

Report to:	QSMTM Q4 Part 2 2022-23
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS) Kim Berry, Finance and Administration Manager (FAM)
Meeting Date:	26 May 2023
Subject/ Title: (and VC no)	CR Equalities and Diversity Monitoring – Staff VC186876
Attached Papers (title and VC no)	Equality and Diversity Monitoring Report - Staff VC186874

Purpose of report

1. The purpose of this Committee Report (CR) is to provide the Senior Management Team (SMT) with a report on Equality and Diversity Monitoring – Staff (EDM Staff Report), as set out in the key document, C1 Governance Reporting Arrangements (GRA).

Recommendation and actions

2. I recommend that
 - (i) the SMT notes the CR and the attached EDM Staff Report
 - (ii) the SMT indicates any policy areas which may need to be refined in the light of this CR report and the attached EDM Staff Report
 - (iii) this CR and the EDM Staff Report are published as set out in paragraph 21.

Executive summary

3. 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.
4. 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).
5. As part of the actions taken to ensure compliance with the general requirements of the Act, we collect and analyse staff data and then use the analysis to refine policies and practice where required.
6. A revised C1 Equality Policy was approved by the SMT on 21 September 2021 and is due to be formally reviewed in 2023-24.
7. Mandatory staff training on equalities and diversity takes place each year.
8. Under the GRA, I am required to provide assurance that:
 - (i) all policies which impact staff have been equalities impact assessed

- (ii) staff have undertaken appropriate training to enable them to meet their obligations under the Equality Act 2010

Equalities impact

9. Equalities impact should 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. The C1 Equality Policy is an over-arching policy which will help to ensure that the Commissioner is committed to:
- taking effective action on equality
 - making the right decisions, first time around
 - developing better policies and practices, based on evidence
 - being more transparent, accessible and accountable
 - delivering improved outcomes for all.
10. A CR is required as part of the Commissioner's corporate decision making processes and all CRs are contain a section on equalities impact which must be completed.

Staff Data

11. Staff are asked to complete an equality and diversity monitoring survey annually which is confidential. Completion of the survey is not compulsory and the return rate for the 2022-23 was 87% (2021-22 87%).
12. The attached report summarises the (anonymised) data collected for 2022-23, as at 31 March 2023.

Assurance

13. For 2022-23, I am able to provide the following assurance to the Commissioner:
- as far as I am aware, all policies which impact staff have been equalities impact assessed, where required, in line with our current policies and procedures
 - appropriate mandatory training has been provided to staff enable them to meet their obligations under the Equality Act 2010.

Risk impact

14. 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.
15. This CR and the annual staff survey help to 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

16. This report does not have any direct effect on equalities but is required as part of the assurance reporting under the GRA and the information helps to inform relevant policies and procedures.

Resources impact

17. Having effective and up to date equality policies and procedures ensures consistency of approach.

Operational/ strategic plan impact

18. None.

Records management impact (including any key documents actions)

19. None.

Consultation and Communication

20. None

Publication

21. I recommend that this CR is published but that the attached paper (see table at the start of the report) is not published on the basis that the exemption in Section 38(1) of the Freedom of Information (Scotland) Act 2002. would apply if a request were, at this stage, to be made for the information.