

## Equality Impact Assessment Initial Screening

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

### Pre-action Dispute Management

The proposals aim to put the management of a dispute into the hands of those who are involved in the dispute. Parties would be encouraged to use alternative dispute procedures such as mediation, conciliation or early neutral evaluation, rather than resorting to court proceedings. The court would be the last resort in the dispute process, allowing the judiciary to focus on legal disputes that cannot be resolved by the parties themselves.

2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

Sean Rigney  
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>To introduce a new Dispute Management process for money claims.</p> <p>To reduce the costs of litigation.</p> <p>To remove case management from the court process.</p>	<p>To reduce the number of claims currently issued in civil courts.</p> <p>To provide a quicker resolution of claims without the need and expense of coming to court, and to reduce the costs to litigants of resolving legal disputes.</p>

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

*Service Transformation: A better service for citizens and businesses, a better deal for the taxpayer* by Sir David Varney, December 2006  
Customer insight in public services – “a primer” October 2006  
HM Courts Service Court User Survey 2008-09

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?

No, however the proposals will be much better informed following public consultation.

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 proposals aim to get parties to resolve their disputes without the need to come to court in the first instance. Claimants should receive any compensation or award more simply, quickly and at a reduced

cost, which will be beneficial in particular to those with low incomes. Parties will also benefit from not being expected to travel for hearings, thus reducing anxiety and stress and avoiding travelling difficulties, which some groups, such as the elderly, those with disabilities or on low incomes, may experience. It will also benefit legal providers through the administrative efficiencies that can be put in place through the use of a more streamlined process with defined time periods and costs.

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.

Not currently but following public consultation the EIA will be reassessed.

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.

We do not believe that these proposals will have an adverse equality impact. The process to be gone through will be no different than now, save that the parties will be required to undertake case management activity prior to issue of proceedings, rather than being ordered to by the court. Reducing the need to come to court should be less stressful for parties. Feedback on this assessment, however, will be welcome and points raised will be considered.

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? Yes  No

If you answered 'No', please explain below why not?

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. Even 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

Name (must be grade 5 or above): Nick Goodwin
Department: Civil, Family and Legal Aid Policy Directorate
Date: 18 February 2011
Note: The EIA should be sent <b>by email to <a href="mailto:anthony.shepherd@justice.gsi.gov.uk">anthony.shepherd@justice.gsi.gov.uk</a></b> of the <b>Corporate Equality Division (CED)</b> , for publication.