

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Ref: BP-HR-064
Equality and Diversity Equality and Human Rights Impact Assessment Form (EqIA) Voluntary Severance Scheme Criteria and Financial Terms	Page No: 1 of 10
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Scottish Environment Protection Agency

Equality and Human Rights Impact Assessment (EqIA)

Voluntary Severance Scheme Criteria and Financial Terms

Policy Name	Voluntary Severance Scheme Criteria and Financial Terms
Policy Author	VH - Senior HR Advisor
Date Written/Reviewed	
Screening and EqIA undertaken by	Date:

Introduction

An Equality and Human Rights Impact Assessment (EqIA) identifies whether any policy, practise or activity has any disproportionate impact on any individual or group of people with a protected characteristic as determined by the Equality Act 2010 and in relation to the rights of the individual under the Human Rights Act 1998.

The Protected Characteristics are; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sexual orientation.

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires that all new and revised policies undergo a screening for impact. Where impact is identified, a full EqIA is undertaken.

This form has six parts;

- **Part 1** provides general information about the policy, the owner and its purpose and is self-explanatory.
- **Part 2** is a screening process to identify whether there is impact. If impact is identified, Part 3 must be completed.
- **Part 3** is a full EqIA, where evidence is captured.
- **Part 4** sets out the decision taken regarding the policy and justification
- **Part 5** is capturing how you will monitor the policy for any changes in impact
- **Part 6** is the approval and signing off

The Guidance Document should be read in conjunction with this form.

ON COMPLETION please indicate if this is a screening document only or full EqIA;

Screening only	N	Full Assessment	Y
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Scottish Environment Protection Agency Equality Impact Assessment

PART 1

About the Policy/Activity

Portfolio/Function developing/reviewing policy or activity	Name: People and Property
Title of policy/activity	Voluntary Severance Scheme Criteria and Financial Terms
Date EqIA Screening Commenced	December 2016

Briefly describe the aims, objectives and purpose of the policy/activity	To set out the scheme criteria and financial terms for staff wishing to apply for voluntary severance and the criteria by which SEPA management will consider and approve applications.
What are the intended consequences of the policy/activity?	That staff are aware of the compensation for loss of employment and understand the application process and selection criteria being applied. That a clear and transparent process is followed by management when considering applications for VS against the agreed criteria.
Does this policy/activity link with any other? If Yes, please list.	Yes – SEPA's VS Agreement and Guidance provides an overarching framework. There are also links to the Redeployment Policy. Those staff on the redeployment register or who are displaced and for whom there is little likelihood of suitable alternative employment will have priority when selections are made. In addition VS is linked to Fixed Term Employment. For this round of VS those on fixed term contracts are eligible to apply, provided they meet the requirement for two years employment.
Who are the main stakeholders in relation to the policy/activity?	<p>People and Property and Finance Portfolios are responsible for the development of the terms and criteria and administration of the VS process.</p> <p>The Agency Management Team are responsible for the implementation of the scheme and final decisions of selection.</p> <p>The Agency Board have oversight of the decisions, delivery of the savings and</p>

	<p>governance of the scheme.</p> <p>All of SEPA staff who meet the requirement of having two years continuous service have potential to apply for VS.</p> <p>Scottish Government give initial approval to implement a VS scheme and are required to give approval for any high value cases or cases which are outside the selection criteria.</p> <p>SEPA requires to negotiate with Unison on the financial terms of the scheme and Unison are consulted on the development and implementation of the scheme.</p>
<p>Who implements and who is responsible for the policy/activity?</p>	<p>The administration and management of the VS scheme and process is the responsibility of the People and Property Portfolio. The decisions taken in relation to applications is the responsibility of Agency Management Team.</p>

Part 2

Establishing Relevance

WHAT - This part is about establishing whether the policy/activity has any relevance in relation to the general duty as set out below

WHY – this is done to show that in the development of the policy/activity, its implications are considered fully, including the potential for impact on people Where the potential for impact is identified, it provides the opportunity to eliminate or take mitigating action to reduce/minimise impact.

HOW – When establishing relevance it is important to show and evidence both positive and negative impact. This provides evidence of a full understanding of the impact of the policy.

Initial Screening for Relevance

This section is intended to determine the relevance of the policy/activity to equality and human rights.

Indicate in the table below whether the policy/activity has any impact on or relevance to SEPA’s ability to comply with any of the elements of the general duty. Impact can be either positive or negative. The general duty requires public bodies, in the execution of their duty to be mindful of the need to;

- a) Eliminate discrimination, victimisation, harassment because of a protected characteristic or other unlawful conduct that is prohibited under the Equality Act 2010 and/or;
- b) Advance equality of opportunity between people who share a characteristic and those who do not and/or;

- c) Foster good relations between people who share a relevant protected characteristic and those who do not.

Screening for Relevance	Yes	No	Unknown
Does this policy impact on people? (service users, businesses, employees, wider community)	X		
Will it have a significant effect on how other organisations operate?		X	
Does it relate to an area of known inequalities?	X		
Does it have relevance to any of SEPA's equality outcomes?***	X		

**** SEPA's current Equality Outcomes are;**

1. To increase the number of women in leadership roles and young people employed within SEPA.
2. The public, including 'hard to reach' and minority communities will have a better knowledge and understanding of SEPA and our role in protecting the environment. This will be delivered by improving our communications, including our website, making them more accessible particularly to those with the protected characteristics of race, age and disability and engaging better with the third sector and communities.
3. Flood warning services will be more widely known and used by the public, including those 'hard to reach' and minority communities. We will deliver this by increasing awareness of the services and improving accessibility for those protected characteristics or race, age and disability.
4. Staff and public alike will have better access to our offices and public counter services. This will be delivered by carrying out access audits of our buildings to identify barriers and implement any changes required to address the needs of all, in particular those with the protected characteristics of race, disability and gender
5. We will work toward a workforce profile in line with the demographics of Scotland, recognising regional difference. This will be delivered through a more inclusive approach to recruitment, sound employment policies and practices, and promoting a better understanding of the use of employment monitoring.

Indicate on the table below if the policy has any relevance or impact to the following Human Rights articles;

(Please tick as appropriate)	Relevant/has impact	Not relevant/no impact	Unknown
Article 6 – Right to fair hearing/trial	X		
Article 8 – Rights to privacy of family life	X		
Article 14 – Right to be free from discrimination			X

Concluding Part 2

Has relevance/impact been identified?	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998		<u>Proceed to Part 4 Monitoring and Review</u>
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998	X	<u>Proceed to Part 3 Impact Assessment</u>
It is unclear if there is relevance to some or all of the protected characteristics and/or the Human Rights Act 1998		<u>Proceed to Part 3 Impact Assessment</u>

Part 3

Full Impact Assessment

Where relevance/impact has been identified in Part 2, complete the following indicating;

- To which group it is relevant
- In what way it is relevant
- The evidence supporting actual or potential relevance/impact
- The actions required to mitigate negative impact or relevance

Mitigation should be proportionate to impact, the numbers of people affected, cost implications and policy intent.

For evidence see the Scottish Government Evidence Finder
<http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid>

Age	In relation to age, there is an initial impact on people who are newer to the organisation. This is due to a requirement for two years continuous service in SEPA before being able to apply for VS. This will affect anyone who is newer to the organisation, however will have a disproportionate impact on younger people. Since payments are calculated on a combination of pay grade and length of service, younger people will generally receive lower payments. Eligibility for early payment of pension is based on age and when the staff member joined the Local Government Pension Scheme (LGPS). Only older members of staff (i.e. those aged 50 and over (or 55 and over if they joined the scheme later) are eligible for early payment of pension. These staff may be negatively impacted when it comes to selection decisions because of the implication of the pension strain costs associated with staff leaving on the grounds of efficiency and receiving access to their pension benefits. The overall cost of granting a staff member VS (expressed in the number of months it will take SEPA to “payback” the cost) is a criteria used in decision making. High value packages (i.e. those with a payback period in excess of 21 months) requires approval from Scottish Government. The other criteria used in the selection decision-making focus on whether the post can be
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	deleted or an alternative post deleted.
Disability	<p>Staff who are currently in receipt of Incapacity Income Support (IIS) are not eligible to apply for VS. IIS is an enhanced benefit offered to eligible staff suffering from a long term ill health condition. Excluding staff on IIS could be an adverse impact as staff in receipt of IIS may have a disability. As the purpose of the VS scheme is to support organisational change and reduce posts then as the member of staff is currently not at work and there is no post to be deleted then they are unlikely to meet the criteria for VS therefore it is seen as a reasonable adjustment.</p> <p>There are currently two members of staff in receipt of IIS and given that IIS is an enhanced benefit we do not believe that any action is required in this respect.</p> <p>The criterion for selection of applicants for VS does not differentiate on the basis of disability or the need for reasonable adjustments.</p>
Gender reassignment	The criteria do not differentiate on the basis of gender and so there will be no relevance to gender re-assignment.
Marriage and Civil Partnership	There is no relevance to marriage and civil partnership
Pregnancy and maternity	All staff on maternity, adoption or paternity leave will be notified of the scheme so as not to be excluded.
Race	There is no relevance to this protected characteristic
Religion and Belief	There is no relevance to this protected characteristic
Sex (gender)	Whilst the decision to allow staff to leave under VS is not determined by gender, because of the greater numbers of men than women in management roles (one of the target occupations for VS), there is likely to be greater loss of men from management posts. The criteria for selection decisions is likely to result in decisions to offer VS to those with lower payback periods e.g. younger people in lower grades and there is a potential for a greater loss of women because proportionally there are more women than men in the lower grades.
Sexual Orientation	There is no relevance to sexual orientation
Human Rights	The main potential areas of relevance will be in relation to the decisions taken to approve or deny VS, a process of appeal and in relation to data sharing. Whilst there is no specific appeal process, there is a right to appeal through the organisations Grievance Process. Data sharing will be limited to Scottish Government, internal SEPA departments and Falkirk Council Pension Service (for those eligible for early payment of pension), as part of the approval process and this will be done in a manner that meets with the Data Protection requirements.

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Summary and Conclusion of Impact Assessment
<p>The main areas where there will be a differential impact are in relation to age , gender and disability.</p> <p>In relation to age, those who are newer to the organisation and younger will either be unable to access the scheme or receive lower payments, according to their age and service. However, younger and lower paid staff who are eligible to apply (have more than two years' service) are also most likely to be offered VS because the payback of VS costs are lower. Older staff may be impacted as the VS costs are likely to be higher and may not be approved as they are over the 21 month payback period.</p> <p>Staff in receipt of IIS who may have a disability will be impacted as they are not eligible to apply for VS. There are currently two members of staff in receipt of IIS and given that IIS is an enhanced benefit we do not believe that any action is required in this respect.</p> <p>In relation to gender, the fact that the aim of the process is to reduce the numbers of management posts within the organisation, there is likelihood that a greater number of men will be given VS. Where payback costs are deemed too great, decisions to award VS to lower grades is likely to result in the loss of more women.</p> <p>In relation to the process it is important that the decisions taken to award or deny VS are made on the legitimate need for the post but the overall cost and payback period will always be a factor. The current staff distribution of men and women across the grades mean that it won't be possible to effectively balance impact across genders. In relation to payments, the process is based on direction from Scottish Government and is a recognised standard approach to VS. There is scope for SEPA to seek authorisation from Scottish Government for high value exits and where the payback period is in excess of 21 months.</p>

Concluding Part 3

Impact Assessment	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998	<input type="checkbox"/>	<u>Proceed to Part 4 Monitoring and Review</u>
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998	X	<u>Proceed to Part 4 Monitoring and Review</u>

Part 4

Taking account of the results of the assessment

In this section you capture your decision about what needs to be done with the policy to meet the duty and mitigate any actual or potential impact.

There are four main options available to you;

- **No change** – there is no evidence of actual or potential unlawful discrimination and you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review
- **Adjust the policy** – minor issues have been identified and steps have to be taken to address them to remove impact from the policy
- **Continue the policy** (where potential impact has been identified) – this is where you judge the impact against the intent of the policy. Where the impact is minor or the evidence is minimal you can continue with the policy. However you should clearly set out the justification for doing so. You must also ensure that the monitoring is robust enough to capture where the impact might change.
- **Stop and remove the policy** – if there are adverse effects that cannot be justified or mitigated, you should consider stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.

Option selected	Justification
No change	The priority groups (i.e. staff who are displaced and seeking redeployment; and management posts) have been selected by SEPA to support organisational change. The selection criteria must include the overall cost of granting VS and the scheme has been agreed with SG on the basis that payback periods will be within 21 months (although there is scope for SEPA to seek approval from SG for any high value exits or where payback periods are in excess of 21 months).

Summary of agreed actions resulting from your assessment

What action, by whom, will be undertaken as a result of the impact assessment.

No.	Action	Person responsible	Timescale
1.			
2.			

3.			
4.			

Part 5

Monitoring and Review

The purpose of this section is to show how you will monitor the relevance and impact of the policy/activity.

- The reason for monitoring is to determine if the actual relevance or impact of the policy/activity is the same as expected or intended. This ensures that any changes which might have a detrimental effect are identified quickly and addressed.
- Policies that have no relevance should also be monitored to ensure that that doesn't change. Again, if the relevance does change, steps can be taken to mitigate any impact at an early stage.

Q1 How do you intend to monitor and review the policy/activity?

Analysis of the number of applications and decisions taken in awarding VS. Comparison with 2015/16 scheme.

Q2 What will be monitored?

That the selection process for VS is genuinely based on the need for a post.

The number of high value cases or cases where payback periods are in excess of 21 months and the number of these that are a) refused; b) accepted with approval of SG: c) refused because of lack of SG approval

Q3 What is the frequency of monitoring?

This will be done following the VS timeframe and will also take account of 2015/16 process.

Q5 How will monitoring information be used?

To inform any changes that may be required to selection process.

Part 6

Approval

All screening documents and EqIA's must be submitted to the [Equality Specialist](#) for quality checking, before being approved by your lead Manager. EqIA's will only be published after approval.

The document may be returned for further work or clarification before final approval is given.

This Equality and Human Rights Impact Assessment was completed by:

Name	VH Senior HR Advisor
Department/Function/Team	People and Property, HR Team
Date	11/01/17

This Equality and Human Rights Impact Assessment was approved by:

Name and Designation	J Russell, Head of HR
Date	24/01/17

ON COMPLETION please indicate if this is a screening document only or full EqIA;

Screening only	N	Full Assessment	Y
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