

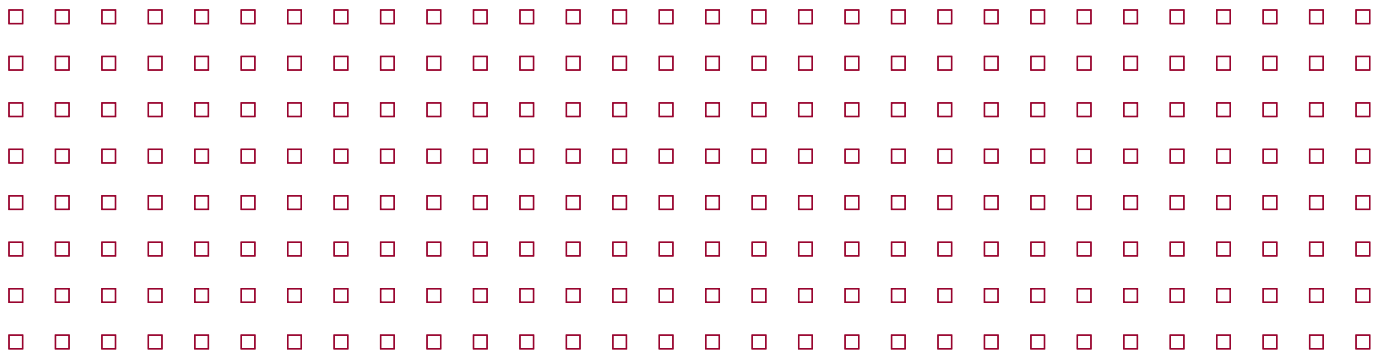


Ministry of
JUSTICE

Disability Equality Scheme

2008-2011

March 2008



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Foreword by the Secretary of State for Justice, and the Minister of State

We are delighted to present the first **Disability Equality Scheme** since the creation of the Ministry of Justice last year.

The Ministry of Justice was created on 9 May 2007; bringing responsibility for the justice system under the leadership of one department.

The Ministry of Justice provides the opportunity to better ensure the justice system works for the public it serves. Its work is wide ranging; from supporting a vigorous democracy to ensuring the efficient and effective delivery of justice; from guaranteeing rights and promoting responsibilities to helping protect the public and reducing re-offending.

The principles set out in the Disability Equality Scheme underpin everything we do as a department, for they ensure fair and equal treatment for all. This Scheme sets out how we intend to make sure we are fully compliant with both the spirit and the letter of the law in the delivery of disability equality for citizens and our staff.

In preparing and implementing the Disability Equality Scheme we have sought to use it as an opportunity to push forward the public service agenda, restating the importance of providing equal access for all to our services. We fully recognise our responsibility to be an example of best practice across Whitehall and to act properly in all we do.

The Scheme, Yearly Review and Action Plan have been developed with the involvement of disabled people through focus groups and consultation. These groups will continue to play an active and important role in taking the Scheme forward by bringing the views and experiences of disabled employees, outside experts and users of our services to the table.

Equality is at the heart of all we deliver as a department and we are committed to embedding a culture of equality throughout the Ministry of Justice.

Through this focus we can be certain we are able to better meet the needs of the public we serve.

Rt Hon Jack Straw MP
Secretary of State for Justice

Michael Wills MP
Minister of State

Introduction by the Permanent Secretary

I am delighted to introduce the first Ministry of Justice Disability Equality Scheme for the period 2008-2011.

Organisations in the public sector are rightly expected to lead the way on diversity and the Ministry of Justice has a crucial role to play in promoting the values and practices of a fair and democratic society. My vision is for MoJ to be one of the most effective Government Departments in Whitehall.

Our Disability Equality Scheme is one of the tools that we are using to achieve this goal by setting out our commitment to tackling unlawful disability discrimination and promoting equality of opportunity. The Scheme complements robust business planning systems through being clear about who is accountable for what, and how performance will be measured and consistently improved in all parts of the Ministry.

I am personally committed to ensuring that disability equality is at the heart of everything we aim to do and how we treat our staff and the public. And I recognise how important this is, both for our staff and for all those who rightly expect our services to meet the diversity of their needs.

The Ministry of Justice Corporate Management Board is accountable for achieving the objectives outlined in the Scheme. My Board colleagues and I will formally review the Scheme every 12 months to track the progress on achievements and to ensure that the Scheme remains central to the work of MoJ. But it is also a “living” document that needs to be regularly revised and improved.

There is no place for any form of prejudice or unlawful discrimination in the Ministry of Justice, especially given the nature of our core business. This Scheme and its action plan will help us all to turn our disability equality objectives into reality as employers, employees, managers, policy-makers and service providers.

My colleagues and I are confident that this Scheme will help us to meet our challenges head on.

Suma Chakrabarti
Ministry of Justice

Section 1 – Introduction to the Scheme

This Disability Equality Scheme (DES) is the first since the formation of the new Ministry of Justice (MoJ), and sets out the approach MoJ will take to ensure it is fulfilling its statutory obligations to deliver equality for both disabled staff and disabled users of MoJ's varied services.

MoJ welcomes the positive duty, established by the Disability Discrimination Act 2005, to have due regard when carrying out its functions of the need to eliminate unlawful discrimination against, and harassment of, disabled people, and to promote equality of opportunity for disabled people.

MoJ intends to move beyond compliance. It will seek to improve public confidence and trust through delivering high quality services which produce equitable outcomes for all its disabled service users. MoJ is also committed to ensuring that its disabled staff have confidence and trust in the organisation and that they are able to participate fully in its service delivery and staff development.

MoJ welcomes the observations of the former Disability Rights Commission on the previous Department for Constitutional Affairs' DES and Home Office's DES, and has sought to include the appropriate elements of these observations in the new MoJ DES.

1.1 Ministry of Justice's Strategic Priorities

1.1.1 MoJ's strategic vision is to:

- Support a vigorous democracy in which everyone can influence decisions which affect their lives.
- Support the efficient and effective delivery of justice.
- Help to protect the public and reduce re-offending.
- Work to create a culture of rights and responsibilities so both can be delivered effectively.
- Help to avoid and resolve civil and family disputes.

1.1.2 The Government's vision for disability is that by 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life, and will be respected and included as equal members of society. MoJ fully supports this aim and will ensure that disability equality is integrated into its strategic priorities, with action plans setting out how this will be achieved.

1.2 Our legal responsibilities

1.2.1 As a public authority, MoJ has a number of disability equality duties arising from legislation including the Disability Discrimination Act (DDA 2005). The Disability Rights Commission has published a Code of Practice outlining these new duties, including both the specific and general duty to which the

MoJ is bound. The guidance has been used in the development of the MoJ DES.

1.2.2 On 1 October 2007, the Equality and Human Rights Commission (EHRC) replaced the DRC, the Commission for Racial Equality and the Equal Opportunities Commission. The new EHRC has inherited from the former three commissions the responsibility for ensuring that the statutory equalities duties are met. EHRC is able to issue non-compliance notices where it deems that organisations have not complied with their legislative equalities duties.

1.3 Definition of Disability

1.3.1 MoJ recognises the definition of disability set out in the DDA, and this definition is outlined in Appendix A.

1.4 Meeting the General Duty

1.4.1 The Disability Equality Duty as outlined in Section 49A of the Disability Discrimination Act - subsequently referred to as the 'general duty' - states that a body subject to the general duty shall have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons.
- Eliminate discrimination that is unlawful under the Act.
- Eliminate harassment of disabled persons that is related to their disabilities.
- Promote positive attitudes towards disabled persons in public life.
- Encourage participation by disabled persons in public life.
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

1.4.2 As a public authority, MoJ is bound by this general duty, and is working to mainstream disability equality into all its business areas, policies, decisions and activities.

1.5 Meeting the Specific Duties

1.5.1 To support MoJ in meeting the general duty, specific statutory requirements (duties) have been set out in the **Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005** (subsequently referred to as the Regulations) by the Secretary of State for Work and Pensions. The core of these requirements is the Disability Equality Scheme.

1.5.2 MoJ must publish a Scheme which includes¹:

¹ This summary of the specific duties is set out by the former Disability Rights Commission in their 2005 publication *The Duty to Promote Disability Equality*. The full text can be found in the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005.

- How the Ministry intends to meet its obligations under the general duty and other specific duties which are relevant to it.
- How the Ministry intends to involve disabled people in the development of its Scheme.

A statement of:

- The way in which disabled people have been involved in the development of the Scheme.
- The Ministry's methods for impact assessment.
- Steps which the authority will take towards fulfilling its general duty (the 'action plan').
- The Ministry's arrangements for gathering information in relation to employment, and, where appropriate, delivery of its functions.
- The Ministry'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.

There is also a Disability Equality Duty requirement for MoJ to publish a Secretary of State Report on Disability by December 2008, and every 3 years thereafter that:

- Gives an overview of progress towards disability equality made by public authorities in their policy sector;
- Sets out proposals for co-ordination of action by those public authorities in that policy sector to bring about further progress towards disability equality.

1.6 Accountability

1.6.1 MoJ's Permanent Secretary has approved this Scheme, and has overall accountability for ensuring it is implemented, monitored and reviewed regularly. The Permanent Secretary and Corporate Management Board are responsible for ensuring that the necessary expertise and resources are made available within the organisation for the successful operation of the Scheme.

1.6.2 The Board is supported in this by the Equality Diversity and Human Rights Division who work closely with the business areas to provide advice and assistance and in monitoring progress against the activity in the Action Plan. In addition strategic direction is provided by a new group, the Equality Strategic Heads, which is made up of Senior Civil Servants from across the MoJ who hold responsibility for considering equality and diversity issues, and they will help ensure a consistent approach across the new Department.

1.6.3 The Board will review progress of the Scheme on an annual basis, against the relevant actions and indicators. A full review of the Scheme, detailing progress and identifying key areas for action across MoJ and its

Associated Offices will be undertaken and presented to the Board for approval and publication on a three yearly basis, as required by the Regulations².

1.6.4 Addendum 1 gives the Yearly Review of the former DCA DES and Home Office DES (in the form of an Annual Report) and represents the progress on disability equality made during the past year.

1.6.5 Addendum 2 is the forward look, three-yearly Action Plan for MoJ business areas that builds on both the Annual Report and the key findings in the main body of the DES. It contains the detail about how the DES will be delivered over the next three years.

1.6.6 MoJ has also established a minimum requirement action plan, outlining more generically what is required of all its constituent business areas. Each area has responsibility for ensuring that it is taking account of the equalities duties and for providing the appropriate information to reflect this. In many cases the individual business action plans (in Addendum 2) will exceed these minimum requirements however. The minimum requirement action plan can be found in Appendix B.

1.6.7 Senior Directors, Heads of Division and Heads of Unit are responsible for implementing the actions outlined in the action plans.

² Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005, reg.5(1)(a)(b)

Section 2 - Involving Disabled People

2.1 Our Approach

2.1.1 MoJ believes that producing an effective Disability Equality Scheme requires the full involvement of disabled people throughout the development process; indeed we are under a statutory obligation to do so. This took the form of focus groups, telephone conferences, consulting experts and making use of existing data published by organisations (for example the RNIB), as well as carrying out our own statistical analysis.

2.1.2 We have analysed the information gathered from disabled people from the former Department for Constitutional Affairs and the Home Office Schemes as well as new information gathered in developing the MoJ Scheme. This information is being used to inform this Scheme and enhance our services. This will be reviewed and monitored on a regular basis.

2.1.3 The aim of this research is to understand the needs of all groups in society, particularly those who may be vulnerable. MoJ is committed to establishing the key concerns identified by disabled people living in the community, and then with their involvement, developing policies to address them.

2.1.4 Internally, the MoJ used a number of mechanisms for involving disabled people, including the involvement of MoJ Departmental Disability Adviser and the Disability Staff Network in developing and drafting the DES and Action Plan.

2.2 Focus Groups

2.2.1 As a key part of involving disabled people in the development of the Scheme, MoJ undertook a series of focus groups and telephone consultations with disabled stakeholders.

2.2.2 A budget was allocated for the involvement project to cover travel expenses and reasonable adjustments for attendees. A palantypist was also available for each of the focus group sessions.

2.2.3 Three focus groups were held, each consisting of between nine and twelve participants. We sought out local people and organisations from local communities as well as drawing from stakeholder contacts held centrally at the Ministry of Justice. Each focus group represented a range of disabilities and included representatives from disability groups and individuals under their own aegis.

2.2.4 Individuals who had been invited but were unable to attend were offered the opportunity to discuss their views in a telephone conversation. Twelve such conversations were held, with every attempt being made to mirror as closely as possible the topics covered in the focus group discussions.

2.2.5 All participants were provided with information about MoJ and the Disability Equality Scheme project before the meetings and conversations.

2.2.6 The purpose of the groups was to offer a qualitative method of gaining a deeper understanding of the issues facing disabled stakeholders and to offer a method of enabling disabled people to take a more active role in the data gathering process. (See Section 5 for more about the information gathering process.)

2.2.7 The observations made by the focus groups can be found in Appendix C, and have been used to inform the key priorities for this Scheme outlined in section 6.

2.3 Ongoing Involvement of Disabled People

2.3.1 It is intended that the focus groups will continue in future and will increase in number to continue to inform MoJ of its priorities in respect of disabled people.

2.3.2 Further the MoJ is considering creating a Disability Reference Group, made up of internal and external stakeholders who could provide advice and guidance to MoJ and its component business parts on priorities for disabled people affected by MoJ functions, policies and services. This group could also contribute to the development of the Secretary of State Report on Disability (see 1.5.1 above). This idea will develop this during the life of the Scheme.

Section 3 - Impact Assessment

3.1 The Equality Impact Assessment (EIA)

3.1.1 MoJ welcomes the former Disability Rights Commission's observations regarding the use of Impact Assessments in their review of the previous DCA Equality Scheme³. Following these observations, MoJ will continue to provide training and advice in the effective use of EIAs.

3.1.2 In order to ensure that the issues relating to disability equality (and other diversity strands) are enshrined in legislation, policy and service development, all new policies and functions must be equality impact assessed.

3.1.3 MoJ are currently developing a consistent Equality Impact Assessment (EIA) framework for use across the business that will ensure EIAs are undertaken effectively and systematically.

3.1.4 Existing EIA 'toolkits' used by former DCA, and by the National Offender Management Service (NOMS) and the Office of Criminal Justice Reform (OCJR) (the Home Office toolkit), and separately the Prison Service toolkit

³ The Disability Rights Commission wrote to the Permanent Secretary of the DCA on the 22 March 2007 to present the Commission's review of the 2006 DCA Disability Scheme.

continue to be used until the new MoJ version is implemented in summer 2008.

3.1.5 MoJ will also impact assess all its existing functions and policies by 2010 and Equality, Diversity and Human Rights Division (EDHRD) are working with business areas to draw up an implementation timetable, by autumn 2008.

3.1.6 Senior managers have responsibility for ensuring EIAs are completed, and must sign off the necessary EIA before new or amended legislation, policies, projects or services can be implemented. Similarly, new business critical projects and programmes cannot be lodged with the central MoJ programme office until an initial EIA is completed.

3.1.7 Since December 2007, MoJ has published summaries of all former DCA EIAs and MoJ EIAs on its website with alternative formats available on request. For the most up to date list of completed equality impact assessments please go to <http://www.justice.gov.uk/publications/equality-impact-assess.htm>. Additionally EIAs for Her Majesty's Prison Service can be found at <http://www.hmprisonservice.gov.uk/>

An example of Equality Impact Assessments – Getting EIAs Right

Equality, Diversity and Human Rights Division (EDHRD) have formed a working group to design a MoJ equality impact assessment framework which, as well as assessing potential adverse impacts of particular policies, will also advise staff to consider missed opportunities to promote disability equality and any associated potential impacts. Staff from across MoJ, including those with disabilities will be consulted and involved during its design. Specifically, the staff forums and networks, including the Disability Network, regional diversity managers and diversity contacts from across MoJ will be invited to contribute to its design. The Departmental Trade Union Side will also be consulted. MoJ intends to publish an EIA framework for all business areas later this year.

Section 4 - The Action Plans

The Action Plans for the business areas of the Ministry of Justice are found in Addendum 2 of this document. The plans outline the Ministry's detailed approach to ensuring meeting of its duties in delivering its Disability Equality Scheme. Each business area was fully involved in drafting and agreeing these action plans and is fully committed to their delivery.

Section 5 - Gathering Information

The following section outlines the approaches used to gather information on staffing and service delivery at the Ministry of Justice. As mentioned above a key aspect of our consultation process and consequent scheme development was the involvement of disabled stakeholders. We also used evidence from our Staff Survey as well as relevant Government research reports to inform our decisions. In some instances, such as information related to recruitment, the information has been included alongside the analysis in Section 6.

5.1 Improving Information Gaps

5.1.1 There are presently gaps in the availability of data regarding the demographic make up of MoJ's service users. MoJ intends to improve its data gathering activities across its business areas, including increasing disability declaration rates, and improving the IT systems employed to maintain and interpret this information. Human Resources will carry out annual data gathering exercises to ensure the continuing accuracy of the data. Each business area or delivery service will also study the demographics of both the area in which they are based and the community they serve, in order to establish how they can engage more fully. They will achieve this by working with local authorities and local user groups.

5.1.2 MoJ recognises the need to continually improve our data collation and analysis throughout the duration of the Scheme and will be also looking at external benchmarking comparisons with other public and private sector organisations at both national and international level. Along with other government departments (OGDs) MoJ is represented on the Department of Work and Pensions (DWP) **Performance Management Data Working Group** which has begun to look at the disaggregation of disability data in relation to performance management processes and cycles.

5.2 Information Gathering Process

5.2.1 We have gathered and used information in a number of ways, including involving disabled people in focus groups, staff surveys and identifying relevant research or data collected by other Government departments and organisations.

5.3 Involving Disabled People

5.3.1 MoJ welcomes and values the full involvement of its disabled stakeholders in the design and delivery of an effective Disability Equality Scheme. In developing the Scheme such involvement has taken the form of focus groups and telephone conversations (as mentioned above in Section 2) consulting recognised experts and making use of existing, as well as analysing our staff data.

5.3.2 The Equality Schemes Team maintains a regularly updated list of key disability stakeholders for consultation. A list of consultees can be found at Appendix D.

An example of involving disabled people - The Prison Service

The Prison Service sought to engage key staff, trade unions, policy leads and, most importantly, disabled staff and prisoners in developing their disability action plan. This included a Disability Equality Staff Group recruited and coordinated by the Personnel Management Group at Prison Service headquarters. Disabled staff were members of the Staff Group and will continue to play a role within the Staff Group in further shaping the Disability Equality Scheme.

Three prisons – a female, young offenders and a local establishment – were included in disability equality consultation visits. The purpose of the visits was to set out clearly the overall approach adopted by the Prison Service of involving and consulting those most likely to be affected by, or have an influence on, achieving disability equality. Senior management, front-line staff, disabled staff and prisoners as well as partnership agencies were given opportunities to communicate their ideas, concerns and priorities on disability through a variety of means.

The views and experiences of these disabled Prison Service stakeholders have made a positive contribution to the development of HMPS disability policy and practice. Further visits to some prison establishments to speak to groups of disabled prisoners are planned.

5.4 Staff Surveys

5.4.1 As part gauging employee satisfaction and monitoring attitudes amongst its employees, the former Department for Constitutional Affairs carried out an extensive survey including questions about internal communication, employee contentment, training and development opportunities and line management. Reasonable adjustments were made for any disabled people who wished to respond.

5.4.2 A total of 3,539 responses were received which helped provide a useful set of data and information for those MoJ business areas formerly under either DCA or Home Office responsibility.

5.4.3 On the 31st October 2007 a 'Pulse' snapshot survey was sent out to 25% of the staff of the former DCA areas, and a separate survey sent to all employees of NOMS. The full staff survey will be carried out every two years, with the Pulse survey run in the intervening years.

5.4.4 To canvass further the views of our staff, a Prison Service Staff Survey was also conducted in 2007 with an emphasis on encouraging officers and Operational Support Grades (OSG's) to complete the survey.

5.4.5 The results of the Staff Opinion and Pulse surveys do provide useful indicators of staff perception of many areas of MoJ business. Account must, however, be taken of the limited size of the Pulse survey, difficulties in weighting adequately for demography, and methodological difficulties common to all sampling exercises aimed at establishing the opinions of a minority group. In many instances, differences in responses from disabled people and the wider sample were negligible and as such should be read carefully as indicators rather than evidence of clear, actionable trends.

5.4.6 The surveys have highlighted areas which are in need of action. Six in ten disabled people felt they were treated with fairness and respect, compared to more than seven in ten amongst other staff. This could be reflective of wider national trends, where surveys suggest disabled people are twice as likely to report unfair treatment as non-disabled people.⁴ We will be looking at ways to address the reasons for this as part of the work of the Harassment, Bullying and 10 Point Plan Implementation Group.

5.4.7 The surveys show very clearly why having a workforce reflective of the population is of operational value. Eight out of ten disabled respondents say they consistently look for better ways to serve customers and stakeholders, which is higher than in the overall sample. Disabled people also feel they are just as likely to receive regular and constructive feedback, and have similar levels of intention to remain working in the organisation.

5.4.8 Disabled people felt less able to report instances of bullying or harassment, with just over half, compared to two thirds of non disabled people feeling they could do so without fearing a negative impact on themselves.

5.4.9 The clearest challenge facing disabled people identified is a lack of communication. 61% of disabled staff felt their leader took the time to listen and understand their views before taking action, compared to 70% of non-disabled people. This has helped identify the key priority of the Scheme regarding the provision of better access to information.

5.4.10 The Prison Service will be looking at the response rate of those staff who declare a disability and looking at any significant difference between those and non-disabled staff to identify issues. From these an action plan will be devised to inform future policy changes.

5.5 Evidence from Relevant Research

5.5.1 The work of MoJ has an impact on, and is impacted by, the work of other Whitehall departments. MoJ are members of the Office for Disability Issues' Cross-government Group on Disability Communications, which is an example of MoJ's continuing commitment to play a key role in influencing government disability policy and practice.

⁴ Fair Treatment at Work Survey, 2005 <http://www.berr.gov.uk/files/file38386.pdf>

5.5.2 In building the evidence base which informs the Action Plan (at Addendum 2) we have taken account of wider research on exclusion. Below are some key areas of interest and publications consulted (see footnotes) and the most relevant findings.

Mental Health and Social Exclusion (2004) Report

http://www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/social_exclusion_task_force/publications_1997_to_2006/mh_summary.pdf

5.5.4 People who use mental health services can encounter difficulties in accessing the same legal protection as other members of the community. They may be seen as unreliable witnesses or as unable to cope with the pressure of legal proceedings. This can result in legitimate cases not being pursued and, in the worst cases, a local culture where people with mental health problems are not given the full protection of the law.

Actions that have been taken to address these issues include:

- The Youth Justice and Criminal Evidence Act (1999) introduced support systems for vulnerable witnesses, including people with mental health problems. Vulnerable witnesses may now be eligible to give video recorded evidence, give evidence over a live TV link, or have screens around the witness box. The Act also reformed the law on competence, so that the presumption is that all witnesses are competent to testify, with support as needed, unless they cannot understand the questions asked of them. Guidance issued in 2002 includes specific sections on supporting witnesses with mental health problems. The new provisions are currently being evaluated.
- The Mental Capacity Act (2005) lays out a single test of capacity to be assessed according to each decision which needs to be taken, thus allowing for fluctuating capacity.

5.5.5 There is a strong evidence base demonstrating the relationship between mental illness and drug use. Equally drug use and social exclusion are strongly linked, with educational attainment, wealth, and levels of employment all adversely affected by drug taking. More than half of female drug users have dependent children and those children are disproportionately likely to become drug users themselves. This information provides a valuable insight and allows MoJ to consider these impacts when developing policies or initiatives to address mental illness and drug use.

An example of Combating Drug Use in Prisons

There is a need for the Prison Service to consider responses which take into account the interrelationship of the three challenges (educational attainment, wealth, and levels of employment all adversely affected by drug taking). It is also necessary to ensure that treatment for drug addiction is made accessible for disabled people related or unrelated to their drug use.

A diversity toolkit is in development to give advice, information and best practice guidance to those developing drug policy and delivering drug treatment interventions in prison to disabled prisoners or health problems, as well as other diversity issues. This will be delivered over the period covered by this Scheme.

The Prison Service already operates the Young Persons Substance Misuse Service (YPSMS) for under 18s in custody, which recognises that young people in custody with substance misuse problems may also be experiencing co existing mental health problems, learning disabilities and physical disabilities. The service recognises that substance misuse can lead to serious mental illness such as psychosis or depression, difficulties with concentration and potentially to chronic and disabling health problems associated with, for example, blood borne viruses.

Mental Illness and Learning Disability in the Criminal Justice System

5.5.6 A major challenge facing the criminal justice system is the disproportionate number of convicted criminals suffering from mental illness or learning disabilities. 14% of Women and 10% of men in the prison population suffer from severe mental illness such as schizophrenia or delusional disorders, compared to less than 1% in the wider population.⁵

5.5.7 Recent research suggests there are up to 6000 people held in custody with an IQ of less than 70 at any one time, when the wider population average IQ level is 100⁶ - with Youth Justice Board figures suggesting that 23% of young offenders have an IQ of this level. Dyslexia Action figures suggest that 20% of the prison population have some form of hidden disability that will 'affect and undermine their performance in both education and work settings'⁷.

5.5.8 In many circumstances offenders with mental health difficulties may have their illness exacerbated by policies and prison conditions. For example, the average female prisoner is 63 miles from home as a result of the current limited number of female prisons. This may in turn exacerbate individuals' mental health difficulties and well-being.⁸

5.5.9 People with mental health issues and learning disabilities need to be able to access services and the criminal justice system in an equitable manner, and this has informed the work on accessibility in section six of this Scheme, as well as the actions contained in Addendum 2.

⁵ <http://www.prisonreformtrust.org.uk/subsection.asp?id=317>

⁶ University of Liverpool research, quoted by the prison reform trust
<http://www.prisonreformtrust.org.uk/subsection.asp?id=828>.

⁷ From a study funded by the Learning and Skills Council, measuring levels of hidden disabilities in the Yorkshire and Humberside region
<http://www.dyslexiaaction.org.uk/Administration/uploads/HiddenDisabilities.pdf>

⁸ The Prison Reform Trust, 2003. <http://www.prisonreformtrust.org.uk/subsection.asp?id=373>

5.6 Staff Profile

5.6.1 MoJ operates in England and Wales, and to a more limited extent in Scotland. Direct diversity comparisons, however, between civil service departments and the wider population we serve cannot easily be made since differences in the methods of gathering and calculating information on disability give rise to significant differences in data.

5.6.2 MoJ permanent staff in post from the former DCA and the Home Office as at 30th September 2007 was 26,481. MoJ staff in the Prison Service, numbered 49,455 as of 28th February 2007⁹. Work is underway to produce accurate corporate statistics for the whole of MoJ and it is anticipated that a strategy for this work will be in place later this year.

5.7 Disability Profile

5.7.1 MoJ uses two main statistical measures to gather disability information on staff. Staff are requested to state whether they consider themselves to have a disability (a) in completing a confidential workforce questionnaire and (b) in completing the Staff Opinion and Pulse Surveys. Anecdotal evidence from the Disability Network suggests that the declaration rate of disability across all Whitehall Departments is likely to be below the actual figure.

5.7.2 To help resolve these issues MoJ is working specifically to encourage higher response rates to the disability questionnaire. This work includes attempting to identify what the **barriers to declaration** might be and introducing a programme to raise awareness. This will include publicising the benefits of declaring a disability, e.g. more accurate identification of resource requirements for disabled staff, and the operational and service delivery benefits to MoJ of an improved understanding of the diverse needs of our disabled staff and customers. We will achieve this by:

- regular articles in the Disability Network Magazine, Ability, (starting with the November 2007 issue) regarding disability declaration;
- information and guidance in MOJazine (the in house magazine) and the intranet about what constitutes a disability;

These drivers will also assist staff in the updating of print-outs of their own confidential personal information held by HRD should they choose to do so.

5.7.3 The Pulse Survey is sent to a 25% sample of staff, whereas all staff are requested to complete the Disability Monitoring Questionnaire when they enter MoJ which is part of the recruitment process. This is checked at intervals thereafter via the confidential personal print-out mentioned above being sent to individuals to check and return in confidence. As with any volunteered personal information any disability data captured via such processes needs to be considered as indications rather than accurate measures of the levels of disability within MoJ. However, the measures

⁹ Prison statistics taken from HM Prison Service - Single Staff Diversity and Equality Scheme (2007)

mentioned above on improving disability declaration rates are likely to assist with accuracy of our data collation.

5.7.4 The former DCA Staff Opinion Survey indicates that around 6% of the staff have declared a disability¹⁰, compared to 5.1% of DCA staff in 2005, and 3.6% in 2004. The workforce statistics based on completion of the confidential Disability Questionnaire place the number of disabled staff at 3.8% although this currently excludes the Prison Service, who report 3.25% of their staff as disabled, although their last staff survey showed a declaration rate of 5.6%.

5.7.5 The former DCA workforce statistics indicate that staff who have declared a disability represent 5.09% of those at the lower administrative grade, but only 2.46% of staff at the senior civil service level, although the SCS figure has improved marginally from 2.3% in December 2006.

5.7.6 There are also disparities between the component parts of the organisation, with over 6% of staff at former DCA headquarters declaring a disability compared to less than 3.5% in the Her Majesty's Courts Service. Overall figures for the former DCA areas have stayed reasonably stable, however, with 3.81% of staff declaring a disability in September 2007, compared with 3.9% in December 2006.

5.7.7 Some conditions covered by the DDA may have low disclosure rates as a result of the fear of stigma perceived to be attached to them. For example the National Aids Trust notes that this is often the case for people living with HIV or with an AIDS diagnosis. It remains essential that when handling such cases, MoJ gives appropriate consideration to confidentiality, both during any individual disclosure and in ensuring any reasonable adjustments are offered or made.

5.8 Recruitment and Selection

5.8.1 MoJ is an authorised user of the Two Ticks Scheme, whereby disabled candidates who meet the minimum requirements for a role are guaranteed an interview. This applies to both internally and externally advertised positions.

5.8.2 HR statistics from the Workforce Composition Report indicate that 6.1% of former DCA staff recruited in 2006/2007 declared a disability, which compares with 3.8% who had declared a disability overall in the former DCA. MoJ is presently considering how it can further improve its data collection on the levels of disability at all stages of the recruitment and retention process, including application, sift, interview and success levels.

5.8.3 The statistics for the Prison Service are lower, with 1.2% of staff recruited in the year to September 2006 declaring a disability. This may be partly explained by the nature of the work, with many staff required to be able to perform control and restraint techniques, however, the disparity between

¹⁰ Taken from the 2007 DCA staff survey, published April 2007

disabled Prison Service staff in post (3.24%) and recruitment levels is noticeable.

5.8.4 It is believed that the disparity can be explained in part by more effective monitoring of staff in post than in the recruitment process. As part of the introduction of a new IT HR system (PHOENIX) in the Prison Service, more effective recruitment monitoring procedures will be developed over the period of this Scheme. The number of people declaring disability whilst in post might also be a contributing factor.

5.8.5 The Prison Service will be undertaking a new analysis of their HR data during 2008 (called the Diversity Review) which will include information on the statistics of recruitment and selection for disabled applicants in a 12-month period. The information gathered from the analysis will inform future actions and proposed policies. HMPS are also developing an engagement strategy to encourage disabled people to apply for jobs in the Prison Service. This has started with outreach work with Re-hab and RADAR including positive advertising.

5.9 Performance Management

5.9.1 MoJ staff performance is reviewed and assessed on a regular basis as an integral part of effective people management. Performance is assessed against work and development objectives/standards agreed at the beginning of the performance year in line with business priorities. Managers and staff both have a responsibility to ensure that regular performance reviews are held. Any performance-related issues are therefore considered and managed as they arise with appropriate support being made available to encourage any improvements that may be deemed necessary. MoJ staff receive an end of year performance rating according to how well they have performed during the year which is agreed between the individual and their line manager.

5.9.2 The former DCA did not analyse performance rating by disability. This is currently being addressed and it is envisaged that this information will be available for performance year 2007/8. The Diversity Review being completed by the Prison Service will be considering the box markings of disabled staff and performance bonuses awarded. The outcome of this review will inform developing policies and a better understanding of how disabled staff fair in comparison with non-disabled staff.

5.10 Promotion (including temporary promotion)

5.10.1 Workforce statistics indicate that 11.1% of former DCA staff promoted in 2006/2007 had declared a disability, which compares with 3.8% who had declared a disability overall in the former DCA. HMPS does not currently have comparable statistics, however the Diversity Review will consider ways of improving promotion data gathering to capture this.

5.11 Staff Turnover and Resignation

5.11.1 Staff turnover for the former DCA business areas in 2006/2007 was 9% overall. Figures for turnover for disabled staff are currently considered unreliable, and MoJ will be looking at ways to improve the staff turnover data capture during the course of the Scheme.

5.11.2 Of the 1675 people who resigned from the former DCA in 2006/2007, 27, or just 1.6% had declared a disability. HMPS does not currently have statistics available on this issue, but again will be considering resignation rates as part of the Diversity Review.

5.12 Pay and Benefits

5.12.1 The 2005 Pay Audit in the former DCA concluded that there were no significant pay gaps between disabled and non-disabled staff. An Equal Pay Audit will be conducted after every pay award implemented under the Deal (i.e., 2008-10). The first such audit will be conducted commencing April 2008. The new pay and grading arrangements will enable comparisons to be made across the organisation.

5.12.2 An equal pay review has also been undertaken for the Prison Service for 2007, which included a disability analysis. An analysis has been completed and actions are currently being identified.

5.13 Bullying and Harassment

5.13.1 As part of our commitment to equality and diversity MoJ has in place a zero tolerance policy towards discriminatory and unacceptable behaviour. All such issues are considered seriously and proportionate action taken, where appropriate.

5.13.2 In response to concerns expressed over effective operation of such a zero tolerance policy and successful implementation of the Cabinet Office's 10-Point Plan within MoJ, in September 2006 the former DCA created and subsequently developed a Harassment, Bullying & Ten Point Plan Implementation Group.

5.13.3 With representation from all interested parties (e.g. Staff Networks, Human Resources Directorate, Departmental Disability adviser, Trade Union Side (TUS), Strategy & Communications Directorate) and working within mutually agreed terms of reference and accepted definitions, the Group provides a vital forum for the sharing of best practice in the diversity arena. This has particular relevance for disabled people and is an instance of MoJ considering the Group's activities as a specific issue under the General Duty.

5.13.4 The Prison Service is presently developing a programme of work to tackle bullying and harassment. The campaign will include leaflets, cards and a training programme made up of modules specific to each diversity strand, including disability.

5.14 Managing Attendance

5.14.1 For MoJ staff from the former DCA, managers are responsible for ensuring all ill health is recorded, and for dealing with all absence due to ill-health both in the short-term and in the long-term. All staff who have been absent from work due to ill health have a return to work interview with their manager, usually on the first day of their return to work. This meeting is an opportunity to welcome staff back to work, and enables a two-way discussion to take place where work and other issues can be discussed. This policy will be the subject of an Equality Impact Assessment to be published in 2008.

5.14.2 In situations where there is more frequent, or patterns of, ill health which are a concern, managers can arrange a Review Meeting with the member of staff to enable a more formal discussion to take place, and to progress appropriate action. Where staff have been absent from work for 15 days, a referral to the occupational health service might be considered, especially in cases where the nature of the absence is not known, or where there is no indication of a return to work date.

5.14.3 New policies and processes are being developed in MoJ, including a new Managing Attendance Policy. It will support the business need for a consistent framework, set out within clear boundaries as defined by the Cabinet Office and the Health and Safety Executive central guidance. It will help managers to address attendance issues in a more consistent way and improve monitoring processes.

5.14.4 It is planned that the harmonisation of approach for the MoJ as a whole will result in a positive improvement in performance against MoJ's targets. Performance against the target for the year 2006/2007 for former DCA staff was 10.9 days sick days. It is expected that the performance against the target for 2007/2008 will be 10.0 days.

5.14.5 Both the former DCA and the Prison Service have provision for disability related absence and absence for rehabilitation, assessment or treatment, which is not included with sick absence management, which may be provided as part of a reasonable adjustment.

5.14.6 The Prison Service are presently working with the Shaw Trust on a pilot project. The project will fund two Staying in Work Service caseworkers to work with Prison Service to support staff whose attendance or performance is adversely affected because of injury, illness or impairment. The aim is to make early interventions and help avoid long-term absence. The caseworkers will provide guidance and advice on disability issues including reasonable adjustments. The pilot will be evaluated at the end of 6 months.

5.14.7 Additionally our Staff Networks are introducing awareness raising seminars for staff and line managers about debilitating illnesses and conditions and the effect these have on the individual.

Section 6 - Using the Information Gathered

This section sets out how MoJ has used the information gathered from key disability stakeholders during the consultation process to influence the development of the DES. As well as focusing on the main concerns, it also gives evidence of good practice found during consultation with our business areas through the information provided. All of the priorities identified have been appropriately referenced in the Action Plan at Addendum 2 and will be taken forward during the life of the Scheme.

6.1 Identifying Key Disability Priorities

6.1.1 Following the consultation outlined above (in Sections 2 and 5) MoJ identified three key areas as being of primary concern to disabled people. It is also clear that a unifying theme of the issues raised is that of removing barriers which exist to the full participation of disabled people in the work of MoJ.

6.1.2 These three key areas are:

- **Accessibility**
- **Community engagement**
- **Training**

6.1.3 It is worth noting here that although training will be most directly of relevance to employees of MoJ, and accessibility and community engagement of most relevance to service users, there is significant crossover. For example, quality and availability of training for staff will have a direct impact on the quality of service. Accessibility – to buildings or information – is equally of importance to employees and the public.

6.2 Key Priority One: Accessibility

6.2.1 During the consultation and involvement process it became clear that disabled people held a broad range of concerns regarding accessibility. We have separated out these concerns in to three more specific areas, namely: Access to Justice, Access to Buildings and Access to Information.

6.3 Access to Justice

6.3.1 Providing access to justice is a vital part of the work of many MoJ business areas and MoJ recognises that different communities and individuals face different challenges when using the justice system.

6.3.2 It is essential to make sure the system is accessible, and also that it is seen to be so. There is evidence that disabled people are less likely to have a positive experience when using the justice system, either as a victim or witness in a criminal case, a participant in a mediation system, or as a prison or probation service user. This is a problem MoJ is committed to addressing in a number of key business areas.

6.4 How MoJ is Improving Access to Justice

6.4.1 Under the Youth Justice and Criminal Evidence Act (1999), **courts are required to make adjustments** to allow vulnerable people, including disabled people, to give evidence. This may include screens around the witness box, or the right to give evidence by video link, for example.

6.4.2 **Access to justice in civil law and dispute resolution** is as important as access to criminal justice. The 2005 Mental Capacity Act introduced a 'presumption of capacity' and has ensured that vulnerable people, including those with learning disabilities or mental illness, are as far as is possible allowed to make their own decisions. Where this is not possible, it provides a framework to ensure decisions are made in their best interests.

6.4.3 Recommendations from research into **the Court Experiences of Adults with Mental Health Problems, Learning Disabilities or Limited Mental Capacity** will inform how to improve these services further. The research will involve people from the target groups and mental health charities (who will also form part of the Advisory/Steering group) and is due to be completed by March 2009.

6.4.4 Each year, legal problems such as divorce, dissolution, eviction or debt will be experienced by vulnerable and disadvantaged people. Many of these people will not be in a position to pay for legal assistance themselves, and will require the **help available under Legal Aid**. Legal Aid allows people who would not be able to afford it, access to legal assistance in civil and criminal cases including debt management and appearances at Magistrates' Courts. The Legal Services Commission (LSC) is working to support the Community Legal Service in delivering a better service for its users, and means testing has been introduced in Magistrates' Courts. It is expected to deliver savings of approximately £35 million per year, allowing far more effective targeting of legal aid, supporting those most in need.

6.4.5 In addition, in October 2005 the Legal Services Commission announced that it would meet the reasonable costs of a **British Sign Language interpreter** in legally aided cases. Hearing loops are also available in courts and the Court Service are actively working to improve hearing loop accessibility.

6.4.6 Parole Board members are trained to act fairly when interviewing prisoners and considering cases. The Board regularly monitors its cases to ensure that this standard is being met, and has set up a **Diversity Working Group** to make recommendations as to what further progress can be made, ensuring that no minority group, including disabled people, are disadvantaged.

6.4.6 MoJ has an ongoing programme of information gathering research focussed on the **Court Experience of Vulnerable People - CEVP**. The CEVP Programme is a critical part of MoJ's drive to be 'user/consumer focused' by ensuring our policies and services respond to diverse needs,

especially with regard to protecting the rights of vulnerable and minority groups. It is also pertinent to the Court Service which aims to ensure the court system meets the needs of, and delivers the best outcomes for, court users. The most pertinent piece of research will be the court experience of those with mental health problems, learning difficulties and limited mental capacity due to be completed in 2009. The information gathered from this research programme will be used to inform the development of future policies.

An example of Access to Justice – the Mediation Quality Mark

The Legal Services Commission operates an 'Access to Service' quality mark, requiring all mediation services to take in to account the day-to-day problems that the community may face, and the barriers which may be faced when seeking mediation.

Under the terms of the mark, a Mediation Service is required to provide a written policy specifically covering provision of services to clients and precluding unreasonable and/or unlawful discrimination on grounds of race, colour, ethnic or national origins, sex, marital status, sexual orientation, disability, age, or religion.

Where an organisation targets a specific group, they are required to specify their procedures for directing other groups to alternative mediation services, ensuring that reasonable adjustments are made for access to information.

These requirements, which are monitored by the Legal Services Commission, ensure that family mediation is made available as far as possible to all groups.

6.5 Access to Buildings

6.5.1 The MoJ estate is made up of a range of historic and modern buildings some of which have a Grade I & II Listing, which will mean that not every building will be accessible to every user.

6.5.2 No central data is currently held on the number of buildings occupied by MoJ that are or are not considered to be fully accessible to disabled people. However, work is in place to identify the barriers to building accessibility for disabled people and MoJ will endeavour to make its services available by other means.

6.6 How MoJ is Improving Access to Buildings

6.6.1 MoJ approaches the issue of **reasonable adjustments to buildings** in a variety of ways, managed largely at local level, and takes into account local needs and circumstances. Each organisation within the MoJ's remit is responsible for ensuring its obligations are met.

6.6.2 MoJ employs a **Departmental Disability Adviser** whose principal duty is to provide guidance and advice to ensure compliance with the Disability Discrimination Act and associated legislation. Part of the Adviser's

responsibilities include accessibility to buildings and services by disabled people whether customers, members of the judiciary/magistracy, advocates, jurors, or staff. In respect of the MoJ estate this involves carrying out detailed accessibility audits of courts, tribunal-hearing centres, probate registries etc. As a result of these audit recommendations, HMCS and other parts of the organisation undertake adaptations to their respective estates over and above the continuing rolling building programmes of upgrades and new-builds which meet the statutory requirements.

6.6.3 The Prison Service estate consists in the main of older buildings. Although some changes can be effected, the nature of many buildings and the Grade I & II Listing of some parts of the estate will mean that not every prison will be accessible to every prisoner. However, there must be sufficient **adapted or accessible accommodation** in the estate to ensure that all disabled prisoners can be safely and decently accommodated, can access facilities, education and work opportunities and can complete their sentence plan and move through the estate towards eventual release and resettlement. Where adjustments can be made to improve access, they are made as soon as reasonably possible.

6.6.4 Plans are in place to introduce a revised **Prison Service Order (PSO)** which will require prisons to identify physical and operational barriers at a local level, at individual establishments. Minor work to address these barriers will be the responsibility of the Governor. Major works will be referred to the National Offender Management Service Property Team. The PSO will require every prison Governor/Director to nominate a **Disability Liaison Officer (DLO)**. This is a suitable member of staff who has regular contact with prisoners and is given sufficient time to act as a contact point to receive information on policy issues and good practice and act as an adviser on disability issues in ensuring that disabled prisoners needs are met.

6.6.5 MoJ published **guidance on reasonable adjustments** for holders of judicial office in August 2007. The guidance made provision for adjustments to working arrangements, working environment, and the provision of specialised equipment. Requests for an adjustment will be considered by either MoJ, the Courts Service, Tribunal Service or a senior judicial office holder, as appropriate.

An Example of Access to Activities in Prison

In some establishments there are physical barriers which prevent prisoners with mobility problems accessing workshops, the library and chapel. Alternatives which bring the provision to the prisoner or offer an alternative venue for the activity are considered where physical changes cannot be effected. MoJ is aware that in some activities, such as worship, the group aspect to the activity is often very important. Other adjustments, such as provision of religious texts in large format or Braille, are provided with the assistance of organisations such as the RNIB.

An Example of Access to Buildings – Her Majesty’s Courts Service

Her Majesty’s Courts Service recently issued revised Security and Policy Guidance, regarding access to buildings in the event of an emergency.

It was developed by a Security Review Group comprising of key Stakeholders, using extensive consultation across users of HMCS premises and services. As a result incident control plans were updated and an assistant was assigned specifically to monitor and assist the particular requirements of disabled people.

HMCS Estates involved the internal Disability Network as well as wider Local User Groups as part of consultation and involvement processes to help inform the work that they do. This has proved very effective and deficiencies of premises have been identified and corrected, most recently the Marylebone Court Complex.

6.7 Access to Information

6.7.1 MoJ is committed to ensuring that all of its users are able to access information about its services and aim to meet the cross government standards for accessibility of information. We will ensure that we use a wide range of media and communication formats to provide information to all communities. The Departmental Disability Adviser offers guidance on all aspects of accessible information.

6.8 How MoJ is Improving Access to Information

6.8.1 Electronic versions of MoJ publications are available on the MoJ website or intranet, and these are accessible to people using **Screen Reader software**. The Ministry provides **Braille, Large Print, and audio versions** of its documents on request. Where appropriate, it will also produce Easy Read versions of publications, as is the case with this Disability Equality Scheme.

6.8.2 MoJ documents aimed at the public such as reports, forms and application packs are produced in **Welsh or bilingual versions** unless demand is forecast to be very low (50 copies or fewer). Welsh or bilingual publications are produced to the same standard as their English equivalents. MoJ will translate its documents into **other minority languages** in cases where a clear need for such translations has been identified among target audiences.

6.8.3 There are a number of websites that are hosted by business areas within MoJ and significant work is ongoing to address accessibility issues. These include the **Office of the Public Guardian (OPG)** working with specialists on their website and the **Tribunals Service** working on Easy Read formats for their website.

An Example of Access to Information - The Office of the Public Guardian

The website of the new Office of the Public Guardian <http://www.publicguardian.gov.uk/about/the-office.htm> has been launched as an example of accessibility best practice, built to the AAA accepted industry standards developed as part of World Wide Web Consortium's Web Content Accessibility Guidelines to aid access for disabled people.

It includes full and easily understandable guidance for people who may need to alter the size of the text, and has been made easily compatible with screen readers.

The Project was carried out by a company specialising in producing accessible websites, and was lead by a Project Manager with visual impairments.

6.8.4 Additionally the Tribunals Service have done significant work on the provision of leaflets and information for their business area in **alternative formats**, including Braille. They have introduced a leaflet hotline which allows customers to ring and request alternative formats with ease.

6.8.5 The **Royal Courts of Justice** are presently improving and replacing the content of the current free-standing information points around the Royal Courts of Justice (RCJ) complex. The information points consist of maps with building directories, in a combination of modern, colour coded 2d and 3d maps. These will make use of strong contrasting colours for clear visibility and will be replacing the current Gothic style font with a clear "sans serif" font to improve legibility.

6.8.6 As part of a project to improve access to information for disabled people, **HMCS Customer Service Directorate** have been developing Makaton style signage to pilot in courts and offices. HMCS Estates are also involved in the piloting and evaluating of the signage, with a view to it being included alongside existing signage as standard for all new builds and major refurbishments.

6.8.7 Customer Services have been working with the **Makaton Vocabulary Development Programme** (MVDP) charitable trust, which creates, develops and trains people in its language programme. Using a combination of speech, signs from British Sign Language and specially developed and designed symbols, Makaton helps children, young people and adults with communication difficulties to better understand speech and improve their communication skills. It is especially useful for those with learning disabilities. MVDP has recently received funding from a government backed fund, Futurebuilders, to expand its service delivery over the next three years.

6.8.8 HMCS and MVDP have worked together to develop over **60 wayfinding symbols** specifically for court buildings. These signs were developed by

MVDP and tested by people with learning disabilities. As a result of feedback received the signs were then modified to meet the users' needs.

6.8.9 The first court to pilot Makaton signage is **Hendon Magistrates' Court**. The signs have been implemented and a survey of users is planned for 2008-09 to test user reaction and usefulness. In addition a further pilot site is to be identified for testing and evaluation in early 2008-09. MVDP will play a significant role in both pilots to ensure the signs and symbols meet user needs and the needs of HMCS.

An Example of Access to Information - Prison Libraries

Prison libraries offer a range of talking books, easy read books, large print books and CD-ROMs. One such Scheme includes a learning centre integrated into a prison library, with access to dyslexia software and peer mentor support through the Toe – by – Toe Scheme.¹¹ Easy access to library books is provided by book trolley visits at some prisons. Some librarians were also Skills for Life tutors and were able to give additional support to prisoners with learning difficulties.

HMP Birmingham have recently purchased computer software which can help prisoners with reading, typing and drafting. One of the programmes is designed as a mind map. It is ideal for someone with dyslexia because it allows him/her to create a pathway of information, which they can expand under each heading.

Offender Policy and Rights Unit publish *Inside Disability*, a newsletter which is produced quarterly for prisons and prison staff. Each edition focuses on a particular disability and acts a focal point to disseminate successful projects and good practice with contributions from prisons and staff.

6.9 Key Priority Two: Community Engagement

6.9.1 During the consultation and involvement process it became clear that disabled people held broad concerns regarding their engagement with the government.

6.10 How MoJ is Improving Community Engagement

6.10.1 MoJ has placed a high importance on extending **community engagement** with democratic and judicial processes. In July 2007 the Secretary of State for Justice presented to Parliament the *Governance of Britain* Green Paper which aims:

- To invigorate our democracy, with citizens given the means to participate in decision-making at every level.
- To clarify the role of Government, both central and local.

¹¹ Run by the Shannon Trust, Toe –by–Toe is a literacy scheme that works with prisons to develop teams of prisoners who are able to read to act as mentors for those prisoners who cannot.

- To rebalance power between Parliament and Government, and give Parliament greater ability to hold government to account.
- To give British people a stronger sense of what it means to be British, and to include them in a debate on the future of the country's constitution.

6.10.2 In this context the Green Paper aims to re-invigorate our democracy by making sure that **decisions are made as close as possible to the people they will affect**. This will include local disability groups in the drive to respond to the needs of the local community as well as finding new ways for citizens and communities to influence decisions and participate in the political process. This might range from providing new ways for individuals to raise issues of concern in their local area to supporting citizens, including those with disabilities, who want to take a more direct role in the running of local services.

An example of Community Engagement – Community Justice Pilot Schemes

The Ministry of Justice is operating 13 Community Justice pilot schemes across the country in which different models of community focused courts are trialled, bringing together the full range of Criminal justice Agencies, community groups and the third sector to solve problems caused by offending in the local area.

The key aims of the Community Justice project are:

- Making the court, judiciary and the criminal justice system visible and responsive to the community
- Breaking cycles of re-offending
- Ensuring that compliance with court orders or other penalties are seen and recognised by the community and that their problems are addressed

Two pilot schemes have been in operation for two years. In North Liverpool, the Community Justice Centre consists of a single courtroom with co-located criminal justice and voluntary services in a dedicated courtroom with a single judge with Crown Court, County Court and Magistrates' Court jurisdiction. The Salford Community Justice Initiative has a community justice courtroom running within the mainstream magistrates' court, with a large panel of magistrates hearing community court cases and undertaking community engagement. The Judge for the Liverpool scheme was appointed by a panel, which uniquely included two members of the local community.

This community centred approach helps improve public confidence, promote the respect agenda and fight social exclusion. As criminal behaviour, deprivation and mental illness are strongly linked, this approach can assist in the earlier and more effective intervention for those who suffer from mental illness.

The close involvement of the third sector can assist criminal justice professionals in applying appropriate measures for disabled offenders, helping to decreasing rates of re-offending. It can also assist in making adjustments to increase access to justice for disabled victims by providing expert advice to the criminal justice system, and assistance to the victims themselves.

An example of Community Engagement – Consultation on Electoral Policy

The Electoral Policy Division is a Division of the Constitution Directorate, based in Ministry of Justice Head Office. Much of their work is of high relevance to the Disability Equality Scheme and provides a useful example of involvement good practice within the Ministry.

The Division carries out extensive consultation and engagement exercises when developing policy, inviting the full participation of organisations including Scope, RNIB and the Pollen Shop, as well as smaller, community-based groups.

An example of this involvement is the work to develop voting systems which are more accessible to the electorate. A series of e-voting pilots were operated with the full co-operation of both local authorities and disability groups at a local level, with stringent access standards specified in the framework.

Crucially, disabled stakeholders were involved from the beginning of the project, from the process of establishing which barriers to voting needed to be addressed to the development and evaluation of the pilots themselves. The Disability Rights Commission were also regularly informally consulted as part of the process.

6.11 Key Priority Three: Training

6.11.1 During the consultation and involvement process it became clear that disabled people also held broad concerns regarding the level of training staff received on dealing with disabled customers.

6.11.2 Feedback from the first survey of Staff Disability Network members conducted in 2006 for the former DCA also indicated that 50% of respondents considered that their disability had a detrimental effect on their training and development.

6.12 How MoJ is Improving Training

6.12.1 MoJ is committed to **developing the appropriate skills, knowledge and competencies** that staff need to support them in the delivery of high

quality services as set out in the MoJ Strategy. The over-riding principle is that managers should guide and support their staff in their development, coaching and mentoring them to continuously improve their performance. Training interventions are increasingly taking a blended approach, combining on-the-job training, coaching by managers, open learning, formal training etc. This approach makes training and career development more accessible to those who might find it harder to attend courses.

6.12.2 No individual will be excluded from learning and development activities on the basis of gender, race, disability, religion or belief, age, marital or civil partnership status, caring responsibilities, sexuality, membership or non-membership of a trade union or any other irrelevant reason. Staff with different working patterns will be given the same development opportunities as those in full-time employment. In response to concerns raised by the Network for Caring, learning and development has significantly reduced the number of residential courses, and all residential courses remaining have a non-residential option. In addition most courses start and finish at suitable times. Line-managers and staff are expected to work together to ensure that arrangements are tailored appropriately to meet individual needs.

6.12.3 MoJ is committed to ensuring that diversity considerations are fully incorporated into all Learning and Development activities, so that they become embedded in everything that we do. In support of this, external training providers are assessed on their ability to promote equalities policies and to support the development of an environment that values diversity, before being admitted to MoJ's **Approved List of Training Providers**. All training provided and all training materials are similarly assessed.

6.12.4 The **Capacity and Capability Review of Learning and Development** is underway and high level proposals for a new structure are being discussed with the business. Once the project is complete, we will be in a position to produce a draft revised strategy. As part of the review we are considering implementing a Learning Management System which will capture all the relevant training monitoring statistics on equality and diversity, including disability.

An Example of Training – Her Majesty's Prison Leeds

Her Majesty's Prison Leeds has developed a disability awareness training session for use with both new and existing staff, and prisoners. The session includes discussions of the Disability Discrimination Act as well as wider aspects of disability, forms of discrimination, proper terminology to use, and how to identify disabilities or specific needs. There is a strong emphasis on breaking down misconceptions and developing positively.

This session is now delivered across the Yorkshire and Humberside region, and forms part of the standard induction to persons coming to HMP Leeds for the first time, whether as staff, prisoners or visitors.

6.12.5 **Disability Awareness Training** is provided to all new entrants to MoJ as part of their general diversity training. A Diversity Awareness course is held as part of the wider induction process, and around 1100 former DCA new entrants attended this course in 2006/7.

6.12.6 Disability issues are raised on an ongoing basis on courses for managers as part of a wider diversity remit. The **Managing Attendance** course for MoJ staff from the former DCA, for example, deals explicitly with issues related to disability. A **diversity e-learning training package** will be in place by summer 2008 and disability awareness will be included as one of the diversity strands.

6.12.7 In October 2007, Learning and Development awarded a contract for an external provider to deliver face-to-face **Equality Impact Assessment training** to middle and senior managers across the Ministry. This is to train those responsible for introducing new policies and procedures to effectively carry out Equality Impact Assessments.

6.12.8 The Prison Service is also revising its training for new prison officers (POELT) to provide **more relevant diversity training**. In particular the diversity sessions will cover diversity issues beyond race to include disability and other equality and diversity strands. This will be in place during 2008. Additionally the Prison Service is developing a diversity awareness programme of seven modules addressing harassment, disability, race, gender, sexual orientation, age and religion and belief. These modules will be rolled out across all parts of the Prison Service.

An Example of Training - Disability Bursary Scheme

The Ministry of Justice has participated in a disability bursary scheme; a government wide senior leadership development programme designed to increase the representation of disabled people in the leadership of the Civil Service.

In 2007 a Ministry of Justice policy adviser who is registered blind graduated from the scheme as one of 25 successful participants.

Of the Scheme, he said "it offered a dedicated training budget, mentoring, networking with others and core leadership training. Through full participation on the programme, I was able to identify and develop a number of competencies needed to perform effectively in more senior positions. I believe my participation on the scheme will be a huge assistance to me as I seek to progress my career to the next level in the Ministry."

The scheme has been running for a decade and was established with the full participation of disabled groups including The Disability Partnership and the Prince of Wales Advisory Group on Disability. The scheme is in the process of being redesigned to ensure it remains effective, and the next graduating class will undertake an updated programme.

6.12.9 The Disability Network has been working in conjunction with Human Resources Directorate to identify different ways to address disabled staff requirements. Their findings indicated a need for in-house **Positive Action Training (PAT)** for disabled staff to be made available in MoJ. A three-day PAT course was launched in 2006 with 2 courses held during 2006-2007 and another is planned for early 2008. The course is available to all disabled staff and aims to:

- Enhance the interpersonal, communication and management skills of disabled staff in the context of organisational change.
- Focus specifically on issues which affect disabled staff, including discrimination and the provisions of the DDA.
- Identify a career path.

An Example of Development - Co-Coaching for Disabled Staff

The Ministry, in partnership with Her Majesty's Revenue and Customs is developing a co-coaching initiative. This will allow disabled staff from each organisation to enter a co-coaching relationship which will offer support and advice on best practice, and aims to develop confidence and help personal development

An Example of Development - Leaders Unlimited

MoJ currently supports two participants on Leaders Unlimited, a development programme designed specifically for talented people in groups currently under-represented in the Senior Civil Service. It is open to SCS Feeder grades, UK civil servants who are either women, or who have a disability, or are from a minority ethnic background. The scheme seeks to equip participants with the leadership skills they need to prepare for entry to the SCS, and make the most of their leadership talent.

6.12.10 A **Mentoring Scheme** is open to all MoJ staff from the former DCA and the Home Office and we particularly encourage applicants from under-represented groups. The aim of the Scheme is to support mentees' career development by having a mentor from outside their management chain over a six to nine month period.

6.12.11 MoJ participates in the **Disability Summer Placement Scheme**, which is a summer training programme co-ordinated by the Cabinet Office for high calibre disabled graduates and undergraduates. Successful students are found 6-8 week work placements in government departments during the summer months with the objectives of:

- Improving the profile of departments, the Civil Service more generally, as an employer that truly embraces diversity;
- Raising awareness of employment and training opportunities within government departments and agencies, in particular the Fast Stream

Development Programme (the Civil Service's accelerated development programme); and

- Increasing the number of high calibre disabled candidates applying for the Fast Stream Development Programme, and other graduate programmes, with the long term aim of improving appointments of underrepresented groups at a senior level.

6.12.12 Guidance in the form of an '**Ability Manual**' has been developed by the (former DCA) Disability Staff Network, the Human Resources Directorate and corporate service providers which provides an initial point of reference for disabled staff and their line managers, detailing in practical terms how we will deliver on our commitment to identify and meet the needs of disabled colleagues. It is currently being updated to reflect improvements to service provision based on the recommendations of a Working Group, which included members of the Disability Network and was led by the Disability Network Champion. These improvements include a streamlined assessment process and the provision of on-line briefing papers on the reasonable adjustments which might need to be considered in respect of specific disabilities. The Departmental Trade Union Side will be involved in this process. Corporate guidance on the support available in the component parts of the Ministry will be produced during the period of the Scheme.

6.12.13 **Ability Week**, which was originally a Learning and Development initiative, takes place every year with each region participating to varying degrees. Disability Network members are encouraged to take part and focus on specific disability issues. The theme for 2007 was Mental Health and included a partnership event organised by the Disability Network and the Home Office with speakers from MIND and a doctor of psychology.

Section 7 - Influencing Outcomes

7.1 Procurement

7.1.1 MoJ ensures that disability equality is a condition for all contractors undertaking work on behalf of the Ministry. Contractors need to demonstrate full compliance with their responsibilities, requirements and obligations under the DDA at the beginning of the procurement process. This includes consideration of the public sector duty to promote disability equality where a public sector duty has been contracted out to the private sector.

7.1.2 MoJ Procurement Division (PD) has undertaken to carry out monitoring of supplier diversity for existing contracts as well as new ones. In conjunction with the Equality Schemes Team, PD are working to develop a system for monitoring and evaluating existing and new contracts, beginning with two trials followed by a wider roll out. It is intended that this work will form part of the annual contract review process. This process is intended to be completed over the course of this Scheme.

7.2 Partnerships with External Organisations

7.2.1 MoJ recognises that the development and delivery of effective, informed policies requires an investment in partnership working. MoJ will work with the community to understand the local and social issues experienced by our service users, including those with disabilities.

7.2.2 MoJ works in partnership with other Government organisations and external bodies such as the Home Office, Department for Children, Schools and Families, the Crown Prosecution Service, the private sector and international organisations. For example, to deliver an effective Criminal Justice System the Courts, Prison Service and National Probation Service work closely with the Police, and the Crown Prosecution Service.

7.3 Public Access to Information

7.3.1 MoJ is committed to providing information about its policies and services through effective communication with the public. We provide information in several ways: centrally, through our website; from individual directorates about any relevant policies and services for which they are responsible; and through the courts, tribunals, prisons or other MoJ offices. In providing information, we seek to ensure that it is:

- Clear, comprehensive, accurate and relevant.
- Appropriate to the reader or user of the information.
- Proportionate to the subject matter.
- Targeted and timely.
- Accessible to all our customers.

7.3.2 MoJ will make reasonable adjustments to enable disabled people to have access to information in alternative formats. MoJ has ensured this Disability Equality Scheme is available in both easy read and large print versions. Other alternative formats will be considered on request.

7.4 Representing and Serving the Population we Serve

7.4.1 MoJ has responsibility for the courts, tribunals, prisons, and related services in England and Wales – as well as a number of tribunals in Scotland, and a limited number in Northern Ireland – and has responsibility for the Wales Office, the Scotland Office and a number of Associated Offices (see Appendix E). The staff working at these offices all come under MoJ's jurisdiction. In order to provide the most effective services for its customers, MoJ recognises that its staff need to reflect the population it serves. We are committed to ensuring that:

- There are no significant differences between different groups in respect of staff confidence and satisfaction.
- Staff feel fairly treated in relation to employment opportunities, terms and conditions, training and development and promotion.
- MoJ is seen as an environment that is attractive as a choice for employment by disabled people.

7.4.2 The Civil Service 10 Point Plan sets out the targets for a more representative and diverse Civil Service and the Ministry has produced a tailored programme of action in support of the national plan. A copy of the national plan can be found at http://www.civilservice.gov.uk/diversity/publications/pdf/10_point_plan.pdf.

An example of Raising Awareness - Sickle Cell

In 2007, both the PROUD network for Black and Minority Ethnic staff, and the Disability Network ran awareness events about sickle cell anemia. Both events had speakers from the Sickle Cell and Thalassaemia Society who talked about how the illness affected the individual and how the condition is exacerbated by stressful situations. These events allowed managers and staff to ask questions about the condition, and enhance their understanding of its management, and ways of making adjustments in the workplace.

7.5 Participation in Public Life

7.5.1 MoJ is committed to encouraging disabled people to participate fully in public life. MoJ will work to encourage this through engaging with the community to increase voter participation, by making voting more accessible as well as involving disabled people in the development of policies and priorities for the MoJ.

7.5.2 Additionally MoJ will seek out ways to encourage disabled people to apply for Magistrate appointments and where they have the necessary qualifications to apply for judicial appointments.

7.5.3 Appointments to Non Departmental Public Bodies are made through the Public Appointments Commission (PAC), who have a government-set responsibility to ensure diversity in appointments, including the increased participation of disabled people. No figures currently exist for the percentage of appointees to MoJ's NDPBs, but these figures will be made available as part of the ongoing yearly monitoring carried out by the PAC.

Example of Participation in Public Life – The Tribunal Service

The Tribunal Service is an executive agency of the Ministry of Justice and administers a variety of tribunals across different policy areas, including tax, benefits, education, work and pensions. Around 5% of its staff have declared a disability.

The Judicial Appointments Commission appoints members of tribunal panels, and the Tribunal Service is committed to ensuring equality for disabled people.

Some Tribunals, including the Social Security and Child Support Appeals Tribunal (SSCSA), have a member of the panel appointed specifically as a 'disability member' – a member who either themselves has a disability or has

direct experience of disability. This member's role is to offer insight in to what challenges might be faced by a disabled appellant.

7.6 Disability and the Magistracy

7.6.1 It is important that magistrates reflect the diverse communities they serve. Application materials make clear that disabled candidates are welcome to apply and Advisory Committees are reminded of their obligations to make reasonable adjustments for such candidates. Committees are also directed to be as flexible as possible in considering how the needs of disabled applicants who have demonstrated the necessary qualities for the magistracy can be accommodated, so that they are able to serve the community as magistrates.

7.7 Disability and the Judiciary

7.7.1 The judicial diversity strategy was agreed in May 2006 between the Lord Chancellor, the Lord Chief Justice, the Chairman of the Judicial Appointments Commission.

7.7.2 Progress is being made on a number of fronts: from legislative changes to widen the pool of potential applicants who are eligible for judicial appointment; to making the judicial appointments system fairer and more open; to supporting judges in creating a working environment in which diversity can flourish.

7.7.3 Some examples of initiatives which will help support an increase in the diversity of those appointed to the judiciary will include -

7.7.4 A formal judicial Work Shadowing Scheme, to provide an opportunity for lawyers to experience at first hand the working life of a judge both in and out of court;

7.7.5 Salaried part time working for judicial office holders was introduced in 2001. In April 2005 the Scheme was expanded to include all sectors of the courts and judiciary below High Court level. More than one hundred judges have now taken up the option

7.7.7 In addition, MoJ is working with various stakeholders including the Law Society and the Bar Council, to support initiatives aimed at increasing the diversity of the legal professions, which will in turn have a positive impact on the diversity of the judiciary.

7.7.8 Full text of the strategy can be found at http://www.dca.gov.uk/publications/reports_reviews/judicial_diversity_strat.pdf and the Strategy is complemented by the 2005 Judicial Disability Action Plan http://www.dca.gov.uk/publications/reports_reviews/disequ_actionplan.pdf.

7.7.9 To meet these goals, in August 2007 MoJ published the **Policy on Reasonable Adjustment for Judicial Office Holders with Disabilities** (as referenced at 6.6.5). The policy sets out the positive approach to disability and

reasonable adjustment that will be taken for applicants to judicial office and judicial office holders.

Full text of this Scheme can be found at <http://www.justice.gov.uk/docs/pol-jud-office-disabilities.pdf>.

7.7.10 The Judicial Appointments Commission, which is an executive non-departmental public body under the auspices of MoJ, has developed policies to encourage disabled applicants and will provide reasonable adjustments for applicants throughout the assessment process.

Section 8 – Publishing the Scheme and Monitoring the Action Plans

8.1 Publication of the Disability Equality Scheme

8.1.1 This Scheme is the first publication of the DES since the establishment of MoJ in May 2007 as a new organisation incorporating the former functions of the Department for Constitutional Affairs, Office for Criminal Justice Reform (OCJR) and responsibilities of the Home Office related to offender management.

8.1.2 In this new Scheme MoJ has identified what actions have already been taken to progress disability equality, and where it needs to make further progress on integrating disability equality into its changed priorities. The revised Scheme now reflects the full range of MoJ's functions and policies. MoJ will publish progress on this Scheme annually and will revise the Scheme every three years.

8.2 Monitoring the Action Plan

8.2.1 Monitoring of the Action Plan (Addendum 2) will be included as part of MoJ's annual report of its equality and diversity work. Outcomes and progress of these actions will be included within this annual report which will be considered and approved by the Corporate Management Board.

8.2.2 The Scheme includes many specific policies relevant to specific business areas, and each business area will have a responsibility to measure the success of these policies.

8.2.3 Equality, Diversity and Human Rights Division will work closely with business areas to provide advice and assistance and in monitoring progress against the activity in the Action Plan and will produce the Annual Review of the Scheme.

8.2.4 Disabled people were involved in the development of this Disability Equality Scheme (DES), and will continue to be involved in the progress and future development of the DES through continuing involvement in the monitoring and reviewing of the Action Plan.

8.3 Complaints about the Scheme

8.3.1 Any individual who believes that they have been directly affected by a failure to comply with this Scheme is entitled to complain and should do so in writing. If disability related assistance is needed to assist in making a complaint, it will be made available. Complaints will be handled as follows:

8.3.2 Staff Complaints

- Staff employed by MoJ should submit complaints through the normal internal grievance procedure. This can be found in MoJ's Employee Manual which is currently being revised to take account of Magistrates' Courts and Tribunals staff and other changes arising from the transition from the former DCA.
- This procedure complies with the Employment Act 2002 (Dispute Resolution) Regulations 2004 and covers all employment related issues including discrimination and equal opportunities. Any member of staff who is a member of a union and who wishes to make a complaint may consult their union representative for help and advice.
- The Director of Human Resources will deal with complaints from members of the public about selection and recruitment. The public do have recourse to the Civil Service Commissioners should the matter not be dealt with to their satisfaction. The website can be found at:
<http://www.civilservicecommissioners.gov.uk>.

8.3.3 Public Complaints

- Individuals and other organisations or bodies – for example businesses from whom MoJ buys goods or services – should contact the relevant MoJ Division with whom they usually deal.

8.3.4 Handling Complaints

- All cases will be investigated as promptly as possible and normally within three months of receipt of the complaint. In responding to the complainant MoJ will explain the procedure for pursuing the complaint further with the EHRC. MoJ will co-operate fully in any subsequent investigation by the EHRC and provide access to any relevant documentation that the EHRC may require. MoJ undertakes to review its complaints procedure in the light of its experiences in the implementation of the Scheme.
- The EHRC has the power to enforce the specific duties imposed on listed public authorities. If it is satisfied that a public authority has failed to comply with any of its specific duties, the EHRC may serve a compliance notice. This will require the authority to comply with its specific duties and to inform the EHRC, within 28 days, of the measures it has taken. If after three months the authority has not complied with the EHRC's notice, then the EHRC can ask the courts to order the authority to comply.

- It is open to individuals, organisations and others to notify the EHRC if they are concerned that a public authority has failed to comply with its specific duties. However MoJ would wish that, in the first instance, any complaints about its compliance should be raised with MoJ directly.
- Details of contacts and procedures for all complaints from the public are on MoJ's website at: <http://www.dca.gov.uk/compleng.htm>

Appendix A: Definition of Disability

MoJ recognises the definition of disability found in the Disability Discrimination Act, which is as follows.

- “a person has a disability for the purposes of this Act 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.”
- “In this Act “disabled person” means a person who has a disability.”¹²

For the purposes of the Disability Discrimination Act,

- substantial means neither minor nor trivial
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory

The Disability Discrimination Act 2005 removed the requirement that a mental illness should be 'clinically well-recognised', and ensured that HIV, cancer and multiple sclerosis are deemed to be covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

¹² Disability Discrimination Act 1995, Part 1, 1(1-2)

Appendix B: MoJ - Minimum Requirement Action Plan

1. People and Learning

Action:

- Identify any issues relating to Equality and Diversity arising from the Staff Opinion Survey and produce an Action Plan to address them.

When: Within 2 years of publication to enable comparison of results with next survey.

Lead Responsibility: Directors

Outcome: Improve confidence of staff and ensure they are treated equitably and fairly.

Action:

- Check the training and development register to ensure that all current staff have received appropriate equality and diversity awareness within the last 2 years.
- Reissue statement of Equality and Diversity responsibilities to all staff.

When: Annually

Lead Responsibility: Managers

Outcome: Helps MoJ towards meeting the general duty to eliminate unlawful discrimination.

Action:

- Inform all staff of Positive Action training opportunities and equality and diversity events and facilitate their attendance.

When: Immediately

Lead Responsibility: Managers

Outcome: Helps MoJ towards meeting the general duty to promote equality of opportunity.

2. Customers and the Community

Action:

- Gather details of diverse make up of customer base and use this information to gather information on customer needs.

- Set in place a process to gather information on the needs of customers (internal and external), evaluate outcomes and agree action to address any identified issues.

When: Annually

Lead Responsibility: Managers

Outcomes:

- Improve delivery of customer service.
- Better informed decision making and consultation.

Action:

- Set up relevant stakeholder groups to facilitate consultation and involvement.

When: Immediately and review annually.

Lead Responsibility: Directors

Outcomes:

- Timely involvement of key stakeholders i.e. at start of a process.
- Helps MoJ toward fulfilling the duty to promote good relations between diverse groups and eliminate unlawful discrimination.

3. Key Performance Results

Action:

- Set timetable for completion of impact assessments of all new and existing functions and policies.

When: Immediately and review annually.

Lead Responsibility: Directors

Outcome: Equality and diversity is integral to the business planning process.

4. Improving the way we Work

Action:

- Review all monitoring systems to ensure monitoring is compliant with existing legislation and departmental guidelines, (including consistency of category use with Office of National Statistics Census) and wherever possible broaden monitoring to include ethnicity, gender, disability, age, sexual orientation, gender identity, religion and belief, and caring responsibilities.

When: Immediately and review annually.

Lead Responsibility: Directors

Outcome: Provide evidence to show how diverse needs of staff and customers are being met.

Action:

- Identify responsible officer to maintain and monitor equality action plans.

When: Immediately

Lead Responsibility: Director

Outcome: Actions on Equality Schemes are followed through and progress reported on.

Action:

- Evaluate all new policies and functions, both formal and informal, for relevance to each diverse group.

When: immediately - at start of the process

Lead Responsibility: Director

Outcome: Timely and informed decisions made on impact assessments
Relevant groups involved in decision making process.

Action:

- Maintain and update record of all functions and policies and their relevance to each of the diverse groups.

When: Ongoing (minimum of half-yearly reviews)

Lead Responsibility: Director

Outcome: Information readily available for audit and update of the Scheme.

Appendix C: Focus Groups Feedback

The focus groups identified a number of priority actions: Accessibility, Community Engagement and Training. Details of how these are being addressed are set out in the main body of the Scheme. The following outlines those additional actions which will be taken forward as a result of the focus groups in addition to the key priorities, together with those actions which will not be taken forward -either due to constraints of remit or other limitations.

Actions Identified by the Focus Groups to be Taken Forward

The focus groups raised some issues which MoJ will address in addition to the key priorities identified. These are:

- Having a contact point at all MOJ premises to work with disabled customers and the ability where appropriate to have a pre-visit to a court and meet with staff to discuss specific issues and needs. **HMCS currently has a Disability Liaison Officer in all of its courts. We will investigate whether this is the case across the wider services operated by the MoJ, including tribunals, and take forward the possibility of expanding the practice.**
- Information to be made more widely available in alternative formats, from advertising materials, to more signs in courts and offices with Braille underneath. **We will investigate the effectiveness of Braille signs and other adjustments before carrying out improvements to our communications and access work.**
- Ensure materials including forms, documents, and leaflets are available in larger fonts, alternative formats and languages and electronic versions. Avoid small fonts and lengthy documents. **MoJ seeks to conform with Office for Disability Issues guidance on producing information in accessible formats. The Communications Division will review organisation-wide policy to ensure that we meeting these standards.**
- Access to the web pages, although already of a high quality, could be improved by adding facilities to alter font size and allow access in high visibility. It would also be valuable to ensure screen readers can read the website by ensuring only one size of text is used. **MoJ seeks to conform with Office for Disability Issues guidance on producing information in accessible formats, and we recognise the international website accessibility standards outlined by the World Wide Web Consortium. The Communications Division will review organisation-wide policy to ensure that we are meeting these standards.**
- Several suggestions were made regarding training. These include: increased training for staff, magistrates and judiciary on specific issues and needs of people with specific disabilities including dyspraxia, dyslexia,

and Asperger's Syndrome. Follow up training to be provided covering specific changes in the law. Specific seminars and training on disability with opportunity to explore the social as well as physical issues of disability, and how they affect the justice system. **Judicial office holders are exempt from the duties listed in this Scheme, however MoJ works productively with the judiciary to ensure that training is provided where requested. This falls within responsibility of the Judicial Studies Board.**

- Consider who provides diversity training i.e. look for providers who have a disability. **This will be raised with MoJ Learning and development division for consideration when identifying training providers.**

Actions Identified by the Focus Groups not Taken Forward

The focus groups convened for this Scheme raised a number of concerns which MoJ will not be able to address, either due to the limits of the Ministry's remit, or because to address them would not be considered a reasonable adjustment. Where possible, information was passed to government departments who may be able to address the concerns.

The following issues were raised:

- Better training and literature to be provided on mental health issues for the police to change institutional attitudes. **This is outside of MoJ's remit, however comments have been forwarded to Home Office.**
- A member of staff available in each court who is able to sign. **There are facilities in place for provision of sign language interpreters for parties in civil, family and criminal cases. There is no specific requirement under the Disability Equality Duty to provide a member of staff in each court or office as an interpreter including sign language, however some local courts and offices have staff trained to sign.**
- Ability to attend court by video link other than as a witness or as a defendant. **This will not currently be taken forward as the cost implications would be too great – it would not be considered a reasonable adjustment.**

Appendix D: List of Disability Stakeholders

A key element of the Disability Equality Scheme is to ensure that we involve and consult with disabled people. Below are a list of those who were involved and those who were consulted as part of this process.

List of those Involved

Members of the focus groups were contacted through local groups in the area where the focus groups were held. They were contacted and asked if they would be interested in participating in the focus groups.

Focus Group One held in London had eight attendees. Of those happy to declare what disability they had, there were attendees with the following conditions:

- Mental health issues
- Autism
- Usher syndrome type 2 (dual sensory loss)
- Spina Bifida & Hydrocephalus

Focus Group Two held in Cardiff had eight attendees. Of those happy to declare what disability they had, there were attendees with the following conditions:

- Mental health issues
- Arthritis
- Mobility issues

Focus Group Three held in Stafford had 7 attendees. Of those happy to declare what disability they had, there were attendees with the following conditions:

- Dyslexia
- Hearing impairment
- Dyspraxia
- Two wheelchair users
- Two employees of a visual impairment organisation

One to One Telephone Interviews with 12 interviewees. Of those happy to declare what disability they had, there were interviewees with the following conditions:

- Depression
- Post traumatic stress disorder
- Blind

List of those consulted

MoJ engages with a range of stakeholders on a regular basis. Those who were consulted on the MoJ Disability Equality Scheme included:

- MoJ Corporate Centre

- HM Courts Service
- HMICA – Her Majesty's Inspectorate of Court Administration
- HM Prison Service
- National Offender Management Service
- Office of Criminal Justice Reform
- Departmental Disability Advisor
- Tribunals Service
- Disability Wales
- MIND
- Mind-Link
- National Aids Trust
- National Federation for the Blind
- RNIB
- RNID
- Staff Networks

An integral part of our future action plans is to ensure we continue to actively consult and involve disabled people to help us to continue to improve the Scheme. Part of our ongoing work will be to actively involve disabled people who have already contributed as well as newly identified people in taking forward the actions identified.

Appendix E: Agencies, Associated Offices, Non Departmental Public Bodies (NDPBs) and other Bodies, and their Statutory Duties

The Ministry of Justice is made up of different business areas, some working independently and others working directly, these are called Agencies, Associated Offices and Non-Departmental Public Bodies.

Different business areas have different duties under the Disability Discrimination Act, as outlined by the 2005 Regulations. This section lists whether each area is individually bound by the general or specific duties. Although each office have a responsibility to contribute to the MoJ specific duty.

Agencies

An Executive Agency is a public institution that delivers government services for the United Kingdom government, Scottish Executive, Welsh Assembly or Northern Ireland Executive. An agency does not set the policy required to carry out its functions - the department that oversees the agency determines these. Chief executives who are personally responsible for day-to-day operations head the agencies. They are normally directly accountable to the responsible minister on policy matters who in turn is accountable to Parliament. On resourcing and administrative matters, they report directly to the Permanent Secretary of the Ministry of Justice.

Name of Organisation	Description	Statutory Duties
HM Courts Service (HMCS)	Executive Agency. Management of Courts Administration in England and Wales.	General
HM Land Registry	Non Ministerial Dept and Trading Fund Executive Agency. The main statutory function of Land Registry is to keep a register of title to freehold and leasehold land throughout England and Wales.	General
HM Prison Service	Executive Agency which keeps in custody those committed by the courts.	General
The National Archives (TNA)	Non Ministerial Dept and Executive Agency. It sets standards and supports innovation in information and records management across the UK.	General
Office of the Public Guardian (OPG)	Executive Agency. The Office promotes and protect the financial and social well-being of people with mental incapacity.	General
Tribunals Service	Executive Agency which provides common administrative support to the main central	General

	government tribunals.	
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Associated Offices

An Associated Office is funded by the Ministry of Justice but is run separately of its HQ functions.

Name of Organisation	Description	Statutory Duty
Assessor for Compensation and Miscarriages of Justice	Independent body. Aims to bring about a better balance with the treatment of victims of crime.	General
The Directorate of Judicial Office for England and Wales	Other independent Directorate. Comprises the Judicial Office; Judicial Studies Board; and Judicial Communications Office. The Directorate ensures that the Lord Chief Justice, the Judicial Executive Board, the Judges' Council and the judges are supported in their responsibilities, kept fully advised and informed, their activities co-ordinated and policy is developed and implemented.	General
HM Inspectorate of Court Administration	Independent statutory offices/office holders which inspects and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts and the services provided for those courts.	General
HM Inspectorate for Prisons	Reports on conditions for and treatment of those in prison, young offender institutions and immigration removal centres.	General
HM Inspectorate of Probation	Reporting on the effectiveness of work with individual offenders, children and young people aimed at reducing re-offending and protecting the public.	General
Judicial Appointments and Conduct Ombudsman	Independent statutory offices/office holders. The Judicial Appointments and Conduct Ombudsman investigates complaints about the judicial appointments process and the handling of matters involving judicial discipline or conduct.	General
National Offender Management Service (NOMS)	NOMS HQ is based within the Ministry of Justice. Delivery of prison and probation services is co-ordinated through nine regional areas and throughout Wales. As an associated office it is subject to the general duty.	General
Office for Criminal Justice Reform (OCJR)	Tri-lateral body that supports all criminal justice agencies in working together to provide an improved service to the public. The OCJR reports to Ministers in the Ministry of Justice, the	General

Name of Organisation	Description	Statutory Duty
	Home Office and the Office of the Attorney General. As an associated office it is subject to the general duty.	
Office of the Judicial Committee	The Judicial Committee of the Privy Council is part of MoJ and is the court of final appeal for the UK overseas territories and Crown dependencies, and for those Commonwealth countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee.	Employment Duty
Office for Judicial Complaints	Other independent offices. The Office for Judicial Complaints has been set up to advise and support the Lord Chancellor and Lord Chief Justice in their responsibilities for the complaints and discipline system.	General
Office of the Judge Advocate General	Independent Office. Main duties are to supply judge advocates for courts-martial and for the Summary Appeal Courts, magistrates for the Standing Civilian Courts and judicial officers to hear custody applications.	General
Office of the Legal Services Complaints Commissioner	Independent Statutory Office. The Office of the Legal Services Complaints Commissioner works with consumers to improve how the Law Society handles complaints about solicitors in England and Wales.	General
Office of the Legal Services Ombudsman	Independent statutory offices/office holders. It oversees the handling of complaints about lawyers in England and Wales	General
The Privy Council Secretariat	Is Part of MoJ and is responsible for the arrangements leading to the making of all Royal Proclamations and Orders in Council and for certain formalities connected with Ministerial changes.	Employment Duty
The Offices of Court Funds, Official Solicitor and Public Trustee	Independent statutory offices/office holders. CFO administers funds paid 'into court' as a result of civil proceedings in courts in England and Wales.	General
Prisons and Probation Ombudsman	Ombudsman. Investigates complaints from prisoners and those subject to probation supervision, or those upon whom reports have been written.	General
Scotland Office	Office relating to devolved administrations. MoJ is responsible for the overall management of	General

Name of Organisation	Description	Statutory Duty
	relations between the UK Government and the devolved administrations in Scotland, Wales and Northern Ireland.	
Wales Office	Office relating to devolved administrations. MoJ is responsible for the overall management of relations between the UK Government and the devolved administrations in Scotland, Wales and Northern Ireland.	General

Non-Departmental Public Bodies

A non-departmental public body (NDPB) is a national or regional public body, working independently of ministers to whom they are accountable:

- Executive NDPBs are those with executive, administrative, commercial or regulatory functions. They carry out set functions within a government framework, but the degree of operational independence varies. They employ their own staff and are allocated their own budgets.
- Advisory NDPBs - provide independent and expert advice to ministers on particular topics of interest. They do not usually have staff but are supported by staff from their sponsoring department. They do not usually have their own budget, as costs incurred come within the department's expenditure.
- Tribunal NDPBs - have jurisdiction in a specialised field of law. They are usually supported by staff from their sponsoring department and do not have their own budgets.

Name of Organisation	Responsibility for	Statutory Duty
Administrative Justice and Tribunals Council	Advisory NDPB. The Administrative Justice and Tribunals Council keeps under review the administrative justice system as a whole with a view to making it accessible, fair and efficient. Replaced the Council on Tribunals on 1 November 2007.	General
Advisory Committees on General Commissioners of Income Tax	Advisory NDPB. To select for the Lord Chancellor's consideration candidates with the qualities necessary for appointment as a General Commissioner of Income Tax covering England and Wales.	General
Advisory Committees on General Commissioners of	Advisory Non-Departmental Public Body NDPB to Northern Ireland Court Service.	General

Name of Organisation	Responsibility for	Statutory Duty
Income Tax (Northern Ireland)		
Advisory Committees on Justices of the Peace in E & W	Advisory NDPB. To advise the Lord Chancellor on the appointment of Justices of the Peace in England and Wales.	General
Advisory Committees on Justices of the Peace in Lancashire, Greater Manchester and Merseyside	Advisory NDPB. To advise the Chancellor of the Duchy of Lancaster (Chancellor of the Exchequer from 1 April 2005) on the appointment of Justices of the Peace in Lancashire, Greater Manchester and Merseyside.	General
Advisory Council on Historical Manuscripts	Advisory Non-Departmental Public Body NDPB to The National Archives. To advise the Lord Chancellor on matters relating to records and archives in the UK and in particular in England and Wales especially access to historical records and the preservation of records and manuscripts.	General
Advisory Council on National Records and Archives	Advisory Non-Departmental Public Body NDPB to The National Archives.	General
Advisory Council on Public Records	Advisory Non-Departmental Public Body (NDPB) to The National Archives.	General
Advisory Panel on Public Sector Information	Advisory Non-Departmental Public Body (NDPB) to The National Archives.	General
The Boundary Commission, England	Advisory NDPB. To keep under review the representation of England in the House of Commons.	General
The Boundary Commission, Scotland	Advisory NDPB to Scotland Office. To keep under review the Boundaries of Parliamentary Constituencies in Scotland and the boundaries of the constituencies of the Scottish Parliament.	General
The Boundary Commission, Wales	Advisory NDPB. To keep under review the representation of Wales in the House of Commons and to submit to the Secretary of State reports with recommendations for constituencies and for representation of the regions in the National Assembly for Wales.	General
Civil Justice Council	Advisory NDPB. Reference. To keep the Civil Justice System under review, to consider how to make the system more accessible, fair and	General

Name of Organisation	Responsibility for	Statutory Duty
	efficient and to make recommendations.	
Civil Procedure Rule Committee	Advisory NDPB. The Civil Procedure Rule Committee was created by virtue of section 2 of the Civil Procedure Act 1997 (as amended by section 83 of the Courts Act 2003) to make rules of court for the Civil Division of the Court of Appeal, the High Court and the County Courts.	Exempt
Correctional Services Accreditation Panel	The Panel considers applications from the Prison and Probation Services for accreditation, guidance or review and provides advice on audit issues brought to it by the two Services.	General
Courts Boards	Advisory NDPB which scrutinises, review and make recommendations about the way in which the courts are being run in their area to consider draft and final business plans.	General
Criminal Cases Review Commission	Executive NDPB. An independent public body set up to review possible miscarriages of justice and decide if they should be referred to an appeal court.	General
Criminal Injuries Compensation Authority	Executive NDPB. The Authority aims to support the victims of violent crime by: providing an efficient and fair service to applicants investigating thoroughly all claims for criminal injuries compensation treating applicants with sensitivity and courtesy at all times.	General
Criminal Procedure Rule Committee	Advisory NDPB. The Criminal Procedure Rule Committee acts as a single forum for the review of criminal court procedures and the development of modern and simply expressed rules.	Exempt
Crown Court Rule Committee	Advisory NDPB. The Crown Court Rule Committee no longer makes rules for the criminal jurisdiction, as section 69 of the Courts Act 2003 established the Criminal Procedure Rule Committee to make rules for all criminal courts, up to and including the Court of Appeal (Criminal Division). The Crown Court Rule Committee now makes rules of practice and procedure, under section 84(1) of the Supreme Court Act 1981, for the small number of non-criminal matters dealt with in the Crown Court.	Exempt
Family Justice Council	Advisory NDPB. To facilitate the delivery of better and quicker outcomes for families and	General

Name of Organisation	Responsibility for	Statutory Duty
	children who use the family justice system.	
Family Procedures Rules Committee	Advisory NDPB. Established by the Courts Act 2003, the Family Procedure Rule Committee will seek to produce a single, coherent and simply expressed set of rules governing practice and procedure in family proceedings in the High Court, County Courts and Magistrates' Courts. Before making such rules the committee will consult as it thinks appropriate.	Exempt
General Commission on Income Tax	Tribunal NDPB. To determine, postpone or adjourn appeals against tax assessments in relation to a variety of matters including Income Tax, Corporation Tax, Capital Gains Tax, National Insurance contributions, Stamp Duty Land Tax and Statutory Sick Pay.	General
Independent Monitoring Boards	Advisory NDPB. Appointed under the Insolvency Act 1986 for the purpose of being consulted by the Lord Chancellor before making any rules under section company insolvency rules or section individual insolvency rules of the Insolvency Act. The committee consists of members of the legal and accountancy professions.	General
Insolvency Rules Committee	Advisory NDPB. The Committee is appointed under s 413 of the Insolvency Act 1986 so that the Lord Chancellor may consult it before any rules are made under section 411 (company insolvency rules) or section 412 (individual insolvency rules) of the Insolvency Act. The committee consists of members of the legal and accountancy professions.	General
Judicial Appointments Commission (JAC)	Executive NDPB. The JAC selects candidates for judicial office.	General and Specific
Land Registration Rule Committee	Advisory NDPB. To give advice and assistance to the Lord Chancellor on the making of new or revised rules for the various purposes referred to in sections 102 and 127 of the Land Registration Act 2002. The Committee was reconstituted in December 2002 under the Land Registration Act 2002.	General
Law Commission	Advisory NDPB. To keep the law under review and to make recommendations for reform (Law Commissions Act 1965).	General

Name of Organisation	Responsibility for	Statutory Duty
Legal Services Commission (LSC)	Executive NDPB. The Commission is responsible, on behalf of the Government, for two schemes: the Community Legal Service (CLS) funding delivery of civil legal and advice services, identify priority and unmet need, and develop suppliers and innovative services to meet those needs; and the Criminal Defence Service (CDS) funding defence services for people involved in criminal investigations or proceedings.	General and Specific
Legal Services Consultative Panel	Advisory NDPB. The panel assists in the maintenance and development of standards in the education, training and conduct of persons offering legal services and advises the Secretary of State on the provision of legal services.	General
Office of the Information Commissioner	Executive NDPB. To supervise and enforce the Data Protection Act 1998 and the Freedom of Information Act 2000 and the Privacy and Electronic Commercial Regulations 2003.	General
Parliamentary Boundary Commission for England	Advisory NDPB. The Commission is required by the Parliamentary Constituencies Act 1986 to keep the parliamentary constituencies in England under continuous review and every 8 to 12 years conduct a general review of all constituencies in England and submit to the Secretary of State a report showing the constituencies they recommend.	General
Parole Board	Executive NDPB. The Parole Board protects the public by making risk assessments about prisoners to decide who may safely be released into the community and who must remain in or be returned to custody.	General
Sentencing Advisory Panel	Advisory NDPB. Provides advice to the Sentencing Guidelines Council.	General
Sentencing Guidelines Council	Advisory NDPB. Issues sentencing guidelines to assist all courts in England and Wales, to help encourage consistent sentencing.	General
Strategic Investment Board	Advisory NDPB. Advises on the appointment of external managers to invest the client monies under the care of the Public Guardianship Office, the Official Solicitor and Public Trustee Office and HM Courts Service. The body monitors performance against established industry benchmarks.	General

Name of Organisation	Responsibility for	Statutory Duty
Victims Advisory Panel	Advisory NDPB. Putting victims at the heart of the Criminal Justice System.	General
Youth Justice Board	<p>Executive NDPB. Oversees the youth justice system in England and Wales to prevent offending and reoffending by children and young people under the age of 18, and to ensure that custody for them is safe, secure, and addresses the causes of their offending behaviour.</p> <p>Note: In November 2007, the Youth Justice Unit was created following the machinery of government changes and the creation of the Department for Children, Schools and Families (DCSF). The unit is jointly funded by MoJ and the new DCSF.</p>	General and Specific

Northern Ireland

Name of Organisation	Responsibility for	Statutory Duty
Northern Ireland Court Service (NiCtS)	The Northern Ireland Court Service (the Court Service) was established in 1979, by the Judicature (Northern Ireland) Act 1978, as a separate civil service in Northern Ireland. It is the Lord Chancellor's department in Northern Ireland. Subject to both the general and specific duties.	General and Specific
Northern Ireland Judicial Appointments Commission	Executive NDPB of NiCtS. Commission is an independent public body and was established to bring about a new system for the appointment of members of the judiciary and tribunals.	General and Specific
Northern Ireland Legal Services Commission	Promote fair and equal access to justice in Northern Ireland in its provision of publicly funded legal services.	General and Specific

Probation Services

Name of Organisation	Description	Statutory Duty
National Probation Service	NPS is part of NOMS and the individual 42 Probation Area Boards are Bodies Corporate established by statute. Reducing re-offending and protecting the community from harm.	General and Specific

Appendix F: Glossary

BME	Black and Minority Ethnic
BSL	British Sign Language
CFO / OSPT	Court Funds Office / Office of the Official Solicitor and Public Trustee
CPS	Crown Prosecution Service
DCA	Department for Constitutional Affairs
DDA	Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005
DES	Disability Equality Scheme
DRC	Disability Rights Commission
EDU	Equality and Diversity Unit
EDHRD	Equality, Diversity and Human Rights Division
EFD	Employers Forum on Disability
EHRC	Equality and Human Rights Commission
EIA	Equality Impact Assessment
EDAP	Equality and Diversity Action Plan 2001
HMCS	Her Majesty's Courts Service
HMICA	Her Majesty's Inspectorate of Courts Administration
HMT	Her Majesty's Treasury
LCD	Lord Chancellors Department
MoJ	Ministry of Justice
NDPB	Non Departmental Public Body
NOMS	National Offender Management Service
OPG	Office of the Public Guardian
PDF	Portable Document Format
RNIB	Royal National Institute for Blind People
RNID	Royal National Institute for Deaf People
RTF	Rich Text Format
YPSMS	the Young Persons Substance Misuse Service

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