

Equality impact assessment - Assuring high standards in the police station

1. This impact assessment explores the potential impacts of our proposal to:
 - a. Update the Police Station Representative Accreditation Scheme (PSRAS) standards so that individuals are assessed against the knowledge and skills required for modern and effective police station representation.
 - b. Introduce PSRAS assessment guidelines so that there is clarity and consistency for individuals and assessment organisations on how the assessment is delivered.
 - c. Introduce regulations that enhance our oversight of PSRAS assessment organisations.
2. Where we have identified potential risks, we have set out how we intend to mitigate them.
3. We have already obtained views from current assessment organisations and some representative groups on our proposed standards and assessment guidelines. However, we welcome comments from all stakeholders on our proposals and this impact assessment.
4. We will use our consultation and ongoing stakeholder engagement to further explore potential impacts. We will publish a final impact assessment alongside our consultation response in early 2023.

Our proposal to introduce updated standards

Impact on the public

5. Our proposal to introduce updated standards means that individuals obtaining PSRAS accreditation will have been assessed against the skills and knowledge for effective and modern police station practice. This includes a greater focus on ensuring that individuals have the right skills to better engage and represent vulnerable clients and those from diverse backgrounds.
6. This provides greater assurances to the public (and wider stakeholders) that individuals have the necessary skills and knowledge to represent them effectively. This could increase public confidence in the scheme.
7. Updating standards to strengthen the assessment of engagement skills may also improve the quality of representation that vulnerable clients and those from diverse groups receive.

8. Our proposed standards define and explain more precisely the knowledge and skills required for effective police station representation. This increases transparency and clarity on what to expect from police station representatives. We are interested in the views of consumer representative groups and wider stakeholders as to whether we develop additional material to help articulate these standards for the public.

Impact on access to police station advice

9. The current assessment already includes standards. Introducing updated standards does not therefore change the overall structure and format of the current assessment.
10. However, we recognise our proposed standards introduce the requirement for additional skills to be demonstrated and assessed, for example, understanding the challenges that can be faced by clients detained at a police station from diverse groups and backgrounds. It is possible that this requirement could result in an increase in the cost of delivering and taking the assessment.
11. The current cost of taking the PSRAS assessment (written, portfolio and critical incident test) ranges between £475 and £485. This excludes any preparatory training.
12. Our overriding objective is to protect the public by making sure that individuals are robustly assessed and demonstrate that they have the appropriate skills and knowledge for effective police station representation. But we are also mindful of the need to not introduce barriers that could restrict the supply of police station representatives in geographic areas where the duty solicitor market is at risk of a supply side failure, particularly due to [age of legal professionals](#).
13. A significant increase in the cost of assessment could deter individuals from seeking PSRAS accreditation, reduce supply and reduce access to accredited police station representatives.
14. Our proposed standards include assessment against a widened scope of legal knowledge and strengthened assessment of engagement skills with vulnerable clients. We recognise that this may lead to an increase in the cost of delivering the assessment, however, we do not consider that this will be significant enough to act as a deterrent. This is because revised standards can be incorporated without fundamental change to the current assessment framework, for example, knowledge on arrestable law can be assessed through the written exam.
15. We will use this consultation and ongoing stakeholder engagement with existing assessment organisations and wider stakeholders to further explore the cost impact of implementing updated standards. We will consider this information in making our final decision.
16. We will put in place mechanisms if we implement this proposal. For example, monitoring monthly numbers taking the assessment and working with representative groups to understand whether the cost change has deterred individuals seeking PSRAS accreditation.

Impact on individuals looking to obtain PSRAS

17. We know from data provided by current assessment organisations that around 500 individuals are assessed each year. However, we do not hold data on individuals who may be considering taking the PSRAS qualification.
18. We do not consider that our proposal to introduce updated standards will have a detrimental impact on those looking to obtain PSRAS.
19. Updated standards are not intended to set a different assessment standard to the one currently used and make it more difficult to obtain the qualification. The standards define more precisely the competencies needed for safe and effective police station representation practice and how they will be assessed. This clarity could increase the number of individuals looking to obtain to PSRAS, for example, greater clarity over the skills required.
20. We will make sure that the revised standards are assessed at the appropriate level through our quality assurance arrangements with the appointed assessment organisations, for example, our External Examiner.
21. As we have outlined in paragraph 14, we do not consider there will be a significant increase in the cost of the assessment. We outline in paragraph 15 and 16 how we will further understand and monitor any potential cost impact on individuals looking to obtain PSRAS.
22. We do not have details of the protected characteristics of clients seeking PSRAS accreditation. We have used data that is available about solicitors working for criminal legal aid funded firms to try and understand whether introducing updated standards could have a disproportionate impact. Data ¹ suggests that:
 - a. There is a broadly equal split between females (51 per cent) and males (49 percent) carrying out this work. There are slightly more females carrying out this work than females within the wider solicitors' profession (48 per cent).
 - b. There are fewer solicitors in the 25-34 age group (20 per cent) when compared with the overall solicitor's profession (45 per cent).
 - c. People from ethnic minority backgrounds account for 18 per cent of all solicitors working for criminal legal aid funded firms. This is consistent with solicitors from ethnic minority backgrounds working in all law firms.
 - d. One per cent of solicitors working in criminal legal aid funded firms have a disability. This is consistent with the wider solicitors' profession.

¹ Summary information on publicly funded criminal legal services, Ministry of Justice, 2022

23. We recognise that there may be more females potentially carrying out this work, however, given the small percentage difference, we do not consider that introducing updated standards will have a disproportionate impact on this group.
24. We have not at this stage identified any negative impact on individuals from other protected characteristic groups because of their particular protected characteristic. In addition, in line with how current standards are assessed, disabled candidates will still be able to request a reasonable adjustment.

Impact on solicitors and firms we regulate

25. Our proposal to introduce updated standards does not directly impact on the majority of solicitors we regulate who do not carry out criminal work or those who already have the qualification.
26. Existing solicitors providing police station representation may indirectly benefit because of increased public confidence that police station representatives are assessed against the skills and knowledge for effective and modern police station representation.
27. Updated standards can also be used by solicitors who already have the PSRAS qualification to meet their regulatory obligation to keep their skills and knowledge up to date. The standards can be used as a tool to identify training and development needs.
28. We have identified a possible risk that introducing updated assessment standards could increase the cost of taking PSRAS. We recognise that this could impact on smaller firms and sole practitioners given [our data](#) suggest they are more likely to carry out this work. We explain in paragraph 14 that at this stage we do not expect the increase to be significant and outline in paragraphs 15 and 16 how we will monitor the impact of any potential cost increase.

Our proposal to introduce assessment guidelines

Impact on the public

29. Our proposed assessment guidelines provide greater clarity for the public on the administration and delivery of the assessment. This could help increase confidence that the assessment is robustly delivered and that individuals awarded PSRAS have been assessed against the knowledge and skills for effective police station representation.

Impact on access to police station advice

30. There is a small risk that our proposed assessment guidelines could increase the cost of delivering the assessment and deter individuals from taking it. This is because they introduce new requirements on assessment organisations, for example, additional reporting and providing more detailed feedback to candidates.
31. We have engaged with current assessment organisations to develop the assessment guidelines. Our overriding objective is to protect consumers by making sure that delivery of the assessment is consistent and robust so that those awarded the PSRAS qualification have met the required standard.
32. At this stage, we do not anticipate adopting them will significantly increase the cost of the assessment. We outline in paragraph 16 how we will monitor any potential cost impact on individuals looking to obtain PSRAS.

Impact on individuals looking to obtain PSRAS

33. Our proposed guidelines are intended to increase consistency and standardisation in how the assessment is delivered. This benefits those looking to obtain PSRAS because it ensures that there is no significant difference between how organisations deliver the assessment, for example, it is not easier or harder to pass the assessment at one provider.
34. Our proposal increases transparency on the administration of the assessment and the required standard. This could lead to more individuals looking to obtain PSRAS.
35. However, there is a risk that introducing assessment guidelines could increase the cost of the PSRAS assessment, for example, additional reporting to the SRA and providing feedback to failed candidates. This could act as a deterrent to seeking the qualification. We explain in paragraph 15 and 16 how we will understand and monitor any potential cost increase.
36. We have not identified any disproportionate negative impact of introducing assessment guidelines on individuals from protected characteristic groups.

Impact on solicitors and firms we regulate

37. Our proposal to introduce assessment guidelines does not directly impact on the majority of solicitors we regulate or those who already have the qualification.
38. We have identified a possible risk that introducing assessment guidelines could increase the cost of taking PSRAS. We recognise that this could impact on smaller firms and sole practitioners given [our data](#) suggest they are more likely to carry out this work.
39. If we implement this proposal, we will monitor any impact on numbers seeking PSRAS accreditation through the measures outlined in paragraphs 15 and 16.

Our proposal to introduce regulations

Impact on the public

40. The public will have greater confidence that we can address assessment organisation performance, if required, to make sure that those awarded PSRAS have been robustly assessed and are competent. This should increase confidence in the assessment and competence of those awarded who obtain accreditation.

Impact on access to police station advice

41. The introduction of the new regulations will not require existing organisations to apply for reauthorisation. As a result, there should not be a change in the current availability of assessments. But it does mean that the regulations enable us to remove an organisation's authorisation if we have cause to.

Impact on individuals looking to obtain PSRAS

42. Our proposal formalises our relationship with current and future assessment organisations. We have not identified any direct impact on those looking to obtain PSRAS. Individuals may benefit from increased clarity and confidence on the requirements of our authorisation, and what action we may take where the performance of a provider does not meet our requirements.

43. We have not identified any impact on individuals from protected characteristic groups because of their particular protected characteristic from our proposal to introduce new regulations.

Impact on solicitors and firms we regulate

44. We have not identified any impact on solicitors or firms we regulate if we implement this proposal. This is because our proposal formalises our relationship with current and future existing providers.

Question 5

Do you agree with the conclusions in our equality impact assessment?

Question 6

Do you have any information about the impact of our proposals on any other groups?