

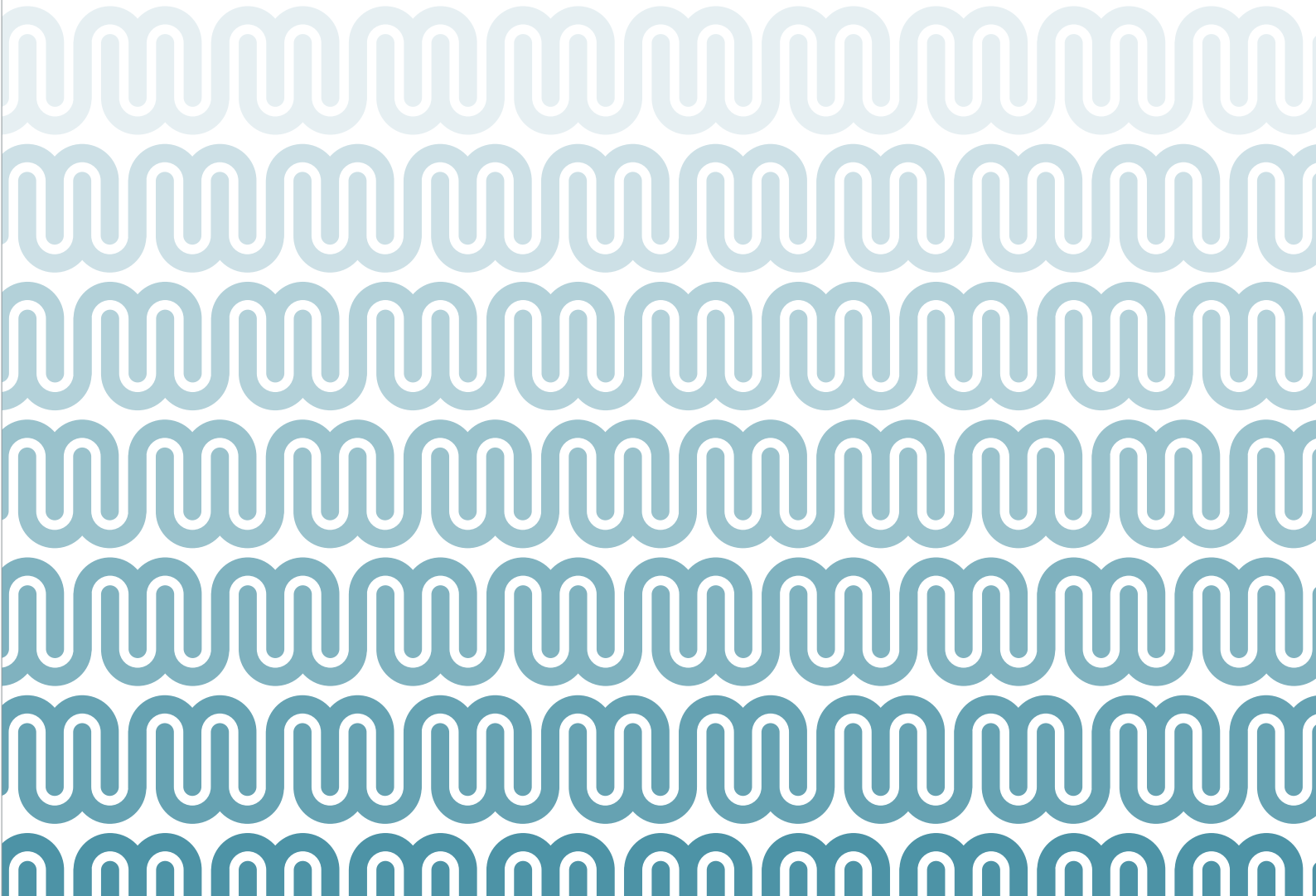


mental welfare
commission for scotland

Equality outcomes and how we plan to achieve them

Corporate document

March 2021



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

The Mental Welfare Commission for Scotland's core purpose is protecting and promoting the human rights of people with mental illness, learning disabilities, dementia and related conditions. Promoting equality and diversity is central to this work. We are committed to both the principles and the practice of equality and diversity.

We need to be sure that what we do reaches and is accessible to the full range of people. We see 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.

Sandy Riddell

Chair

1. Background

This document outlines our responsibilities under the Equality Act 2010 and the 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 4 years;
- Report progress on these and on mainstreaming the equality duty every 2 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; and

- Publish gender pay gap information every 2 years.

There are also duties to publish information about equal pay, occupations and gradings in relation to gender, race and disability every 4 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.

1.1 Our reporting

We have a duty to publish these new equality outcomes, and how we plan to achieve them, in April 2021. We will publish a report on what we achieved at the same time.

1.2 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 people with lived experience of mental ill health and as carers and 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 developed a strategic plan for 2020-22 which sets out the direction for the Commission over this period. 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.

2. Equality outcomes

The Equalities Group reviewed the Commission's existing three equalities outcomes in Autumn 2020 and drafted new outcomes. We consulted on these, and on actions to achieve them, with staff, the members of our Advisory Committee and through our Engagement & Participation Officer. The outcomes and the actions set out in this report take account of the feedback we received.

Our three revised outcomes are:

- **Outcome 1:** Our outward-facing work, including visits, investigations, active interventions, advice and guidance, monitoring, and the policies and planning that support this, 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.
- **Outcome 2:** We will continue to develop a workplace environment where all our staff are treated with dignity and respect, providing a supportive and inclusive workplace for all which promotes equality, diversity and inclusion.

We will have policies and practices that are fair and transparent and support a culture of diversity.

Through our recruitment process we will look to build a workforce that is representative of the population of Scotland.

- **Outcome 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 4 years, so these will be reviewed during 2024-25 and fresh set of outcomes published in April 2025.

Our actions towards these outcomes are outlined below, with an action plan in appendix 1.

3. Proposed actions – Outcome 1: Outward-facing work

Our outward-facing work, including visits, investigations, active interventions, advice and guidance, monitoring, and the policies and planning that support this, 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.

3.1 What we currently do

We changed our approach to monitoring protected characteristics of the people we visit in 2019-20, introducing an anonymous monitoring form to be filled in either by the individual or the practitioner. We did this because our previous monitoring was only in relation to age, gender and ethnicity and we wanted to try to ensure we reach other groups who may be particularly affected by mental ill health such as LGBT people. This anonymous monitoring was introduced after consultation with people who use services, who were more likely to respond to questions about sexuality and gender identity on a separate form which was not connected to their records. The gender question on the form includes an 'other' option for non-binary identities. During our visits we also ask if the individual has experienced discrimination in relation to any protected characteristics, unless the practitioner feels it is inappropriate to do so due to the individual lacking capacity or being too unwell. Introduction of the new anonymous monitoring form has been more challenging than expected, and it was not always completed for visits during 2019-20.

When we arrange local 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. We have offered rainbow lanyards to staff carrying out visits, as a symbol of LGBT inclusion.

We support services by providing good practice guidance on equalities issues, including on making mental health services LGBT inclusive, and on working with an interpreter in mental health services.

We updated our equality impact assessment process in 2020, developing a new integrated impact assessment procedure for use with all new policies and projects.

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

In 2020-21 we are carrying out a project analysing our functions and reporting with regard to Public Sector Equalities Duties as part of a themed project on the mental health needs of ethnically diverse communities.

Our website has accessible videos about who we are and what we do, including BSL translation and subtitles.

Our Advice line offers the ContactScotland BSL interpretation service.

In November 2020 the Equalities Group produced a comprehensive calendar of key equalities dates, such as awareness events, which we will use to guide our communications planning to enhance our reach.

3.2 How we will work towards this outcome

We will:

1. Improve use of equalities monitoring forms by supporting practitioners to use them routinely and requiring the number returned to be included in local visit reports. Target 95% returned. Monitor quarterly and review during 2021-22.
2. Analyse themed and local visits on an annual basis to review trends with regard to gender, age, ethnicity and sexual orientation and recommend action to eradicate any discriminatory trends identified.
3. Improve and broaden our approach to proactively seeking to reach under-represented groups/people with protected characteristics on visits.
4. Review engagement with diverse communities, including ethnically diverse communities, gypsy/travellers, refugees and asylum seekers, LGBT people, disabled people, older people.
5. Produce accessible and easy read information for people with learning disabilities/dementia about what we do and the purpose of our visit, including improving visit letters.
6. Engage with and make the Commission more accessible to children and young people through developing information materials and reviewing the modes we use; eg use of QR codes.
7. Introduce an interpretation service on the Advice Line.
8. Review the involvement of people with protected characteristics in advising on our work.

4. Proposed actions – Outcome 2: Promoting equality in employment

We will continue to develop a workplace environment where all our staff are treated with dignity and respect, providing a supportive and inclusive workplace for all which promotes equality, diversity and inclusion.

We will have policies and practices that are fair and transparent and support a culture of diversity.

Through our recruitment process we will look to build a workforce that is representative of the population of Scotland.

4.1 What we currently do

We have previously carried out a biennial staff survey which asks about staff experiences and opinions of the Commission as a workplace, together with monitoring of protected characteristics (anonymised) as part of this. However, this was last done in 2017, and due to lack of capacity we were unable to do this in 2019. In 2020 we carried out specific staff surveys in response to the change in working patterns due to the pandemic.

We provided Inclusive Leadership training to our Board and Executive in November 2020.

We reported on our gender pay gap in June 2018 and will do so again in 2020-21.

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 level 1 Disability Confident Employer accreditation, which means we are committed to employing disabled people, and will interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities. 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 signed up to the Scottish Government's 'Partnership for Change' in support of a gender balance of 50/50 by 2020. Our current Board has three men and 5 women.

4.2 How we will work towards this outcome

We will:

1. Publish gender pay gap information and a statement on equal pay in 2021-22.
2. Analyse recruitment monitoring forms on an annual basis and report to operational management group.
3. Provide equality and diversity training for recruiting managers and staff, using LearnPro, during 2021-22.
4. Carry out an anonymous staff equality monitoring questionnaire as part of each staff survey. Analyse staff data across all protected characteristics and publish restricted information, to maintain staff confidentiality. Compare with Scotland data to identify how representative our staff group is of the population of Scotland. We are not

required to do this due to the small size of the organisation, but it is good practice. We will carry out a full staff survey in 2022-23.

5. Monitor Board diversity across all protected characteristics and identify any key gaps.
6. Provide staff training on equalities issues involving input from equalities groups.
7. Involve a wide range of staff, across teams, in integrated impact assessments of our policies, and ensure the assessment reports are appended to all policies and project plans. Adapt Lothian LearnPro training on IIAs for our system.
8. Monitor staff equalities data on a voluntary basis via the new You Manage HR system into which people are able to enter their own data.
9. Consolidate our work on Disability Confident Employer accreditation and review advancing our level.
10. Review our approach to recruitment using the learning from flexible ways of working during the pandemic, to broaden the range of people who may be able to work for us.

5. Proposed actions - Outcome 3: Highlighting issues of equality in the use of mental health and incapacity legislation

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

5.1 What we currently do

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.

We previously had a policy of separating monitoring data on ethnicity from Mental Health Act forms, which meant analysis of the use of the Act by ethnicity was not possible. We consulted in 2017 and stopped separating this data. However, recording of ethnicity and postcode on Mental Health Act forms remains poor, which limits our ability to analyse it. In our last Mental Health Act Monitoring Report¹ we indicated that 9% of all 2018-19 detention forms were not accompanied by an ethnicity form. Of the ethnicity forms we did receive, 18% had missing information. In our report on young people who were detained², we found that ethnicity recording forms were missing for 18% of STDCs and EDCs in young people.

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

5.2 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.
3. Continue to work with health boards to improve recording of ethnicity and postcodes to allow for analyses of differences relating to inequalities.
4. Redesign detention forms to better highlight equalities monitoring as part of the IMP database upgrade project, to include:
 - a. Improved ethnicity monitoring
 - b. Inclusion of non-binary gender identities
5. Review how we can improve the monitoring of equalities characteristics in relation to AWI.
6. Carry out a project on ethnically diverse communities.

¹ Mental Welfare Commission for Scotland. *Mental Health Act Monitoring Report 2018–19*. <https://www.mwscot.org.uk/sites/default/files/2019-11/MHA-MonitoringReport2019.pdf>

² Mental Welfare Commission for Scotland. *Characteristics of young people detained under the Mental Health Act in Scotland 2015-19*. https://www.mwscot.org.uk/sites/default/files/2020-10/YoungPeopleDetainedUnderMHA_October2020.pdf

Ethnically diverse communities project

As part of a commitment to explore how individuals from ethnically diverse communities experience mental health difficulties and access to services, the Commission is carrying out a project during 2020-21:

- To identify experiences, the barriers and problems that people from an ethnic minority with lived experience of mental health difficulties and illness and their carers experience in accessing and receiving support from mental health services and advocacy services.
- To identify training offered and accessed to professionals and the perceived challenges to services and the professionals working within these in ensuring access to services and support for people from ethnic minorities and how are these met.
- To identify and report on what organisations that deliver mental health services in Scotland have done to include diversity at senior levels and whether this reflects the diversity through the organisation and the population the organisation serves.
- To identify all areas that we report on and consider diversity reporting against equalities and human rights frameworks and consider the mechanisms in our activity at the Commission to ensure that diversity and inequalities is now reported on routinely.
- To consider how well the functions of the Commission in terms of visiting, the advice line, and investigations work are discharged for ethnic minority groups.
- To consider how to create a climate for sustainable change across the Commission's functions.

We are also looking more closely at how well we record and report on ethnicity and at gaps in our data. To date, this has resulted in some specific actions:

- Engagement with medical records administrators to gain a better understanding of why there are some gaps in returns of ethnicity forms with detentions forms.
- Reminder sent to medical records to ensure that the most recent detentions forms and ethnicity forms are being used and returned.
- Plans to undertake scoping work with doctors to gain a better understanding of why forms may not be completed.
- Improvements to the SQL code to utilise any ethnicity data returned for an individual which has decreased blanks in recent reports (detention of young people report – went from 45% to 18% missing).
- Review of missing forms collected by Commission practitioners and amendments made to forms and processes with the aim to improve completion rates.

- Internal discussions and reminders of the importance of completing information relating to ethnicity to our overall equalities monitoring and organisational aims.
- Plans to undertake a project looking at ethnicity of individuals detained under the Act over the last ten years along with rates of data gaps to explore progress over time.

6. Consulting and involving

The Equalities Group will report on progress and consult with staff where appropriate.

We will continue to consult our Advisory Committee and with lived experience and carer groups, proactively including minority groups, in relation to achieving our equalities outcomes.

We will discuss our review of our equalities objectives with the Advisory Committee during 2024-25.

7. Evaluation, review and assessment

The Commission's Equalities Group will prepare an annual report on progress on this plan and related equalities work for the Operational Management Group (OMG). This will include information from Human Resources on recruitment equality statistics, training etc as outlined above.

The OMG will report to the Board annually.

Appendix 1: Action plan

Outcome 1	Target date
1. Improve use of equalities monitoring forms by supporting practitioners to use them routinely and requiring the number returned to be included in local visit reports. Target 95% returned. Monitor quarterly and review during 2021-22.	2021-22
2. Analyse 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.	2022-23
3. Improve and broaden our approach to proactively seeking to reach under-represented groups/people with protected characteristics on visits.	2021-22
4. Review engagement with diverse communities, including ethnically diverse communities, gypsy/travellers, refugees and asylum seekers, LGBT people, disabled people, older people.	2022-23
5. Produce accessible and easy read information for people with learning disabilities/dementia about what we do and the purpose of our visit, including improving visit letters.	2021-22
6. Make the Commission more accessible to children and young people through developing information materials and reviewing the modes we use; eg use of QR codes.	2022-23
7. Introduce an interpretation service on the Advice Line.	2022-23
8. Review the involvement of people with protected characteristics in advising on our work.	2021-22

Outcome 2	
1. Publish gender pay gap information and a statement on equal pay in 2021-22.	2021-22
2. Analyse recruitment monitoring forms on an annual basis and report to operational management group.	2021-22 and ongoing
3. Provide equality and diversity training for recruiting managers and staff, using LearnPro, during 2021-22.	2021-22
4. Carry out an anonymous staff equality monitoring questionnaire as part of each staff survey. Analyse staff data across all protected characteristics and publish restricted information, to maintain staff confidentiality. Compare with Scotland data to identify how representative our staff group is of the population of Scotland. We are not required to do this due to the small size of the organisation, but it is good practice. We will carry out a full staff survey in 2022-23.	2022-23
5. Monitor Board diversity across all protected characteristics and identify any key gaps.	2021-22
6. Provide staff training on equalities issues involving input from equalities groups.	Ongoing
7. Involve a wide range of staff, across teams, in integrated impact assessments of our policies, and ensure the assessment reports are appended to all policies and project plans. Adapt Lothian LearnPro training on IIAs for our system.	2021-22
8. Monitor staff equalities data on a voluntary basis via the new You Manage HR system into which people are able to enter their own data.	2022-23
9. Consolidate our work on Disability Confident Employer accreditation and review advancing our level.	2021-22
10. Review our approach to recruitment using the learning from flexible ways of working during the pandemic, to broaden the range of people who may be able to work for us.	2021-22

Outcome 3	
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	2021-22
2. Mainstream the publication of equalities information in our monitoring reports.	2021-22
3. Continue to work with health boards to improve recording of ethnicity and postcodes to allow for analyses of differences relating to inequalities.	Ongoing
4. Redesign detention forms to better highlight equalities monitoring as part of the IMP database upgrade project, to include: <ul style="list-style-type: none"> a. Improved ethnicity monitoring b. Inclusion of non-binary gender identities 	2022-23
5. Review how we can improve the monitoring of equalities characteristics in relation to AWI.	2022-23
6. Carry out a project on ethnically diverse communities.	2020-21

Appendix 2: Integrated Impact Assessment (IIA)

Summary IIA report template

Interim report

Final report

1. Title of plan, policy or strategy being assessed

Equality outcomes and how we plan to achieve them

2. What will change as a result of this proposal?

Strengthen the Commission's approach to equality across all areas of our work.

3. Briefly describe any engagement around this proposal to date and planned

Consulted on draft new outcomes, and on actions to achieve them, with staff, the members of our Advisory Committee and through our Engagement & Participation Officer during November 2020.

4. Date of IIA

15 December 2020

5. Who was present at the IIA? Identify facilitator, project lead, report writer

Name	Job title	Role
Kate Fearnley	Executive Director (Engagement & Participation)	Facilitator & report writer
Dougie Seath	Nursing Officer	Participant
Leona Irvine	Hearings Coordinator	Participant
Jackie Rose	HR Officer	Participant

6. Evidence available at the time of the IIA

Evidence	Available?	Comments: what does the evidence tell you?
Monitoring data	Yes	As discussed in the plan, we can improve our equalities monitoring
Research/literature evidence		
Lived experience/ carer evidence		
Good practice guidelines		
Other (specify)		
Additional evidence required		

7. In summary, what impacts were identified and which groups will they affect?

Equality & human rights	Affected populations
Positive	The overarching purpose of the plan is to enhance equality in our work in protecting human rights. The plan should have a positive impact through improving equity of access.
Negative	<p>No negative differential impacts of the plan itself were identified, but we identified some areas where additional actions would be helpful, and have adapted the plan to include these:</p> <ul style="list-style-type: none"> • Older people – we already include older people’s services in our visit programme but access may be more difficult eg to advice line or visits, due to sensory impairment, poor mobility, difficulty with online access/technology, isolation. Some access via proxies eg carers, advocacy. <i>Added older people to Outcome 1, item 2 action on reviewing our engagement.</i> • Young people and children - we may seem irrelevant or unapproachable to children and young people; risk that they do not seek our involvement. Enhanced Outcome 1 item 6 to include looking at modes of communication for young people. • Trans and non-binary people - risk of misgendering trans people due to lack of expertise in staff eg asking about pronouns. <i>Addressed in training action.</i> Lack of ability to record non-binary gender on MHA forms & IT system. <i>Added action to review MHA forms gender monitoring to Outcome 3, item 6.</i> • Minority ethnic people - risk that staff fail to understand cultural issues. <i>Already addressed via plan to review engagement; ethnically diverse communities project; training. Routinely involve interpretation services where required.</i> • Refugees and asylum seekers - risk that we fail to reach this group or fail to understand barriers to their accessing mental health services. <i>Added refugees and asylum seekers to Outcome 1, item 2 action on reviewing our engagement.</i> • Lesbian, gay and bisexual people - risk that staff fail to understand cultural issues. <i>Addressed via training and plan to review engagement.</i>
Geographical communities	
Positive	No differential impact. Actively visit island and rural services.
Negative	
Staff	
Positive	Outcome 2 actions should have positive impact on staff equalities
Negative	
Environment and sustainability	
Positive	No impact
Negative	

8. Consider how you will communicate information about this policy. Who needs to be made aware? How will you communicate it to groups with specific communication needs? Please provide a summary of the communications plan.

Once OMG and Board have agreed the outcomes plan:

- Circulate to all staff
- Member of the Equalities Group will attend staff meetings to discuss the outcomes and actions and ensure staff understand their role in achieving the outcomes.

9. Additional information and evidence required? If so, how will it be gathered? If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

10. Recommendations

The IIA findings have been incorporated in the draft plan.

11. Action plan

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take forward?	Deadline for progressing	Review date

12. How will you monitor how this policy, plan or strategy affects different groups, including people with protected characteristics?

Biennial report required by equalities legislation.

13. Sign off by Executive lead

Name Kate Fearnley

Date 15 December 2020

14. Date to go to OMG (normally with the policy, plan or strategy)

Date 19 January 2021



Mental Welfare Commission for Scotland
Thistle House,
91 Haymarket Terrace,
Edinburgh,
EH12 5HE
Tel: 0131 313 8777
Fax: 0131 313 8778
Freephone: 0800 389 6809
mwc.enquiries@nhs.scot
www.mwscot.org.uk
Mental Welfare Commission 2021