

# Scottish Borders Council

## Equality Impact Assessment

|      |                                      |   |                                      |
|------|--------------------------------------|---|--------------------------------------|
| 3.1  | <b>Title of Proposal:</b>            | Equality, Diversity and Human Rights Policy   |                                      |
| 3.1b | <b>What is it?</b>                   | A new Policy/Strategy/Practice <input type="checkbox"/>   | A revised Policy/Strategy/Practice ✓ |
| 3.2  | <b>Service Area:<br/>Department:</b> | Human Resources<br>Employee Relations   |                                      |
| 3.3  | <b>Description:</b>                  | <p>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.</p> <p>The Council has agreed this Policy in consultation with its recognised Trades Unions.</p> |                                      |
| 3.4  | <b>Impact Assessment</b>             |   |                                      |

| Equality Characteristic  | Impact    |                 |                 | Description   | Mitigation & Recommendations |
|--|-----------|-----------------|-----------------|---|------------------------------|
|  | No Impact | Positive Impact | Negative Impact |   |                              |
| <b>Employees</b><br>(those employed by the Council including full time, part time and temporary) |           | X               |                 | The impact is positive. The Policy applies to all those who work or apply to work within the Council regardless of employment status. Therefore the Policy is beneficial to all including permanent and fixed-term employees, members of staff on zero-hours contracts, supply or relief staff, those working within the Council on behalf of other agencies, those on secondment to the Council, volunteers, and those on work experience or training placements.  |                              |
| <b>Age</b> (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. 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>A sample scenario includes a situation where an older</p> |                              |

|  |  |  |   |  |  |
|--|--|--|---|--|--|
|  |  |  |   | member of staff is being harassed by colleagues who claim that his age affects his ability. This practical example is an effective way of demonstrating equality in practice and reflects the Council's commitment to a zero tolerance approach.   |  |
|  | <b>Disability</b> 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>Reference to the Disability Confident Scheme, which provides guarantees for people with a disability during recruitment, provided they meet the essential criteria. The Policy notes that reasonable adjustments will be made during both the application and selection process stages. Disabled applicants who meet the minimum criteria will be shortlisted for interview. The objectivity of the 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 come forward.</p> <p>As a requirement of the Equality Act, 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 the 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 Disability.</p> |  |

|  |  |  |   |  |  |  |
|--|--|--|---|--|--|--|
|  |  |  |   |  | In addition 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. Later, the Policy notes that people with disabilities should be provided with assistance where appropriate during occupational tests   |  |
|  | <b>Gender</b><br>(Males, Females, Transgender or Transsexual people) |  | X |  | <p>It is anticipated that this Policy will have a particularly positive impact on women employed by the council and any transgender staff.</p> <p>The preliminary section of the Policy explains the meaning of sexism and the fact that women may face harassment, hatred and violence. 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>Particular focus is given to ensuring equal pay for work of equal value. The Council conducts equal pay audits. The analysis of the gender pay gap and occupational segregation demonstrates the Council's commitment to fairness and transparency in reward.</p> <p>The Appendix advises interviewers about ensuring that questions, for example, concerning caring for others, do not discriminate against female applicants.</p> <p>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> |  |

|  |   |  |   |  |   |  |
|--|---|--|---|--|---|--|
|  | <p><b>Pregnancy and Maternity</b> (refers to the period after the birth, and is linked to <b>maternity</b> leave in the employment context. In the non-work context, <b>protection</b> against <b>maternity</b> discrimination is for 26 weeks after giving birth),</p> |  | X |  | <p>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 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. Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to Pregnancy and Maternity.</p>   |  |
|  | <p><b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p>   |  | X |  | <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 to 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</p> |  |

|  |  |  |   |   |  |
|--|--|--|---|---|--|
|  |  |  |   | <p>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. There is also evidence which shows that proportionately fewer ethnic minority residents in the UK have qualifications compared with other residents.</p> <p>As a requirement of the Equality Act, 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 the 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><b>People with Religious or other Beliefs:</b><br/>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 the religion, faith, belief or non-belief. The Council makes a commitment to support employees to practice a religion or belief in accordance with work life balance.</p> <p>Appendix 2 describes a practical scenario raising awareness of appropriate behaviour with reference to religion or belief.</p>  |  |
|  | <p><b>Sexual Orientation,</b><br/>e.g. Lesbian, Gay, Bisexual, Heterosexual</p>  |  |   | <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</p>   |  |

|  |   |  |   |  |  |  |
|--|---|--|---|--|--|--|
|  |   |  |   |  | awareness of appropriate behaviour with reference to sexual orientation.   |  |
|  | <b>Poverty</b><br>(people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc) |  | X |  | <p>The potential impact of this Policy is not directly relevant to this group, and there is no likelihood that differential or adverse treatment will occur on this basis. Consideration on this ground is more relevant with Council front facing services as opposed to internal HR policies.</p> <p>That said, there may be an indirectly positive impact on Poverty Groups as a result of the application of this Policy. Fairness, transparency and objectivity in the recruitment and selection process should have a positive impact on all groups including poverty groups. The comments above regarding disability should mean that this Policy does not detrimentally affect people who have literacy and other difficulties</p> |  |

|     |   |  |
|-----|---|--|
| 3.5 | <b>Relevance to the Equality Duty in Summary:</b>   |  |
|     | <b>What impact will your proposal have on the following :</b>   |  |
|     | <b>Equality Duty</b>  | <b>Reasoning:</b>  |
|     | <b>Elimination of discrimination (both direct &amp; indirect), victimisation and harassment?</b><br><b>Promotion of equality of opportunity?</b><br><b>Foster good relations?</b> | <p>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.</p> |

|   |   |   |                        |
|---|---|---|------------------------|
| 3.6   | <b>Recommendations &amp; Mitigation</b>   |   |                        |
|   | Please summaries all recommendations and mitigations for approval by the decision makers who will approve your proposal |   |                        |
|   | <b>Characteristic</b>   | <b>Mitigation/Recommendation</b>  | <b>Approved Yes/No</b> |
|   | General   | Continue to gather equality data of employees with emphasis on Disability and Race                        | Yes                    |
|   |   | To continue effectively promoting awareness of the Policy with regard to both rights and responsibilities | Yes                    |
| To continue effectively monitoring and evaluating the Policy, to ensure that it is successfully applied, is known about and works   |   | Yes   |                        |
| In line with existing practices this Policy will be reviewed on a two year basis (or earlier if there are changes to legislation) to ensure that it remains fit for purpose to enable the Council to demonstrate adherence to Equality, Diversity and Human Rights. |   | Yes   |                        |

|                         |  |  |                 |
|-------------------------|--|--|-----------------|
| <b>EIA Completed By</b> |  |  |                 |
| Name/Post               | Iain Davidson Employee Relations Manager       | Service /Directorate.  | Human Resources |
| Name/Post               | Simone Doyle Equality & Diversity Officer (HR) |  |                 |
| Name/Post               | Emily Elder Student HR                         | Dates:<br>20 <sup>th</sup> December 2017<br>9 <sup>th</sup> January 2018 |                 |

|  |                                  |              |                               |
|--|----------------------------------|--------------|-------------------------------|
| <b>Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)</b> |                                  |              |                               |
| Name:  | Clair Hepburn                    | Directorate: | Chief Executive               |
| Post:  | Service Director Human Resources | Date:        | 16 <sup>th</sup> January 2018 |