

# Scottish Borders Council

## Equality Impact Assessment

3.1	<b>Title of Proposal:</b>	Guidelines on Conducting Investigations
3.2	<b>Service Area: Department:</b>	Human Resources
3.3	<b>Description:</b>	<p>The aim of these Guidelines are to :</p> <ul style="list-style-type: none"> <li>• Give guidance on the handling of Investigations into alleged employee Disciplinary and Grievance cases.</li> <li>• Ensure that Investigations are conducted in a fair and timely manner and are factual and sufficiently thorough.</li> <li>• To minimise the operational impact on service delivery.</li> </ul> <p>The Guidelines are written in accordance with Employment Law requirements, ACAS guidelines and the Data Protection Act. Guidelines also advise to avoid any bias or discrimination including potential conflicts of interest.</p> <p>Templates letters and documents are appended.</p> <p>These guidelines should be read in conjunction with the following policies :</p> <ul style="list-style-type: none"> <li>• The Disciplinary Procedure</li> <li>• The Grievance Procedure</li> </ul>
3.4	<b>Impact Assessment Note:</b>	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 documentation used is accessible and in clear and plain English.

Where impacts have been identified specific to a characteristic this is noted below:

Equality Characteristic	Impact			Description	Mitigation & Recommendations
	No Impact	Positive Impact	Negative Impact		
All characteristics including: Age, Disability, Gender, Race, Religion/Belief, Pregnancy and Maternity, Sexual orientation and Gender Reassignment		X		<p>Overall this policy is seen as positive in that it has a clear and fair mechanism and process for handling allegations of employee Discipline and Grievance cases.</p> <p>In relation to Equalities issues, guidance is given on :</p> <ul style="list-style-type: none"> <li>• Questioning to avoid potential discriminatory questions.</li> <li>• Recording conversations only where it is a reasonable adjustment for employees with a disability</li> <li>• In cases of alleged discrimination or harassment, consideration will be given to matching the gender of the Investigating Officer with the gender of the complainant.</li> <li>• Interviewing staff who may be on sickness leave.</li> </ul> <p>Furthermore the policy gives general equalities advice in relation to interviewing witnesses, which is that “Any questions which could be viewed as discriminatory on the grounds of sex, religion, disability, sexuality, faith, gender, etc must be avoided.”</p>	
Age (Older or younger people or a specific age grouping)		X		The policy gives guidance on interviewing children as witnesses, for example if a pupil is interviewed in relation to allegations about a member of staff.	
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability,		X		Under normal circumstance the recording of interviews is now allowed, however the policy offers flexibility whereby recording is allowed if the request relates to a disability	

visible/invisible, progressive or recurring				
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3.5	<b>Recommendations &amp; Mitigation</b>		
	<b>Characteristic</b>	<b>Mitigation/Recommendation</b>	<b>Approved Yes/No</b>
	<b>Age</b>	Link guidance on interviewing children and vulnerable people to the Disciplinary and Grievance Policies to reflect para 11, p 10.	<b>Yes</b>
	<b>Disability</b>	Link guidance on recording interviews to the Disciplinary and Grievance Policies to reflect para 19, p 15.	<b>Yes</b>
	<b>Employees</b>	Council's commitment to equalities is communicated to all Guidance on related policies to be referred to in body of the Policy, especially on guidance on interviewing children and taping interviews.	
	<b>General</b>	Continue to collate and monitor employee data relating to take up of this policy	<b>Yes</b>
		Amend policy to include: <ul style="list-style-type: none"> <li>• accessible format strapline and version control matrix</li> <li>• list of associated policies</li> <li>• who this guideline applies to</li> <li>• a link to the Disciplinary Procedure &amp; Grievance Processes</li> <li>• overall aims of the Guidelines</li> <li>• Update regarding interviewing Minors</li> <li>• Update regarding interviewing people with a Disability</li> </ul>	<b>Yes</b>
		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.	<b>Yes</b>

<b>Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)</b>			
Name:	Clair Hepburn	Directorate:	Chief Executive
Post:	Chief Officer Human Resources	Date:	13/3/ 2017

<b>EIA Completed By</b>			
Name	Iain Davidson	Service Area.	Chief Executive - Human Resources
Post	Employee Relations Manager	Date	15th February 2017
Name	Simone Doyle	Service Area	Chief Executive - Human Resources
Post	Equality & Diversity Officer (HR)	Date	15th February 2017
Name	Dee Maclean	Service Area	Chief Executive - Human Resources
Post	HR Business Partner	Date	15th February 2017