

Equalities scheme





1. Equality and diversity policy statement

- 1.1 Children's Hearings Scotland (CHS) is committed to achieving equality for all employees and volunteers. We recognise that people can be discriminated against for reasons including age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. CHS opposes discrimination on any of these grounds.
- 1.2 All employees and volunteers can expect to work in an environment free from harassment and bullying. All employees and volunteers can expect to be treated with dignity and respect.

2. General duty

- 2.1 CHS' general duty requires public authorities to pay 'due regard' to the need to:
 - eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010
 - advance equality of opportunity between people who share a characteristic and those who do not
 - foster good relations between people who share a relevant protected characteristic and those who do not

These three requirements apply across the 'protected characteristics' which are defined in the Equality Act 2010.

These are: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Only the requirement to eliminate discrimination applies to the protected characteristic of marriage and civil partnership.

- 2.2 The purpose of the general duty is to require authorities to proactively consider equality when carrying out their work. The duty encourages the mainstreaming of equality into authorities' core business so it is not a marginal activity but a key component of what authorities do.
- 2.3 The general duty applies across an authority's functions. This means that the duty applies to policy making, service provision, employment matters and in relation to enforcement or statutory discretion and decision making. It also applies to a public authority's functions in relation to procurement and the contracting out of services.
- 2.4 'Due regard' comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. The greater the relevance of a function to equality, the greater the regard that should be paid.



2.5 CHS aims to ensure that:

- all employees, volunteers and applicants are treated fairly, with respect and are not subject to unjustifiable requirements or conditions
- no group or individual is unfairly excluded or disadvantaged, either in terms of accessibility and availability of services, or in terms of recruitment, employment or procurement
- it continuously improves its approach to equality, by providing appropriate training for employees and volunteers, ensuring policies and practices promote equality and by regularly monitoring and publishing its progress

2.6 This policy applies to all potential and existing employees and volunteers. CHS recognises that achievement of the aims of the policy requires full commitment from all of the aforementioned groups as well as partner agencies.

2.7 Equality impact assessment is a business improvement tool to assist CHS in identifying ways to improve delivery of our functions and is a significant source of information to inform our decision making.

2.8 All projects and policies will be assessed using the Scottish Government's Environmental Impact Assessment (EIA) template. However we will continue to look at how we can improve the tool and the training we provide to our employees and where relevant volunteers on its use.

3 Roles and responsibilities

3.1 Overall responsibility for ensuring the promotion of equality of opportunity rests with the Chief Executive/National Convener, the Senior Management Team (SMT) of CHS and Area Conveners in relation to Area Support Team (AST) activities in support of the Children's Panel.

3.2 The Director of Finance and Corporate Services has responsibility for monitoring CHS' Equality Scheme and ensuring appropriate training is provided to employees and volunteers. The Director of Finance and Corporate Services is also responsible for ensuring the scheme is regularly reviewed in line with best practice, feedback, monitoring and legislation.

3.3 In terms of employment, all CHS officers must apply employment practices, procedures and conditions of service fairly and consistently and ensure staff conduct themselves in accordance with this scheme. In terms of volunteers, CHS must work with ASTs to identify and remove practices or barriers which may lead to discrimination, or offer appropriate alternatives. In both cases CHS officers and Area Conveners must take immediate action to address any discrimination, taking advice as appropriate.

3.4 All employees and volunteers have a duty to accept personal responsibility for the practical application of this scheme. In order to eliminate discrimination and promote equality of opportunity, the scheme should be understood and supported by everyone. Serious breaches of this policy will be dealt with under CHS' Disciplinary Policy and Procedure, where CHS officers are concerned. AST members and panel members will be offered and expected to undertake



training in relation to equality and diversity and role specific responsibilities (for example AST members involved in recruitment activities). Where it is alleged that this policy has been breached by a panel member or AST member, the Area or Depute Area Convener should deal with the matter under the Supervision and Support policy framework, up to and including potential recommendation to the National Convener for removal depending on the circumstances.

All employees and volunteers should challenge discrimination and/or report any unacceptable behaviour to their manager, panel representative or Area or Depute Area Convener. This applies to unacceptable behaviour that comes from any person whether they be a member of CHS staff, volunteer, visitor or employee of other organisations. Where such a concern relates to the behaviour of an Area Convener or Depute Area Convener, this should be reported directly to CHS.

Employees and volunteers have a responsibility to act in a manner appropriate to this policy, whilst in the course of their employment or panel or AST business, and to uphold the principles of fairness and equality in all aspects of their behaviour. This policy covers all CHS and AST or panel related activity.

4. Equal opportunities in practice

4.1 Volunteers

Volunteers and potential volunteers will be treated fairly, openly and honestly and with dignity and respect. Each function must ensure that all volunteers receive fair and equal treatment and are not subject to discrimination.

CHS will also seek to ensure that no condition or requirement, which cannot be shown to be justifiable, will be imposed on volunteers.

4.2 Employment

All employees and potential employees will be treated fairly and equally. Decisions relating to recruitment, selection, training, promotion and reward will be based on objective and job related criteria. Managers will provide appropriate training, advice, policies and procedures.

No applicant or employee will receive less favourable treatment than another person on the grounds stated in paragraph 1 of this policy. No applicant or employee will be placed at a disadvantage by requirements or conditions that have a disproportionately adverse effect on them and which cannot be shown to be justifiable in terms of the post. Each individual will be assessed according to his/her capability to carry out a given job.

CHS wishes to create and maintain a positive working environment that will enable all individuals to feel valued and maximise their potential. This will ensure their contribution to the overall success of the organisation.

Further guidance for AST members, in relation to panel member recruitment, is set out in the core policy 'Recruitment, selection and recommendation to the National Convener for appointment of panel members.'



5. Equal pay

- 5.1 CHS recognises that equal pay between men and women is a legal right under both domestic and European law and is committed to the principle of equal pay for all our employees. We aim to eliminate any sex bias in our pay systems and will extend our monitoring processes to include race, disability and age in the future.
- 5.2 CHS understands that it is important that employees have confidence in the fairness and transparency of the pay system and we are therefore committed to working in partnership with staff.
- 5.3 CHS commits to:
- eliminate any unfair, unjust or unlawful practices that impact on pay
 - take appropriate remedial action

This will be achieved by:

- regularly undertaking equal pay reviews in line with the Single Equality Act 2010 for all current staff and determining starting pay for new staff
- planning and implementing actions in partnership with staff
- providing training and guidance for those involved in determining pay
- informing employees of how these practices work and how their own pay is determined

6 Positive action/positive discrimination

- 6.1 CHS aims to ensure the composition of our workforce reflects that of the population. Positive action will be considered where under representation of particular groups is identified. Positive action allows employers to give employees or potential employees from under represented groups support and encouragement to apply for particular posts. The purpose is to encourage applications from employees of a particular sex or race who are currently under represented.

It must be stressed that the law does not allow employers to make recruitment and selection decisions simply on the basis of sex or race. Employers cannot deliberately set out to recruit from an under represented group to “right the balance”. This is known as positive discrimination and is not permitted under the law.

Advice should be sought from Human Resources before considering any positive action.



7 Implementation

- 7.1 This scheme is fully supported by the Board and SMT.
- 7.2 This scheme will be communicated to all staff and volunteers, providing training as necessary, to ensure that they are aware of the policy and its implications for their work, duties and behaviour. This will be reinforced with ongoing awareness raising and training as required.
- 7.3 Monitoring and publication of equalities information including recruitment monitoring, workforce monitoring and other feedback, will be analysed and reported regularly, taking action where appropriate.
- 7.4 CHS will work in partnership with staff, ASTs and other external bodies as necessary to develop and implement an Equalities Scheme Action Plan containing measurable and achievable targets to improve our approach to equality.
- 7.5 The best way to promote equality is to mainstream it into all policies, practices and procedures. In practice, this should include ensuring equality strategies and considerations are reflected in new policies and procedures and in corporate business and team plans.

8. Complaints

- 8.1 Any employee or volunteer who believes that they have been unfairly treated within the scope of this policy, may raise the matter through the Grievance Policy or Dignity at Work Policy (CHS employees) and the complaints policy (panel and AST members).
- 8.2 Any applicant who believes they have been unfairly treated during the recruitment and selection process may complain in writing to the Director of Finance and Corporate Services within three months of the action in question.
- 8.3 Any volunteer who believes they have been subject to unfair treatment may raise a complaint with their Area or Depute Area Convener in the first instance, or direct with CHS where the complaint relates to the Area or Depute Area Convener.

9. Monitoring and review

- 9.1 CHS has a duty to ensure equality of opportunity in employment and volunteering. This will be monitored on an ongoing basis to assess whether the aims of this scheme are being achieved and to highlight areas where further action is required.
- 9.2 This scheme will be reviewed annually by the Director of Finance and Corporate Services to ensure continued compliance with CHS General Duty, legislation and best practice.

