Equality and Human Rights Impact Assessment Publication Document

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	SPS Employee Wellbeing Policy
EHRIA Lead (role)	Lee Currie
Date EHRIA completed	07/04/23
Review date and frequency	07/04/23
Is this a new or revised policy/practice?	New ☐ Revised ☒

Scoping

- The policy is designed to promote good practice and provide a framework for the effective management of issues relating to employee health and wellbeing.
- The policy encourages staff to take responsibility for their own wellbeing through the provision of a range of resources.
- Develop and maintain a workplace environment and culture that supports positive health and wellbeing, as well as, healthy lifestyle choices.
- Encourage a supportive workplace culture to facilitate early intervention and prevention.
- Provide guidance to our line managers to support and improve wellbeing within the workplace.
- Ensure that all employees have fair and equitable access to wellbeing activities and resources.
- Provide a working environment that is safe, that minimises any risks to health and that makes adequate arrangements for employees' welfare whilst they are at work.

WHO did you consult with?

The policy has been developed in consultation with the recognised Trade Union partners and has been created in accordance with published guidance from the Chartered Institute of Personnel and Development (CIPD), the Health and Safety Executive (HSE), the Equality and Human Rights Commission (EHRC) and the Advisory, Conciliation and Arbitration Service (ACAS). This policy complies with the Civil Service Management Code.

WHAT did you learn from your evidence-gathering exercises?

Most of the changes to the Wellbeing Policy has been to simplify and streamline process, rather than a new policy direction and detailed evidence gathering. The policy was reviewed taking account of stakeholder feedback and the CIPD 7 Domains of Wellbeing. For example

there were gaps identified in relation to robust support for those experiencing domestic violence *(BEIS Domestic Abuse consultation (cipd.co.uk)* and financial concerns, both of which research has shown can have a detrimental impact on overall wellbeing and performance *(Employee financial well-being: an HR concern | CIPD Voice ; Employee Financial Wellbeing | CIPD)* ;

- Requirement for greater clarity on the provision of support mechanisms to the employee.
- Staff absence across the SPS is at its highest levels ever, with predominant reasons being mental health and Musculo-skeletal conditions.
- In line with Fair Work Agreement, need to implement a proactive, strategic and integrated approach to employee wellbeing, including the promotion of physical and mental health.
- The early provision of support can positively affect an employee's health and future attendance (Wellbeing at Work | CIPD). For example early intervention such as a stress risk assessment, referral to OH/EAP and reasonable adjustments can enable an individual to stay at work and avoid absence or can support a return to work sooner compared to later or no interventions.
- Employees are frequently able to manage conditions at work, with occupational health advice and other support, rather than go sick.
- That being at work can be a key part of someone's recovery process from sickness absence.
- Access to health education and awareness, can improve levels of attendance and support to the employee.
- The need for effective training in the application of the policy and the need to ensure that its terms are effectively communicated to all employees.

HOW will this shape your policy/practice?

The policy will apply to all employees and is person centred and will take a holistic approach regardless of whether the employee has a protected characteristic or not. The policy review has been shaped taking account of the CIPD 7 Domains of Wellbeing . And as a result, the existing guidance and services have been updated to provide better support that is based on best practice guidance. This includes the roll out of access to physio via our OH provider to support those with MSK issues to remain at work and avoid absences as well as improved guidance for employees wellbeing issues in general. As an accompaniment to this policy a Health and Wellbeing plan will be produced which will detail all of the initiatives that will be undertaken to complement the policy.

- We will review the content of the policy, including additional guidance for supporting employees with issues that were not included in the previous policy such as domestic abuse, financial wellbeing etc.
- We will provide additional guidance for managers who are supporting employees through formal or informal wellbeing discussions.
- We will ensure that guidance and template documents are developed to support successful implementation of the policy and to ensure consistency across the SPS.
- We will work with SPSC colleagues to develop appropriate training for those involved in implementing the policy to ensure consistency in the application.
- We will provide greater clarity to employees on support mechanisms available and on the actions we will take to support them when they have requested wellbeing support.
- We will review the policy against best practice guidance.
- We will encourage the pro-active use of the policy in order to support those at work and minimise absences.

- We will provide employees with information and support to help them adopt a healthy and balanced lifestyle. For example through the promotion of smoking cessation services. There is a correlation between higher levels of smoking and people who live in more deprived areas, and they are also less likely to have access to health services. SPS promotion of healthy lifestyles looks to address the inequalities in health thus working towards our Socio Economic requirements under the Fairer Scotland Duty Act 2017.
- We will monitor and evaluate the impact of the policy.
- We will ensure that we are compliant with our statutory obligations and any other relevant legislation relating to the policy i.e. Equality Act, General Data Protection Regulation (GDPR) and Health, Welfare and Safety.

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?

SPS monitor absence regularly, however, this has been heavily skewed by Covid related factors since 2020. The policy alone is not the driver, but the initiatives are what make transformational change – the H&W activity plan (work in progress) has seen a number of initiatives introduced as a result of the development of this policy.

The SPS Staff Survey 2022 results show that in response to wellbeing related questions, there has been a slight improvement overall. In response to the statement *"My manager supports me to ensure I have the workplace adjustments I need to reduce the barriers I face due to my condition(s) or illness(es)"* 41% of SPS staff agreed, which was an increase of 4% on the previous year. With regards to personal wellbeing, SPS staff showed a slight increase of 2-3% in positive responses to these questions. An increase of 4% reported their mental health to be *excellent, very good* or *good* compared to 2021 results. There has also been a decrease of 9% in *musculo skeletal* problems reported this year.

This policy has been developed in accordance with guidance from the following:
- Equality Act 2010
- Equality and Human Rights Commission (EHRC) – Code of Practice on Employment;
- Advisory, Conciliation and Arbitration Service (ACAS) *Wellbeing at work: research and commentary | AcasSupporting mental health at work - Acas ; Disability at work | Acas ;*
- Chartered Institute of Personnel and Development (CIPD) Health and wellbeing at work | CIPD ; Financial wellbeing: an evidence review | CIPD ; Wellbeing at Work | Factsheets | CIPD
- Case law and case studies; 10 companies getting workplace wellbeing right | Workstars ; Case Study: Employee Wellbeing – DoH (2) - Engage for Success
- Benchmarking against policies and practises of several other employers within the UK Civil Service, public bodies, private and third sector;
- Benchmarking against policy available via Xpert HR; Employee Wellbeing| XpertHR.co.uk
- Insights and feedback from colleagues across the SPS.
- Fair work: agreement between Scottish Ministers and the recognised civil service unions - gov.scot (www.gov.scot)

Impact Will the impact and outcomes of the new/revised policy/practice:	
Contribute to eliminating discrimination, harassment and victimisation? E.g. • 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 ⊠ **NO EFFECT:** It will have no effect on discrimination, harassment and victimisation ☐ **NEGATIVE:** It will make discrimination, harassment and victimisation worse ☐
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others participation in public life	**POSITIVE:** It will advance equality of opportunity ⊠ **NO EFFECT:** It will have no effect on equality of opportunity ☐ **NEGATIVE:** It will reduce equality of opportunity ☐
Foster good relations between those who share a protected characteristic and those who do not? E.g. • Tackle prejudice • Promote understanding	**POSITIVE:** It will foster good relations ⊠ **NO EFFECT:** It will have no effect on good relations ☐ **NEGATIVE:** It will cause good relations to deteriorate ☐
Ensure Human Rights Compliance?	It will uphold human rights articles. ☐ It will breach human rights articles. ☐

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.

Owner: Equality & Diversity Team, HQ

Positive Impacts

What are the positive impacts?
Does the new/revised policy or practice: Advance equality of opportunity? Remove discrimination? Remove harassment? Remove victimisation? Foster good relations? Encourage participation by disabled people? Uphold human rights articles?
Detail the positive impact here:

- This policy will provide a clear framework for supporting employee wellbeing and will include guidance for managers who are providing support to employees in relation to their wellbeing, which could include employees with disabilities.
- This policy will apply to <u>all</u> employees with or without a protected characteristic a fair and consistent manner.
- It will be compliant with all relevant legislation, and provide clear guidance on support mechanisms available and increase employees/managers understanding of disability or sensitive personal information and thus reducing stigma/potential discrimination.
- Appropriate support will be given to employees (person centre approach based on individual needs) who request it with the aim of fostering good relations and supporting attendance at work for example, referral to outside services.
- All managers will be trained in the application of the policy which is acknowledged as critical to its success, as is the need to ensure that its terms are effectively communicated to all employees.
- Provide support and advice for those dealing with difficult circumstances at work or outside work to help improve their wellbeing.
- Provide guidance and the need for pro-active consideration of reasonable adjustments or other reasonable interventions, to support an employee's attendance at work.

Negative Impacts

Protected characteristics affected:

The policy acts as a signpost for employees to access the appropriate services/support functions and takes a person-centred approach. There are currently no known negative impacts on people from a specific equality group.

Impact	Mitigation
n/a	n/a

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	☒
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.	☐

Recommended course of action	
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).	☐
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	☐

Summary of Outcome decision and Recommendations

Actions taken to remove or minimise any actual or potential negative impacts identified, and to build positive impacts.

- Policy issued to all existing staff to raise awareness.
- Policy issued to all new staff as part of induction process.
- Policy available on SharePoint with supporting documentation.
- Training for managers.
- Links to clear process for management of reasonable adjustments and redeployment when raised as part of wellbeing discussion.
- Briefings for staff.
- Employee Assistance Programme – external provider in place.
- Occupational Health advice and Support if required.
- Health Promotion activities

Next steps

- To monitor for any unanticipated adverse impacts annually.
- Note: any evidence that raises concern would trigger an early review rather than the scheduled date.
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed.
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new/changed policy/practice.
- HRIS records and absence reports;
- Benchmarking of absence percentages against partner agencies and CIPD Annual Absence Survey;
- Informal discussions with staff and managers;
- Formal consultation with staff (in particular those who have accessed the wellbeing policy),managers and Trade Union representatives;
- Review Civil Service People Survey outcomes in relation to staff engagement and health and wellbeing questions.
- Impact of policy and procedure assessed as staff go through the process.

If you require this document in an alternative format, please contact
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