

## Equality Analysis (EA)

Date of Assessment	9 <sup>th</sup> August 2016  Edited 13/06/2017  Reviewed January, May 2018 and May 2019.
Assessor Name & Job Title	Ruby Newton, Senior Authorisation & Supervision Officer
Name of Policy/Function to be Assessed	Creation of the Contact and Assessment Team (CAT)
Aim/Purpose of Policy	<p>Once it is operational, CAT will receive most of the BSB's incoming information, risk assess it, and forward it (where relevant) to the right department or team. It will combine functions which currently sit in the Professional Conduct Department (PCD) Assessment Team and the Supervision Team, along with some of the functions which sit in other teams- including other teams within the Regulatory Assurance Department and the Professional Standards Team. These functions include assessing incoming information and being the first point of contact for members of the public and others who may get in contact with us.</p> <p>The purpose of consolidating these functions is to ensure:</p> <ul style="list-style-type: none"> <li>• Consistency of regulatory approach (principles of better regulation)</li> <li>• Embed identification and common assessment of regulatory risks, through a standardised risk assessment process.</li> <li>• More consistently identify and respond to             <ul style="list-style-type: none"> <li>○ Potential breaches of the BSB Handbook, by barristers.</li> <li>○ Regulatory risks</li> <li>○ Policy considerations arising</li> </ul> </li> <li>• Ensure we risk assess information in line with our organisational priorities (e.g.: <a href="#">our Handbook</a>, our Risk outlook and <a href="#">our strategic plan</a>)</li> <li>• Record incoming information more consistently for analysis purposes</li> <li>• Embed efficient means of quality assuring into processes, aiding cross-training and knowledge management</li> <li>• Ensure that staff are supported to make good quality, consistent decisions (e.g.: by providing consistent training)</li> <li>• Ensure a proportionate and prompt response to urgent and important issues across the organisation: having an obvious route of escalation to those who are trained to handle appropriately</li> </ul>

### 1. Evidence

What evidence will you use to assess impact on equality?	
	<ul style="list-style-type: none"> <li>- Our case management system will allow CAT to consistently record the content of information entering the BSB and the diversity data of the individuals who do so (where they are willing to provide it to us). This information will enable us to assess the impact we are having on equality. At present, IT systems don't allow for the collection of this type of information, and undertaking this exercise manually would be difficult and time-consuming;</li> </ul>

- As part of the CAT project, we have reviewed the information entering the BSB through the PCD assessment Team, Supervision and other departments. We have considered: the source of information, the format and the quantity of information. This has given us an indication of the level and type of information CAT will receive (though not who will be sending it);
- Once CAT is operational, consideration will be given to the necessity of conducting specific audits related to protected characteristics. As an example, action on hearing loss offer a service to audit how accessible information is for individuals with hearing loss;
- 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. “Dip tests” of decisions may also be considered. These quality assurance measures will 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.

## 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>	
Race	<p>Many of those who contact us (particularly those involved with immigration law) may not have English as their first language. We are mindful of the need to ensure that CAT’s communications are in plain English in order to be as inclusive as possible. CAT may occasionally need to use translators, though we foresee this being rare.</p>
Gender	<p>We do not have any evidence which suggests this policy will have an adverse or a positive impact on the basis of gender.</p>
Disability	<p>CAT will change how people contact the BSB, through the creation of an online reporting form. There is the potential for people who have disabilities to be adversely impacted) since 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"> <li>- People who have difficulties with sight and/or hearing;</li> <li>- People who have difficulties writing things down;</li> <li>- People who may find any form of communication stressful or difficult;</li> <li>- People who struggle to maintain their concentration</li> <li>- People who struggle to meet time-based requests.</li> </ul> <p>The Project Team is already alive to this and have worked with internal and external stakeholders to address this. In particular, we have:</p> <ul style="list-style-type: none"> <li>- Met with the Communications and Public Engagement and the Equality and Access to Justice Teams to discuss how providers of information should interact with CAT;</li> <li>- Identified a training need around dealing with vulnerable people, people with complex issues or who present complex communication needs and identifying harassment within reports coming through. This training is scheduled for CAT and our Regulatory Operations and Legal and Enforcement Departments;</li> <li>- Met with a member of our Advisory Panel of Experts (APEX), a disability</li> </ul>

	<p>specialist, who provided feedback on CAT processes and the reporting form;</p> <ul style="list-style-type: none"> <li>- Asked the charity Law for Life (whose aim is to ensure people have the knowledge, confidence and skills needed to secure access to justice) to review and comment upon our reporting form to ensure it is as “plain English” as possible. We have incorporated their comments into our development of the form. The form has also been reviewed by Mencap, an organisation which supports individuals with learning disabilities and their families and carers, to ensure the form is appropriate for the groups they work with.</li> </ul> <p>CAT will offer and make reasonable adjustments; a reasonable adjustments policy is scheduled to be drafted before the CAT go-live date in October 2019. This will include giving people other options for contacting us at the point they are completing the online reporting form (specifically the option to tell us information via phone or in paper format). Discussion around this considered using language such as “if you would prefer to use another method of communication this is how you can contact us... “. This language is designed to avoid asking or suggesting the reason why someone may wish to contact us in a different format. The Project Team has discussed ensuring that information about CAT, particularly how to contact CAT and how to request reasonable adjustments should be in plain English to ensure that people with learning difficulties can contact the team.</p> <p>In addition, the form to submit information to CAT will be available 24 hours a day, which may help individuals with disabilities which mean they prefer, or have to, operate outside of conventional office hours.</p> <p>As outlined above, once CAT is operational, there will be consideration given to the necessity of conducting specific audits related to protected characteristics. As an example, action on hearing loss offer a service to audit how accessible information is for individuals with hearing loss.</p>
Age	<p>Older people may experience some of the challenges with communication outlined in the disability section. Additionally, some older people may be more familiar with certain forms of communication and may feel more comfortable communicating with the BSB in that format (e.g.: by telephone rather than an online form).</p> <p>CAT must be sufficiently flexible to allow people to communicate with us in different ways.</p>
Sexual Orientation	<p>We do not have any evidence which suggests this policy will have an adverse or a positive impact on people who have different sexual orientations.</p>
Religion/Belief	<p>We do not have any evidence which suggests this policy will have an adverse, or a positive impact on different religions or beliefs.</p>
Gender Reassignment	<p>We have identified a possible adverse impact on individuals who may be undergoing, proposing to undergo, or have undergone a process (or part of a process) of reassigning the physical or other attributes of their sex, in terms of keeping their sensitive personal information confidential within the BSB. Whilst this is relevant for all of the protected characteristics, we consider that it is particularly relevant for this protected characteristic.</p> <p>Disclosure of information about this protected characteristic will not be required as part of CAT’s operational work. However, it is possible that individuals may disclose information to the CAT team which, inadvertently or advertently, means that the CAT team become aware of their gender reassignment status. Equally, those who contact us will also be asked whether they wish to complete an equality and diversity monitoring form, which includes questions on gender.</p>

	In events such as these, there will be strict confidentiality requirements about who can access the case. It is already envisaged that the CRM will have the functionality to allow us to keep cases strictly confidential to certain staff members who “need to know.” This will include cases which do not relate to the protected characteristics (for example, where the cases concern BSB staff or committee or board members).
Pregnancy/ Maternity	Pregnant or new mothers could be more likely to anticipate ill-health than the population at large. Such ill health may impact on their ability to communicate with CAT. Specifically, it may: <ul style="list-style-type: none"> <li>- Mean they prefer to communicate in certain formats rather than others;</li> <li>- Mean that they are unable to meet time-based requests made by the team</li> </ul> CAT will take this in to account when dealing with members of the public and will be as flexible as possible.
Marriage and Civil Partnership	Not applicable, since this is not in the context of employment.
Other Identified Groups (e.g carers, people from different socio-economic backgrounds, or any other groups likely to experience disadvantage)	We will ensure that there is clear information provided out-of-hours; either on the BSB website or via an automated message. In addition, the CAT form can be submitted 24 hours a day, which we anticipate will have a positive impact on groups with caring responsibilities, who may prefer to work or communicate outside normal office hours.

How does the policy advance equality of opportunity?
<ul style="list-style-type: none"> <li>- The introduction of CAT will make communication with the BSB streamlined and easier for consumers. There will be one clear point of contact rather than several. Individuals who contact us with information will be dealt with consistently. It will ensure that where a matter is urgent, action is taken quickly and appropriately. In addition, a single point for collecting data on the people who contact us will mean it is easier for us to monitor and promote equality of opportunity.</li> <li>- Through the process of reviewing how people contact us, we have increased our understanding of how vulnerable consumers may interact with us and some of the issues they may encounter. We have scheduled specific training, and considered the material we present to the public, in order to ensure that we are as accessible as possible. As a result, the risk of unequal treatment or negative experience is minimised.</li> </ul>

How does the policy promote good relations between different groups?
<p>As highlighted above, the introduction of CAT will:</p> <ul style="list-style-type: none"> <li>- Make it easier for consumers to contact us;</li> <li>- Ensure that consumers receive a more consistent standard of service.</li> </ul> <p>Therefore, we feel that this is likely to have a positive impact on relations between different groups since it will</p>

resolve issues some groups may have when contacting us presently.

### 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 positives of introducing the CAT mean that the policy should continue. We have identified the impact that the implementation of CAT may have on different groups and have taken steps to mitigate where necessary.		
This Equality Action Plan has been reviewed regularly.		

### 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.			
<b>NB completed actions greyed out</b>			
Action Required	Desired Outcome	Person Responsible	Timescale
Ensure that members of the CAT have training in: <ul style="list-style-type: none"> <li>- Vulnerability and mental health;</li> <li>- Identification of harassment within</li> </ul>	The team will have an in-depth understanding of the needs of vulnerable consumers, can identify factors which may make certain clients vulnerable and	Andy Cohen/ Julia Witting	Scheduled for 2019 in regulatory operations training plan.

<p>reports;</p> <ul style="list-style-type: none"> <li>- Dealing with people with complex needs;</li> <li>- Customer service skills;</li> <li>- Equality &amp; diversity, cultural awareness and cross-cultural communication, unconscious bias and protected characteristics;</li> <li>- Parts of the BSB Risk Index relating to Equality and Diversity particularly;</li> <li>- The risk assessment process and scoring;</li> <li>- Refresher training about the function of each department of the BSB.</li> </ul>	<p>communicate with these clients effectively.</p> <p>Members of CAT must be able to deal with issues around discrimination and harassment sensitively and appropriately.</p>		
<p>Consider all documents relating to CAT, with particular attention to those that will be publicly available in terms of:</p> <ul style="list-style-type: none"> <li>- Plain English;</li> <li>- Use of pictures or diagrams to mitigate against an adverse impact on people with particular disabilities;</li> <li>- Accessibility in terms of easy to read/ large text versions and hard copies.</li> <li>- Guidance to assist people with the process of providing us with information to CAT.</li> </ul> <p>Information will also be provided internally to staff through a knowledge sharing session. More information will be provided to staff who will be affected personally. Communications should be clear.</p>	<p>Documents are clear and easy to read.</p>	<p>Andy Cohen</p>	<p>Content being drafted and finalised currently (May 2019). Plain English review is happening as part of this.</p> <p>Knowledge sharing sessions have been scheduled in July.</p>
<p>Ensure the information which is put onto the BSB website about CAT is in plain English.</p>	<p>It will be as easy possible for people to understand the function of CAT and contact the team.</p>	<p>To be assigned</p>	<p>Content being drafted and finalised currently (May 2019). Plain English review is happening as</p>

			part of this
Feed into CRM development (part of IM programme) the need to keep certain records on the CRM confidential to a very small number of staff.	Ensure that the CRM is developed to allow records to be kept confidential where there is particularly sensitive information about an individual's protected characteristics.	Project Team	The development of the CRM has taken place and includes this requirement.
Equality Impact Assess how the risk assessment methodology may impact the protected characteristics of staff and consumers.	Ensure that existing staff or consumers are not being discriminated against on the basis of their protected characteristics.	Ruby Newton	Undertaken January 2018, reviewed May 2019
Equality Impact Assess the impact that the creation of CAT will have on existing staff (include a consideration of the capacity & capability findings)	Ensure that existing staff are not being discriminated against on the basis of their protected characteristics.	Ruby Newton	When structure of CAT is confirmed in 2019
Equality impact assess the impact how the traditional role of the "complainant" may impact consumers.	Ensure consumers are not discriminated against on the basis of their protected characteristics	Ruby Newton	Undertaken January 2018, reviewed May 2019
Have objective criteria to measure decisions against (e.g.: about where CAT sends certain information to.)	This will eliminate as far as possible unconscious bias on the basis of the protected characteristics	Peter Astrella/ Project Team	Developed as part of risk assessment process. Finalised in 2018.
Create a Reasonable Adjustments log for CAT to use.	This will allow us to have a good evidence base of the reasonable adjustments requested and made.	Project Team	This has been integrated into CRM design
Ensure there is a reasonable adjustments policy in place	Ensure that people reasonable adjustments are handled fairly and consistently.	Ruby Newton and Ben Burns	In place once CAT is operational (October 2019)