

Equality outcomes and how we plan to achieve them

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Foreword

The Mental Welfare Commission for Scotland (the Commission) is committed to both the principles and the practice of equality and diversity. As a rights-based organisation, the Commission regards addressing our equality duties as part of a wider strategy which puts equality and human rights at the centre of our service provision and employment. It also fits with our duty to promote the principles of the Mental Health (Care & Treatment) (Scotland) Act 2003, one of which is respect for diversity.

Our mission is to be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice. We strongly believe that we can only achieve this by actively pursuing equality and diversity in all that we do.

We look forward to implementation of our plan.

A handwritten signature in grey ink, appearing to read 'Graham Forbes', is positioned above the printed name.

The Very Reverend Dr Graham Forbes

Chair

Background

This document outlines our responsibilities under the Equality Act 2010 and public sector equality duty to:

1. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
2. Advance equality of opportunity between people who have a relevant protected characteristic and those who do not
3. Foster good relations between people who share a protected characteristic and those who do not.

Every individual has a legal and moral right to be treated equally and without discrimination regardless of their membership (or not) of any particular group. We aim to ensure that no-one who comes into contact with us is discriminated against or victimised, either directly or indirectly, unlawfully or unjustifiably, on the basis of any of the nine protected characteristics set out in the Equality Act 2010:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- gender
- sexual orientation.

The [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#), [Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2015](#) and [Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2016](#) set out duties on public bodies. The Mental Welfare Commission is listed as a body which must comply with these duties. Under the regulations, we must:

- Publish equality outcomes at least every four years
- Report progress on these and on mainstreaming the equality duty at least every two years

- Carry out equality impact assessments of new and revised policies and practices
- Gather and use employee equalities information and include the information, broken down annually, in the report on mainstreaming the equality duty
- Publish gender pay gap information every two years.

There are also duties to publish information about equal pay, occupations and gradings in relation to gender, race and disability every four years. However, these apply only to organisations with at least 150 employees.

In our procurement, we must also consider whether award criteria and conditions should include proportionate considerations to enable us to better perform the equality duty.

The management of the National Confidential Forum (NCF) is considered in this scheme in terms of our priorities and in the action plan.

Our reporting

The Commission's Equalities Group has reviewed these duties and the previous reporting structure, and the Commission now plans to publish two documents:

- **Equality outcomes and how we plan to achieve them** (this document), which replaces the previous 'Single equality scheme – equality and diversity outcomes and actions to achieve them'. It sets out our equality outcomes as agreed in 2015, and a set of actions towards achieving them. It will be reviewed in the last quarter of 2018-19, in line with the timetable for reviewing our equality outcomes, and a revised version will be published in April 2019 and every four years thereafter.
- **Equality outcomes and mainstreaming progress report**, which will be published in April 2018 and every two years thereafter.

Responsibilities

Our board has overall responsibility for ensuring that we meet our public sector equality duties. There is an Advisory Committee, which is a subcommittee of the Board and which includes representatives of lesbian, gay, bisexual and transgender (LGBT) and black and minority ethnic (BME) organisations.

Our Operational Management Group (OMG) has responsibility for ensuring that equality and diversity is integral to all that we do. Our Equalities Group, which includes a range of staff from across the Commission, reports to the OMG. The group develops our action plan and carries out monitoring and reporting.

To ensure we implement our duties, we consulted on and developed a strategic plan for 2017-2020 which sets out the direction for the Commission over the next three years. It is supported by an annual business plan which outlines the actions we intend to take to achieve our strategy and the key performance indicators that will measure our performance in each area.

Equality outcomes

In January 2015 we set out three equality outcomes in the report 'Single equality scheme - equality and diversity outcomes and actions to achieve them':

1. Our visit and investigation work will always be carried out taking equalities issues into account, therefore ensuring we fulfil our public duties to tackle discrimination and advance equality of opportunity.
2. We will develop a workplace environment where all our staff are treated with dignity and respect.
3. We will assist services to review their use of mental health and incapacity legislation, identifying trends, where we can, across the equality strands.

We have a duty to publish equality outcomes every four years, so these will be reviewed during 2018-19.

In order to make the implementation of our equality outcomes meaningful and practical, we have assessed all our functions and prioritised those most relevant to the equality duty.

Equality outcome 1 - Promoting equality in our service provision

Our visit and investigation work will always be carried out taking equalities issues into account, therefore ensuring we fulfil our public duties to tackle discrimination and advance equality of opportunity.

What we are currently doing

We currently monitor gender, age and ethnicity for all visits to individuals. We do not currently ask directly about sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity or religion or belief, but we ask if the individual has experienced discrimination in relation to any of the protected characteristics, unless the practitioner feels it is inappropriate to do so due to the individual lacking capacity or being too unwell. This question is asked, however, in a minority of visits.

When we arrange local visits we specifically ask services to identify any person for whom English is not their first language and, if the person is willing to see us, for services to arrange an interpreter.

We support services by providing good practice guidance on equalities issues, including on making mental health services LGBT inclusive and on use of interpreters in mental health services.

How we will work towards this outcome

We will:

1. Analyse our themed and local visits on an annual basis to review trends with regard to gender, age and ethnicity and recommend action to eradicate any discriminatory trends identified.
2. Review our approach to equality impact assessments (EQIAs) by April 2018 and provide training to those carrying them out.
3. Carry out a programme of EQIAs on our key strategy areas and on new and revised policies.
4. Consult lived experience and carer groups on improving our monitoring of protected characteristics of people we visit during 2018-19.
5. Review our accessible information policy by April 2018.
6. Produce accessible videos about what the Commission does and about our visits by April 2018. These will include British Sign Language (BSL) translation and subtitles.
7. Review our Interpreters Good Practice Guide 2013 edition.
8. Ensure our engagement and participation work is inclusive of minority groups and take steps to reach underrepresented groups.
9. We will analyse participant applications to the NCF on all the protected characteristics.

Equality outcome 2 - Promoting equality in employment

We will develop a workplace environment where all our staff are treated with dignity and respect.

What we are currently doing

We carry out a biannual staff survey which asks about staff experiences and opinions of the Commission as a workplace. We carry out monitoring of protected characteristics (anonymised) as part of this.

We have a recruitment policy which sets out our recruitment and selection standards which ensure we are fair, systematic and efficient, and promote equality of opportunity for all in our recruitment and selection. We ensure any new posts have a job description and are evaluated using our job evaluation scheme. We have committed

to being recognised as an employer positive about disability and we offer an interview to all applicants who declare themselves to have a disability so long as they demonstrate that they meet the essential criteria for a job vacancy.

We communicate with any disabled employees to ensure that they have the support they need at work to enable them to fulfil their role effectively.

We have committed to making progress on Board gender balance, and have signed up to the Scottish Government's 'Partnership for Change' in support of the a gender balance of 50/50 by 2020.

We published our first gender pay gap information and a statement on equal pay in April 2017.

How we will work towards this outcome

We will:

1. Carry out a programme of EQIAs on new and revised employment-related policies.
2. Publish gender pay gap information and a statement on equal pay in April 2019.
3. Analyse recruitment monitoring forms on an annual basis and report to OMG.
4. Provide equality and diversity training for Board members in June 2018.
5. Provide equality and diversity training for recruiting managers and staff, using LearnPro, during 2018-19.
6. Publish Board Gender Diversity statement as required by forthcoming Scottish Government regulations and develop succession planning arrangements to increase diversity.
7. Continue to carry out a staff equality monitoring questionnaire as part of each staff survey. Analyse staff data across all protected characteristics, and publish restricted information in our biennial reports, to maintain staff confidentiality. We are not required to do this due to the small size of the organisation, but it is good practice. The next staff survey is due in January 2019.

Equality outcome 3 - Highlighting issues of equality in the use of mental health and incapacity legislation

To assist services to review their use of mental health and incapacity legislation, identifying trends, where we can, across the equality strands.

What we are currently doing

We currently analyse the use of legislation with regard to gender and age and are extending our analysis to cover other areas. We can also analyse the use of legislation for people with learning disabilities.

The Mental Health Act forms have a section at the back to record ethnicity. Only 70% of the forms we receive are completed, and we have previously had a policy of separating the monitoring data from the forms, which meant analysis of the use of the Act by ethnicity was not possible. We have consulted in 2017 with BME groups and ISD and have agreed to stop separating this data.

Adults with Incapacity Act forms give only details on age and gender.

How we will work towards this outcome

We will:

1. Work towards using ethnicity data provided with Mental Health Act monitoring forms to enable us to analyse differences in the use of the Act
2. Mainstream the publication of equalities information in our monitoring reports.

Consulting and involving

We will continue to consult staff via various channels. The Equalities Group will report on progress and consult with staff where appropriate and useful.

We will discuss our review of our equalities objectives with the Advisory Committee during 2018-19.

As above, we will consult lived experience and carer groups on improving our monitoring of protected characteristics of people we visit during 2018-19.

Evaluation, review and assessment

The Commission's Equalities Group will continue and minutes of the group will go to OMG.