



Government  
**Equalities** Office

Putting equality at the heart of government

# New Equality Advisory and Support Service Specification

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## SECTION 1: CONTEXT

### 1 BACKGROUND

- 1.1 The Government Equalities Office (GEO) is commissioning a new Equality Advisory and Support service. The service is intended to replace the helpline currently run by the Equalities and Human Rights Commission (EHRC).
- 1.2 A Review was carried out by GEO between August to October in 2010. The Review asked two fundamental questions: firstly, should government continue to fund information, advice and support for potential victims of discrimination and secondly, should the EHRC continue to be responsible for delivering this service.
- 1.3 The Review concluded that Government should continue to fund information and advice to potential victims of discrimination and human rights breaches. This was because of Government's commitment to ensuring access to justice and, in particular, to helping people to resolve their problems informally (i.e. before the point a claim is made and even before it is necessary to access formal alternative dispute resolution). The Review also concluded that the Government should not fund the EHRC to deliver this service. Therefore, Government has decided that it will commission a new service from a private sector or civil society organisation or a combination of both.
- 1.4 All terms used in this specification are defined in a glossary attached at [Appendix 8](#). We expect all potential suppliers to comply with all law having effect in the UK. We would expect the provider or providers of this new service to have particular regard to the spirit of the Equality Act 2010. We use the term "new service provider" throughout this specification to refer to a sole company/body, prime contractor with one or more named sub contractors, consortium or special purpose vehicle.

### 2 STRATEGIC VISION FOR THE NEW SERVICE

- 2.1 Although we have a strong strategic vision for the new service, there are no preconceptions about how to deliver it. We want to encourage potential suppliers to think carefully about how best (through innovative business models) to achieve the strategic vision.
- 2.2 This new service is for individuals or their representatives (e.g. their advocates) who are the potential victims of discrimination and where

appropriate human rights breaches.<sup>1</sup> This service is to be available to individuals in Great Britain regardless of their financial means.

### ***A service for England, Scotland and Wales***

2.3 The service must cater for the needs of individuals in England, Scotland and Wales. These needs may differ as major services such as health are devolved and Scotland has its own separate education and legal systems. The landscape of organisations offering information, advice and support on discrimination varies greatly across each country within Great Britain. In Wales, for example, there is currently a dearth of established advice agencies with the gap being filled by small voluntary and community sector organisations. The following is a summary of the key ways in which the new service must meet the needs of users in Scotland and Wales.

#### **SCOTLAND**

The new service must be delivered with a full appreciation of the distinctive constitutional, legal, social and policy context in Scotland in order to provide appropriate information, advice and support for individuals in Scotland.

The new service will need to be fully accessible to those living in Scotland. The new service must be capable of providing advice and support on discrimination and where appropriate human rights issues. This will require a strong understanding of the different:

- legal, social and policy environment (for example court procedures are different in Scotland);
- public and third sector architecture (including voluntary and community based organisations and those organisations providing advocacy).

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<sup>1</sup> Dealing with queries (via telephony) from employers and service providers is not within the scope of the new service. However the new service's website will be available to all. There is no robust data available on the number of queries received by the EHRC helpline from employers/ service providers, but they estimate this number is very low.

<sup>2</sup> Strategic relationships are defined as relationships between institutions based on a clear understanding of what each organisation brings to the relationship and to assisting clients. These relationships are different from those based on personal contacts and relationships between particular individuals in different organisations which may well be ad hoc.

<sup>3</sup> Civil law justiciable causes are defined as discrimination, consumer, employment, neighbours, owned house, rented housing, homelessness, money/debt, welfare benefits, divorce, relationship breakdown, domestic violence, children, personal injury, clinical negligence, mental health, immigration and police treatment.

The new service provider must develop strategic relationships<sup>2</sup> with relevant organisations within Scotland (e.g. Citizens Advice Scotland, Acas Scotland and community and voluntary based organisations) and to build specific knowledge of the Scottish discrimination and human rights information, advice and support landscape for civil law justiciable causes.<sup>3</sup>

In Scotland, there is a separate Scottish Human Rights Commission (SHRC). Therefore, it will be important for the new service provider to develop a strong strategic relationship with the SHRC.

Management information collected by the new service relating to clients from Scotland, or incidents relating to Scottish organisations will need to be shared with the EHRC in Scotland, in accordance with the principles set out in [section 39](#) of the specification.

## **WALES**

The new service must be delivered with a full appreciation of the distinctive constitutional, legal, social and policy context in Wales, in order to provide appropriate information, advice and support for individuals in Wales. The recent referendum has given the National Assembly more direct law-making powers and successive Government of Wales Acts have placed a statutory duty on the Welsh Government to promote equality of opportunity for all.

Information, advice and support delivered by the new service will need to be fully accessible, in both the English and Welsh languages, to those living in Wales. The current EHRC helpline is providing the service bilingually and it is expected that the new service will develop its own Welsh Language Scheme (a requirement of the Welsh Language Act 1993) and offer its services bilingually. The new service provider should be aware that the Welsh Language (Wales) Measure 2011 confirmed the official status of the Welsh language in Wales and introduces a new system of Welsh Language standards as a means of ensuring access to services through the medium of Welsh. From 1st April 2012 there will be a gradual process whereby Welsh language schemes are replaced by Welsh language standards, imposed and enforced by the new Welsh Language Commissioner.

The new service provider must be able to develop and maintain relationships with key organisations and services in Wales. The new service provider must develop strategic relationships with relevant organisations within Wales and to build specific knowledge of the Welsh discrimination and human rights information, advice and support landscape for civil law justiciable causes<sup>4</sup>. There is currently a shortage of

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<sup>4</sup> Definition of justiciable causes in footnote 3.

established advice agencies in Wales, so the gap is filled by small grassroots voluntary and community sector organisations.

Management information collected by the new service relating to clients from Wales, or incidents relating to Welsh organisations will need to be shared with the EHRC in Wales, in accordance with the principles set out in [section 39](#) of the specification.

### ***An accessible service***

- 2.4 The new service must be fully accessible to people with disabilities. This includes people with: sensory and/or physical impairments, mental health conditions, learning disabilities and those who have long term health conditions. It is also important that this service is fully accessible for those whose first language is not English.

### ***Working with other organisations in the field***

- 2.5 The new service will need to add value to the existing provision of information, advice and support on discrimination and human rights issues. It must avoid unnecessary duplication and facilitate cooperation amongst the various organisations that are already involved in the information, advice and support system for civil law justiciable causes. We will therefore expect the new service to develop strategic relationships that enable it to provide locally tailored support across the whole of Great Britain.
- 2.6 In order to achieve this, the new service provider will be responsible for developing strong strategic relationships with local, regional and national organisations (partners). These relationships will need to encourage proactive and partnership working that utilises local social capital<sup>5</sup> (e.g. pre existing relationships local advisors may have with local employers or service providers), to provide an effective solution for clients. The referrals these organisations (and other bodies or individuals) make to the new service will be the main gateway through which clients can access the help and support it will provide (refer to [section 8](#) for further details).

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<sup>5</sup>**Social capital** is a sociological concept, which refers to connections within and between social networks. Though there are a variety of related definitions, which have been described as "something of a cure-all" for the problems of modern society, they tend to share the core idea "that social networks have value. Just as a screwdriver (physical capital) or a university education (human capital) can increase productivity (both individual and collective), so do social contacts affect the productivity of individuals and groups. Within this context local social capital is defined as the nexus of relationships and history that locally based organisations from all sectors have with each other.



### **Work-related contacts**

- 2.7 To note that with respect to contacts from clients about work-related discrimination, the new service should not deal with client journey 3 (refer to [section 6](#) for descriptions of the different client journeys). These clients should be helped by Acas advisory services. The new service will therefore refer to Acas advisory services any work-related client journey 3 contacts that come to it. Where the individual needs more help and support than it is appropriate for Acas advisory services to provide, the new service will classify this as client journey 4 or 5. Therefore client journey 4 and 5 contacts will be referred for help and support to the new service if clients have already sought information, advice and guidance from Acas advisory services and the client continues to need more help and support than it has been appropriate for Acas advisory services to have provided them with.
- 2.8 For work-related client journey 4 cases where the next step is interaction with the employer, then so long as the eligibility criteria are met and the client consents, the new service will hand the case over to Acas pre-claim conciliation services. The new service's advisors should not speak directly with employers, in any set of circumstances, for work-related discrimination cases. The respective roles of the new service and Acas for work-related matters as set out above apply to all aspects of the specification set out below.
- 2.9 Nothing in the below specification should be interpreted as a legally and/or contractually binding requirement on Acas. We expect the new service provider to develop Memorandums of Understanding (MoU) setting out working arrangement with Acas, Citizens Advice, the Community Legal Advice Line (England and Wales), and the Scottish Legal Aid Board.

### **Main functions**

- 2.10 This new service will:
- a. provide information<sup>6</sup> on discrimination and human rights issues
  - b. give **bespoke advice**<sup>7</sup> which applies the law to an individual's circumstances, by explaining:
    - options for informal resolution
    - legal rights and remedies within discrimination (and equal pay) and human rights legislation<sup>8</sup>

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<sup>6</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

<sup>7</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

- relevant timescales within which any claim would need to be brought and if informal resolution is not possible:
  - for work-related cases, acting, if the client agrees, as a source of referral to Acas pre-claim conciliation services. (We would want advisors to be able to apply the pre-claim conciliation eligibility criteria so that if a client consents the advisor can directly hand them over to Acas pre-claim conciliation services.) The point at which clients are handed over would be the point at which the next step is some form of interaction with the employer or ex-employer
  - acting, if the client agrees, as a source of referral to conciliation/mediation services<sup>9</sup> for discrimination arising from problems in non-work related areas such as services<sup>10</sup>, education or accommodation. We would expect the new service provider to engage with providers delivering mediation and conciliation services relevant to the field of the case and to develop effective referral relationships.
- c. take the action<sup>11</sup> set out below when formal alternative dispute resolution (e.g. pre-claim conciliation) has not been successful or when time limits mean steps may need to take place at the same time as mediation and conciliation or when the client does not want to be referred for conciliation or mediation:

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<sup>8</sup> The Equality Act 2010 and the Human Rights Act 1998. In practice the new service's advisors are unlikely to have the specialist legal knowledge required to advise clients whose situation raises issues about other legislation.

<sup>9</sup> Currently, parties can obtain a civil mediator in England and Wales by phoning the National Mediation Helpline (NMH) and arranging a time-limited mediation at a fixed fee with an accredited mediation provider. From 1 October, parties will no longer need to phone the NMH, but will be able to find an accredited mediator themselves through a newly designed website. Law works can provide a free mediation service for those who cannot afford to pay. Once a case has been issued in court, and has been allocated to the small claims track (generally cases with a dispute value under £5,000), they will be offered referral to the HMCS Small Claims Mediation Service – parties currently pay no extra for this service, and the mediation is usually conducted by telephone. The MoJ has recently consulted on proposals for automatically referring all small claims cases to mediation and a response to that consultation is expected to be published in October 2011. An equivalent level of service is provided in Scotland by the Scottish mediation helpline. EHRC currently commissions a conciliation service from Mediation Works using its powers to make provision for conciliation in non-work-related cases as a means of securing compliance with the law without resorting to the courts. GEO has consulted on removing this power as part of focussing the Commission on its core remit and to avoid duplication with the services mentioned above. The Government will respond to the consultation shortly.

<sup>10</sup> Services include shops, GP surgeries, hotels, leisure centres and restaurants. They do not include work, education or accommodation.

<sup>11</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

- give information about the procedures for taking forward court/tribunal proceedings
  - give information about where to get legal advice from a qualified lawyer<sup>12</sup>, from the relevant jurisdiction<sup>13</sup>, where appropriate
  - refer potentially strategic cases to the EHRC for them to consider funding (refer to [Appendix 2](#) for an example of this)
  - recognise where a claim involves another specialist area outside of discrimination and/or human rights law, and refer the client to an appropriate source of advice on that aspect of the claim.
- d. provide in some cases<sup>14</sup> support to the individual for pre-claim actions e.g.
- explaining and helping with the procedure for completing forms e.g. the questions and answers forms
  - advising how to complete appropriate court/tribunal forms
  - taking a brief case-history and advising the client on what documentation to assemble.
- 2.11 In the case of pre claim support, the advisor is supporting the individual but not representing or assisting the individual in the way that a qualified lawyer would do<sup>15</sup>. It is the responsibility of the new service to ensure that their advisors do not exceed their remit and lead clients to believe they are providing legal advice as would be provided from a qualified lawyer. The new service provider will have to train and supervise advisors to a level sufficient to ensure that they are up to date with new developments in the law across England, Scotland and Wales, and that a sufficient number of advisors are able to deal with novel or complicated problems.
- 2.12 In each of the above instances, advisors will not be advising on the merits of a particular case. Their role is to identify whether there is a potential breach of discrimination law and if so to advise clients on the options available to resolve the matter. If, on the basis of the evidence provided, the advisor is of the opinion that there has not been any breach of discrimination law they should advise the client of this.

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<sup>12</sup> Legal advice is defined as advice provided by a professionally qualified lawyer (solicitor, barrister, legal executive) or a caseworker working under the direct and close supervision of a professionally qualified lawyer or a person who is otherwise accredited to provide legal advice on the relevant area of law.

<sup>13</sup> The jurisdiction is determined by the courts system in Great Britain and may be either England and Wales or Scotland. Where it is the most appropriate referral, we would expect clients from Wales to be referred to a lawyer in Wales and from England to a lawyer in England.

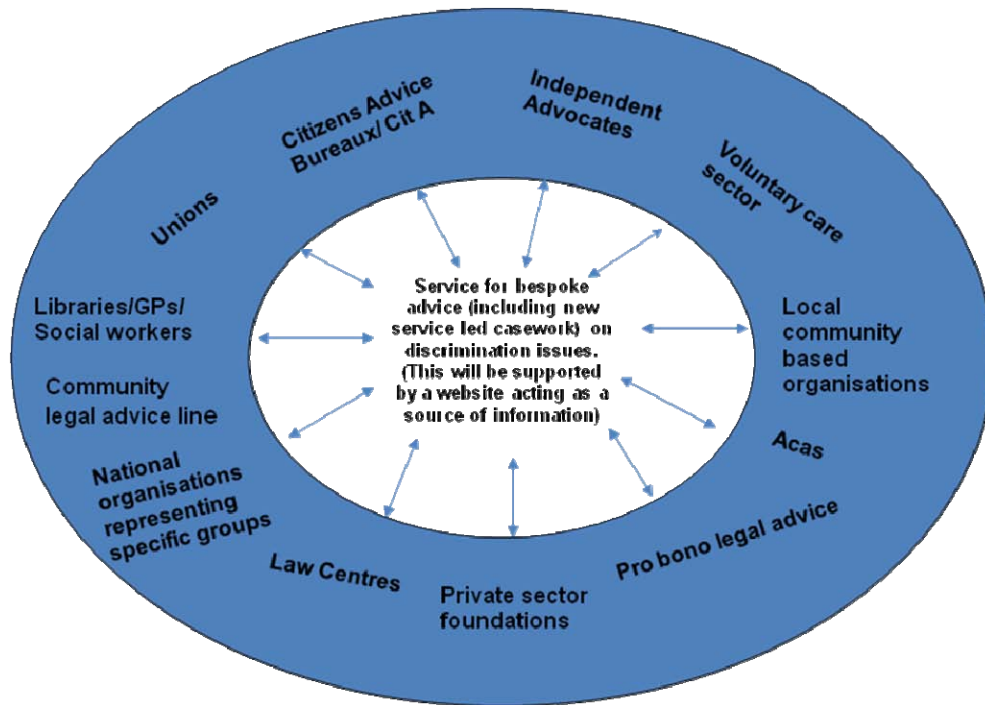
<sup>14</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

<sup>15</sup> This also includes caseworkers working under the close supervision of a qualified lawyer

### 3 AUDIENCES

- 3.1 The key client for this service is the individual who is the potential victim of discrimination. The service will also provide information and basic advice (client journey 3) for potential victims of human rights breaches. The client may not necessarily recognise that they have been discriminated against, because discrimination does not always present as the most pressing or urgent cause. Often, the more obvious issues will be impending homelessness, unemployment or relationship breakdown as a result of discrimination.
- 3.2 Evidence suggests that the individual (target audience) is unlikely to call the new service directly. They are more likely to:
- i. approach a local community based organisation or a individual (e.g. a GP) with whom they already have a strong bond of trust
  - ii. speak with their union representatives if they are a member of a union;
  - iii. call a telephone helpline whose brand they know and trust (e.g. the Citizens Advice services Adviceline England and Adviceline Cymru, Citizens Advice Scotland or Acas)
  - iv. approach other reputable organisations within the voluntary and community sector (e.g. an advocacy group).
- 3.3 It is important that partners who are likely to be the first points of contact for such individuals are able to identify where discrimination is the substantive/main underlying issue. Therefore the other key audiences for this service are the first points of contact (partners) who will need to provide appropriate referrals to the new service. The diagram below shows some of the many organisations the new service should receive referrals from or make referrals to. Referrals from these partners should be the key gateway into the new service (refer to [section 8](#) of the specification for more details).

## Referral relationships



**Figure 1: Referral partners for the new service**

- 3.4 Some examples of key organisations (partners) are set out below, although this is not a comprehensive list.
- EHRC
  - Acas
  - Acas also handles call for *Equality Direct*. This is a confidential equality advice service for small businesses.
  - Citizens Advice/CABx
  - Citizens Advice Scotland
  - Local community based groups (particularly important in Wales where there is a dearth of existing advice agencies)
  - Independent Advocacy groups
  - Community Legal Advice line (CLA)
  - Advice UK (independent advice centres)
  - Age UK
  - Advice Now
  - Law centres (England)
  - Scottish Association of Law Centres
  - Scottish Legal Aid Board

- Law Society of Scotland
- Law Works (Scotland)
- Community Legal Advice Centres
- Trade Unions
- Free Representation Unit
- Bar Pro Bono Unit
- Law works
- Liberty
- The British Institute of Human Rights
- Scottish Commission of Human Rights
- Hate incident/hate crime reporting agencies

3.5 As set out in the Government's [Review of Information, Advice and Support on discrimination and human rights issues](#), there are national variations in the need for information, advice and support. For example, *Snakes and Ladders: Advice and Support for Employment Discrimination Cases in Wales* (2003) identified a high level of unmet need. One reason for this is that the Welsh labour market is characterised by a high number of small and medium sized enterprises where the mechanisms for supporting people with discrimination problems (e.g. trade union membership) are more likely to be lacking. In Scotland there are concentrations of advice centres providing face to face contacts centred around large urban areas such as Glasgow, Edinburgh, Dundee and Aberdeen. However, there are also many small towns and rural areas where there are fewer advice centres (for example Dumfries and Galloway, the Borders and the Highlands and Islands).

## 4 SERVICE REQUIREMENTS

- 4.1 The new service is not intended to be a source of legal advice; that should only be provided by professionally qualified lawyers. Advisors will be expected to be sufficiently well trained to:
- a. provide bespoke advice which applies the law to an individual's specific circumstances<sup>16</sup>
  - b. be able to proactively assist an individual in resolving their problems while they remain at the informal stage and to make effective use of local social capital (e.g. pre existing relationships local advisors may have with local service providers) in achieving this objective. The

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<sup>16</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

client journeys set out at [Appendix 2](#) provide further details of the nature of this support and the different processes the new service provider will need to follow for work-related cases and those about other areas such as services<sup>17</sup>, education or accommodation<sup>18</sup>. The new service should empower people to resolve their problems informally and act to prevent further issues by influencing and sharing relevant aggregated management information with local partners/first points of contact

- c. provide (only in certain circumstances) help for individuals in representing themselves by providing some basic pre-claim support. Pre-claim support is most likely to be relevant where a contravention is in the past. Examples<sup>19</sup> of pre-claim work include:
- explaining and helping with the question and answer form/process;
  - advising how to complete tribunal forms;
  - taking a brief case history and advising the client on what types of documentation to assemble.

4.2 If the client decides to take formal action which may involve participating in formal alternative dispute resolution or initiating legal proceedings then the advisor is not able to represent the individual. Therefore with respect of pre claim support, the advisor can help the individual complete the ET forms, but they should not be completing the form/process for the client or on the client's behalf. Equally, they will be able to advise the client on the meaning of the questions asked in tribunal forms and the types of documentation needed for the tribunal process (in line with the guidance on the tribunal process), but they would not be advising on the strength of the case.

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<sup>17</sup> Examples of services include shops, GP surgeries, hotels, leisure centres and restaurants. The definition of services does not include work, education or accommodation.

<sup>18</sup> "Premises" in the Equality Act 2010

<sup>19</sup> This is illustrative and not an exhaustive list

## 5 SCOPE OF THE SERVICE

5.1 For all clients we expect the service to provide bespoke advice and generalist casework (which we have defined as basic pre-claim support), but not legal advice that can only be provided by a qualified lawyer. The below should be within the remit of the new service:

- explaining what the law is and how it applies to an individual's case,<sup>20</sup> thereby confirming if there has been a potential breach of an individual's rights<sup>21</sup> or if in fact this is not the case
- explaining how the situation could be solved
- in non-work related claims, giving the options for informal resolution<sup>22</sup> where the client requires it. This means supporting the individual in being able to resolve the problem while it remains at the informal stage (which we are defining as being before an individual prepares to lay a claim or engages in formal alternative dispute resolution). Client journeys attached at [Appendix 1](#) give more details about what successful informal resolution might look like. Broadly speaking the new service will itself be able to directly contact the other party to try and resolve the problem while it remains at the informal stage. If the advisor believes that formal alternative dispute resolution is required and the client consents, the individual will be referred to a source of formal alternative dispute resolution
- for work-related discrimination problems, informal resolution is defined as supporting the individual in completing their internal grievance procedures. At the point at which the next logical step would be intervention with the employer, the individual (so long as they consent and the eligibility criteria are met) will be referred to Acas pre-claim conciliation services who will be responsible for contacting the employer in question (i.e. formal alternative dispute resolution).

5.2 It will not always be possible for the problem to be resolved informally or by formal alternative dispute resolution (including where the client either does not consent to use or is not eligible for Acas pre-claim conciliation services). In these instances the new service will:

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<sup>20</sup> Not in work-related discrimination cases except as set out in paragraph 2.7

<sup>21</sup> This refers to rights as allowed for in legislation pertinent to discrimination and human rights

<sup>22</sup> Informal resolution is defined as helping people to resolve their problems before they need to engage in formal alternative dispute resolution or before they begin the first stages of making a claim



- help the individual ascertain if they are eligible for civil legal aid (through use of the online calculator available on Direct Gov <http://legalaidcalculator.justice.gov.uk/calculators/eligCalc?execution=e1s2>) and if so refer them to the Community Legal Advice line. The Community Legal Advice Line does not operate in Scotland. Therefore for clients within Scotland it would be necessary to refer them to the Scottish Legal Aid Board helpline or to its website – [www.slab.org.uk](http://www.slab.org.uk), which also provides an online calculator
- if they are not eligible for civil legal aid, refer them to a source of reasonably accessible legal advice
- if there is no source of reasonably accessible legal advice<sup>23</sup> from a qualified lawyer, provide some basic pre-claim help, to support the individual to represent themselves. The decision of the new service provider, as to which organisation a client is referred to for legal advice, should be determined by considering only who is best placed to meet the needs of the client. This judgement will need to be made by advisors working for the new service. As set out in [section 11](#) we will require management information to be provided to GEO on who the new service is receiving referrals from and making referrals to. This is to ensure that strategic referral relationships are not unduly restricted or limited

5.3 Basic pre-claim support would only apply to relatively straightforward discrimination cases.

5.4 The new service will be accessible via multiple channels, including but not limited to telephone, email and internet. We would anticipate that the new service provider would also consider using digital channels such as mobile apps, SMS, online chat and social media forums. The new service provider must actively consider how to work digitally in partnership with the types of organisations depicted in Figure 1. This might be through embedding information or simple tools in another organisation's website. Where an individual has access to and is able to use digital communication<sup>24</sup>, we would want all information (as opposed to bespoke advice) requests to be dealt with digitally. We also believe that some basic, generic<sup>25</sup> advice requests can be

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<sup>23</sup> Where there are local sources of legal advice of which the new service is aware, the onus would be on the individual to show evidence of/explain why they were unable to access their services. Refer to [paragraph 6.7 iii](#) on how “reasonably accessible” will be defined.

<sup>24</sup> Digital channels are defined as referring to any correspondence via email, websites, SMS, online chat and social media forums.

<sup>25</sup> Generic is defined as advice which is not specifically tailored to a specific set of circumstances.

dealt with digitally. However we expect that all complex enquiries<sup>26</sup> would need to be dealt with by advisors through telephony. In some instances an individual will be unable to understand advice being given over the phone. This might be, for example, because they have learning disabilities or mental health problems. In these instances we will expect the new service to fund an independent lay advocate to provide face to face support for the individual for a limited period of time. This is explained more fully in [section 9](#) and [Appendix 2](#).

- 5.5 The new service provider must develop a strong strategic and operational relationship with the EHRC. It is essential that management information captured by the new service is communicated to the EHRC to inform its research and strategic regulatory activity. The new service must also work with the EHRC to identify potentially strategic test cases which should be referred to the EHRC for them to consider whether to assist clients in legal proceedings. The relationship between the new service and the EHRC is defined in [section 39](#).

## 6 CLIENT JOURNEYS

- 6.1 Outlined below are the main types of client journey the new service will need to address. (Illustrative case study examples of client journeys are provided at [Appendix 1](#).) In order to avoid duplication, for work-related<sup>27</sup> discrimination cases, this new service should assist only those clients who have spoken with Acas advisory services about the problem first. This applies across all client journeys.
- 6.2 **Journey 1** (discrimination and human rights) currently estimated as 15% of total contacts. A client contacts the service with a query that is outside of the remit of the new service (i.e. not relating to discrimination or human rights legislation). In time we would want the proportion of these contacts to decrease significantly to only 2%. This would result from the new service operating effective referral arrangements which ensure that only individuals

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<sup>26</sup> Complex enquiries are defined as all non-information or generic enquiries i.e. any enquiry that requires advice to be tailored to an individual's specific circumstances.

<sup>27</sup> Work related inquiries include the issues covered by Part 5 of the Equality Act 2010 which makes it unlawful for an employer to discriminate against employees and people seeking work. This protection also extends to: partners and people seeking to be partners in the firm; members of an LLP; barristers who are tenants and pupil barristers; advocates; people seeking to be appointed or those appointed to personal offices and public offices; people entering into arrangements with employment service providers; a person applying to be a member of a trade organisation.

with enquires/issues that are within the remit of the new service, are referred to it.

- 6.3 **Journey 2** (discrimination and human rights) currently estimated as 10% of total contacts. This is where a client wants basic information. If the individual is able to access and use digital channels it would be expected that these types of contacts would be dealt with digitally. Therefore in the future we would expect no more than 2% of information/fulfilment enquiries/requests would have to be dealt with by advisors via telephony.
- 6.4 **Journey 3** (discrimination and in the instance of basic advice enquiries, human rights) currently estimated as 25% of total contacts. A client asks the advisor to apply their knowledge of the legislation to the specific instance that the individual is describing. The client feels sufficiently capable and confident to be able to act on the advice and take the matter forward on their own. These would essentially be one-off calls for bespoke advice. We expect that over time there will be a reduction in these types of basic advice requests (as per current figures from the EHRC) to 15%. If the client has a work-related discrimination problem, these cases should be dealt with through Acas advisory services.
- 6.5 Currently the EHRC estimates that 50% of its clients contact the service more than once about the same issue, essentially because they have complex problems. We want the new service to focus on helping people with complex discrimination problems that cannot be resolved through the provision of one-off pieces of bespoke advice (client journey 3). For the purposes of the new service we have defined these types of complex contacts into the two client journeys set out below.
- 6.6 **Journey 4** (discrimination only). A more complex issue about discrimination that is suitable for informal resolution i.e. before laying a claim<sup>28</sup> and/or has not yet been considered for formal alternative dispute resolution. For work-related discrimination enquiries, we would expect partners such as Acas to refer these types of calls to the new service. A complex issue would be defined as one where the client needs additional support. Therefore, for client journey 4, the individual will need additional help and support to resolve an issue.
- The advisor may need to speak with a local advice agency, for example and utilise their local social capital to support the individual in resolving their problem while it remains at the informal stage. As already indicated, there is an important difference in how the new service provider needs to treat discrimination problems related to work and those about other areas such as

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<sup>28</sup> Unless the client is invoking protective proceedings

services, education or accommodation. For the former, at the point at which the next step is direct interaction with the employer, if the client is willing, then the case should be referred to Acas pre claim conciliation services. For the latter, the advisors could directly contact the other party to identify whether and how the situation could be resolved without the need for further escalation.

6.7 **Journey 5** (discrimination only). Where it is not possible for the problem to be resolved informally and the client does not wish to engage in formal alternative dispute resolution the new service will:

- i. help the individual find out if they are eligible for civil legal aid (through assisting them to use the online civil legal aid eligibility calculator, where necessary). If they are, refer them to the Community Legal Advice line or in the instance of Scotland to the Scottish Legal Aid Board helpline or to its website – [www.slab.org.uk](http://www.slab.org.uk), which provides an online calculator
- ii. if they are not eligible for civil legal aid, refer them to a source of accessible legal advice<sup>29</sup> or
- iii. if there is no reasonably accessible source of legal advice available, provide some basic pre-claim support to help the individual to be able to represent themselves. This will vary on a case by case basis, depending to some extent on the personal circumstances of the individual and the availability of reasonably accessible legal advice. GEO and the new service provider will work together to define what we think falls within the definition of ‘reasonably accessible’

6.8 Journeys 4 and 5 reinforce the requirement for the service to develop strong strategic relationships with referral partners. Referral partners include first points of contact that will make referrals to the new service and also sources of legal advice that the new service will make referrals to.

## 7 AREAS NOT WITHIN THE SCOPE OF THE NEW SERVICE

7.1 This service should not deal with issues where the subject matter is not within its remit, and in particular with issues that are not about discrimination or human rights. In time, we would want no more than 2.5% of the calls received by the new service to fall into this category. The approach of obtaining

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<sup>29</sup> This is defined as legal advice that only a professionally qualified lawyer can provide or a caseworker working under the close supervision of a lawyer.

referrals through partners as the principal gateway into the new service will ensure that individuals are referred to the new service when, in the main, their case relates to a discrimination or human rights related problem.

- 7.2 Protocols will need to be applied to deal with individuals who contact the service from other gateways (e.g. those who find out about the new service through the internet). This would include quickly informing people if their enquiry has no locus in discrimination or human rights legislation. Some of the more simple cases could be dealt with through using online tools.
- 7.3 The new service will not provide advice that should only be provided by a qualified lawyer. In no instances will the advisors of the new service be representing the individual when providing pre claim support (client journey 5). Examples of activities that the new service provider should not engage in are set out below - please note this list is illustrative and not comprehensive.
- a. advising on whether to bring a claim (except where protective proceedings are necessary)
  - b. advising on the strength of a case and what evidence is necessary to prove it
  - c. advising on court/tribunal proceedings once a claim is issued.

## 8 GATEWAYS TO THE SERVICE

- 8.1 There are four principal gateways into the new service which are set out below:
- **Gateway 1:** Contacts encouraged by or mediated through referral partners as outlined in Figure 1
  - **Gateway 2:** Contacts through web searches AND also through the new service's digital channels. This will apply particularly to students and researchers whom we would expect to be promptly referred to digital channels. We believe this gateway accounts for a relatively small number of contacts
  - **Gateway 3:** Contacts from the 'established constituency'. These are people who have already used the EHRC helpline (or the Disability Rights Commission/Commission for Racial Equality predecessors) and are therefore aware that such a service exists
  - **Gateway 4:** Means of last resort. As with all public-facing services, there will inevitably be some individuals who are calling the new service as a last resort. It is therefore crucial that this service has a protocol for dealing with distressed clients in a sympathetic and sensitive way.

- 8.2 The principal gateway for the new service should be Gateway 1. **Over time we would want 90% of contacts to this new service to come from referral partners.**
- 8.3 The new service provider will be responsible for developing effective strategic relationships with referral partners that are locally, regionally and nationally based. Research<sup>30</sup> shows that most people who experience a justiciable problem do try to seek help – and the position of first points of contact as ‘problem noticers’ in the fluid structure of advice seeking and advice giving is crucial. The new service provider should be able to help and train referral partners who are first points of contact to be able to identify<sup>31</sup> the early signs of discrimination breaches. The new service provider should have the capability to be able to share data on outcomes with first points of contact so that they can record the outcome they have contributed to (refer to [section 11](#) of the specification for more details).
- 8.4 First points of contact could include:
- **local community and voluntary sector groups** (including community based organisations within Wales where there are currently fewer established advice agencies present)
  - **public sector professionals** (GPs, youth workers etc). For example partner feedback suggests that people with disabilities are unlikely to approach even local advice agencies. The people they may trust in the first instance are health professionals such as GPs, or those providing care in the community
  - **regionally based organisations**
  - **national helplines** with strong brand recognition (those run by Citizens Advice<sup>32</sup> or Acas). We would expect the Acas helpline to refer cases to the new service for individuals who need more help and support in being able to complete the internal grievance procedures than it would be appropriate for Acas Advisory services to provide.
  - **trade unions**

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<sup>30</sup> Understanding Advice Seeking Behaviour: Further Findings from the SRC Survey of Justiciable Problems (Glenn, Pascoe Pleasence, Balmer et al (2004)

<sup>31</sup> The service will only be expected to train first points of contact to identify discrimination. We do not expect the new service provider to train first points of contact to advise on future similar cases themselves.

<sup>32</sup> Adviceline England and Adviceline Cymru

## 9 LAY INDEPENDENT ADVOCACY<sup>33</sup> SUPPORT FOR CLIENTS

- 9.1 There will be some callers to this service who require the support of a lay advocate in order to be able to understand the advice they are being given. These callers will be vulnerable in some way, for example, they may have a learning difficulty. In these instances we would expect the new service to be able to fund some time limited lay independent advocacy support for these clients. This would include making lay independent advocacy support available for an individual experiencing client journey 5 and who is unable to understand the help and support being provided by the new service.<sup>34</sup>
- 9.2 There will need to be clear criteria to determine which individuals will be eligible<sup>35</sup> for this kind of support, agreed with GEO. Examples of client journeys for which people may require such advocacy support are attached at [Appendix 2](#). Advocates will need to work with clients on a face to face basis. We do not expect the need for advocacy services to be overly high, given that we expect that the majority of contacts to be mediated through a first point of contact.

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<sup>33</sup> Advocacy is taking action to help people:-

- express their views
- secure their rights
- have their interests represented
- access information and services
- explore choices and options

Advocacy promotes equality, social justice and social inclusion.

<sup>34</sup> If an advisor believes that a client is in effect traumatised as a consequence of a potential discriminatory event/act and as a direct consequence of this is unable to understand the advice and support being given by the advisor, then subject to the eligibility criteria designed by the new service provider, we would, in the main expect them to be eligible to access lay independent advocacy support. To be clear, the advisor would need to distinguish between clients who are traumatised and those who are distressed, upset or unhappy but still able to understand the advice and support being given. In the case of the latter (i.e. clients who are distressed but able to understand the advice and support being given), we would not expect them to be eligible to access lay independent advocacy support through the new service.

<sup>35</sup> For example advocacy may be made available to a person

- who, through frailty, deteriorating health affecting mental functioning or other circumstances, find their ability to self advocate effectively is impaired
- with learning, physical, sensory or multiple disabilities whose disability affects their ability to self advocate
- who lacks capacity to make some decisions for his or herself (for example, falling within the definitions set out in the Mental Capacity Act 2005 (England and Wales) or the Adults with Incapacity (Scotland) Act 2000)
- who is unable to take care of his or herself or protect themselves from harm or abuse
- who is subject to physical intervention in the management of their care

- 9.3 To help people who are in need of and meet general criteria for advocacy support, a proportion of the budget for the new service (a maximum of £100K to be distributed over the life of the contract)<sup>36</sup> will be ring-fenced for the new service to use to fund independent advocates for them. Potential bidders will need to set out how they would secure the services of an independent advocate who is locally based (relative to the client) and has appropriate experience and/or training<sup>37</sup>.
- 9.4 It will be for the new service to put in place suitable arrangements for securing advocates for clients who need them to understand the advice and support being given. It is important that these arrangements prevent duplication with existing statutory advocacy services for some potential client groups.<sup>38</sup> It is also important that these arrangements avoid disadvantaging small local independent advocacy organisations whose advocates have the necessary experience and training.
- 9.5 The new service provider will need to report on a monthly basis what funding has been spent along with appropriate details explaining the funding decisions made and the details of the advocates used. GEO may consider reviewing the amount of funding available for independent lay advocacy support if there is significantly higher demand than that currently anticipated. If demand for lay independent advocacy support is less than the maximum amount stated within the contract, GEO will only make payment for actual services received.

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<sup>36</sup> This £100k will be within, not in addition, to the maximum value of the contract for the new service.

<sup>37</sup> Examples of evidence of having appropriate experience and training include

- previous experience of working in advocacy
- successful completion of training or a qualification in advocacy, for example courses run by the Scottish Independent Advocacy Alliance or the Independent Advocacy Qualification (England and Wales)
- coming from an organisation that has been awarded or is working towards the Quality Performance Mark (England and Wales).

<sup>38</sup> For example the pre-standing right to an independent mental health advocate (IMHA) which is available to patients subject to the certain aspects of the Mental Health Act 1983 in England and Wales, and the right of access to independent advocacy services to all individuals with a mental disorder in Scotland under the Mental Health (Care and Treatment) (Scotland) Act 2003. Those services are already funded under pre existing arrangements between the Department of Health and primary care trusts in England and Wales, and between the Scottish Government and local authorities and NHS Health Boards in Scotland.



## 10 REFERRAL RELATIONSHIPS WITH PARTNERS

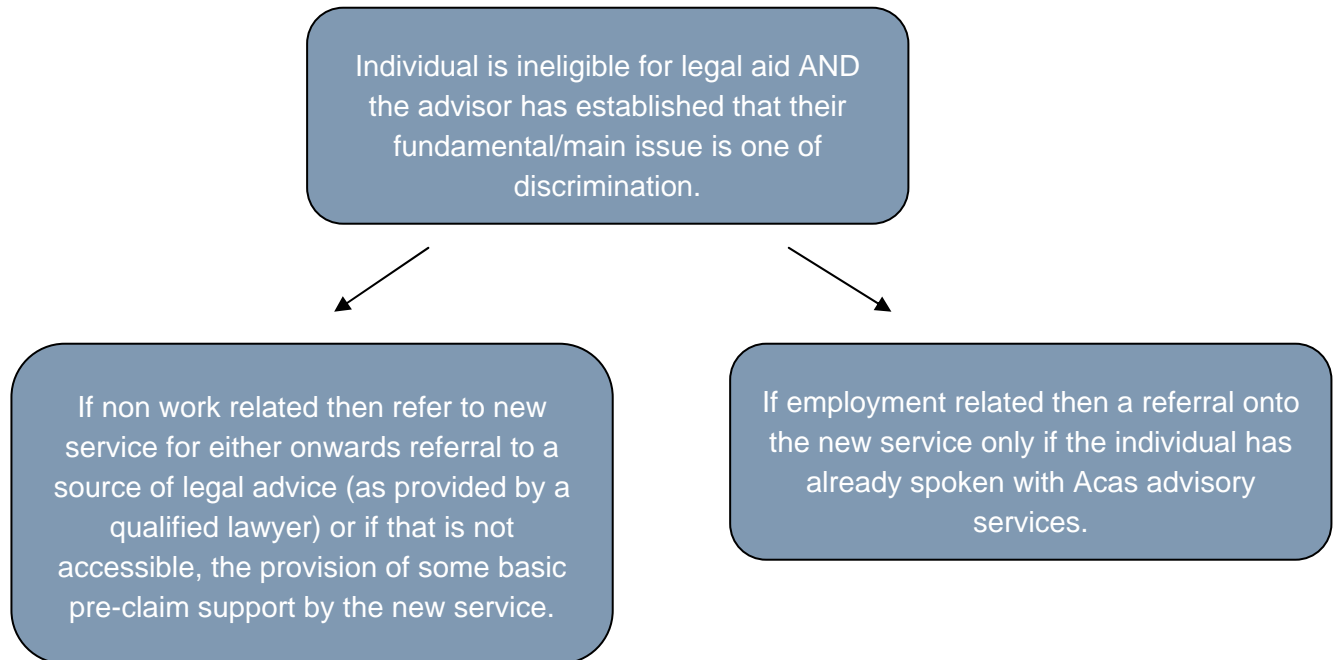
- 10.1 The purpose of strategic referral relationships (which should be based on formal agreements between organisations and the new service rather than being based on personal contacts) is to:
- a. ensure appropriate referrals of people who potentially have a problem or case that is in the main or substantively about a discrimination or a human rights breach
  - b. work collaboratively with these partners to resolve problems while they remain at the informal stage
  - c. enable the new service to make referrals to sources of accessible legal advice<sup>39</sup>
- 10.2 The majority of referrals should come from local partners who have acted as first points of contact. They may advise the individual to contact the service directly or may wish to continue to own the case and simply ask the new service for some bespoke advice specifically about a potential discrimination or human rights breach. There will also however be referrals into and out of the service that relate to three national helplines either fully or partially funded by Government: (a) those provided by Citizens Advice – Advice line England/Wales & Citizens Advice Scotland; (b) Community Legal Advice Line (CLA) which covers England and Wales only and; (c) Acas.
- 10.3 We have suggested illustrative referral mechanisms below for the new service, Acas and CLA. The new service provider will need effective strategic referral relationships with both of these helplines, along with Citizens Advice/CAS national helplines (which will also be responsible for delivering advice on consumer issues as they have taken on the functions of Consumer Direct). Therefore we will expect the new service provider to engage with Citizens Advice/ Citizens Advice Scotland, Acas and the Community Legal Advice line on working arrangements, and cementing this understanding in a MoU.

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<sup>39</sup> Defined as legal advice that can only be provided by a professionally qualified lawyer or a caseworker operating under the close supervision of a qualified lawyer

**Examples of inwards referrals to the new service**

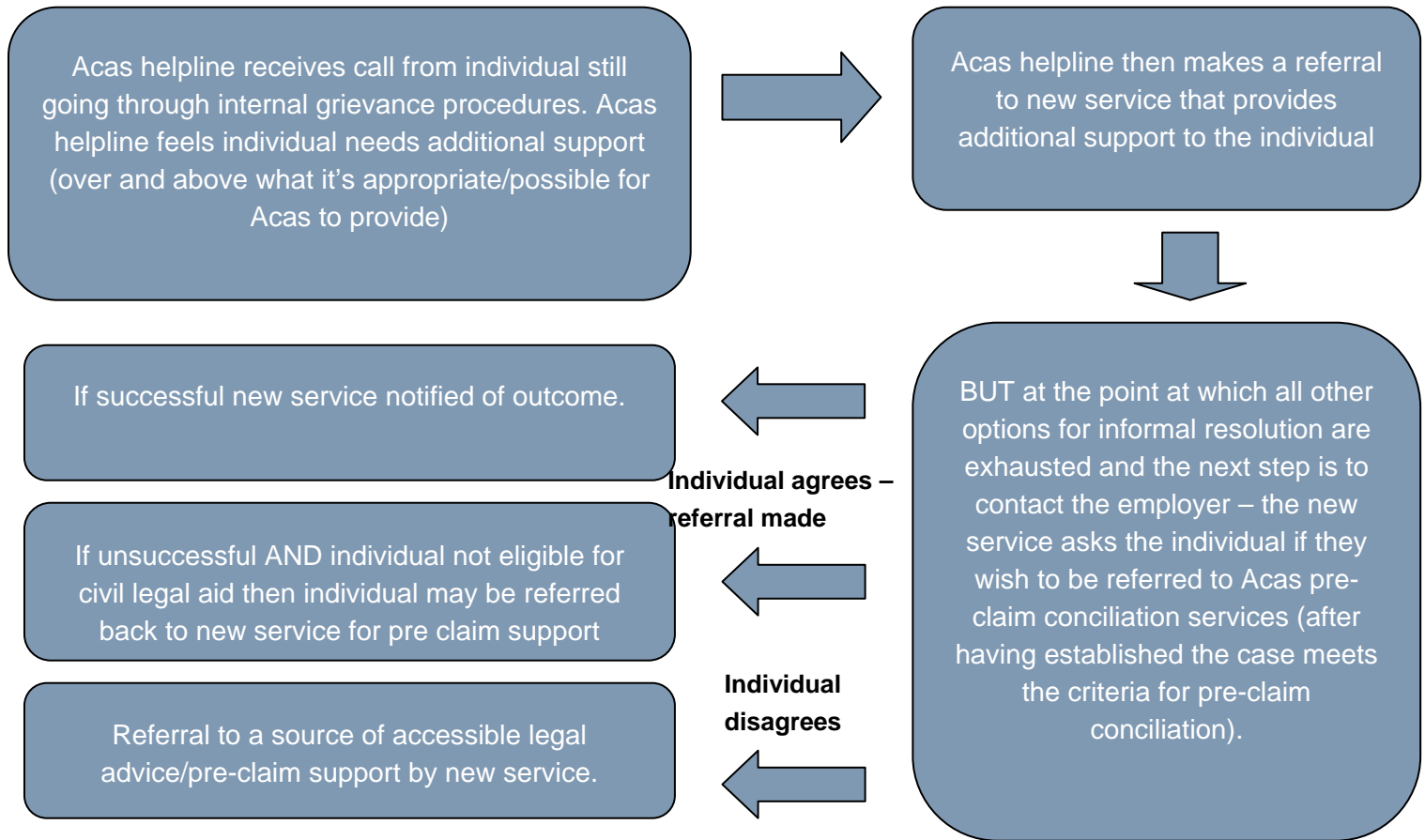
10.4 The Community Legal Advice line could refer someone to the new service, where an individual approaches them, having experienced a discrimination issue. A flow chart of how this referral process might operate is set out below.



**Figure 2: Inwards referrals to the new service from CLA**

10.5 We would expect the new service to have built strong strategic relationships with sources of accessible legal advice from a qualified lawyer. We will expect the new service provider to work with the CLA operator service and also with the Scottish Legal Aid Board helpline, to improve their understanding of what a discrimination case looks like and how to distinguish discrimination from that of other civil law justiciable causes.

10.6 The Acas helpline should also act as a source of referrals to the new service. An **illustration** of how this should operate is set out below.



**Figure 3: Inwards referrals to the new service from Acas and outwards referrals from the new service to Acas pre claim conciliation services**

### ***Outwards referrals from the new service to other national helplines<sup>40</sup>***

10.7 Examples of outwards referrals from the new service are described below.

- a. Where a problem cannot be resolved informally (if it is about work then this is defined as being through the internal grievance procedures), then there should be an onwards referral (assuming the individual consents)
  - For work related cases to Acas pre-claim conciliation services (assuming the eligibility criteria are met). Further information on referrals to Acas pre-claim conciliation services is available at [Appendix 3](#)
  - For non work related areas such as within the context of services, education or accommodation to :
    - other specialist sources of formal pre-claim alternative dispute resolution and/or
    - the EHRC for referral to conciliation services<sup>41</sup> .

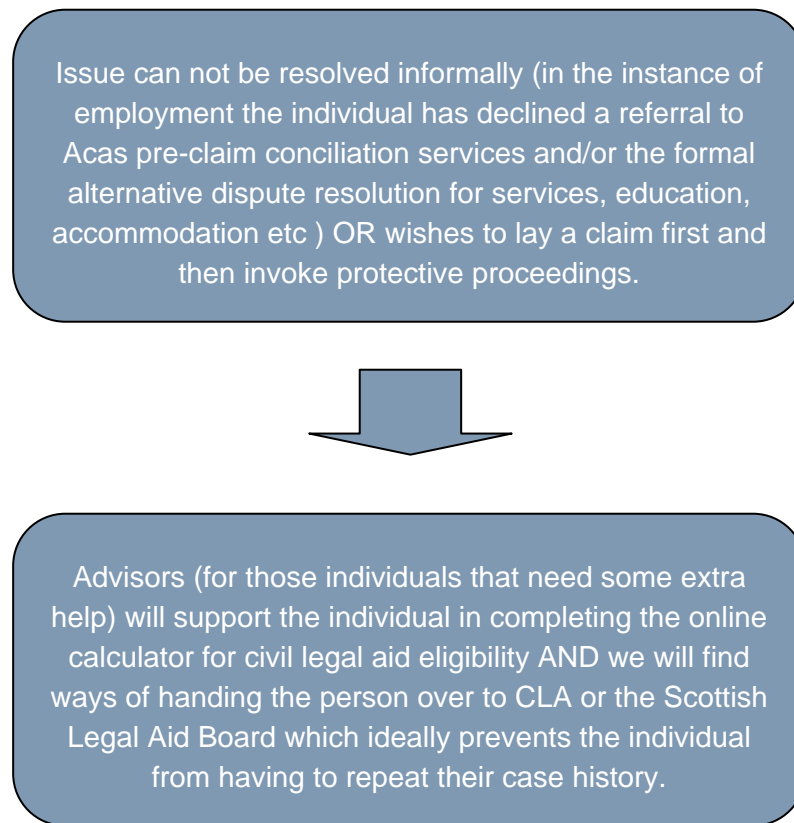
If the client does not wish to pursue formal alternative dispute resolution and wishes to lay a claim, then next steps are as outlined below.

- b. Referral to specialist sources for legal advice from a qualified lawyer
  - Scenario 1 (for those eligible for civil legal aid). The new service will help the client make a judgement regarding eligibility for civil legal aid. For example, it will assist a client (where necessary) in completing the online civil legal aid calculator which is available on the Directgov website. A similar calculator is available on the Scottish Legal Aid Board's website. The new service provider should engage with the Community Legal Advice line to find the most effective ways of being able to hand over clients who are eligible for civil legal aid to the CLA. Ideally this should avoid the client having to explain their case history again. Government has confirmed that civil legal aid in England and Wales will remain available for Equality Act 2010 claims to the extent that they are currently provided for

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<sup>40</sup> To note that work-related discrimination cases must be dealt with as set out in paragraph 2.7.

<sup>41</sup> The EHRC currently commissions mediation works to provide conciliation services for discrimination claims within the context of services.



**Figure 4: Outward referrals from the new service to CLA**

- Scenario 2 (for those not eligible for civil legal aid). If the individual does not consent to any form of formal alternative dispute resolution, is not eligible for civil legal aid and there is a reasonably accessible source of legal advice, then the individual will be referred to this source.

***Additional considerations determining referrals***

- 10.8 If for example, a union representative or an advisor who is already supporting a client through formal legal proceedings (i.e. a claim has already been made) contacts the new service for some specialist legal advice on discrimination issues, the new service should refer them to the EHRC casework and litigation team helpline, for further assistance.
- 10.9 If discrimination is not the substantive or main issue within a claim, then it may be appropriate for the new service to make a referral to a qualified lawyer or to other organisations that specialise in specific areas of law e.g. education, or housing. The new service will therefore need to develop strong strategic relationships with sources of legal advice in these areas of specialism.

## SECTION 2: TECHNICAL SPECIFICATION

### 11 SERVICE REQUIREMENTS

11.1 This service needs to deliver information, bespoke advice and some generalist casework (basic pre-claim support) for potential victims of discrimination and in some instances human rights breaches. It will do this through:

- building strategic referral and partnership based working relationships with organisations across England, Scotland and Wales, who will often act as first points of contact, and who can support an individual in being able to resolve their problem while it remains at the informal stage. One of the measures of the effectiveness of the new service provider will be how many of their contacts originate from referrals from these first points of contact. We expect the majority of the contact volume to be derived from this source because we do not currently intend for this service to be promoted through any public-facing marketing activity. The new service will need to report on how many cases they have resolved at the informal stage and where this has involved working in partnership with a first point of contact or other local partners
- providing basic information and literature fulfilment requests via digital channels wherever possible. These channels should be used to deal with information and, where possible, basic advice enquiries allowing advisor time and resource to be focused on the more complex discrimination cases
- sharing information about individual outcomes with the referral partners who have acted as first points of contact and made the original referral [with the consent of the client and complying with obligations under the Data Protection Act (DPA)]. The service should also share specified aggregated information and data about the trends in equalities and human rights issues with EHRC, Government and with local partners. Sections [35](#) and [39](#) provides further details. This data will need to be disaggregated across England, Scotland and Wales
- referring to the EHRC potentially strategic test cases and those types of cases which, either legally or practically, only the EHRC is able to enforce (subject to its strategic enforcement priorities). [Section 39](#) provides further details
- providing funding for a limited period of time for a lay independent advocate who is locally based relative to the client. This will provide face to face assistance to support those clients who are unable to understand advice and support given over the phone because of,

for example, learning disabilities or mental health problems. [Section 9](#) and [Appendix 2](#) provides further details on this.

11.2 To deliver this service, the new service provider must build, develop and manage systems, people and technology. The technical requirement for this service is as set out below:

- a service which is available to individuals across Great Britain and is imbued with a full understanding and appreciation of the distinct differences in the legislative, social and policy context between England, Scotland and Wales, and can offer information, bespoke advice and some basic pre-claim support, based on the client's particular circumstances
- a service which delivers information advice and support through a number of communication channels, predominantly inbound phone (including text phone), email, digital, outbound calling, paper correspondence and faxes, as a minimum. The service should also make provision as appropriate for web chat, text/SMS and social media as the service evolves
- information provision which ensures judicious use of accessible tools, calculators, interactive guides and decision trees/logic flows, rather than flat content to ensure that complex topics can be presented in a compelling and understandable manner to a diverse audience group
- a digital solution which can (a) manage journey 1 and journey 2 contacts, (b) support other journeys and (c) link up with the digital channels of other providers of relevant services already available (e.g. Acas, Citizens Advice/Citizens Advice Scotland, EHRC etc)
- a Customer Relationship Management (CRM) system which can handle client contact and will allow advisors to have a single client view regardless of contact method. Any solution will need to be scalable so it can be expanded and have new functionality added if required
- a database which can integrate and hold legacy and new contact details
- a reporting system that can be used for the generation and supply of management information and transfer of data/reporting information to EHRC and where appropriate other partners
- a flexibility of design of service (including flexible resource deployment) which will allow agile responses to changes in contact volume
- a referrals database which facilitates links with referral partners, including first points of contact. This would allow advisors to be able to make referrals to local organisations who may be able to offer specific help and assistance in addition to that which can be supplied by the service

- a knowledge bank that will hold details of national, regional and local support (referral partners, first points of contact and those with whom the new service will need to work to achieve informal resolution to problems wherever possible). The knowledge bank also needs to include up to date information about the law across the three nations.

## 12 PROPOSED SYSTEMS OVERVIEW

12.1 As this is a complex service, its provider will most likely need to have a number of information flows to make a solution work. The below schematic shows our current understanding of the information flows that the new service and CRM system may need to manage. We would be looking to work closely with the new service provider to develop this map further as the service design is developed.

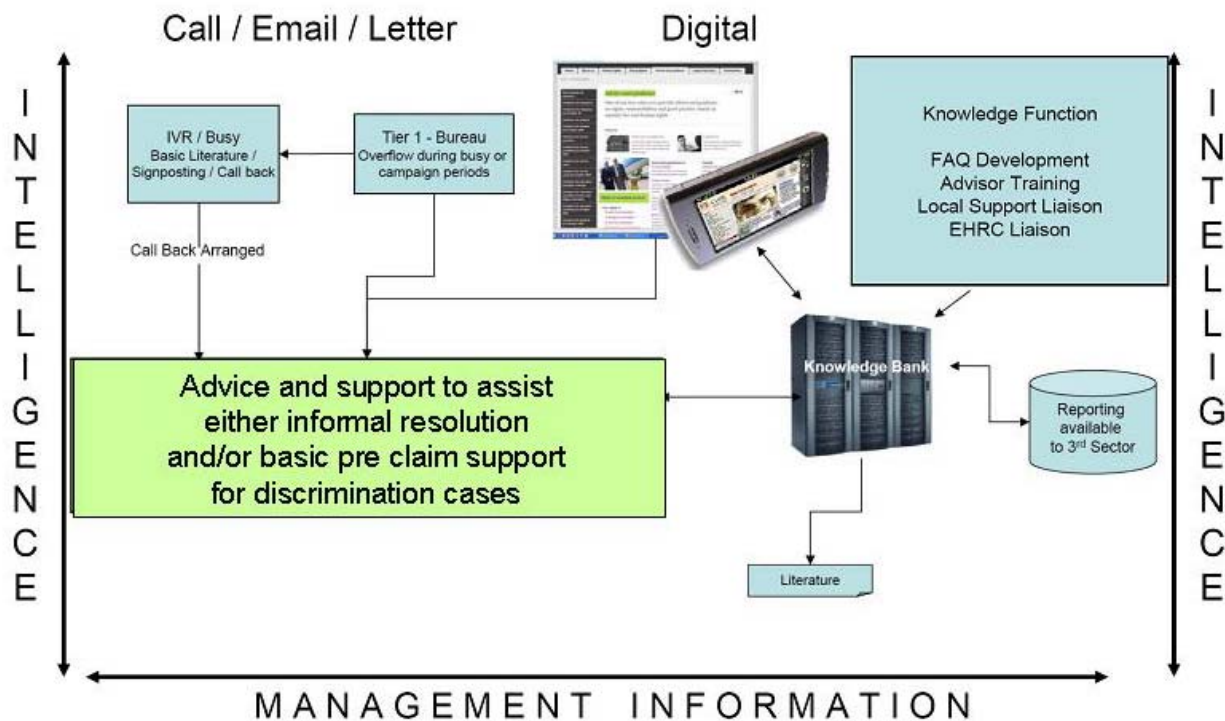


Figure 5: Information flows into the new service



## 13 CONTACT VOLUMES

- 13.1 The new service needs to be designed to manage the following volume and type of contacts per year. This is based on a variable costing model which is standard practice for a service of this type. These figures are derived from 2010 contacts to the current EHRC helpline.

### **CALLS**

- 13.2 The majority of contacts are received by phone. Any solution will need an Automatic Call Distribution (ACD) to allow calls to be presented to different advisors as required.

	Av Duration Min inc. wrap time <sup>42</sup>	Predicted Calls
Client Journey 1	2	7064
Client Journey 2	3.5	5082
Client Journey 3	12	12707*
Client Journey 4	70	17790
Client Journey 5	70	7624

\*5591 calls would be about work-related issues and therefore should be transferred through to Acas Advisory services. Handling time should therefore be reduced for these instances. If an individual has already contacted Acas advisory services and needs further help and support, they would be referred to the new service and this would be categorised as a client journey 4 or 5 intervention.

### **EMAIL**

- 13.3 E-mail handling will be a critical requirement of the service and the new service provider will need to set up, deliver and manage an email function (with a link domain name).

	Av Duration Min	Predicted Emails
Client Journey 1	5	1926
Client Journey 2	10	2889
Client Journey 3	20	4815*
Client Journey 4	45	6741
Client Journey 5	45	2889

<sup>42</sup> Wrap time is activity directly related to dealing with an individual's problem/case. It does not include other non case related activity such as staff breaks or general training and development.

\*2118 of these emails would be about work-related matters and therefore should be referred to Acas Advisory services. Handling time should therefore be reduced for these instances. If an individual has already contacted Acas advisory services and needs further help and support, they would be referred to the new service and this would be categorised as a client journey 4 or 5 intervention.

## LETTERS

13.4 Whilst volumes are lower, there is still a requirement to manage and handle enquiries which have come via written correspondence. Therefore, the new service provider should have the ability to scan and append any white mail (post) to a client record within the CRM.

	Av Duration Min	Predicted Letters
Client Journey 1	5	306
Client Journey 2	10	459
Client Journey 3	20	765*
Client Journey 4	45	1071
Client Journey 5	45	459

\*336 of these correspondence would be about work-related matters and therefore should be referred to Acas Advisory services. Handling time should therefore be reduced for these instances. If an individual has already contacted Acas advisory services and needs further help and support, they would be referred to the new service and this would be categorised as a client journey 4 or 5 intervention.

## SUMMARY OF CONTACT VOLUMES

<b>Scenario – assuming no abandon rate</b>	Client Journey 1	Client Journey 2	Client Journey 3	Client Journey 4	Client Journey 5
Total calls	7624	5083	12707	17790	7624
Average call length	2.0	3.5	12.0	25.0	25.0
Average wrap time	0.0	0.0	0.0	45.0	45.0
<b>Scenario – assuming no abandon rate</b>	Client Journey 1	Client Journey 2	Client Journey 3	Client Journey 4	Client Journey 5
Total email and letter	2232	3348	5581	7813	3348
Average contact length	5.0	5.0	10.0	20.0	20.0
Average wrap time	0.0	5.0	10.0	25.0	25.0

## 14 DEMAND MANAGEMENT

- 14.1 The data given above is the most accurate currently available. However demand for this type of service is not always under the control of those with responsibility for delivering or funding it. The new service has a limited budget, so the new service provider must have mechanisms in place to constantly monitor and measure demand and ascertain what has caused any peaks or troughs. The new service provider must then implement appropriate changes to the service in agreement with GEO which either;
- increase advisors to meet demand
  - put alternative automated or bureau solutions in place to meet additional and specific demand
  - only if absolutely necessary, choose to restrict call flow by stating in an up-front message that all advisors are busy and encourage people to re contact the service or refer to the website.
- 14.2 GEO will accept no liability beyond the maximum price(s) agreed (within the Contract) for the duration of the Contract period, unless a change in price is mutually agreed by GEO in writing. For the duration of the proposed Contract period, if the value of the services received is less than the maximum price stated within the contract, GEO will only make payment for the actual services received based on the variable costing model. It will therefore be the responsibility of the Contractor to keep full records of actual services and to notify GEO if there is a possibility that the maximum price could be exceeded. In the event that this takes place, GEO will reserve the right to reduce the services and/or renegotiate the price.

## 15 TECHNOLOGY

- 15.1 The new service will need to be built upon a proven, robust, technology base that can be used by advisors to assist them in the delivery of information, advice and support on complex problems which will be received through a range of channels, as defined in [sections 16-19](#).
- 15.2 The technology solution must be aligned with the Government's IT strategy. It must therefore utilise open standard and open source software at minimal cost.
- 15.3 We would expect the new service to be accessed in a number of different ways, through phone, web, email and white mail (post). It is important that clients are able to access the new service using a variety of different channels. Clients may contact the new service a number of times, through different channels. The advisors must therefore be able to recognise and service a

client across multiple channels of contact and see their notes about each of the previous contacts on a centralised system.

- 15.4 The following contact or response-based elements must be available and together form the overall multichannel solution.

## 16 TELEPHONE

- 16.1 This is the primary method for contact and we expect any new service provider to be able to manage calls the service receives in a controlled way. This might be via an Automatic Call Distributor (ACD) which will allow contacts to be directed and managed effectively whether they are handled by automated, bureau or dedicated contact management. Outside of opening hours, or during busy periods telephone contacts must still be managed with automated or alternative answer services for clients not able to get through to a live advisor. If the client requires information or very basic advice, the ACD should signpost callers to the new service's online information as a starting point.

## 17 EMAIL HANDLING

- 17.1 We expect a large number of emails to be received by the new service and the new service provider will need to ensure that these are managed in the most efficient way. We recommend a feedback function via the website that integrates into the email function thus allowing clients to provide feedback without having to follow an email link. Feedback should be routed into the CRM/knowledge bank system and used to measure and improve overall service levels.
- 17.2 Emails can be very long and can contain lots of detailed information. The new service provider must provide a system that is able to categorise these relatively quickly and hold them on file thus enabling them to be referred to at a later date either by another advisor as part of handling the case/client, or to support reporting analysis.
- 17.3 Emails received may contain sensitive and personal information from potential clients. The new service provider must ensure that all relevant protection is in place for handling this data, as required to comply with the DPA.
- 17.4 We require that all emails received are acknowledged when they arrive with a confirmation of receipt and informing the sender when a reply can be expected. All emails must also be appended and logged on the client's record to aid any future correspondence (and to maintain a case history of the contact on the CRM system).

- 17.5 The new service provider will need to deliver an appropriate email system. It is expected that this would include the use of pre-defined templates and/or suggested responses to Frequently Asked Questions (FAQs), to aid advisors.
- 17.6 Simple contacts will require signposting or directing callers to the appropriate section of the new service's website, or the website of another organisation. For these clients, advisors should offer to send a follow-up email where possible (and where the user has indicated they have internet access), with the appropriate URL. This will assist the caller in finding the right information (and contribute to maintaining first contact resolution as well as client satisfaction and expectation levels). Where a client does not have access to the internet, or is unable to use it, the new service should identify if it can fulfil the client's requirement (refer to [section 32](#) for further details) or provide telephone contact details for an organisation that can provide the client with what they need.

## 18 PAPER CORRESPONDENCE/LETTERS (white mail)

- 18.1 The EHRC helpline receives paper-based correspondence. The new service provider will need to ensure that all paper correspondence is scanned and held with the client record, and that a response is written and sent back to the client within a pre arranged period set by GEO.
- 18.2 A dedicated fax machine should be available and faxes should be handled in the same way as white mail (post).
- 18.3 We would expect the new service provider to provide a freepost address for incoming post from clients. Any costs associated with this should be included in the service costs.

## 19 DIGITAL

- 19.1 The new service provider will need to provide and manage an online web/digital offering which is developed on a non specific digital platform. The information which is accessible digitally should be sufficient to deal with client journeys 1 and 2, so over time the majority of these types of contacts can be managed online.
- 19.2 In developing this part of the service, the new service provider must take into consideration central government digital strategy, which can be found at [www.cabinetoffice.gov.uk/resource-library/directgov-2010-and-beyond-revolution-not-evolution](http://www.cabinetoffice.gov.uk/resource-library/directgov-2010-and-beyond-revolution-not-evolution).
- 19.3 The digital function must be produced using open standards architecture and transferable intellectual property and content. The information created must be

able to be syndicated to other interested parties and back into government if required. If tools, calculators and interactive elements are created, these must be designed in such a way that referral partners can reuse them on their own digital services to provide potential clients with easier access to this service.

- 19.4 The material on the website should where possible be syndicated from elsewhere. For example it could use the quick start guides developed by GEO on the Equality Act 2010, or information and guidance produced by the EHRC. This could include information on the types of cases that the EHRC will, and will not, fund legal assistance for. It could also use information and guidance produced by the voluntary and community sector, as well as maintaining a link to information found on Directgov (such as the online civil legal aid calculator). This website should also include syndicated material or else signpost the user to information on human rights that might be useful to individuals or to public authorities. This could include guidance on myth busting common misconceptions in relation to human rights issues.
- 19.5 The new service provider will be responsible for the accuracy of information on the website, and must keep records of when information is updated.
- 19.6 The new service's website needs to be fully accessible and comply with any applicable legislation relating to the provision of services in Welsh. It will need to have geographically specific content where appropriate, for example to reflect the different arrangements for delivering and regulating public services in Scotland, Wales and England. The website should provide information on how people who are deaf/suffering from hearing impairments, can contact the new service.
- 19.7 The Equality Advisory and Support service and the information, advice and support that it provides is independent from Government and therefore the new service should not have a .gov.uk domain address.

## 20 ACCESSIBILITY

- 20.1 The new service must offer a full range of accessible options and the provider will have a legal duty to make reasonable adjustments to service provision. We would expect the new service provider to engage with, for example, people with disabilities, when designing their systems, to ensure that they are accessible.
- 20.2 Telephone, email and digital functions must be used to provide an accessible service for all clients for all of the client journeys. The EHRC estimates that they currently receive:
- between 50-100 contacts per annum from clients seeking information/advice in the Welsh language;

- between 50-100 contacts per annum from clients seeking information/ advice in languages other than English or Welsh.
- 20.3 All services need to be fully inclusive for everybody, therefore as a minimum:
- a text phone service must be provided
  - the new service must comply with COI guidance on producing accessible websites which can be found at <http://coi.gov.uk/guidance.php?page=129> <http://coi.gov.uk/documents/guidance/delivering-inclusive-websites.pdf>. These guidelines are likely to change within the lifetime of this contract notice and the current working expectation is that government will require websites to comply with the British Standard BS8878 (which represents a higher standard of compliance). We will expect the new service provider to comply with changing government guidance on accessibility throughout the life of the contract. We, therefore, strongly recommend that service providers ensure their accessibility policy complies with British Standard BS8878
  - services should be available in a range of languages. Refer below for further details.

## 21 ADVICE IN OTHER LANGUAGES

- 21.1 We would expect this service, as a minimum, to provide information, advice and support in:
- British Sign Language<sup>43</sup>
  - a wide range of different languages, including those listed in [Appendix 5](#). The service should be able to provide support, either through advisers communicating in the appropriate language or through using an interpreting service
  - Welsh Language through dedicated agents
  - easy to understand words for people with learning disabilities, for example by using Easy Read formats.

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<sup>43</sup> Provision of a British Sign Language Helpline should be via at least one of the following means:

- A webcam service with clients communicating directly with advisers who use BSL or;
- A webcam service using a qualified BSL-English interpreter who will relay the client's concerns to an adviser and then relay information and advice back to the client from the adviser.

## 22 KNOWLEDGE BANK

- 22.1 The new service provider will be responsible for the creation, ongoing development and maintenance of a full knowledge bank function which:
- contains basic and more detailed information on the whole spectrum of discrimination and human rights issues (legal, social and policy) covering all of the three nations
  - is used to supplement advisor training and also contains information relevant to ongoing training and development
  - contains contact details of organisations that will act as referral partners and organisations that the new service will need to work with, across all of the three nations
  - is fully up to date, accurate and where appropriate aligned with information from the EHRC website and other relevant websites. The new service is ultimately responsible for the veracity and accuracy of information on its website
  - supports the development and management of frequently ask questions
  - has a dedicated owner(s) who is/are responsible for the content.
- 22.2 We would expect information contained within the knowledge bank to be updated on an ongoing basis as both the law and the landscape of organisations providing information, advice and support on civil law justiciable causes changes.
- 22.3 We would expect any potential supplier to factor into its proposals the appropriate level of resource which they believe would be required to ensure the knowledge base is effectively developed and managed on an ongoing basis.
- 22.4 All data collected and held would be the property of GEO and would need to be held under RESTRICTED level government standards and in accordance with requirements under the DPA. Refer to [Appendix 4](#) for more details.

## 23 CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM

- 23.1 The new service will need to provide a central CRM system to perform the following functions:
- creation and maintenance of a single customer record for each client. Each client record should have a Unique Reference Number (URN) for further reference
  - provide a scalable and flexible solution to allow for changes to the CRM system, in terms of data capture and functionality



- comply with all relevant data protection and Government information security requirements to RESTRICTED level. (This is detailed in [Appendix 4](#))
- allow system changes at minimal cost
- be capable of providing regular specified and ad-hoc management reporting.
- quickly reflect the changing nature of contacts (for example changes to legislation or press reports which may push through additional contacts on that area).
- ensure reporting is compatible with standard computer systems (such as standard MS packages, Word, Excel, etc)
- support export of data in standard formats (e.g. CSV, XLS)
- provide a database of contacts
- have the capability to record and store all contacts for a predetermined period of time with the maximum period being five years, in accordance with Government good practice
- integrate with the knowledge bank to enable advisors to quickly access information to provide effective advice and support to clients.

23.2 People can re-contact the service a number of times if they have ongoing problems, through multiple channels. The customer relationship management system records information that has been given to advisors by clients during each contact and that can be re-called back and read by advisors if and when the individual contacts the service again. Some of the information may need to be pulled out and presented to the clients or advocates as part of ongoing casework.

23.3 Final outcomes/results of interactions and advice/support given needs to be recorded against each client's records. This is particularly important for client journeys 4 and 5.

## 24 CALL RECORDING

24.1 The new service provider will need to provide call recording facilities as some people ask for records of calls. The default position is that all inbound and outbound calls will be recorded and that clients will be informed of this at the start of the call. If the client objects then the call should not be recorded or if call recording is automatic, the client should be asked if they are happy to proceed on the basis that the call recording will be erased, as soon as possible, once the call has ended.

24.2 Currently call recording is only taking place for inbound calls but for the new service this will also be necessary for outbound calls. Outbound calls may be

made to people who have requested a call back, or advisors may make outbound calls to local partners or to other bodies to help to resolve an issue for a client, while the problem remains at the informal stage. Systems need to be put into place to ensure that the management information and intelligence gathered by other advisors and knowledge management staff can be easily accessed. All recordings must be held securely and in accordance with requirements stipulated in the DPA. Any personal data will need to be processed in accordance with the DPA (1998). For example, the Data Protection principles provide that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes. The contractor will also need to bear in mind the requirements of the Human Rights Act 1998, The Regulation of Investigatory Powers Act 2000 and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

## 25 TRANSFER OF CALLS

- 25.1 Some clients who contact the new service may be better helped and supported through, for example, alternative helplines. The new service provider must ensure that contacts are only transferred mid-call to a third party (known as a warm handover) if the contact requires this level of assistance. The new service provider must be mindful that a mid-call transfer can be costly and only offer this when necessary.<sup>44</sup> When a contact can be managed in a more effective way by another organisation, the client should be signposted/handed over to that organisation.

## 26 PEOPLE

- 26.1 The staff who deliver the new service are key to its effectiveness. The new service provider will need to consider the types of advisors and other staff who would be most appropriate for this contract. Different levels of engagement and knowledge will be required for different client journeys and different client groups.
- 26.2 The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and COSOP (Cabinet Office Statement of Practice on [Staff Transfers in the Public Sector](#)) will apply to this contract/new service in respect of the earlier helpline service provided by the EHRC. The latter document includes “Fair Deal 2004”. Broadly comparable pension rights must be provided for future

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<sup>44</sup> A mid-call transfer means that a contact is passed on directly to a third party via the existing service

service and satisfactory bulk transfer arrangements must be reached in respect of past service.

- 26.3 There are currently 52 EHRC employees (50 FTEs) within scope of TUPE. The number of staff who will transfer across from the existing provider is currently unknown. Therefore bidders should carefully consider how they would manage the TUPE process.
- 26.4 Of the 52 EHRC employees 37 are based in Birmingham, 9 in Glasgow and 6 in Cardiff. The average salary of the 52 employees is £24,000 per annum. The majority of staff are members of a PCSPS pension scheme. Specifically 35 are members of Nuvos, 3 of Classic and 10 of Premium. The link below provides details each pension scheme. [www.civilservice.gov.uk/my-civil-service/pensions/index.aspx](http://www.civilservice.gov.uk/my-civil-service/pensions/index.aspx)
- 26.5 Any liabilities already owed to the in-scope EHRC staff which would otherwise transfer to the successful bidder shall be covered by an indemnity offered to the successful bidder in the final contract for these services. Any liabilities incurred by the successful bidder as a result of non-compliance with the TUPE Regulations (e.g. consultation obligations) shall not be covered by this indemnity, nor will any liabilities that are incurred following the date of the transfer of the EHRC employees to the successful bidder.
- 26.6 The indemnity costs will be paid for as an additional set-up cost outside of the contract cost outlined in [section 40](#). Potential suppliers therefore need not factor these indemnity costs into their service development costs. However the costs associated with setting up a pension scheme will not be covered by the indemnities and hence these costs must be factored into the service development costs.

### ***Recruitment and training***

- 26.7 The EHRC have estimated that it takes 3 to 6 months to train an advisor who has no previous experience of contacts of this nature, in relation to discrimination and human rights issues.
- 26.8 The provider must ensure that advisors are trained to be able to give accurate advice on each of the following:
- i. discrimination or human rights legislation
  - ii. how discrimination law applies to different aspects of life, including work, services, education, premises etc
  - iii. different areas of GB, with some advisors dedicated to understanding the legal, social and political context within Scotland and Wales, within which discrimination and human rights legislation is applied

- iv. advising different client groups such as people under 25.
- 26.9 We would expect the new service provider to manage advisor numbers throughout the contract; although we accept there is some level of staff turnover in any organisation. As the costs to train advisors for this service are relatively high, we would wish to set a staff attrition figure, in consultation with the new service provider, whereby we would pay for replacement staff within a tolerance level. The new service provider would be responsible for the costs of training new advisors over and above this agreed level.
- 26.10 All staff will need to be fully aware of their obligations under the DPA with respect to the handling of personal data and sensitive personal data.
- 26.11 The service is likely to have a significant number of calls from those defined as vulnerable adults under the Safeguarding Vulnerable Groups Act 2006 as this definition includes people with any kind of disability. The new service provider will need to consider whether any part of the service or any activities undertaken by its employees, fall within the scope of this Act. It will need to consider whether its advisors or other employees should be subject to Criminal Records Bureau (CRB) checks because of that Act or any other legislation. All legal requirements for any such checks must be fulfilled. More information about CRB checks can be found at:  
[www.homeoffice.gov.uk/agencies-public-bodies/crb/](http://www.homeoffice.gov.uk/agencies-public-bodies/crb/).

### ***Functions staff will need to perform in the new service***

- 26.12 Please note that the below descriptions are purely illustrative and not comprehensive. We understand that you may use different categorisations and terminology in responding to how you would staff this service.
- **Service Management.** The new service provider will need to establish a skilled senior management team. It is fully expected that the new service provider will involve the core service management team at set-up stage so that they fully understand the service requirements and can be proactive in developing the detailed service design. The management team will have overall responsibility for the delivery of the new service. They will be accountable to the GEO for any problems or complaints about the delivery of the new service.
  - **Strategic relationships development/ management and knowledge/ intelligence management.** This includes imparting information about the discrimination and human rights information, advice and support legal framework and landscape. Responsibility for developing strategic relationships and referral protocols with partners. They would also need to develop a constructive and flexible relationship with the EHRC, at both strategic and operational level. Responsibility for managing the knowledge base content.

- Provision of high quality advice and support. Responsibility for managing day to day contacts received by the service through all communication channels.
  - Adequate clerical and supervisor support should be provided to meet the contract requirements and achieve the highest possible standard of service.
- 26.13 The new service provider will need to ensure that premises and equipment utilised as part of fulfilling the contract are fully accessible for members of staff with disabilities.

## 27 RESOURCE MANAGEMENT

- 27.1 The new service provider will be fully responsible for resource management. We would expect them to be able to use contact management tools to assist with forecasting contact volumes thereby aiding the calculation of the most appropriate staffing levels to deliver an efficient and flexible advisor resource. Where possible, GEO and the EHRC will inform the service of any impending press releases, announcements or potential marketing activity which may result in an increase in the number of contacts to the service.

## 28 QUALITY ASSURANCE

- 28.1 We would expect the new service provider to ensure that it meets the standards set out in the Helpline Association's Quality Mark which can be found at [www.helplines.org.uk/content/helplines-standard](http://www.helplines.org.uk/content/helplines-standard).
- 28.2 The new service provider would need to obtain appropriate industry accreditation. In England and Wales this is currently the Legal Services Commission (LSC) sponsored General Quality Mark (GQM) certification at the general help with casework level<sup>45</sup> and the associated certification for advice supplied by telephone. The GQM is audited by The Assessment Network Ltd (TAN) on behalf of the LSC. In the event of any changes to these quality assurance standards, the new service would be expected to achieve and

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<sup>45</sup> Organisations with this level of certification are able to:

- Diagnose client's problems
- Give information and explaining options available
- Identify further action that the client can take
- Give basic assistance, e.g. complete basic forms, contact third parties to seek information
- Refer or signpost to appropriate suppliers if further action needs to be taken
- Take action on behalf of clients in order to move the case on
- Negotiate and advocate on the client's behalf to third parties on the telephone, by letter and face to face

apply the appropriate equivalent standards. These accreditation standards do not apply to Scotland. In Scotland the quality assurance scheme is operated by the Law Society of Scotland in conjunction with the Scottish Legal Aid Board.

- 28.3 Where the provider refers a client to a source of qualified legal advice, the provider must satisfy themselves that the legal adviser has the appropriate level of knowledge and expertise to advise in this specialist area of law as well as offering appropriate standards of service. As well as those in Scotland already referred to above, the Law Society, the Legal Services Commission, and others run accreditation schemes which should help the new service identify suitable sources of legal advice.

## 29 PROCESSES

- 29.1 We propose that there should be one single overarching number for accessing the new service. This should be one that reduces costs to the user whether they are calling from a landline or from a mobile phone. The EHRC helpline uses an 0845 number provided by BT telecom. GEO will secure an 080/084/030 number for the new service. The actual call costs and telephone number purchase will need to be factored into any budget planning based on the total contract value of £6 million over the 3 year period. There will not be a separate budget issued by GEO to cover these costs.
- 29.2 The new service will offer a mix of contact handling methods. We would look to the potential suppliers to make ongoing recommendations of a solution based on the technology and processes they use, which is flexible and can be based on both dedicated and possible bureau support solutions. Bureau is a reference to a capacity which is dedicated to overflow only. We believe that a bureau function may be able to assist during busy times by taking basic details from people and offering call-backs at suitable times for them. In this way it is possible to even out the call distribution process and also provide people with information when it best suits them. For example, if an individual calls during a lunch break at work and is unable to talk freely or at any length then we could offer a call-back at an alternative time that is convenient for the individual.
- 29.3 The new service provider will be required to provide a minicom/textphone service to ensure full accessibility (refer to [section 20](#) for more details). The telephony system should also support Caller Line Identification (CLI) and have an upfront Integrated Voice Recognition (IVR) system in order to signpost people to other services before they speak to an advisor if appropriate. The new service provider will need to develop a suitable IVR solution to refer contacts to the appropriate body. This may be based on automated live

transfers or signposting. Potential suppliers are expected to include costs, and a suggested solution for how these could be used.

- 29.4 Where a caller is abusive from the outset or becomes abusive during a call, the advisor should attempt to record caller identifying details if they have not already been obtained. The advisor may terminate the call at their discretion and should advise their team manager to listen to the tape recording of the call to consider any further action. An abusive caller's telephone number may be barred at the team manager's discretion.
- 29.5 Some callers may be in a distressed state. Advisors should be provided with and trained in special procedures to handle emergency and distressed callers. GEO will agree such procedures with the new service provider in advance.
- 29.6 Although the Equality Act prohibits discrimination against people aged under 18 just as it does for adults, apart only from discrimination because of age outside work which is not unlawful, we do not expect many calls directly from minors. When such calls are received, they will need to be dealt with sensitively and the new service will need to put in place a protocol for handling them. It is a legal requirement for all agencies that provide services to people under the age of 18 to have a child protection policy.
- 29.7 There will be low levels of incoming postal correspondence. The new service provider will be expected to set up a dedicated PO Box for this service.

## 30 OPENING HOURS

- 30.1 The core opening hours will be:
- 9am - 8pm Monday – Friday
  - 10am – 2pm Saturday
  - Closed: Sundays and Bank Holidays
- 30.2 We expect the new service provider to monitor the demand patterns (on different days and at different times within the day) for advice and support from the new service and for these patterns to inform their ongoing resource management and provision of service. The objective would be to provide the best possible service, accessible to the greatest number of clients in need of the service, within the budget allocated.

## 31 OUTBOUND CALLING

- 31.1 As we wish to make contacting the service as easy as possible, we would like the new service provider to integrate outbound calling into its service provision which will allow, for example advisors to call:

- a) clients who are unable to make inbound calls themselves, or as a result of trying to make contact at busy times being unable to get through to a live advisor on the first attempt
- b) local partners to help the advisor to resolve problems on behalf of a client, while the problem remains at the informal stage.

## 32 LITERATURE FULFILMENT

- 32.1 The default position is that fulfilment requests should be digitally fulfilled. Government will only provide/ fund the provision of printed copies where an individual either does not have access to digital communication or is unable to use it.
- 32.2 The service should in the first instance offer electronic fulfilment either in PDF format or through signposting to the most appropriate source of information. There is already a large amount of printed literature on discrimination and human rights available. The new service provider will need to identify and categorise what information is already available so clients can be signposted to it. If necessary the service must be able to make information available via audio cassette, Braille and any other alternative format. When attachments of literature are sent with emails, the facilities to provide the recipients with reading technology should also be made available (e.g. Adobe for pdf files, Macro media for flash files). Care must be taken to ensure that the correct national information is provided. For example, secondary legislation underpinning the public sector equality duty will differ for England, Scotland and Wales.
- 32.3 The new service should only offer physical copies of literature when the request is relatively small scale and where an individual does not have access to the internet or is unable to use it. This service will not fulfil bulk<sup>46</sup> requests. We are defining bulk requests as being 10 items or more.
- 32.4 It is expected that the new service provider will use the most economical method of postal despatch unless otherwise stated, with no mark-up. The new service provider will be expected to liaise with the appropriate local depot contacts for Royal Mail services for day to day business.

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<sup>46</sup> Bulk requests are defined as being 10 postal items or more.



### 33 DATA SECURITY & TRANSFER PROTOCOLS

- 33.1 The new service provider will be fully responsible for ensuring that data security and data transfer must adhere to Government standards for Restricted (IL3) data. Guidance on Government data security protocols can be found at [Appendix 4](#).
- 33.2 Data will need to be transferred securely and on a regular basis to the EHRC as they will be using the data to inform their research and strategic enforcement activity. [Section 40](#) provides further details.
- 33.3 For the purposes of this contract GEO/ Home Office will be the data controller and will enter into an agreement with the contractor for it to process the information.

### 34 CRM DATA CAPTURE REQUIREMENTS

- 34.1 The new service provider will need to work with GEO and the EHRC to define the exact data capture field requirements during set-up, but as a minimum the service will need to manage the following fields:
- basic contact and identification fields
  - further Client details (e.g. age, discrimination issue etc)
  - contact origin
  - classification of issue(s)
  - record of interventions
  - referral details
  - outcomes
- 34.2 Refer to [Appendix 6](#) for further details.
- 34.3 The new service provider will need to migrate the existing EHRC database into their new CRM system. The EHRC currently has over 142, 000 records. It is not envisaged all of these records need to be transferred across. The new service provider will need to work with the EHRC to identify which cases to migrate and which cases should be erased. Data transfer must be fully compliant with the requirements set out in the DPA and Government standards for Restricted Data.

## 35 REPORTING

- 35.1 The new service provider will be responsible for the collection and presentation of data in a way that it can be used by other organisations as part of their reporting objectives. This is not just limited to straight reporting on call handling, but also includes real intelligence about what types of calls are coming through, their frequency and the demographics of clients who are using the service. This information will need to be supplied to Government, the EHRC and other referral partners.
- 35.2 Below are examples of management reports which could be requested. The exact level of management information required will be established during the set-up phase in consultation with GEO and the EHRC. The type of reports required will centre on service efficiency, client satisfaction, client outcomes and management information.
- efficiency reports (including total calls, % of calls answered, call duration, etc) will be required at regular intervals (this could be weekly or monthly) and will be agreed in a MoU between the new service provider and GEO
  - quality of service as measured through client satisfaction
  - quality of service as measured through referral partners
  - outcomes for each client journey as recorded by the advisor
  - process metrics on the number of appropriate referrals from partners (first points of contact) and on referrals from the new service to other partners.
- 35.3 Management information will need to be provided through regular, pre-scheduled monitoring reports (weekly/monthly) which will include the following (although other reports could also be requested):
- the number of calls/emails received
  - nature of enquiry
  - total outbound calls made
  - sector
  - key issues faced by the caller
  - outcome of enquiry
- 35.4 Refer to [Appendix 7](#) for further details.

## 36 EVALUATION CRITERIA

36.1 This is defined as the criteria against which the service provided will be measured.

### *Strategic performance/KPIs*

- a. **Outcomes:** Identifying and recording the outcomes for people who have received help and support from the new service<sup>47</sup>. In particular we are interested in measuring: (a) whether clients have been helped to avoid litigation by resolving their problems at the informal stage and (b) how far the service has assisted clients to represent themselves through some basic pre-claim support. The level of outcomes that will need to be monitored will vary between client journey type, for example: for client journeys 1-3 we do not envisage that the service would need to follow up with every client journey that has used the service - we would instead expect the advisor to summarise the next steps/action they advised the client to take when the contact was made. For client journeys 4-5, we would expect advisors to follow up with every client in receipt of help and support from the new service, about how far this has helped improve equality outcomes for them. GEO will work with the new service provider to refine the data collection/evaluation requirements set out in the specification and establish how to identify and measure these outcomes.
- b. **Building strategic referral relationships:** Over the course of the set up phase, GEO will work closely with the new service provider to agree a baseline level for the areas highlighted below and on appropriate corresponding measures and targets.
  - i. how many cases they have resolved at the informal stage and where this has involved working in partnership with a first point of contact
  - ii. number of inward referrals to the new service which originate from referral partners
  - iii. number of onward referrals from the new service and to whom
  - iv. how effective the service is in working with partners to help and support clients
  - v. how effectively the service is sharing information about individual outcomes with referral partners
  - vi. how effectively the new service is acting as a referral source, to the EHRC, of potentially strategic test cases and of cases where the

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<sup>47</sup> We understand that we cannot directly attribute outcomes to the help and support received by the new service.

- EHRC is focusing on undertaking enforcement activity (in accordance with its strategic enforcement objectives)
- vii. how ring-fenced funding for commissioning independent lay advocacy support for individuals who are in need of some face to face support is being used to ensure the most disadvantaged and vulnerable are able to access the advice and support they need
- c. **Technical performance:** The following levels of performance will be expected, as a minimum, from the new service provider
- i. on live operator services, unless otherwise agreed, calls are to be answered at least 85% of the time by a live operator on the first attempt by the caller within the first 15 seconds. Where automated overflow is provided the new service provider should ensure that this is minimised, ideally no more than 15%
  - ii. on combined live/automated IVR or sole automated IVR services, calls to be answered at least 99% of the time on the first attempt by the caller
  - iii. under no circumstances must a caller receive a continuous ringing out tone. Any occurrence must be reported to GEO immediately
  - iv. on email contacts (other than for fulfilment), automatic acknowledgement of the email to be sent within 24 hours of the receipt of the email and a substantive response to the issues raised in the email to be provided within 5 working days of the receipt of the message
  - v. in the normal course of events fulfilment responses to be processed within one working day of receipt
  - vi. accuracy of fulfilment. It is expected that at least 98% of contacts will be sent the correct literature material
  - vii. provision of accurate and timely reports to an agreed schedule
  - viii. the response to requests for ad hoc reports must be processed within a specific time period agreed by GEO and the new service provider. This time period is dependent on the complexity of the report required but could range from a few hours to several days
  - ix. the response to requests for system changes and the subsequent implementation of the changes must be processed within a timetable agreed by GEO and the new service provider
  - x. quick investigation of complaints and problems. Any complaints regarding the system or services must receive a holding response within 24 hours of notification

- xi. where GEO requests information from the service provider in order to respond to parliamentary question, that information must be provided within 1 working day (24 hours) unless otherwise agreed.
  - xii. where GEO requests information from the service provider in response to a FOI request, GEO will expect relevant information (if held) to be provided within 5 working days of the information having been requested
- d. **Client satisfaction.** KPIs will be developed with the new service provider during setup. These will relate to client satisfaction and should cover the following:
- i. helpfulness of agents
  - ii. quality of information, advice and support
  - iii. how useful the service was and does the individual feel empowered by the knowledge they have gained to solve their problems informally, or to represent themselves if bringing forward a claim
  - iv. outcome of information, advice and support received<sup>48</sup>
  - v. nature of complaints

## 37 QUALITY CONTROL

- 37.1 The new service provider will be required to put in place an internal quality monitoring process for all advisors.
- 37.2 We would expect the assurance of quality to be undertaken through a basket of activities – for example:
- objective and consistent assessment measures that can be combined to give a broader view of the efficiency and effectiveness of the service
  - regular and long-term measurement through establishing benchmarks and trends
- 37.3 We would expect the new service provider to engage in a continuous improvement process<sup>49</sup>, as part of its ongoing efforts to improve service delivery.

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<sup>48</sup> We understand that we cannot directly attribute outcomes to the help and support received by the new service.

<sup>49</sup> **Continuous improvement process (CIP or CI)** is an ongoing effort to improve products, services, or processes. These efforts can seek "incremental" improvement over time or "breakthrough" improvement all at once. Delivery (Client valued) processes are constantly evaluated and improved in the light of their efficiency, effectiveness and flexibility.

## 38 PERFORMANCE MONITORING

- 38.1 This section refers to the external monitoring/evaluation of the performance of the new service provider.
- 38.2 GEO will commission an external independent evaluation on the efficiency, and effectiveness of the new service, after it has been operational for one year. This will be in addition to the new service provider's own internal monitoring and quality control. GEO wants to measure public value to demonstrate whether it can attribute economic value to the new service. This might, for example, result from preventing litigation and the associated costs. To enable this assessment, information on the outcome of cases must be recorded and made available in a consistent way.
- 38.3 Feedback from any exercise of this nature will be used both to assess the performance of the new service provider and to develop and improve on the quality and cost effectiveness of the service.

## 39 RELATIONSHIP WITH THE EQUALITY AND HUMAN RIGHTS COMMISSION

- 39.1 The relationship with the EHRC in England, Scotland and Wales is a vital one. For example, there is an effective, strong and distinctive working relationship between the Welsh Government and the EHRC in Wales. This relationship has delivered a number of significant initiatives including the secondary legislation underpinning the public sector equality duty and "Taking Care of Business: Mental Health at Work" campaign with Mind Cymru.
- 39.2 The new service must develop a strong strategic and operational relationship with the EHRC. It is essential that management information captured by the new service is transferred to the EHRC to inform its research and strategic regulatory activity. It is also crucial that this new service is able to work with the EHRC to identify potentially "strategic" test cases which should be referred to the EHRC for them to consider whether to assist the client in legal proceedings.
- 39.3 EHRC requires data and management information for the following purposes:
- To enable it to research and monitor patterns of discrimination and human rights contraventions
  - To inform its strategic enforcement activity
  - For specific enforcement activity
    - strategic cases
    - cases only EHRC can enforce

- Ad hoc information prompted by specific issues.
- 39.4 The new service provider will be required to provide EHRC with data and management information, disaggregated by country, for it to use to inform the above activities.

***Information for research and monitoring purposes and to inform strategic enforcement activity***

- 39.5 The new service provider will be required to enter into a MoU with EHRC setting out precisely what data and management information will be provided. The MoU must also be agreed with GEO. The EHRC will inform the new service provider of their strategic enforcement priorities, at a frequency to be agreed with the new service provider.
- 39.6 As an illustrative guide to what will be required, some of the fields of data the new service provider will be expected to collect and submit are set out in [Appendix 6](#). It is also expected that the new service provider will be able to provide straightforward management information that can be collated from its data management system (e.g. how many disability related calls were received in the previous month; how many of the last quarter's calls were about the same employer or body).
- 39.7 However, the new service provider will not be required to interpret and analyse the data before providing it to the EHRC. This will be the EHRC's responsibility. The EHRC will need to interpret data so that they can spot trends and spikes.
- 39.8 As part of the MoU, the new service provider and the EHRC will need to agree a common coding for the data fields and the format in which the data will be transferred to the EHRC.
- 39.9 It is anticipated that most data will be transferred in an aggregated form and that it will not be necessary to transfer data that would identify an individual. In addition, the exemption in the DPA for research and statistical information is likely to apply to data and management information where it is transferred to inform EHRC research and monitoring functions. Where data transferred to EHRC constitutes or may constitute personal data, the new service provider will be required to comply with any conditions imposed by the DPA in processing that data. In particular, this information will not be useable to take specific enforcement action.
- 39.10 The EHRC will sometimes engage in activity (for example Calls for Evidence to support inquiries and investigations), that may increase the number of referrals to the new service. When it does so it will give the service provider advance warning which will be agreed in the MoU. The strong working relationship we will require the new service provider and the EHRC to develop

means that information sharing will go beyond the formal arrangements for transferring data. The new service provider senior managers will alert their counterparts within the EHRC about any obvious trends and spikes (i.e. which can be identified without analysis of the data) that they think will be of interest. In these instances it may be helpful for the new service to share aggregated information on calls when they get a number of calls in a specific area.

- 39.11 The new service provider will also be required to work with the EHRC to create strong direct relationships with the EHRC teams working on strategic cases and strategic enforcement. This should enable advisors on the new service to seek the views of EHRC experts on, for example, whether a case might be a strategic one, ahead of any formal referral to the EHRC.

### ***Specific enforcement functions***

#### **Enforcement (i) – assistance with strategic cases**

- 39.12 The EHRC assists certain individuals to bring cases where that case may be of strategic significance. This might be because, for example, it clarifies the law, or is likely to be of wide application in protecting the rights of individuals under the Equality Act 2010.
- 39.13 The new service provider will need to be able to refer cases which might be of strategic significance to the EHRC so that the EHRC can consider whether they should support them. The EHRC may have different strategic priorities in England, Wales and Scotland, and there will need to be flexibility for the EHRC to change its strategic priorities according to need throughout the three year period of the contract. The EHRC will provide information (which may change from time to time) to enable the new service provider to identify such cases. The MoU between the new service provider and the EHRC will set out the features of cases which should be referred, and the referral mechanisms. The new service provider will update this information as the criteria change at a frequency agreed with the EHRC in their MoU. To support the above process, the new service provider will put on their website the criteria that the EHRC are using to determine what is or is not a strategic test case
- 39.14 These referral arrangements will need to comply with the DPA. It is expected that formal referrals to EHRC will only be made with the consent of the complainant.
- 39.15 Professional advisors (for example union representatives) who have identified potentially strategic cases will continue to be able to contact the EHRC directly.



## **Enforcement (ii) – unlawful acts which only the EHRC can enforce**

- 39.16 Enforcement action in relation to certain conduct prohibited by the Equality Act 2010 can only be carried out by the EHRC. Such conduct includes:
- the use of pre-disability and health questionnaires without justification
  - advertisements which indicate an intention to discriminate where no one comes forward to make a claim
  - complaints regarding 'instructing', 'causing' or 'inducing' discrimination where no one comes forward to make a claim.
- 39.17 The new service provider will need to refer any such cases to the EHRC so that it can consider whether it should use its enforcement powers. The EHRC will provide information about how to identify these contraventions of the Equality Act 2010. The referral mechanisms to be used in such cases will be set out in the MoU between the new service provider and the EHRC.
- 39.18 These referral arrangements will need to comply with the DPA. It is expected that formal referrals to EHRC will only be made with the consent of the complainant.

### ***Additional information***

- 39.19 From time to time there may be a need to agree additional data fields or management information in response to specific new issues that arise. The MoU will set out the mechanisms by which new data fields and management information should be agreed. Any such requests will not unreasonably add to the volume or complexity of the data to be collected.

## **40 COSTS**

- 40.1 The costs for the contract will be a maximum of £6m over the course of three years. There will be no additional set up or transitional funding other than for those indemnity costs incurred by the new service provider in relation to TUPE, in accordance with para 26.6.
- 40.2 Unless otherwise agreed by GEO in writing, there will be no ability to increase costs beyond the maximum contract value during this three year period. GEO will accept no liability beyond the maximum price(s) agreed (within the contract) for the duration of the contract period. For the duration of the proposed contract period, if the value of the services received is less than the maximum price stated within the contract, GEO will make payment only for the actual services received based on the variable costing model. It will therefore be the responsibility of the contractor to keep full records of actual services and to notify GEO if there is a possibility that the maximum price could be

exceeded. In the event that this takes place, GEO reserves the right to reduce the services and/or renegotiate the value of the contract.

## 41 DISASTER RECOVERY PLAN

- 41.1 Despite planning, external problems out of the control of the new service provider will occur. It may be impossible to prevent these problems occurring, and therefore they should be considered as a threat to the running of the new service. Contingency plans should be established, during the set-up of the new service, to minimise the disruption they may cause. The new service provider must have in place a written disaster recovery plan and back-up solutions to ensure continuity of contact in the event of problems.

## 42 CONFLICT OF INTEREST

- 42.1 The new service provider must advise GEO of any potential conflicts of interest which arise during any part of the contract.

## 43 CONTRACT LENGTH

- 43.1 The contract is to provide the new service for up to 3 years with the possibility of an extension of one year.

## 44 LEGAL NOTES

- 44.1 The contract will be subject to terms and conditions which will be made available when the invitation to tender is issued.

## 45 SPECIAL NOTES

- 45.1 Where subcontractors are used to deliver services, the contract will require GEO to be advised in writing of the dates when they will be used, and provided with a description of the activities they will undertake.
- 45.2 Sub-contracting any part of the contract shall not relieve the new service provider of any of its obligations or duties under the contract and furthermore, the new service provider shall be responsible for the acts and omissions of its sub-contractors as though they are its own.

## FURTHER INFORMATION

We would draw potential suppliers' attention to the COI Better Practice Guidance and the "best practice" contained therein. The new service provider will be expected to subscribe to the quality, effectiveness and cost efficiency of service as described in this document. This guidance can be found at [www.coi.gov.uk/ccg](http://www.coi.gov.uk/ccg).

Further Information which may be helpful is as follows:

- The Review of Information, Advice and Support on discrimination and human rights issues (including an equality impact assessment) available at [www.homeoffice.gov.uk/publications/equalities/government-equality/review-information-advice](http://www.homeoffice.gov.uk/publications/equalities/government-equality/review-information-advice) and <http://webarchive.nationalarchives.gov.uk/20110608160754/http://www.equalities.gov.uk/pdf/Helpline%20EIA.pdf>
- Winning the contract – Course aimed at SMEs to help them bid for Government work which is equally applicable to voluntary sector organisations at [www1.learndirect-business.com/business-courses/winning-the-contract/](http://www1.learndirect-business.com/business-courses/winning-the-contract/)
- Contracts Info – [www.fundingcentral.org.uk/page.aspx?SP=SA\\_Contracts\\_Intro](http://www.fundingcentral.org.uk/page.aspx?SP=SA_Contracts_Intro)

## APPENDIX 1: ILLUSTRATIVE CASE STUDIES FOR CLIENT JOURNEYS 1-5

The following examples are provided to give a view of the type of contact which will be received, based on the five journey types identified within this document.

### *Client journey 1*

Contact where the subject matter is not within the remit of the new service. For example, a call from an individual employed by a private sector company who believes that her human rights are being violated because all personal emails and use of the internet at work are monitored by her employer.

This type of caller should be referred to a more suitable source of information and/or advice: e.g. Acas Advisory services

### *Client journey 2*

A contact about when the provisions on the new public sector equality duty came into force and where the individual can find the EHRC code of practice on how they operate.

These types of basic information requests can be referred to the website (if the individual has access to and is able to use the internet).

### *Client journey 3*

A pub landlord makes clear that a gay couple are not welcome to drink in the pub. One of the men mentions this in passing to a health-worker who advises him to contact the new service. The man is not interested in bringing a case. He simply wants gay people to be welcome in the pub, but does not want to speak to the landlord himself. The individual is clearly able to take this matter forward on his own once he has received the relevant advice. The advisor explains that the licensing department of the local authority is best placed to tackle the landlord and explains that making gay people unwelcome in the pub may be unlawful discrimination.

### **Human Rights Example**

A pupil at boarding school contacts the new service because their teacher is reading through their correspondence. The advisor explains that this may be an infringement of the pupil's right to private life (Article 8 of the European Convention of Human Rights), and in the first instance they should challenge the practice.

### *Client journey 4*

A bus laid on by the local authority picks up people with disabilities and takes them to a day centre. During the journey the driver of the bus mocks the passengers' disabilities. One of the passengers, who has already been in contact with the new service on another matter, phones to ask for help with getting the abuse to stop. The individual wants the service to intervene on her behalf as she feels unable to take the matter forward on her own. The new service contacts the local authority who has laid on the bus and the authority in turn warns the bus driver that his behaviour is unacceptable.

A local community-based church group contacts the new service about a client – a worker in a care home, who is experiencing problems at work. She has spoken about her problems to the head of the local church group, who she knows well and trusts. The church group representative has teased out that at the root of the problems is the fact that she believes she is being bullied because of her polish accent. The individual wants to continue to work at the care home because it is within walking distance to her home and because she has developed a close bond with many of the patients. She has tried to raise this with her manager but is anxious about making matters worse. The local church group then decides which of the following options to pursue:

- Scenario 1: The local church group calls the Acas helpline, who establishes that this individual needs more support to help her through the internal grievance process than it is appropriate for Acas Advisory services to provide and Acas consequently refer the individual to the new service.
- Scenario 2: The local church group refers the individual to a local CAB advisor
- Scenario 3: The local church group makes a direct referral to a source of legal advice provided by a qualified lawyer.

In scenario 1: The advisor from the new service agrees that this looks like a substantive discrimination issue and asks whether they would be able to speak with the client directly or whether they should communicate via the local church group member (who is effectively acting as an advocate). In this instance the client is happy to speak to the advisor from the new service – whom she then calls up.

The advisor explains to her about harassment related to race and helps her to write a letter to her employers. The letter gets no response so the individual contacts the new service again. She speaks to the same advisor who consequently, with the consent of the client makes a phone call to a local CAB advisor asking what local intelligence they have on the care home and if there is any local work underway to

work with the employer to remedy these problems.

It transpires there have been a number of complaints made by employees about the behaviour of the care home as an employer – however there has been no desire to pursue this as people have preferred to simply leave and find other jobs and secure a good reference.

If the client wants the new service to intervene directly with the employer on behalf of the client, the new service will clearly indicate they are not able to do so BUT can refer the client to Acas pre-claim conciliation services, if the client consents.

Therefore the possible outcomes are as follows:

- the individual agrees to pre-claim conciliation being offered by Acas. If this is not successful the claim may be referred back to the service for onwards referral to a source of legal advice or if this is not reasonably accessible to the individual then the service will consider providing some basic pre-claim support.
- the individual does not want to be referred to pre-claim conciliation services in which case the new service will help the client identify if they are eligible for civil legal aid. If they are not eligible and there is not a reasonably accessible source of legal advice, then the new service will provide some basic pre claim support.
- In the case of scenario 2 – the CAB advisor contacts the new service for specialised information on discrimination issues which the advisor provides. The CAB advisor does not wish to hand the case over to the new service. The CAB advisor then contacts the local employer to try and resolve the issue at the informal stage.

### ***Client journey 5***

The adult son of a client who lives in England has autism and the local, privately run leisure centre has barred him on the basis of what has been perceived to be anti social behaviour.

The next nearest public swimming pool is 25 miles away.

The parents have complained to the manager of the leisure centre and to the head office of the company but their complaints have been roundly ignored. The parents subsequently contact their local Disability Information Alliance Line (DIAL) about their problem.

The DIAL advisor listens to their story and identifies that the root cause of their problem could be discrimination. The DIAL is aware of the remit of the new service and therefore encourages the parents of the client to call the new service – which they consequently do.

The new service advisor informs the parents (acting on behalf of their son) that what they are describing may be discrimination because of disability under the provisions of the Equality Act 2010 and that they may be able to bring a claim in the county court asking for an order.

The new service advisor tries to contact the manager of the leisure centre and is ignored. The new service advisor therefore believes the next step is to embark on some form of formal proceedings (including formal alternative dispute resolution).

The advisor identifies that they are probably not eligible for civil legal aid (although they recommend the parents confirm this by calling the Community Legal Advice Line). The parents confirm they are not entitled to civil legal aid and consequently the service provides the client with some pre-claim assistance – for example explaining the time limits for bringing legal action, explaining where to obtain a claim form and what information needs to be included in it. The service also uses its network of contacts to try and find a source of legal advice for the parents by a qualified lawyer.

The advocate of an individual with a facial disfigurement contacts the new service on behalf of her client. Her client has been dismissed from her job as a shop assistant from a local supermarket branch because of some complaints from customers that felt uncomfortable being served by her. The individual is a member of a local community group that provides support for people with facial disfigurements, including advocacy services.

The new service advises the advocate that the employer could have breached their obligations under the Equality Act 2010 by discriminating against someone because of their disability (as well as being able to claim for unfair dismissal). Working through the advocate, the advisor seeks the individual's consent to refer them to Acas pre-claim conciliation service (after ensuring they meet the criteria for pre-claim conciliation). The case is referred to conciliators who attempt to resolve the dispute but they are unsuccessful. The individual is not eligible for civil legal aid. The client/advocate is therefore referred back to the service which tries to identify a reasonably accessible form of legal advice. This is not available and therefore the new service provides some basic pre-claim support for the individual. This could include:

- pulling together a narrative of the case history
- sending the advocate an ET1 form
- helping the advocate to complete a question and answer form to be sent to the employer

### **Example of a potential strategic case**

*Important note: The example below is based on a real case which arose under the law that applied before the Equality Act 2010 was brought into force. The previous law did not protect people from discrimination resulting from associating with a disabled person. The 2010 Act does provide that protection – for disability and all the other protected characteristics.*

Mrs C sought advice about serious problems at work over asking for time off to care for her son, who had a number of disabilities. While other parents were allowed to take time off to look after their children, her requests for leave were not only turned down, but led to her employers saying she was lazy. Mrs C thought that her employers were treating her in this way because her son was disabled. Things were so bad that she had felt she had no choice but to resign from her job. She wanted to bring a constructive dismissal employment tribunal case, based on discrimination and harassment because of disability, even though she herself was not disabled.

The adviser recognised that Mrs C's circumstances, and the employment tribunal case she wished to bring, raised an important question about the law protecting people from disability discrimination. It was clear that people who themselves had a disability were protected from being discriminated against because of it; but what about someone who faced discrimination because of the disability of someone else they were linked with? This was a fundamental question and the answer to it could affect the many people who were responsible for looking after a disabled person and also went out to work. The advisor therefore decides to refer the case to the EHRC to enable them to consider whether they may wish to take up this as a strategic case.



## **APPENDIX 2: CLIENT JOURNEYS FOR ACCESS TO INDEPENDENT ADVOCACY**

### ***Gateway entry point 1 (highly likely to occur)***

A first point of contact approaches the service on behalf of Bob, a hospital porter who has a learning disability. The first point of contact describes what the individual has experienced and the advisor agrees that this looks like discrimination on the grounds of disability. The first point of contact has discussed the support Bob needs and they have agreed he needs an advocate to understand the advice and support the advisors of the new service are providing. However the first point of contact is unable to act as an advocate for Bob because of resource constraints. As Bob meets its eligibility criteria for advocacy support, the new service for a time limited period funds an independent advocate to provide support for Bob.

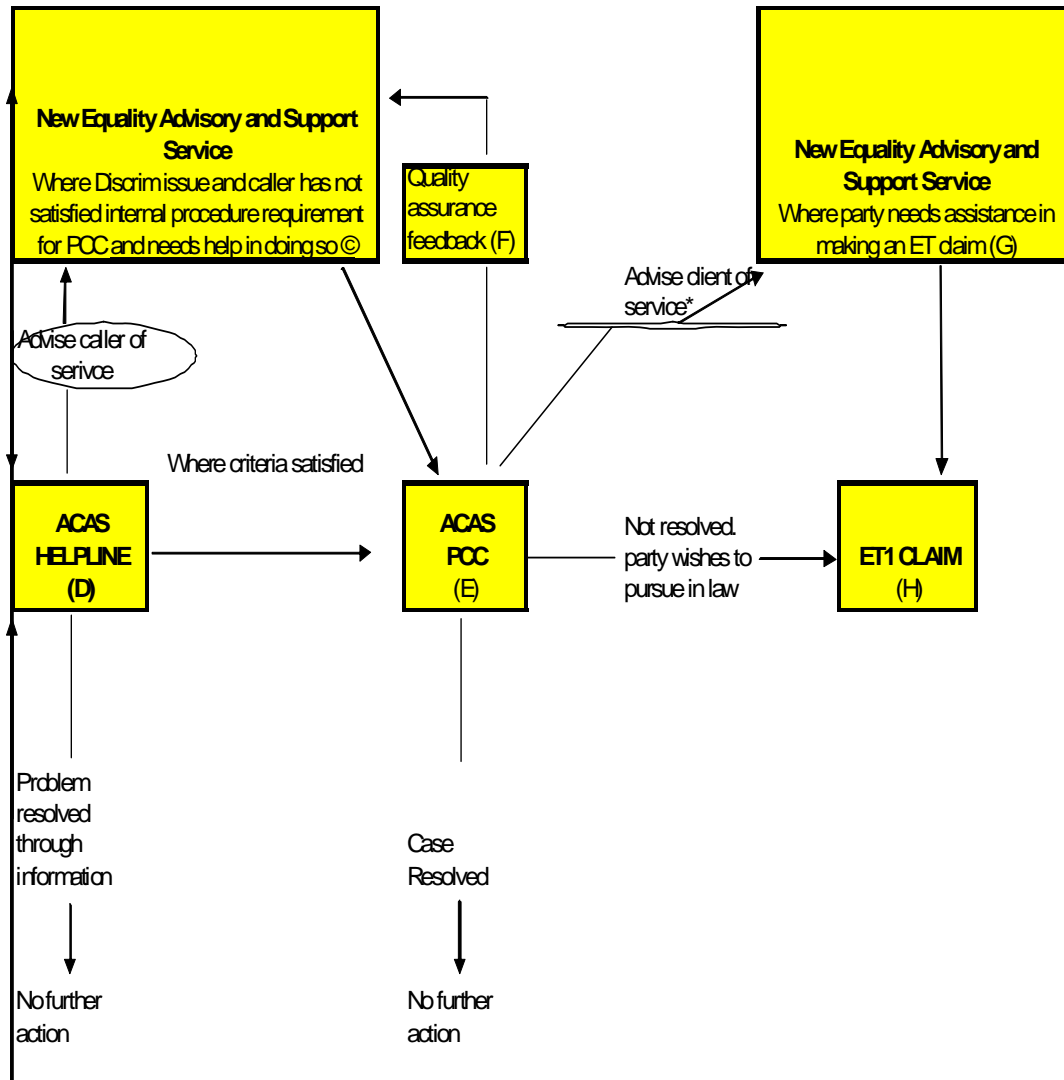
### ***Gateway entry point 2 (likely to occur)***

A family member approaches the service on behalf of Bob. After seeking the appropriate consent, the new service advisor establishes that what the family member is describing sounds like discrimination. The family member explains that they cannot act as an advocate for Bob, because of family pressures, and that Bob because of his learning disability needs the support of an independent advocate. As Bob meets the new service's eligibility criteria for advocacy support, the advisor agrees for a limited time to fund an independent advocate to provide support for Bob.

### ***Gateway entry point 3 (unlikely)***

Bob manages to contact the service directly himself by telephone. (We think direct calls like this would be the exception rather than the rule; in the main contacts would be mediated through the first points of contact). If the new service advisor ascertains that there is a significant risk that the issue the individual is describing is one of discrimination and that the client meets the eligibility criteria then they can contact and fund an independent advocate to provide support for the individual for a set period of time.

## APPENDIX 3: ACAS REFERRAL FLOW CHART



## APPENDIX 4: DATA SECURITY

The clear identification of “personal” and “sensitive personal” data is critical to compliance with data handling guidelines.

**The guidance below is designed to make this identification clear and consistent across government. Data held or transferred refers to any paper, electronic and transportable media.**

### *Minimum scope of protected data*

Anyone working on behalf of GEO, for example to deliver a service under a contract with GEO, must identify data they hold or transfer, whose release or loss could cause harm or distress to individuals. This must include **as a minimum** all data falling into one or both categories below.

- **Any information that links one or more identifiable living person with information about them whose release would put them at significant risk of harm or distress.**

1. One or more of the pieces of information which can be used along with public domain information to identify an individual.	Combined with	2. Information about that individual whose release is likely to cause harm or distress.
<p>Name/address (home, business or both) postcode/ email/ telephone numbers/ driving licence number/ date of birth.</p> <p>(Note that driving licence number is included in this list because it directly yields date of birth and the first part of surname)</p>		<p>Sensitive personal data as defined by s2 of the Data Protection Act, including records relating to the criminal justice system, and group membership.</p> <p>DNA or finger prints/ bank, financial or credit card details/ mother’s maiden name/ National Insurance number/ Tax, benefit or pension records/health records/ employment records/ school attendance or records/ Material relating to social services including child protection and housing.</p>

These are not exhaustive lists. The new service provider will need to determine whether other information they hold should be included in either category.

- **Any source of information about 1000 or more identifiable individuals, other than information sourced from the public domain.**

This could be a database with 1000 or more entries containing facts mentioned above in box 1, or an electronic folder or drive containing 1000 or more records about individuals. Again, this is a minimum standard. Information on smaller numbers of individuals may warrant protection because of the nature of the individuals, nature or source of the information, or extent of information.

However, any data transfer should be secure, no matter what the quantity of data.

### ***Data Security Rules***

Where we refer to “personal data” below, this covers both “personal data” and “sensitive personal data” as defined by the DPA and held in relation to a GEO contract. The following guidance applies equally to anyone working on behalf of your organisation.

**Technical standards required:** FIPS140-2 is the minimum standard required for working on government business. Examples of other secure data transfer include PGP encryption, SSL 128 bit encryption, secure FTP and via point-to-point traceable courier service.

**Ensure passwords are secure.** If you believe a password has been compromised, please change it immediately and inform your primary contact at GEO.

**Never store/permit the storage of personal data on unencrypted transportable media.** Transportable media are basically anything that can easily be removed from the office, so things like USB memory sticks, CDs, DVDs, floppy disks, etc must not contain unencrypted personal data.

**Never store/permit the storage of personal data on an unencrypted laptop.** Laptops are easily lost or stolen and it is not difficult to access data from a laptop, even if the password is unknown.

### ***Data not to be stored outside UK without written permission in advance.***

**As the minimum, it is only allowable to store personal data on a laptop or transportable media when it has been encrypted to the FIPS140-2 standard or the product uses encryption and is listed under the CCT Mark scheme ([www.cesg.gov.uk](http://www.cesg.gov.uk)).** Anything less is unacceptable. Password protecting files does NOT encrypt them to a suitable level.

**Never store/permit the storage of personal data on an employee’s private PC, laptop or personal transportable media.** Under no circumstances should personal data ever be stored or transported on non-business equipment/media.

**If you currently have personal data that is stored insecurely, you must secure it immediately.** You must remove any personal data from insecure locations. We would recommend you password protect any documents and store them on a secure network drive and use a FIPS140-2/CCT Mark scheme encryption product on other media.

**On completion of each GEO job/contract all personal data held in relation to the contract must be securely returned to GEO or such other person as GEO may nominate unless otherwise stipulated within a contract or framework agreement. After it has been transferred it should be permanently deleted from all systems.** Examples of “Permanently deleted” are using a cross-cut shredder, full destruction or the use of a CCT Mark scheme secure data erasure product. The method of deletion is dependant on the type of storage media used.

**Never email or permit the emailing of personal data in clear text outside of the organisation unless you are sure your encryption meets the appropriate technical standards (see first bullet point for further details).** Email in clear text is an insecure delivery and storage mechanism so it is unsuitable for transmitting or storing personal data.

**If you need to send personal data please contact your primary contact at GEO for information about secure delivery mechanisms.** Personal data should only be sent when absolutely necessary, and must be delivered secured. Only the absolute minimum data required should be sent.

**Personal data must not be passed to anyone working on behalf of your organisation without the agreement of GEO.** The transfer method used for any such exchange must also be secure and the third party involved must agree in writing to comply fully with these requirements.

**If you are in any doubt whether data is “personal data”, or how to get laptops and transportable media encrypted then contact your primary contact at GEO for advice.** The DPA definitions within this document should provide reasonable guidance. However the degree of sensitivity and the number of records involved may have a bearing in some cases and GEO’s IA team can provide advice on whether any data you have would be regarded as personal data. The IA Team can also provide advice on FIPS140-2 standard and the CCT Mark Scheme products. Advice can also be provided on more secure products if necessary.

**If you become aware of ANY loss of personal data you must contact your primary contact at GEO immediately providing as much detail as possible.** The loss of any personal data is a serious matter and must be reported without delay.

## APPENDIX 5: LANGUAGES IN WHICH THE NEW SERVICE WILL BE EXPECTED TO PROVIDE INFORMATION, ADVICE AND SUPPORT

Acholi	Farsi	Khmer (Cambodian)	Neapolitan	Thai
Afrikaans	Fijian Hindi	Kinyarwanda	Nepali	Tibetan
Akan	Finnish	Kirghiz	Nigerian Pidgin English	Tigre
Albanian	Flemish	Kirundi	Norwegian	Tigrinya
American Sign Language	French	Korean	Nuer	Toishanese
Amharic	French Canadian	Kosovan	Oromo	Tongan
Arabic	Fukienese	Krahn	Pahari	Tshiluba
Armenian	Fula	Krio	Pampangan	Turkish
Assyrian	Fulani	Kurdish	Pangasinan	Twi
Azerbaijani	Fuzhou	Kurmanji	Pashto	Ukrainian
Azeri	Gaddang	Lakota	Patois	Urdu
Bajuni	Georgian	Laotian	Polish	Uzbek
Bambara	German	Latvian	Portuguese	Yiddish
Basque	Gorani	Lingala	Portuguese Creole	Yoruba
Behdini	Greek	Lithuanian	Punjabi	Yupik
Belorussian	Gujarati	Luganda	Romanian	Vietnamese
Bengali	Haitian Creole	Luxembourgeois	Russian	Visayan
Berber	Hakka	Maay	Samoan	Welsh
Bosnian	Hakka – China	Macedonian	Serbian	Wolof
Bravanese	Hausa	Malagasy	Shanghainese	
Bulgarian	Hebrew	Malay	Shona	
Burmese	Hindi	Malayalam	Sicilian	
Cantonese	Hmong	Maltese	Sinhalese	
Catalan	Hunanese	Mandarin	Sindhi	
Chaldean	Hungarian	Mandingo	Slovak	
Chaochow	Ibanag	Mandinka	Slovenian	
Cherokee	Ibo	Maninka	Somali	
Chuukese	Icelandic	Mankon	Sorani	
Croatian	Igbo	Marathi	Spanish	
Czech	Ilocano	Marshallese	Sudanese Arabic	
Dakota	Indonesian	Mien	Swahili	
Danish	Italian	Mina	Swedish	
Dari	Jakartanese	Mirpuri	Sylhetti	
Dinka	Japanese	Mixteco	Tagalog	
Diula	Javanese	Moldavan	Taiwanese	
Dutch	Karen	Mongolian	Tajik	
Ewe	Kashmiri	Montenegrin	Tamil	
	Kazakh	Navajo	Telugu	

## APPENDIX 6: DATA COLLECTION REQUIREMENTS

An illustrative example of a data collection table is shown below. This has been compiled based on information collected and provided by EHRC and the experience of other government departments. This is not a final version of the data capture fields. Once the contract is appointed the new service provider will need to work with the GEO at set-up stage, to identify all the data capture fields required for the system build.

Also note that the full list of data collection requirements will not be needed for all client journeys.

Method of communication	Phone Email Web Letter SMS	
Date and time of contact	dd/mm/yy	
Duration of contact	time (mins)	
Type of contact	Individual Advocate Organisation	
Classification of contact	Journey 1 Journey 2 Journey 3 Journey 4 Journey 5	
Name of Contact 1	Could be individual or advocate	
Address of Contact 1	Could be individual or advocate	Postcode /Geographic
Telephone of Contact 1	Could be individual or advocate	
Email of Contact 1	Could be individual or advocate	
Name of Person to whom call refers 2	Must be individual to whom call refers	
Address of person to whom contact refers 2	Must be individual to whom call refers	
Telephone of person to whom contact refers 2	Must be individual to whom call refers	Postcode /Geographic
Email of contact to whom call refers 2	Must be individual to whom call refers	
Geographic	England Scotland Wales	Postcode Postcode Postcode
Gender	M/ F/ Unknown	
Age	Drop Down	
Ethnic Background	Drop Down	
First time contact	Y/N	
Claiming Benefits	Y/N	
Registered Disabled	Y/N	
From where did you get the number	Referral Advert Website Friend	Further Drop Down
Have they sought advice from any service	Y/N	Further Drop Down
Type of Discrimination	Disability Race Gender Human Rights Pregnancy Maternity Age Religion/Belief Sexual Orientation Transgender Equal pay Other	
Theme	Employment Goods Facilities&Services General Education Human Rights	Further broken down for example to training, harrasment etc
Sector (organisation)	Could use SIC codes? Private Public Charity	
Type of Unlawful Act	Direct Indirect Harassment Victimisation Breach of reasonable adjustment breach of public sector equality duty unlawful advert unlawful pre-employment health questionnaire	
Detriment suffered by contact	Dismissal detriment in employment lack of adequate provision of service closure of service	
What action is being taken	ACAS Issue resolved during contact Signposted Provision of letter text	
Description of Issue	Journey 3 - 4- 5	Key words should be highlighted or flagged on system

## APPENDIX 7: DATA COLLECTION FIELDS ON OUTCOMES

An example of the data collection fields on outcomes that may be needed is shown below. This is based on the range of outcomes that would be needed to measure the success of the new Equality Advisory and Support service, which have been identified through evaluations of comparable services, and the specific needs of this particular service. This is not a definitive list - once the contract is appointed the new service provider will need to work with the GEO at set-up stage to identify a more detailed list of measurements.

Type of Measurement	What is Measured	Description	How is it Measured	Timing	Target / Level to meet
Efficiency	Contacts by Journey	Number of contacts by Phone and digital by each of the predefined customer journeys	Captured by Agents	Weekly	
Efficiency	Avoidable Contact	Number of contacts received by phone that could not be dealt with by the service.	Captured by Agents	Monthly	
Efficiency	Availability of Service - Call	97% of calls to be answered on the first attempt by the caller.	ACD	Daily	97%
Efficiency	Speed of Answer	Telephone calls to be answered within a maximum of 15 seconds	ACD	Weekly	88% within 15 seconds
Efficiency	Average queue time	How long in seconds do people have to queue for an agent.	ACD	Weekly	
Efficiency	Staff Attrition	What % staff turnover is there.	Contact Centre Management	Annual	
Efficiency	Availability of Service - Website		Web Stats	Daily	
Efficiency	Web Metrics - Page Visits	Total number of visits to site	Web Stats	Weekly	
Efficiency	Web Metrics - Dwell time	Average dwell time of user.	Web Stats	Weekly	
Efficiency	Accuracy of web information				
Efficiency	Accuracy of fulfilment				100% accuracy
Efficiency	Accessibility (Could also be in Customer satisfaction)	Did the service provide the information in the right format?			
Efficiency	Continuous service monitoring/internal quality control			TBC	
Customer Satisfaction	Helpfulness of agents		Qualitative research of callers	Quarterly (Rolling)	
Customer Satisfaction	Provision of relevant information, advice and support		Qualitative research of callers	Quarterly (Rolling)	
Customer Satisfaction	How useful was the service		Qualitative research of callers	Quarterly (Rolling)	
Customer Satisfaction	Number of Complaints	Number of complaints received split by reason for complaint.	Obtained from feedback from contact centre staff and team leaders.	Monthly	
Customer Satisfaction	Whether client understood the information to solve their own problem				
Resolution	First Contact Resolution	First contact resolution would need to be defined alongside each of the customer journeys.	Captured by Agents.	Monthly	Over time achieve 90% through first points of contact
Resolution	Outcome of Case - Journeys 1, 2, 3, 4 and 5	- Number of problems successfully resolved informally through iterative and joined up working with first points of contacts. - Number of cases within the employment context referred to ACAS preconciliation services. - Number of cases where pre-d	Captured by Agents.	Monthly	
Resolution	Digital resolution/ fulfilment %	The proportion of one off information and fulfilment cases dealt with digitally	Web Stats	Monthly	
Landscape / Relationship/Knowledge	Referrals - to whom	The number of relevant referrals/correspondence passed over to organisations better placed to take forward contact (e.g. ACAS)	Obtained from feedback from contact centre staff and team leaders.	Monthly	
Landscape / Relationship	Building strategic relationships	Total number of records of appropriate organisations. This could be split geographically or by sector.	Contact Centre Management	Quarterly	

SLA\* - full details of SLA to be scoped with supplier and GEO contract manager



## APPENDIX 8: GLOSSARY

**ACD (Automatic Call Distribution)** – a device or system that distributes incoming calls to a specific group of terminals that agents use. This system enables calls to be distributed at random to agents who are available and not on another call.

**Advocacy** is defined as taking action to help people:-

- Express their views
- Secure their rights
- Have their interests represented
- Access information and services
- Explore choices and options
- Achieve greater independence and maintain choice and control

**Bespoke advice** – is defined as advice which is specific to an individual's particular circumstances.

**Bureau** – a dedicated capacity to deal with overflow.

**Caller line identification** – a facility which enables the telephone number of the person making a call to be established, such as caller display.

**Civil law justiciable causes** – these are defined as discrimination, consumer, employment, neighbours, owned house, rented housing, homelessness, money/debt, welfare benefits, divorce, relationship breakdown, domestic violence, children, personal injury, clinical negligence, mental health, immigration and police treatment.

**Continuous improvement process (CIP or CI)** is an ongoing effort to improve products, services, or processes. These efforts can seek "incremental" improvement over time or "breakthrough" improvement all at once. Delivery (Client valued) processes are constantly evaluated and improved in the light of their efficiency, effectiveness and flexibility.

**Consortium** – two or more persons (whether they are incorporated or unincorporated bodies or associations) acting jointly for the purpose of tendering for and/or delivering the contract.

**CRM (Customer Relationship Management)** – a widely-implemented long-term strategy managing a services' interactions with Customer/Clients. It involves using data and technology to understand a Customer's/Client's behaviour.

**Digital channels** are defined as methods of communication which include anything delivered or consumed via internet protocols technologies, including but not limited to, web, mobile services – including SMS and apps, digital telephony, IPTV, digital television and any other digital devices invented hereinafter.

**Fulfilment** – the process of selecting, packing and sending an order out to a client or customer who has requested. In this context it is usually physical literature fulfilment however it could also be electronic fulfilment via an email.

**Informal resolution** – the purpose of informal resolution is to resolve an issue without formal action or proceedings. The informal stage involves providing an opportunity for an individual to correct behaviour which may be inappropriate<sup>50</sup> by informing them directly either verbally or in writing. If the informal effort at resolution is unsuccessful or if informal resolution is inappropriate based on the egregious nature of the alleged behaviour, the claimant may need to take formal action which may be initiating legal proceedings or participating in formal alternative dispute resolution.

**Integrated voice recognition (IVR)** – technology that allows an inbound call to be answered by recording and asks the client to use the telephone keypad or speech to navigate a menu of options. IVR systems are often pre-recorded and can be a useful device for managing call demand.

**Joined up, partnership working** – a collaborative working relationship between partners. This includes the new service sharing data and management information about the end outcome for a client with other partners that have been instrumental in achieving an outcome, as well as regionalised and national data

**Legal advice from a qualified lawyer** – this means a professionally qualified lawyer (solicitor, barrister, legal executive) or a caseworker working under the direct and close supervision of a professionally qualified lawyer or a person who is otherwise accredited to provide legal advice on the relevant area of law.

**Local organisation** – an organisation which operates within or relates to a nearby location

**Memorandum of Understanding (MoU)** – a document describing a bilateral or multilateral agreement between parties.

**Mid call transfer (warm handover)** – a mid-call transfer or warm handover means that a contact is passed on directly to a third party via the existing service. The agent usually introduces themselves to the third party and explains the nature of the contact's call to the third party before they transfer the call across. This can be an expensive and timely method of transfer.

**National organisation** – an organisation which operates throughout or relates to an entire nation.

**New service provider** – the organisation or organisations delivering the new service

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<sup>50</sup> This refers to any conduct that is prohibited under the Equality Act 2010.

**Parliamentary Questions (PQs)** – are tools that can be used by MPs and Members of the House of Lords to hold the Government to account. Members can ask oral or written PQs to obtain information or to press for action. Written PQs are tabled in Parliament and sent to the Home Office the following day.

There are three types of written PQ – Ordinary Written (in the House of Commons), Named Day Questions (to be answered on a date specified by the MP, in the Commons) and Lords Written (in the House of Lords). Each of these has its own deadline for response.

**Services** – examples of services include: shops, GP surgeries, hotels, leisure centres, restaurants. Work, education and accommodation are not services for the purposes of discrimination legislation.

**Social capital** is a sociological concept, which refers to connections within and between social networks. Though there are a variety of related definitions, which have been described as "something of a cure-all" for the problems of modern society, they tend to share the core idea "that social networks have value. Just as a screwdriver (physical capital) or a university education (human capital) can increase productivity (both individual and collective), so do social contacts affect the productivity of individuals and groups. Within this context local social capital is defined as the nexus of relationships and history that locally based organisations from all sectors have with each other.

**Strategic relationships** – relationships between institutions based on a clear understanding of what each organisation brings to the relationship and assisting clients. These relationships are different from those based on personal contacts and relationships between particular individuals in different organisations which may well be ad hoc.

**URN** – a Unique Reference Number which identifies a client record on a database.

**Wrap time** – this term is the amount of time between the ending of a call and the start of a new call.