

## Equality Report, April 2017

### 1. Introduction

The Equality Act 2010 introduced a duty on public sector organisations, including the Commissioner's office, to produce a set of Equality Outcomes and report, at least every two years, on progress achieving them. We must also report on what we are doing to mainstream the general and specific public sector equality duties into our work. This report is the Commissioner's second mainstream and equality outcomes report, published to meet this duty.

In April 2013, we set out an action plan with five equality outcomes<sup>1</sup>. We reported on those outcomes in 2015 and this report will provide a final update on them, together with outlining our new equality outcomes<sup>2</sup>. This report builds on the 2015 report and provides details on our progress over the last two years in mainstreaming equality, working towards those outcomes and meeting our equality duties.

The Commissioner's function is to promote and safeguard the rights of children and young people. Mainstreaming equality for children and young people is therefore at the centre of our work. Our Strategic Plan 2016-20 outlines the ways we will do this<sup>3</sup>. We report on this in our annual reports, our monthly newsletter and on our website and social media streams. Eliminating discrimination against children and young people, advancing their equality and fostering good relations is our core work, but we also recognise that children in Scotland are diverse and can experience discrimination relating to one or more of the other protected characteristics outlined in the Equality Act 2010<sup>4</sup>.

Building on the review of our equality outcomes we conducted in 2015 and following consideration of possible new outcomes, we have decided, when setting our new equality outcomes, to include a focus on specific groups we feel should be more strongly represented in our work. This will further improve the mainstreaming of all protected characteristics across the full range of the office's work. In addition to these focussed outcomes we have also set 7 outcomes relating to the administration of the office.

We have decided to set our new outcomes over a shorter period than is required, so that we can align future reporting with our Strategic Plan, which we are required to place before the Scottish Parliament every four years. This

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<sup>1</sup> <https://www.cypcs.org.uk/ufiles/Equality-Outcomes-and-Mainstreaming-Report.pdf>

<sup>2</sup> <https://www.cypcs.org.uk/ufiles/Equality-Report-April-2015.pdf>

<sup>3</sup> <https://www.cypcs.org.uk/about/plan>

<sup>4</sup> age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

will allow us to consult on new outcomes at the same time as we consult on our Strategic Plan. The new outcomes therefore cover the period 2017-2020 and we will produce an update report at an appropriate point within the first two years of that period.

## **2. Employee information**

Given the small size of the Commissioner's team we are only able to publish limited employee information as we feel publishing any further detail would breach our employee's rights under the Data Protection Act 1998. We are not required to publish gender pay gap information.

As of March 2017 there were 14 permanent staff (excluding the Commissioner). The average age of the staff was 49. Of the 14 staff, two are male and 12 female. The office has policies which allows all staff to work flexibly on a day to day basis and for staff to request formal flexible working arrangements such as compressed hours, home working or a temporary reduction in hours. There are currently five full time staff with formal flexible working arrangements and three staff work part-time.

## **3. Progress on our Equality Outcomes**

Progress on each of our equality outcomes is set out below. This work contributes to all three elements of the general equality duty.

### **Equality Outcome 1**

**The Commissioner, through work on increasing awareness, understanding and implementation of the UNCRC, will take account of children and young people with protected characteristics.**

The Commissioner has a specific role to monitor the implementation of the UNCRC. In 2016, the United Kingdom's progress on implementing the UNCRC was examined by the UN Committee on the Rights of the Child. In addition to producing joint reports with the other three Commissioners in the United Kingdom, the office supported young people's involvement in the examination, both in Scotland and in Geneva, in May 2016. In July 2016, the Committee published its Concluding Observations, which set out a series of recommendations. We will continue to monitor how these are implemented in Scotland. We have updated information on our website about the UNCRC, to explain individual articles to a general audience and the UNCRC is now available in several languages, including BSL. We have produced a simplified version of the UNCRC articles in illustrated format, in English, Gaelic, Urdu, Arabic, Polish, BSL and Scots.

Our website's information on the Children and Young People (Scotland) Act 2014 has been simplified. We've also created, in partnership with the Children's Commissioners' offices in England and Wales, a symbol supported

version of the UNCRC, the first of its kind for the UK. We worked with a wide range of children and young people, from nursery to high school, including pupils from minority ethnic backgrounds and those with disabilities, to ensure that this resource was suitable for as many children as possible.

We continue to encourage organisations to conduct Children's Rights Impact Assessments, alongside Equality Impact Assessments. Whilst the two assessment frameworks should complement each other we believe children's rights are best addressed through a stand alone assessment. We have supported Scottish Government in the development of their Children Rights and Wellbeing Assessment tool. Within the office we have developed, with the assistance of an external consultant, our own Equality Impact Assessment tool and this is now being used when developing our work.

We supported the passage of the BSL (Scotland) Act 2015 and are in the process of preparing our BSL Plan. In 2016, all staff in the office received BSL awareness training. One member of staff is being supported to learn BSL. We will continue to increase staff awareness of disability by providing disability awareness training during 2017.

## **Equality Outcome 2**

**The Commissioner is accessible to all children and young people in Scotland and is engaged with children's rights concerns, including those raised by children and young people from each of the protected groups.**

A key part of the Commissioner's work is listening to the voices of children and young people and ensuring that those voices are heard by those in positions of influence, such as politicians and policymakers. This outcome is focused on increasing the number of children and young people from protected groups who are engaged with the Commissioner and ensuring that children's rights issues raised by children and young people from protected groups are central to the Commissioner's work. This work has been taken forward through the development of a network of key partners and through direct engagement.

We work with organisations working with minority ethnic communities, such as Roshni and BEMIS. In 2015 we worked with Roshni to develop a story about children's rights for inclusion in their SAFE storybook series.

We have continued to work with representatives of the Gypsy Traveller community and other organisations, such as the Scottish Travellers Education Programme (STEP), BEMIS, Show Racism the Red Card and local authority Traveller education teams to inform our work in this area. We have also worked with children from Eastern European Roma backgrounds.

The Commissioner signed the TIE Campaign's pledge, supporting their call for LGBTI inclusive education, which we also supported in our briefing to the Education and Skills Committee during their investigation in to Personal and

Social Education. We have worked with LGBT Youth Scotland and Stonewall on LGBT issues. The Commissioner spoke at the Transgender Scotland roundtable at the Scottish Parliament, and has met with members of the LGBT Youth Council. He has also met with a group of intersex children and young people to learn about their experiences.

Our Golden Rules toolkit was created to support participation of children and young people. Recognising diversity is at the heart of these rules as well as recognising the different communication needs of different groups of children and young people. We have also turned the Golden Rules into a symbol supported resource for children and young people with communication challenges. Following our review of the Golden Rules we have developed a second set of illustrations aimed at older young people, giving practitioners the flexibility to choose resources that are most appropriate for the children and young people they work with. These were developed with a range of children and young people from across Scotland.

We have also identified younger children as being a group who are less likely to be involved in consultation. Following the success of a RIGHT blether and a RIGHT Wee Blether, we conducted the Baby Blether in 2016-17, to raise awareness and understanding of the human rights of children from birth to two years old.

### **Equality Outcome 3**

**The Commissioner provides a service, which all children and young people can directly access for relevant and expert information, support and signposting relating to children's rights issues.**

We are working to improve our communications so that we reach as wide a range of children and young people as possible. This includes working with children and young people from a range of communities when we developed our new visual identity. We are working to make sure that we are accessible so that children and young people can communicate with us in whatever way they are comfortable.

We endeavour to produce our major publications for children and young people in a way that meets our Read Me, Hear Me, See Me, Sign Me principles. This means that the information is published in a variety of ways appropriate to the project and audience, for example presenting in film and audio, using BSL signing, subtitling, easy read, infographics, blogs.

Work has been done to lower the reading age of all pages on the Commissioner's website and to make the site comply with all Priority 1 guidelines of the W3C Web Content Accessibility Guidelines. Specific information has also been created for Deaf children and those using screen-readers. A website skin has been developed for children and young people with dyslexia. We have made it easier to contact the Commissioner through our website and via social media.

All employees undertook training in writing in Plain English to encourage them to write their external and internal communications in a clear and concise way.

#### **Equality Outcome 4**

##### **The Commissioner's research and enquiry output better informs the work of the office in regard to particular barriers to the realisation of the UNCRC rights for children and young people with protected characteristics.**

By working to improve our communications and accessibility for adults as well as children and young people, we also aim to broaden access to our enquiry service. We provide a Freephone telephone number for children and young people and can also be contacted by mobile and text. There is an e-mail link for enquiries on the website and we can be reached through social media on Facebook and Twitter. Our website has a signed version on the front page and we are also members of Happy to Translate.

We have developed our enquiries case records format to better collect and monitor information on protected characteristics, after consulting with other organisations providing similar services. We are also members of the Equalities Advisory Support Service Reference Group. Due to the nature of our service, we collect data on a "if disclosed" basis, rather than asking enquirers for details. We do not expect to be able to publish this information, as it may be possible to identify young people, but will use it to inform the work of the office and improve the service we provide.

An additional section in our quarterly internal enquiries reports has been developed to raise awareness and provide information about equalities issues coming into the office as enquiries, as well as identifying any developing trends in equalities issues.

We are working to ensure that our research is conducted in a way which takes into account protected characteristics. We participate in Ipsos Mori's Young People in Scotland biennial survey, which can be analysed with reference to gender, age, ethnicity, religion and disability. In the 2016 survey we asked a range of questions on digital inclusion, mental health issues in schools and about views on physical punishment. We include demographic questions when conducting research, to enable analysis by protected characteristic to be undertaken if appropriate. For example, our Young Carer's research, published in February 2017, asked for information on gender, age, ethnicity, place of birth and disability.

Our research on administration of medicines, *'No barriers to medication at school': the Administration of Medicines and Health Care Procedures in Schools: The views of parents and carers* informed Scottish Government's review of guidance and we worked with them to produce new guidance which will be released soon.

We've worked with the other British Isles Children's Commissioners, Scottish Refugee Council, Aberlour, British Red Cross, Women's Aid and other organisations on a range of issues affecting children who are seeking asylum or have been trafficked.

## **Equality Outcome 5**

**The Commissioner's office is an excellent employer of staff, including those with protected characteristics, and maintains a culture of equality and respect for diversity through continuous improvement, positive leadership and staff development.**

Following a period of staff changes, we have reconstituted our Equalities Group to prepare this report and identify new Equality Outcomes. The group will continue to meet quarterly to monitor Equalities issues.

In April 2015, an equal opportunities staff survey was conducted by an independent consultant. We reported on the results in detail in our previous mainstreaming report. While the survey did not identify any areas where staff identified less favourable treatment as a result of any of the protected characteristics in the Equality Act, the survey did highlight concerns about work-life balance. The current report is being prepared at a time of transition, with a new Commissioner due to take up his post in May 2017 and we felt that it was not appropriate to conduct another survey at this time. We plan to commission a follow-up survey ahead of our next mainstreaming.

Our management team have attended training on employment law and disability, to ensure they understand the public sector equality duty as well as the Commissioner's responsibility to make reasonable adjustments to meet the needs of disabled employees or job applicants.

## **4. New Equality Outcomes 2017-21**

As indicated earlier, we have decided to focus on specific areas, where we feel we need to improve, in setting our Equality Outcomes for 2017-21. When reviewing our previous outcomes we learnt that in a small office, it was not practical to have a large number of outcomes. Instead we have developed a small number of targeted outcomes, concentrating on improving the way we work with specific groups. These will be reviewed after two years and may, at that point, be supplemented by additional outcomes. These focussed outcomes are:

### **Equality Outcome 1: We support children from birth to 5 years to understand their rights**

Building on the Baby Blether we will look at how we can develop resources to support an understanding of rights as part of very young children's rights. This will include work with parents, early years staff and other professionals.

**Equality Outcome 2: Our work challenges gender stereotyping**

We will continue our partnership working and our involvement in Scottish Government's Equally Safe strategy, to challenge gender stereotyping in schools and communities to improve outcomes for girls and young women, for LGBT and intersex young people and all children and young people.

**Equality Outcome 3: We will work to empower children and young people with mental health problems**

Building on our research on young carers and mental health, we will continue our work to improve an understanding of children and young people with mental health problems as rights holders. This includes supporting CAMHS services in using the Golden Rules, policy influencing and continuing to work with partners to challenge stigma.

In addition to these we have identified three organisational outcomes which apply to all our work and across all protected characteristics. These are:

**Equality Outcome 4: All our communications are accessible and inclusive**

We will review our previous research on accessible information and how our current communications meet this standard. We will look at how we can ensure that we include accessibility in the planning stages of our work and we will continue to explore how we can make our work accessible to and representative of all children and young people in Scotland.

**Equality Outcome 5: Our recruitment, selection and human resource policies and procedures are fair and non-discriminatory**

We will conduct a review of all our policies, procedures and materials to ensure that they meet our legal obligations. For example, we will investigate how to make our application process more accessible.

**Equality Outcome 6: Our procurement procedures exceed our duties under the Equality Act.**

We will consider equalities as part of our review of procurement procedures, to see how we can not only meet our legal duties but be an example of excellent practice. In doing so, we will take a proportionate response when dealing with the many small providers we use.