

Scottish Social Services Council

Equality Scheme

2009 - 2012

Valuing Diversity, Improving
Opportunity

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Personal Statement from the Convener

The SSSC is committed to “valuing diversity, improving opportunity”. The aim of our work is to make a difference to and improve the lives of people who use social services.

The overarching objective of the Equality Scheme is to promote equality of opportunity. The Scheme sets out how the SSSC will fulfil its statutory obligations, including the duties to encourage and promote equality in relation to race, age, disability, gender, sexual orientation and religion and belief.

The SSSC is aware of the benefits to our stakeholders, as well as the benefits to the organisation of complying with these legal requirements and of implementing positive and meaningful actions in relation to diversity and equality.

This Equality Scheme has been developed taking in to account lessons learnt from previous years and from consultation with stakeholders. The SSSC’s responsibilities in relation to equality and diversity are integrated throughout the actions in the plan to take a clearer mainstreaming approach to our obligations. The implementation of the Equality Scheme is an important objective of the SSSC’s Corporate Plan and embedding the principles of equality and the values of diversity must be a cornerstone in all that we do as an organisation.

The SSSC will strive to meet the objectives outlined in the Equality Scheme to ensure that our work makes a positive contribution in this important area.

Gary Coutts
Convener

Scottish Social Services Council

Equality Scheme

Our equality values, principles and standards

1. The Scottish Social Services Council ('the Council') was established under the Regulation of Care (Scotland) Act 2001, as part of the government's drive to raise standards in social services. Its main purpose is to regulate the social service workforce and its education and training.
2. The Council is committed to the protection of those who use social services, to raising standards of practice, and to strengthening and supporting the professionalism of the workforce. We will deliver our aim of protecting service users and carers, and securing public confidence in social services by fulfilling five main tasks:
 - setting up a register of key groups of social service workers
 - publishing Codes of Practice for all social service workers and their Employers
 - promoting and regulating training and education of the workforce
 - carrying out the functions of the Sector Skills Council: Skills for Care and Development
 - promoting education and training and in doing so helping to develop a learning culture within organisations.
3. In terms of the Regulation of Care (Scotland) Act 2001, the Council is obliged to act in a manner which encourages equal opportunities. The Council must also observe the requirements set out in the all relevant and applicable equalities legislation and best practise in relation to diversity.
4. The Council has a range of policies and procedures that contribute to achieving our aim to promote equality of opportunity. The Council incorporates the values of social work into its work and has an Equality and Diversity policy which includes a Code of Practice on Equality and Diversity in Employment.

The Council aims to achieve a competent, confident workforce capable of delivering high quality care services by registering and regulating the social service workforce and raising the standards of training and education for all social service workers regardless of their personal status in relation to race, ethnic or national origin, religion, age, gender, sexual or marital status or disability ('personal status').

The Council, its employees and members recognise and support the principle of valuing diversity in carrying out the Council's functions. The Council will not tolerate discrimination against any individual, either directly or indirectly, unlawfully or unjustifiably because of their personal status in relation to race, ethnic or national origin, religion, age, gender, sexual or marital status.

With regard to disabled people, the Council must:

- not directly discriminate on the grounds of disability
- not treat someone less favourably for a reason relating to disability without justification (this refers to "justification" in law)
- not harass or victimise a disabled person
- make reasonable adjustments.

The Council seeks to eliminate unlawful discrimination and to value and celebrate the diversity of its own employees, stakeholders and service users and carers. The Council recognises it has an important role to play in helping to create a fair society and will take positive action to promote a culture where all employees and stakeholders can fully contribute to the work of the organisation.

5. Development and Review of the Scheme

The Equality Scheme has been developed and informed by: -

- Code of Practice on the Duty to Promote Race Equality (and Guides) published by the Commission for Racial Equality
- Code of Practice for the Elimination of Racial Discrimination and Promotion of Opportunity in Employment published by the Commission for Racial Equality
- Code of Practice for the Elimination of Discrimination on the grounds of Sex and Marriage and the Promotion of Equality of Opportunity in Employment, published by the Equal Opportunities Commission
- The Business Case for Age Diversity, published by The Employers Forum on Age
- Tackling Religious Discrimination: practical implications for policy-makers and legislators, published by the Home Office
- ACAS Guidelines on Religion and Belief in the Workplace
- Bringing Equality to Scotland: The Three Public Sector Duties, published by the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission in Scotland
- The Duty to Promote Disability Equality: Statutory Code of Practice published by the Disability Rights Commission
- Statutory equality duties to which the Council is subject e.g. Gender Equality, Disability Equality and Race Equality.
- Provisions of the Equality Bill and it's intention to harmonise discrimination law, due to become enacted in 2010.

"Gender Equality Duty

**(A relevant public authority must have)*

Due regard to the need to:

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity between men and women

Disability Equality Duty

Due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Disability Discrimination Act 1995
- Eliminate harassment of disabled persons that is related to their disabilities
- Take steps to take account of disabled persons' disabilities, even where that means treating disabled persons more favourably than other persons
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life

Race Equality Duty

Due regard to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between persons of different racial groups

**SSSC addition*

Specific Duties

Gender Equality Duty

A listed public authority must prepare and publish a **Gender Equality Scheme**. The Scheme must set out the overall objectives the public body has set to allow it to meet its general duty. The public body must consider the need to have an objective to address the causes of unequal pay for men and women staff related to their sex.

The Scheme must also set out the actions it has or intends to take to:

- Gather information on the effect of its policies and practices on men and women, in particular the extent to which they promote equality between male and female staff, and the extent to which the services it provides and the functions it performs take account of the needs of men and women
- Make use of the information it has gathered to meet the duty and review the effectiveness of its scheme and the actions taken
- Assess the impact of its policies and practices on men and women, and use the results to inform its work
- Consult employees, service users, trade unions and others
- Achieve the objectives it has set.
- The public authority must put the scheme, and the actions identified, into effect

Disability Equality Duty

A listed public authority must involve disabled people in the development of a **Disability Equality Scheme** which demonstrates how it intends to fulfil its general and specific duties and which includes a statement of:

- The way in which disabled people have been involved
- The methods for impact assessment
- Steps which the authority will take towards fulfilling its general duty (the Action Plan)
- The arrangements for gathering information in relation to employment and, where appropriate, its delivery of education and its functions
- The arrangements for putting the information gathered to use, in particular in review of the effectiveness of its action plan and in preparing subsequent DES.

- Within 3 years of the Scheme being published, take the steps set out in its action plan and put into effect the arrangements for gathering and making use of information.
- Publish an annual report containing a summary of the steps taken under the action, the results of its information gathering and the use to which it has put the information.

Race Equality Duty

Listed public authorities must publish a **Race Equality Scheme** setting out functions and policies that are relevant to the general duty on race and arrangements for:

- assessing and consulting on the likely impact of proposed policies on the promotion of race equality
- monitoring policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments, consultation and monitoring
- ensuring public access to information and services which it provides
- training staff in connection with the duties imposed by the Race Equality Duty
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- **Employers** are required to monitor by reference to racial group staff in post and applicants for employment, training and promotion. Where the employer employs 150 or more full time staff it must also monitor the numbers who receive training, benefit or suffer detriment from performance assessment reviews, are involved in

within three years. It must report annually on the actions it has taken.

It must review the scheme and publish a revised scheme within three years.

Listed public bodies with at least 150 full time equivalent staff must publish an **Equal Pay Policy Statement** and report on this every three years."

grievance procedures, are the subject of disciplinary procedures or cease employment.

The Council's Scheme

The Council's Scheme is a generic scheme which fulfils the Council's obligations to produce Equality Schemes to cover race, disability and gender.

7. Disability Equality Duty: Involvement of Disabled People

Since its inception the Council has worked to involve disabled people. Our business has two main functions; registration and the regulation of education and training of social service workers and students. Our processes and structures for these functions have been the subject of public consultations since we were established. We have a Communications Strategy which ensures effective engagement with users and carers and we have developed a specific Users and Carers Strategy. As an employer we are committed to fair recruitment and employment policies and we offer flexible employment conditions.

8. How we will meet our duties: Scheme Objectives

The Council's role in regulating a social service workforce of around 164,000 people means that it has the potential to make an enormous impact in relation to the equality agenda in Scotland. This potential will best be achieved by targeting our efforts. Our equalities work will be focussed on the following **Headline Objective**: -

- To promote equality of opportunity and contribute to the delivery of a Fair Scotland.

To underpin the Headline Objective, the following **Strategic Objectives** will be addressed through an Action Plan to be developed as set out in paragraph 18.

- To ensure the accessibility and effectiveness of all communication between the SSSC and other parties including hard to reach and underrepresented groups
- To maximise access to social care education and training by eliminating any barriers to access and encouraging access from underrepresented groups
- To influence and encourage diversity in the workforce of the social service sector in Scotland
- To ensure the registration process and requirements do not unlawfully discriminate against any individual and assist where permissible in the promotion of equality of opportunity
- To reflect the rich diversity of Scotland in the demographics of the SSSC workforce, Council and Committee membership

9. Implementing the Objectives:

Identifying functions and policies and delivering them to promote equality of opportunity

The Council considers that each of its main functions is relevant to the successful implementation of the general duty to promote equal opportunities, and observe relevant statutory requirements ('the general duty') that is:

- the registration of social service workers
- the development of standards of conduct and practice and issue of Codes of Practice for Social Service Workers and their Employers
- the investigation of complaints of misconduct by social service workers, and where necessary suspending registration or removing individuals from the Register
- the approval of courses in social work education and training
- the development of National Occupational Standards and awards and other workforce development functions

A list of the main functions of the Council is set out at Appendix 1. A list of Council policies identified as being relevant to the statutory duties is set out at Appendix 2.

10. Monitoring the delivery of functions and policies

The Council will monitor the delivery and development of all relevant functions and policies to ensure they do not have a detrimental impact on any individual because of the individual's personal status. The Council will revise the policies and functions where appropriate.

11. The role of the Equalities Working Group (EWG)

Through the Equalities Working Group, the Council will be able to monitor the impact of relevant policies and functions through qualitative and quantitative surveys and consultations to assess how effectively the policies and functions are contributing to fulfilment of the Council's duties. The template attached at Appendix 3 is used to support the impact assessment process. The Council will revise the policies and functions where appropriate. Where an adverse impact is found appropriate remedial action will be undertaken.

The Council's single Action Plan approach allows a more coordinated approach to equality and diversity and through the EWG actions are prioritised within functional work plans in terms of their potential impact. These work plans are clearly linked to the corporate plan.

The following factors will be considered in relation to each function and policy in order to establish the priority and nature of action required: –

- Is there any evidence of higher or lower participation or uptake by different groups?
- Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular function/policy?
- Is there an opportunity to better promote equality of opportunity or better community relations by altering the function/policy or working with others in government or the community?
- Have previous consultations with relevant groups, organisations or individuals indicated that particular functions/policies create problems which are specific to them?
- What are the options for mitigating adverse impact?

- What further research is needed?
- Is there a need to consult?

This work will inform our annual Action Plan. It is important to note that monitoring will be undertaken on a planned basis and it may be that only a very limited number of functions/policies will be reviewed in any year.

13. Consultations

The Council will consult in accordance with the following principles:

- appropriate individuals and groups should be included in all relevant consultations
- effective consultation requires careful planning, making sure that there is enough time at each stage of the process
- many individuals and groups lack resources and this often affects whether they can respond to consultations. It is important to take steps to ensure that all views can be included by providing support to allow participation
- there is no justification for any consultation event being inaccessible. Venues should be physically accessible and support for interpretation, transport or care responsibilities should be provided
- there are good reasons why some people might require confidentiality and this should be offered and respected
- feedback will be provided to respondents on how their views have contributed to policy and practice
- the consultation process for internal and external policies is likely to be different.

14. Publishing the results of consultations and monitoring

The Council will publish the results of consultations and monitoring on its website. This information will be available on request in large print/Braille/tape and summaries will be translated into minority ethnic languages on request, where there is practicable.

15. Providing access to information and services

The Council will make sure all stakeholders have access to the information and services it provides in accordance with its Communications Policy.

16. Staff Development

The Council has undertaken an extensive development programme and will continue to ensure its staff, and other relevant people, are trained on issues that are relevant to the Equality Scheme. The requirements for staff to undergo development in this area are made explicit within staff learning and development plans.

17. How we will meet the general duty on employment

The Council will follow the rules applying to organisations employing under 150 members of staff, whereby it will monitor all staff and consider the benefit or detriment to each group in terms of employment; access to training; performance management assessments; disciplinary and grievance procedures; and termination of employment.

18. Action Plan, performance indicators and reporting to the Council

The Senior HR Adviser, who leads the work of the Equality Working Group, and is responsible for implementing the Equality Scheme will:

- develop Action Plans to progress the SSSC's obligations under the Race, Disability and Gender Equality Duties and implement the objectives set out in the Equality Scheme, by consulting, impact assessing and monitoring policies and functions
- establish organisational performance indicators in respect of equality to be monitored and reviewed annually and publish these indicators and the results on the website
- report annually to the Council on this work.

19. Consulting our staff and the public

The Communications Manager, will ensure:

- that the principles set out in paragraph 14 are followed in delivering the Equality Scheme
- that the proper processes for telling our staff about our plans and activities are followed in delivering the Equality Scheme
- that the proper processes for telling the public about our plans and activities and progress are followed in delivering the Equality Scheme

20. Complaints, Comments and Enquiries

If you are unhappy with the way in which we undertake our duties or if you wish to make a complaint or raise an issue of concern about any aspect of our Equality Scheme then in the first instance you should contact the Chief Executive, SSSC, Compass House, 11 Riverside Drive, Dundee, DD1 4NY, and the matter will be dealt with under the Council's Complaints Procedure. If having exhausted the Complaints Procedure, you believe that you have sustained injustice or hardship in consequence of poor service, failure to provide a service or administrative failure by the Council, you may complain to the Ombudsman by writing, faxing or e-mailing her at this address:

**The Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS**

Telephone: 0800 377 7330

Fax: 0800 377 7331

e-mail: ask@spsso.org.uk

Comments and enquiries can be made by e-mail at enquiries@sssc.uk.com or by telephone on 0845 603 0891 (Lo-Call), or by writing to the Scottish Social Services Council, Compass House, 11 Riverside Drive, Dundee, DD1 4NY.

List of functions, policies and proposed policies relevant to the general duty (all statutory references are to the Regulation of Care (Scotland) Act 2001)

Registration

- Section 43(2)(c) requires that the Council exercise its functions in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- Section 44(1) requires the Council to maintain a register of social workers, social service workers of any other description prescribed, and persons undertaking study to become social workers, or employed pursuant to that goal.
- Section 45(1) provides that applications for registration will be made to the Council in accordance with rules made by the Council. Any proposed rules will be relevant to the general duty.
- Section 46(2) requires that an applicant must satisfy to the Council that he or she is of good character and satisfies such requirements as to competence or conduct as the Council may by rules impose. Any proposed policies that arise out of this requirement, for example, in relation to criminal convictions, will be relevant to the general duty.
- Section 46(2)(b) provides that applicants must satisfy requirements as to conduct or competence as the Council may by rules impose. These requirements will be relevant to the general duty.
- Section 46(2)(c)(i) provides that another condition for registration as a social worker will be that the applicant satisfies any requirements as to training which the Council may impose and has successfully completed a course of training, approved by the Council. Any proposed policies as to when the training will be required and the types of training which may be required will be relevant to the general duty.
- Section 46(4)(a) applies to qualifications gained by a national of any EEA State. Section 46(4)(a)(i) allows the Council to impose requirements on EEA nationals with qualifications from an EEA state other than the UK. Any requirements proposed to be imposed by the Council will be relevant to the general duty.
- Section 46(4)(b)(i) provides for training elsewhere than in Scotland to be recognised by the Council. Any proposed policies as to the types of training that will be recognised will be relevant to the general duty.
- Section 46(4)(b)(ii) provides that when an applicant has undergone training elsewhere than in Scotland that is not recognised by the Council, the applicant may take such other training as the Council may require. Any proposed policies as to when training will be required and types of training which may be required will be relevant to the general duty.
- Section 54 enables the Council to approve courses in accordance with rules made by the Council. Rules proposed to be made under this section and any proposed criteria to be used in the approval process will be relevant to the general duty.
- Section 54(2) allows approval to be unconditional or subject to such conditions as the Council thinks fit. Any proposed rules or policies about when approval will be conditional and the conditions that will be applied will be relevant to the general duty.

- Section 54(4)(a) provides that the Council may conduct, or make arrangements for the conduct of examinations or assessments. Any proposed rules or policies about the conduct of examinations will be relevant to the general duty.
- Section 54(4)(b) provides that the Council may carry out or assist others in carrying out research into matters relevant to training. Any proposed rules or policies about research will be relevant to the general duty.

Removal from the register

- Section 49(1) provides that the Council shall by rules determine circumstances in which, and the means by which, a person may be removed from a part of the register, whether or not for a specified period. Any rules about when a social service worker will be removed from the register will be relevant to the general duty. Any rules about whether or not removal will be for a specified period and, if so, what the period will be will be relevant to the general duty. Any rules relating to restoration to the register, suspension from the register and termination of suspension from the register will be relevant to the general duty.
- Section 49(2) provides for rules to be made as to the procedure to be followed and rules of evidence and standard of proof to be observed in proceedings before the Council or any committee of the Council. Any proposed rules about procedure and evidence will be relevant to the general duty.
- Section 49(3) provides for proceedings to be in public except where specified in the rules. Any proposed rule as to when proceedings will be held in private will be relevant to the general duty.

The Register

- Section 57(1) provides that the Council may by rules make provision about registration, in particular, the keeping of the register and the documentary and other evidence to be produced. Any proposed rules will be relevant to the general duty.
- Section 57 (i)(c) provides that the Council may by rules make provision for a person's registration to remain effective without limitation of time, or lapse after a specified period, or to be subject to renewal. Any rules about when registration will be unlimited, when it will lapse and when it will be subject to renewal will be relevant to the general duty.

Code of Practice

- Section 53 requires the Council to prepare and publish Codes of Practice laying down standards of conduct and practice expected of social service workers and their employers. This duty together with the related duties in Section 53(3) (to review and vary the Code's provisions) and section 53(2)(b) (to consult in relation to the Code), will be relevant to the general duty.

Grants and allowances for social service workers' training

- Section 55 provides that the Council may, upon such terms and subject to such conditions as it considers appropriate make grants and pay allowances to persons resident in Scotland in order to secure their education or training in, the work of social service workers.

Post-registration training

- Section 57(3) provides that the Council, with the consent of the Scottish Ministers, may make rules requiring registered social service workers to

undertake further training, including rules providing for registration to cease to have effect for those who comply. Any proposed rules will be relevant to the general duty.

- Section 57(4) provides for consultation with registered persons and such other persons as the Council considers appropriate in relation to post-registration training. The method by which this consultation will be carried out and with whom, will be relevant to the general duty.

Visitors

- Sections 57(6) and 57(7) deal with the appointment of visitors. Any proposed rules relating to the appointment of visitors and the matters visitors will report on, will be relevant to the general duty.

Functions of Scottish Ministers

- Section 58(1) provides that Scottish Ministers have various functions. Under Section 58(4)(a) these functions may be delegated to the Council. If such functions are delegated then they too and any related rules or policies will be relevant to the general duty.

Complaints Procedure

- Section 64(i) requires the Council to establish a Complaints Procedure. In establishing and operating the Complaints Procedure, the Council will be subject to the general duty.

Staff

- Under Schedule 2, Paragraph 8 to the Act, the Council may appoint staff. Any policies of the Council relating to recruitment, discipline and grievance procedures, promotion, performance assessment, training of staff, redundancies and any other policies relating to staff will be relevant to the general duty.

Policies

Pay and Benefits

- Pay and Grading Structure
- Terms and Conditions of Employment
- Business Travel and Subsistence Policy
- Relocation Policy

Working Times and Absences

- Flexible Working Hours Scheme
- Flexible Working Policy
 - Homeworking
 - Variable Working
- Special Leave Policy
- Maternity Leave and Pay
- Maximising Attendance

Employee Relations

- Partnership Agreement
- Facility Time Agreement

Standards of Performance and Behaviour

- Disciplinary Procedure and Managers Handbook
- Grievance Procedure
- Dignity at Work
- Code of Conduct
- Disclosure Scotland Procedure

Health, Safety and Welfare

- Corporate Health & Safety Policy
- Emergency Evacuation Procedure
- Guidance on Use of Laptops
- Incident Reporting Procedures
- Health and Safety Policy Statement
- Smoking Policy
- Drugs and Alcohol Policy
- Lone Working Policy
- Risk Assessment
- Display Screen Equipment
- Employee Assistance Programme

Other Policies and Procedures

- HR Management Information System
- Recruitment and Selection Policy
- Equality and Diversity Policy

Employee Development

- Learning and development plans
- Records of qualifications and experience
- Customer care guidelines
- Employee development toolkit (CALMS)
- Learning & Development Policy
- Induction Guidance
- Continuing Education Policy
- Performance management and PDRS
- Management and leadership development programme
- Soft Skills Development Strategy

Corporate Governance

- Equality Scheme
- Code of Conduct for Members
- Standing Orders
- Scheme of Delegation
- Co-opted Members on Committees and Working Groups Policy
- Financial Regulations
- Disclosure Information Policy
- Data Protection Policy
- Debt Management Policy
- Complaints Procedure
- Consultation Framework
- Communications Policy

TEMPLATE FOR ASSESSING FUNCTIONS AND POLICIES FOR RELEVANCE TO GENERAL EQUALITY DUTY AND PRIORITISING THEM

Function s: statutory powers and duties under the RED, DED & GED	Policies and Practices	Status of policy or practice	Internal or external policy recipient s	Link to aspects of general duty	Relevance Potential to affect racial/gender/disable d/religious/ Belief/age groups differently. 0=none 1=a little 2=some 3=substantial	Priorit y level	Scheduled for Impact assessme nt	Schedul ed for Review	Groups of policy recipients EM= Ethnic Minority G = Gender D = Disabled R/B= Religion/ Belief SO= sexual orientatio n A = Age	Evidenc e justifi ng priority level
<p>The Duty A =Eliminate unlawful racial discrimination B = Promote equality of opportunity C= promote good relations between people of different racial groups D = Eliminate unlawful gender discrimination E = Eliminate unlawful disability discrimination</p>										
<p>Relevance is linked to initial screening or full impact assessment.</p>										

