

Equality Impact Assessment Initial Screening

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

Proposals to:

- Increase the small claims track limit from £5,000 to £15,000
- Automatic referral of all defended small claims to mediation
- Mandatory mediation information sessions for all defended claims in the fast and multi tracks up to £100,000
- Parties given the opportunity to choose whether the small claims hearing is conducted by telephone or determined on paper
- Extending the provisions in the EU Mediation Directive (for cross border disputes) to domestic disputes

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

Ken Lewis-Allagoa
Civil Justice Transformation.

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 objectives are to provide improved and efficient services to our customers. Around 90,000 cases are allocated to the small claims track. These claims, therefore, form a significant part of the civil justice system and the judges who hear them, and often take up unnecessary court resources and judicial time, creating delays and causing costs to escalate. The reforms will support a stronger focus on mediation, automatically referring all defended small claims cases to mediation, and requiring all parties in fast and multi-track cases to attend an information session. Small claims cases that do not settle at mediation will be given the opportunity to choose a telephone hearing or paper determination. An increase in the small claims threshold will open up a simpler and less formal court process to more claimants.</p>	<p>The proposals should significantly reduce the number of cases proceeding to a court hearing with significant savings for users through early settlement and more streamlined process where judicial determination is required, and for the business through reduction in judicial working hours.</p> <p>To ensure that the new proposals are accessible to all equality groups.</p>

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)

We have used the MoJ statistical data to calculate overall impacts of the proposals and the data does not identify any adverse impacts on particular groups. However, respondents to the consultation will be invited to comment on this area and provide advice on any possible adverse impacts which they may be able to identify.

The current mediation service has been fully operational since April 2008 and has been continually evaluated since that date. Part of this evaluation involved collecting data through an online customer satisfaction questionnaire which included diversity monitoring questions as well as questions relating to disability and any consequent barriers to the service. From the online survey questionnaire, a very high proportion (95%+) were either satisfied or very satisfied with the service. The questionnaire will be modified to take into account the new process under the Transforming Justice proposals – working in partnership with the Diversity Unit – and evaluated after the new system has been operational for 1 year. Results from the modified on-line questionnaire will provide ongoing useful data, and the responses will be reviewed once enough data has been collated to make clear-cut conclusions about the different groups of people who use the service and whether there are any gaps in the service that may be obstructing its wider use because of the new process. The project team will review the data 12 months after the new process is fully implemented. The dependability of the measuring instrument in this case the survey questionnaire, will be reviewed regularly also, and, if need be, altered to capture data that better informs the project team. From the data collated, any shortfalls in the service will become apparent. The project team can better design and improve the service if the new process has somehow restricted access to justice to all court users. It will also better inform the project team on promoting good practice nationally.

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 however, as part of our consultation process we will invite stakeholders to advise us of any likely adverse impacts that they have identified and make proposals regarding how they may be mitigated. We will be consulting with all the major equality groups including Age concern, Runnymede Trust, RNID, Action for Blind amongst others.

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 efficiency in the way disputes are resolved. Many litigants would have the opportunity of settling disputes at a much earlier stage. They would also benefit from a simpler process for dealing with cases that require judicial determination that include telephone hearing and paper determination. These objectives may be of particular assistance to those with a disability and with caring responsibilities, as well as the elderly. They would avoid the costs and other difficulties associated with travelling to a court hearing.

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, however any feedback from consultation suggesting that additional work should be undertaken will be fully taken into account.

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.

No. We have not identified any adverse impacts however any highlighted through consultation will be fully considered and steps taken to remove or mitigate them.

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.

No. See above.

10. Is a full Equality Impact Assessment Required?

No

(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.

As no adverse impacts have been identified to date, it is not our intention to conduct a full impact assessment. However should feedback from consultation suggest that further work around equality and diversity needs to be undertaken then we will reconsider our position.

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.

As there are no anticipated impacts on equality groups there are no plans to monitor the impacts on equality groups. However, the Post Implementation Review undertaken in 3 years time will be able to evaluate any unexpected equality impacts.

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

Name (must be grade 5 or above): Nick Goodwin

Department: Civil, Family and Legal Aid Policy Directorate

Date: 18 February 2011

Note: If a full EIA is required hold on to the initial screening and when the full EIA is completed send the initial and full screening together. **If a full EIA is not required send the initial screening by email to the Corporate Equality Division (CED), for publication.**

Where an EIA has also been completed in relation to ICT specific aspects, email this to CED and copy to MoJ ICT