

SCOTTISH ENVIRONMENT PROTECTION AGENCY	Ref: BP-HR-064
Equality and Diversity Equality and Human Rights Impact Assessment Form (EqIA)	Page No: 1 of 9
	Issue No: 2
	Issue Date 24/07/14
	Originator: J Robertson
	Authoriser: CJ, Head of Employee Development and Safety

Scottish Environment Protection Agency

Equality and Human Rights Impact Assessment (EqIA)

Policy Name	Code of Conduct for Staff
Policy Author	B. Lyons
Date Written/Reviewed	01 August 2014
Impact Screening Undertaken by	J Robertson and D Brodie Date: 1 September 2014
EqIA carried out by	J Robertson and D Brodie Date: 1 September 2014
EqIA authorised by	A Reid
Date Authorised	15/12/14

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.

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 five 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 captures what will be monitored to ensure impact is either reduced, negated or remains constant and
- Part 5 is the approval section.

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: Governance
Title of policy/activity	Code of Conduct for Staff
Date EqIA Screening Commenced	1 September 2014

Briefly describe the aims, objectives and purpose of the policy/activity	To provide clear and helpful advice to staff on the minimum standard of conduct expected as an employee of SEPA
What are the intended consequences of the policy/activity?	That staff are well informed of the expectations of standards by them as employees of SEPA
Does this policy/activity link with any other? If Yes, please list.	Yes – Disciplinary Procedures Dignity at Work Policy Recruitment Procedures Equality Act 2010 Human Rights Act 1998 Standing Financial Instructions Data Protection Act 1998 Freedom of Information (Scotland) Act 2002 Whistleblowing Policy
Who are the main stakeholders in relation to the policy/activity?	Employees of SEPA
Who implements and who is responsible for the policy/activity?	Governance is responsible for the Policy, however all SEPA managers and staff are responsible for compliance. HR will collate the documentation related to this Code.

Part 2

Initial Screening for Relevance

This section is designed to determine the relevance of the policy/activity to equality.

- This section also fulfils the duty to consider any impact in relation to Human Rights.
- Initial screening will determine whether there is impact and where none is found, set out any evidence/justification for that determination.

Indicate in the table below whether policy/activity has any impact on the protected characteristics or is likely to influence SEPA's ability to comply with the general duty, which is to;

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

Please tick as appropriate	Positive Impact	Negative Impact	No Impact	Unknown
Age			X	
Disability	X			
Gender reassignment			X	
Marriage and civil partnership (relevant only to point a) above)			X	
Pregnancy and maternity			X	
Race			X	
Religion and belief			X	
Sex (gender)			X	
Sexual Orientation			X	

If you have answered 'no' for all of the above, what is your justification or evidence for that determination?

This Code of Conduct has no direct or indirect implications for the individual Protected Characteristics. It implies an approach that is encompassing of all individuals.

Indicate on the table below whether the policy/activity has any impact on the Human Rights Act 1998

Please tick as appropriate	Positive Impact	Negative Impact	No Impact	Unknown
Article 6	X			
Article 8	X			
Article 14			X	

If you have answered 'no' for all of the above, what is your justification or evidence for that determination?

Article 14 is the right to be free from discrimination and this Code of Conduct sets out a standard of behaviour that is intended to eliminate discrimination of any nature.

Concluding Part 2

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

Part 3

Full Impact Assessment

This section captures details of any impact relevant to the listed protected characteristics and to Human Rights. It should also show details of relevance, evidence gathered and used, suggestions as to steps that could be taken to negate or reduce impact and decisions taken relating to impact. This should be based on proportionality

Age	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of the age of the individual. There is no differential impact related to age, although a code of conduct is beneficial to all staff.</p> <p>Evidence source:</p>
Disability	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of any disability. However 2% of SEPA staff who have a declared disability against 19% of the Scottish population. It is well documented that employees are generally unwilling to declare that they have a disability, particularly where that disability is related to mental health and wellbeing. Where an individual has a disability that affects their behaviours in a manner which may breach this Code, cognisance of that condition will be taken when dealing with the situation.</p> <p>Evidence source: SEPA employee statistics. Scottish Census 2011 data</p>
Gender reassignment	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of gender re-assignment of the individual. There is no impact related to gender re-assignment, although a code of conduct is beneficial to all members of staff.</p> <p>Evidence source: Not applicable</p>
Marriage and Civil Partnership	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of whether someone is in a marriage or civil partnership. There is no differential impact related to marriage or civil partnership, although a code of conduct is beneficial to the organisation, its staff and service users alike.</p> <p>Evidence source: Not applicable</p>
Pregnancy and maternity	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of whether someone is protected in relation to pregnancy or maternity. There is no differential impact related to pregnancy and maternity, although a code of conduct benefits the organisation, staff and service users alike.</p>

	Evidence source: Not applicable
Race	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of the race or nationality of the individual. There is no differential impact related to race. A code of conduct is a positive step for the organisation, staff and service users alike.</p> <p>Evidence source: Not applicable</p>
Religion and Belief	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of the religious beliefs of any individual. There is no differential impact related to religion and belief of this policy, although a code of conduct benefits the organisation, its staff and service users alike.</p> <p>Evidence source: Not applicable</p>
Sex (gender)	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of their sex. There is no differential impact related to sex or gender in this policy. A code of conduct benefits the organisation, its staff and service users alike.</p> <p>Evidence Source: Not applicable</p>
Sexual Orientation	<p>The Code of Conduct sets out standards for members of staff, which apply, irrespective of the sexual orientation of any individual. This Code has no differential impact related to sexuality, although a code of conduct benefits the organisation, its staff and service users alike.</p> <p>Evidence source: Not applicable</p>
Human Rights	<p>Article 6 of the Human Rights Act 1998, is the right to a fair hearing. Any breach of the Code of Conduct may be subject to disciplinary procedures. These procedures will be conducted in a manner which ensures fairness throughout.</p> <p>Article 8 is the right to privacy and family life. The Code refers to the need for privacy under the Data Protection Act 1998. Where there is a breach of this, individuals will be dealt with under that legislation, which is in line with Article 8.</p> <p>In relation to the Freedom of Information Act 2002, SEPA will ensure that requests for information will not disclose personal data, again in compliance with the Data Protection Act 1998. This ensures that the Human Rights Articles are protected by the SEPA policies already referred to in the introductory section.</p> <p>Evidence source: Not applicable</p>

Summary and Conclusion of Impact Assessment

The Code of Conduct has the potential for some relevance to the Human Rights Act 1998. In addition the manner in which the terms of the Code are set out, ensure an approach which eliminates the potential for discrimination. Given that the internal policies of SEPA relating to both the Data Protection Act 1998 and the Freedom of Information Act 2002 are in line with the Human Rights Act 1998, there is no requirement for any mitigating actions at this time.

Concluding Part 3

Impact Assessment	Please Tick	Next Steps
There is no relevance to Equality or the Human Rights Act 1998		Proceed to Part 4 Monitoring and Review
There is relevance to some or all of the Equality characteristics and/or the Human Rights Act 1998	X	Proceed to Part 4 Monitoring and Review

Part 4

Monitoring and Review

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

- The reason for monitoring is to determine if the actual impact of the policy/activity is the same as the expected or intended.
- A statement on monitoring is required for all policy/activity regardless of whether there is any relevance to Equality or the Human Rights Act.

If you have provided evidence or justification for believing there is no relevance to Equality or the Human Rights Act in Part 2 Initial Screening or Part 3 Impact Assessment:

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

In order to assess whether there is any change to equality impact, it will be necessary to carry out an annual check on the nature of the conflicts arising under this Code.
This will likely fall to HR, although has yet to be confirmed.

Q2 What will be monitored?

Nature of the conflicts which arise will be monitored to identify any equality specific matters, relating either to the Protected Characteristics of the Single Equality Duty.

Q3 What is the frequency of monitoring?

This will be checked on an annual basis.

Q4 How will monitoring information be used?

The monitoring will be used in the following way;
To revise the Code of Conduct if necessary
To develop any further policy that may be necessary
To raise further awareness of equality matters if necessary
To carry out any further activity that may come to light.

Part 5

Approval

All screening documents and EqlA's must be submitted to the Equality mailbox for approval.

This Equality and Human Rights Impact Assessment was completed by:

Name	J Robertson and D Brodie
Department/Function/Team	Governance and Learning and Development
Date	1 September 2014

This Equality and Human Rights Impact Assessment was approved by:

Name and Designation	A Reid, Chief Officer Governance
Date	15 Dec 2014

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

Screening only	N	Full Assessment	Y
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