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| Report to: | MSMTM |
| Report by: | Helen Gardner-Swift, Head of Corporate Services (HOCS) |
| Meeting Date: | 14 September 2021 |
| Subject/ Title: (and VC no) | Equality Policy VC156933 |
| Attached Papers (title and VC no) | Draft revised Equality Policy VC123635 |

Purpose of report

1. The purpose of this Committee Report (CR) is to seek the Senior Management Team's (SMT) approval of the draft revised key document, Equality Policy.

Recommendation and actions

2. I recommend the following:
 - (i) the SMT approve the revised key document, Equality Policy
 - (ii) subject to (i) the SMT approve the revised Equality Policy as a Key Document and approve the Key Document actions set out in paragraph 14
 - (iii) the SMT agree that the Committee Report (CR) is published as set out in paragraph 17.

Executive summary

3. When approved, the revised Equality Policy will replace the current C1 Equality Policy approved in 2011.
4. The Equality Act 2010 (the Act) came into force on 1 October 2010. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.
5. The Scottish Information Commissioner (the Commissioner) must comply with the general requirements of the Act. However, the Commissioner is not included in the list of public authorities which are subject to the specific Public Sector Equality Duties set out in the Act. The Commissioner is also not listed as a public authority with a duty to report under the public sector specific equality duty (see Schedule 19 of the Act).
6. The revised Equality Policy has been updated and sets out how the Commissioner intends to:

- (i) fulfil their duties, as a public official, under the Act
 - (ii) promote equality through the performance of their functions of promoting and enforcing freedom of information law.
7. The draft Equality Policy has been circulated to the SMT for comment and their comments have been taken account of in the draft attached.

Risk impact

8. The Commissioner's reputation and, also, public confidence in the Commissioner could be undermined if the Commissioner fails to meet statutory duties and does not demonstrate good practice and good governance.
9. The revised Equality Policy will mitigate against strategic and operational risks of not complying with statutory duties and of not having effective and robust governance and equalities arrangements in place.

Equalities impact

10. The public sector equality duty requires equality to be considered in all the functions of the Commissioner, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review. The revised Equality Policy is an over-arching policy which will help to ensure that the Commissioner is committed to:
- (i) taking effective action on equality
 - (ii) making the right decisions, first time around
 - (iii) developing better policies and practices, based on evidence
 - (iv) being more transparent, accessible and accountable
 - (v) delivering improved outcomes for all.

Resources impact

11. Having effective and up to date employment policies and procedures ensures consistency of approach in managing employees.
12. Once approved, the HOCS will keep the Equality Policy under review.

Operational/ strategic plan impact

13. The review of the current Equality Policy has been carried out as part of the Business As Usual requirements of the Operational Plan 2021-22 and, also, is linked to other specific equalities projects that the HOCS is undertaking under that plan. The work has required input from the Corporate Services Team and the SMT.

Records management impact (including any key documents actions)

14. If approved and when finalised for publication:
- (i) the revised Equality Policy will be:
 - a Key Document and published within Class 1 of the Guide To Information
 - reviewed annually
 - (ii) the Responsible Manager will be the HOCS
 - (iii) the approver will be the SMT

Consultation and Communication

15. The SMT have been consulted on the revised draft Equality Policy.
16. HOCS will advise all members of staff of the approval of the revised Equality Policy.

Publication

17. This CR should be published as follows:
- (i) the CR is published in full
 - (ii) the Key Document, the revised Equality Policy, is withheld on the basis that Section 27 of FOISA applies and the Key Document will be finalised and published in full on our website as soon as possible.