

This template summarises the key decisions/actions taken in the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

Background	
Title of the Policy	Secondary Employment and Political Activity Policy
EHRIA Lead Person	Employee Relations & Reward Manager
Date EHRIA completed	11/03/16
Review date and frequency	31/03/19, every 3 years
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>Opportunity to review existing Policy and bring in line with best practice. Provide updated clarification of policy and practice for staff and managers. Improve ease of access for individuals with reading impairment by providing document in alternative format.</p> <p>The revised Policy has been written in such a way to make the information accessible to all SPS staff and use language that is designed to be clear and inclusive.</p> <p>The revised policy seeks to ensure that employees are aware of their Article 10 rights and restrictions, as well as positively support staff from lower economic brackets - specifically men and women of certain age groups - to undertake secondary employment if they wish to</p>
WHO did you consult with?	Trade Union Side, Prison Governors Association, SPS Pay data, Xpert HR pay data, SPS Staff Networks.
WHAT did you learn?	The SPS has a number of employees who have secondary jobs, and a number of part-time employees who may wish to undertake secondary employment in their additional time. The majority of part-time employees tend to be males over 50 (85%

Scoping	
	of p/t males are over 50), although proportionally women are more likely to be part time. The SPS median pay is around or above national mean salary, and the lowest paid (who may be more likely to seek secondary employment) come within the band of the national living wage, as described by the Living Wage Foundation.
HOW will this shape your policy/practice?	Need to ensure that a balance is kept which affords employees equal access – within the parameters of the Working Time regulations – to Secondary employment opportunities, should they wish to have these.
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice?	Equality Impact Assessments from: <ul style="list-style-type: none"> • Gwent Police • NHS Kernow • NHS County Durham <p>Scottish government E&D Evidence Finder. SPS Equality & Diversity Resources. SPS Equality and Diversity report 2015. Financial Times article on secondary employment. Ahmed and others vs UK; ECHR 2 Sept 1998.</p>

Impact	
Will the impact and outcomes of the new/revise policy/practice:	
Contribute to eliminating discrimination, harassment and victimisation? E.g. <ul style="list-style-type: none"> • Raise awareness of our SPS vision and values for equality and diversity • Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity 	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others, encourage participation in public life 	POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/>
	NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/>

Impact

Will the impact and outcomes of the new/revised policy/practice:

Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none">• Tackle prejudice• Promote understanding	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Ensure Human Rights Compliance?	It will uphold human rights articles. <input checked="" type="checkbox"/>
	It will breach human rights articles. <input type="checkbox"/>

Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.

Positive Impacts

Protected characteristics affected: Age, sex, socio-economic groups, human rights.

The revised policy will give clarity on the SPS secondary employment policy and procedure, which will be of assistance to all employees, but perhaps particularly to the 7% of employees who work part-time and may be more likely to seek secondary employment – the policy should allow for more clarity on this, as SPS does not currently hold collated records on Secondary Employment applications. SPS' part-time workforce is mostly male, but proportionally women are more likely to be in part-time employment with SPS, and are more likely to be amongst the lowest earners (57% of Band B employees are female). The male proportion of the part-time workforce tend to be older (85% are above 50), and may also wish to seek additional part time work. The female proportion tend to be aged between 30-49 (65%).

Monitoring the application of the policy via EHR will allow the SPS to identify any individuals or groups regarding whom the policy may be misapplied, or in relation to whom the policy might have inadvertent consequences – and allow the SPS to remedy this, thus eliminating the possibility of discrimination.

Employees from lower socio-economic groups may seek additional employment to “top up” incomes (FT), this policy will clarify the parameters within which it is acceptable to do so.

Employees who wish to engage in political activity will, for the first time, have clear guidance from the SPS on what restrictions may be placed upon them as Civil Servants, ensuring that they can do so within the law – which will promote understanding between employees about the rights and responsibilities of SPS employees to engage in political activities.

The revised format of the policy will ensure that it is accessible to all employees.

Negative Impacts

Protected characteristics affected: Human Rights.

Impact	Mitigation
<p>The Civil Service Code, which this policy must adhere to, prevents certain categories of Civil Servants from engaging in political activities, and restricts the political activities of others. This is a contractual and legislative provision.</p> <p>This could be considered in breach of Article 10 - Freedom of expression</p>	<p>This policy cannot change the Civil Service code, but ensures that it is applied clearly to the SPS so that individuals can understand any restrictions on their activities.</p> <p>The UK government position on this has been challenged and upheld. cf Ahmed and others v UK Govt ECHR 2 Sept 1998; this is not a breach of Article 10 human rights.</p>

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input checked="" type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of Outcome decision and Recommendations

The principal point of this policy is to ensure that the SPS protects employees from working excessive hours (under European Working Time regulations) and secondarily to protect the reputation of the SPS. There has in the past been controversy over the restrictions on political activity for Civil Servants, but case law at ECHR level concludes that there is no breach of Article 10 rights in this restriction.

Next steps

The impact of the policy will be reviewed in light of the following:

- Legislative changes – To ensure compliance with all relevant legislation.
- Significant grievances/unforeseen EHRIA impacts – To ensure that any unforeseen issues are addressed.
- SPS standard policy review timescales including equality analysis of staff applying for and undertaking secondary employment – As part of SPS standard review of policies.

If you require this document in an alternative format, please contact SPSEqualityandDiversityTeam@sps.pnn.gov.uk