and support access to justice by better supporting people to effectively engage with processes and resolve legal problems at an early stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

81. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

82. We do not consider there to be a risk of harassment or victimisation as a result of this pilot.

Telephone signposting legal support pilot.

Eliminating discrimination

Direct discrimination

83. Our assessment is that this pilot will not be directly discriminatory within the meaning of the 2010 Act. The pilot is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

84. We do not think this pilot will be indirectly discriminatory within the meaning of the 2010 Act. This pilot is focused on delivering more effective signposting and triage support through the telephone gateway, and should, if successful, enhance support available to those accessing the pilot service. The same service will be provided to all users of the service with no distinction based on protected characteristics.

85. This pilot will be supporting people to access, and increasing people's awareness of, the support that is already available. Given the services will be provided via the telephone, any positive access to justice benefits delivered by this service will be accessible only by those with the capability and willingness to access the service. Whilst the data indicates a large number of people with or without legal problems are accessing this telephone service, there will be a cohort of people not able to benefit from these services (assuming they provide a benefit). For instance, people without access to telephones. The telephone service already offers services in different services, and includes reasonable adjustments for those with disabilities, and we do not think providing support through this service indirectly discriminates against a protected group.

86. We think that given this pilot is intended to have a positive effect on access to justice, and has been developed alongside a 'multi-channel' cadre of pilots to ensure potential benefits are as inclusive as possible, any benefits that are witnessed disproportionately by a specific group by this pilot and associated research is justified as part of a proportionate means to achieve the aim.

87. A key objective of each pilot is to develop evidence on people seeking legal support beyond legal aid, which – as above – is an existing limitation in policy development. Through the data gathering in each pilot, we will specifically gather evidence on utilisation and access by people with protected characteristics to inform future policy.

Advancing Equality of Opportunity

88. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

89. Improving access to and efficacy of the legal support available to people has the potential to improve outcomes and support access to justice by better supporting people to effectively engage with processes and resolve legal problems at an earlier stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

90. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

91. We do not consider there to be a risk of harassment or victimisation as a result of this pilot.

Legal Support funding for innovation.

Eliminating discrimination

Direct discrimination

92. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

93. We do not think that pilots or initiatives that are funded under this scheme will be indirectly discriminatory within the meaning of the 2010 Act. A specified aim of any funding will be to explore new ways to deliver support to people who wish to access support. It is anticipated that the same services would be provided to all users of the service with no distinction based on protected characteristics. It may be that given the nature of a service offered, there may be groups of people with protected characteristics who are disproportionately impacted either positively or negatively. Consideration of any impacts will be ongoing.

94. The extent to which initiatives funded under this scheme may indirectly discriminate under the meaning of the Act will depend on the nature of the initiatives that are funded, however we do not think the implementation of the scheme in itself is indirectly discriminatory within the meaning of the 2010 Act. Prior to awarding any funding, we will make an assessment on whether this would be indirectly discriminatory within the meaning of the Act and whether this would be justified.

95. It is likely that at least some of the initiatives will involve the delivery of legal support through digital or otherwise remote means.

Advancing Equality of Opportunity

96. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

97. Improving access to and efficacy of the legal support available to people has the potential to improve outcomes and support access to justice by better supporting people to effectively engage with processes and resolve legal problems at an early stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

98. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

99. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Enhancing legal support for litigants in person.

Eliminating discrimination

Direct discrimination

100. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to enhance the support offered to people as they resolve their legal problems, with no distinction in the support offered based on protected characteristics.

Indirect discrimination

101. We do not think that pilots or initiatives that are funded under the Litigants in Person Support Strategy will be indirectly discriminatory within the meaning of the 2010 Act. They are intended to improve support to those entering the court system without legal representation. Services funded under the scheme are inclusive of face to face support at the court, and online support same services would be provided to all users of the service and no distinction based on protected characteristics.

102. We do not have the necessary information on the demographics of those who are unrepresented in the courts to assess accurately whether any groups with protected characteristics may be under or over represented. The data on incidence of legal problems indicate that there may be some groups that are over represented if the same proportions read through though this is not clear. Were any groups to be over represented in accessing services funded under this scheme they may disproportionately benefit from them compared to other groups. The scheme funds a mix of face to face and remote support so improved services under both will not disproportionately affect a particular user of one form of support over another.

103. One of the intentions of this pilot, as part of our legal support programme, is to collect data to improve our evidence base and support future policy development. Through the data gathering in each pilot, we will specifically gather evidence on the impact of the pilot on people with protected characteristics to better inform future

policy development, in particular to help inform decisions on the wider roll out of the proposal.

Advancing Equality of Opportunity

104. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

105. Improving access to and efficacy of the legal support available to people has the potential to improve outcomes and support access to justice by better supporting people to effectively engage with processes and resolve legal problems at an early stage. There is limited data on the incidence of legal problems amongst different demographics, though what data does exist implies that there may be greater incidence of legal problems amongst some protected groups (e.g. disability, gender). Should this pilot be successful, provision of more effective legal support should help advance equality of opportunity.

Fostering Good Relations

106. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

107. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Monitoring and Evaluation:

108. Going forward, we will continue to monitor the equalities impacts of these proposals, revising our equalities assessment where necessary.



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