

Equality Impact Assessment (EIA)

Date of Assessment	January 2018 (Reviewed May 2019)
Assessor Name & Job Title	Ruby Newton, Senior Supervision and Authorisation Officer
Name of Policy/Function to be Assessed	CAT team risk assessment process
Aim/Purpose of Policy	<p>Contact and Assessment Team (CAT)</p> <p>CAT will be a single, front-end team which acts as the point of entry for most types of unprompted information and queries received by the BSB. The purpose of CAT is to ensure that the BSB consistently captures all incoming information, risk assesses it where appropriate, responds to it consistently, and deals with queries consistently and efficiently.</p> <p>All unprompted information and queries which currently go into departments such as the Professional Conduct Department (PCD) and the Regulatory Assurance Department (RAD) will be directed to CAT.</p> <p>CAT's role will be to assess whether information relates to a matter that falls within the BSB's regulatory remit. For information inside the BSB's remit, CAT will systematically capture it and assess it for regulatory risk and then decide which team(s) in the BSB should know about the information in order to develop a regulatory response. CAT will also record information which does not present an immediate risk. All information, even low risk information, can help to build a picture about risk relating to a barrister, a chambers, an entity or the market. Where information presents a particularly low risk, CAT will act on that information itself rather than pass it to another team.</p> <p>Where the information being assessed by the CAT Team is particularly complex or requires specific knowledge of an area of law/practitioner insight, staff will have the ability to draw upon the BSB's Advisory Pool of Experts (APEX). This pool includes barristers, academics and commercial experts with a variety of specialisms and a diverse knowledge base.</p> <p>CAT will be assessing a variety of information, some of which relates to the conduct of people we regulate and some of which relates to the functioning of chambers or the delivery of education and training.</p> <p>Risk Assessment Process</p> <p>The process for risk assessing incoming information has been developed by members of the Project Team, including the Risk manager and individuals who currently assess incoming information in PCD and RAD.</p> <p>There are four stages to the assessment:</p> <ol style="list-style-type: none"> 1. Pre-assessment –designed to filter out information which would not be appropriate, or would be a waste of resources for CAT to assess; 2. Identification – this stage identifies risks to the BSB's regulatory objectives, the risk index and clarifies issues; 3. Risk Assessment – comes in two parts; a substance and an impact

	<p>assessment. The substance assessment considers how confident we are in the information we are assessing. Impact considers the harm the risk or issue has had, or could have, in terms of harm to legal rights, harm to the person and/or harm to the public confidence. A final risk score is produced (low, medium or high risk), which assessors can override);</p> <p>4. Allocation – this aims to ensure that only information which has substance and evidence of impact on the BSB’s regulatory objectives is passed to the relevant departments to respond.</p> <p>Assessors should remain vigilant for certain issues throughout the assessment, in particular, referring individuals to fitness to practise, for interim suspension and intervention.</p> <p>For more information, it may be appropriate to consult the Project Initiation Document for the CAT.</p>
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1. Evidence

<p>What evidence will you use to assess impact on equality?</p>	<ul style="list-style-type: none"> - The Head of CAT will dip-test decisions made by Assessment Officers to ensure consistent, fair and quality decisions are being made. In the event this is not happening, the Head of CAT will review the decision and consider whether the inconsistency could have arisen because of an individual’s protected characteristics (or for another reason.) - We will monitor how many times the “override” function on the final risk score is used by assessors and under what circumstances. This will give us an idea of how effective the process is in its entirety. In addition, it should also highlight where unconscious biases may be present.
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2. Impact on Equality

<p>Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).</p> <p>Overarching adverse effect</p> <p>Risk assessors can override the decision which the risk assessment process automatically generates. We recognise that any individual is likely to have positive and negative biases towards different protected characteristics. These biases could, consciously and unconsciously, mean that individuals with certain protected characteristics get preferential or disadvantageous treatment.</p> <p>We will mitigate by ensuring that members of the team receive unconscious bias training and regular equality and diversity training. This is scheduled as part of our training for CAT in 2019.</p> <p>In addition, robust processes and dip-testing will help to ensure that decisions are consistent and fair.</p>	
<p>Race</p>	<p>See overarching adverse effect.</p> <p>Training will be provided to CAT around risk assessment and unconscious bias to ensure our process is fair. (See the CAT EIA action plan, which sets out the training</p>

	CAT staff will receive.) We will also continue ongoing reporting and statistical analysis of cases including the monitoring of unconscious bias.
Gender	See overarching adverse effect.
Disability	See overarching adverse effect. Disability may affect the way in which an individual communicates with us and may mean there are barriers to some individuals providing suitable and sufficient information for us to risk assess. CAT will be able to make reasonable adjustments for these individuals, to enable them to provide us with information. This approach is expanded upon fully in the full CAT EIA, with additional detail in the accessibility EIA.
Age	See overarching adverse effect. Similarly to disability, age may affect the way in which an individual communicates with us, and may mean they provide unsuitable or insufficient information for us to risk assess. CAT will be able to make reasonable adjustments for these individuals, to enable them to provide us with information. This approach is expanded upon fully in the full CAT EIA, with additional detail in the accessibility EIA.
Sexual Orientation	See overarching adverse effect.
Religion/Belief	See overarching adverse effect.
Gender Reassignment	See overarching adverse effect.
Pregnancy/ Maternity	See overarching adverse effect.
Marriage and Civil Partnership	N/A as not an employment scenario.
Other Identified Groups (<i>e.g carers, people from different socio-economic backgrounds, or any other groups likely to experience disadvantage</i>)	See overarching adverse effect.

How does the policy advance equality of opportunity?

The risk assessment process is designed to assess all information coming into the BSB consistently and fairly and has been developed with the [Legal Services Consumer Panel's Guide to Recognising and responding to consumer vulnerability](#) in mind (which has a large amount of crossover with the protected characteristics). This will ensure that individuals are treated consistently and fairly and that providers of information have confidence in the assessment process; resulting in a positive impact on equality

How does the policy promote good relations between different groups?

This policy promotes good relations between different groups by:

- ensuring that individuals are treated consistently and fairly and that individuals with certain protected characteristics are not unfairly discriminated against;
- ensuring that providers of information have confidence in the assessment process. The process should be open, transparent and fair.

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)

a. No change to the policy (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.	
b. Continue the policy (impacts identified)	Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.	x
c. Adjust the policy and continue	Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.	
d. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.	

Reason for decision:

As discussed above, the project team has given considerable attention to potential adverse effects on equality and has resolved to act to appropriately mitigate this.

4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.			
Action Required	Desired Outcome	Person Responsible	Timescale
<i>Ensure assessors receive training in equality and diversity and unconscious bias.</i>	<i>Assessors make decisions consistently and fairly at all stages of the risk assessment process.</i>	<i>Project Team (NB: training needs laid out in CAT full EIA.)</i>	<i>Training planned in Regulatory Operations Training Schedule for 2019</i>
<i>Ensure that decisions are regularly reviewed once CAT has completed its risk assessment.</i>	<i>Decisions are fair and consistent.</i>	<i>Head of CAT Project Team to design review process</i>	<i>Due when CAT is implemented (early 2019.)</i>
<i>Ensure that, where decisions are made that a piece of information will not be acted on, or where the consumer has misunderstood the legal system, the information is presented in a clear format.</i>	<i>Consumers understand the messages that they have been given. All information relating to CAT is presented in a plain English format and supporting guidance provided where required.</i>	<i>CAT Project Team</i>	<i>Due when CAT is implemented (early 2019.)</i>
<i>Ensure that there is a clear policy and guidance for assessors around what constitutes a vexatious or persistent information provider and how they should be dealt with.</i>	<i>Assessors (and vexatious complainants) are clear about what behaviour constitutes “vexatious” behaviour and what action will be taken where someone is identified as this. Unconscious bias training will help to avoid an adverse impact in terms of how we identify and handle vexatious information providers, since people with communication difficulties or who do not speak English as their first language may become angry/frustrated with the process and our approach to vexatious behaviour needs to accommodate this and mitigate against the risk of labelling someone “vexatious” because they are frustrated by communication</i>	<i>CAT Project Team</i>	<i>Due when CAT is implemented (early 2019.)</i>

	<i>difficulties.</i>		
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