

Integrated Impact Assessment (IIA)

Part 1 Scoping

1 Details of the Proposal

Title of Proposal:	Equality, Diversity and Human Rights Policy
What is it?	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/Strategy/Practice <input checked="" type="checkbox"/>
Description of the proposal:	The Policy sets out Scottish Borders Council's (the Council) commitment to the principles of equality, diversity and human rights in employment. The Policy provides an overview of the protection provided to staff who share protected characteristics and remedies which may be taken in the event of discrimination, victimisation or harassment occurring. The Policy also sets out the role and responsibilities of staff employed at the Council, and provides information about the Council's processes to monitor and take action to advance equality, diversity and human rights in practice.
Service Area: Department:	People Performance & Change Human Resources
Lead Officer:	Iain Davidson Employee Relations Manager

Other Officers/Partners involved:	Simone Doyle Equality & Diversity Officer Human Resources
Date(s) IIA completed:	16 th June 2022

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

Yes

This policy is associated to the following key policies and where applicable should be cross referenced to gain further detail:

- Attendance Management Policy and Procedure
- Dignity and Respect in the Workplace
- Disciplinary Procedures for Misconduct
- Employee Code of Conduct
- Equal Pay
- Family Friendly
- Flexible Working
- Grievance
- Investigation
- Job Allocation
- Leave
- Mentally Healthy Workplace and Stress Management
- Protocol on Councillors' Personal Behaviour
- Recruitment and Selection
- Redeployment
- Redundancy

- References
- Social Media
- Staff Volunteering Guidance
- Substance Misuse
- Temporary appointments
- Trade Unions
- Training and development
- Use of Consultants, Agency Workers and Sole Traders
- Work Opportunities Scheme
- Work Performance
- Working Time Regulations

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.	This Policy has been designed to positively impact not just on people who share protected characteristics in terms of the Equality Act 2010, but should also positively impact all potential and/ or existing employees. It does this by raising awareness of disadvantages and risks which people may face, and clearly sets out the Council's commitment to the advancement of equality and the prevention of discrimination, victimisation and harassment.
Promotion of equality of opportunity?	
Foster good relations?	

**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	
Age Older or younger people or a specific age grouping		X		<p>This Policy should result in a positive impact on all age groups. It acknowledges that people face discrimination because of their age, and that while this can happen at any time, it can particularly affect older and younger people. The Policy should prevent discrimination by noting that there can be negative stereotypes about age. For example, people can make negative judgements about older people's willingness to change, or take on new responsibilities. The Policy takes a wide view of diversity, and shows that being positive about age leads to a wider range of skills and abilities in the workplace.</p> <p>With regards to recruitment and selection, the Policy states that objective criteria will be used. This will lessen the risk of age discrimination happening in this process.</p> <p>The Appendix provides guidance on training and development, and recommends that service areas are aware that there are common assumptions about age limits for training, which can amount to discrimination.</p> <p>Sample scenarios include a situation where a candidate felt that the interview questions had been aimed at sifting out women of child-bearing age who might become pregnant and another when an older employee was selected for redundancy. These practical examples are</p>

				an effective way of demonstrating equality in practice and reflects the Council's commitment to a zero tolerance approach.
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		X		<p>This Policy should result in a positive impact on people with a disability. It begins with an acknowledgment of the fact that disabled people face disadvantage and discrimination. The Policy does not just focus on physical barriers, but raises awareness of the social model of disability, where negative attitudes and exclusion are the main barriers for people with a disability.</p> <p>There is reference to the Disability Confident Scheme, which provides guarantees that people with a disability who apply for posts with the Council will be interviewed, provided they meet the essential criteria.</p> <p>The Policy notes that reasonable adjustments will be made for people with a disability during the application and selection process stages and also during employment.</p> <p>The requirement for objectivity in selection criteria should also prevent discrimination occurring on the grounds of disability. The Policy assures staff that any information disclosed will be held confidentially. It is anticipated that this will encourage staff to discuss issues in the context of their disability.</p> <p>The Policy has been amended to inform that analysis of the Council's pay gap will include disabled employees. Analysis has been conducted, however due to the small number of employees who have declared a disability (2.57%) the results will not be published as individuals may be identified.</p>

				The Policy refers to the Attendance Management Policy which has recently been assessed by the Council and steps have been taken to mitigate any risk of discrimination.
Gender Reassignment/ Gender Identity anybody whose gender identity or gender expression is different to the sex assigned to them at birth		X		<p>It is anticipated that this Policy will have a positive impact on transgender staff employed by the Council.</p> <p>The preliminary section of the Policy acknowledges that transgender people can face disadvantage, victimisation and discrimination. The Policy acknowledges that transgender staff members will be treated with dignity and respect and that their privacy will be ensured and respected.</p> <p>In addition the Policy demonstrates sensitivity to people who are undergoing or have undergone gender reassignment by recognising that there can be negative stereotypes connected, and that transgender people can face victimisation and harassment.</p>
Marriage or Civil Partnership people who are married or in a civil partnership		X		It is considered that the Policy will have a positive impact for this protected characteristic. The Policy makes reference to ensuring that employment policies and practices do not discriminate between those who have entered into marriage and those that have entered into a civil partnership. Furthermore the policy declares that the Council will treat civil partners in the same way as married people for example and not limited to: benefits, employment and vocational training.
Pregnancy and Maternity (refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work		X		It is considered that the Policy should have a positive impact for this protected characteristic. The preliminary section of the Policy explains the differences between pregnancy and maternity and how discrimination may

<p>context, protection against maternity discrimination is for 26 weeks after giving birth),</p>			<p>occur. The Council makes a commitment to ensure that employees are not discriminated against when pregnant or during the period of maternity and that employees are aware of their rights including maternity and paternity leave.</p> <p>Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to Pregnancy and Maternity.</p>
<p>Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p>		<p>X</p>	<p>The Policy has been developed to ensure that ethnic minority groups do not encounter discrimination either during the application and recruitment process or throughout their employment with the Council.</p> <p>In particular, the Council demonstrates a commitment to zero tolerance of harassment, victimisation, and discrimination connected with race.</p> <p>The focus on objectivity in the Recruitment and Selection process should also advance equality for people from different races. Any information regarding race is withheld during the recruitment process which should reduce the risk of bias.</p> <p>The Policy also states that managers should be absolutely sure if a degree or other qualifications are essential to the role. This may assist ethnic minority applicants as they may have qualifications from outwith the UK.</p> <p>The Policy has been amended to inform that analysis of the Council's pay gap will include race groups. Analysis has been conducted, however due to the small number of employees who identify as minority ethnic (0.55%) the</p>

				<p>results will not be published as individuals may be identified.</p> <p>Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to race.</p>
<p>Religion or Belief: different beliefs, customs (including atheists and those with no aligned belief)</p>		X		<p>The Policy recognises that people can face disadvantage and discrimination as a result of their religion, faith, belief or non-belief. The Council makes a commitment to support employees to practice a religion or belief and to have their beliefs treated with respect.</p> <p>Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to religion or belief.</p>
<p>Sex women and men (girls and boys)</p>		X		<p>It is anticipated that this Policy will have a particularly positive impact on women employed by the council.</p> <p>The preliminary section of the Policy explains the meaning of sexism and the fact that women may face harassment, hatred and violence.</p> <p>Particular focus is given to ensuring equal pay for equal work.</p> <p>The focus on objectivity during the Recruitment and Selection process should mean that women are not treated detrimentally as the focus on the job (as opposed to the person) should help to eliminate any form of bias.</p> <p>The Appendix advises interviewers about ensuring that questions, for example, concerning caring for others, do not discriminate against female applicants.</p>

Sexual Orientation , e.g. Lesbian, Gay, Bisexual, Heterosexual		X		<p>The preliminary section of the Policy acknowledges that lesbians, gay men and bisexual people can face disadvantage and discrimination. It raises awareness of the concept of hetero – sexism, namely the belief that the lives of heterosexual people are better or more valid. The Council commits to creating an atmosphere where lesbian, gay and bisexual people can be open about their sexual orientation.</p> <p>Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to sexual orientation.</p>
<p>3.3 Fairer Scotland Duty</p> <p>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 <u>strategic</u> decisions.</p> <p>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.</p>				
<p>Is the proposal strategic?</p> <p>Yes</p>				
<p>If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:</p>				
	Impact			State here how you know this
	No Impact	Positive Impact	Negative Impact	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.	X			

Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	X			
Area Deprivation – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)	X			
Socio-economic Background – social class i.e. parents' education, employment and income		X		The requirement for objectively justified selection criteria will lessen disadvantage to those from socio – economic backgrounds which may historically have had less opportunities.
Looked after and accommodated children and young people	X			
Carers paid and unpaid including family members		X		While not addressed directly in the policy, the requirement to not discriminate will benefit carers.
Homelessness	X			
Addictions and substance use	X			
Those involved within the criminal justice system		X		There is a specific section addressing the Rehabilitation of Offenders Act and how to consider applications from those with criminal convictions.

4 Full Integrated Impact Assessment Required

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.

A full integrated Impact Assessment is not required. The review of the Policy indicates that it remains beneficial to all of those who work or apply to work within the Council regardless of their employment status. The Policy clearly sets out the Council's Equality Statements, Principles and Values with regards to Equality, Diversity and Human Rights. The Policy reinforces the fact that the Council will not tolerate behaviours that may constitute discrimination, harassment or victimisation of its staff in the course of their employment.

Additionally, the Policy includes sections on monitoring and analysing information, with the commitment to set targets and timescales to investigate underlying causes of possible inequalities.

This together with the Council's HR Policy Review Programme, means that the Policy will be reviewed every two years (as a minimum) or required by legislative requirements. This will ensure that the Policy continues to remain fit for purpose and beneficial to all.

Signed by Lead Officer:	Iain Davidson
Designation:	Employee Relations Manager
Date:	16th June 2022
Counter Signature Director	Clair Hepburn
Date:	15/08/2022