EQUALITY FRAMEWORK

Foreword from the Presiding Officer and the Clerk/Chief Executive

Welcome to the SPCB’s Equality Framework. This Framework demonstrates our commitment to equality and our actions to further advance equality in the Scottish Parliament. As one of the Parliament’s four founding principles, equality is at the heart of our organisation. The SPCB recognises that everyone should have an equal opportunity and where there are barriers to participation, the SPCB will take steps to remove these so that no one is excluded from the activities of the Parliament and that people from all walks of life have the opportunity to engage, freely without discrimination, with its Members and staff. As a legislature, there is an expectation that we should be exemplary in our commitment to equal opportunities. With this in mind, it is our aspiration to have equality firmly rooted in everything that we do and integral to our working practices.

Since the Framework was first established in 2003, the SPCB has made a significant contribution to the advancement of equality and, in light of this success, has encouraged staff to bring about change by making a positive difference for those groups most likely to be disadvantaged. However, taking action to deliver our commitment still brings with it many challenges.

With the coming into force of the Public Equality Duty in April 2011, the time was right for us to refresh the Framework to take account of our legal obligations and the challenges of continuing to deliver high quality parliamentary services against a backdrop of a 15% real term reduction in our controllable budget to 2014/15.

The SPCB is proud of its progress on equality and the Framework sets out how we will build on this success over the course of the next parliamentary session. We look forward to the years ahead in supporting a Parliament that is accessible and equal to all.

Tricia Marwick
Presiding Officer and Chair of the Scottish Parliamentary Corporate Body

Paul Grice
Clerk/Chief Executive
Introduction

There are two main drivers to the Equality Framework. Firstly, the importance of having a culture where everyone feels valued and respected and can contribute freely without fear of being judged because of a personal characteristic. Secondly, the need to deliver accessible services, by recognising the diversity of people’s needs so that everyone can experience, and take part in the activities of the Parliament.

The SPCB has legal obligations under the Equality Act 2010 and we have made every effort to ensure that the Framework is aligned to the principles of the Equality Act. The Framework has been designed in such a way as to focus on the real issues that face us as an organisation and comprises two elements:

- A Strategy for Equality; and

Our Strategy for Equality makes our commitment a reality, whilst the Single Equality Action Plan sets out the SPCB’s current practice highlighting our achievements along with the objectives we intend meeting for the future delivery of equality. The aim is to combine these two elements together to create a culture where equality becomes integral to every aspect of our working lives. It is essential that we continue to monitor the effects of what we have put in place so that we are confident about the action taken and the positive impact made on Members, their staff, parliamentary service staff and members of the public – the strategy sets out how we will monitor and report on our progress.
STRATEGY FOR EQUALITY

Background

As a legislature, there is a public expectation that we should be exemplary in our commitment to equality. Everyone should be able to access the Parliament and its functions and it is our responsibility to make this happen. This is why equality is at the heart of everything we do, and we expect the principle of best practice to be embraced by all our staff.

Equality should not be considered as an added burden, but recognised as having a positive impact on our day to day business. Ultimately, proper consideration of equality issues will result in better-informed decision making and minimise the level of risk, should things go wrong. This is what we aim to strive towards and we have already made positive steps towards achieving this culture. We are open to change and fully engage with the people who are most likely to be affected – this is Members, their staff, Scottish Parliamentary Service staff, and members of the public. Our culture is one that allows people to challenge decisions, to avoid any complacency or hidden acceptance of behaviours or practices which are contrary to our values of equality and respect. An example of our track record in this regard is the Dignity at Work Policy (which forms part of the Equality Framework) that sets out how we deal with conduct and behaviour that is unacceptable to the SPCB.

The Parliament is committed to going beyond the minimum statutory requirements, dating back to the creation of the original Framework for Equality in 2003, and has already proven to be successful in delivering an exemplary Framework for equality. Since it was first introduced in 2003, we have enhanced a number of policies and services by improving access and taking account of the diversity of protected equality groups. An example of our exemplar approach is the Responsible Purchasing Strategy which incorporates a commitment to equality and has created fair and robust procurement practices for the organisation.

At a corporate level, equality has been championed from the very top of the organisation. Strong leadership from the Clerk/Chief Executive and Assistant Clerk/Chief Executives (AC/CEs), who have actively supported the implementation of this Framework, has led to a greater commitment from the rest of the organisation. For example, the equality impact assessment process was advocated by the AC/CEs and has resulted in staff embracing this process as part of their normal day-to-day practice.

Guiding Principles

The Strategy is guided by the following essential principles:

- That all staff will be treated equally and with respect and steps are taken to remove or minimise disadvantage experienced by people because of a personal characteristic;
• That we foster a culture whereby everyone is valued and where staff are not afraid to challenge behaviours which are offensive or otherwise unacceptable;

• That equality is embedded into our working practice and is incorporated into business planning and decision making processes; and

• That there is recognition and promotion of diversity within the Parliament and in engaging with Scotland’s diverse communities.

Our approach to mainstreaming equality

What is meant by mainstreaming is sometimes misunderstood. The aim is simply to merge equality thinking into mainstream business planning but it is worth noting some of the misconceptions that can exist. We are not so concerned with the language of mainstreaming (which can itself be a barrier) but we are interested in its application and the benefits it can bring to the Parliament. Historically, equality has often been recognised as an add-on to business, sometimes an afterthought or even described more bluntly as an additional burden.

However, since the introduction of the new Equality Act, the emphasis is changing. Equality is not about addressing the individual protected equality groups separately, but about how they are considered within the wider business framework. The equality implications should therefore be considered in the same way as other factors when making decisions, such as when carrying out a risk analysis or determining the business benefits of a new policy or practice.

Mainstreaming is therefore the process of thinking about equality in day-to-day decision making and applying it to our daily practices.

While there is still a long way to go towards fully mainstreaming equality, the SPCB has already taken positive steps to develop an equality impact assessment (EQIA) tool to consider the equality implications for all relevant policies and proposals. This has been a valuable tool for our decision making, particularly at a leadership level, where it has helped to inform a number of decisions which have been taken on strategic and operational matters.

We endeavour to make this integral to our culture. Our tendency has always been to avoid having a “tick box” approach, and to focus on making a real impact on the decisions we make. This is why we will analyse the effects of our policies to demonstrate what we have achieved.

Our approach to streamlining equality

In the last few years, the SPCB has gradually been working towards a more streamlined approach to equality. The legislative landscape has changed significantly placing
greater responsibility upon the SPCB to deliver Specific Duties on equality. Public Equality Duties first took effect in 2003 with the introduction of the Race Equality Duty and thereafter, the Disability Equality Duty and Gender Equality Duty. As part of these duties, the SPCB was required to publish separate Equality Schemes on race, disability and gender. This involved an annual monitoring exercise for each Scheme which meant offices having to provide annual updates on progress. This added to our additional responsibility of producing an SPCB Equality Annual Report which was part of the SPCB commitment’s to the Equality Framework. Again, this involved an annual monitoring exercise requesting further updates from all business areas.

These developments have resulted in a number of reporting structures, thereby creating fragmented arrangements and placing an ever increasing administrative burden upon offices to report on equality at different times of the year.

Our aim is to replace the reporting structures by providing a more streamlined and meaningful approach to equality. This includes reporting on a Single Equality Action Plan which will present our equality activities as a coherent whole rather than on separate strands in isolation. In the current financial climate, the new arrangements for monitoring will benefit the organisation where the aim is to maximise our efficiency, whilst reducing the administrative burden for offices.

**Accountability for the Framework**

Implementing the equality objectives is the responsibility of all members of staff, from the top to the bottom of the organisation. On an individual level, each person must recognise their role and responsibility to implement this Framework and to meet the equality objectives set out in operational plans and performance management reviews.

That said, it is essential that in meeting our obligations under this Framework, there is clear leadership from the Clerk/Chief Executive and Assistant Clerk/Chief Executives (AC/CEs). The Clerk/Chief Executive is ultimately accountable for the implementation of this Framework. Heads of Group working at an operational level are responsible for allocating resources for advancing equality, building equality objectives into their operational plans and making sure that equality objectives are being met within their operational areas. The Clerk/Chief Executive holds the Heads of Group to account on operational responsibilities.

AC/CEs assist the Clerk/Chief Executive in monitoring and reporting on the performance of Heads of Group. This will be carried out through quarterly meetings and the performance management process. Additionally, the Solicitor to the Parliament has been designated as Equality Champion. This role includes having dotted line responsibility for the work of the Equalities Manager as well as providing equality advice to the Leadership Group.
Our Obligations under the Equality Act

Introduction

The Equality Act has two main purposes – to harmonise discrimination law and to strengthen the law to support progress of equality. It merges all existing legislation under a single Act and provides protection to the groups who are identified as having a protected characteristic, namely: race, disability, gender, age, sexual orientation, religion and belief, maternity and pregnancy, gender reassignment, and marriage and civil partnership.

Whilst perhaps the most significant change resulting from the legislation is the requirement for equality considerations, covering all protected equality groups, to be reflected in the design of policies and delivery of services, the SPCB has already made excellent progress in this respect. The previous Equality Framework took account of all protected equality groups and in the work of the Equality Annual Report we reported on progress and priorities covering all equality groups.

Making decisions about our policies and practices and consideration of the need to advance equality should ultimately form an integral part of the decision making process. This has involved undertaking equality impact assessments (EQIAs) and monitoring the impact this has had on people from protected equality groups. We must keep this under review and further monitor the effects that our policies and practices are having on the advancement of equality.

We have made significant progress in embedding EQIAs into our procedures and projects but more work remains to be done and we have set this out in the attached Action Plan.

Our Public Functions

The Equality Act states that a person must not, in the exercise of a “public function” do anything that constitutes discrimination, harassment or victimisation. All of the SPCB’s functions are covered by this definition of a “public function” with the exception of those which relate to the “proceedings of the Parliament”. Examples of SPCB functions that are covered by the legislation include visitor services, engagement activities, procurement practices and employment policies. While an exemption exists for “proceedings of the Parliament”, our intention and practice has been to ensure that equality is taken into account when delivering parliamentary functions. To illustrate, all committees report annually on how they have considered equalities in the delivery of their work programme.

Delivering Services

In any service we provide, the SPCB has a duty to anticipate the needs of people who engage with the Parliament. It is not enough to respond to issues as they arise; instead
our role is to anticipate barriers which could impede protected equality groups. This will ultimately help to remove barriers which are causing any disadvantage and should result in a greater number of people, from a more diverse cross-section of society, engaging with the Parliament.

Supporting Members’ Needs

The SPCB has an essential role in supporting Members in meeting the demands of their parliamentary activities and this includes the General Equality Duty which applies to Members in providing a public function. The Duty applies to their role as an employer to their staff and in the services which they provide to their constituents. Members and their staff must also adhere to the Code of Conduct for Members of the Scottish Parliament where Volume 2, section 7 makes clear that Members in their dealings with all in the Parliament treat others with courtesy and respect.

Members must therefore ensure that their working practices are fair and equal, and where barriers exist, these are removed. The SPCB provides support and guidance to Members on how this can be achieved.

The SPCB as an employer

As the employer of staff, the SPCB has a responsibility to provide all of its staff with the opportunity to maximise their full potential. Everyone should feel valued by the organisation and steps will be taken to ensure that the environment they work in is free from discrimination and any behaviour which is contrary to the principles of this Framework. Any such breaches will be dealt with seriously.

Public Equality Duty and General Equality Duty

The SPCB has a legal obligation to comply with the requirements of the Equality Act and is required to have due regard to the Public Equality Duty which identifies three specific matters:

- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and people who do not share it.

This is also known as the General Equality Duty which covers the protected equality groups listed above.
In practice, the SPCB must remove barriers which exclude people due to a protected characteristic, and take steps to remove those barriers so that everyone is treated equally and fairly. The duty also requires the SPCB to encourage people from protected equality groups to participate in public life where their participation is disproportionately low. This means building this part of the Duty into our engagement activity, and being able to identify the groups most likely to be under-represented.

**Specific Duties under the Equality Act**

In addition, the SPCB must meet specific duties that, in effect, help to meet the aims of the General Equality Duty. These are specific requirements that have to be met within a specified timescale and with evidence demonstrating they have been achieved.

However, the UK government has recently put a hold on implementing the specific duties in order to seek further views from community groups and businesses. The revised duties, which are not too dissimilar from the previous duties have now been laid before Parliament and are expected to come into force in January 2012. The SPCB however is not too concerned about the delayed implementation date and aims to proceed with meeting the specific duties in order to meet the general duty.

**Publication of annual information: Duty**

We will publish information on an annual basis to demonstrate that the SPCB has complied with the General Equality Duty. The information to be published will include:

- information on the effect that our policies and practices have had on people from the protected groups;
- evidence of analysis that has been undertaken to establish whether these policies and practices are advancing equality;
- details of the information that was considered in carrying out the analysis; and
- details of any engagement in developing the information to be published annually

**Publication of annual information: how we will meet the Duty**

Monitoring has always featured prominently in our Framework and determines how successful we are in promoting equality and where further action might be required.

Since 2003, the SPCB has produced an Equality Annual Report providing a report on the SPCB’s achievements and its equality priorities for the year ahead. It encapsulates data on all protected equality groups and demonstrates our success in delivering policies and services which reflect our commitment to equality.
Gathering data on equality was taken a step further when the Public Equality Duties came into effect and since then we gathered more specific data on race, disability and gender. This added to the monitoring exercise which we carried out on the equality annual report requesting further data from offices on each of the duties.

As part of this exercise, we develop specific data on employment and services which is now an ongoing exercise carried out every year. This incorporates data on the diversity of our staff profile and their access to employment provision such as work life balance provision or training and development. For services, we produce data on accessibility such as access to events and the languages and interpretation services. The report also incorporates a summary of the EQIAs which we have carried out in the previous year.

With our commitment to the Public Equality Duty and our drive towards maximising efficiency, the SPCB has revisited its approach to monitoring by developing a more streamlined structure that reduces the administrative burden upon staff but also ensures that key information continues to be reported.

Our previous structure will be replaced with a new monitoring and reporting framework and builds on the success we have made so far.

The most significant change to the structure is replacing the SPCB Equality Annual Report with a summary report of progress in the SPCB Annual Report. We will no longer produce annual reports on the gender, race and disability.

Instead, an annual report on monitoring data will be produced including data which we have committed to producing in the Single Equality Action Plan. This includes any new data that will help us to meet the public equality duty and any data which we already gather through our current practice. This monitoring information will be attached as an annex to the SPCB annual report.

By undertaking these changes to our annual reporting, we will achieve full compliance with legislative requirements while having freed up a significant amount of staff resource currently spent on monitoring and reporting that will be redeployed to focus our attention on more value-added work on promoting equality across the work of the Parliament.

Equality objectives: Duty

We will prepare and publish equality objectives to be carried out and reviewed at least every four years. The equality objectives must be specific and measurable, and set out how progress towards the objectives will be measured. We will also publish details of engagement in developing the equality objectives.

Equality objectives: how we will meet the Duty

We have defined our equality objectives and produced an Equality Action Plan which supports the implementation of this strategy. This plan identifies our current practice
and any new SMART objectives to be delivered in 2011-15 taking account of all protected equality groups.

The plan is divided by business area, using our new group structure. For each business area, we have set out:

- current practice
- equality objectives

It is important to recognise the efforts that have already been made, which demonstrates the progress we have achieved. As such, we have intentionally included the work we have achieved so far in embedding equality into our existing business practice as “current practice”. We go on to set out as “equality objectives”, the areas for further improvement, as agreed with the Heads of Group responsible for delivery, that will be met over the next four years.

The effect of creating a Single Equality Action Plan and reviewing it every four years, is that it significantly reduces the level of reporting compared with what we did previously. The Equality Manager will continue to provide a key support, and constructive challenge role to Heads of Group to ensure that we maintain our high standards in relation to our “current practices” (including annual reporting requirements) whilst making further service improvements via the “equality objectives”.

**Complaints**

The Strategy represents a living document and will continue to be updated to reflect any new priorities for the organisation. The Equality Manager will review the document regularly to check progress made on advancing equality and that our standards for equality continue to promote best practice.

To maintain these standards, the SPCB positively welcomes feedback on how it is delivering its policies and services to help identify any improvements to its working practices.

If you aware of any breach under this Framework and you wish to make a complaint, there are policies in place for responding to complaints.

For any complaint relating to the Parliament’s services, staff or physical aspects of the building, please follow the procedures set out in the [SPCB Complaint Policy](#).

For any complaint relating to Members and their staff, this should be dealt with under Volume 2, section 8.4 of the [Code of Conduct for Members of the Scottish Parliament](#).

If there is a complaint by a member of staff, this is dealt with under the SPCB [Dignity at Work Policy](#).