

# Scottish Borders Council

## Equality Impact Assessment

3.1	<b>Title of Proposal:</b>	Attendance Management Policy and Procedure (incorporating Managing Gender Reassignment Guidance)	
3.1b	<b>What is it?</b>	A new Policy/Strategy/Practice <input type="checkbox"/>	A revised Policy/Strategy/Practice <input checked="" type="checkbox"/>
3.2	<b>Service Area: Department:</b>	Human Resources Employee Relations	
3.3	<b>Description:</b>	<p>The overall aim of this Policy is to outline Scottish Borders Council's ("the Council") approach to managing attendance while ensuring that employees are treated fairly, and helping employees to return to work when they are fit to do so. The explicit aim is to help minimise the impact of ill health on an employee's attendance. In terms of outcomes, this Policy has been designed to assist the Council in delivering its services as high levels of sickness absence can detrimentally affect services.</p> <p>The Policy includes an appendix specific to managing attendance due to having a disability and should be read in conjunction with the specific guidance for managing attendance due to gender reassignment.</p> <p>The aims and objectives of the Attendance Management Policy are to:</p>	

		<ul style="list-style-type: none"> <li>• Create a culture where employees feel valued, engaged, committed and involved</li> <li>• Promote good working practices that support a work-life balance,</li> <li>• Ensure sickness absence is managed in a fair, supportive and consistent way</li> <li>• Make clear the responsibilities placed on employees and managers and the Council's relevant Third party contractors in managing absence and</li> <li>• Achieve and maintain levels of attendance which are consistently above the average in the Public Sector by reducing: <ul style="list-style-type: none"> <li>○ overall sickness absence</li> <li>○ accidents, and</li> <li>○ stress related absence</li> </ul> </li> </ul> <p><b>Summary Note:</b> With the exception of the absence figures the employee data referred throughout this Assessment has been derived from data gathered from January to December 2016.</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3.4	<b>Impact Assessment</b>				
<b>Equality Characteristic</b>	<b>Impact</b>			<b>Description</b>	<b>Mitigation &amp; Recommendations</b>
	<b>No Impact</b>	<b>Positive Impact</b>	<b>Negative Impact</b>		
<b>Employees</b> (those employed by the Council including full time, part time and temporary)		X		<p>Ultimately, it is noted that this Policy should positively impact on all employees who share protected characteristics as it sets out a transparent and consistent approach which should benefit the Council. It should be noted that lower levels of absence should reduce the burden on employees who have to provide cover to make up for absences.</p> <p>An analysis of absence figures for the year 2015/16 informs 10.33 days for Chief Officers and Single Status Staff</p>	

				(Scotland Average 10.63) 6.8 days for Teachers (Scotland Average 6.09).	
<b>Age</b> (Older or younger people or a specific age grouping)			Low	<p>Workforce data shows that only 10% of employees are aged 16 – 24 years, whilst there are 63% of employees aged over 45.. Consequently, there is a relatively high amount of older employees.</p> <p>There is potentially a low risk of a negative impact on older employees. Older people are more likely to have a health condition or disability which may affect attendance at work. (The 2015 <a href="#">Scottish Health Survey</a> notes the proportion of adults reporting to be in ‘very good’ or ‘good’ health declined with age from 88% of those aged 16-24 to 55% of those aged 75 and over).</p> <p>While it is noted that the Policy explicitly makes adjustments for employees with a disability, disability declaration is comparatively low at 2.37%. It is suspected that in actuality more than 2.37% of employees have a disability and it is likely that there is a comparatively higher proportion of older people who have a disability but have not declared it. There is therefore a risk that older people may be disproportionately affected by this Policy.</p>	<p>Utilisation of the Strategic People Plan should facilitate a more balanced age profile in the future. Proactive steps should be taken to tackle any emerging issues at both ends of the workforce age spectrum.</p> <p>Continue to raise awareness of the definition of disability and encourage employees to come forward for support i.e. reasonable adjustments</p>
<b>Disability</b> e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		X		<p>This Policy recognises that people with a disability may be detrimentally affected and sets out ways to mitigate this potential negative impact by noting that extraordinary considerations will apply. Such considerations include making reasonable adjustments to the process itself and ensuring that measures are in place to support the employee at work. Specific guidance on managing employees with a disability is set out at Appendix 1, which also states that issuing trigger reports will take into account disabilities.</p> <p>Nevertheless, it is noted that only 2.37% of Council</p>	<p>Continue to raise awareness of the definition of disability and encourage employees to come forward for support i.e. reasonable adjustments</p>

				<p>employees have declared that they have a disability. Approximately 42% of employees have not provided information about this protected characteristic. External information from the Scottish Government and the annual population survey indicates that between 10-20% of people in work have a disability.</p>	
<b>Gender</b> (Males, Females, Transgender or Transsexual people)		X		<p>The Policy notes that extraordinary considerations will apply in the event that an employee has undergone or intends to undergo the process of gender reassignment.</p> <p>Furthermore the Policy acknowledges the likelihood of sickness absence during the reassignment process and states that the issuing of trigger reports will take this into account. The Policy also provides guidance on the process of gender reassignment.</p> <p>In terms of overall gender demographics, 73% of employees at the Council are female.</p>	
<b>Carers</b> (those who have caring responsibilities for someone with an equality Characteristic)	X			<p><a href="#">Research and Scot Government figures</a> show that 9.3% of the population are carers, 11% of the adult population (aged 16+) are carers and that over 171,000 people said they provided 35 or more hours of care each week. Within the Council 20.4% of employees have indicated that they have caring responsibilities. In reality this number is likely to be higher as approximately 32% have not disclosed any information about caring responsibilities. In addition <a href="#">qualitative external evidence</a> exists which shows that women are more likely than men to call in sick when their child is sick. There is no indication that this is the case at the Council; nevertheless it is important that female employees who have caring responsibilities are aware of existing policies and processes in place which can assist</p>	Raise awareness of flexible working policies

				them when they need to take leave to care for a child, e.g. special leave or parental leave.	
	<b>Pregnancy and Maternity</b> (refers to the period after the birth, and is linked to <b>maternity</b> leave in the employment context. In the non-work context, <b>protection</b> against <b>maternity</b> discrimination is for 26 weeks after giving birth),		X	The Policy states that pregnancy related absences shall be disregarded for the purposes of absence management. This should have a positive impact on women who are pregnant who tend to have comparatively higher levels of absence due to their pregnancy or postnatal condition.	
	<b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)	X		An Analysis of Employee data indicates that approximately 77.60% of employees have declared that ethnic origin this includes 0.39% as defining themselves as Black and Minority Ethnic. 22.40% employees have not declared their ethnic origin.  The number of employees who have declared their religion or belief indicates that 29.77% have no religious group and that 28.69% have not stated or responded to this diversity characteristic. We also know that 24.65% have declared that they are protestant, 6.31% other Christian, 5.51% Agnostic, 4.70% Catholic and 0.38% include Hindu, Muslim, Jewish and Buddhist.	

	<p><b>People with Religious or other Beliefs:</b> different beliefs, customs (including atheists and those with no aligned belief)</p> <p><b>Sexual Orientation,</b> e.g. Lesbian, Gay, Bisexual, Heterosexual</p>				<p>The number of employees who have declared their sexual orientation is approximately 69.60%. This includes bisexual 0.46%, Gay 0.25%, Lesbian 0.18%. Approximately 31% of Employees have not responded.</p> <p>In reality it is assumed that in all cases the numbers will be higher given the level of non-responses. Nevertheless the Policy makes specific reference to Race, Religion and Belief and Sexual Orientation as protected characteristics within the Equality Act. It is anticipated that the potential impact of this Policy on these characteristics will be of little relevance as there is no likelihood that differential or adverse treatment will occur on the basis of these characteristics.</p>	
	<p><b>Poverty</b> (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc)</p>	X			<p>The potential impact of this Policy is not directly relevant to this group, and there is no likelihood that differential or adverse treatment will occur on this basis. In any event, consideration on this ground is more relevant to public facing services as opposed to internal HR policies.</p>	

3.5	<p><b>Relevance to the Equality Duty in Summary:</b></p> <hr/> <p><b>What impact will your proposal have on the following :</b></p>
-----	-------------------------------------------------------------------------------------------------------------------------------------

	<b>Equality Duty</b>	<b>Reasoning:</b>
	<b>Elimination of discrimination (both direct &amp; indirect), victimisation and harassment?</b>	Raising awareness of this Policy serves to meet the equality duty of eliminating discrimination and promoting good relations.
	<b>Promotion of equality of opportunity?</b>	Although not directly relevant to this arm of the equality duty the Policy should allow promotion of equality of opportunity as it sets out a clear procedure that is applicable to all regardless of the protected characteristic identified with. In addition the Policy is widely publicised and promoted in order to ensure that all staff are aware of the Policy and the process.
	<b>Foster good relations?</b>	

3.6	<b>Recommendations &amp; Mitigation</b>		
	Please summaries all recommendations and mitigations for approval by the decision makers who will approve your proposal		
	<b>Characteristic</b>	<b>Mitigation/Recommendation</b>	<b>Approved Yes/No</b>
	Age	Delivery of the actions contained in the Strategic People Plan should address any considerations at both ends of the age spectrum.	Yes
	Disability	Raise awareness of the definition of disability	Yes
		Ensure that managers are confident in recognising when there are long term health conditions which could be a disability	Yes
	Carers	Raise awareness of flexible working policies	Yes
	All	Review the Policy in two years from the date of publication of the revised Policy (July 2017) or as a requirement due to legislative changes	Yes

<b>EIA Completed By</b>			
Name/Post	Iain Davidson Senior Employment Solicitor	Service /Directorate.	Human Resources
Name/Post	Simone Doyle Equality & Diversity Officer (HR)		
Name/Post	Emily Elder Student HR	Date:13 <sup>th</sup> July 2017	

<b>Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)</b>			
Name:	Clair Hepburn	Directorate:	Chief Executive
Post:	Human Resources Service Director	Date:	19 <sup>th</sup> September 2017