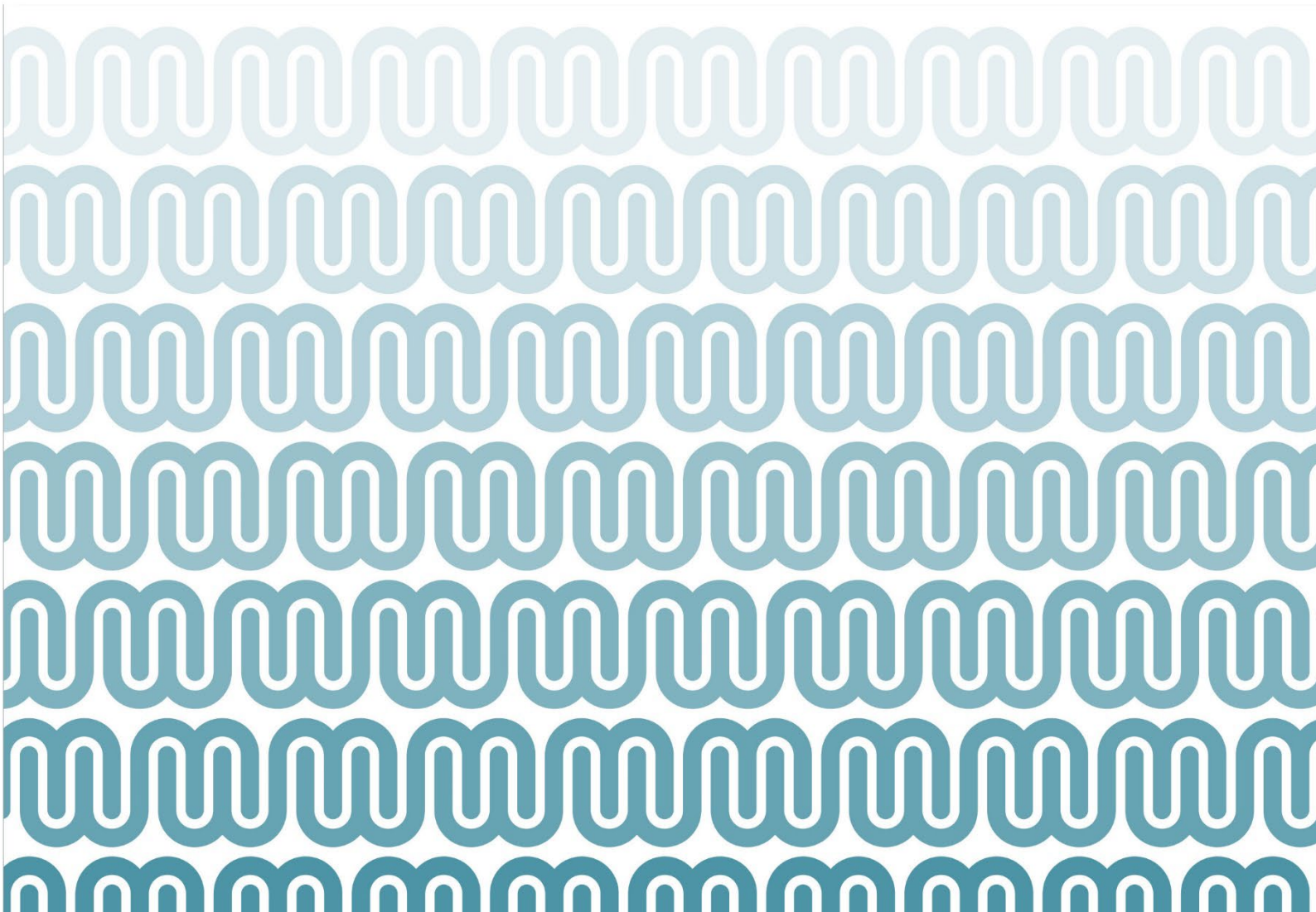


Equality plan 2026-30

Corporate

July 2026



Our mission and purpose

Our Mission

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.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

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Foreword



Julie Paterson,
Chief executive

Our purpose is to protect and promote the rights of people with mental illness, learning disabilities, dementia and related conditions. This commitment is at the heart of everything we do and underpins how we carry out our work.

The Public Sector Equality Duty (PSED) requires us to consider how we can advance equality and tackle discrimination in all aspects of our business. This aligns closely with the principles of the Mental Health (Care and Treatment) (Scotland) Act 2003, including the principle of respect for diversity. We therefore continually reflect on how equality is embedded in our decision-making, policies, services and workplace culture, ensuring that fairness, dignity and inclusion remain central to our approach.

We operate within a rapidly evolving legal, social and policy landscape. Recent developments, including the UK Supreme Court ruling on the definition of sex, new protections against sexual harassment, and the Scottish Government's commitment to strengthening the PSED, highlight the importance of remaining informed, responsive and accountable. We are also committed to upholding the principles of the United Nations Convention on the Rights of the Child, recognising that every child is entitled to have their rights respected and protected, regardless of their race, religion, disability or any other characteristic.

This Equality Plan sets out three outcomes that will guide our work over the coming years. These outcomes have been developed through a detailed gap analysis, following guidance from the Equality and Human Rights Commission, and have been informed by the valuable contributions of our staff, Advisory Committee and Board.

Delivering meaningful change requires ongoing commitment, collaboration and challenge. I look forward to working with colleagues, partners and stakeholders to advance equality, promote inclusion and improve outcomes for the people of Scotland.

Background

The Mental Welfare Commission ('the Commission') is a public body with duties and responsibilities under a range of equalities legislation, which includes compliance with the following:

- The Equalities Act 2010
- 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.

The Equality Act 2010 introduced a Public Sector Equality Duty (PSED) across public bodies, which includes the Commission as a 'listed authority'; we must therefore comply with the duties as set out in the equalities legislation. This means that the Commission must consider equality across our functions and activities and have due regard to the following key intentions of the legislation:

1. the elimination of unlawful discrimination, harassment and victimisation;
2. advance equality of opportunity between people who have and do not have 'protected characteristics'; and
3. foster good relations between people who have and do not have protected characteristics.

The purpose of the PSED is to make sure that public authorities and organisations carrying out public functions think about how they can improve society and promote equality in every aspect of their day-to-day business. This means that they must consider, and keep reviewing, how they are promoting equality in:

- decision-making;
- internal and external policies;
- procuring goods and services;
- the services they provide;
- recruitment, promotion and performance management of employees.

To evidence the extent to which the Commission, as a listed authority, meets its public sector equalities duties, we are required to:

- Report on mainstreaming the equality duty;
- Publish equality outcomes and report progress;
- Assess and review policies and practices;
- Gather and use employee information;
- Use information on board members gathered by the Scottish Ministers.

The Equality Act 2010 duties relate to the following characteristics which are protected under the law:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (civil partnership relates only to PSED requirement to eliminate unlawful discrimination)
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

There have also been subsequent additional duties in response to:

- Changes to the Equality Act with effect from 1 January 2024.
- New protections from sexual harassment from 26 October 2024.
- For Women Scotland (Appellant) v the Scottish Ministers (Respondents) [2025] UKSC 16 in relation to clarity of the legal definition of sex.
- Regulation 12 report¹ highlights the Scottish Government's intention to strengthen the PSED to reduce pay gaps, improve inclusion of stakeholders, improve leadership and accountability and to seek better evidence on 'fostering good relations'.
- The United Nations Convention on the Rights of the Child outlines the fundamental rights of every child, regardless of their race, religion or abilities.

¹ [Part 1: Introduction - Public Sector Equality Duty - Regulation 12 report: better performance proposals 2025-2029 - gov.scot](#)

Equality Outcomes

Our new equality outcomes are informed by:

- completion of a gap analysis which is recommended by the Equalities and Human Rights Commission to identify our evidence gaps and needs and develop a plan to fill them.

Once we had drafted our outcomes and actions to deliver on these we consulted with our staff, Advisory Committee (made up of stakeholders who represent people with lived experience, carers, marginalised groups including minority groups) and the Board.

Outcome 1

We are committed to a culture where our people are invested in, valued, listened to and represented across the Commission. We will provide a supportive and inclusive workplace for all which promotes equality, diversity and inclusion.

Outcome 2

We will continue to strengthen our statutory duties in relation to our outward facing work, including visits, investigations, monitoring, advice and information to ensure we are fulfilling our public duties in relation to the equalities act.

Outcome 3

We will further develop our working partnerships with organisations who work with marginalised groups to ensure mutual learning and awareness of the work and support the Commission can provide.

Equality Outcome 1

We are committed to a culture where our people are invested in, valued, listened to and represented across the Commission. We will provide a supportive and inclusive workplace for all which promotes equality, diversity and inclusion.

Where are we now

We are in our third year of carrying out an annual staff survey which is based on the NHS Scotland iMatter methodology. iMatter is a staff experience continuous improvement tool designed with staff in NHS Scotland to help individuals, teams and health boards understand and improve staff experience.

We have performance measures within our strategic plan 2023-26 relating to our workforce which are reported annually to the Board:

- Commission staff will feel confident and competent in their roles and responsibilities
- Commission staff will feel valued.
- Commission staff will feel listened to and supported.

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. All Executive Directors and managers have undertaken recruitment and selection training in line with this policy.

We have recently provided externally facilitated human rights and leadership training to all executive directors, managers and staff. There is a relevant section on our new Whistleblowing Policy and arrangements and this includes training for all staff and the appointment of confidential contacts.

New protections from sexual harassment

- Employers now have a legal duty to take reasonable steps to prevent sexual harassment and create a safe working environment. A new sexual harassment policy was approved by our Board on 21 October 2025. We also carried out an organisational risk assessment to ensure we're meeting our obligations into anticipating where sexual harassment could arise in the workplace and agreeing suitable mitigations.
- Sexual harassment awareness training has been sourced and all staff are required to complete by end of June 2026 as one of the mitigations identified in the risk assessment above.

UK Supreme Court ruling on 16 April 2025

The UK Supreme Court ruled on the legal definition of a woman being based on biological sex. The Equality and Human Rights Commission consulted on an update to their Code of Practice to gather feedback on changes they have made following this UK Supreme Court ruling on 16 April 2025 in *For Women Scotland Ltd v The Scottish Ministers* (For Women Scotland).

The Scottish Legal Aid Board are our landlords for our office accommodation and are responsible for the provision of toilet and shower facilities on site (for staff and invited guests only).

There are single sex toilets provided on all floors, and accessible toilets on every second floor, which are gender neutral.

Showers are gender neutral individual cubicles with private changing space and a communal locker area.

Our offices therefore are in keeping with the ruling made and oversight is retained by the landlord.

Reporting is key to achieving outcome 1

Reports are currently produced on:

- Annual staff survey and associated action plan
- Gender pay gap information
- Board diversity (gender only)
- Equal pay statement

How will we build on our work to date to achieve outcome 1?

We will:

- Strengthen the information we currently hold on our Youmanage HR system. We will run a campaign to encourage staff to complete all the fields in their personal information, including the equalities information. We will add a prefer not to answer field.
- Explore whether reporting on workforce diversity is possible if enough staff opt to record their equalities information.
- Develop an annual report which will outline how many candidates applied for each vacant post, with a breakdown of their equalities information, where provided.
- Discuss, as part of the review of the governance arrangements of the Designated Medical Practitioner function, what information we will collect on recruitment.
- Develop an operational HR management report which will be reviewed by the executive leadership team (ELT) at least 6 monthly in relation to turnover rates, sickness absence, recruitment & retention, etc.
- Strengthen our current integrated impact assessment to ensure it covers equalities, consumer duty and the child rights and wellbeing impact assessment requirements.
- Provide training to the Board, ELT and staff on the new integrated impact assessment once it has been developed and approved.
- Review our current training on equality, diversity and rights to ensure that it is up to date with current legislation requirements.
- We will update recruitment and induction materials to be values based and ensure equality and human rights are added at same time.
- We will ensure a reference to equality and human rights is added when reviewing job descriptions for all new vacancies.

Measures of success

- Annual monitoring reports provided to ELT on recruitment information.
- Annual staff survey with a response rate of at least 70%.
- 85% of staff are up to date with their mandatory training for equality & diversity Learnpro module.
- Implementation of robust 1:1 and supervision arrangements.
- Commitments to the Board self-assessment process.

Equality Outcome 2

We will continue to strengthen our statutory duties in relation to our outward facing work, including visits, investigations, monitoring, advice and information to ensure we are fulfilling our public duties in relation to the equalities act.

Where are we now

We have developed an engagement and participation strategy which is underpinned by the principles devised from what people told us about how they wish to be involved, respected, included and listened to through-out their engagement with the Commission.

Visits/Investigations

Our anonymous equalities monitoring form should be completed at time of visit by the individual or practitioner, but this is not always the case. Therefore, as part of the development of our new information management system, which went 'live' in March 2026, we have added a mandatory section to ensure this information is recorded by visiting staff (this includes a prefer not to say option).

During our visits we also ask if the individual has experienced discrimination in relation to any of the protected characteristics, facing any barriers to access their faith, food preferences or maintaining consistent communication unless the practitioner feels it is inappropriate to do so due to the individual lacking capacity or being too unwell.

When we arrange visits, we proactively 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.

Our engagement and participation officers engage proactively with less represented groups including LGBT people, rural groups and minority ethnic groups.

We currently complete an Integrated Impact Assessment for all Commission investigations.

Monitoring of the Acts

The Commission receives completed mental health law documentation from health boards across Scotland. Completion of the related equalities information under the mental health act is discretionary currently. Therefore, we do not always receive complete data. As part of our annual mental health act monitoring report, we publish information we have received on ethnicity, age, gender, and in our adults with incapacity and children and young people monitoring reports we report on age and gender only.

Advice & information

Our advice line offers the ContactScotland BSL interpretation service and The Big Word interpreter service when someone's first language is not English.

The Commission website is regularly updated to improve functionality and accessibility where and when required. The current site is and always will be a work in progress. We are committed to continually improving accessibility.

We also provide advice to access AbilityNet to make using devices easier for those for whom this is indicated.

We have produced an Accessible Communications Strategy 2025-28, which will make it easier for our audiences to access and process our information:

- people with mental illness, learning disabilities, dementia, and related conditions)
- children and young people
- family members and carers
- professionals – medical staff, social workers, advocacy etc.

To accommodate the diverse needs of our audience, some of our publications are available in multiple formats, such as Easy Reads and video explainers. We are currently reviewing our extensive portfolio of publications to ensure the format of each publication is optimized for its intended audience.

This commitment extends to our social media channels, which are optimized for accessibility through the consistent use of subtitles with careful attention to their positioning and descriptive alt text.

How will we build on our work to date to achieve outcome 2?

We will:

- Strengthen our current visit information pack to ensure that all practitioners complete the equality monitoring form with each individual as far as possible. The form and the Commission's information management system will be updated to include additional responses, for example, prefer not to answer and person not well enough to complete to ensure that all necessary information is collected.
- Also update our visits questionnaires to ensure a question is added in relation to their rights and have they experienced any discrimination on any of the protected characteristics.
- Review our previous work on racial inequality and mental health in Scotland published in September 2021 and how this can be incorporated into our monitoring reports.
- Recognise that whilst completion of the equalities information under the mental health act is discretionary at this time, we can look at completion rates and develop a mechanism to improve responses.
- Scope with the Office of Public Guardian and link with the Court service to determine to what extent we can improve on Adults with Incapacity Act equalities data (age and sex only available at this stage).
- Develop data sets in relation to investigation referrals to the Commission's investigation group to determine and monitor inclusion across the protected characteristics.
- Scope ways in which we can strengthen investigations equalities information in relation to deaths in detention and homicides, as reported to the Commission.
- Review ways in which the Commission investigations evidence our commitment 'to the elimination of unlawful discrimination, harassment and victimisation'.
- Develop a business case to pilot the use of accessibility tools on our website so that our publications are accessible to everyone.
- Update our template for the production of good practice guidance to ensure that the author has considered the audience to which it applies.

Measures of success

- Improvement in equalities information contained within our monitoring reports.
- Equality forms were provided/used where possible for each or at least 80% of visits.
- Tools in place to support translation of our work on our website.

Equality Outcome 3

We will further develop our working partnerships with organisations who work with marginalised groups to ensure mutual learning and awareness of the work and support the Commission can provide.

Where are we now

The Scottish Mental Health Law Review (page 83) suggested that the “Commission should strengthen the involvement of people with lived experience in our management, staffing and wider engagement, and should have responsibility to cooperate with collective advocacy organisations”.

Advisory Committee

We are currently looking at options to extend and strengthen the involvement of people with lived experience within the Advisory Committee.

Membership of the Commission’s Advisory Committee is open to membership organisations and professional bodies with a demonstrable commitment to supporting people and carers of people with mental illness, learning disabilities, dementia and related conditions at local, regional or national levels in Scotland who share our values.

At present we have 31 organisations on our Advisory Committee.

To help us have a clearer understanding of the members of the Advisory Committee we have undertaken a profile survey which has been sent out to all members. The profile information will provide us with a description of the membership of their organisation and who they represent at the Advisory Committee.

This will assist us to identify who we have on the Advisory Committee and if there are any gaps.

Depending on the results of the profile survey we may need to advertise to recruit to our Advisory Committee.

Engagement & participation

Our engagement and participation team have attended various events across Scotland to engage proactively with less represented groups, e.g. Young Carers Festival, Oban Pride, Alzheimer Scotland, BiPolar Scotland and the Carers Parliament.

Members of our executive team have made links with independent advocacy partners and regular meetings have been set up to build on existing collaboration e.g. regular meetings with VOX, and Perth and Kinross Independent Advocacy service.

How will we build on our work to date to achieve outcome 3?

- We will work with the organisations on our Advisory Committee, in the first instance, to map out what the organisations need from the Commission (within its roles and responsibilities) and develop a plan on how we take this forward.
- We will take forward the outcome of our options appraisal, to develop opportunities for further inclusion of voices of experience beyond the current membership of the advisory committee.
- We will review our visiting work and maximise the inclusion of a range of views when undertaking local visits, e.g. peer support service/independent care provider.
- We will extend our partnerships with collective advocacy providers.

Measures of success

- The membership of the Advisory Committee will be more inclusive and more representative as a result of the actions taken above.
- We will have a range of plans to engage with wider audiences to include local roadshows, surveys, virtual meetings etc.
- Our links with collective advocacy services will inform our visits and work priorities.

Reviewing our progress

The reporting schedule for the Commission has been set as Schedule A, detailed as:

(1) Due no later than every two years from April 2013 or from the date last published:

- report on mainstreaming the equality duty
- publish equality outcomes (four years) or report on progress (two years)
- employee information report

Our previous equality outcome plan was published in April 2021 and our final progress report against these was published in November 2025.

(2) Due no later than every two years from April 2013:

- gender pay gap information (From April 2013 to March 2016, this applied to authorities with 150 or more staff. From April 2017, it applies to authorities with 20 or more staff).

(3) Due no later than every four years from April 2013:

- publish statement on equal pay (As above, from April 2013 to March 2016, this applied to authorities with 150 or more staff. From April 2017, it applies to authorities with 20 or more staff).

Our current gender pay gap information was published August 2025 and includes an equal pay statement.

Governance of our equality plan

This equality plan is slightly later than planned but we will ensure that going forward we meet the agreed timescale for reporting, review and development.

The equality plan progress reports will be submitted to ELT on a six-monthly basis and annual reports submitted to the Board in April each year for the life of the equality plan.

Our progress reports will be published every two years in April 2028 and April 2030.

The measures of success will be added to our quality and performance report, which is submitted quarterly to ELT, six monthly to Audit, Performance & Risk Committee and annually to the Board.