

Scottish Borders Council

Equality Impact Assessment

3.1	Title of Proposal:	Policy, Procedure and Guidelines on Redundancy
3.2	Service Area: Department:	Human Resources
3.3	Description:	<p>This Policy, accompanied by Procedure and Guidelines, aims to assure that when it becomes apparent that redundancy situation may exist, the processes carried out in a fair and transparent manner, and that SBC will inform and consult with employees and recognised trade unions at the earliest reasonable opportunity. Such consultation will include the consideration of alternatives to redundancies and, failing this, will aim to assist affected employees to find alternative employment through the provision of redeployment.</p> <p>Note: The Policy states in the preliminary stages that the process will be applied in line with the Equality, Diversity and Human Rights Policy, and notes that care will be taken to ensure that the selection criteria will be fair, consistent and will not discriminate against staff. Notwithstanding the fact that compulsory redundancy itself is often a "negative" concept, it is anticipated that a fair and consistent process should benefit all staff. Particular considerations for those who share protected characteristics are noted below.</p>

3.4	Impact Assessment				
Equality Characteristic	Impact			Description	Mitigation & Recommendations
	No Impact	Positive Impact	Negative Impact		
Age (Older or younger people or a specific age grouping)		✓		<p>While the evidence shows that older people are more at risk of redundancy, it is also noted that older people may receive more benefits than younger people. For example, although no selection criteria is specified, the Procedure states that the criteria may include skills, qualifications and experience. Older people may have had more time to accumulate skills, qualifications and experience. Additionally, older people are entitled to a higher redundancy payment for service where age during year is 41+. This does not mean that younger people are discriminated against, as this is based on the statutory payment scheme, and it is generally accepted that higher payments to older people are objectively justifiable in terms of public policy.</p> <p>With regards to the evidence that older people may find it harder to find a job post redundancy, the outplacement services which will be offered to staff should mitigate the risk of discrimination occurring.</p>	<p>Mitigatory processes are in place.</p>
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		✓		<p>The Guidelines state that where an employee in the pool for selection is disabled, it will be ensured that he/she is not put at any disadvantage on account of the application of the selection criteria and the Council will accordingly make reasonable adjustments to the selection procedure to remove any disadvantage that the disabled employee would otherwise have. This should mitigate the risk that employees with a higher rate of absence due to a disability will suffer discrimination. It also</p>	<p>Mitigatory processes are in place.</p> <p>Revise policy to state that reasonable adjustments will be discussed with staff in the identification of suitable terms of employment and in the trial</p>

				<p>means that a disability will be taken into account when objectively judging standards such as work performance and aptitude.</p> <p>For the avoidance of doubt, in order to further mitigate the risk for people to disability, SBC should state that reasonable adjustments will be discussed during trial periods, including extending the four week trial period. SBC should also ensure that the procedure is clearly explained to staff with low level of literacy skills, as the Procedure itself is relatively long and technical.</p>	<p>period.</p> <p>Ensure that employees are provided with support in understanding the terms of the Redundancy Policy and Procedure.</p>
	Gender (Males, Females, Transgender or Transsexual people)	✓		<p>A fair and objective redundancy process with reasonable consultation and a focus on redeployment where possible should benefit both genders. There are particular considerations for women who are carers, which are looked into further below.</p>	None.
	Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)	✓		<p>Similarly, it is anticipated that the focus on fairness and objectivity will mean that a person's ethnicity does not affect the likelihood of compulsory redundancy.</p> <p>The Procedure states that selection criteria may include skills, qualifications and experience. It is noted that some ethnic minorities may have different qualifications than other ethnic groups. However this should not put ethnic minorities at a disadvantage as a wide range of qualifications will be taken into account.</p>	None
	People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)	✓		<p>There is nothing substantive in this documentation that would detrimentally affect people on the grounds of their religion or belief.</p>	None.
	Sexual	✓		<p>There is nothing substantive in this documentation that would</p>	None.

<p>Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual</p>				<p>detrimentally affect people on the grounds of their sexual orientation.</p>	
<p>Carers (those who have caring responsibilities for someone with an equality Characteristic)</p>		✓		<p>The Procedure anticipates that there could be a differential impact on those with caring responsibilities, and aims to ensure that discrimination does not occur. For example, it states that attendance records will exclude absence on maternity, paternity or adoption grounds.</p> <p>Additionally, it states that the definition of suitable alternative employment will take into account personal circumstances, the hours of work and travel requirements of the job. It also states that refusal may be reasonable if the new job would cause domestic upheaval, for example if the employee needed to move house. This is important as it can be more difficult for carers to change jobs as they may arrange their work location and working time around their caring responsibilities.</p>	<p>Mitigatory processes in place</p>
<p>Poverty (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc)</p>	✓			<p>Consideration of poverty in this circumstance is not relevant as this category is more focused on SBC as a service provider as opposed to as an employer.</p>	<p>None</p>
<p>Employees (those employed by the Council including full time, part time and temporary)</p>	✓			<p>The impact on staff in general has been discussed above.</p>	<p>None.</p>

3.5	Relevance to the Equality Duty in Summary:	
	What impact will your proposal have on the following :	
	Equality Duty	Reasoning:
	Elimination of discrimination (both direct & indirect), victimisation and harassment	This assessment shows that a range of checks and balances have been built into the proposed redundancy process which should minimise the risk of discrimination.
	Promotion of equality of opportunity?	The fair and objective process which is set out should assist the Council in the promotion of equality of opportunity.
Foster good relations?	While this is not directly relevant to these particular circumstances, minimising the risk of discrimination in the redundancy process should indirectly assist with the fostering of good relations.	

3.6	Recommendations & Mitigation		
	Characteristic	Mitigation/Recommendation	Approved Yes/No
	Disability	Revise policy to state that reasonable adjustments will be discussed with staff in the identification of suitable terms of employment and in the trial period. Ensure that employees are provided with support in understanding the terms of the Redundancy Policy and Procedure.	Yes Yes

Signed Off			
Name:		Directorate:	Human Resources
Post:	Chief Human Resources Officer	Date:	

EIA Completed By			
Name	Clare Fraser Lorna Aitken Ian Angus Iain Davidson Erick Ullrich Simone Doyle	Service Area.	– External Equality & Diversity Consultant – HR Advisory Team Leader – Human Resources Shared Services Manager – Employee Relations Manager - Organisational Development Manager - Equality & Diversity Officer (Human Resources)
		Dates:	Initiated: 5 th April 2016 Interim: 27 th July 2016 & 24 th August 2016 Finalised :

Next Steps:

	Date
Proposals Approved for Implementation:	
EIA Published:	
Date for Review of Findings:	

If it is agreed that your proposal will progress, you must send an electronic copy to corporate communications to publish on the webpage within 3 weeks of the decision.

For your records, please keep a copy of this Equality Impact Assessment form.