

Equality Impact Assessment - Initial Screening

This form can be used to screen policies for equality and diversity impacts. **Before you complete this form you must read section 2.1 of the Guidance Notes.**

<p>A. Identify objectives and outcomes</p>
<p>1. Name of the legislation, policy or service being assessed</p> <p>Implementation of Section 57 of the Criminal Justice and Immigration Act 2008 (CJIA)</p>
<p>2a. What is the aim, objective or purpose of the policy, legislation or service and who will benefit from it? NB The Treasury Green Book provides useful guidance on setting objectives http://intranet.dca.gsi.gov.uk/reports/policy_makers/green_book.htm</p> <p>Section 57 provides a statutory basis for the data sharing arrangements between Legal Services Commission (LSC), Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) allowing for information to be shared for the purposes of assessing which defendants are financially eligible under the means testing scheme implemented in October 2006. The statutory gateway will allow improvement to be made to the current administrative process, and should mean decisions are made more quickly and more accurately.</p>
<p>2b. What are the intended outcomes? Before you answer, consider:</p> <ul style="list-style-type: none">• Are the outcomes specific/measurable?• How will you monitor progress towards these outcomes?• Do the outcomes support or hinder other policies or objectives within the MOJ?• If they hinder other work is this justifiable <p>A clear legal basis for the sharing of information about defendants' benefit status and financial circumstances, for the purpose of verifying financial eligibility for legal aid in the magistrates' court.</p>

3. Do you share responsibility for this legislation, policy or service with another Government Department or organisation (e.g. criminal justice partners). If so, who defines it and who implements it?

Accountability for the operation of the means test lies with the LSC. This is delegated to Her Majesty's Courts Service who carry out the day to day operation and will continue to carry out the administrative process.

4. Who are the key stakeholders in relation to the legislation, policy or service? What outcomes do they want? Does the list of stakeholders include representatives from all relevant/interested groups of people? If not, why not?

- (a) Defendants and their legal representatives – want to know that the means test will be conducted swiftly and accurately;
- (b) Judiciary – want swift and accurate decisions in relation to the assessment of a defendant's financial eligibility for legal aid so that unnecessary delays and adjournments are avoided;
- (c) Tax payer – wants fairness in the decision to grant legal aid and confidence that public money is being focused on vulnerable individuals who most need assistance and help.

Our list of stakeholders includes:

Association of Justices' Clerks Executives, The General Council of the Bar, Council of Circuit Judges, Criminal Law Solicitors Association, Crown Prosecution Service, Justices' Clerks Society, Legal Action Group, Legal Aid Practitioner's Group, Law Society, The Lord Chief Justice, The Magistrates' Association, Advice Service Alliance, Association of Chief Police Officers, Association of Muslim Lawyers, Black Solicitors Network, Citizens Advice, Commission for Racial Equality, Disability Rights Commission, Equal Opportunities Commission, Group Solicitors with Disabilities

B. Analyse existing evidence and collect further data

1. Please list the data used to facilitate the initial screening of the legislation, policy or service. For example, statistics, survey results, complaints analysis, consultation documents, comparative policies from internal and external sources and other Government Departments

This is an initial screening exercise, for which we have drawn upon evidence collected during the consultation on the Government's proposals for means testing, which were subsequently contained in the Criminal Defence Service Act 2006 (CDSA). Additional evidence has been sought from MoJ Economists and LSC. So far, no evidence has been found to suggest that the administrative changes to be made under Section 57 of the CJIA will impact on any groups or individuals using the service. We would not expect this change to have any impact, as it is merely to provide a clear legal footing for the sharing of relevant information between government departments. However, this will be kept under review as the change is implemented.

2. Are there gaps in information which require further research or consultation, or that may require additional information to be collected as part of the monitoring and review process?

Draft regulations under Section 57 of the CJIA will form the basis of a consultation with all key stakeholders including Equality Bodies (see section 4 above). All feedback will be given full consideration prior to the regulations being laid before Parliament. Once implementation of the regulations has taken place the process will be kept under review.

C. Assess the impact of the legislation, policy or service							
7. Is there any evidence that different groups of people have different participation rates for the legislation, policy or service (eg men do not access the services provided by the domestic violence courts in the same way that women do)?							
	Yes	No	Not Known		Yes	No	Not Known
Age		x		Racial Group		x	
Caring Responsibilities		x		Religion or Belief		x	
Disability		x		Sexual orientation		x	
Gender		x					
Please set out the evidence on which you based this conclusion:							
The change introduced by Section 57 of the CJIA relates only to the sharing of information between LSC, DWP and HMRC, and has no impact on policy in relation to the grant of legal aid.							

8. Are there barriers that might inhibit access to the benefits of the legislation, policy or service? Consider:

- Is anyone excluded from enjoying the benefits of the policy?
- Will information be available in alternative formats (<http://intranet.dda/alt.htm>) or languages (e.g. Welsh language)?
- Will disabled people be able to access the service?

	Yes	No	Not Known		Yes	No	Not Known
Age		x		Racial Group		x	
Caring Responsibilities		x		Religion or belief		x	
Disability		x		Sexual Orientation		x	
Gender		x					

Please indicate what the barriers may be or if there are no barriers, please set out the evidence on which you based this conclusion?

There are no barriers that might inhibit access to the benefits of the changes being made in the administrative process as a result of Section 57 of the CJIA.

9. Is there any evidence that different groups have (or are likely to have) different needs, experiences, issues and priorities in relation to the current or proposed legislation, policy or service. For example, have any equality stakeholders (organisations or individuals) indicated that the legislation, policy or service could (or would) create exclusion or hold specific challenges for them?

	Yes	No	Not Known		Yes	No	Not Known
Age		x		Racial Group		x	
Caring Responsibilities		x		Religion or Belief		x	
Disability		x		Sexual orientation		x	
Gender		x					

Please set out the evidence on which you based this conclusion:

There is no evidence to suggest that groups/individuals will be impacted upon differently because of the implementation of the information gateway arrangements with DWP and HMRC.

1. Is the legislation, policy or service sensitive to the needs and cultures of different groups of people?

	Yes	No	Not Known		Yes	No	Not Known
Age	x			Racial group	x		
Caring Responsibilities	x			Religion or Belief	x		
Disability	x			Sexual orientation	x		
Gender	x						

Please set out the evidence on which you based this conclusion

Section 57 of the CJIA does not change policy or service provision to the public.

Section 57 of the CJIA provides a statutory basis for the information gateway arrangements between the LSC and DWP and HMRC.

11. Is there any evidence that this legislation, policy or service could directly or indirectly discriminate against any group of people?							
	Yes	No	Not Known		Yes	No	Not known
Age		x		Racial Group		x	
Caring Responsibilities		x		Religion or Belief		x	
Disability		x		Sexual Orientation		x	
Gender		x					
Please set out the evidence on which you base these conclusions							
Section 57 of CJIA puts the information gateway arrangements between LSC and DWP and HMRC on a statutory footing. This will allow the LSC to improve its existing administrative process; it does not change policy or service provision to the public and so will not discriminate directly or indirectly against any group of people.							
12. Does the policy result in positive impacts, if so please list them here? For example, does it have a beneficial effect on a group of people or improve equal opportunities and/or relationships between different groups of people?							
There is no change in policy or service provision to the public as a result of implementation of Section 57 of the CJIA. It will allow for administrative changes which will lead to faster and more accurate decision-making on eligibility.							
13. What measures can be taken to promote equality of opportunity by altering the legislation, policy or service, or by working with others, for examples, partners? Is there any evidence of missed opportunities to promote equality of opportunity, if so please provide details?							
The change being implemented relates to an administrative process that will improve existing operational procedures and impact only on the LSC and HMCS in administering the means test.							

14. Is a full equality impact assessment required?

NO

If not, please explain why not.

The changes brought about by Section 57 of the CJIA put the information gateway arrangements between LSC, DWP and HMRC on a statutory footing. We therefore do not anticipate any impact, but will keep this under review. Should the consultation process or experience of implementation suggest there may be any impacts, a fuller assessment will be carried out.

15. If a full equality assessment is not required what data is required in the future to ensure effective monitoring? How and when will the policy be monitored and reviewed?

The information gateway arrangements will be reviewed by LSC, HMRC and DWP on an ongoing basis.

16. Any other comments on the policy and/or initial screening process:

Draft Regulations have been drafted to support Section 57 of the CJIA and will be sent to all Equality Bodies, as well as other stakeholders seeking feedback (see section 4 above). All comments received will be given full consideration before the Regulations are laid before Parliament.

You should now complete a brief summary (if possible, in less than 50 words)) setting out which policy, legislation or service the EIA relates to, how you assessed it, a summary of the impacts (positive and negative) and any decisions made, actions taken or improvements made as a result of the EIA. The summary will be published on the external MoJ website.

Section 57 of the Criminal Justice and Immigration Act 2008 provides a statutory footing for the data sharing arrangements between LSC, DWP and HMRC for the purposes of assessing eligibility for legal aid. It has no impact on policy or service provision to the public. The issue of any adverse or positive impact will be kept under review.

Name (must be grade 5 or above):

Department:

Date:

If no adverse impacts have been identified and a full equality impact assessment is not going to be completed, please send a copy of the initial screening plus summary by e-mail to the Equality, Diversity and Human Rights Division. If a full equality impact assessment is required then retain the initial screening until the full impact assessment has been completed and then send both the initial screening and full equality impact assessment together to the Equality, Diversity and Human Rights Division.