

## Equality Impact Assessment Initial Screening - Relevance to Equality Duties

The EIA should be used to identify likely impacts on:

- disability
- race
- sex
- gender reassignment
- age
- religion or belief
- sexual orientation
- pregnancy and maternity
- marriage and civil partnership
- caring responsibilities (usually only for HR policies and change management processes such as back offices)

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed

1. a proposal to increase the financial limit of the equity jurisdiction of the County Court from £30,000 to £350,000;
2. a proposal to increase the financial limit below which claims may not be commenced in the High Court from £25,000 to £100,000;
3. a proposal to extend the power to grant freezing orders to specially ticketed circuit judges of the County Courts,
4. a proposal to remove certain types of very specialist proceedings from the jurisdiction of the County Courts.

2. Individual officer(s) & Unit responsible for completing the Equality Impact Assessment:

Meg Oghoetuoma  
Civil Justice and Legal Services

3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
<p>The four proposals aim to rationalise jurisdiction between the High Court and the County Court to ensure that cases are issued at the most appropriate level of court and reduce the administrative costs associated with transferring cases between the High Court and the County Court.</p>	<ul style="list-style-type: none"> <li>• To ensure that cases are heard at the appropriate level of court</li> <li>• Reduced number of transfers and associated administration costs</li> <li>• Reduced delay and legal costs for court users seeking a freezing order.</li> </ul>

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

*(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings submissions or business reports, comparative policies from external sources and other Government Departments*

Users of the County Court or High Court are not required to provide personal information about themselves and as such MoJ/HMCS has no data on the protected characteristics of people who use the County Court or the High Court.

These proposals were consulted on in the ‘*Solving disputes in the County Court: creating a simpler, quicker and more proportionate system: A consultation on reforming civil justice in England and Wales*’ consultation paper. This was sent to the Equality and Human Rights Commission and a copy was placed on the MoJ website. The paper posed the following question: ‘Do you have any evidence of equality impacts that have not been identified within the equality impact assessments? If so how could they be mitigated? No response was received from the Equalities Commission, and the feedback from respondents that chose to answer the question did not identify any equality impact on any group in relation to these measures.

We recognise the proposal to remove certain types of specialists proceedings from the jurisdiction of the County Courts and bring them under the exclusive jurisdiction of the High Court could result in increased travel times for some court users if they have to travel to the High Court in London. This might adversely impact people with a disability and low income earners. Information regarding the demographic makeup of low income earners is described below:

Data on the general demographics and income of the population of the UK provides a broad indication of the characteristics of possible users of the County Court who are low income earners. This information has been obtained from the publication “Households Below Average Income (HBAI) 1994/95-2009/10” by the Department for Work and Pensions. This indicates that that in relation to race, disability, marital status and age there is some household income disparity between different groups in the United Kingdom. Key findings are:

30 per cent of disabled working-age adults are in the bottom quintile<sup>1</sup> and 22 per cent are in the second quintile, compared to 18 and 16 per cent respectively for non-disabled working-age adults. In comparison, there are only small differences in the bottom two quintiles between the disabled pensioners and non-disabled pensioners. No adjustment is made to disposable household income to take into account any additional costs that may be incurred due to illness or disability.

For working-age adults there are large differences by ethnic group, with those individuals in households with a White head of household having the lowest proportion in the bottom quintile and those in households with a Pakistani and Bangladeshi head of household having the highest proportion in the bottom quintile. There are also differences by ethnic group for the second quintile but these differences are smaller. There are similar differences by ethnic group for pensioners in the bottom two quintiles.

This shows that 18 per cent of both adult males and females are in the bottom quintile. 18 per cent of adult males are in the second quintile, compared to 20 per cent of adult females. The HBAI analysis aims to measure the living standards of an individual as determined by household income and is based on the assumption that both partners in a couple benefit equally from household income. Research has suggested that, particularly in low-income households, this assumption is not always true as males sometimes benefit at the expense of females from household income. The HBAI analysis by gender could therefore understate differences between males and females.

For those with children there are large differences by age group, with those individuals in households with the head of the family aged under 30 more likely to be in the bottom 2 quintiles. There are similar patterns for those in households without children.

Single people are more likely to be in the bottom two income quintiles.

5. Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?

*Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.*

We are not aware of any gaps in our information that makes it difficult or impossible to form a opinion on the impact of the proposals on equality issues. The consultation paper invited respondents to highlight any evidence of equality impacts and how they might be mitigated but no evidence in relation to these proposals were highlighted in the responses. We will be monitoring the impacts on the different groups of people, however, due to the limited data available we will be looking at options for monitoring the satisfaction levels of court users (e.g. through exit surveys and HMCTS complaints processes) to help understand the potential equality impacts.

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<sup>1</sup> Quintiles are income values which divide the population, when ranked by income, into five equal-sized groups.

6. Having analysed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

Please provide details of who benefits from the positive impacts and the evidence and analysis used to identify them.

The overall thrust of these proposals will potentially increase the number of cases issued in the County Courts thereby reducing travelling times for parties and their lawyers. This may be of particular assistance to disabled court users, women with caring responsibilities, and those on low incomes (who tend to be minority ethnic groups, single people, younger age groups and women). This is because more cases that would otherwise have been issued in the High Court will be heard in local County Courts which are likely to be nearer these court users, thus reducing travelling times and costs for a greater number of people.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.

No, the feedback from consultation did not suggest that additional work should be undertaken.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

Please provide details of who the proposals affect what the adverse impacts are and the evidence and analysis used to identify them.

Some court users (specifically those with specialist cases that fall under the Companies Act, although estimated at just 5 per annum), may now have their case issued in the High Court instead of the County Court, increasing their travelling times and costs. This may disproportionately impact those on low incomes or with a disability. However, as mentioned above in Box 6, the net impact of these proposals is expected to increase the number of cases issued in the County Court instead of the High Court, reducing travel times and costs for a greater number of people, with a net benefit for those on low incomes or with a disability. Therefore, we consider the proposal to be a proportionate means of achieving a legitimate aim.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.

It is anticipated that the proposals will be beneficial to parties as a result of more cases being heard in local County Courts, although this may negatively impact other court users.

Feedback from consultation also did not suggest that the proposals will have any particular equality impact.

10. Is a full Equality Impact Assessment Required? Yes  No  A full Equality Impact Assessment is not required at this stage.

(If no, please explain why not)

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

**If your proposed new or changed legislation, policy, strategy, project or service involves an Information and Communication Technology (ICT) system and you have identified equality impacts of that system, a focused full EIA for ICT specific impacts should be completed. The ICT Specific Impacts template is available from MoJ ICT or can be downloaded from the Intranet at: <http://intranet.justice.gsi.gov.uk/justice/equdiv/equal-impact.htm> , and should be referenced here.**

The overall net impact of these proposals is expected to increase the number of cases issued in the County Court instead of the High Court, reducing travel times and costs for court users including those on low incomes or with a disability. No adverse equality impacts were identified from consultation. We will be looking at ways of monitoring the satisfaction levels of court users.

11. If a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

A Post Implementation Review will be undertaken 3 to 5 years after the implementation of the proposals during which time we will be able to evaluate any further unexpected equality impacts. The Review will include consultation with equality groups, user insight through court surveys and monitoring HMCTS complaints processes.

12. Name of Senior Manager and date approved

(Note - sign off at this point should **only** be obtained if:

- there are no equality impacts
- the changes have promoted equality of opportunity

The measures set out in this document seeks to rationalise jurisdiction between the High Court and the County Court with the main objective of providing a civil justice system that is efficient and provides increased access to justice for court users.

Name (must be grade 5 or above): Abigail Plenty

Department: Civil Justice & Legal Services Division, Access to Justice Directorate, Justice Policy Group

Date: 26 January 2012