

Integrated Impact Assessment (IIA)

Part 1 Scoping

1 Details of the Proposal

Title of Proposal:	Guidance of Politically Restricted Posts
What is it?	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/ Strategy/Practice <input checked="" type="checkbox"/>
Description of the proposal:	<p>Certain posts within Scottish Borders Council (The Council) are required to be 'politically restricted', which means that the individuals who hold them are effectively prevented from having any active political role either in or outside the workplace.</p> <p>The main provisions regarding Politically Restricted Posts are set out in Part 1 of the Local Government and Housing Act 1989. The restrictions cover membership of Local Authorities, and the Westminster and Scottish Parliaments. In addition the Local Government Officers' (Political Restrictions) Regulations 1990 provide that terms and conditions of employment are deemed to incorporate additional provisions set out in the Schedule to the Regulations.</p> <p>The Guidelines set out these requirements in a Council context.</p>

	<p>The Council has a duty to prepare and maintain a list of posts which are deemed to be politically restricted. This List must be sent annually to the Local Government Political Restrictions Exemptions Adjudicator for Scotland.</p> <p>Applicants for posts which are deemed to be politically restricted are advised of the implications at the time of applying and throughout the recruitment process.</p> <p>This assessment is a review of SBC's existing guidance, in order to ensure that the guidance remains relevant and fit for purpose.</p>
<p>Service Area: Department:</p>	<p>Human Resources</p>
<p>Lead Officer:</p>	<p>Iain Davidson Employee Relations Manager</p>
<p>Other Officers/Partners involved:</p>	
<p>Date(s) IIA completed:</p>	<p>18th May 2022</p>

2 Will there be any cumulative impacts as a result of the relationship between this proposal and other policies?

Yes
<p>If yes, - please state here:</p> <p>The guidance is associated with SBC's Recruitment and Selection Policy and Discipline Policy and where applicable these should be cross referenced to gain further detail.</p>

3 Legislative Requirements

3.1 Relevance to the Equality Duty:	
Do you believe your proposal has any relevance under the Equality Act 2010?	
Equality Duty	Reasoning:
Elimination of discrimination (both direct & indirect), victimisation and harassment.	Given the legislative context it is deemed that this guidance is not relevant to the Public Sector Equality Duty, namely the, elimination of discrimination, victimisation and harassment, fostering good relations or the promotion of equality of opportunity.
Foster good relations?	
Promotion of equality of opportunity?	

3.2 Which groups of people do you think will be or potentially could be, impacted by the implementation of this proposal? (You should consider employees, clients, customers / service users, and any other relevant groups)

Please tick below as appropriate, outlining any potential impacts on the undernoted equality groups this proposal may have and how you know this.

	Impact			Please explain the potential impacts and how you know this
	No Impact	Positive Impact	Negative Impact	
<p>All protected characteristics including: Age, Disability, Sex, Race, Religion/Belief, Pregnancy/Maternity, Sexual Orientation, Gender Reassignment/ Transgender identity..</p>	X			<p>There is deemed to be no impact.</p> <p>These guidelines are intended to ensure fair treatment for all employees of SBC regardless of their protected characteristic and the Council is legally required to designate certain posts as politically restricted.</p> <p>The guidance provides a clear definition of a politically restricted post.</p> <p>There is no likelihood that this guidance will affect people who share protected characteristics differently from other people. The documentation used is accessible and in clear and plain English.</p>

3.3 Fairer Scotland Duty

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to how we can reduce inequalities of outcome caused by socioeconomic disadvantage when making strategic decisions.

The duty is set at a strategic level - these are the key, high level decisions that SBC will take. This would normally include strategy documents, decisions about setting priorities, allocating resources and commissioning services.

Is the proposal strategic?

No. Given the context of the guidance it is considered not to be relevant to the Fairer Scotland Duty.

If No go to Section 4

4 Full Integrated Impact Assessment Required

Select No if you have answered “No” to all of Sections 3.1 – 3.3.

Yes/ No *(please delete as applicable)*

If a full impact assessment is not required briefly explain why there are no effects and provide justification for the decision.

As stated earlier, these guidelines are intended to ensure fair treatment for all employees of SBC regardless of their protected characteristic and constitute the Council advising employees of legal obligations.. The guidance provides a clear definition of a politically restricted post.

There is no likelihood that this guidance will affect people who share protected characteristics differently from other people. The documentation used is accessible and in clear and plain English.

Furthermore given the legislative context it is deemed that this guidance is not relevant to the Equality Duty, or Fairer Scotland Duty. Therefore a full assessment is not required.

The review of the guidance has ensured that it is current, relevant and fit for purpose. Amendments to the guidance include the inclusion of an accessible format strapline and version control matrix and list of associated policies that should be read in conjunction with the guidance.

Nevertheless it is recommended that the guidance be reviewed at least every two years or as legislation requires in order that it continues to remain relevant and reflects legislative requirements.

Signed by Lead Officer:	Iain Davidson
Designation:	Employee Relations Manager
Date:	18/05/2022
Counter Signature Director	Clair Hepburn
Date:	18/05/2022