

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	Corporate Governance Guide
EHRIA Lead Person	Project Manager, Chief Executive's Office
Date EHRIA completed	13.10.16
Review date and frequency	1 year after guide is introduced
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>To set out in a single document the refreshed SPS governance arrangements in line with recommendations made in Audit Scotland's Review of Governance Arrangements Report (February 2015) and in an independent report by Polley Solutions Limited SPS Governance Review 2015-16 (February 2016).</p> <p>The refreshed governance arrangements contained in the Corporate Governance Guide will ensure that:</p> <ul style="list-style-type: none"> <li>• Governance processes and procedures add value to SPS, ensuring it fulfils all its responsibilities in an efficient, effective and well-informed manner.</li> <li>• The roles and responsibilities of the people and bodies governing the organisation are clear and focussed on its purpose.</li> <li>• The principles of good governance in the public sector are implemented in a proportionate manner that is consistent with the executive agency model.</li> <li>• The Corporate Governance Guide outlines the SPS governance model, the governance groups and the relationships between these groups and the terms of reference for each of the SPS governance groups.</li> </ul>

## Scoping

<p>WHO did you consult with?</p>	<ul style="list-style-type: none"> <li>• Consultation has taken place with a range of external organisations (Angus Council, British Army, Education Scotland, NHS Borders, Rolls Royce and Student Awards Agency Scotland) to examine their governance models and underpinning systems and processes. Education Scotland, which is part of the Learning and Justice family, have a similar corporate governance framework document.</li> <li>• SPS Advisory Board.</li> <li>• SPS Executive Management Group.</li> <li>• A range of SPS senior managers.</li> <li>• Scottish Government Public Bodies Unit.</li> <li>• SPS Trade Union Side.</li> <li>• Equality and Diversity Team.</li> </ul>
<p>WHAT did you learn?</p>	<ul style="list-style-type: none"> <li>• There is a need to ensure that the refreshed SPS governance arrangements are widely understood.</li> <li>• There was general agreement that it would be helpful to set out the refreshed SPS governance arrangements in a single document.</li> <li>• The single document setting out the refreshed SPS governance arrangements requires to be made available not only to the widest spectrum of SPS staff but also the public.</li> <li>• The documents should set out the commitment that public appointments be accessible to as diverse a talent pool as possible, regardless of background.</li> </ul>
<p>HOW will this shape your policy/practice?</p>	<ul style="list-style-type: none"> <li>• Feedback from the consultation both external and internal to the organisation has informed the development of a single document setting out the refreshed SPS governance arrangements i.e. the Corporate Governance Guide.</li> <li>• Development of the Corporate Governance Guide in line with Equality and Diversity guidance will support accessibility to ensure access to the widest spectrum of SPS staff, partner organisations and the general public.</li> </ul>
<p>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?</p>	<p>SPS Annual Performance Report states that as at 31 March 2016 the SPS Advisory Board comprised of 6 men and 4 women.</p> <p>There is no data regarding the other protected characteristics of the SPS Board or Executive Management Group.</p>

## Impact

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

<b>Contribute to eliminating discrimination, harassment and victimisation?</b> E.g. <ul style="list-style-type: none"> <li>• Raise awareness of our SPS vision and values for equality and diversity</li> <li>• Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity</li> </ul>	<b>POSITIVE:</b> It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	<b>NEGATIVE:</b> It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
<b>Advance equality of opportunity between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>• Remove or minimise disadvantage</li> <li>• Meet the needs of equality groups that are different from the needs of others participation in public life</li> </ul>	<b>POSITIVE:</b> It will advance equality of opportunity <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on equality of opportunity <input type="checkbox"/>
	<b>NEGATIVE:</b> It will reduce equality of opportunity <input type="checkbox"/>
<b>Foster good relations between those who share a protected characteristic and those who do not? E.g.</b> <ul style="list-style-type: none"> <li>• Tackle prejudice</li> <li>• Promote understanding</li> </ul>	<b>POSITIVE:</b> It will foster good relations <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on good relations <input type="checkbox"/>
	<b>NEGATIVE:</b> It will cause good relations to deteriorate <input type="checkbox"/>
<b>Ensure Human Rights Compliance?</b>	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:

- All protected characteristics as the guides explicitly state that the public appointments process promotes, demonstrates and upholds equality of opportunity for all applicants.
- Sex – SPS supports the focus on gender in relation to appointments to public boards and currently has a gender balanced Advisory Board. Minor amendments were made to remove language from the Risk Monitoring and Audit Committee (RMAC) Terms of Reference which was gender specific.
- Disability – The guides have been formatted to be as accessible as possible and include a statement that alternative formats are available upon request.

## Positive Impacts

### Detail:

Consultation with Equality and Diversity Team resulted in consideration of two issues in line with best practice. Discussion of these issues by the Impact Assessment Panel then resulted in further revisions to the Corporate Governance Guide.

The first issue related to the membership of the Advisory Board. It was suggested that consideration should be given to articulating within the Terms of Reference SPS' commitment to accessibility of public appointments. Inclusion of a form of words will emphasise the fact that the Advisory Board upholds the principle of equality of opportunity for all applicants as SPS values very highly the benefits of having members with different points of view and experiences on the SPS Advisory Board. Accordingly, when appointing Non-Executive Directors SPS will hope to receive applications from a wide range of talented people irrespective of their religion or belief, gender, age, gender identity, disability, sexual orientation, ethnic origin, political belief, relationship status or caring responsibilities. When considering the draft Corporate Governance Guide on 8 June 2016, the Impact Assessment Panel felt that similar commitment to the accessibility of public appointments should be given in the Executive Management Group and Risk Monitoring and Audit Committee (RMAC) Terms of Reference which were amended accordingly.

The Impact Assessment Panel also discussed the work of Scottish Government around removing perceived barriers that prevent women from being appointed to Scotland's public boards. It was noted that SPS supports the focus on gender in relation to appointments to public boards but will not lose sight of other groups who are underrepresented. It was agreed that the Corporate Governance Guide should be amended to reflect this.

The second issue which came up when consulting with the Equality and Diversity Team related to the sharing of the Advisory Board minutes in an accessible format. Offering this when requested supports accessibility to ensure access to the widest spectrum of public and SPS staff.

When considering the draft Corporate Governance Guide on 8 June 2016, the Impact Assessment Panel was of the view that a commitment to accessibility should be given in respect of the actual Corporate Governance Guide document. It was agreed that an overarching accessibility statement should be included at the beginning of the document. On the point of accessibility, the Impact Assessment Panel did consider attempting to list the different formats in which might be provided but decided against doing this in case a particular format were omitted, albeit unintentionally.

Following consideration by the Impact Assessment Panel, further helpful advice and assistance was provided by the Equality and Diversity Business Partner (acting). Consequently, the draft Corporate Governance Guide was amended during July 2016 to make it more accessible in its current format to widen the scope of those who can read it easily. Accessibility features were applied to the draft to possibly reduce the need to request alternative formats.

## Negative Impacts

Protected characteristics affected:

None identified

Impact	Mitigation

<b>Recommended course of action</b>	
<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
<b>Outcome 2:</b> 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"/>
<b>Outcome 3:</b> 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 type="checkbox"/>
<b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

<b>Summary of Outcome decision and Recommendations</b>
<p>The proposed new Corporate Governance Guide will have a positive effect on SPS from an equality and diversity perspective, the two main benefits being:</p> <ol style="list-style-type: none"> <li>1. A commitment to accessibility of public appointments upholding the principle of equality of opportunity for all applicants to the Advisory Board, and a similar commitment of equality of approach for all applicants to the Executive Management Group and Risk Monitoring and Audit Committee.</li> <li>2. Ensuring the Corporate Governance Guide and Advisory Board minutes are formatted to maximise accessibility and are available in alternative formats when requested to ensure accessibility to the widest spectrum of the public and SPS staff.</li> </ol>

<b>Next steps</b>
Review requests received for Advisory Board minutes and Corporate Governance Guide in alternative formats, to identify any improvements that can be made to existing formats and ensure widest possible access. This will be done annually by the Office of the Chief Executive.

If you require this document in an alternative format, please contact [SPSEqualityandDiversityTeam@sps.pnn.gov.uk](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)