

Equal Pay Statement and Reporting

2023-2027

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# Scottish Courts and Tribunals Equal Pay Statement

This statement has been agreed in partnership with Public and Commercial Services (PCS), trade union and will be reviewed on a regular basis. Our last statement was published in 2019.

The Scottish Courts and Tribunals Service (SCTS) is committed to the principles of equality of opportunity in employment. The SCTS believes that staff should receive equal pay for the same or broadly similar work, or work rated as equivalent and for work of equal value, regardless of their age, disability, ethnicity or race, gender reassignment, marital or civil partnership status, pregnancy, political beliefs, religion or belief, sex or sexual orientation.

The SCTS understands that equal pay between women and men is a legal right under both domestic and European law and in addition, the Equality Act 2010 (Specific Duties) (Scotland) Regulations[[1]](#footnote-1) require the SCTS to take the following steps:

* Publish gender pay gap information every year. We will work in partnership with PCS to address the mean gender pay gap, continue to monitor our results and the root causes of our gender pay gaps during the reporting period 2023 – 2027.
* Publish a statement on equal pay between men and women; persons who are disabled and persons who are not; and persons who fall into a minority ethnic group and persons who do not, to be updated every 4 years;
* Publish information on occupation segregation among its employees, being the concentration of men and women; persons who are disabled and persons who are not; and persons who fall into a minority ethnic group and persons who do not, to be updated every 4 years.

The SCTS recognises that in order to achieve equal pay for employees doing the same or broadly similar work, or work rated as equivalent and for work of equal value it should operate pay systems which are transparent, based on objective criteria and free from unlawful bias.

The SCTS will also monitor the application of other relevant employment policies and practices to ensure that they do not adversely impact on equality in respect of access to pay, benefits or career development.

It is good practice and reflects the values of the SCTS that pay is awarded fairly and equitably.

In line with the General Duty of the Equality Act 2010, our objectives are to:

* Eliminate unfair, unjust or unlawful practices and other discrimination that impact on pay equality;
* Promote equality of opportunity and the principles of equal pay throughout the workforce;
* Promote good relations between people sharing different protected characteristics and those who do not in the implementation of equal pay.

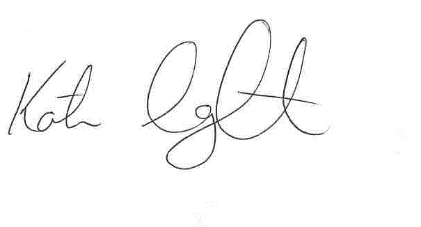
Implementation:

* With appropriate resources, the equal pay policy will be implemented through the application of sound and legally robust pay and reward practices supported and complemented by the initiatives and measures set out in the SCTS’s Equality Outcomes and Mainstreaming Report 2023 -2027.
* Any proposed changes to pay and other associated employment practices will be subject to consultation with PCS, the recognised trade union and other relevant stakeholders

We will:

* Review this policy, statement and action points with PCS as appropriate, every two years and provide a formal report within four years;
* Inform employees as to how pay practices work and how their own pay is determined;
* Ensure managers are provided with guidance regarding decisions about pay and grading and employee benefits ensure consistent and fair practice;
* Continually review the implementation of our existing and future pay practices for all our employees, including part-time workers, those on fixed term contracts of unspecified duration, and those on pregnancy, maternity or other authorised leave;
* Undertake regular monitoring of the impact of our practices in line with the requirements of the Equality Act 2010;
* Consider, and where appropriate, undertake a planned programme of equal pay reviews in partnership with PCS.
* Empower staff and managers to work flexibly and to support work life/ balance ;
* Continue to support staff with caring responsibilities through our Carer Positive Exemplary recognition;
* Continue to promote fair work practices and assess performance against the principles set out in the Fair Work agreement;
* Our ways of working will include visible leadership that prioritises diversity and inclusion;
* Regular review of data to scrutinise performance and drive improvement across recruitment practices, career progression and retention;

This statement is owned by the SCTS Chief Executive with the Director, HR having lead responsibility for its delivery.



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Lisa Sellars Katie Leighton

Director, HR PCS Branch Chair

Scottish Courts and Tribunals Service

December 2023

# Appendix 1: Our data

## Our organisation

The Scottish Courts and Tribunals Service (SCTS) is an independent corporate body established by the Judiciary and Courts (Scotland) Act 2008.

Its function is to provide administrative support to Scottish courts and tribunals and to the judiciary of courts, including the High Court of Justiciary, Court of Session, sheriff courts and justice of peace courts, and to the Office of the Public Guardian and Accountant of Court.

# Legislative framework

The Equality Act 2010 gives everyone a right to equal pay for equal work. It requires that women and men are paid on equally favourable terms where they are employed on ‘like work’ or ‘work rated as equivalent’ or ‘work of equal value’.

The Equality Act replaces previous legislation, including the Equal Pay Act 1970 and Sex Discrimination Act 1975, and the equality provisions in the Pensions Act 1995. The Act’s provisions on equal pay and sex discrimination are intended to ensure that pay and other employment terms are determined without sex discrimination or bias.

The SCTS is required to comply with the three aims of the Public Sector Duty under the Equality Act 2010 and meet the requirements of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

* Eliminate unfair, unjust or unlawful practices and other discrimination that impact on pay equality
* Promote equality of opportunity and the principles of equal pay throughout the workforce
* Promote good relations between people sharing different protected characteristics and those who do not in the implementation of equal pay.

# Specific duties

In line with the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 the SCTS has a duty to:

* Gather employee information and use it to support the delivery of the general duty
* Publish a statement on equal pay
* Gather and publish gender pay gap information

Our gender pay gap report is published on an annual basis in March each year and the specific duties require that the Equal Pay statement is reviewed, revised as appropriate and published every 4 years.

In addition to gender, the specific duties require that occupational segregation analysis and reporting consider the following:

* Gender: compares men and women
* Disability: compares distribution of people who identify as disabled vs those who identify as not disabled
* Race: compares distribution of persons who fall into racial minority group and those who do not

# Gender pay gap

The Gender Pay gap (GPG) is a measure of the difference between women and men’s average earnings across an organisation. Gender pay is different to equal pay, which is a legislative act to prevent pay discrimination between female and male employees performing the same or similar work.

SCTS reported in March 2023 that there is no median gender pay gap and a very low percentage mean gender pay gap. The full report can be accessed [here](file:///\\scotcourts.local\data\PDU\HRU%20EQUALITIES%20&%20DIVERSITY\Equal%20Pay%20Statement%202023\equal-pay-statement-and-reporting-2023-2027%20-%20DRAFT%20with%20updated%20tables.docx).

At present it is not a legislation requirement to report on Ethnicity Pay Gap. This is something SCTS is keen to report on in future and we are promoting to all our employees the importance of having up-to-date employee personal characteristic information so we are able to produce accurate and meaningful reports .

# Occupational segregation

Occupational segregation refers to the distribution of people defined by specific characteristics, for example, by disability, gender or race, into difference types of work. Many factors influence this clustering effect including gender norms and stereotypes; assumptions about the capability of men and women, preferences and skills; the culture associated with male dominated occupations and sectors; access to training and development opportunities and access to flexible working particularly in senior roles. Occupational segregation restricts choices for men and women and the jobs most likely to be done by women are those that are associated with low pay and fewer opportunities to progress.

This report relates to staff in our grades up to and including Grade 6, Director level, but not Executive Director as these are Senior Civil Servant Grades and are employed by Scottish Government and not SCTS.

Occupational segregation is typically described in two ways:

# Horizontal segregation by gender

The horizontal segregation by gender is referring to the clustering of men and women into different types of work. The SCTS continues to employ more women than men. As at 31 March 2023 SCTS employed 68.2% women and 31.8% men. This is an increase from where 66.3% women were employed at 31 March 2019. Women are represented across all grades and business units.

Table 1 below shows the number of women and men working in different business units as at 31 March 2023 and the percentage of women and men in each.

**Table 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Business Unit** | **Women** | **%** | **Men** | **%** | **Total** |
| **Education & Learning Unit** | 15 | 83% | 3 | 17% | **18** |
| **Fines Business Unit** | 33 | 67% | 16 | 33% | **49** |
| **HQ** | 130 | 53% | 116 | 47% | **246** |
| **Judicial Office** | 41 | 73% | 15 | 27% | **56** |
| **Office of the Public Guardian** | 85 | 74% | 30 | 26% | **115** |
| **Sheriff and JP Courts** | 780 | 72% | 309 | 28% | **1089** |
| **Supreme Courts** | 107 | 61% | 68 | 39% | **175** |
| **Tribunals Operations** | 145 | 68% | 67 | 32% | **212** |

Compared to the 2019 Equal Pay report, the number of women and men has increased overall.

All business areas have a greater proportion of women than men. In the 2019 Equal Pay report, Headquarters had a greater proportion of men than women (49% women, 51% men) in 2019 however, the number of women has increased to 53% in 2023.

Both the Change, Digital and Innovation Unit (CDi) and Property Services Unit (PSU) within Headquarters continue to have a higher male workforce than female. The CDi workforce employs 67.1% men and 32.9% women and PSU workforce employs 66.7% men and 33.3% women.

# Vertical segregation by gender

Vertical segregation by gender is referring to the clustering of men and women into different levels of work. Table 2 below shows the number of women and men working across the different pay grades as at 31 March 2023 and includes the percentage of women and men within each grade.

**Table 2**

| **Grade1** | **Women** | **%** | **Men** | **%** | **Total** |
| --- | --- | --- | --- | --- | --- |
| **Director** | 10 | 50% | 10 | 50% | **20** |
| **Senior Manager** | 38 | 59% | 26 | 41% | **64** |
| **SEO** | 96 | 65% | 52 | 35% | **148** |
| **HEO** | 139 | 65% | 74 | 35% | **213** |
| **EO** | 368 | 71% | 150 | 29% | **518** |
| **AO** | 503 | 74% | 178 | 26% | **681** |
| **AA & Support Grades** | 179 | 57% | 133 | 43% | **312** |
| **1Grade not identified** | 3 | 75% | 1 | 25% | **4** |

1 This includes 4 persons who are not on SCTS grade scale but are paid employees of SCTS

**Chart 1**

The chart below shows the distribution of staff across all grades at 2019 and 2023

The size of the organisation has increased since the last Equal Pay report in 2019, with an additional 172 staff now employed. Although women are well represented at all levels of the organisation, including at senior levels, the highest proportion of women are employed in the AO and EO roles, with the percentage of women decreasing as the grades become more senior .

There has been an increase in the number of women at Director level compared to 2019 resulting in a balance of the number of women and men employed (10) at this grade. The number of women employed at this grade has increased from 42% in 2019 to 50% in 2023 out of 20 employees overall.

In 2023 there are 47 more staff employed at Executive Officer (EO) grade than in 2019. At AO grade, there is 325 more women employed at this grade than men.

# Working pattern

The table below shows the number of men and women who work full time and part time across different age bands as at 31 March 2023.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Age Bands** | **Women** | | **Men** | |
| **Full time** | **Part time** | **Full time** | **Part time** |
| **16 - 19 years old** | 3 | 0 | 1 | 0 |
| **20 - 29 years old** | 189 | 17 | 87 | 2 |
| **30 - 39 years old** | 233 | 81 | 126 | 1 |
| **40 - 49 years old** | 202 | 77 | 118 | 7 |
| **50 - 59 years old** | 274 | 109 | 145 | 32 |
| **60+ years old** | 71 | 80 | 54 | 51 |
| **% of total** | **49.6%** | **18.6%** | **27.1%** | **4.7%** |

As of 31 March 2023, there is a decrease in the number of women and men employed between the ages of 16 – 19 years old compared to 2019 (13 in total).

Of those women and men employed between ages of 20 – 49 working full time has increased overall compared to 2019 however the number of full time men employed has decreased by 21 within the age band of 50 – 60+ years old.

From 2020 the Human Resources Unit implemented a new Pay and People system where we are able to report on flexible working at grade level.

| **Working pattern by grade** | **Women** | | **Men** | |
| --- | --- | --- | --- | --- |
| **Full time** | **Part time** | **Full time** | **Part time** |
| **Director** | 10 | 0 | 10 | 0 |
| **Senior Manager** | 36 | 2 | 25 | 1 |
| **SEO** | 69 | 27 | 45 | 7 |
| **HEO** | 121 | 18 | 70 | 4 |
| **EO** | 283 | 85 | 140 | 10 |
| **AO** | 350 | 153 | 161 | 17 |
| **AA & Support Grades** | 101 | 78 | 79 | 54 |
| **1Grade not identified** | 2 | 1 | 1 | 0 |
| **% of total** | **49.6%** | **18.6%** | **27.1%** | **4.7%** |

We cannot make a direct comparison with 2019 Equal Pay Report as we were not able to report on flexible working at grade level in our legacy system however we can see from the table above that our highest number of full time workers between women and men is at the AO & Clerk/Typist grade.

# Occupational segregation by Age

As at 31 March 2023, our highest age band by grade is 50 – 59 year old at the AO & Clerk/Typist grade. The below table again highlights the decrease in women and men employed at 16 – 19 years old across all grade levels in SCTS. This table also highlights the age band increasing at higher grades with only 4 employees at Senior Manager level between 20 – 29 years old and with no employees under 40 employed at Director level.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Grade by Age Band** | **16 - 19 years old** | **20 - 29 years old** | **30 - 39 years old** | **40 - 49 years old** | **50 - 59 years old** | **60+ years old** |
| **Director** | 0 | 0 | 0 | 5 | 14 | 1 |
| **Senior Manager** | 0 | 4 | 11 | 22 | 23 | 4 |
| **SEO** | 0 | 2 | 39 | 42 | 52 | 13 |
| **HEO** | 0 | 15 | 65 | 58 | 62 | 13 |
| **EO** | 0 | 88 | 150 | 119 | 120 | 41 |
| **AO** | 1 | 159 | 153 | 125 | 163 | 80 |
| **AA & Support Grades** | 3 | 26 | 23 | 32 | 125 | 103 |
| **1Grade not identified** | 0 | 1 | 0 | 1 | 1 | 1 |

# Occupational segregation by disability

As at 31 March 2023, 93 staff (4.7%) had disclosed that they had a disability. The spread of disabled staff across grades has been analysed and as the number of staff is very small, it is not possible to publish the detailed information as this may identify individuals.

The majority of staff who have disclosed a disability are in the EO and AO grade (65% of those who have disclosed). Of those, 67% are women and 33% are men. The lowest level of disclosure is in the Senior Manager and Director grades with only 2.1% of those who have disclosed.

It is recognised that there is a gap in the self-disclosure relating to disability.

# Occupational segregation by minority ethnic group

As at 31 March 2023, SCTS had a very low disclosure in relation to ethnic group with 60% of staff not choosing any category and 0.4% of staff preferring not to declare. The table below details the following percentages pertaining to those 39.6% that have disclosed:

|  |  |
| --- | --- |
| White | 23.4% |
| White - Scottish | 57.9% |
| White Other | 2.1% |
| xWhite Other British | 11.5% |
| |  | | --- | | Arab, Arab Scottish/ British | | Asian - Indian | | Asian - Pakistani | | Asian, Asian Scottish/ British - Pakistani | | Black/African/Caribbean/British - African | | Chinese - Chinese Scottish/Chinese British | | Hispanic or Latino | | I Prefer not to say | | Mixed Asian and White | | Mixed/Multiple - White and Asian | | Mixed/Multiple - White and Black African | | Other Asian background | | Other black background | | Other Ethnic Background | | Other mixed ethnic Background | | White - Irish | | White - Polish | | White - Unknown | | White Gypsy/Traveller | | 5.2% |

# Summary

Occupational segregation analysis highlights that SCTS has a predominately female workforce. Women work across all grades and business units of the organisation.

SCTS offers flexible working opportunities and there is evidence of staff in a range of roles having part-time contracts.

A small proportion of the workforce have disclosed they have a disability and this is mainly within the EO and AO grades, with very little disclosure at the more senior grades. There is not enough data this year to analyse occupational segregation by minority ethnic group.

# Appendix 2: Our actions

The below table highlights our actions to address the occupational segregation issues and challenges identified in the analysis above.

|  |  |
| --- | --- |
| Issue(s) | Future Actions |
| Attract staff with protected characteristics and to ensure that women remain represented at more senior levels | * Centralisation of Recruitment & Resourcing in the autumn of 2023 meaning that our recruitment SME’s will have far greater involvement in setting out the assessment criteria for all of SCTS’ vacancies and will ensure that the language and approaches used are inclusive, fair and consistent. For example, **reframing interview questions**with a trauma-informed lens will be considered to attract job candidates that share our organisational values * Continued collaboration with Scottish Government (SG) in the recruitment of our Executive Director level roles that use the SG Leadership Framework that includes assessment of candidate abilities in:- * Championing diversity and equality * Leading through trust and empowerment * Building a learning culture * Building collective resilience * Implementation of a workforce plan that assists succession planning and talent management initiatives. * Continued expectation of gender balance on our recruitment selection panels and promotion boards that will be part of the centralised facilitation of recruitment campaigns. |
| A decrease in employees aged 16-19 years old | * Attend various recruitment events both in-person and online marketing our opportunities and explaining our recruitment process and assessment methods. These include Schools, Colleges and Universities. * We will continue to work with Skills Development and its recognised and accredited learning providers to create and accommodate youth employment opportunities including Modern Apprenticeship Schemes. We still have our recognised and approved “Life Chances” Modern Apprenticeship Scheme in place and hope to work in partnership with the third sector to offer opportunities to people in the interests of Social Inclusion and closing the employment gap. We will work with managers to establish where these opportunities can be accommodated and include this in our Workforce Planning. |
| Small percentage (4.7%) of staff with declared disability | * Continued collaboration with Inclusion Scotland implementing a new workshop for our recruiting managers to be rolled out in Autumn 2023. This workshop is designed to improve our recruiting managers abilities in relation to inclusivity, reduction of workplace barriers, support in relation to attitudes and reflective practices. This will support an inclusive approach in assessing candidates and will allow managers to return to the workplace with greater knowledge, confidence and abilities in respect of inclusivity. * We will ensure our advertising outlets reach out to a diverse range of people and that the information about our roles is accessible by all. * We will explore options to conduct an assessment of accessibility in the organisation |
| Consistent lack of data in relation to occupational segregation of disability and ethnic minority staff | * All new staff will be asked to share their personal data on our Pay and People System as part of the on boarding process * We will launch a ‘play your part too’ campaign encouraging all current staff to continually update their personal details. As a part of this campaign, we will continually monitor data and review success of each phase. * We will establish an EDI champions initiative which will aim to involve and encourage all staff at all grades and business units to keep personal data up to date. * We will work with the communications team to ensure their strategy for 2024-2026 is underpinned by EDI outcomes of raising awareness and accessibility. |
| Equality in our pay award. | * Equality Impact Assessment (EqIA) to be completed for each pay award * An EqIA will be developed during 2023-24 in partnership with PCS pending conclusion of pay negotiations with PCS and publication of a final pay offer 2023-24. |

1. http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents [↑](#footnote-ref-1)