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	Attendance Management Policy
EHRIA Lead (role)	Lee Currie
Date EHRIA completed	21/02/2020
Review date and frequency	6 April 2020 (Reviewed every 3 years)
Is this a new or revised policy/practice?	New ☐ Revised ☒

Scoping

What are the aims of this policy/practice?

- The policy been developed to promote and support acceptable attendance at work, and to provide guidelines for the fair, reasonable and consistent management of sickness absence.
- The purpose is to ensure that all SPS employees are given every opportunity to maintain acceptable attendance levels in accordance with our absence targets and to address attendance issues where positive levels are not maintained

WHO did you consult with?

- HR Policy Steering Group, HR Colleagues including separate consultation sessions with HRBP's,
- SPSC colleagues, Staff Networks (EHRIA), E&D Colleagues, TUS, PGA(S) and Governor in Charge (GIC's).

WHAT did you learn?

- Requirement for greater clarity on the provision of support mechanisms to the employee.
- The informal/formal process was considered to be confusing, with some identifying a need for a review of the process.
- Staff absence across the SPS is at its highest levels ever, with predominant reasons being mental health and Musculo-skeletal conditions.
- The early provision of support can positively affect an employee's health and future attendance.

- 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 to monitor and evaluate the impact of the policy.
- The importance of statutory obligations and compliance with all relevant legislation relating to the policy.
- 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.
- There are elements of duplication identified within the old policy and aspects detailed that do not include clear guidance as to the actions required to support the process.

HOW will this shape your policy/practice?

- We will reduce the repetition in the policy, ensuring that key information is relayed in a clear and concise manner.
- We will ensure that 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 managing attendance.
- We will review the policy against best practice guidance.
- We will identify mechanisms to support the recovery of individuals off work due to mental health/ Muscular skeletal conditions.
- We will consider our current approach to attendance management, with a view to being more proactive, supportive and consistent in delivery.
- We will provide employees with information and support to help them adopt a healthy and balanced lifestyle.
- 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?

This policy has been developed in consultation with the trade union partners (TUS) and has been developed in accordance with guidance from the following:
- Equality Act 2010 – legislation and duty on employer to make reasonable adjustments for their staff
- Equality and Human Rights Commission (EHRC) - Code of Practice on Employment;
- Advisory, Conciliation and Arbitration Service (ACAS) - Absence Management; Managing Staff Absence and Advice and Guidance on Disability Discrimination;
- Chartered Institute of Personnel and Development (CIPD) – Absence Management Survey Reports and recommended best practice;

- MIND/CIPD - Managing and Supporting Mental Health at Work:
- Case law and case studies;
- Health and Safety Executive (HSE) - Working together to prevent sickness absence becoming job loss; Absence Management Toolkit; and Managing Sickness Absence and Return to Work.
- We have also reviewed best practice from several other organisations within the public, private and third Sectors. We have had input from various stakeholders across the SPS.
- We have used data from the staff survey and also local and national analysis that has been conducted over the last three years to inform our thinking, including comments on how this can be improved.
- We have also looked at CIPD website, Xpert HR website and have sought advice from Anderson Strathern on the current policy from a legislation/ compliance perspective.

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. ☒

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

	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.

Positive Impacts

Protected characteristics affected:
- This policy will provide a clear framework to attendance management and include a process for dealing with absent employees in a fair and consistent manner and remove discrimination. Thus enabling colleagues to have the same opportunity to remain at work through reasonable adjustments.
- 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 absence related data and thus reducing stigma/potential discrimination.
- All appropriate support will be given to employees (person centre approach based on individual needs) who are absent with the aim of fostering good relations and assisting a timely and sustainable return to work.
- Employees, management and TUS will work collaboratively to promote and support good attendance to foster good relations.
- 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 unable to or finding it difficult to attend work.
- Provide guidance and the need for reasonable adjustments, redeployment and rehabilitation to support an employee's return to work.
- Place the focus of attendance discussion on what the employee can do rather than what they cannot, enabling them to remain at work wherever possible

Negative Impacts
Protected characteristics affected:

Impact: It is the intention that the policy and associate documentation will have a positive (or at worst a neutral) impact on individuals with protected characteristics	• Mitigation: We are conscious though that management practice is essential in ensuring consistency of application and compliance with relevant legislation.

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.	☐
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.
- Clear process for management of reasonable adjustments and redeployment.

Next steps

- Briefings for staff.
- Monitoring and reporting of absence to senior management.
- Employee Assistance Programme – external provider in place.
- Occupational Health advice and Support.
- Promotion activities for early disclosure of disability or ill health.
- Healthy Working Lives.
- Individual Stress Risk Assessment for absence where individuals feel work in having a negative impact.
- Annual HSE Stress Survey

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