

## Integrated Impact Assessment (IIA)

### Part 1 Scoping

#### 1 Details of the Proposal

<b>Title of Proposal:</b>	Managing Work Performance
<b>What is it?</b>	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/Strategy/Practice <input checked="" type="checkbox"/>
<b>Description of the proposal:</b> (Set out a clear understanding of the purpose of the proposal being developed or reviewed (what are the aims, objectives and intended outcomes, including the context within which it will operate).)	The specific aim of this Policy is to support employees who are not performing adequately to improve their work performance to an acceptable level, while also providing a process to follow should this not be successful. The Policy provides guidelines on what managers should do by way of early, informal intervention or action to address poor performance. The Policy aims to avoid the use of formal disciplinary procedures by supporting staff in improving performance.
<b>Service Area:</b> <b>Department:</b>	Human Resources
<b>Lead Officer:</b> (Name and job title)	Iain Davidson Employee Relations Manager
<b>Other Officers/Partners involved:</b>	

(List names, job titles and organisations)	Simone Doyle HR Equality and Diversity Officer
<b>Date(s) IIA completed:</b>	09 November 2021

**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 HR policies :

- Attendance Management
- Code of Conduct
- Discipline
- Dignity and Respect in the Workplace
- Family Friendly
- Flexible Working
- Investigation
- Leave
- Mentally Healthy Workplace and Stress Management
- Reasonable Adjustments
- Redeployment
- Substance Misuse
- Training and development
- Working Time Regulations

### 3 Legislative Requirements

<b>3.1 Relevance to the Equality Duty:</b>	
<p><b>Do you believe your proposal has any relevance under the Equality Act 2010?</b>  <i>(If you believe that your proposal may have some relevance – however small please indicate yes. If there is no effect, please enter “No” and go to Section 3.2.)</i></p>	
<b>Equality Duty</b>	<b>Reasoning:</b>
<p><b>Elimination of discrimination (both direct &amp; indirect), victimisation and harassment.</b> <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i></p>	<p>This Policy should result in an overall positive impact for all as it aims to support employees who are having performance issues. It should enable a better understanding of external factors which can impact on performance. Steps have been put in place to mitigate any risk of discrimination or unfair application of this Policy.</p> <p>The Policy provides guidance and a procedure that when consistently applied should ensure fairness in its application. In addition the Policy is available to employees and is free from jargon. This demonstrates SBC’s commitment to eliminating discrimination, advancing equality of opportunity and fostering good relations.</p>
<p><b>Promotion of equality of opportunity?</b>  <i>(Will your proposal help or hinder the Council with this)</i></p>	
<p><b>Foster good relations?</b>  <i>(Will your proposal help or hinder the council s relationships with those who have equality characteristics?)</i></p>	

**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	
<b>Age</b> Older or younger people or a specific age grouping		X		<p>It is not anticipated that a person's age will affect assessment of their performance. It is the intention of this Policy to promote a fair and supportive performance management process which should affect all staff equally, regardless of their age group.</p> <p>It is acknowledged that the occurrence of disability increases with age and that older staff may be more likely to have health conditions which could impact on their performance at work. The impact of this policy on staff with a disability is considered below.</p>
<b>Disability</b> e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		X		<p>This Policy recognises that external factors may affect performance. Specific guidance is provided regarding employees whose performance has been identified as unsatisfactory due to illness or disability. The Policy states that Occupational Health advice will be sought on whether the work is detrimental to the employee's health or well-being or if any modifications should be made to the job.</p> <p>The Policy highlights the Council's obligations to make reasonable adjustments as provided for in the Equality Act 2010.</p>

				<p>It is anticipated that taking steps under this Policy for employees with a disability, for example by extending monitoring periods if appropriate, will reduce the risk of any negative impact occurring.</p> <p>The proper operation of the policy will also identify if any adjustments should be made to the employee's role, for example by realigning duties, or whether any further assistance or physical aids are required.</p>
<p><b>Gender Reassignment Trans/Transgender Identity</b> anybody whose gender identity or gender expression is different to the sex assigned to them at birth</p>	X			<p>It is not anticipated this Policy will differentially affect staff as a result of their gender identity. Managers are encouraged to be alert to factors possibly contributing to performance issues.</p> <p>The Policy has been rewritten to include non binary inclusive language.</p>
<p><b>Marriage or Civil Partnership</b> people who are married or in a civil partnership</p>	X			<p>It is not anticipated this Policy will differentially affect staff as a result of their marital status. Managers are encouraged to be alert to factors possibly contributing to performance issues.</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 not anticipated this Policy will differentially affect staff as a result of pregnancy or maternity. Managers are encouraged to be alert to factors possibly contributing to performance issues.</p> <p>The Policy makes reference to SBC's Family Friendly Policies.</p>
<p><b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy</p>		X		<p>It is not anticipated that this Policy will differentially affect staff on the grounds of their race, nationality or ethnic</p>

travellers, refugees, migrants and asylum seekers)				<p>origin. The Policy highlights the possibility that performance issues may arise from misunderstandings due to ethnic or cultural issues. It also provides that the manager must ensure that his or her own assumptions about working practices are not discriminatory.</p> <p>Managers and employees receive training in equality and diversity which includes understanding a range of cultural preferences and practices. This training should mitigate the risk that discrimination on the grounds of race occurs in the implementation of this Policy</p>
<b>Religion or Belief:</b> different beliefs, customs (including atheists and those with no aligned belief)		<b>x</b>		<p>It is not anticipated that this Policy will differentially affect people on the grounds of their religion or beliefs. The Policy provides that managers must ensure that assumptions about working practices are not discriminatory.</p>
<b>Sex</b> women and men (girls and boys)	<b>x</b>			<p>It is not anticipated this Policy will differentially affect staff as a result of their sex. Managers are encouraged to be alert to factors possibly contributing to performance issues. These factors could include domestic issues such as caring responsibilities and the Policy should enable staff to discuss these factors with a view to resolving performance issues.</p>

<b>Sexual Orientation</b> , e.g. Lesbian, Gay, Bisexual, Heterosexual	<b>X</b>			It is not anticipated that this policy will differentially affect people as a result of their sexual orientation. In the event that a member of staff feels that that their sexual orientation is impacting their performance at work, the Policy provides for discussion and putting steps in place to support the employee. There is therefore little likelihood that differential or adverse treatment could occur on this basis.
<p><b>3.3 Fairer Scotland Duty</b></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><b>Is the proposal strategic?</b></p> <p>No (<i>please delete as applicable</i>) Whilst this Policy is a corporate policy it is considered not relevant to the Fairer Scotland Duty</p> <p><b>If No go to Section 3.4</b></p>				
<p><b>If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:</b></p>				
	<b>Impact</b>			<b>State here how you know this</b>
	<b>No Impact</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	
<b>Low and/or No Wealth</b> – 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.				

<b>Material Deprivation</b> – 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				
<b>Area Deprivation</b> – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)				
<b>Socio-economic Background</b> – social class i.e. parents’ education, employment and income				
<b>Looked after and accommodated children and young people</b>				
<b>Carers</b> paid and unpaid including family members				
<b>Homelessness</b>				
<b>Addictions and substance use</b>				
<b>Those involved within the criminal justice system</b>				

#### 4 Full Integrated Impact Assessment Required


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

**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.



This Policy results in an overall positive impact on equality groups as it aims to support employees who are having performance issues. The Policy enables a better understanding of external factors which can impact on performance. Steps have been put in place to mitigate any risk of discrimination or unfair application of this Policy. Furthermore to ensure that the Policy contains to remain relevant and fit for purpose the Policy will be reviewed at least every two years.

<b>Signed by Lead Officer:</b>	Iain Davidson
<b>Designation:</b>	Employee Relations Manager
<b>Date:</b>	10/11/2021
<b>Counter Signature Director</b>	
<b>Date:</b>	15/11/2021