

Single Equality Scheme

Equality & Diversity

Outcomes and actions to achieve them

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1 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.

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

In addition the Commission is covered by specific duties, the purpose of which is to assist in our performance of the general equality duty. Our equality scheme outlines how the Commission approaches these duties and our process of continuous improvement and monitoring to ensure fair and equal access to our services and employment for all people. Our action plan will support us to meet our legal obligation, develop best practice and ensure the importance of equality is embedded in our policies and procedures. Both documents cover all of the protected characteristics as defined in the Equality Act (2010).

Our Operational Management Group (OMG) has responsibility for ensuring that equality and diversity is integral to all that we do. To assist the OMG we have set up an Equality Working Group to review all of the equality strands. This group will identify the Commission's areas of good practice in relation to equality and diversity as well as its aspirations for future developments.

We look forward to implementation of our action plan.



The Very Reverend Dr Graham Forbes

Chair

2 Equality Outcomes

We believe 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 have called these protected characteristics).

As an organisation, 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 because of the following:

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

We aim to promote equality of opportunity in our service provision and as an employer.

We aim to tackle prejudice and promote understanding of equality of opportunity across these protected characteristics and between people with one or more of the characteristics.

We aim to promote people with protected characteristics to participate in public life

We will take account of the disabilities of people in our service provision and as an employer.

To ensure we implement all of our duties, we have developed a five year strategic plan. This plan outlines our key strategies and the staff and resources that are required to support the strategies.

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

3 Progress we have made

In our service provision we

- added a question to visit forms on whether individuals feel they have been discriminated against and, if so, whether this was due to them having one or more protected characteristic
- ask service staff to identify those whose first language is not English on local visits and always visit at least one person who this applies to
- complete an ethnicity monitoring form on all visits
- have a policy on provision of information in accessible format
- provide some leaflets and our annual report in an easy read format
- use “Touchtype” facilities for deaf people to access our advice and information service
- use the Contact Scotland interpreting facility for British Sign Language users to access our advice and information line
- developed an introduction format for all meetings to ensure participants are aware of accessible facilities
- held events with stakeholders with protected characteristics during the design of our website
- carried out a themed visit to people experiencing homelessness
- published a Younger Persons Monitoring Report
- launched, in 2017, a guide about LGBT inclusive mental health services, click [here](#). (The guide contains useful information for mental health professionals on how to provide the best possible care and treatment for LGBT people, and features a number of recommendations for making services more accessible and LGBT-friendly)
- Met with black and minority ethnic groups to explore ways of improving our engagement with BME communities.

In our employment we have

- reported on the information we have gathered under our duty to gather and use employee information
- flexible working policies
- a dignity at work policy
- maintained the investors in people award
- maintained our accreditation to the Positive About Disability Scheme
- provided training for staff and Board on equality and diversity. This is being enhanced and extended in 2017.
- provided training for those doing recruitment on equality and diversity
- adapted our monitoring forms to include all key equality strands and use this form to gather information during all recruitment and for employees as part of the staff survey
- have service user and carers on our Board
- employed a service user and a carer as engagement and participation officers.

In our reporting of the use of mental health and incapacity legislation we have

- highlighted gender differences in the use of emergency detentions under MHA
- collected information on the use of MHA legislation for those from a minority ethnic background – we have reported on this but the numbers are too small to draw firm conclusions.
- raised concerns about the use of AWI Act for young people
- produced a toolkit to help people work with interpreters in interacting with people with mental illness or learning disability

4 The next steps

In order to make the implementation of our equality outcomes meaningful and practical we have assessed all of our functions and prioritised those that are most relevant to the equality duty. These fall into three areas outlined below.

1 PROMOTING EQUALITY IN OUR SERVICE PROVISION

Outcome

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.

Equality Impact Assessment

We will carry out a programme of equality impact assessments on all of our key strategy areas.

Evidence Gathering

We will analyse our ethnicity monitoring forms on themed and focussed visits on an annual basis to review trends

We will identify the gender and age of all people we visited to ensure we are seeing an appropriate cross section of the population

We will analyse our casework across age and gender

We will analyse participant applications to the NCF on all the protected characteristics.

We will consider options on how to gather information on other protected characteristics for those people we visit. This has not always been easy and practitioners have felt that the question is inappropriate to ask in 63% of visits due to the individual lacking capacity or being too unwell. This will continue to be considered by our Executive team.

Actions

The impact of any new areas of work that we propose to undertake will be assessed against all protected characteristics as part of the decision making option appraisal

We will continue to review the accessibility of our communications including our website, advice line and information.

2 PROMOTING EQUALITY IN EMPLOYMENT

Outcome

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

Equality Impact Assessment

We will carry out an ongoing programme of equality impact assessments of all employment related policies. These impact assessments will ensure that current policies do not discriminate and equality of opportunity is considered fully when developing any new policies.

Evidence Gathering

We will analyse our recruitment monitoring forms on an annual basis and report to operational management group

We will undertake a staff equality monitoring questionnaire as part of each staff survey to understand the diversity of current staff. We will collect information on various protected characteristics:

- Age
- Race
- Disability
- Religion and Belief
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Sex
- Gender Re-Assignment

Due to the small size of the organisation we do not analyse the results of the survey across the protected characteristics as it would make it too easy to identify individuals. To facilitate a high rate of return for equalities monitoring we made the decision to allow people to complete the form anonymously and to separate their responses from their survey returns.

Actions

We will ensure that all new staff receive equality and diversity training

We will ensure any new posts have a job description and are evaluated using our job evaluation scheme

We will uphold our commitments under the two ticks scheme to encourage applications from disabled applicants and ensure they are treated fairly during the recruitment process.

We will 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 will train and educate managers and staff on equality legislation and their responsibilities as necessary.

We will undertake annual monitoring of gender and age with regard to access to remuneration, working patterns, training and performance management. This will be reported to Operational Management Group and if any data suggests unequal treatment between different groups we will examine it in detail and take corrective action, where necessary.

3 HIGHLIGHTING ISSUES OF EQUALITY IN THE USE OF MENTAL HEALTH AND INCAPACITY LEGISLATION

Outcome

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

Evidence Gathering

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.

AWI forms only give details on age and gender.

Actions

We produce annual statistics on the use of mental health and incapacity legislation. Where we can, we produce an analysis of this across protected characteristics. For the MHA our information comes from the Patient Ethnicity form completed by services when completing the Act forms. For the AWI Act we can only do further analysis on age and gender.

5 Consulting and involving

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

We will discuss this plan and ongoing visits and monitoring priorities with the Advisory Group.

6 Evaluation, Review and Assessment

The Commission's Equalities Working Group will continue and it will prepare an annual report on progress on this scheme and related equalities work to the OMG.

The OMG will then report to the Board annually.

Human Resources will prepare an annual report on recruitment equality statistics and also information from staff survey every two years, and annual reports on training etc as outlined above.

Appendix 1- Background to the Commission

The Mental Welfare Commission (“the Commission”) is an independent organisation. We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions. Our mission is to ensure that care, treatment and support are lawful and respect the rights and promote the welfare of individuals with mental illness, learning disability and related conditions. We do this by empowering individuals and their carers and influencing and challenging service providers and policy makers.

Our duties are set out in the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000. From 2014 this includes the National Confidential Forum established as a committee of the Commission through the Victims and Witnesses (Scotland) Act 2014. The Forum’s main aim is to improve the health and wellbeing of individuals placed in institutional care as children through their participation in a non-judgemental, confidential forum.

Our key strategies are:

Visiting and Monitoring

We visit individuals in a variety of care settings and in their own homes to find out their views and check their care and treatment are lawful.

We check the paperwork and records of people who are being cared for or treated under mental health and incapacity legislation. If we think that care or treatment could be unlawful we contact the care provider and ask them to remedy the situation and to inform the individual concerned.

We carry out monitoring projects on specific areas of mental health or incapacity legislation.

We provide annual statistical reports on the use of mental health and incapacity legislation which identify trends or differences in how the legislation is being used across Scotland.

Investigations and casework

Our investigatory work is very broad. It includes all actions to review individuals’ care and treatment, ranging from basic action to address poor or unlawful treatment, case review and major investigation.

We may follow up on cases from visiting individuals or from a call to our information line or from something in paperwork that concerns us. This may lead to us writing to the service with our views and recommendations.

We carry out one major investigation a year where we produce a comprehensive report with recommendations for improvement.

Information and Advice

We strive to be independent experts in applying best ethical and legal practice in care and treatment. We aim to provide information for individuals and practitioners that explain the law and good practice in an accessible way.

We aim to influence and challenge MSPs, policy makers and service providers to ensure individual rights and welfare are considered in making policy and providing services.

Supporting activity

Our core operational activities are supported by a sound system of corporate governance. This ensures clear leadership and direction for the organisation and transparent decision making. Staff understand our goals and are appropriately trained and developed to deliver them.

The strategic plan also outlines our HR, information management and financial strategies that support the key strategies.

Appendix 2

Additional Updated Equality Information April 2017

Gender Pay Gap and Statement on Equal Pay

MWC Equal Pay Statement

MWC supports the principle of equality in employment and believes that staff should receive equal pay for:

- the same or broadly similar work;
- work rated as equivalent ; or
- work of equal value.

This is regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation, in accordance with the Equality Act 2010.

MWC understands that the right to equal pay between women and men is a legal right under both domestic and European law.

MWC recognises that in order to achieve equal pay for employees doing the same or broadly similar work, work rated as equivalent, or work of equal value, it should operate pay systems which are transparent, based on objective criteria and free from bias.

Our objective is to eliminate unfair, unjust or unlawful practices that impact on pay equality.

To that end, MWC will undertake the following actions;

- Review and monitor this policy statement and achievement against the key actions detailed below.
- Ensure there are communication systems in place to inform all employees on how pay practices work and how their pay is determined. Included will be information about what policies exist to deal with any concerns about their pay.
- Ensure that all those involved in making decisions about pay, benefits and grading decisions are provided with policies and guidance to enable consistent and fair practice.
- Continuously monitor our existing and future pay practices for all our employees, including part-time workers, those on fixed term contracts or contracts of unspecified duration, and those on pregnancy, maternity or other authorised leave.
- Undertake regular monitoring and review of the impact of our practices in line with the Equality Act 2010.

If a member of staff wishes to raise a concern at a formal level within MWC relating to equal pay, the Grievance Policy is available for their use.

Gender Pay Gap

As a listed public body we are now required to publish our gender pay gap. This is the percentage difference between male employees' average hourly pay and female employees' average hourly pay (both excluding overtime).

MWC's overall gender pay gap at March 2017 is 26.10%. (This figure gives the difference between men's and women's pay as a proportion of men's pay). Further analysis on vertical segregation (the clustering of employees with certain protected characteristics at particular levels of the grade structure) and horizontal segregation (clustering of staff with certain protected characteristics into specific job types) is being undertaken as is detailed analysis of the 2017 staff survey feedback on pay and benefits.

Board Diversity and Succession Planning

The MWC Board is committed to promoting equality and diversity. Following a recent recruitment there are 2 female and 6 male Board members. The Board is looking at succession plans to increase diversity and hope that this will be accommodated in the next Board appointments in early 2018. Equality and diversity training is planned for all Board members in autumn 2017.