



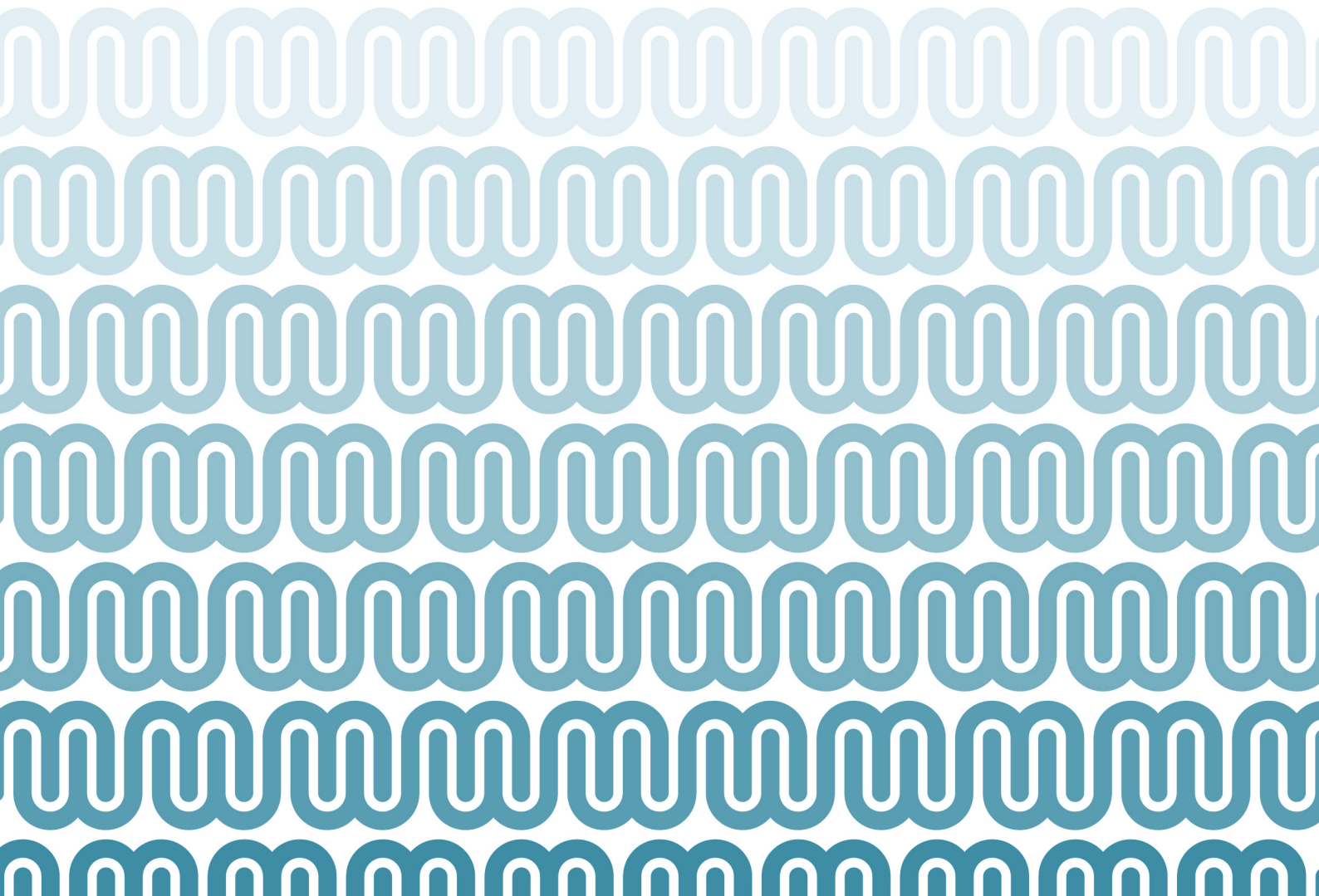
**mental welfare**  
commission for scotland

# **Equality outcomes and mainstreaming progress report 2023**

Corporate document

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July 2024



# 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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# 1. Background

The Commission has 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

We must publish equality outcomes at least every four years and report our progress on these and on mainstreaming the equality duty, including employee equalities and gender pay gap information, at least every two years.

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.

In 2021 we published the documents:

[Equality outcomes and how we plan to achieve them](#)

[Equality outcomes mainstreaming progress report](#)

## 2. Equality outcomes

In 2021 we set out three equality outcomes:

**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.

This report sets out our progress against these outcomes.

We have a duty to publish equality outcomes every four years, so these will be reviewed during 2024-25 and fresh set of outcomes published in April 2025.

We intend to work on the outcomes that remain incomplete over the 2024-25 year.

### 3. What we said we would do and what we did

**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 1 actions	Target	Progress and forward actions	Status
<p>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.</p> <p>2. Monitor quarterly and review during 2021-22.</p>	<p>2021-22  (revised to 2022-23)</p>	<p>We introduced a new <i>anonymous</i> equalities monitoring form during 2019-20, to enable us to ask about a wider range of protected characteristics. However, there were significant teething problems with the use of the new form, both administratively and in ensuring consistent use by practitioners. Although age and gender information remained available from the main visit form, the information on ethnicity fell significantly. The <i>anonymous</i> form allowed collection of information on gender identity and sexual orientation for the first time.</p> <p>In 2022/23 we reversed this process as we noted that the anonymisation (i.e. separating the demographic monitoring from the wider monitoring form) was leading to more incomplete data and our monitoring data was falling.</p> <p>The forms have now been 'reattached'. We intend to move the demographic queries to an earlier section of the form to facilitate the completion of these.</p> <p>We have undertaken that we will analyse who we visit. The next step is to add data to a report summarising our local visiting reports on an annual basis.</p>	<p>Incomplete</p>

<p>3. 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.</p>	<p>2022-23</p>	<p>As above. Not achieved in 2022/23</p>	<p>In progress</p>
<p>4. Improve and broaden our approach to proactively seeking to reach under-represented groups/people with protected characteristics on visits.</p>	<p>2021-22</p>	<p>This action was non-specific and difficult to evidence.</p> <p>The actions in point 6 below around 'inclusive communication' cover aspects of this outcome.</p> <p>Our extended engagement to is evidenced in our 2023-24 business plan.</p>	<p>Progressed</p>
<p>5. Review engagement with diverse communities, including ethnically diverse communities, gypsy/travellers, refugees and asylum seekers, LGBT people, disabled people, older people.</p>	<p>2022-23</p>	<p>As above. Evidenced by our report <a href="#">Engagement and participation strategy</a>.</p> <p>Efforts to attend events with groups that have not been as visible in Commission activity.</p>	<p>Complete</p>
<p>6. 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.</p>	<p>2021-22 (2023-24)</p>	<p>The executive director (social work) who leads the engagement and participation programme worked with the executive director (nursing) who leads the visiting programme to incorporate 'inclusive communications' as part of the current review of visiting.</p> <p>This has extended to QR codes, letters and posters developed based on the needs of the population being visited and using dementia friendly communications. Posters bespoke for CAMHS have been created.</p>	<p>Progressed</p>

<p>7. Make the Commission more accessible to children and young people through developing information materials and reviewing the modes we use; for example use of QR codes.</p>	<p>2022-23</p>	<p>The QR code action is complete</p> <p>Our Children’s Rights report was informed by children and young people including some illustrations.</p>	<p>Complete</p>
<p>8. Introduce an interpretation service on the Advice Line.</p>	<p>2022-23</p>	<p>A scoping exercise has been undertaken to source available interpreter services across Scotland. The Commission is liaising with NHS Lothian interpreter services to ensure access. Interpreter services have been accessed when required.</p> <p>The Commission has liaised with Global Connect for translation of material related to the investigations process.</p> <p>Mr E (2024) is an example where letters and the easy read version of the report were translated into an alternative language.</p>	<p>Complete</p>
<p>9. Review the involvement of people with protected characteristics in advising on our work.</p>	<p>2021-22</p>	<p>We considered progressing this action through monitoring the characteristics of the Commission’s Advisory Committee. However, this raised data protection challenges. This action is therefore not being progressed.</p>	<p>Not progressed</p>



**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 2 actions	Target	Progress	Status
1. Publish gender pay gap information and a statement on equal pay in 2021-22.	2021-22	<p>The Commission’s overall gender pay gap at March 2021 was 14.09%. (This figure gives the difference between men’s and women’s pay as a proportion of men’s pay).</p> <p>The Commission’s overall gender pay gap at March 2017 was 26.10% so there has been an improvement since this time.</p> <p>A further draft report for 2023 has been prepared for publication and will be published alongside this report.</p>	Complete
2. Analyse recruitment monitoring forms on an annual basis and report to operational management group.	2021-22 and then ongoing	First Report was to be submitted to ELT by end November 2022. Difficulties with HR resource, identifiability limited ability to progress this.	Not progressed
3. Provide equality and diversity training for recruiting managers and staff, using LearnPro, during 2021-22.	2021-22 and then ongoing	<p>Training has been rolled out across Board members and the executive leadership team so far.</p> <p>Progressing now to senior managers. Appropriate recruitment training is being scoped through the actions arising from the Learning Needs Analysis</p>	Complete

<p>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.</p>	<p>2022-23</p>	<p>Following the adoption of You manage, an HR software programme, staff have been able to populate the data themselves.</p> <p>Due to the size of the Commission publication of this data would lead to identification of individuals.</p>	<p>Complete</p>
<p>5. Monitor Board diversity across all protected characteristics and identify any key gaps.</p>	<p>2021-22</p>	<p>Board diversity across gender (as required) is recorded.</p> <p>We are not progressing the action against recording against all protected characteristics due to data protection concerns.</p>	<p>Complete</p>
<p>6. Provide staff training on equalities issues involving input from equalities groups.</p>	<p>Ongoing</p>	<p>We have an Equality &amp; Diversity Rights (Foundation)' module on LearnPro that is mandatory for all staff.</p>	<p>Complete</p>

<p>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.</p>	<p>2021-22</p>	<p>We have adopted an IIA tool from a local Health Board. All new and revised policies are required to have an associated IIA.</p> <p>We are currently scoping further templates from other organisations that are similar to the Commission to identify any other templates. Once this template is agreed, we will organise training on completion of the new template.</p>	<p>Incomplete</p>
<p>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.</p>	<p>2022-23</p>	<p>As above.</p>	<p>Complete</p>
<p>9. Consolidate our work on Disability Confident Employer accreditation and review advancing our level.</p>	<p>2021-22</p>	<p>The Commission has Disability Confident employer accreditation.</p>	<p>Complete</p>
<p>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.</p>	<p>2021-22</p>	<p>We completed recruitment interviews via MS Teams &amp; we have added hybrid working details to our job adverts.</p>	<p>Complete</p>

**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.

Outcome 3 actions	Target	Progress	Status
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	The Mental Health Act report now provides detailed analysis of breakdown by ethnicity routinely.	Complete
2. Mainstream the publication of equalities information in our monitoring reports.	2021-22	As above	Complete for mental health act monitoring report but not for CYP or AWI 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.	Ongoing	<p>Work undertaken following the race inequality report. Communications progressed on the requirements around the completion to the Royal College of Psychiatrists.</p> <p>Through data-cleansing and matching activities a higher degree of postcode data has also been matched to provide sufficient reliability of the relationships we describe between deprivation (based on postcodes) and detention.</p>	Complete

<p>4. Redesign detention forms to better highlight equalities monitoring as part of the IMP database upgrade project, to include:</p> <ul style="list-style-type: none"> <li>a. Improved ethnicity monitoring</li> <li>b. Inclusion of non-binary gender identities</li> </ul>	<p>2022-23</p>	<p>Action on ethnicity progressed through working with stakeholders to increase recording.</p> <p>Working with Scottish Government and other stakeholders the action on including non-binary genders was completed in October 2023 and the MHA forms now contain these.</p>	<p>Complete</p>
<p>5. Review how we can improve the monitoring of equalities characteristics in relation to AWI.</p>	<p>2022-23</p>	<p>Carried forward to 2023-24 as above.</p>	<p>Delayed</p>
<p>6. Carry out a project on ethnically diverse communities.</p>	<p>2020-21</p>	<p>The Commission published a comprehensive report on race inequality and mental health services in Scotland in late 2021. An associated Closure report was published in late 2022 describing the progress made by relevant organisations that we had made recommendations with.</p>	<p>Complete</p>



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