



Glasgow  
Community  
Justice  
Authority

**GLASGOW COMMUNITY  
JUSTICE AUTHORITY**

Equality Scheme 2008-11

# **1 INTRODUCTION**

- 1.1 This Equality Scheme sets out a strategy and action plan that summarises the Glasgow Community Justice Authority's (GCJA) commitment to equality and how we will fulfill the duties required to promote equality through our work and organisational structure.
- 1.2 The new Equality and Human Rights Commission (EHRC) brings together the work of the three previous equality commissions (the Commission for Racial Equality, the Equal Opportunities Commission and Disability Rights Commission) and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as human rights.
- 1.3 This equality scheme is designed to outline our approach to each of the six equality groups identified as priorities by the EHRC. These are race, gender, disability, age, sexual orientation and religion or belief. Each area is covered by differing legislation and the duties on public authorities in relation to each are at different stages of development. We believe however that an integrated approach to equalities not only anticipates new duties but also recognises the often multiple nature of discrimination faced by many people and shows a commitment to advancing equality of opportunity and equal access to services and employment for all.
- 1.4 This single equality scheme is being developed in line with emerging best practice that aims to use the more stringent duties of under Disability Discrimination law as the benchmark for work across the organisation in relation to all equality groups.

# **2 THE GLASGOW COMMUNITY JUSTICE AUTHORITY**

- 2.1 Glasgow Community Justice Authority GCJA is one of eight new statutory bodies created by the Management of Offenders etc. (Scotland) Act 2005 to be strategic planning and monitoring authorities for the provision of community justice services in Scotland. The Authority will plan, co-ordinate, monitor and report on the delivery of offender services across Glasgow City Council.
- 2.2 GCJA works in partnership with elected representatives from Glasgow City Council and, as outlined in the Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner bodies) order 2006, representatives from Strathclyde Police Service, NHS, Scottish Prison Service, Procurator Fiscal, Victim Support Scotland, APEX Scotland, Crossreach and Turning Point Scotland.
- 2.3 The authority's functions derive mainly from statute and are set out in the Management of Offenders etc. (Scotland) Act 2005 and are set in full at section 7.

### 3 CJA EQUALITY DUTIES

- 3.1 Glasgow CJA, like other public authorities, is subject to general duties to eliminate unlawful discrimination and harassment and promote equality of opportunity. Under each equality strand there are a number of specific duties aimed at meeting the general duty. The CJA is only currently subject to those specific duties introduced under race but anticipates that specific duties under gender and disability will follow shortly.
- 3.2 Glasgow CJA is included in the list of bodies subject to the specific duties under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 through Orders coming into force on 3 October 2006. This means that the CJA has a general duty as above **and** a number of specific duties outlined below.
- 3.3 The CJA is not yet included in the list of bodies subject to the specific duties under the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. However we remain subject to the general duties and anticipate that further regulations will be brought forward to include CJAs as a listed body that will mean the CJA becomes subject to a number of specific duties under the Act.
- 3.4 The CJA is not yet included in the list of bodies subject to the specific duties under the Equality Act 2006 as it amends the Sex Discrimination Act 1975. Similarly we anticipate that further regulations will be brought forward to include CJAs as a listed body that will mean the CJA becomes subject to a number of specific duties under the Act.
- 3.5 While the CJA is not yet subject to the range of duties across all equality groups we plan to approach equalities in a consistent way to ensure that the Authority can:
  - Meet the needs of all communities it serves
  - Improve the way public service are delivered
  - Contribute to a culture of inclusion
  - Prevent racism and discrimination
  - Improve public confidence in local services
- 3.6 This equality scheme aims to build equality issues into all functions of the CJA including policy, planning, service development, performance management, procurement, partnership working and community engagement and internal HR functions.
- 3.7 In addition to the specific responsibilities of the CJA to promote equality the partner agencies of the Authority are also listed authorities with specific responsibilities and duties that they bring to work with the CJA. Within the GCJA this means that Glasgow City Council, Strathclyde Police, Scottish Prison Service, NHSGG&C and the Procurator Fiscal Service all have the same duties as the CJA to promote equality within their structures and operations.

- 3.8 These organisations already have well developed equalities schemes and this document draws heavily on the principles outlined by partners. Links to these are held in Appendix 2. The action plan in Appendix 1 focuses specifically on the areas of work that the CJA, can engage in to promote equality. It will not therefore duplicate the plans of partner agencies or those for individual service areas.

## 4 THE GLASGOW CONTEXT

- 4.1 Guidance from the CRE emphasises the special responsibility of criminal justice authorities to be seen to be just and fair in the way they carry out their function. This responsibility applies for both offenders and their families and victims and communities. We know that inequalities impact on the experience of offending and victimisation and in outcomes. Section 4 outlines some of the issues we know are specifically related to criminal justice.
- 4.2 Information on the experiences of equality groups in relation to crime and victimisation is limited. This is particularly true in relation to offenders. Some of the key issues, mainly in relation to victimisation are outlined in this section. Legislation exists to recognise the specific nature of racist and crime motivated by religious hatred. This allows the collection of data where these crimes are recorded as such.
- 4.3 Glasgow has a significant and growing black and ethnic minority population with the largest proportion of black and ethnic minority people in Scotland. The city's ethnic minority population is 31% of the total ethnic minority population of the country. The Pakistani community, 2.65% of the population as a whole, is the largest ethnic minority group. In addition, Glasgow has welcomed over 12,000 asylum seekers since April 2000 and around 5,681 refugees and asylum seekers live in the city. In terms of faith groups, the city is also home to 42% Muslims, 36% Sikhs and 22% of Hindus who live in Scotland<sup>1</sup>.
- 4.4 In 2006-07 there were 1,970 racially aggravated offences recorded by Strathclyde Police<sup>2</sup>. Evidence from the Scottish Crime Survey, suggests that ethnic minority groups are more likely to be victims of certain types of crime (vandalism, housebreaking, theft of and from vehicles) and experience multiple victimisation. Ethnic minorities were also less likely to report certain types of incidents to the Police (vandalism, assault, robbery and theft from the person). Ethnic minorities were also more likely to be affected emotionally than white respondents<sup>3</sup>.
- 4.5 Over 25% of people in Glasgow have a physical disability or long term illness<sup>4</sup> and an estimated 2,200<sup>5</sup> people have a severe learning disability with a further 17,000 having a mild/moderate learning disability. The links between poverty and disability are well known but less is known about disability and crime and victimisation. A recent Scottish Survey of disabled people carried out for the

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<sup>1</sup> Glasgow Race Equality Scheme 2005-2008

<sup>2</sup> Scottish Executive (2007) Recorded Crime in Scotland 2006-07

<sup>3</sup> Scottish Government (2007) Scottish Crime and Victimisation Survey 2006 Main Findings

<sup>4</sup> NOMIS Official Labour Market Information

<sup>5</sup> Glasgow City Council (2007) CHCP Demographics Report, Education and Social Work Services Performance Team

Disability Rights Commission found that nearly half of those responding to the survey had experienced hate crime as a result of their disability.<sup>6</sup> .

- 4.6 Research suggests that people with learning disabilities are over represented within the prison population. This estimates that between 20-30% of the prison population have learning difficulties or learning disabilities that interfere with their ability to cope within the criminal justice system.<sup>7</sup>
- 4.7 People with mental health problems are included within disability legislation. Mental Health problems are significant among offenders and all evidence suggests that those in the criminal justice system are more likely to experience mental health problems of all types than other people. The HMIP is currently undertaking a thematic review of the issue within Scottish prisons and the CJA will complement this with work on community based resources. Both will help further understand the problems and potential discrimination experienced by those with mental health difficulties within the criminal justice system.
- 4.8 Women make up a small proportion of the criminal justice population but numbers of women convicted and receiving custodial sentences have been rising over the last ten years. There is some evidence to suggest that women receive differential sentences than males convicted of similar crimes and may end up in prison or remand for less serious offending or fine default. Women are also disproportionately victims of some types of offending, particularly domestic violence. In Glasgow there were 9,045 incidents of domestic violence reported in 2005-06 and 85% of these involved a female victim and male perpetrator<sup>8</sup>.
- 4.9 Evidence suggests that lesbian, gay and transgender people are more likely to experience harassment and violence than the general population. Research in 1999 found gay men 4 times more likely to experience violent crime than the general population. Significant underreporting of this victimisation was identified as a result of mistrust in justice agencies<sup>9</sup>.
- 4.10 One of the CJA's roles will be to ensure that, as far as possible, monitoring data from partners and any new commissioned research is able to better understand the experiences and issues of equality groups as well as those of the general population.

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<sup>6</sup> Disability Rights Commission (2004) Hate Crime Against Disabled People in Scotland : A Survey Report

<sup>7</sup> Loucks N (2007) No One Knows: Offenders with learning difficulties and learning disabilities

<sup>8</sup> Scottish Government (2007) Domestic Abuse Recorded by the Police in Scotland 2006-07

<sup>9</sup> Morrison C, Mackay A (2003) The Experience of Violence and Harassment of Gay Men in the City of Edinburgh Scottish Executive

## **5 EQUALITY DUTIES**

### **Race Equality**

- 5.1 The Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (statutory Duties) (Scotland) Order 2002 places authorities under a general duty to:
- eliminate unlawful discrimination
  - promote equality of opportunity
  - promote good relations between people of different racial groups
- 5.2 In addition to this there are specific duties to:
- Publish a race equality scheme; and
  - Carry out employment monitoring
- 5.3 The functions and policies of the authority must be monitored and assessed to ensure compliance with the general duty and must be reviewed every three years.

### **Gender Equality**

- 5.4 The Equality Act 2006 amends the Sex Discrimination Act 1975 and places a general duty on all authorities to:
- Eliminate unlawful discrimination and harassment; and
  - Promote equality of opportunity between men and women
- 5.5 In addition to this there are specific duties to:
- Publish a gender equality scheme
  - Consider the need to include objectives to address the gender pay gap
  - Gather and use information on how policies and practice affect gender equality in the workforce and delivery of services
  - Consult with key stakeholders
  - Implement actions in the scheme within three years
  - Report on progress annually

### **Disability Equality**

- 5.6 The Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 authorities have a general duty to:
- Promote equality of opportunity between disabled persons and others
  - eliminate unlawful discrimination
  - eliminate harassment of disabled persons that is related to their disabilities
  - promote equal opportunities
  - take steps to account of disabled persons disabilities, even where that

means more favourable treatment

- promote positive attitudes towards disabled persons; and
- encourage participation by disabled persons in public life

5.7 In addition to this there are specific duties to:

- Publish a disability equality scheme
- Involve disabled people in developing the scheme
- Carry out impact assessments
- Make arrangements for gathering information
- Develop an action plan and implement within three years
- Report on progress annually

5.8 In the case of race, gender and disability, the authority is required to identify:

- The way in which people have been involved in the development of the scheme
- Methods for assessing the impact of policy and practices on equality
- Steps proposed towards fulfillment of the duty
- Arrangements for information gathering
- Arrangements for annual reporting

### **Age, Faith and Sexual Orientation Equality**

5.9 Employment Equality (Age) Regulations 2006 provide protection against discrimination in employment or vocational training because of someone's age.

5.10 The Employment Equality (Religion and Belief) Regulations 2003 provide protection against discrimination in employment or vocational training because of someone's religion or belief. The Equality Act 2006 makes it illegal to discriminate against anyone because of their religion or faith when providing goods or services.

5.11 The Employment Equality (Sexual Orientation) Regulations 2003 provide protection against discrimination in employment or vocational training because of someone's sexuality. From October 2006 it is also be illegal to discriminate against any person because of their sexuality when providing goods and services.

## **6 CJA COMMITMENTS**

- 6.1 Throughout the work of the CJA we will strive to promote equality. This scheme will ensure a focus on equality issues for the CJA as an organisation and as a partnership.
- 6.2 The guiding aims for the CJA equality scheme are to:
- eliminate unlawful discrimination
  - promote equality of opportunity
  - promote good relations between people from different groups
- 6.3 As set out in the introduction to this scheme the aim is to outline our approach to each of the six equality groups identified as priorities by the EHRC. These are race, gender, disability, age, sexual orientation and religion or belief. This single equality scheme is being developed in line with emerging best practice that aims to use the more stringent duties of under Disability Discrimination law as the benchmark for work across the organisation in relation to all equality groups
- 6.4 This equality scheme aims to build equality issues into all functions of the CJA including:
- policy planning,
  - service development,
  - performance management,
  - procurement,
  - internal HR functions,
  - partnership working and community engagement.
- 6.5 Our Action at Appendix 1 sets out our key initial tasks. This plan relates to the period of the CJA Plan 2008-11. The Equality Action Plan will be reviewed annually and progress towards the aims reported.

### **Consultation and Communication**

- 6.6 The CJA has consulted widely on the priorities for the Area Plan 2008-11. In addition, the partner organisations have a number of mechanisms in place to consult with relevant stakeholders, both organisations and individuals. The CJA will consider evidence from these sources in the development of policies and practice and will aim to avoid unnecessary duplication. Some of the mechanisms for stakeholder involvement include:
- Glasgow City Council Equalities Network
  - Glasgow City Council Citizen's Panel Ethnic Minority Boost (every 2 years)
  - Glasgow Forum of Faiths
  - NHSGG&C Patient Focus and Public involvement programme
- 6.7 This scheme will be adopted subject to further development of our evidence base and communications strategy with local communities and stakeholders. Our initial

forum for consultation will be the City Council Equality Networks. Partners will be consulted further as this scheme develops.

- 6.8 The Disability discrimination Act requires that disabled people are involved in the development of the scheme. We will consider how best to involve disabled people in further development and will report on this involvement on an annual basis.
- 6.9 We will make sure that all material produced by the CJA is written in plain English and is available in different formats and community languages when requested.

### **Policy, Planning and Impact Assessments**

- 6.10 We will ensure that all new policies and developments are impact assessed to ensure that they comply with the aims of this scheme and are consistent with our partner's duties under legislation.
- 6.11 The level of assessment will vary depending on the nature of the development and circumstances. Where there is a significant relevance to equality issues we will ensure that there is an impact assessment, consultation with stakeholders and monitoring of outcomes. These assessments will be published and made available in different formats as required. The impact assessment will include:
- The aims of the policy or development
  - Data relating to the policy or development
  - An assessment of the likely impact on particular groups
  - Consideration of options to mitigate any adverse impact
  - Consultation on the options
  - Decision on options
  - Monitoring scheme for any final policy or development

### **Monitoring and Information Sharing**

- 6.12 The CJA partners are each responsible under the legislation for monitoring workforce and service user data in relation to equality issues. We will support this work and discuss where data gathering can be improved. Where relevant, the CJA will make use of this data for assessing the impact of any new policies or developments proposed by the partners.
- 6.13 At present, Glasgow City Council provides HR support and payroll services to the CJA. While it performs these functions, the CJA will adopt the Council equality scheme practices as for recruitment, employee relations, monitoring and earnings. The CJA will ensure staff are familiar with their duties under these schemes and will also arrange training in relation to equality duties for staff and elected members as required.

### **Publication of the Scheme**

- 6.14 The scheme will be presented to the CJA on 27<sup>th</sup> November 2007 for approval subject to further consultation with equality groups.

- 6.15 The scheme will be published and circulated to all members, partners and employees of the Authority. Copies of the scheme will be made available from the offices of the Glasgow Community Justice Authority, City Chambers, George Square, Glasgow, G2 1DU and will be published on the CJA pages of the Glasgow City Council website and on the CJA website when established.
- 6.16 These reports will be made available quickly in different formats and community languages where requested.

### **Arrangements for Annual Reporting**

- 6.17 The CJA will prepare an annual report on the Equality Action Plan and will publish this alongside the Annual Report of the CJA Plan. The first report will be made at the CJA in May 2008.

## 7 THE STATUTORY FUNCTIONS OF GLASGOW CJA

At such intervals as the Scottish Ministers may determine –

- (a) to prepare in consultation with the partner bodies, Scottish Ministers, the appropriate local authorities and such other bodies as the Scottish Ministers may specify, a plan for reducing re-offending by relevant persons; and
  - (ii) to submit that plan to the Scottish Ministers ;
- (b) to monitor the performance of -
  - (i) appropriate local authorities; and
  - (ii) the Scottish Ministers,in complying with, and in co-operating with each other, the community justice authority and others to facilitate compliance with, the area plan;
- (c) in so far as it considers such performance by -
  - (i) a local authority to be unsatisfactory, to issue such directions to that authority; or
  - (ii) the Scottish Ministers to be unsatisfactory, to make such recommendations to the Scottish Ministers, as it sees fit;
- (d) to promote good practice in the management of the behaviour of relevant persons (“management” being management with a view to reducing re-offending by those persons);
- (e) to allocate to the appropriate local authorities any amount paid to it under -
  - (i) section 72A(1) of the Social Work (Scotland) Act 1968 (c.49) (grants in respect of community service facilities); or
  - (ii) section 72B(1) of that Act (grants in respect of hostel accommodation for persons under supervision);
- (f) to arrange with the partner bodies that, so far as practicable, any information
  - (i) relating to relevant persons; and
  - (ii) in the possession of any of those party to the arrangements, is furnished or made available to the others party to them;
- (g) as soon as practicable after the end of each financial year, to report to the Scottish Ministers on -
  - (i) its activities and performance during that year in discharging its functions under this section; and
  - (ii) the activities and performance during that year of appropriate local authorities, partner bodies and the Scottish Ministers in complying with, or facilitating compliance with, the area plan; and
- (h) any function which it has by virtue of section 8 of this Act. (Section 8 deals with the transfer of functions to community justice authorities).

## APPENDIX 1 ACTION PLAN

Area	Action/Task	Planned Outcome	Responsibility	Timescale
<b>Equality Scheme</b>				
	We will consult with the CJA Members, Partners and other relevant stakeholders on this scheme and action plan and prepare a final scheme for 2008-11.	A scheme supported by all involved in the partnership with clear actions for the period 2008-11.	CJA/Partners/others	Finalised scheme and plan in place by March 2008.
	This Equality Scheme will be formally reviewed and progress towards the actions reported annually.	Updated and relevant scheme and action plan.		First review presented to Board with Annual Report in May 2008.
<b>Policy Development</b>				
	Equality Impact Assessments (EQIA) to be carried out for all policies and developments proposed by GCJA. Where significant equalities issues exist this assessment will also include consultation with stakeholders and proposals for monitoring outcomes of the policy/development.	Policies and developments that are appropriate to the needs of individuals concerned and do not discriminate or disadvantage.	CJA and Partners	ongoing
	Any procurement or commissioning done by the CJA will be carried out in line with best practice and will require equality issues are taken into account	Openness in procurement of goods and services. Promotion of equality to wider constituency.	CJA	ongoing
<b>Equality Monitoring</b>				
	As the employing authority GCC will monitor the CJA's workforce and pay and the CJA will adopt GCC standards in relation to recruitment and terms and conditions..	Openness and equality of opportunity in recruitment policy and practice	GCC/CJA	ongoing
	The CJA will support Partner agencies to develop or extend monitoring systems to cover equality groups as necessary.	Better information on equality groups and their relationship to services. Ability to identify issues of representation or access.	CJA and Lead Officers Group	From 2007

	As part of its Baseline Performance Reporting Framework the CJA will consider which indicators to include in relation to Equality groups.	Ongoing monitoring of key equality data	CJA	Baseline March 2008. Annual reporting
<b>Communication</b>				
	The CJA will consult with stakeholders and via relevant structures and the community on significant new policies or developments.	Policies and developments that are appropriate to the needs of individuals concerned and do not discriminate or disadvantage.	CJA	ongoing
	The Partner agencies of the CJA will share relevant consultation findings with the CJA to reduce duplication.	Ensures good use of resources and reduces burden on communities.	CJA Partners	ongoing
	The CJA will prepare, publish and implement a communications strategy that will address plans for communication with Equality groups.	A consideration of the communication requirements of all stakeholders and effective multiple (and two way) methods of communication in place	CJA Chief Officer	Communications Strategy in Place March 2008
	The CJA will commission a website to help disseminate information and encourage dialogue. We will ensure that any design meets current best practice for accessibility.	Easy access to all CJA materials. Development of CJA 'identify' and profile. Support engagement with different communities.	CJA Chief Officer	Basic website in place March 2008 and ongoing
	Documents published by the CJA will be made available as quickly as possible in different formats and community languages on request.	Documents are accessible to all.	CJA Chief Officer	2007 and ongoing
	The premises used by the CJA will be accessible to disabled users and anyone needing support to understand the work of the Authority will be enabled to do so	All activities organized by the CJA are as accessible as possible. People are offered support to engage with the CJA where relevant.	CJA Chief Officer	2007 and ongoing

## **APPENDIX 2 PARTNER EQUALITY POLICIES**

### **Glasgow City Council**

[Equality Policy](#)  
[Disability Equality Scheme](#)  
[Race Equality Scheme 2005-2008](#)  
[Gender Equality Scheme](#)

[Information on Lesbian, gay, bisexual and transgender \(LGBT\) equality](#)

[Information on Religious Discrimination](#)

### **Scottish Prison Service**

[Disability Equality Scheme 2006-2009](#)  
Race Equality Scheme  
[Gender Equality Duty](#)

### **NHS Greater Glasgow & Clyde**

[Equality Scheme 2006-2009](#)

### **Strathclyde Police**

[Equality and Diversity Strategy](#)  
  
[Race Equality Scheme](#)  
[Disability Equality Scheme](#)  
[Gender Equality Scheme](#)

### **Procurator Fiscal Service**

[Race Equality Action Plan](#)  
[Disability Equality Action Plan](#)