

## Equality Duties 2013

**Report to:** Board

**Date:** 21 March 2013

**Report by:** Lisa Kirkbride, Professional Adviser Equalities & Involvement

**Report No:** B-08-2013

**Agenda Item:** 14

### **PURPOSE OF REPORT**

To advise members of progress made towards meeting the public sector equality duty and the specific duties for listed public authorities in Scotland.

### **RECOMMENDATIONS**

That the Board:

1. Notes the work of the Equality Project 2013 and agree to an on-going programme of work to monitor progress and ensure Care Inspectorate equality duties are met over the next six years.
2. Agrees to the publication of our mainstreaming equality report, employee information and equality outcome statements.

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**Version Control and Consultation Recording Form**

Version	Consultation	Manager	Brief Description of Changes	Date
2.0	Senior Management	Karen Anderson		28/02
	Legal Services			
	Resources Directorate			
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			
<b>Equality Impact Assessment</b>				
To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.				
Policy Title:		Equality mainstreaming report Employment Information in relation to equal pay and occupational segregation Equality outcome statements		
Date of Initial Assessment:		February 2013		
EIA Carried Out		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy				
If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required.		Name: Lisa Kirkbride  Position: Prof Adviser, Equalities & Involvement		
Authorised by Director	Name: Karen Anderson	Date:4/3/13		

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## 1.0 CORPORATE PLAN REFERENCE

The information provided in this report links closely with Outcomes 1-3:

1. The quality of services in Scotland is improving
2. People understand the quality of service they should expect and have a good experience of services centred on their needs, rights and risks
3. The Care Inspectorate performs effectively and efficiently as an independent, scrutiny and improvement body and works well in partnership with other bodies

The Information provided in this report demonstrates adherence to our duties under The Public Services Reform (Scotland) Act 2010 of

- user focus
- co-operation and to
- share effective practice

## 2.0 BACKGROUND TO EQUALITY DUTIES IN SCOTLAND

**2.1** The Equality Act 2010 sets out duties for listed public authorities, including the Care Inspectorate, in relation to equalities. Section 149(1) defines the Public Sector Equality duty which sets out our responsibility to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who have a protected characteristic with those who do not share that characteristic. Chapter 1, Part 2, section 4 defines different groups with protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**2.2** The Equality Act 2010 (Specific Duties) (Scotland) Regulations ( the regulations) are designed to help public authorities develop better policies and practices, improve transparency and accountability, and deliver better outcomes for everyone in Scotland. They came into force on 27 May 2012 and set out our duties to produce and publish specific equality information not later than 30 April 2013 and regularly thereafter until 2019.

**2.3** To meet the duties we have taken account of Equality and Human Rights Commission Guidance. This states that the mainstreaming report and outcome statements must show due regard to all of the protected characteristics.

## 3.0 MEETING THE (SPECIFIC DUTIES) (SCOTLAND) REGULATIONS

**3.1 Regulation 3** - report progress on mainstreaming the public sector equality duty by April 30 2013 and again within every two years after that.

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We developed a report to detail Care Inspectorate progress on mainstreaming the public sector equality duty between April 2011 and February 2013.

**See Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013.**

- 3.2 Regulation 4** - publish equality outcomes by April 2013 and report progress by April 2015 and again within every two years after that

We took account of EHRC guidance on equality outcomes to develop equality outcomes aligned with our corporate plan objectives. Equality outcomes may require to be reviewed when the corporate plan outcomes are reviewed to ensure continued alignment.

Areas for improvement identified within the mainstreaming report have been used to develop a detailed action plan. This will be used to actively monitor and measure how we progress the public sector equality duty and move towards achieving our equality outcomes.

The action plan is a living document which will be developed as focussed equalities work progresses and as new equality evidence becomes available. Further work on the action plan will be carried out to link action with existing quality and key performance indicators.

**See Appendix 3 Care Inspectorate Equality Outcomes 2013 - 2017**

- 3.3 Regulation 5** - assess and review policies and practices. Equality Impact Assess (EIA) all new and revised policies and practices. Publish EIAs and demonstrate monitoring of impacts. We have reported how we meet this regulation in the mainstream report.

**See Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013. Section 5.2**

- 3.4 Regulation 6** - gather and use employee information to better perform the equality duty. Yearly breakdowns on this information must be reported in the mainstreaming report.

We have reported Care Inspectorate employee information in the mainstreaming report and in full with data as an appendix to the mainstreaming report.

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**See Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013. Section 5.2 and**

**Appendix 2 Care Inspectorate Employment Information January 2012 - February 2013**

- 3.5 Regulation 7** – publish gender pay gap information by 30 April 2013 and within every two years after that.

This information is reported in the mainstreaming report. The report on employment information shows the basis of our analysis.

**See Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013. Section 5.2 and**

**Appendix 2 Care Inspectorate Employment Information January 2012 - February 2013**

- 3.6 Regulation 8**- publish statements on equal pay and occupational segregation by April 30 April and within every four years after that

Policy statements on equal pay and occupational segregation are reported in the mainstreaming report and the employment information report. Although the regulations do not require us to publish information on equal pay and occupational segregation for race and disability until April 2017, we currently hold this information and have included statements in the employment information report.

**See Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013. Section 5.2 and**

**Appendix 2 Care Inspectorate Employment Information January 2012 - February 2013**

- 3.7 Regulation 9** - consider award criteria and conditions in relation to public procurement.

**This regulation is met within Appendix 1 Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013. Section 4.4**

- 3.8 Regulation 10**- publish in a manner which is accessible to the public

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Discussion has taken place with the Care Inspectorate Communications team to ensure publications will be accessible in a full range of formats and languages including easy read.

**3.9** A timetable of equality reporting duties until 2019 is set out in Appendix 4

#### **4.0 EQUALITY PROJECT REFERENCE GROUP**

**4.1** Lead by the Professional Adviser Equalities and Involvement, a group of staff from across the organisation met together four times to collaborate on the equalities work. This supported quality of information gathering and analyses, and awareness raising with staff teams about the work of the group, the public sector equality duty and the protected characteristics.

#### **5.0 CONSULTATION WITH EQUALITY GROUPS**

**5.1** We have written to over 200 equality groups across Scotland to inform them about our equalities work and to request their involvement through consultation. To date 70 of these groups have confirmed their willingness to do so.

**5.2** The specific duties require us, in preparing and publishing a mainstreaming report and set of equality outcomes, to consider relevant evidence relating to people who share a relevant protected characteristic and any person who appears to the authority to represent the interests of those people. We have firmly integrated information provided by equality groups representing all of the protected characteristic groups throughout our equalities work.

**5.3** We attended two meetings hosted by the Council of Ethnic Minority and Voluntary Organisations for scrutiny bodies, working to foster good relations between ethnic groups.

#### **6.0 CO OPERATION WITH PARTNER LISTED AUTHORITIES**

**6.1** To engage with other listed authorities in developing equality evidence gathering and reporting processes, we attended meetings held by the EHRC on equality impact assessments, equality outcome statements and meeting the public sector equality duty. We attended a seminar hosted by the Crown Office and Scottish Government Equality Unit to hear about progress across the public sector on meeting the specific duties and have continued as a regular member of the non departmental public body equality forum.

**6.2** We are leading joint work with Education Scotland, Health Improvement Scotland and the Scottish Social Services Council, to develop a shared approach to the way we progress and report on our equality work.

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- 6.3** We attended two meetings hosted by the Council of Ethnic Minority and Voluntary Organisations for scrutiny bodies, working to foster good relations between ethnic groups.

**7.0 STAFF INVOLVEMENT**

We used a staff survey based on the protected characteristics and public sector equality duty to evaluate equality in the work we do and to ask the question 'How can we improve?'.

Strengths and gaps in our equality work identified by staff have been used to inform our mainstreaming report and equality outcomes.

**8.0 RESOURCE IMPLICATIONS**

Most actions identified within the action plan will be progressed within existing work streams. Lead by the Professional Adviser Equalities and Involvement, a small group of staff from across all directorates will meet regularly to further develop, monitor and progress the action plan and equality reporting work.

**9.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS**

- 9.1** Our commitment to people who use services and carers from all of the protected characteristic groups is clearly demonstrated throughout our mainstreaming report and equality outcome statements.
- 9.2** By fulfilling the public sector equality duty we ensure our policies and practices are fair and equitable for all people who use care, support and social work services.
- 9.3** Many of the equality activities highlighted in the mainstreaming report give people with protected characteristics who use care services and carers an opportunity to inform the work we do, help us to develop our practices and lead the way in best practice for care providers. This, in turn, leads to improvements in the quality of Scotland's care and social work services.

**10.0 CONCLUSION**

- 10.1** Good progress has been made by the equality project 2013. Within the mainstreaming report, employment information and equality outcome statements we meet the specific duties and clearly demonstrate progressive steps towards meeting the public sector equality duty. The equality statements and action plan will ensure that the Care Inspectorate continue to build on these strong foundations and develop inclusive partnerships with equality groups representing all people irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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Continued active consideration of equality through evidence and involvement will help improve the quality of services, make them more responsive to the needs of those affected by protected characteristics, and lead to better outcomes.

**LIST OF APPENDICES**

- Appendix 1**      **Equality for All People; Fairer Care, Support and Social Work Services In Scotland Progressing the Public Sector Equality Duty 2011 – 2013**
- Appendix 2**      **Care Inspectorate Employment Information January 2012 - February 2013**
- Appendix 3**      **Care Inspectorate Equality Outcomes 2013 - 2017**
- Appendix 4**      **Timetable of equality reporting duties until 2019**