

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	Equality, Diversity and Human Rights policies and guidance
EHRIA Lead Person	Equality & Diversity Business Partner (Acting)
Date EHRIA completed	15/02/2017
Review date and frequency	17/02/2017
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>The aims of introducing these policies are to:</p> <ul style="list-style-type: none"> - Clearly articulate SPS's commitment to compliance with, and indeed going beyond into good practice regarding, equality and human rights legislation. - create policies which enable all employees to understand their roles and responsibilities as regards equality, diversity and human rights, and which empower staff to know that their rights are and how to seek support and redress when things go wrong. - create a supportive working environment in which everyone is treated with dignity and respect, in which unlawful discrimination, bullying and all other prohibited conduct is not tolerated; and in which and all employees experience equality of opportunity.
WHO did you consult with?	<p>Employer's Network of Equality and Inclusion Scottish Human Rights Commission Scottish Prison Service staff equality networks. Prison Governors Association. Stonewall Scotland.</p> <p>The policies were developed in partnership with the Trade Union Side.</p>
WHAT did you learn?	<p>1) The need for inclusion of information around marriage and civil partnership.</p>

Scoping

	<p>2) From the Scottish Human Rights Commission – the need to incorporate more information about human rights and human right-based approach, and making the rights relevant to equal opportunities / dignity in the workplace.</p> <p>3) Key points from Prison Governor’s Association</p> <p>(i) Concerns about underreporting of unacceptable behaviour in relation to homophobia, disability or age. Questioned whether there is sufficient understanding of these protected characteristics.</p> <p>(ii) Complaint monitoring should consider who is making the complaints but also the grounds of the complaint.</p>
HOW will this shape your policy/practice?	<p>1) A section on marriage and civil partnership will be considered in the managers’ guidance that is intended to be drafted.</p> <p>2) Human Rights has been incorporated into all the policies. The Equality, Diversity and Human Rights policy statement extends the SPS commitment to fair treatment for all beyond protected characteristics and to include other personal characteristics such as social background, working pattern, trade union activity or political opinion. It also commits SPS to uphold our obligations under human rights legislation. The Dignity at Work policy has a section explaining the relevance of human rights to the workplace. The Equal Opportunities policy references our commitment to human rights throughout and employees’ responsibilities to fulfilling human rights.</p> <p>3) (i) The policy development group acknowledged that this was a potential problem. The group considered other options such as establishing an anonymous or confidential reporting line as another channel for employees to make complaints. However it was considered that this potential underreporting was in the context of not having a Dignity at Work policy or Equal Opportunities policy and that the previous How to Challenge and Change Unacceptable Behaviour Policy required improvements in terms of the remedies open to employees (which have been reflected in the new policies). The group considered that a better approach would be to launch and promote the new policies and monitor closely over 3 years. If it is identified that underreporting is still an issue, appropriate action will then be taken.</p>

Scoping	
	(ii) This will be considered when the functionality is introduced to e-HR.
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?	

Impact Will the impact and outcomes of the new/revised 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 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"/>
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, Race, Gender, Disability, Gender Identity, Religion or Belief, Sexual Orientation, Maternity and Pregnancy, Marriage and Civil Partnership Socio-Economic Groups, Human Rights Compliance

The policies use inclusive language throughout and have incorporated the findings of quantitative and qualitative evidence to ensure that they address issues which have been emerging in SPS (see ‘Evidence Gathering’ section above.) The documents will make it easier for all staff to understand their responsibilities and rights regarding equality and human rights.

The documents will be produced in an accessible format and alternative formats will be made available upon request.

The policies contribute to eliminating discrimination and other prohibited conduct by clearly articulating SPS’s zero-tolerance to any unacceptable behaviour on the grounds of any protected characteristic or any other personal characteristic or status. In the previous policy on Unacceptable Behaviour, pregnancy and maternity and gender identity were not specifically referenced; they are in the new policies. The Dignity at Work policy introduces definitions for homophobia and biphobia, transphobia, ableism and ageism and includes a robust section on harassment including making clear that although pregnancy and maternity and marriage and civil partnership are not are not protected directly under the harassment provisions, harassment on these grounds would amount to harassment related to sex or sexual orientation.

The policies contribute to advancing equality of opportunity by introducing a new policy on SPS’s commitment to Equal Opportunities at each stage of the employee journey. This policy also explains why we carry out equality monitoring and how the information is protected and used, and explains what positive action is.

The policies contribute to fostering good relations by clearly articulating all employees’ responsibilities to creating a workplace where everyone is treated with dignity and respect. The Dignity at Work policy includes a section on “Being Accused of Bullying or Harassment” which encourages mediation, articulates the zero-tolerance approach to victimisation and provides for an individual accused to access the same avenues of support as someone who has experienced unacceptable behaviour.

The policies explain SPS’s commitment to human rights and the expectations of all employees in relation to upholding human rights in the workplace.

Negative Impacts

Protected characteristics affected:

Impact	Mitigation
None Identified	

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 checked="" 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 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

Summary

The policies will have a positive impact on equality and human rights in the workplace and will make it easier for employees to understand and discharge their rights and responsibilities. No negative impacts have been identified.

Recommendations

It is recommended that consideration be given to the suggestions contained within the Acas policy discussion paper “Seeking better solutions: tackling bullying and ill-treatment in Britain’s workplaces.” In particular: adopting an organisation-wide approach to tackling bullying and harassment, rather than assuming that a policy and training will eliminate bullying and harassment; tying behavioural standards to performance objectives and ensuring these are robustly measured; ensuring managers at all levels have strong people management skills and emotional intelligence; implementing practical measures for the early identification of bullying behaviours; empowering people to talk openly about the line between acceptable and unacceptable behaviour by introducing terminology such as ‘yellow card/red card’. These solutions will be considered under SPS’s new equality outcomes.

The Grievance and Code of Conduct policies should be linked to e-HR, with the capability to record that the grievance/disciplinary was linked to equal opportunities/dignity at work policy, to enable equality monitoring (this relates to the public sector equality duty to gather, analyse and use employee information).

The intention to retain and revise the Staff Transsexual Policy and the Disability Equality Policy and to develop Managers’ guidance should be followed through.

Consideration should be given to how these policies are launched and promoted and trained out to all staff. They could be linked to the anti-bullying No Bystanders campaign which is being developed by the E&D Team.

More proactive encouragement of employees leaving SPS to complete exit questionnaires and improve process to analyse these and take appropriate action.

Next steps

Analysis of the annual Employee Survey, particularly inclusion and fair treatment rate and discrimination/bullying/harassment rates.

Next steps

Equality analysis of grievance and disciplinary data once e-HR has the capability.

Analysis of exit interviews

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