

Scottish Environment Protection Agency	Business Process: BP-HR-065.1
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	Issue No: 03
	Issue date: 08/08/2013
	Review date: 08/08/2016
Equality Impact Assessment (EqIA)	Originator: Carol Gillespie
	Authorised by: Jennifer Russell

It is important to note that not all policy, strategy or projects will require a full impact assessment to be carried out. In order to ascertain whether this is required or not please ensure that you have carried out an Initial Equality Impact Assessment. The following table provides further details on each of the protected characteristics and definitions of each strand.

Protected characteristic	Definition
Age	Protects people of all ages
Disability	Applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer
Gender	Applies to male or female
Gender Reassignment	The definition of gender reassignment includes people who chose to live in the opposite gender to the gender assigned to them at birth removing the previously legal requirement for them to undergo medical supervision
Marriage or civil partnership (HR projects only)	The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected
Sexual Orientation	The Act protects lesbian, gay, bi-sexual and heterosexual people
Race	This includes colour, ethnic / national origin or nationality
Religion or Belief	The Act covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief
Pregnancy and Maternity	A woman is protected against discrimination on the grounds of pregnancy and maternity. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled

Name of Business Unit	Human Resources
Name/designation of person(s) responsible for managing/ conducting this policy, strategy or projects	Carol Gillespie
Have you carried out an Initial Equality Impact Assessment?	Yes

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Name of Policy, Strategy or Project	Disciplinary Procedure and Guidance	
Is it (*delete as applicable)		Existing
Is responsibility for delivery shared with others? (*delete as applicable)		Yes
If yes, who are your partners?	AMT representatives and line managers	

Which of the following equality areas are relevant to this policy, strategy or projects?			
Age	No	Sexual Orientation	No
Disability	Yes	Race	No
Gender	No	Religion or Belief	No
Gender Reassignment	No	Pregnancy and Maternity (HR projects only)	No
Marriage or Civil Partnership (HR projects only)	No		

Start Date	07/03/2014	Completion Date	07/03/2014
Approved by		Date Approved	
Date sent to: equalities@sepa.org.uk		Signed:	
Date the Equality Impact Assessment was published		Signed:	

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1. Identify ALL the Aims of the policy, strategy or projects

1. What is the purpose of the policy, strategy or projects? (consider explicit and implicit aims)
2. Who does the policy, strategy or projects affect?
3. Who does the policy, strategy or projects benefit directly? (e.g. employees/service users; equality groups, other stakeholders)
4. What results/outcomes are intended?

1.0 The aim of this procedure is to encourage and help employees achieve and maintain acceptable standards of conduct.

The purpose of this procedure is to set out the approach for line managers to ensure consistency and fairness in treatment where an employee's conduct falls below the required standard.

2.0 This procedure applies to all staff members employed by SEPA.

3.0 This procedure benefits all staff members as it sets out what the acceptable standards required in their conduct.

4.0 By conducting this Equality Impact Assessment we are seeking to identify whether the proposed changes to procedure will have an adverse impact on staff who share any of the protected characteristics listed above and, if so, whether there are any changes that can be made to reduce any impact.

2. Consider the Evidence (data and information)

1. What information or data would it be useful to have? What data (quantitative and qualitative) is available? (in-house/external)
2. How reliable/valid/up-to-date is it?
3. What information is available?
4. What does the data/information tell you about
 - Different needs?
 - Different experiences?

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- Different access to services, information or opportunities?
 - Different impacts/different outcomes?
5. Are there any gaps that you should fill now/later by further evidence gathering/commissioning or by secondary analysis of existing data? Are there any experts or stakeholders you should consult now? Have you consulted any experts already? What were their views?

1. SEPA's monitoring of equal opportunity data for existing staff members highlights the differences between groups, such as minority groups and gender. As part of this process I have taken the opportunity to disaggregate this data by the protected characteristics of Age, Gender and Disability. The analysis highlighted that:

Age:

Age (female and male)	Total	Percentages
16 - 24	24	1.85%
25 - 34	291	22.38%
35 - 44	490	37.69%
45 - 54	359	27.62%
55 - 64	128	9.85%
65 and over	8	0.62%
Total	1300	100.00%

32 employees are aged 60 – 64 with a further 8 aged 65 and over this has increased from the 20123 level where 5 were aged 65 and over

Gender: At 28 January 2014, there were 684 (52.62 %) female and 616 (47.38 %) male members of staff.

Disability: 94.23% of staff members have now provided details relating to disability with 2.00% (26 staff members) considering themselves to be disabled.

2. This data is valid as at 28 January 2014

3. This data is comprehensive allowing the Equality Impact Assessment to be completed.

5. There are no gaps in the evidence

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3. Assess the likely impact on different groups

1. Does your analysis of the evidence indicate any possible adverse impact on a particular group (age, disability, gender, transgender, sexual orientation, race, religion or belief, pregnancy or maternity and marriage or civil partnership)
2. If it is adverse, is it likely to be discriminatory?
3. In what areas does it have an impact? E.g. access to information, experience of services.
4. Even if there is no evidence of adverse impact, is there an opportunity to promote equality more effectively, or foster good relations between groups.

- 1 The analysis of the evidence does not indicate any possible adverse impact on Age or Gender or Disability. However it should be noted that all arrangements for interviews, hearings etc. should ensure that any reasonable adjustments relating to disability are taken account of.
2. At this time I do not believe this to be discriminatory
3. There are no areas that this would have an impact upon
4. This policy fulfils the majority of the Public Sector General Equality Duties.

4. Consider alternatives (what to do if you find adverse impact)

1. How can you change your proposal in a way that is proportionate, and will
 - Remove discrimination?
 - Reduce any adverse impact?
 - Promote equality more effectively?
 - Foster good relations between groups?
2. If there are none, can the policy, strategy or projects still be justified?

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3. Can the aims be met in some other way? What can you do now/later?

4. What are you recommending?

1. This procedure has been in place since 2009. It is SEPA's continuing desire encourage and help employees achieve and maintain acceptable standards of conduct. Any disciplinary action arising from the application of this procedure will therefore aim to be corrective rather than punitive.

Whilst from the data we have produced there is no evidence that any staff members from the protected characteristic groups are adversely affected we have noted that National research has indicated that:

Managers are more likely to choose to deal with minor disciplinary matters through more formal processes in the case of Black and or ethnic minority staff due to a fear of discrimination claims

Gender – Higher levels of part-time working may place female workers at an increased risk, as their workload is substantially higher than that of which it should be.

Age- Younger workers with less experience of working life may be more vulnerable to breaching codes of conduct, particularly around internet usage.

From the data we have listed within section 2 this is clearly not the case in SEPA. Additionally the number of disciplinary's held in SEPA during 2012-2013 was low, HR does collate information on the age, gender and disability however as the numbers are below 10 we are unable to publish this data as it may identify the staff members affected. This information is shared with members of the AMT and UNISON at JNCC meetings.

4. Dependant on the output from the consultation with UNISON and given the evidence analysed we should proceed with the proposed changes to the procedure.

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5. Consult formally (relevant stakeholders)

1. What are the views of the people who are likely to be affected or who have an interest about?

- Whether you have identified the right issues?
- Whether you have proposed suitable modifications?
- Whether your proposals will meet their needs?

2. How will you consult?

3. Whom do you need to get views from?(internally/externally)

4. What methods will you use?

5. What formats will you use for communicating with different groups?

We have entered into consultation with our recognised trade union UNISON.

6. Decide whether to adopt this policy, strategy or project- (consider these questions to prompt answers)

What were your findings from the consultation?

Taking into account all of the data, information, potential impact issues and consultation feedback, what will you recommend?

- Stop and remove the policy, strategy or project
- No major change the policy, strategy or project is robust
- Modify the policy, strategy or project (Say how your changes will deal with adverse impacts) (consider if there are any new adverse impacts for any equality group)
- Adopt the policy, strategy or project as proposed. (You should justify this where you identified adverse impact, or where you are not incorporating feedback from your consultations)

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As there is no evidence of direct discrimination and there is no adverse impact I have recommended that SEPA should proceed with the proposed changes to the existing procedure, with the inclusion of a reference to a need to include reasonable adjustments in both the Policy and the Guidance documents.

7. Make Monitoring (and review) Arrangements - (consider these questions to prompt answers)

1. How will you know what the actual effect of the policy, strategy or project is?
2. In what ways will you monitor? e.g. continuously or irregularly, quantitative methods such as surveys, qualitative methods such as interviews
3. How often will monitoring information be analysed (and published)?
4. When will you review the policy, strategy or project taking into account any monitoring information?

As there is no evidence of direct discrimination and there is no adverse impact I have recommended that SEPA should proceed with the proposed changes to the existing procedure. However it is recognised that there may be changes required dependant upon the consultation with UNISON.