

Equality Statement

The Civil Legal Aid (Standard Civil Contract - Miscellaneous Amendments) Regulations 2024

Policy Summary

1. In order to deliver legal aid services, providers must hold a contract with the Lord Chancellor. On 1 September 2024 a new Standard Civil Contract will come into force, which will govern legal aid provision in all civil and family categories from that date onwards.
2. The 2024 Standard Civil Contract will govern the underlying commercial relationship between the Legal Aid Agency (LAA), through which the Lord Chancellor acts to administer legal aid via the Director of Legal Aid Casework, and legal aid providers. It will set out the rules which all civil and family legal aid providers must abide by when delivering civil legal services in England and Wales. An update to certain civil legal aid regulations to reference the 2024 contract is required in order to provide the technical and legal basis for legal aid delivery.
3. There are also references within those regulations which need updating in order to bring them up to date with contract terminology and remove out of date references.
4. Amendments of the regulations, as made by The Civil Legal Aid (Standard Civil Contract - Miscellaneous Amendments) Regulations 2024 are therefore not the result of a change to existing policy and are solely administrative in nature. As such, no consultation was carried out.

Equality Duties

5. Under the Equalities Act 2010 (EA), ministers have a responsibility under the Public Sector Equality Duty (PSED) to pay due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the EA;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
6. The protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

Equality considerations

7. The primary pool of individuals affected by the changes that the Statutory Instrument will implement are those that hold a legal aid contract, either through management or ownership of the firm. These individuals are typically

male (59%), 40-59 years old (69%) and white (88%). Almost all individuals who provided data identified themselves as being non-disabled (98%).

8. This data is taken from the most recent survey of legal aid providers, which was conducted in 2015, and which had a 28% response rate. As multiple contracting rounds have been completed since 2015, it is possible that providers and individuals have changed. The survey did not collect data on marriage and civil partnership, gender reassignment, or pregnancy and maternity.

Direct discrimination

9. We assess that the administrative changes made by this Statutory Instrument will not be directly discriminatory within the meaning of the EA. The proposals are not considered to result in people being treated less favourably because of their protected characteristics, as the changes would apply to any legal aid provider in the same way.

Indirect discrimination

10. As the changes being made are administrative in nature and do not particularly disadvantage people with protected characteristics, we do not believe the amendments this instrument makes to civil legal aid regulations will result in indirect discrimination within the meaning of the EA.

Discrimination arising from disability and duty to make reasonable adjustments

11. As the changes being made are administrative in nature and the impact on individuals holding a legal aid contract is neutral, we do not believe the amendments to the Regulations will impact unfavourably on people with disabilities. As stated above, almost all individuals who provided data identified themselves as being non-disabled (98%).

Harassment and victimisation

12. We do not consider there to be a risk of harassment or victimisation as a result of this instrument's amendments to civil legal aid regulations as the changes being made are administrative in nature and the impact on individuals holding a legal aid contract is neutral.

Advancing equality of opportunity

13. We do not believe that the amendments made by this instrument to civil legal aid regulations, as set out above, will provide an opportunity to advance equality of opportunity due to the administrative nature of the changes.

Fostering good relations

14. We do not believe that the amendments to the Regulations as set out above will provide an opportunity to foster good relations due to the administrative nature of the changes.