

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.

Public Bodies Bill: Schedule 1 – power to abolish by order the Magistrates’ Courts Rule Committee (MCRC)

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

Clive Buckley, Family Justice Policy

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>Following the Government’s review of public bodies, the aim is to increase accountability and reduce the number and the costs of public bodies. The Bill, if enacted, would enable the MCRC to be abolished by order. The MCRC is consulted by the Lord Chief Justice before he makes rules under section 144 Magistrates’ Courts Act 1980. The scope of rules made under section 144 has been much reduced following the creation of the Criminal Procedure Rule Committee and the Family Procedure Rule Committee, thereby limiting the remit of the MCRC.</p>	<p>Elimination of an unnecessary body. On the rare occasions when the Lord Chief Justice makes rules under section 144 of the 1980 Act he would be able to consult the existing Rules Committees and any other body or person he considers appropriate.</p>

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).

The proposals will not impact upon the rules themselves or on those whom the rules affect (rules of court apply equally to all court users). The only change will be in the bodies consulted by the Lord Chief Justice before he makes such rules and no likely equality impact has therefore been identified. The Criminal Procedure Rule Committee and Family Procedure Rule Committee (which have pursuant to sections 68 to 81 of the Courts Act 2003 assumed the principal responsibility for rules in relation to proceedings in magistrates' courts) include members who are able to provide expert comment on any rule changes proposed under the Magistrates' Courts Act 1980; and the Lord Chief Justice will not be restricted as to the bodies or persons who may be consulted. The expertise available to the Lord Chief Justice will therefore not be weakened by this change.

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.

It is not thought that there are any gaps in information.

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 which benefits from the positive impacts and the evidence and analysis used to identify them.

No – the impact is neutral.

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. Feedback from consultation does not reveal any equality impact concerns.

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.

Yes – the Lord Chief Justice will still have the benefit of the advice of those with expertise in proceedings in the magistrates' courts when making rules under section 144 of the Magistrates' Courts Act 1980. For ministerial appointments to the Committees which the Lord Chief Justice will consult, equal opportunities will continue to be provided to all applicants, and a guaranteed interview scheme for disabled people who meet the minimum criteria of appointment will continue to be operated. Rules made by the Lord Chief Justice will continue to be subject to gender neutral drafting.

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.

A full Equality Impact Assessment is not required as the proposals are not likely to have equality impacts or be the subject of negative public opinion or media coverage.

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.

When rules are made under section 144 of the Magistrates' Courts Act 1980 and under certain provisions of the Courts Act 2003, where the MCRC is currently a consultee, consultation will take place through the Rule Committee secretariats, who will be able to check and review whether any unexpected equality impacts arise. Because of the reduction in the scope of the rules made under section 144, the new consultation arrangements will arise infrequently. Therefore, the post-implementation review will take place as and when such rules are made, rather than on a specific date. 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.

12. Name of Senior Manager and date approved

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

The relevant senior analyst has advised that the analysis of equality impacts provided is fair and reasonable given the data available.

Department: Family Justice Policy, Ministry of Justice

Date: 29 November 2011