

Equality Analysis (EA)

Date of Assessment	18 January 2018 Reviewed May 2018 and May 2019
Assessor Name & Job Title	Ruby Newton, Senior Supervision and Authorisation Officer
Name of Policy/Function to be Assessed	Role of “complainants” in the Contact and Assessment Team (CAT)
Aim/Purpose of Policy	<p>Function of 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 efficiently.</p> <p>All unprompted information and queries that 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. 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/BSB entities or the delivery of education and training.</p> <p>“Complaints” vs “information”</p> <p>At present, the PCD assessment team uses the term “complaints” and “complainants” to describe information post-assessment and the people who provide it. However, this is somewhat misleading, since the BSB as an organisation is not responsible for the consideration of “complaints”, as the term is understood within the field of professional regulation. Instead, the Legal Services Act 2007 established the Legal Ombudsman as the body to which the clients of legal service providers can make “complaints”. The Legal Ombudsman has the ability to provide redress such as compensation, apologies and refunds whereas the BSB is restricted from taking any such action.</p> <p>Given this distinction, when CAT is introduced this terminology will change. Incoming information will no longer be described a “complainant” making a “complaint.” The BSB will instead receive “information” from “providers of information.”</p> <p>These language changes will also be reflected in CAT processes. The team will not “dismiss complaints”, a term which suggests that the BSB has decided on the veracity of the information before any investigation is carried out, instead it will “take no further action” on information received. However, the information will be recorded and will contribute to the risk profile of chambers and entities. Information that is stored about individuals will inform a future consideration of their “regulatory history” as part of a subsequent risk assessment process.</p>

	<p>The motivation for this change is that current language is misleading for clients, particularly since the BSB cannot provide them with redress. The language of complaints does not accurately reflect the role of the BSB as an assessor of conduct. The BSB is of the view that this would better reflect the way that it engages with the public, members of the profession and other regulators, and the way it uses information to assess risk and determine a proportionate response from the full range of available regulatory tools.</p> <p>The introduction of CAT has been equality impact assessed separately. This EIA will focus on the role of the “complainant” and the CAT team.</p>
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1. Evidence

<p>What evidence will you use to assess impact on equality?</p>
<p>Relevant passage from overarching CAT EIA:</p> <ul style="list-style-type: none"> - Once CAT is operational, periodic user surveys will be conducted. These surveys will allow us insight into the experience users have of the CAT. This will be one of the systems in place for quality-assuring the work of the team. It will also allow us to consider what impact CAT has on the protected characteristics of those who use it. To complement this, we will carry out diversity monitoring where appropriate. <p>In addition, regular reviews of service complaints will be an important way of judging how CAT interacts with all consumers, with a particular focus on protected characteristics.</p>

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>Race</p>	<p>Many clients (particularly those involved with immigration law) may not have English as their first language. It will be particularly important to highlight to consumers the changes to the role of the complainant; and we must do so in plain English.</p> <p>Information to consumers should cover:</p> <ul style="list-style-type: none"> - What outcomes they should expect when they provide us with information. This should particularly highlight that the BSB cannot offer them redress, since that is the function of the Legal Ombudsman; - How much the BSB will communicate with them, including an indication of a timeframe. There will be a significant reduction in the level of engagement the BSB will have with providers of information. <p>There may be a need to provide additional information to individuals who have had previous contact with us, particularly regarding the impact the changes will have on the way we communicate with them.</p>

Gender	We do not anticipate that this policy will have any impact on the basis of gender.
Disability	<p>CAT will change how people contact the BSB and the status of individuals who provide us with information. The change for members of the public from being “complainants” to “providers of information” has the potential to cause confusion. This could be acute for people who have disabilities and/or learning difficulties who are interacting with CAT.</p> <p>This is likely to particularly affect individuals who have difficulty communicating, for example: We envisage that the creation of CAT will particularly impact those individuals who may find it challenging to communicate in certain ways. This could include:</p> <ul style="list-style-type: none"> - People who have difficulties with sight and/or hearing; - People who have difficulties writing things down; - People who may find any form of communication stressful or difficult; - People who struggle to maintain their concentration - People who struggle to meet time-based requests. <p>The Project Team is mitigating the effect on individuals with disabilities by:</p> <ul style="list-style-type: none"> - Ensuring that when we are drafting materials for consumers, that they are written in plain English (in progress); - Testing the consumer-facing reporting form with organisations who support individuals with disabilities (completed); - Ensuring CAT offers reasonable adjustments in line with our organisational policy (in progress) which can extend to increasing the amount of interaction the team has with people who have certain needs.
Age	Older people may experience some of the challenges with communication outlined in the disability section. Additionally, some older people may be more familiar with a system of complaints, rather than a system of “providing information”. Key to ensuring that older consumers are not adversely affected is the way that we communicate with consumers, being clear about the process and managing expectations (outlined in the above section).
Sexual Orientation	We do not anticipate that this policy will have any impact on people who have different sexual orientations.
Religion/Belief	We do not anticipate that this policy will have any impact on different religions or beliefs.
Gender Reassignment	We do not anticipate that this policy will have any impact on different religions or beliefs.
Pregnancy/ Maternity	We do not anticipate that this policy will have any impact on different religions or beliefs.
Marriage and Civil Partnership	Not applicable.

Other Identified Groups (e.g. carers, people from different socio-economic backgrounds, or any other groups likely to experience disadvantage)	We do not anticipate that this policy will have any impact on any other groups.
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How does the policy advance equality of opportunity?
<ul style="list-style-type: none"> - The introduction of CAT will be accompanied by a wide range of accessible plain English materials explaining the role of the team and what consumers should expect. This should ensure that consumers are clear about expectations and understand the process.

How does the policy promote good relations between different groups?
<ul style="list-style-type: none"> - All providers of information will be treated fairly and in a non-discriminatory way, using the same consistent language.

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:

The positive effects of introducing the CAT on providers of information mean that the policy should continue. We have identified that changing the role of complainants may have adverse impacts on some protected characteristics. However, we will take appropriate steps to mitigate the effects of 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>The below actions form part of the overall CAT EIA.</i>			
Consider all documents relating to CAT, with particular attention to those that will be publicly available in terms of: <ul style="list-style-type: none"> - Plain English; - Use of pictures or diagrams to mitigate against an adverse impact on people with particular disabilities; - Accessibility in terms of easy to read/ large text versions and hard copies. - Guidance to assist people with the process of providing us with information to CAT. 	Documents are clear and easy to read.	Ruby Newton (and project team)	Ongoing
Ensure the information which is put onto the BSB website about CAT is in plain English.	It will be as easy possible for people to understand the function of CAT and contact the team.	Ruby Newton (and project team)	Ongoing
Ensure a BSB wide reasonable adjustments policy is drafted, with additional operational guidance where required.	We offer reasonable adjustments fairly and consistently.	Ruby Newton and Ben Burns	By delivery of CAT project (October 2019).