

Information about the policy

Name of the Policy

Remuneration of Defence Representation in the Crown Court.

Is this an existing, revised or a new policy?

A revised policy.

What is it trying to achieve? (intended aims/outcomes)

To retain current level of service in the Crown Court while contributing to reducing overall Legal Aid expenditure to £79m by 2013/14.

Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.

No.

Who initiated or wrote the policy?

Public Legal Services Division – Northern Ireland Courts and Tribunals Service.

Who owns and who implements the policy?

Northern Ireland Courts and Tribunals Service.

Implementation factors

12. Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

financial

legislative

other, please specify _____

Main stakeholders affected

13. Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify - *Legal profession in Northern Ireland*

Other policies with a bearing on this policy

- what are they?

Reform of legal representation provided by way of criminal legal aid at the Crown Court.

- who owns them?

Northern Ireland Courts and Tribunals Service

Available evidence

14. Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.
15. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	<i>Customer Exit Survey 2007/08 & 2008/09 and Crown Court data for 2009</i>
Political opinion	<i>None</i>
Racial group	<i>Customer Exit Survey 2007/08 & 2008/09</i>
Age	<i>Customer Exit Survey 2007/08 & 2008/09 and Crown Court data for 2009</i>
Marital status	<i>Customer Exit Survey 2007/08 & 2008/09</i>
Sexual orientation	<i>None</i>
Men and Women generally	<i>Customer Exit Survey 2007/08 & 2008/09 and Crown Court data for 2009</i>
Disability	<i>Customer Exit Survey 2007/08 & 2008/09</i>
Dependants	<i>Customer Exit Survey 2007/08 & 2008/09</i>

Needs, experiences and priorities

16. Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 Category	Details of evidence/information
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and Women generally	N/A
Disability	N/A
Dependants	N/A

Part 2

SCREENING QUESTIONS

Introduction

17. In making a decision as to whether or not there is a need to carry out an equality impact assessment, consider questions 1-4 listed below.
18. If the conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the decision may to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, give details of the reasons for the decision taken.
19. If the conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.
20. If the conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:
 - measures to mitigate the adverse impact; or
 - the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- 21 (a) The policy is significant in terms of its strategic importance;

- (b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- (c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- (d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- (e) The policy is likely to be challenged by way of judicial review;
- (f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- 22 (a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- (b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
 - (c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
 - (d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- 23 (a) The policy has no relevance to equality of opportunity or good relations.
- (b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.
24. Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

<p>1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? Minor/Major/None</p>		
Section 75 category	Details of policy impact	Level of impact? Minor/Major/None
Religious belief	<i>More than half of the legal profession come from a Roman Catholic background</i>	<i>Minor</i>
Political opinion	<i>N/A</i>	
Racial group	<i>N/A</i>	
Age	<i>60% of the legal profession interviewed were aged 26-45. 36.8% of defendants are below age 24.</i>	<i>None</i>
Marital status	<i>Just over 50% of the legal profession interviewed were married</i>	<i>None</i>
Sexual orientation	<i>N/A</i>	
Men and Women generally	<i>58% of the legal profession interviewed were male.</i>	<i>Minor</i>
Disability	<i>96% of the legal profession interviewed did not have a disability.</i>	<i>None</i>
Dependants	<i>55% of the legal profession interviewed had no dependants</i>	<i>None</i>

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		<i>No. The policy applies merely to Crown Court fees and because of the limited nature of the policy there are no opportunities better to promote equality</i>
Political opinion		<i>As above</i>
Racial group		<i>As above</i>
Age		<i>As above</i>
Marital status		<i>As above</i>
Sexual orientation		<i>As above</i>
Men and Women generally		<i>As above</i>
Disability		<i>As above</i>
Dependants		<i>As above</i>

<p>3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? Minor/Major/None</p>		
Good relations category	Details of policy impact	Level of impact Minor/Major/None
Religious belief		<i>None</i>
Political opinion		<i>None</i>
Racial group		<i>None</i>

<p>4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</p>		
Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		<i>No. The limited nature of the policy does not provide opportunities better to promote equality of opportunity.</i>
Political opinion		<i>As above</i>
Racial group		<i>As above</i>

Additional considerations

Multiple identity

25. Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

As already indicated the potential impacts are on male catholic members of the legal profession and young men.

26. Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Information on people with multiple identities is not available.

Part 3

Screening decision

27. If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

28. If the decision is not to conduct an equality impact assessment, consider if the policy should be mitigated or an alternative policy be introduced.

29. If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

The NICTS was eager to assess the impact of the policy on catholic males in the legal profession and on young male defendants.

30. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

31. When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.
32. Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?
33. If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Timetabling and prioritising

34. Factors to be considered in timetabling and prioritising policies for equality impact assessment.
35. If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.
36. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	1
Social need	2
Effect on people's daily lives	1
Relevance to a public authority's functions	3

37. Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

38. Is the policy affected by timetables established by other relevant public authorities?

39. If yes, please provide details.

Part 4

Monitoring

40. Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).
41. The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).
42. Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5

Approval and authorisation

Screened by:	Position/Job Title	Date
<i>Alan Cartwright, Trevor Palmer, Jim Millar, Liz Collins & David Nolan</i>	<i>Various</i>	<i>12 August 2010</i>
Approved by:		
<i>John Halliday</i>	<i>Head of Criminal Legal Aid Policy</i>	<i>19 August 2010</i>