

Scottish Borders Council

Equality Impact Assessment

3.1	Title of Proposal:	The Local Government (Discretionary Payments and Injury Benefits (Scotland) Regulations 1998 – SBC Policy Statement
3.2	Service Area: Department:	Human Resources
3.3	Description:	<p>The purpose of this Policy is to set out the Discretionary Payments and Injury Benefits that Scottish Borders Council is able to make under the 1998 Regulations, and state how the Council will exercise this power, along with employee eligibility and a calculation method.</p> <p>The Policy also informs that the regulations apply to all staff who are eligible to join the Local Government Pension Scheme with the exception of Councillors and that there are similar but separate provisions applicable to members of the Scottish Teachers’ Pension Scheme.</p> <p>There are five different matters included in this Policy which are as follows :</p> <ul style="list-style-type: none"> • Redundancy Payments • Compulsory Redundancy • Cessation on Grounds of Efficiency of the Service • Ill Health Gratuity (Lump Sum) • Re-marriage of spouses of former members
3.4	<p>Impact Assessment Note:</p>	

SBC recognises that Compensatory Payments may be paid to employees under these Regulations and this statement details the manner in which the Council exercises its discretion under the Regulations.

The Policy provides managers and staff with clear guidance on how those payments are calculated and the circumstances under which these payments may be made.

The Policy is in line with the Regulations and demonstrates that the Council is a caring employer in that it provides additional payments to employees in circumstances where they may be subject to hardship. These discretionary payments will go some way towards minimising any potential hardship.

In relation to Cessation of Service, this enables volunteers to be sought for Early Retirement / Voluntary Severance as a first point and contributes to the Council's commitment to minimising the impact of Compulsory Redundancy. Employees on long term sickness absence are not eligible to receive a payment of Early Retirement Voluntary Severance as they are not at work. Their position will be dealt with through the Attendance Management Policy. There is no contractual right to Early Retirement/ Voluntary Severance.

In relation to Ill Health and the circumstances described in the Evidence document, there may be circumstances in which employees who are on long term sickness absence and have a disability may not meet the criteria be eligible for Ill Health Retirement under the LGPS and employees under these circumstances would be managed in line with the Attendance Management Policy & Procedure. In the event of their capability dismissal under the Policy, would be entitled to a notice payment, and depending on their age, may be able to access their pension.

Equality Characteristic	Impact			Description	Mitigation & Recommendations
	No Impact	Positive Impact	Negative Impact		
Age Disability		X	X	This Policy is intended to ensure fair treatment for all employees of SBC regardless of their protected characteristic who may fall into these circumstances. The impacts are likely to be positive.	
Gender Race, Religion or	X				

	<p>belief Pregnancy and Maternity, Sexual Orientation, Gender Reassignment and the associated themes of Carers, Poverty and Employees</p>			<p>It should be noted that the calculation of Redundancy payments are linked to age and length of service. Accordingly older employees with longer service will benefit proportionately more than younger employees. The calculations for this are set by CosLa and are outwith the control of the Council.</p> <p>There is a potential positive impact for employees with disabilities where they are permanently incapacitated due to ill health. Where employees aren't eligible for Ill Health Retirement, the Attendance Management Procedures will be followed.</p> <p>This Policy is consistent in its approach to Discretionary Payments regardless of the employee's gender.</p> <p>Furthermore this Policy is not relevant to the General Equality Duty, namely the advancement of equality, elimination of discrimination and promoting good relations. There is no likelihood that this Policy will affect people who share protected characteristics differently from other people. The eligibility criteria which is used in the Policy is objective and the entitlement limits are fixed. The documentation used is accessible and in clear and plain English. Therefore a full assessment is not required.</p> <p>We do not currently collect data specifically regarding employees who may be in receipt of these payments, however, in order to assess the effectiveness of this Policy, SBC will monitor equality data about employees in receipt of these payments.</p> <p>It should be acknowledged that operation of the scheme can lead to some employees feeling resentful towards each other eg if some are selected under Cessation on Grounds of Efficiency.</p>
--	---	--	--	---

3.6	Recommendations & Mitigation		
	Characteristic	Mitigation/Recommendation	Approved Yes/No
	General	Amend Policy to include: <ul style="list-style-type: none"> • accessible format strapline and version control matrix • list of associated policies 	Yes
		Formulate a process to collate, monitor and analysis figures for employees taking up discretionary payments	Yes
		The outcomes of this Policy will be reviewed at least every two years. If any trends emerge these will be analysed and appropriate steps taken, potentially including a full review of the Policy.	Yes

Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)			
Name:	Clair Hepburn	Directorate:	Chief Executive
Post:	Chief Officer Human Resources	Date:	07/02/17

EIA Completed By			
Name	Iain Davidson	Service Area.	Chief Executive - Human Resources
Post	Employee Relations Manager	Date	25th January 2017
Name	Simone Doyle	Service Area	Chief Executive - Human Resources
Post	Equality & Diversity Officer (HR)	Date	25th January 2017
Name	Dee Maclean	Service Area	Chief Executive - Human Resources
Post	HR Business Partner	Date	25th January 2017

