

Integrated Impact Assessment (IIA)

Part 1 Scoping

1 Details of the Proposal

Title of Proposal:	Attendance Management Policy and Procedure (incorporating Managing Gender Reassignment Guidance)
What is it?	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/ Strategy/Practice X
Description of the proposal:	<p>This is a review of an existing policy and guidance. The updated policy now references the introduction of the electronic systems namely Business World and Lexi. These systems facilitates the management of, recording and reporting on attendance management.</p> <p>In essence the overall aim of this Policy is to outline Scottish Borders Council's ("the Council") approach to managing attendance while ensuring that employees are treated fairly, and helping employees to return to work when they are fit to do so. The explicit aim is to help minimise the impact of ill health on an employee's attendance. In terms of outcomes, this Policy has been designed to assist the Council in delivering its services as high levels of sickness absence can detrimentally affect services and to fulfil the duty of care the Council has to employees.</p> <p>The Policy includes an appendix specific to managing attendance due to having a disability and, where appropriate, should be read in conjunction with</p>

	<p>the specific guidance for managing attendance due to gender reassignment. This guidance provides clear guidance for both the individual transitioning and operational managers. Application of the guidance should ensure that positive action is taken that removes the significant disadvantage that would inevitably be incurred by staff undergoing gender reassignment.</p> <p>The aims and objectives of the Attendance Management Policy are to:</p> <ul style="list-style-type: none"> • Create a culture where employees feel valued, engaged, committed and involved • Promote good working practices that support a work-life balance, • Ensure sickness absence is managed in a fair, supportive and consistent way • Make clear the responsibilities placed on employees and managers and the Council's relevant Third party contractors in managing absence and • Achieve and maintain levels of attendance which are consistently above the average in the Public Sector by reducing: <ul style="list-style-type: none"> ○ overall sickness absence ○ accidents, and ○ stress related absence <p>The figures referred to throughout this assessment cover the period 1 April 2017 to 31 March 2018</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>Ian Angus HR Shared Services Manager Simone Doyle Equalities & Diversity Officer (HR)</p>

Date(s) IIA completed:

12th December 2019, 16th and 21st January 2020

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

Yes

If yes, - please state here:

The policy is also associated to the following key policies/guidelines and where applicable should be cross referenced to gain further detail:

- Accident and Incident Reporting Policy
- Corporate Health & Safety Policy
- Disciplinary Procedure
- Domestic Violence Policy
- Equality Diversity & Human Rights Policy
- HR Policy Stress in the Workplace
- Managing Gender Reassignment – Absence Management Guidance
- Special Leave Guidelines
- Substance Misuse Policy.

Each of these policies are subject to an integrated impact assessment and where cumulative impacts become evident a remedy to resolve the issues arising will be found.

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.	Raising awareness of the Policy and guidance serves to meet the equality duty of eliminating discrimination and promoting good relations.
Foster good relations?	
Promotion of equality of opportunity?	The Policy and guidance should allow promotion of equality of opportunity as it sets out a clear procedure that is applicable to all regardless of the protected characteristic identified with.

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	
Employees (those employed by the Council including full time, part time and temporary)		X		Ultimately, it is noted that this Policy should positively impact on all employees who share protected characteristics as it sets out a transparent and consistent approach which should benefit the Council. It should be noted that lower levels of absence should reduce the

				burden on employees who have to provide cover to make up for absences.
Age (Older or younger people or a specific age grouping)			Low	<p>Workforce data shows that only 9.5% of employees are aged 16 – 24 years, whilst there are 51.12% of employees aged over 45. Consequently, there is a relatively high amount of older employees.</p> <p>There is potentially a low risk of a negative impact on older employees. It is acknowledged that older people are more likely to have a health condition or disability which may affect attendance at work. While it is noted that the Policy explicitly makes adjustments for employees with a disability, disability declaration is comparatively low at 2.60%. It is suspected that in actuality more than 2.60% of employees have a disability and it is likely that there is a comparatively higher proportion of older employees who have a disability but have not declared it.</p> <p>It should be noted though that a failure to have a disability formally recorded does not prevent this being raised and taken into account later.</p> <p>There is therefore a risk that older employees may be disproportionately affected by this Policy.</p>
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		X		<p>This Policy recognises that people with a disability may be detrimentally affected and sets out ways to mitigate this potential negative impact by noting that extraordinary considerations will apply. Such considerations include making reasonable adjustments to the process itself and ensuring that measures are in place to support the employee at work. Specific guidance on managing employees with a disability is set out at Appendix 1 of the guidance.</p> <p>Nevertheless, it is noted that only 2.60% of Council employees have declared that they have a disability. Approximately 84% of employees have not provided</p>

			<p>information about this protected characteristic (no response or not stated).</p> <p>The latest figures from Scottish Government show the employment rate of disabled people in Scotland currently stands at 45.4%, compared to 81.2% for non-disabled people, representing a gap of 35.8 percentage points. (11th Dec 2018).</p>
Gender (Males, Females, Transgender or Transsexual people)		X	<p>The Policy notes that extraordinary considerations will apply in the event that an employee has undergone or intends to undergo the process of gender reassignment.</p> <p>Furthermore the Policy acknowledges the likelihood of sickness absence during the reassignment process and states that the issuing of trigger reports will take this into account. The Policy also provides guidance on the process of gender reassignment.</p> <p>In terms of overall gender demographics, 73.86% of employees at the Council are female.</p>
Pregnancy and Maternity (refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth),		X	<p>The Policy states that pregnancy related absences shall be disregarded for the purposes of absence management. This should have a positive impact on women who are pregnant who tend to have comparatively higher levels of absence due to their pregnancy or postnatal condition.</p>
<p>Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p> <p>People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)</p>	X		<p>An Analysis of Employee data indicates that approximately 75% of employees have declared that ethnic origin this includes 0.47% as defining themselves as Black and Minority Ethnic. 24.32% employees have not declared their ethnic origin.</p> <p>The number of employees who have declared their religion or belief indicates that 31.05% have no religious group and</p>

<p>Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual</p>			<p>that 27.84% have not stated or responded to this equality characteristic. We also know that 22.55% have declared that they are protestant, 6.59% other Christian, 4.47% Catholic and 0.41% include Hindu, Muslim, Jewish and Buddhist.</p> <p>The number of employees who have declared their sexual orientation is 69.00%. This includes bisexual 0.45%, Gay 0.28%, Lesbian 0.31%. 31% of Employees have not responded.</p> <p>In reality it is assumed that in all cases the numbers will be higher given the level of non-responses. Nevertheless the Policy makes specific reference to Race, Religion and Belief and Sexual Orientation as protected characteristics within the Equality Act. It is anticipated that the potential impact of this Policy on these characteristics will be of little relevance as there is little likelihood that differential or adverse treatment will occur on the basis of these characteristics.</p>
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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?

Yes / No (*please delete as applicable*)

Whilst not a strategic proposal the aspects of poverty and carers have been considered in this assessment as indicated below.

If No go to Section 3.4

If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:

	Impact			State here how you know this
	No Impact	Positive Impact	Negative Impact	
Carers paid and unpaid including family members		X		<p>Research and Scot Government figures indicates as of June 2017, there are an estimated 788,000 people in Scotland who are caring for a relative, friend or neighbour. This includes 44,000 who are under the age of 18. Furthermore the 2019 research by Carers UK indicates that the issue is now much greater, with statistics showing a marked increase in the number of employees who juggle work and unpaid care.</p> <p>Within the Council 5.77% of employees have indicated that they have caring responsibilities. In reality this number is likely to be higher as a high percentage have not disclosed any information about caring responsibilities.</p> <p>The Council is currently working towards gaining the Carers Positive Accreditation. This includes formulating a Carers' Statement which sets out the Council's commitment to employees who are carers. A key factor in gaining the accreditation, is knowing which employees are</p>

				carers. This workload should increase the self declaration of employees within SBC who are carers.
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		<p>The Policy includes a comprehensive section on Occupational Sick Pay (OSP) Entitlements where the employee satisfies the qualifying conditions as set out in the Scheme of Pay and Conditions of Service.</p> <p>Employees (non teaching) can benefit from receiving OSP from as short a period as 26 weeks' continuous employment with SBC, whilst teachers can benefit after 18 weeks' continuous employment.</p> <p>These conditions should help alleviate financial pressures that can be faced when income is reduced to sickness absence in the workplace.</p>
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				
Area Deprivation – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)				
Socio-economic Background – social class i.e. parents' education, employment and income				
Looked after and accommodated children and young people				
Homelessness				
Addictions and substance use				
Those involved within the criminal justice system				

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.

With the exception of that mentioned above, the potential impact of this Policy is not directly relevant to any aspects of the Fairer Scotland Duty, and there is no likelihood that differential or adverse treatment will occur. The Policy applied fairly and consistently should ensure that it is applicable for all employees irrespective of protected characteristic or social economic factors. More specifically the consideration of the Duties is more relevant to public facing services as opposed to internal HR Policies.

However, it is recommended that the policy is reviewed every two years or as legislation and/or changes to the Scheme of Pay and Conditions are made in order to ensure that the Policy remains relevant and fit for purpose.

Signed by Lead Officer:	Iain Davidson
Designation:	Employee Relations Manager
Date:	16 th January 2020
Counter Signature Service Director	Clair Hepburn
Date:	21 st January 2020