



DISABILITY EQUALITY SCHEME

Ensuring our Equality & Diversity Strategy for 2005 to 2008 meets the Disability Equality Duties

CONTENTS

Section 1	Forward
Section 2	Introduction
Section 3	Disability equality and the law <ul style="list-style-type: none">3.1 Introduction3.2 The Disability Discrimination Act 20053.3 The General and Specific Duties
Section 4	A definition of disability <ul style="list-style-type: none">4.1 Introduction4.2 The meaning of disability (extract from the statutory code)4.3 Looking to the future
Section 5	Disability in Scotland <ul style="list-style-type: none">5.1 Introduction5.2 Profiling the Profession5.3 Solicitors with disabilities5.4 Experiences of solicitors with disabilities5.5 Perceptions of solicitors on issues of disability5.6 Scotland – National Facts and Figures5.7 Further data
Section 6	Involving and Learning <ul style="list-style-type: none">6.1 Introduction6.2 Working with individuals6.3 Our elected Council and our membership6.4 Diversity Advisory Group6.5 Equality Forum6.6 Working with other organisations6.7 Major involvement projects – equality specific6.8 Major involvement projects – mainstreaming the equality dimension
Section 7	Assessing Impact <ul style="list-style-type: none">7.1 Introduction7.2 What has been achieved so far?7.3 What is planned for the future?
Section 8	Our Action Plan <ul style="list-style-type: none">8.1 Introduction8.2 Action Plan 1 – implementing recommendations from involvement work8.3 Action Plan 2 - Implementing issues identified through impact assessment and other supporting work8.4 Strategic Objectives from the Equality and Diversity Strategy
Section 9	Information Gathering <ul style="list-style-type: none">9.1 Introduction9.2 Human Resource data9.3 Service provision data9.4 The use of information
Section 10	Reporting on progress

This document is NOT intended to be a detailed guide to the relevant legislation or how it may affect individual firms or organisations. This is a fast developing area of law and whilst the contents are believed correct at the date of publication no guarantee is given in respect of accuracy, completeness, or the document being up-to-date. This Scheme is not intended to constitute specific legal advice and The Law Society of Scotland can accept no responsibility for any loss, claim or damage relating to the information provided or how it is interpreted. Independent legal advice should always be sought from a specialist in the field.

Foreword

The Law Society of Scotland and Disability Equality

As the professional body for solicitors in Scotland the Society has responsibilities to the profession, to the public as a whole, and as an employer. To provide, and be seen to provide, effective regulation the Society must take account of the Diversity of both profession and public and ensure that our services are 'accessible', 'user friendly' and equitable to all in experience and outcome. To carry out our regulatory functions effectively, we have to understand both the groups we regulate, and the public for whom we regulate.

The Society firmly commits to the principles of the new Disability Equality Duties, and sees them as integral to ensuring for everyone the quality and accessibility of all the services and functions we provide for. Our commitment has always been to an integrated approach to equality and we believe the best way to achieve meaningful, substantive and sustainable change is through an integrated Equality and Diversity Strategy. The current Strategy covers the period 2005 to 2008 and was developed alongside our duty to produce a Race Equality Scheme. In its development we used an adapted form of the race duties (the 'highest' equality standard at that time) and applied them across all the 'strands' of equality, including disability. We also took into account the early discussions in relation to what the disability duties might eventually look like.

Nevertheless the Society is keen to ensure that the **Disability Equality Duties**, as stated in the final legislation, are fully and clearly met and that the profile is raised of the particular issues around disability. **To achieve these aims we are launching this supporting Disability Equality Scheme**, which in large part refers to the equality Strategy, flagging up elements relevant to the disability duties, but also covers additional elements (such as details of our involvement of disabled people in planning and policy, and a supplementary Action Plan).

We welcome comments and observations, and note there is an annual opportunity to allow such feedback to be taken into account. Finally, we would like to thank both the **Grange Group** and **Inclusion Development Partnership** for their supporting work in this field.



Ruthven Gemmell
President



Douglas Mill
Chief Executive

INTRODUCTION

The 'Forward' sets out the role and purpose of this document. The following section details the statutory requirements of General and Specific Duties in relation to disability, and the subsequent sections use the structure established by those duties to address each key area in turn. However, before reading the detail of this document you may wish to familiarise yourself with our Equality and Diversity Strategy and in particular the following sections:

Relevant sections in the main Equality and Diversity Strategy

Section 3 Introduction

This sets out the definitions of equality and diversity which the society is using, identifies the key 'strands' of equality, outlines our commitment to mainstreaming and sets out details of how this original Strategy was developed. Perhaps most importantly, in the context of this **Disability Equality Scheme**, it sets out the reasons why the Society believes the 'strands' of equality can only be effectively tackled through an integrated Equality and Diversity Strategy - a position which has influenced our approach to the development of this Scheme, as indicated in the 'Forward'

Section 4 The Organisation

In order to understand our Equality and Diversity work you may wish to find out more details about the Society and its functions and powers. This section of the Strategy provides a brief outline of the organisation, the Council and the Committees of the Society. More information on current issues affecting the Society can be found on our website at <http://www.lawscot.org.uk>

Section 5 Equality, Diversity and The Law

This section of the main Strategy includes information on the range of legislation and regulation which influences this area of the Society's work, whilst this document contains a short section looking at the applicable law in relation to the Disability Equality Duties and the requirements for a Disability Equality Scheme.

Before progressing to the specifics of this scheme it is also worth noting some of the work already undertaken by the Society in relation to disability resulting from the Equality and Diversity Strategy. The period has been one of successes and achievement, all the staff and management have been involved in some way through training and brainstorming sessions used to identify possible issues in the Society. Our Council has actively debated our position and approach, and has also engaged in awareness raising training. We have had the support of a whole list of external organisations and agencies (see our Strategy for a full list – available on the Society’s website) who have provided help, expertise, guidance and motivation. The Society knows there is much to be done in the coming years and is looking forward to the work ahead, but celebrating success is also important. We set out below some of our notable achievements in relation to equality, highlighting (in bold and italics) the particular link to issues affecting disabled people and, therefore, most relevant to this Disability Equality Scheme. Full details can be found in our Equality and Diversity Annual Report 2006 (available from our website).

1. Implementation of a detailed equality impact assessment of all the function, policies and procedures of the Society across all of the ‘strands’ of equality (***which specifically helped identify many issues in relation to disability***)
2. The final approval and launch of a three-year Equality and Diversity Strategy – setting a range of challenging and substantive targets across the coming years (***including targets relating to disability and accessibility***)
3. Provision of a basic one-day training programme on Equality and Diversity to all the staff of the Society - with 57% of attendees rating the course ‘Excellent’ and 42% as ‘Good’ (***this course tackled issues around disability discrimination, the ‘medical’ and ‘social’ model, and accessibility through videos, presentations, and case studies***)
4. The Society has rolled out training for Council members and Committee chairs, with 50% having been through the process and more sessions planned for October and November (***this course tackled issues around disability discrimination, the ‘medical’ and ‘social’ model, and accessibility through videos, presentations, and case studies***)
5. Presentation of an Equality and Diversity Briefing, and supporting learning materials, to over 200 of the Society’s Reporters (lay and solicitor) – who work on analysing complaints received by the Society and producing a reports for the Client Relations Committee (***this course tackled issues around disability discrimination, the ‘medical’ and ‘social’ model, and accessibility through videos, presentations, and case studies***)
6. Every member of the profession has been sent a basic information leaflet on Equality and Diversity containing key definitions, an outline of the work of the Society, and details of where to access further information (***this includes information on the DDA 1995, ‘Disability related discrimination’, ‘reasonable adjustment, and so on***)
7. An impact assessment of the training has now been carried out, using a web platform testing knowledge, attitude, perceptions, and gathering data on departmental implementation of ideas in the training – the results are currently being collated (***this included specific questions on disability issues***)

8. The launch of a new Society website meeting the **WAI 'AA' standard for accessibility**
9. The launch of an online version of the Journal which meets the **WAI 'AA' standard for accessibility**
10. The purchase of consultation and questionnaire software to promote engagement with the profession and public, and has secured adaptation to ensure it is **WAI 'AA' compliant**
11. Creation of an internal Intranet site to support the staff training which collates key information including the Statutory Codes of the Commissions and ancillary information (**this includes a variety of information on disability related issues**)
12. Creation of an Equality and Diversity website section which collates all key information on the work of the Society in this field and of other organisations offering information and support (**this includes a variety of information on disability related issues**)
13. Distribution of an Equality and Diversity themed edition of the Journal in November 2005 to help raise awareness across all of the Society's 10,000 members (**this included information on the issues around disability and an article from a small high-street law firm discussing how accessibility could be improved**)
14. Launch of the 'Profiling the Profession' project to generate a full demographic profile of the profession covering all the 'strands' of equality – this has attracted over 3000 responses, and the results are currently being collated (**this included asking if individual considered themselves disabled and asked the nature of the disability**)
15. Application of new procedures when accrediting providers of the Exempting LL.B. Degree and the Diploma in Legal Practice to ensure universities provide the Society with, among other things, a range of equality data, information on **their plans to increase accessibility**, and details of how issues around Equality and Diversity are to be taught pervasively throughout the curriculum
16. The education review of the Professional Subjects (those underpinning the LL.B. and the Society's exams) have lead to a recommendation that **'Discrimination Law' (which would include studying legislation such as the DDA 1995)** be contained as a mandatory subject for all those wishing to enter the profession
17. The education review of the Diploma in Legal Practice has lead to a recommendation that **'Equality and Diversity' in relation to client care, including issues around accessibility and reasonable adjustments**, be contained as a mandatory subject for all those wishing to enter the profession
18. A full package of reforms in Education and Training is to be consulted on in Autumn 2006, for the first time all stakeholders will be requested to respond including groups such as the Equality Commissions, the Consumer Association, and individual members of the public and profession (**this consultation group will included disabled people, and the consultation will be available in a variety of accessible formats**)
19. The Society has commissioned **accessible distance learning materials** to support some subjects in the Diploma in Legal Practice
20. **The Society has worked to support three blind individuals progressing through the LL.B., Diploma in Legal Practice**, and in trying to access traineeships – working to ensure barriers are removed where possible and where the Society has authority or influence
21. Promoting understanding of equalities issues in wider society through our debating competition. Two motions were themed around equality issues; 'This House would make the incitement of religious hatred illegal' and **'This House would educate disabled children in special schools'**. This involved over 100 schools and over 350 schools pupils engaging with these complex motions

22. The Society has launched a new tender for The Journal, and included a variety of equality factors **including the need to produce accessible versions of the content**, the need to comply with all the 'public function' duties, and **an active requirement that they promote equality and diversity through the selection of authors, topics and content.**
23. The Society is launching a new recruitment and selection policy and recruitment paperwork – which meet all equality requirements. Attendance at a mandatory two-day training course is required before staff can be involved in the recruitment process **(the project includes monitoring of applicants, an accessible application form, and training in issues facing disabled applicants)**
24. The Society has launched a new complaints pack that is available in **large print, audio cassette, Braille, and a variety of languages. This can be requested by phone, text-phone, e-mail, fax, or in person at our reception**
25. **The Society is commissioning a new lift and additional disabled toilet facilities to improve access within the building** and is currently in negotiation with the planning department
26. The Society has appointed an Equality Forum **(including disabled members)** – to fulfil its requirement to engage and involve people from a variety of backgrounds in the equality work of the Society
27. The Annual Report – which all solicitors are encouraged to access, contained a section detailing the work achieved and planned by the Society in the field of equality and diversity **(including details of our work in relation to disability)**
28. The creation of a solicitor specialty in 'Discrimination Law' **(this includes DDA 1995, etc.)**
29. **The design of a one-day workshop to involve disabled people in setting the future agenda of our equality and accessibility work**
30. The Society has taken a seat on the Equality Committee of the Scottish Legal Aid Board to ensure that information is shared and opportunities for joint working to ensure maximum impact are identified – **for example, a joint accessibility review of law firms has been discussed**
31. **The Society has made all central learning materials for the Diploma in Legal Practice available in electronic WAI 'AA' accessible format**
32. The Society has introduced flexi-time and a flexible working policy. It is currently piloting a remote-working project to allow staff to work from home with access to full services from the central office – **this could have positive indication of range of staff, including those with a disability**
33. The Society has provided input into the parliamentary drafting of legislation on civil partnerships, immigration and asylum, the establishing of a Scottish Commission for Human Rights, the Family Law Scotland Bill, **Mental Health legislation**, the **Adult Support and Protection Bill**, and the Adoption of Children Bill
34. Lay membership has been increased across all committees, with a positive presumption that there will be lay-membership. Four lay observers have been appointed to Council through an open recruitment process, and the Society is lobbying the Scottish Parliament for an amendment to our constitution to allow these observers rights of membership of Council. **We aim to increase the cross section of representative, including people with disabilities, involved in the work of the Society**
35. The Society has supported the Pathways to the Profession projects to encourage non-traditional schools (those not traditionally sending pupils into the profession) and to support individual pupils within those schools – **special emphasis is given to supporting individuals potentially facing additional barriers because of race, disability or other issues**

In the 2006/2007 year we need to drive ahead with implementation of the strategy and associated targets, and will also be adding to these the specific points raised in this Disability Equality Scheme and in due course the Gender Equality Scheme.

However, the Society also believes this level of attainment (based on applying the General and Specific Race Duties to all the 'strands' of equality) shows the effectiveness of the integrated approach, and supports the contention that the most appropriate way to truly integrated, mainstream and promote issues of equality and diversity is through a single coordinated strategy

DISABILITY EQUALITY AND THE LAW

3.1 Introduction

Section 5 of the Equality and Diversity Strategy sets out the various sources of legislation in this field, as well as details of the Society's own rules on equality and diversity (for example, the 'Discrimination' rule in our Codes of Conduct) that bind all our members.

This section aims to give an outline of the new developments since that statement, primarily relating to the Disability Discrimination Act 2005.

3.2 The Disability Discrimination Act 2005

From December 2006 the Disability Discrimination Act (DDA) 1995 will be amended to place a duty on all public bodies to promote disability equality. This will affect all public bodies and those carrying out 'public functions'.

The Law Society of Scotland is considered, in respect of the functions established in the Solicitors (Scotland) Act 1980, to be carrying out public functions. The Council of the Society has previously decided that we should not seek to differentiate our public and private functions, but should apply the same standards to all of our activities, going above and beyond the legal requirements set out in the DDA.

The Disability Equality Duty will require the public sector, and those carrying out public functions, to actively promote disability equality, and is similar to the duty to promote race equality under the Race Relations (Amendment) Act 2000. It should be noted that in the near future there will also be similar duties in relation to gender.

3.3 The General and Specific Duties

There is now a positive duty requiring that disability equality is built in at the beginning of all processes, rather than to make adjustments at the end. The Duty will bring about a shift from a legal framework relying on individual disabled people complaining about discrimination to where the public sector becomes a proactive agent of change.

The Society sees this as aligned to its commitment to provide clear, easily accessible and 'user friendly' services to all the groups it works with and for.

The Act sets out what is known as the General Duty, this is applicable to all public bodies, and those carrying out public functions. Public authorities are expected to have 'due regard' to the general duty. 'Due regard' comprises two elements: proportionality & relevance. Two further elements should be considered in decision making; involvement & transparency.

The General Duty

Under the general duty, organisations must have 'due regard to the need to':

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Disability Discrimination Act
- Eliminate harassment of disabled people that is related to their disability
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to meet disabled peoples needs, even if this requires more favourable treatment

The Specific Duties

This general duty is supported by a series of Specific Duties. These are not ends in themselves but provide the steps, methods or arrangements organisations should follow to help them meet the General Duty. Key areas are:

- The organisation should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties
- The organisation should involve disabled people in the development of the Scheme

The Specific Duties (*cont.*)

- the Scheme should include a statement of:
 - the way in which disabled people have been involved in the development of the scheme
 - the authority's methods for impact assessment
 - steps which the authority will take towards fulfilling its general duty (the 'action plan')
 - the authority's arrangements for gathering information in relation to employment, and, where appropriate, its delivery of education and its functions
 - the authority's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes
- a public authority must, within three years of the Scheme being published, take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information
- a public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

A DEFINITION OF DISABILITY

4.1 Introduction

This section provides an extract from 'Appendix C: The Meaning of Disability' from the document:

The Duty to Promote Disability Equality, Statutory Code of Practice, Scotland, 2006

Whilst the aim of this document is not to simply repeat large extracts of the full code, it was felt that this definition was of particular use in extending people's knowledge and understanding of what a disability is, and that its verbatim inclusion was therefore of benefit.

4.2 The Meaning of Disability (extract from the statutory code)

This appendix is included to aid understanding about who is covered by the Act. A Government publication 'Guidance on matters to be taken into account in determining questions relating to the definition of disability' is also available from the Stationery Office.

When is a person disabled?

A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

What about people who have recovered from a disability?

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

What does ‘impairment’ cover?

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

Are all mental impairments covered?

The term ‘mental impairment’ is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

What is a ‘substantial’ adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

What is a ‘long-term’ effect?

A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

What if the effects come and go over a period of time?

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

What are 'normal day-to-day activities'?

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

What about treatment?

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

Does this include people who wear spectacles?

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

Are people who have disfigurements covered?

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

Are there any other people who are automatically treated as disabled under the Act?

Anyone who has HIV infection, cancer or multiple sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

What about people who know their condition is going to get worse over time?

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he or she will be covered by the Act from the moment the condition leads to an impairment which has some effect on the ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

Are people with genetic conditions covered?

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

Are any conditions specifically excluded from the coverage of the Act?

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (eg hayfever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism.

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial.

4.3 Looking to the future

The Disability Rights Commission (DRC) has recently undertaken research in preparations of the new Equality Act examining consequences for disability. The review has indicated support for a new definition of disability.

In the future we may see the definition move from one relating to 'disabled people' and instead protect anyone who 'experiences discrimination on the grounds of disability'. This would protect a far wider group, including everyone who has, has had, or is perceived to have an impairment. It would also remove the current requirements (discussed above) that an impairment must have substantial and long-term consequences. This would firmly shift the emphasis from the individual's medical condition to the fairness of the treatment that the person receives.

It is recognised that this could cause problems for employers and service providers, not least because a far wider number of individuals would be protected. All impairments would be covered including areas such as asthma, diabetes, stress and dyslexia where not all people currently with those conditions would be covered under the present definition.

To address these concerns discussion has suggested that although many people were covered by the definition and could therefore claim harassment, discriminatory treatment etc, only those with significant difficulties could claim adjustments. People who are not currently regarded as disabled would only be entitled to reasonable adjustments where they had genuine difficulties in employment because of that impairment.

The DRC believes that the vast majority of those who would be entitled to protection under a revised definition would not need adjustments but rather a change of attitude.

DISABILITY IN SCOTLAND

5.1 Introduction

One of the key themes of the integrated Equality and Diversity Strategy was to collect better data in a variety of areas to let us identify the views of various key groups, statistics on the demographic make-up of our profession and to assess the experience of discrimination (and related issues) which may be affecting the people to whom the Society has a responsibility.

This Section examines the 'Profiling the Profession' project, aimed at collecting data on the solicitors profession in Scotland, and a baseline study of disability in Scotland carried out by the Disability Rights Commission which relates to the wider population which the Society has responsibilities towards.

5.2 Profiling the Profession

One of the major initiatives of 2006 was the 'Profiling the Profession' project. This project was managed by an independent organisation (The Grange Group) and involved the distribution of a questionnaire to all our members, accompanied by a marketing campaign emphasising the importance of the project. Of around 10,000 members 3,017 respond, with a good demographic match to some of the data we can already definitively identify from our database of members (such as gender and age profiles). This means we believe we have a dataset we can be confident in.

As this was the Society's first time in collecting much of this sensitive data the decision was made to make the questionnaire anonymous and use a third-party data processor so that individuals were not having to return the data to the Society itself.

The questionnaire was developed with the support of our Diversity Advisory Group, and a pilot was tested on 20 practising solicitors prior to release of the final questionnaire.

5.3 Solicitors with disabilities

The question was asked:

Do you consider yourself to have a disability?

The Disability Discrimination Act sets out the circumstances in which a person is considered "disabled". It says you are disabled if you have:

- *a mental or physical impairment*
- *this has an adverse effect on your ability to carry out normal day-to-day activities*
- *the adverse effect is substantial*
- *the adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of your life)*

The following data was provided by those responding to this question:

Response	Number	Percentage
Yes	70	2%
No	2892	96%
Not Stated	55	2%

A further question was then asked, to provide greater clarity to the data being collected:

If 'Yes', Which best describes your disability?

Response	Number	Percentage
Reduced Physical Capacity (<i>includes debilitating pain and lack of strength, breath, energy or stamina e.g. from asthma, angina or diabetes</i>)	27	39%
Hearing Impairment	19	27%
Visual Impairment	10	14%
Physical co-ordination difficulties (<i>includes problems of manual dexterity and of muscular control e.g. incontinence, epilepsy</i>)	8	11%
Mental Illness	6	9%
Learning Disabilities	3	4%
Speech Impairment	2	3%
Severe Disfigurement	2	3%
Other	6	9%
Not Stated	7	10%

It should be noted that some respondents had more than one area of disability. The Society also recognises that these groupings (taken from the recruitment selection monitoring form of the Disability Rights Commission) and would not be universally supported, however, it was considered that they provided a good position to start from in attempting to better understand those working with the profession.

These figures are arguably low compared to values seen in the population as a whole. There is no definitive data on the reasons for this but it is likely that variety of factors is at play, these would include:

- Underreporting is often common when an organisation first undertakes such studies
- Many members of professional groups may have an impairment, but NOT consider themselves disabled
- Traditional barriers at school and university may have reduced the number of disabled people entering the profession
- The role of careers advise, we have spoken to many individuals who say they have been discouraged from considering the professions by those giving them careers advice, often when the advice is based on inaccurate or prejudice preconceptions of what standards professional bodies set
- Entry and retention in the profession, and what issues may arise for people with disabilities

5.4 Experiences of solicitors with disabilities

Of all those that responded 22% said they had suffered discrimination of some form at some stage in their career. The tables below examine the source of that discrimination, the form of the discrimination and the stages at their career in which people felt discrimination had taken place.

In the case of each table the percentage ONLY relates to those who responded that they had suffered discrimination – for example ‘2%’ in the column means 2% of the 22% who felt they suffered some discrimination and NOT 2% of respondents. It is also important to note that respondents often indicated multiple issues within the same question. For

example, they feel they have suffered discrimination from ‘partners’ and ‘colleagues’. Respondents were also allowed to note multiple discrimination, for example, on the grounds that they were disabled and that they had a disability.

FORM of discrimination

Response	Age	Gender	Part-time working	Disability	Ethnic origin	Religion/ Belief	Sexual Orientation	Marital Status	Other
Left out of communication <i>n</i> =251	28%	53%	24%	2%	4%	5%	3%	5%	10%
Not considered for promotion <i>n</i> =310	22%	54%	29%	2%	4%	4%	2%	10%	11%
Not considered for training <i>n</i> =118	28%	31%	19%	3%	7%	16%	2%	9%	24%
Allocation of work <i>n</i> =235	24%	51%	22%	3%	5%	4%	1%	8%	11%
Allocation of flexi-time <i>n</i> =54	15%	39%	43%	4%	2%	4%	0%	13%	9%
Allocation of leave <i>n</i> =76	25%	33%	17%	3%	5%	5%	0%	28%	12%
Allocation of other benefits <i>n</i> =107	18%	55%	21%	5%	4%	2%	3%	13%	9%
Bullying <i>n</i> =171	29%	55%	9%	5%	5%	4%	5%	7%	18%
Harassment <i>n</i> =129	22%	55%	7%	5%	5%	9%	9%	7%	13%
In relation to social activities <i>n</i> =159	17%	65%	12%	3%	4%	8%	8%	9%	8%
In relation to networking <i>n</i> =203	21%	66%	16%	1%	5%	6%	3%	7%	6%

It is worth noting that there is a difference in the profile of those responding between the most common forms of discrimination for the profession as a whole, and the most common forms for those who may have disabilities.

Most common FORMS of discrimination	
Whole profession	Solicitors with disabilities
Not considered for promotion	Allocation of other benefits
Left out of communication	Bullying
Allocation of work	Harassment
In relation to networking	Allocation of flexi-time

It should be noted that these differences are **NOT** statistically significant, due to the small numbers of disabled respondents. However, they are worth considering in planning future data collection, in particular the fact that bullying and harassment show within the list for disabled solicitors.

SOURCE of discrimination

Response	Age	Gender	Part-time working	Disability	Ethnic origin	Religion/ Belief	Sexual Orientation	Marital Status	Other
Partner <i>n=425</i>	19%	63%	27%	3%	4%	8%	4%	13%	16%
Line Manager/Supervisor <i>n=188</i>	19%	60%	28%	5%	6%	5%	3%	12%	18%
Colleagues/other staff <i>n=161</i>	25%	52%	27%	3%	7%	9%	8%	10%	7%
Clients <i>n=179</i>	44%	71%	9%	3%	8%	9%	3%	5%	4%
Entry process to profession <i>n=125</i>	28%	33%	3%	6%	10%	20%	2%	10%	36%
Organisational policies <i>n=98</i>	18%	44%	40%	7%	5%	3%	3%	13%	10%
Recruitment process in other firms <i>n=181</i>	28%	35%	15%	4%	8%	18%	3%	12%	25%

Again, it is worth noting that there is a difference in the profile of those responding between the most common sources of discrimination for the profession as a whole, and the most common forms for those who may have disabilities.

Most common SOURCES of discrimination	
Whole profession	Solicitors with disabilities
Partner	Organisational policies
Line Manager/Supervisor	Line Manager/Supervisor
Recruitment process in other firms	Entry process to profession
Clients	Recruitment process in other firms

It should be noted that these differences are **NOT** statistically significant, due to the small numbers of disabled respondents. In a partnership the link between ‘partners’ as a source of discrimination and ‘organisational policies’ (which would usually be set by the partners) is small, and yet that may make it more relevant that this distinction is present. Linked to the data on the stage at which discrimination occurred the difference might be explained by people with disabilities facing issues earlier in their career, so that the problem seem to come from ‘policy’ rather than those further advanced where it could appear to come more personally from the partners. The fact that ‘entry to the profession’ is seen as an issue probably correlates with it being a predominantly graduate entry profession – and the issues historically associated with university attendance, although there may be other factors as well.

STAGE at which discrimination took place

Response	Age	Gender	Part-time working	Disability	Ethnic origin	Religion/ Belief	Sexual Orientation	Marital Status	Other
University n=39	23%	15%	5%	8%	18%	18%	5%	8%	26%
Diploma n=15	33%	33%	13%	7%	33%	13%	7%	7%	20%
Obtaining a Traineeship n=172	22%	38%	2%	3%	10%	19%	2%	10%	34%
During a Traineeship n=191	35%	66%	2%	3%	5%	11%	4%	9%	14%
Securing a first job n=101	26%	43%	2%	8%	11%	12%	3%	18%	22%
In seeking promotion n=305	23%	59%	28%	2%	3%	5%	2%	12%	14%

Again, it is worth noting that there is a difference in the profile of those responding between the most common sources of discrimination for the profession as a whole, and the most common forms for those who may have disabilities.

Most common STAGE for discrimination to take place	
Whole profession	Solicitors with disabilities
In seeking promotion	University
During a Traineeship	Securing a first job
Obtaining a Traineeship	Diploma

Again, it must be emphasised that these differences are **NOT** statistically significant, due to the small numbers of disabled respondents. Again we see a differential, with the university based stages of training (the degree and the diploma) being seen as a significant issue, and the securing of the a first job but not the focus on the traineeship (the vocational stage of training – the only element directly overseen by the Society).

The data, although not conclusive, suggests a different pattern of discrimination facing solicitors with disabilities which will need explored in more detail.

5.5 Perceptions of solicitors on issues of disability

We also asked a range of questions to gauge the perceptions of our members. The questions asked were deliberately wide – to start us in the initial exploration of these issues and to help direct future data collection, focus groups, etc. The ability to break

down the responses between different demographics groups was also designed to add greater insight.

Response	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know
Q20.6 There is overt discrimination against disabled people within the profession	2%	7%	42%	10%	39%
Q20.16 A disabled person struggles to do the job of a solicitor	<1%	6%	40%	10%	44%

Perhaps as anticipated, this ‘headline’ data gives us some insight, but when we examine the data in the light of the various demographic groups of the respondents we see a more complex picture emerge of the perceptions of solicitors:

There is overt discrimination against disabled people within the profession

The majority of respondents (52%) disagree with the statement. Those of White ethnic origin (53% disagree) are more likely to disagree than those of an ethnic origin other than White (36% disagree). Males (64% disagree) are more likely to disagree than females (40% disagree). Generally the higher the age group of the respondent the more likely they are to disagree with the statement. Those who have not suffered some form of discrimination (57% disagree) are more likely to disagree than those who have suffered discrimination (38% disagree). Those with a sexual orientation other than heterosexual and those who are heterosexual are both consistent with the overall position. Those whose parents were in the legal profession when they started training (58% disagree) are more likely to disagree than those respondents whose parents were not (52% disagree). Those working in private practice (55% disagree) are more likely to disagree than those in other sectors (45% disagree). Respondents who work full-time (54% disagree) are more likely to disagree with the statement than those who work part-time (44% disagree).

A disabled person struggles to do the job of a solicitor

Overall 50% of respondents disagree with the statement. Those of an ethnic origin other than White and those of White ethnic origin are both broadly consistent with the overall position. Males (55% disagree) are more likely to disagree than females (43% disagree). Those with a sexual orientation other than heterosexual (59% disagree) are more likely

to disagree than those who are heterosexual (49% disagree). Respondents who work full-time (51% disagree) are more likely to disagree with the statement than those who work part-time (44% disagree). The remaining demographic groups are broadly consistent with the overall position.

5.6 Scotland – National Facts and Figures

Ascertaining data on levels of disability and the consequences of disability is not always easy. Studies often suggest significantly different levels of disability in the population, disparities which can be made more dramatic depending on the definition (theoretically applying the official definition to all possible individuals, or relying on 'self-reporting').

The below figures are taken from *Disability in Scotland: Key Facts and Figures (2004)* produced by the Disability Rights Commission:

1. Scotland is estimated to have 1 million disabled adults likely to be covered by the DDA. About one in five of the population.
2. In Scotland, there is a disabled person or a person with a long-term illness living in just over one in three households.
3. Approximately four in ten (42 per cent) of all households with a disabled person have an income of £10,000 or less.
4. Of the working age population 45 per cent of disabled people are in employment compared to 82 per cent of non-disabled people.
5. Households with a disabled person, or a person with a long-term illness, are more likely to rent from a local authority or a housing association than to rent privately or to own their home.
6. Five per cent of students in higher education in Scotland report they have a disability.
7. The annual spending power of adults in Britain covered by the DDA is estimated at £80 billion per year.

8. Fifty-eight per cent of disabled people (with or without a long-term illness) have no qualifications compared to 24 per cent of non-disabled people.
9. Disabled people hold 3 per cent of public appointments.
10. One in five disabled Scots have experienced harassment because of their disability
11. Twenty-one per cent (662,000) of the Scottish working age population were estimated to have a disability. Just under half (49 per cent) of these people were economically active in the labour force, compared to 86 per cent of non-disabled people

As noted, figures vary substantially. For example, the The 2001 Census found that 20 per cent of the Scottish population reported having a long-term illness, health condition or disability (General Register Office Scotland, 2003). This figure would give a considerably lower estimate than the one provided at '1' above.

In relation to types of disability we can also ascertain that:

- It is estimated that there are 180,000 people in Scotland who have serious sight problems (RNIB Scotland)
- In May 2003 an estimated 18,066 adults with learning disabilities were known to local authorities throughout Scotland (Scottish Executive)
- It is estimated that 729,000 people have some form of hearing loss, deafness or may be a Deaf person. Eighty per cent of hearing impaired people are aged over 60 years (Scottish Executive)
- One in four people will experience a mental health problem at some point in their lives (Scottish Association for Mental Health).

Data can also be accessed on the issues that cause people with disabilities the most concern:

1,000 members of the Scottish general public were polled in the DRC's Disability Awareness Survey 2003 (2003b). The findings show:

- Almost eight in ten (79 per cent) of people surveyed feel the most important disability access issue was to ensure cafes, shops and banks were more accessible to disabled people.
- The majority of respondents (71 per cent) perceived that not enough was being done to make sure that disabled people could use services like non-disabled people.

These figures are directly relevant to the work of the Society. They give us an idea of the number of people with disabilities we might expect to see:

- Applying to become a solicitor (noting only 5% of students in higher education have a disability)
- Contacting the Society for information about our work
- Making a request for assistance in identifying a solicitor in their geographic area or specialising in a required type of work
- Making a complaint against a solicitor
- Applying to become a member of staff, or a non-solicitor member of a committee

5.7 Further data

Further data from the 'Profiling of the Profession' study will be available from February 2006 either on our website or by contacting us by any of the normal methods:

<http://www.lawscot.org.uk/diversity>

The Disability Rights Commission website provides a useful porthole to a range of information on disability and disabled people – including the material incorporated in this section:

<http://www.drc.org.uk/scotland>

INVOLVING AND LEARNING

6.1 Introduction

The DRC Code of Practice indicates that:

Disabled people should be involved in all key aspects of the development of the scheme, such as:

- *identifying the barriers faced by disabled people and unsatisfactory outcomes*
- *setting priorities for action plans*
- *assisting planning activity.(3.10)*

There have been a variety of different involvement methods used in the preparation of this strategy and in other work. This section introduces our approach to involvement before moving to look at each of these methods in turn:

- Working with individuals
- Our elected Council and our membership
- Diversity Advisory Group
- Equality Forum
- Working with other organisation
- Major involvement projects – equality specific
- Major involvement projects – mainstreaming the equality dimension

Although pre-dating the Disability Equality Act 2005 the integrated Equality and Diversity Strategy took account of the likely upcoming developments in relation to Disability and set the 'Involvement' standard for that strategy at an appropriate level. Section 6.2 of the Strategy deals with our approach in this field. However, in summary, the Society recognised that some of the leading work in this field has been carried out within healthcare and would see relevant standards and guidance in this field being provided by the following documents:

Involving People In The NHS - Building Strong Foundations
The Scottish Executive

Involving People In The NHS - Building Strong Foundations: Opening Up
The Scottish Executive

User And Public Involvement In Health Services: A Literature Review
Dr Julie Ridley And Lyn Jones, Partners In Change
SHS Trust

Assessment of Innovative Approaches To Testing Community Opinion
Andra Laird, Jo Fawcett, Fiona Rait and Sharon Reid
George Street Research Ltd

DRC Guidance

This will become available shortly on the DRC website – <http://www.drc-gb.org>

In designing each element of our involvement work the Society committed to the following five principles:

Proportionate	- to the nature of the issue(s) involved
Transparent	- aims, objectives, possible outcomes, and the (possible) results of involvement are all clear and publicised
Appropriate	- to the aims and objectives of the involvement
Inclusive	- ensuring a range of groups are involved and that deliberate effort is made to involve hard-to-reach groups
Accessible	- in the way those involved are 'recruited', in method, and in implementation

It was also felt important to have a range of short and long term involvement strategies. Whilst long-term involvement allows knowledge and skills to grow in those involved, it can equally bring implicit acceptance of some barriers/ways of working, lack of innovation, and the potential that a group of individuals, rather than a group of representatives of the experiences of wider groups, sway policy. A blended approach allows the benefits of a variety of involvement methods to contribute to policy.

6.2 Working with individuals

Working with groups and on specific projects is vital if a strategic approach to Disability or any other strand of equality is to be achieved. It is common for organisations to work with individuals to find out about their personal issues and experiences and deal with specific issues. However, this information often fails to be passed across the organisation to, where appropriate, inform future practice and policy.

The Society, therefore, attempted to ensure through the Equality and Diversity Strategy that information of this nature was shared and could lead to future policy change.

An example would include a blind student, who worked with the Society to examine how we could adapt our process in relation to a 'traineeship' to assist them and how we could work with the profession to assist in gaining and progressing with a traineeship. As well as identifying solutions for individuals this information was shared across the regulatory departments to provide ideas as to how their processes could, in the future, be adapted to improve their accessibility.

Another example would come from the Client Relation Office, which has over time worked with people with a variety of access issues, and also a variety of mental health issues which have had an affect on their interaction with the Society. The experiences of this team have now helped shape various organisation-wide policies.

Our Annual Report details the protocol for Special Issue Reporting from departments and individuals, and how this information is shared across the organisation.

The key benefits of this method of involvement include raising awareness within the organisation of variety of issues facing disabled people, and these being different for individuals who may appear on initial contact to have 'similar' disabilities. It is also important in 'humanising' the issues and developing confidence among staff in working with disabled people.

Feedback from these sources has influenced the development of the Disability Equality Scheme, and will continue to be used to inform projects and work set out in the Scheme.

6.3 Our elected Council and our membership

An elected Council governs the organisation and major policy needs to progress through the Society's Annual General Meeting. Every solicitor on the 'roll' of the Society has voting rights and can participate in elections. Our 'Profile of the Profession' projects identified that 2% of the profession considered themselves as having a disability, and a further 2% selected that they would 'prefer not to answer this question' or simply did not

provide a response. All of these individuals have the power to vote in elections, and on issues debated at the AGM. Most importantly, materials for the AGM are available in a variety of formats, the venue is fully accessible, and voting can be done by proxy without attending the AGM.

In an organisation governed and directed by its members it is appropriate to consider liaison with the profession as a whole as also including the involvement of those with specific interests and issues, including disability, within the profession.

6.4 Diversity Advisory Group

This group was established prior to the launch of the Equality and Diversity Strategy and helped inform its development. The group comprises expert in Equality and Diversity issues – trying to represent both the major strands (including a representative for disability) and maintain involvement from solicitor and non-solicitor members. The group currently includes both a disabled member and an expert in disability legislation.

The group has also been involved in the development of specific projects, for example, guiding the ‘Women in the Legal Profession’ and ‘Profile of the Profession’ projects – which have helped us collect vital baseline data in relation to equality issues (examples of the data relevant to disability are included in Section 5 of this Scheme).

In recognition of the work and achievements of this Group it will, from May 2007, take a more formal role in the work of the Society, becoming a convened sub-committee of our statutory elected Council alongside other core functions such as ‘Admissions’ (dealing with entry to the profession) and the ‘Professional Conduct Committee’.

The key benefits of this form of involvement are a committed and knowledgeable group to guide complex policy and process issues and share their experiences from a range of other organisations working in the equality field and implementing their own equality work. This allows the Society to learn off other organisations where possible, saving duplicating resource if it is not necessary, and equally share its own work. It also provides a focussed and flexible group which can help ‘trouble shoot’ and identify issues – which may in turn lead the use of other consultation and involvement methods to then collect a more detailed set of feedback and data.

The newly formalised role of the group means it will continue to influence and inform opinion.

6.5 Equality Forum

The Society wished to involve a wider group of its own members than could be incorporated in a manageable leadership committee, such as the Diversity Advisory Group. Early in 2006, as part of a commitment in the Equality and Diversity Strategy, a letter was sent to all members of the profession inviting them to join and Equality Forum. This was supplemented by adverts on the Society's website and in The Journal, the professional magazine distributed to all our members.

More members are still welcome and the registration pack and registration form can be found at:

http://www.lawscot.org.uk/diversity/equality_further_info.aspx

The aim of the group was to provide a wider consultation and involvement base within our own membership, the registration pack stated:

The Society wishes to establish a dynamic and forward-looking group to assist with equality and diversity work within the organisation and the profession as a whole. This is an exciting opportunity to become involved in a field of work that is vital to the future of the profession but through a forum that allows great flexibility over the way, and amount of time, that you contribute.

...

The 'Equality Forum' will essentially be a database of members willing to become involved in these activities and share their knowledge and experience. It is likely that the Forum will start with a launch event to discuss what more the Society should be doing in this field (with the option of contributing via other methods for those unable to attend) and will be involved in offering advice and feedback on a variety of projects. We know everyone has different interests and preferred ways of contributing – so we will make sure that your views can count through a variety of methods including one-to-one meetings or phone contact, focus groups, e-mail/web/paper questionnaires and consultations, and members raising particular issues of concern.

...

*You may be someone who feels that there has been additional barriers or hurdles for them in the profession; or you may be someone who has excelled and believes you can share your experience to help others – all experiences are of value. The areas of **Race, Disability and Gender** are of particular importance (because these are currently covered by legislation) but the Society’s policy is that we should be tackling all ‘strands’ of equality in a consistent manner.*

The aim is to work towards having a joint forum of solicitors and members of the public – and it is hoped that we will start this by building an ongoing relationship with members of the public who become involved in the Service Accessibility Review (see below).

We believe the key benefits of this group are its flexibility and the possibility of allowing a large range of people over a significant geographic area to become involved in a way that fits in with their other commitments. It is particularly suited to initial ‘testing’ of ideas developed by other means. Examples might include, piloting and refining a questionnaire designed by the Diversity Advisory Group for distribution to the whole profession before the final questions and format are agreed or prioritising issues for action identified through impact assessment or information gathering.

6.6 Working with others organisation

Many of the areas in which the Society works are complex, and our organisation alone cannot always stimulate change nor does it always have an authority to act. For example, in relation to accessing legal services the Society has a role to play, as do individual law firms in areas we do not have authority to regulated, as does the Scottish Executive, the Scottish Legal Aid Board, and others.

Whilst some might not see working with other organisations as ‘involvement’ it can indeed fulfil what we see as the accepted definition. For example, if we chose to do a study on accessing solicitors and their services that could clearly be an involvement project, as could working in partnership with another organisation, as could funding another organisation to carry out the study. This extends to allowing another organisation to run and fund that study while you tackle another area – with both organisations sharing the outcomes for mutual benefit.

It is not being suggested that the duty to 'involve' and 'consult' could be dispensed purely by being party to, or having access to, other organisation's involvement work. Nevertheless the Society feels it is important to emphasise that this is a valid part of an involvement package and that the sharing of resources and information is likely to lead to better results for all concerned.

Society staff have, therefore, taken positions on equality related committees in a number of other organisations, and are seeking to ensure the effective flow of information.

6.7 Major involvement projects – equality specific

The best way to introduce this is perhaps to take an extract from the report prepared after the event by the **Inclusion Development Partnership**, our project partners in this work:

This service accessibility review workshop was commissioned by the Law Society of Scotland as part of the development of their Equality and Diversity Strategy. It was a collaborative initiative between the Society staff and members; Inclusion Development Partnership; people with a range of physical, sensory and intellectual impairment; people with mental health issues and service providers working in the field of disability education and independent advocacy.

The aim of this one-day workshop programme was to explore a range of current services provided by the Law Society of Scotland in terms of accessibility for disabled people. Four teams were tasked with identifying accessibility issues for disabled people and, through discussion in 50:50 teams, seek ways in which some of the issues could be best addressed, as well as highlighting good practice currently in operation. The 50:50 model used is not only effective in bringing people together to work in partnership, but its importance also lies in the actual process of the workshops where positive behavioural and attitudinal change can occur through all participants learning together by working together.

Issues raised and views and experiences expressed in this document are recorded directly from the participants in the project team discussions occurring during the workshop programme.

The programme included:

- *Identification of participants*
- *Initial preparatory sessions for disabled people*
- *A full day workshop event using the 50:50 facilitated team approach.*

Discussions included exploration of current service provision; identification of good practice; determination of accessibility issues, identified through direct experience and the provision of recommendations to improve the accessibility of services offered.

Fifty people participated in the workshop programme. Four specific teams were formed with participants including:

- *Disabled people with a wide range of physical, sensory and intellectual impairment and people with mental health problems.*
- *Professional representatives from*
 - *Independent advocacy*
 - *Education (Skill Scotland)*
 - *Scottish Association for Mental Health*
- *Staff of the Law Society of Scotland*
- *Members of the Law Society of Scotland*
- *Editorial staff of the Law Society of Scotland Journal*

The full report, including the recommendations, is available to download from our website at:

<http://www.lawscot.org.uk/diversity>

A further extract from the project planning stage will give an idea of what each of the four groups referred to above examined:

1.	<i>The Client Relations Office (Complaints function)</i>
<i>Team</i>	<i>The CRO team Deals with complaints from the public, and other sources, in relation to solicitors and the provision of a help-line service in relation to complaints</i>
<i>Aim</i>	<i>To examine the expectations, experiences, and challenges that disabled people may have accessing a complaints service (and specifically the Society’s complaints service) and dealing with related issues.</i> <i>To identify key areas where improvements and developments can be made</i>
2.	<i>Education and Training (from schools careers, through qualification, to CPD)</i>
<i>Team</i>	<i>The E&T team are responsible for the accreditation of providers of pre-qualification legal education, monitoring the traineeship, careers advice and admissions to the profession, and policy in relation to ongoing training and development for practising professionals</i>
<i>Aim</i>	<i>To examine the expectations, experiences, and challenges that disabled people may have accessing employments and career opportunities</i> <i>To examine these specifically in the light the light of ‘professions’, which usually have long routes to qualification and multiple stages that must be met (exams, traineeships, etc.).</i> <i>To identify key areas where improvements and developments can be made</i>

3.	High Street Solicitors (how can the Society help promote good practice)
Team	<i>This will combine members of the Solicitors Equality Forum and the Professional Practice team to examine what the Society should do to promote accessibility and best practice in the profession</i>
Aim	<i>To examine the expectations, experiences, and challenges that disabled people may have accessing high street professional services, in particular legal services</i> <i>To recognise that that Society's role in this field is primary to promote and motivate change</i> <i>In light of the above to identify key opportunities, methods, and messages to promote to the profession</i>
4.	Communicating (how do we communicate effectively)
Team	<i>This will combine members of the reception services, records, and Corporate Communications to examine how we communicate with the public – covering every context from phone, e-mail and correspondence to the image we promote through press and media work</i>
Aim	<i>To examine the expectations, experiences, and challenges that disabled people may have with communicating with organisations and finding out about them</i> <i>To assess the perception of the group of the Society and profession</i> <i>To identify specific improvements and developments in communication</i>

The key benefits of this approach were in allowing us to focus specifically on the issues of accessibility and working with experienced project partners who could ensure that the event met its aims. It also meant the consultants identified those becoming involved; finding law students, solicitors, and members of the public with an experience of the Society, complaints process, and/or using the services of a solicitor. The recommendations from the event have a high degree of credibility because the sessions were independently managed – and have formed the basis of the Action Plan which forms Section 8 of this document.

The Society would be happy to recommend working with **Inclusion Development Partnership** to other organisations undertaking work in this field.

A further example of a major involvement project would be the '**Profiling of the Profession**' project (results discussed at Section 5) which gathered demographic data, details on discrimination solicitors felt they had incurred in their working lives, and data on what the profession thought the Society should be doing in relation to equality and diversity. Over 3016 people responded, giving us an invaluable data set including views from all the equality 'strands', including from people with disabilities. Allowing people the

opportunity to share their views about how the issues raised should be tackled, publishing these, and letting respondents see how they have gone on to influence policy is an effective form of involvement.

6.8 Major involvement projects – mainstreaming the equality dimension

This process is very different in nature to the one described above. Again, an extract from materials supporting the project (in this case, the homepage of the consultation website) probably best explains the process:

Welcome to the consultation home page of the largest ever research and evidence gathering exercise undertaken by the Law Society of Scotland. This is an exciting opportunity for everyone with an interest (from students to partners, clients to legal academics) to be able to contribute to and shape the future plans of the Society in relation to how solicitors are trained.

This is an ambitious and complex task, covering a range of routes to qualification (from full-time and part-time LLBs to the Society's exams) that can take from five to seven years as well as examining the full practising life of a solicitor. Despite this, we have designed a system that should allow everyone the chance to easily register their views on some key 'overview' topics in as little as twenty minutes, and then choose whether or not to get involved in more detail in relation to stages which might be of particular interest to them.

We need as many people as possible to register their views to make the exercise meaningful. If you want, you can simply select options on 'tick box' type questions, or there is also the opportunity to offer detailed responses in 'free text' questions. The overall feedback will be published on this website (without identifying individual respondents) so you will be able to come back and find out what your colleagues thought.

...

We'd also be grateful for your more detailed feedback on three of the key stages of training. Detailed questionnaires can be accessed from the option on the navigation menu - why not set a reminder in your diary to come back and fill out a stage each week.

Finally, other sections of this site, again accessible from the menu at the right of your screen, allow you to look at the current training arrangements, the background work underpinning this project, and the detail of some of the projects which have currently been completed.

Every member of our profession, including all our disabled members, received a mailed invitation to participate in the consultation. We have also sent an additional 5000 invitations to groups ranging from the Scottish Consumer Association to small, independent charities representing a range of people with disabilities or other particular

circumstances. For example, Women's Aid, the three Equality Commissions, the Scottish Discrimination Lawyers Association, and so on. A marketing strategy including posters, press coverage, TV and radio coverage, e-mail reminders, coverage in our Journal, flyers, etc. ensured the profile of the project was maintained.

This project represents real involvement. The whole process, the two-years of development work underpinning it, were completely transparent, with all information available through the consultation website. The consultation was taking place prior to any of the issues being discussed by the relevant Committee (the Education and Training Committee) or by our Council, meaning that members of the profession and public were getting a chance to register their views and make their suggestions before any policy discussion even took place. We specifically asked certain groups to look at the work from the position of identifying potential barriers, where systems may currently (or might in the future) cause unequal treatment and how the system could be improved to concentrate on standards ('competencies') and how they were assessed rather than processes (such the requirement to have an LL.B. law degree).

The consultation itself also includes aspects originating from the Society's commitment to the equality and diversity, and the General and Specific Duties for Race, Disability and Gender. For example:

- There is a recommendation that every individual training to be a solicitor should in the future cover discrimination law (including disability) and human rights law as core topics
- That issues around equality and accessibility form a mandatory part of the Diploma in Legal Practice
- The consultation examines introducing a wider range of assessment methods, giving those in training different ways to demonstrate competence

As policy is developed after the close of the consultation it is likely further more specific and focussed involvement projects will be undertaken in key areas.

The Society believes that this is a good example of 'mainstreaming involvement', with the involvement of disabled people being an integral part of a much wider project to consult with the profession and the public.

ASSESSING IMPACT

7.1 Introduction

Impact assessment is vital in identifying where equalities issues may occur. It needs to be a meaningful process; designed, run, and involving appropriate expertise to ensure that a real assessment is made, rather than a paper process followed.

Whilst it is not the purpose of this document to quote the DRC Code of Practice verbatim it is important to continually refer back to the guidance they provide:

The purpose of impact assessment is both to ensure that an authority's decisions and activities do not disadvantage disabled people, and also to identify where they might better promote equality of opportunity, including consideration of where the different parts of the disability equality duty (such as promoting positive attitudes) might be built into those policies and practices. (para. 3.30)

Impact assessment is not an end in itself but is merely the process which an authority will go through in order to identify and act on the need to modify policies and practices to have better regard to the need to promote disability equality. (para. 3.32)

The Code also clearly anticipates a two-stage process, an initial screening to identify areas where there are possible implications, and then a more detailed process, noting that the more detailed process is likely to involve disabled people if it is to be as effective as possible:

In considering whether to conduct a full impact assessment, public authorities will need to develop criteria which enables them to determine whether:

- *the policy is a major one in terms of scale or significance for the authority's activities; or*
- *there is a clear indication that, although the policy is minor, it is likely to have a major impact upon disabled people. This is not a question merely of the numbers of disabled people affected but of the degree of impact. A policy which has an extremely negative impact on a small number of disabled people will be of greater relevance than one which has only a minor impact on a large number of disabled people. (para. 3.36)*

If the policy fits into either of these categories, authorities are likely to need to conduct a full impact assessment. In general a full impact assessment is likely to involve:

- *consideration of available data and research*
- *assessment of impacts – what effect will this policy/decision etc have upon disabled people*
- *consideration of measures which might mitigate any adverse impact and alternative policies which might better achieve the promotion of equality of opportunity for disabled people*
- *a decision by the public authority*
- *publication of the results of the impact assessment*
- *arrangements for monitoring for future adverse impact. (para. 3.37)*

7.2 What has been achieved so far?

Section 6 of our Equality and Diversity Strategy sets out our two-stage, as suggested, approach to assessing impact. This was carried out across all out functions, processes, and policies as part of preparation of the Equality and Diversity Strategy.

This impact assessment was based on an adapted version of the Race Equality Duties – which was then applied to all the strands of Diversity.

In terms of the General Duty in relation to disability it effectively covered the requirements to

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Disability Discrimination Act
- Eliminate harassment of disabled people that is related to their disability
- Promote positive attitudes towards disabled people

This process proved extremely effective at identifying issues, and those organisations and groups which have reviewed our Strategy have not made comments on these arrangements – despite providing extensive feedback on some other elements. The outcomes of these assessments lead directly to many of the objectives set in the Strategy – a high number of which related to access and disability. This was in recognition that often arrangements put in place in these circumstances, and the concept of a ‘reasonable adjustment’, are useful in improving the performance of the Society in relation to Equality and Diversity across all the ‘strands’ of equality.

However, it did not cover the aspects of the Disability Duty which did not, at the time of undertaking the work, have an equivalent in the Race duties (which was the 'highest' available standard):

- Encourage participation by disabled people in public life
- Take step to meet disabled peoples needs, even if this requires more favourable treatment

To ensure that we were appropriately meeting the standards in relation to Disability for the launch point of the Disability Equality Scheme we also ensured that:

- The **Profile of the Profession** project captured key data on any barriers people felt existed, due to Society policy and process, in relation to career progression within law (and helping us assess areas such as levels of involvement in 'public life')
- The **Education Consultation** gathered information on any barriers, due to Society policy and process, in relation to becoming a solicitor
- The **Service Access Review** explored any barriers, due to Society policy and process, in relation to members of the public accessing our services

These supplementary forms of Impact Assessment, alongside the comprehensive process previously carried out mean we have an good knowledge of what currently requires done, and have specific action points either in our original strategy or in this supplementary Disability Equality Scheme to tackle issues identified.

7.3 What is planned for the future?

The Code of Practice explicitly acknowledges that:

Given that there will be a significant 'back catalogue' of existing policies and activities which will need to be assessed, a public authority may find it helpful to set out a timetable for assessing the impact of its principal activities over the period covered by its Disability Equality Scheme. These will need to be prioritised, with the involvement of disabled people, and should be published in the Disability Equality Scheme. (para. 3.40)

Section 7 of the Equality and Diversity Strategy sets out the strategic objectives for the organisation. Objective 3 is to design, develop and implement an even more rigorous Impact Assessment system, in conjunction with stakeholders and our 'involvement' groups', for the next phase of our work.

New policies, processes, procedures and projects will all be impact assessed by using the new template, which will build on the success of the previous approach but ensure the current developments in best practice are taken into account.

In relation to existing policies, processes, procedures and projects The current Strategy commits to a major review leading up to the publication of a new three-year plan in November 2008. Having ensured our current arrangements meet the basic requirements we believe the best outcome will be achieved through examining all 'strands' at this stage. In particular this view is taken because:

- We believe that our original process benefited greatly from involving almost every members of staff in its development. The advantage of the levels of knowledge, enthusiasm and momentum generated by such a fundamental review outweigh the immediacy of an earlier intervention
- Many of our processes are complex and interrelated, whilst one-off reviews are the only way forward for new project and initiative or changes and review of the complete operation of the organisation is more likely to ensure no 'gaps' are left
- This review is already planned to start in just over a year – when within the three year period the legislation stipulates the Disability Equality Scheme should work to
- The financial efficiency of this pre-planned approach allows resource to be concentrated on other areas – whilst at the same time better meeting the objectives of such impact assessment work

OUR ACTION PLAN

8.1 Introduction

This Action Plan should be seen as a supplement to the existing Action Plans (both Organisational and Departmental) set out in the Equality and Diversity Strategy. Many of the areas covered in these are already focussed on Disability issues, but in light of the new disability duties, additional data and feedback received since the time of publication of the original Strategy, and the recommendations from our major 'involvement' events we believed it was appropriate to commit to additional work.

Once again, the DRC Statutory Code of Practice sets out a definition and statement of what it is intended an organisation will do:

The action plan sets out key actions which an authority will take to promote disability equality. The steps must be sufficient to demonstrate that the public authority is complying with the general duty ie having due regard to disability equality. Appropriate weight must be given to the different elements of the duty, as set out in paragraph 2.2 above. (para. 3.44)

And also sets out what a 'highly effective' scheme will cover:

The action plan in a highly effective Disability Equality Scheme will reflect:

- *the priorities of disabled people, as elicited through involvement*
- *the strategic priorities of the authority, including business milestones and major projects to be implemented over the timescale of the scheme*
- *evidence of where the problems and priorities lie*
- *specific outcomes which the authority wishes to achieve to promote disability equality set out against a realistic timetable*
- *measurable indicators of progress towards those outcomes*
- *lines of accountability (para. 3.46)*

The Code goes on to explicitly acknowledge that the first Action Plan set by an organisation will be different to subsequent ones, especially due to issues around data collection and the identification of trends, with some organisations not yet possessing sufficient information and/or needing to focus their efforts on collecting such data. It goes on to state that, in such circumstances:

Most authorities will already have some information available on disability. An important element of an initial action plan may be to plan new mechanisms for gathering evidence on the authority's performance in relation to disability equality. However, it is essential that authorities do not wait for this information to be available before making plans to improve their performance on disability equality. Generally, even where an authority has not collected evidence on disability, it will be possible to identify the key actions for an initial Action plan. This can be done through:

- *involvement of disabled people*
- *considering existing research in relation to similar authorities; and*
- *commissioning qualitative research specifically to inform the development of an action plan (para. 3.54)*

Previous Sections (5 and 6) have dealt with the Society's own 'involvement' work and the generation of data of this nature, and we believe these are of a higher and more in-depth standard than the minimum criteria laid out above. Qualitative research has also been achieved through working with individuals and the collection of qualitative data in the research exercises. All this evidence has, as suggested, been used to inform the initial Action Plan.

We wished to balance the need to have a clear Action plan with a commitment made to those people participating in the various 'involvement' work that we would take into account their recommendations – this has led us to split the plan into three sections:

1. Action Plan 1 - Implementing recommendations from involvement work
2. Action Plan 2 - Implementing issues identified through impact assessment and other supporting work
3. The Strategic Objectives in the Equality and Diversity Strategy – *we feel it is important to emphasise where we are already tackling disability issues and will continue to do so, and where they have been amended in light of the new Disability Equality Duty*

In all these subsections we have indicated the links we see between the stated objectives and the general disability duties using the following letter codes for each element:

- A Promote equality of opportunity between disabled people and other people
- B Eliminate discrimination that is unlawful under the Disability Discrimination Act
- C Eliminate harassment of disabled people that is related to their disability
- D Promote positive attitudes towards disabled people
- E Encourage participation by disabled people in public life
- F Take steps to meet disabled peoples needs, even if this requires more favourable treatment

8.2 Action Plan 1 – implementing recommendations from involvement work

The Service Accessibility Review highlighted various issues, and the final report compiled by the consultants and approved by all those who had been present on the day set out a series of recommendations, the section of the report providing these (page 54 of the report) stated that:

It was the remit of this workshop to highlight issues and seek solutions pertaining to the accessibility of the Law Society of Scotland and High Street solicitor services, for disabled people. Four facilitated teams, comprising 50% disabled people and 50% Law Society of Scotland staff and members, worked throughout the day to explore current services, identify issues and seek ways to overcome barriers. The teams successfully achieved their aims and a great deal of valuable information was gathered in a relatively short space of time.

Through the course of their discussions each of the teams agreed on a number of recommendations to address issues identified. These are detailed below. Despite each team concentrating on different aspects of the services of the Society, a number of common themes emerged, especially in relation to the profile and lack of 'visibility' of the Society, with many people not being aware of the services offered. The need for Disability Equality training for staff at all levels, enhanced by continued engagement and involvement of disabled people was also a recurrent theme within the teams, along with the necessity for continued engagement and involvement of disabled people in developing accessible services and an effective equality and diversity strategy.

We have copied those recommendations into the template below **exactly** as they were written in the external report. We have then either converted them into appropriate specific action points (indicating milestones, timescales, responsibilities, and which areas of the General duty they relate to OR indicated why they are not being adopted as part of this ***Disability Equality Scheme***.

A. Increasing the profile of the Law Society		Action	Responsibility	Timescale	Duties
A1	Development of a public relations campaign to increase awareness of the Law Society of Scotland and its services.	<p>To establish a three year strategy for raising the profile of the Society, its role, and its services</p> <p>To ensure the Strategy specifically sets out how awareness will be raised across a diverse audience, with specific reference to disability and other the 'groups' covered by the 'strands' of equality</p> <p>To publish the strategy</p>	Corporate Comms	Q4 2007	A, D, E
A2	Provision of opportunity for the Society staff to develop wider ranging networks with statutory and voluntary sector agencies and disability organisations.	This is to be addressed through Strategic Objective 4 from the original Strategy. It was the implementation of this objective that led to this initial Service Accessibility Review, and further work is already planned.	Equality Strategy	N/A	A, D, E
B. Access to legal representation and advice					
B1	Explore methods for people to easily identify solicitors who specialise in providing services for people with mental health issues and other impairment, including details of independent advocacy and mental welfare organisations, as well as those providing support for people who have physical or sensory impairment.	The issue of information on the services provided by solicitors continues to raise issues, and we believe we need to address the specific point raised here, but go beyond it. We have therefore set a much wider objective in Section 8.3 to address this concern	See Section 8.3	See Section 8.3	A, B, C, D, F
B2	Promote to the Society staff and members awareness of the duty placed on Health Boards and Local Authorities to ensure that independent advocacy is available in order that they can advise clients where to access such a service if required.	<p>After discussion it was decided that the Society needed to take care in this field as our legal responsibilities are not the same as Health Boards or Local Authorities and there are associated risk management issues. However, it was considered appropriate to:</p> <p>Contact Advocacy groups to gain more information on the role they play within the legal sector</p> <p>Develop and publish a fact-sheet for solicitors</p> <p>To develop and implement a communication plan to ensure firms are aware of this advice – including Journal article (ideally with contributions from a solicitor, advocacy worker and client), contacting HR departments in all major firms, and promoting through the EZINE</p>	Head of Diversity	<p>Q3 2007</p> <p>Q1 2008</p> <p>Q1 2008</p>	A, B, C, D, E, F

B3	Accessible and wider ranging information should be made available on the Legal Aid process, including the details of solicitors offering Legal Aid services.	This is primarily an issue for the Scottish Legal Aid Board, an entirely separate organisation which supervises Legal Aid in Scotland. However, the Society can take action by: <i>Review Website and correspondence templates to ensure links to information on SLAB's website and contact details for the organisation are provided</i>	All departments Q1 2007	Q1 2007	A, F
B4	Consideration by the Society of conducting a consultation and promotional exercise with its members, to determine methods to improve the provision of services for people with mental health issues.	<i>To remit this issue to the Society's Mental Health Committee for consideration</i> <i>To formally report on what might be done in this field</i> <i>To implement recommended actions</i>	Law Reform	Q2 2007 Q4 2007	A, B, C, D, F
C. Education and Training					
C1	An on-going focus on mandatory Disability Equality Training for staff of all levels, which should include a focus on the use of language and be delivered by qualified disabled people and organisations	<i>The development of a specific disability equality training plan ensuring the involvement of 'disabled people and organisations'</i> <i>For this to be approved be the Diversity Advisory group</i> <i>Implementation and impact assessment</i>	Head of Diversity	Q2 2007 Q3 2007 Q3 2008	A, B, C, D,
C2	Develop relations with universities to include Disability Equality and Diversity training as part of the Law degree and included as an aspect of the Diploma in Legal Practice or Professional Competence Course.	The Society has already incorporated specific requirements on both undergraduate LL.B. and post-graduate Diploma providers to teach and assess equality and diversity pervasively throughout the curriculum The Society is currently consulting on changes in the education and training system and has both included specific questions relating to content of the programmes and barriers within the system and has targeted a significant range of equality organisations to ask them to comment on the proposals. It is important that these issues are addressed in a 'mainstreamed' way as integral to the project, rather than becoming a separate equality led initiative. The Society will collate the results of the consultation and these will be available publicly through our website	Education and Training	N/A	A, B, C, D

C3	The Society should host information and training events to provide Careers Advisors with accurate knowledge and understanding of all aspects of careers within the legal profession and how best to promote this effectively to students.	<p>This is already carried out as part of our ongoing liaison with Careers Scotland and individual careers advisors/offices</p> <p>To ensure that a specific event is run with university careers advisers looking at equality issues and careers in law</p>	Education and Training Q4 2007	 Q4 2007	A, D, E, F
C4	Seek ways of promoting the Law Society of Scotland and its services within schools to enhance the profile of the legal profession.	<p>This is already carried out as part of our ongoing liaison with Careers Scotland and individual careers advisors/offices</p> <p>We distributed careers leaflets to schools throughout Scotland and attend a number of local, regional and national events to ensure that bespoke information is provided to those with an interest in law</p> <p>We provide telephone and e-mail advice to individuals interested in careers in law who have specific questions they need answered</p> <p>We support the Law in Schools project, the Young Citizens' Passport and Achievers UK, all aimed at promoting law in school</p> <p>We have appointed and New Lawyers Coordinator, a new full-time post aimed at building better links those considering or training in law and developing a long-term engagement strategy – covering both how we communicate our messages to these groups and how they can inform our policy and work through 'involvement'.</p> <p>Strategy to specifically identify how the Society will engage with a diverse audience, with specific reference to disability and other the 'groups' covered by the 'strands' of equality</p>	Education and Training Q4 2007	 Q4 2007	A, D, E, F
C5	Create a pack (or on-line resource) for use within schools.	<p>The same issues as at C4 apply</p> <p>To launch on-line resource in timescale agreed the engagement strategy</p>	Education and Training		A, B, C, D, E, F

C6	Promote within legal firms the offering of work experience placement opportunities for disabled young people via local schools.	<p>We have appointed and New Lawyers Coordinator, a new full-time post aimed at building better links those considering or training in law and developing a long-term engagement strategy – covering both how we communicate our messages to these groups and how they can inform our policy and work through ‘involvement’.</p> <p>This action point will be explored as part of that strategy development – and we will consult extensively (with all relevant groups) on the appropriateness of the strategy prior to final adoption. Again, it is important that these issues are addressed in a ‘mainstreamed’ way as integral to the project, rather than becoming a separate equality led initiative.</p>	Education and Training	N/A	F
C7	Incorporate into the Society’s website a “Student’s Zone” featuring disability issues and seek ways to develop the facility to enable students to seek advice, support and share experiences with each other. Disabled students should be actively involved in the design and content of the site.	<p>The same issues as at C4 apply</p> <p><i>To involve a diverse cross-section of individuals, with specific reference to disability and other the ‘groups’ covered by the ‘strands’ of equality, in the design of a ‘Student Zone’</i></p> <p><i>To launch on-line resource in timescales agreed the engagement strategy</i></p>	Education and Training	Q3 2008 Q3 2008	A, B, C, D, F
C8	Establish a programme of working with medium sized law firms to develop a strategy to support disabled law students in securing Post-Diploma training contracts.	As at C4	Education and Training	N/A	A, B, C, D, F
C9	Ensure Law Society of Scotland members are fully aware of all available financial supports and advice to assist them in meeting any additional support needs of potential employees.	<p><i>To source or develop a fact sheet on this topic</i></p> <p><i>To make it available on the Society’s website</i></p> <p><i>To develop and implement a communication plan to ensure firms are aware of this advice – including Journal article, contacting HR departments in all major firms, and promoting through the EZINE</i></p>	Head of Diversity	Q3 2007 Q1 2008 Q1 2008	A, B

C10	Actively engage with disabled solicitors/law students in the process of any proposed changes to education and training provision.	<p>The Society is currently consulting on changes in the education and training system and has both included specific questions relating to content of the programmes and barriers within the system and has targeted a significant range of equality organisations to ask them to comment on the proposals</p> <p>The Society will collate the results of the consultation and these will be available publicly through our website</p> <p>To consider, and where appropriate implement, suggestions and recommendations made through the consultation in relation to the content and accessibility of the various stages of training</p> <p><i>NB timescale cannot be specified at this stage as it may require change of statutory regulations or, possibly, primary legislation</i></p>	Education and Training	N/A	A, D,
D. Accessibility, Promotion of Best Practice and General Communication					
D1	Development of a series of Disability Guidelines as a valuable resource in the promotion of best practice to High Street solicitors. The Guidelines should contain a variety of sections offering a “pick and mix” of advice and information on physical, sensory, intellectual and communication impairment and mental health and how to best meet people’s needs.	This has already been committed to as part of the integrated Equality and Diversity Strategy. An update on progress can be found in the current Equality Annual Report	Equality Strategy	N/A	A, B, C, D, F
D2	Active and on-going engagement of disabled people in the development of strategies, initiatives and training	This is to be addressed through Strategic Objectives 3, 4, & 8 from the original Strategy. It was the implementation of this objective that led to this initial meeting, and further work is already planned.	Equality Strategy	N/A	A, B, C, D, E, F
D3	Emphasis on the development, in consultation with disabled people, of practices to encourage open disclosure of any additional support needs they have, especially at initial point of contact, in order that services can be more effectively provided.	<p>Identify best practice in collection methods and approaches for monitoring data in service provision setting, and report</p> <p>Gain views of individuals with disabilities on the best practice identified, and report</p> <p>Implement recommendations as appropriate</p>	Head of Diversity	<p>Q1 2008</p> <p>Q2 2008</p> <p>Q3 2008</p>	A, B, C, D, F

D4	Greater face to face contact with Case Managers involved in complaints cases	<p>This already can happen on an ad hoc basis</p> <p><i>CRO to examine how this might be better integrated into the current process</i></p> <p><i>Formal note of findings to be included in the 2007 annual report on Equality</i></p> <p><i>NOTE – many of these functions are likely to pass to a new statutory organisation (not currently covered by the Disability Equality Duties) in the near future, at which point the Society could no longer influence the set processes</i></p>	Client Relations Office	<p>Q4 2007</p> <p>Q2 2008</p>	A, B, D, F
D5	Audit of complaints received by disabled people to identify and evaluate any common themes emerging	This is already carried out by CRO, part of existing departmental action plan	Client Relations Office	N/A	A, B, C, E,
D6	Continuous review of website to ensure optimum accessibility for people with all forms of impairment.	This is ongoing, part of existing departmental action plan	Client Relations Office	N/A	A, B, D, E, F
D7	Ensuring all paper-based information and forms are available on-line and vice versa.	This has been an ongoing part of the Society's equality work. Over the last year a significant emphasis has been placed on these work with major new website sections to deal with the Society's responses to public consultations, our debating competition, and our education and training consultation. The decision was also made to place all information in the public domain, as a development from the old website where much solicitor focussed information was held in a 'members' are	IT	N/A	A, B

8.3 Action Plan 2 – Implementing issues identified through impact assessment and other supporting work

In addition to those recommendations coming directly from our involvement work other reviews and projects have also identified two relevant objectives which it was felt important to incorporate within this **Disability Equality Scheme**.

DES Objective E		BADGING SCHEME	
To examine the possibility of an equality 'badging scheme' to encourage private practice firms and in-house legal departments to consider equality issues and work towards a set scheme of criteria for which recognition would be gained			
		TIMESCALE	RESPONSIBILITY
<ul style="list-style-type: none"> To have meetings of the Diversity Advisory Group and the Equality Forum to discuss viability, value, and possible key content of such a scheme (looking at both HR and service provision issues) 		Q3 2007	
<ul style="list-style-type: none"> To meet with a cross-section of firms (managing partners, marketing managers, HR managers) to discuss viability, value, and possible key content of such a scheme 		Q1 2008	
<ul style="list-style-type: none"> To investigate the viability, costs, and key issues in a variety of current badging schemes (public and private sector) and to explore the possibility of a bespoke system 		Q1 2008	
<ul style="list-style-type: none"> To explore and collate any work done in other jurisdictions/professions in this field 		Q1 2008	
<ul style="list-style-type: none"> To present a detailed report to the President's Committee and Council of the Society on the viability of such a scheme 		Q2 2008	
<ul style="list-style-type: none"> To take forward the outcome of this process into the 2009 to 2012 Equality and Diversity Strategy 		Q3 2008	
<p><i>The specific issues around disability and access will be examined and existing concepts such as the 'Two Ticks' badge explored to ensure that disability issues are a key consideration of this work. This is aimed at addressing some of the issues raised in Section 5 coming out of the Profile of the Profession feedback and our work with individuals, as detailed in Section 6.</i></p>			
Relevant areas of the General Duty.			A, B, C, D, F

DES Objective F

IMPROVING ACCESSIBILITY – FIRM INFORMATION

To work with others to examine the range of information we hold on law firms (including areas of work, accessibility of services, and fields of specialism), to identify what additional information would be of use, and to scope a project to create a new database to assist the public in accessing the most appropriate services.

	TIMESCALE	RESPONSIBILITY
<ul style="list-style-type: none"> ▪ To review current information held on firms by various sources 		
<ul style="list-style-type: none"> ▪ To produce a short report on the equality issues in this area which have been identified from a range of sources 		
<ul style="list-style-type: none"> ▪ To contact potential collaborators (including Scottish Legal Aid Board and others) to assess potential for formal collaboration 		
<ul style="list-style-type: none"> ▪ If workable solutions are found, to develop a final set of proposals as to content and design of the data collection project and implementation 		
<ul style="list-style-type: none"> ▪ To gain formal approval for appropriate proposals 		
<ul style="list-style-type: none"> ▪ To take forward the outcome of this process into the 2009 to 2012 Equality and Diversity Strategy 		
Relevant areas of the General Duty.		A, B, C, D, E, F

8.4 Strategic Objectives from the Equality and Diversity Strategy

Finally, whilst it was considered important to publish a distinct **Disability Equality Scheme** it is equally appropriate to link it to pre-existing objectives in relation to disability and to continue to work on these. We have also note how the focus or details of these objectives might be altered by the duties. The Annual Report on Equality and Diversity for 2006 provides details of our progress with these so far, and we are committed to continuing implementation throughout the next two years of the Strategy and this Scheme. Here we provide additional narrative to explain the relevance of these objectives to this scheme.

OBJECTIVE 1**RECRUITMENT AND APPOINTMENT**

- A. To improve the criteria, selection methods and appointments process in relation to the committees, panels, and working parties, and non-solicitor representation of the Society with particular consideration of the overall representativeness of the Council and committee structure.
- B. To increase lay representation within the Society and specifically encourage a cross section of applicants
- C. To improve the criteria, selection methods and appointments process in relation to Society staff

A key part of this objective is to encourage, monitor and achieve a greater cross-section of public and professional involvement in the Society. Now we have base-line data from the profiling of the profession project we will be able to discuss how well our committee profile matches the profession in general. These objectives are now reaffirmed in light of the new disability duties, and we will pay particular attention to those aspects.

Relevant areas of the General Duty | A, B, C, D, E, F

OBJECTIVE 2**GUIDANCE FOR THE PROFESSION**

To provide basic guidance on Diversity, in partnership with a variety of organisations and representative groups, to all members of the profession.

This links with the recommendation coming out of our involvement work. We had already committed to producing such guidance across all the 'strands' of equality, and have now made new contacts within the disability sector which will allow us to ensure suggestions made in this field are appropriate. After the review leading up to this Disability Equality Scheme this objective continues to be a priority in the disability field and in the other strands.

Relevant areas of the General Duty | B, C, D, F

OBJECTIVE 3**IMPACT ASSESSMENT**

To ensure all new policies and procedures proposed to/by Heads of Department meetings, President's Committee, Society Committees, or Council have been impact assessed using an impact assessment template and carry appropriate recommendations.

Section 7 of this Disability Equality Scheme discusses how our work in this field is relevant to the Disability Equality Scheme and how it will be influenced by it. It is likely that the work in this field will be further altered once we have final confirmation of the 'specific duties' in relation to Gender Equality.

Relevant areas of the General Duty | A, B, C, D, E, F

OBJECTIVE 4**INVOLVEMENT**

Develop innovative methods of consultation and involvement to ensure that we appropriately represent the groups to which we have statutory obligations and do so in a way that is fair to all.

The involvement work carried out in preparation of this Disability Equality Scheme was part of a commitment already clearly laid out in our strategy. The introduction of the new duties makes a statutory requirement out of what was already a key organisational objective.

Relevant areas of the General Duty | A, D, E

OBJECTIVE 5**MEASUREMENT AND MONITORING**

To improve measurement of outcomes across all the functions of the Society and monitor these in relation to Diversity

This is looking at monitoring performance in a range of areas, now we have collected information about disability in the general population and in the legal profession we are moving on to the second stage of examining how these figures relate to those currently using our services and what issues might arise out of this.

Relevant areas of the General Duty | B, C

OBJECTIVE 6**ACCREDITATION - LL.B., DIPLOMA & PCC**

To include Diversity in the accreditation standards for the providers of the LL.B. degree in Scots Law, the Diploma in Legal Practice, and the Professional Competence Course both in relation to access to those courses and in how these issues are taught pervasively throughout the curriculum.

The providers of most elements of legal education are already covered in their own right by the disability legislation. However, a range of equality criteria have now been added to our accreditation guidelines to help promote access and the teaching of discrimination, equality and diversity and to assist in monitoring.

Relevant areas of the General Duty | A, B, C, D, F

OBJECTIVE 7**PROCUREMENT AND PARTNERSHIP**

Promoting equality in procurement and partnerships

Again, this area already had disability as one of the key focuses. Examples are given within the Annual Report and the Disability Equality Scheme as to impact of this objective on accessibility issues in relation to a range of projects.

Relevant areas of the General Duty | A, B, C, D, E, F

OBJECTIVE 8**DIVERSITY AWARENESS RAISING AND TRAINING**

- A. To raise and maintain the profile of Diversity throughout the profession and with our partner and stakeholder organisations. To take all possible opportunities to increase understanding about the importance of Diversity issues.
- B. To train all staff and our Council in Diversity, to provide bespoke training for those with particularly high impact responsibilities, and maintain a high profile for Diversity throughout the organisation

We will continue to take an 'all strands' approach to awareness raising and training, although there is also recognition of the need for specific training in the different regimes for each strand of equality. Both aims can be achieved, for example, having multiple sessions within a programme which focus on the specific issues relating to specific areas, or insisting that one person in each team has attended in depth training on each 'strand'.

Relevant areas of the General Duty | A, B, C, D

OBJECTIVE 9**ACCESSIBLE INFORMATION & EVENTS**

- A. Monitoring system for requests for materials in other formats noting what is requested and in what format, allowing the Society to better plan services in the future.
- B. To redesign the website to the AA standard of accessibility and accessible design of a new Regulatory Management System, to ensure that it is a useful portal to information for all who may be using it, and to ensure all content is appropriate
- C. To ensure that Society events promote themselves as inclusive and take account of a range of contributing factors (accessibility, catering, time, date, venue) which may affect the ability of individuals to attend

The primary driver behind parts A and B was disability, and so these continue to be of high relevance in light of the new Disability Equality Duties. Part C covers disability, but extends this further across issues around culture, faith, parent/carer responsibilities, etc.

Relevant areas of the General Duty | A, B, C, D, E, F

OBJECTIVE 10**DEPARTMENTAL ACTION PLANS**

Ensuring the departmental action plans are implemented and progress reported on

Appendix 1 of the Strategy contains the detailed action plans for each department, which covers all aspects of the general duty.

Relevant areas of the General Duty | A, B, C, D, E, F

INFORMATION GATHERING

9.1 Introduction

There are two key areas set out in the legislation and Code of Practice in which an organisation is required to collect, examine, and act on information. These are:

The specific duty requires authorities to set out in the Scheme a statement of their arrangements as follows:

- reg.2(3)(d)(i)** *every authority must set out arrangements for gathering information on the effect of its policies and practices on the **recruitment, development and retention of its disabled employees**. The information is needed to ensure that employers are able to ascertain the effect of their functions and policies on the recruitment, training and retention of their disabled employees. Generally this will involve collecting and analysing statistical data about the experiences of applicants and employees.*
- reg.2(3)(d)(iii)** *every authority other than educational bodies specified in Parts II and III of Schedule 1 in Appendix A must set out its arrangements for gathering information on the extent to which the **services it provides, and those other functions it performs**, take account of the needs of disabled persons. (para. 3.57)*

These are each examined in turn in the sections below.

9.2 Human Resource Data

The Society is committed to collecting equality data from its staff, in a manner consistent with best practice, and using it as part of a package of measures to identify equality related issues.

The Society employs around 130 staff, making it a relatively small organisation in terms of bodies covered by the General and Specific Duties. During the period this Scheme covers that staffing number is likely to reduce due to certain current functions of the Society being disposed of to another statutory organisation. Whilst the Society is moving ahead with plans to monitor staff it does mean that, with the main exception of gender,

we will not be able to publish much of the data collected, as the small numbers mean individuals would be identified, breaching our responsibilities under the Data Protection Act 1998. Care will also need taken in relation to the analysis of such data and whether it allows reliable trends to be identified. The Code acknowledges these issues (para 3.73) and where an organisation has less than 150 staff it suggests:

Such public authorities will need to consider what proportionate and effective information gathering mechanisms they can put in place. They should mainstream disability equality into any existing mechanisms they use to measure staff satisfaction and employment practice more generally – for example including a question in any staff survey designed to identify any potential problems that staff might be aware of in relation to employing disabled people. Other measures which they might take include:

- *sending out equal opportunities monitoring forms with application forms, and analysing the returns*
- *having exit questionnaires and analysing the results*
- *setting up a dedicated email address or other mechanism that allows staff to raise concerns about development/retention*

The Society has already adopted these approaches. Monitoring has been set up for all new applicants using the same categories that were used in the Profiling the Profession project. These forms are separate to the main application form and follow current HR best practice. Copies of our Recruitment and Selection policy are available on request. Exit interviews contain specific questions on equality and diversity, including asking about any specific issues which need addressed or any ways in which our performance in this field could be improved. There is a clear structure for reporting issues around equality and diversity, with different arrangements for different issues. The correct reporting procedures were covered as part of our equality and diversity training and the impact assessment checked that staff continued to retain this information eight months later.

In addition we plan a staff survey which will contain specific questions on equality, diversity and accessibility.

In the future this combination of methods should start to allow us to examine patterns in: promotions, grievance, discipline, performance appraisal, training, and staff leaving.

However, it should again be emphasised that as a small organisation statistical data is unlikely to be conclusive.

9.3 Service provision data

Section 4 of the Equality and Diversity Strategy sets out details of the functions of the Society and the 'services' it provides. Many of these are statutory in nature, implementing requirements set out in legislation or under subsidiary 'regulations'. In our original review leading to the creation of our Strategy we identified that collection of data on service provision was going to be of vital importance. We believe the targets set in that strategy (Strategic Objectives 3 & 5) and additional targets set in the Action Plan will dispense our duties in this field.

Our various commitments to involvement are also helping us collect data in the field (see Section 6). Whilst the success of the *Profile of the Profession* project in year 1 of that Strategy means we now have baseline data to use in our assessment services targeted at the profession. Our review and analysis of data in relation to the population as a whole will likewise be used in our assessment of services in relation to the public.

9.4 The use of information

The Code states that:

reg.2(3)(e) *A public authority must also include in its Disability Equality Scheme its arrangements for making use of the information obtained and in particular, its arrangements for:*

- *reviewing on a regular basis the effectiveness of the steps set out in the action plan; and*
- *preparing subsequent Disability Equality Schemes. (para. 3.103)*

In relation to the first of these points we believe that this is discussed, as appropriate, throughout this document. We would also note that our reporting protocol used for the main Strategy will also apply to the objectives set out in this scheme.

The protocol stipulates that:

- Each responsible person would report quarterly on progress (in February, May, August, November)
- The report would be based on the action plan, with the following codes being inserted in the 'progress' column
 - C** Completed in full
 - W1** Work underway, due to be complete on schedule
 - W2** Work underway, likely that timescale will need extended
 - D** Delayed (*with a requirement to provide details as to why*)
- Narrative would be added to explain any delays, if objectives needed amended or if they were no longer relevant (Section 3.8 of the Strategy sets out the limited circumstances in which an objective would be changed or deemed no longer relevant)
- The Head of Diversity would collate all the responses

Reports on progress are to be fed through the normal governance framework of the Society, part of the commitment to ensuring that equality and diversity are effectively mainstreamed throughout the organisation and are integrated into management process.

Our arrangements for producing subsequent schemes will, to some extent, depend on issues arriving from further involvement and data collection activities. In line with our integrated Strategy approach we will also be linking the review of this Scheme to that strategy cycle, meaning that this Scheme has only a two-year lifecycle. The Annual Report on the Equality and Diversity Strategy for 2007 will now also include details of the progress achieved with implementing this Scheme. There will then be fundamental review of all our equalities work in 2008. Section 7.3 of this Scheme sets out what we believe are the benefits of this approach. The main elements of this review are likely to include:

See overleaf...

Review Process:

- Starting around January 2008 – briefings to senior staff and timescale laid out
- March 2008 – start of new impact assessment of all policies, process and procedures using new enhanced template
- May 2008 – review of ‘scoring’ by independent panels
- June 2008 – detailed investigation of areas with significant impact (drawing on evidence and involvement from the course of the year)
- August – final involvement and consultation on Strategy
- September 2008 – proposals laid before Council of the Society for approval
- October 2008 – final details confirmed, opportunity for second reading at Council if required
- November 2008 – new three-year Strategy announced

REPORTING ON PROGRESS

The Society commits to publishing annual updates, with a major review taking place in October 2008. This will bring into line our Race Equality, Disability Equality and Gender Equality Scheme alongside our Strategy other equality and diversity work.

An annual report for the period November 2005 to October 2006 is available from our website. This covers the Disability targets set in our original integrated Strategy, and will give an example of how the Society may report in 2007 on progress with both the Strategy and this Disability Equality Scheme. We will take care to ensure that the areas required by the Code are all addressed:

- reg.5** *A public authority must on, an annual basis, publish a report containing a summary of:*
- *the steps it has taken to fulfil its disability equality duty (the action plan); what has the authority done over the past year to eliminate discrimination and promote equality of opportunity and is it meeting its targets?*
 - *the results of the information-gathering which it has carried out – what evidence has been obtained and what does it indicate?*
 - *what the authority has done with the information gathered – what actions will be taken as a result of what the information indicates? (para. 3.111)*

A summary of progress will also be included in our overall organisational annual report, and press releases will be passed to various media to promote the availability of the documents. Various relevant organisations working in associated fields will be identified, contacted and encouraged to provide any feedback they feel is appropriate. We also welcome enquiries into our work from members or the general public, and will try to provide additional information where possible.

Information on various projects (including data collection and specific initiatives) will also be fed back as appropriate through the Society's Journal (available to the public free of

charge online), through press-releases, through the website, and other means as is appropriate.

MAIN FORMS OF REPORTING:

<i>Our website</i>	http://www.lawscot.org.uk
<i>The Journal</i>	http://www.journalonline.co.uk
<i>Press releases (as appropriate)</i>	available on our website
<i>Annual Report on Diversity</i>	available on our website

The Society recognises that different people will prefer to access our service and information in different ways:

The Society has committed to providing flexible access to information through a variety of mediums:

- Phone enquiries and our helpline
- Fax
- Text phone/Minicom enquiries
- Information and promotional events
- Press releases to a variety of print and other media
- Our website – <http://www.lawscot.org.uk>
- The website of 'The Journal', the official magazine of the Society – <http://www.journalonline.co.uk>
- Information leaflets and packs – including a variety of formats
- Training DVDs including subtitles, text of audio tracks, etc.