

# Scottish Borders Council

## Equality Impact Assessment

	<b>Title of Proposal:</b>	Managing Work Performance
	<b>What is it?</b>	A new Policy/Strategy/Practice <input type="checkbox"/> <span style="margin-left: 200px;">A revised Policy/Strategy/Practice <input checked="" type="checkbox"/></span>

3.2	<b>Service Area: Department:</b>	Human Resources
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3.3	<b>Description:</b>	<p>The explicit aim of this Policy is to support employees who are not performing adequately to improve their work performance to an acceptable level. The Policy provides guidelines on what managers should do by way of early, informal intervention or action to address poor performance. The Policy aims to avoid the use of formal disciplinary procedures by supporting staff in improving performance.</p> <p><b>Preliminary Note</b> This assessment does not refer to quantitative data. The reason for this is that the Policy itself and the processes within it are used before any formal action is taken. Formal action in terms of improving performance, is generally used as a last resort and in this instance, managers are referred to the Disciplinary Procedure.</p> <p>The data from the disciplinary process is monitored by the Council and used for the purposes of impact assessment. To date, equality impact assessments of the disciplinary process have not shown that people who share a protected characteristic are more likely to be involved in performance management issues.</p>
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<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>Age: Effects on children, young people and older people</b>	X			<p>It is not anticipated that a person's age will affect assessment of their performance. It is the intention of this Policy to promote a fair and supportive performance management process which should affect all staff equally, regardless of their age group.</p> <p>It is acknowledged that the occurrence of disability increases with age and that older staff may be more likely to have health conditions which could impact on their performance at work. The impact of this policy on staff with a disability is considered below.</p>	
<b>Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring</b>		X		<p>This Policy recognises that external factors may affect performance. Specific guidance is provided regarding employees whose performance has been identified as unsatisfactory due to illness or disability. The Policy states that Occupational Health advice will be sought on whether the work is detrimental to the employee's health or well-being or if any modifications should be made to the job.</p> <p>The Policy highlights the Council's obligations to make reasonable adjustments as provided for in the Equality Act 2010. It is anticipated that making adjustments to this Policy for employees with a disability, for example by extending monitoring periods if appropriate, will reduce the risk of any negative impact occurring.</p> <p>The proper operation of the policy will also identify if any</p>	

					adjustments should be made to the employee's role, for example by realigning duties, or whether any further assistance or physical aids are required.	
	<b>Gender: Effects on Male, Female, Transgender and Transsexual people</b>		X		<p>It is not anticipated this Policy will differentially affect staff as a result of their gender. Managers are encouraged to be alert to factors possibly contributing to performance issues. These factors could include domestic issues such as caring responsibilities and the Policy should enable staff to discuss these factors with a view to resolving performance issues.</p> <p>The Policy has been rewritten to include non binary inclusive language.</p>	
	<b>Effects on Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</b>			X	<p>It is not anticipated that this Policy will differentially affect staff on the grounds of their race, nationality or ethnic origin. The Policy highlights the possibility that performance issues may arise from misunderstandings due to ethnic or cultural issues. It also provides that the manager must ensure that his or her own assumptions about working practices are not discriminatory.</p> <p>Managers and employees receive training in equality and diversity which includes understanding a range of cultural preferences and practices. This training should mitigate the risk that discrimination on the grounds of race occurs in the implementation of this Policy.</p>	
	<b>Effects on people with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)</b>			X	<p>It is not anticipated that this Policy will differentially affect people on the grounds of their religion or beliefs. The Policy provides that managers must ensure that assumptions about working practices are not discriminatory.</p> <p>It is noted that the Policy emphasises the importance of clarity of job responsibilities and communication about issues which may affect performance. This is particularly relevant with some aspects of religion, for example, working on days of religious worship. Operation of the Policy should provide clarity about expectations in</p>	

					<p>terms of working hours which should result in a reduction of the risk of discrimination.</p> <p>Managers and employees receive training in equality and diversity which includes understanding a range of cultural preferences and practices. This training should mitigate the risk that discrimination on the grounds of religion or beliefs occurs in the implementation of this Policy</p>	
	<p><b>Effects on Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual</b></p>			X	<p>It is not anticipated that this policy will differentially affect people as a result of their sexual orientation. In the event that a member of staff feels that their sexual orientation is impacting their performance at work, the Policy provides for discussion and putting steps in place to support the employee. There is therefore little likelihood that differential or adverse treatment could occur on this basis.</p>	

<p><b>Relevance to the Equality Duty in Summary:</b></p>	
<p><b>What impact will your proposal have on the following :</b></p>	
<p><b>Equality Duty</b></p>	<p><b>Reasoning:</b></p>
<p><b>Elimination of discrimination (both direct &amp; indirect), victimisation and harassment?</b></p>	<p>This Policy should result in an overall positive impact for all as it aims to support employees who are having performance issues. It should enable a better understanding of external factors which can impact on performance. Steps have been put in place to mitigate any risk of discrimination or unfair application of this Policy.</p> <p>The Policy provides guidance and a procedure that when consistently applied should ensure fairness in its application. In</p>
<p><b>Promotion of equality of opportunity?</b></p>	
<p><b>Foster good relations?</b></p>	

		addition the Policy is available to employees and is free from jargon. This demonstrates SBC's commitment to eliminating discrimination, advancing equality of opportunity and fostering good relations.
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<b>Recommendations &amp; Mitigation</b>		
<b>Characteristic</b>	<b>Mitigation/Recommendation</b>	<b>Approved Yes/No</b>
	Continue to monitor any grievances raised about application of this Policy;	Yes
	Continue to monitor disciplinary actions invoked following the use of this Policy	Yes
	Ensure that managers continue to receive equality and diversity training.	Yes
	That the policy be reviewed in accordance with the Council's HR Policy Review Programme or as required by legislative requirements in order that the Policy remains relevant and fit for purpose. As a minimum an equalities impact assessment will be carried out every two years.	Yes

<b>EIA Completed By</b>			
Name/Post	Iain Davidson Employee Relations Manager	Service /Directorate.	Human Resources
Name/Post	Simone Doyle Equality & Diversity Officer (HR)		
		Date:	18th January 2018

<b>Signed Off (Sign off <u>must</u> be completed by Service Manager or Director)</b>			
Name:	Clair Hepburn	Directorate:	Chief Executive
Post:	Service Director Human Resources	Date:	24 <sup>th</sup> January 2018