



Ministry of JUSTICE

Equality Impact Assessment Initial Screening - Relevance to Equality Duties

Before you complete an Equality Impact Assessment you must read the guidance notes and unless you have a comprehensive knowledge of the equality legislation and duties, it is strongly recommended that you attend an EIA training course.

The EIA should be used to identify likely impacts on:

- disability
- race
- sex
- gender reassignment
- age
- religion or belief
- sexual orientation
- pregnancy and maternity
- 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.

Abolition of HM Inspectorate of Court Administration (HMICA) as provided for in the Public Bodies Bill.

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

Elinor Howard, Head of Sponsorship, ALB Governance Division - 020 3334 3284

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
To formally abolish HM Inspectorate of Court Administration, following its administrative closure on 31 December 2010.	Arms' Length Bodies that are retained are transparent, accountable and provide value for money. Increased Ministerial accountability relating to functions carried out on behalf of the state; elimination of duplication and reduced waste; fewer public bodies and reduced costs. Those ALBs that are no longer required or should operate in a different way are brought to a close or change their business model to support ministerial priorities. The landscape in which HMICA operated has changed considerably since its inception in 2005. HMCTS now has robust audit methods and management information processes in place, which negates the need for independent

	<p>inspection. HMCTS is also subject to external audit by the NAO, which can duplicate the work of HMICA.</p> <p>It was concluded that whilst it is important to provide assurance that the systems within HMCTS are robust and effective it is not necessary for purely administrative systems to be subject to inspection by an independent body. We need to focus resources on delivering frontline services. The Government remains committed to joint inspection of the criminal justice system. It is intended that secondary legislation will enable the other Criminal Justice Inspectorates to inspect HMCTS for the purposes of joint inspection. HMCTS continues to support the cross criminal justice system inspection work and the CJS inspectors have committed to consulting HMCTS on its future inspection programme to ensure that the right links can be made.</p>
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4. What existing sources of information will you use to help you identify the likely equality impacts 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).

<p>HMICA is now closed and all staff have found alternative posts or have chosen to leave the civil service through voluntary early departure or voluntary redundancy schemes. There is therefore no impact on staff arising from the legal abolition.</p> <p>HMICA did not provide a service directly to court users. It is difficult to assess with any accuracy what indirect impact, if any, the closure of HMICA has had.</p>
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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.

<p>In terms of the impact on court users, as discussed above, HMICA did not directly provide a service to court users, however their role did have an indirect impact through the assurance role they carried out on administrative processes. This assurance will be provided by internal processes within HMCTS, as well as continued scrutiny through National Audit Office studies, internal audit and occasional independent reports. It is intended that secondary legislation will enable the other Criminal Justice Inspectorates to inspect HMCTS for the purposes of joint inspection, and the function to inspect court custody areas will be transferred to HM Inspectorate of Prisons. Due to the nature of HMICA's functions, it is likely to be very difficult to reliably assess any indirect impact on court users and the impact is likely to be too diffuse to be measurable.</p>
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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.

No

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

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

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.

As discussed above it is difficult to measure the impact the abolition of HMICA may have on court users. However, the Government is satisfied that alternative arrangements for scrutiny of administration within the courts are in place and so it is not considered that there will be adverse impact.

10. Is a full Equality Impact Assessment Required? Yes No

If you answered 'No', please explain below 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 Government considers that appropriate alternative arrangements are in place for scrutiny of HMCTS. All HMICA staff have now been redeployed to alternative roles or have chosen to leave the civil service voluntarily.

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.

Cabinet Office will carry out a post legislative scrutiny review after the passage of the Public Bodies Bill and MOJ will monitor the outcome of that.
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12. Name of Senior Manager and date approved

Name (must be grade 5 or above): Pat Lloyd
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The relevant senior analyst has advised that the analysis of equality impacts provided is fair and reasonable given the data available.

Department: Head of ALB Governance Division, MoJ
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Date: 5 December
