

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	Internet Acceptable Use Policy and Social Media Guidance
EHRIA Lead Person	HR Intern, Employee Relations & Reward Team
Date EHRIA completed	29/04/16
Review date and frequency	Every 3 years
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>Opportunity to review existing guidance and update to bring in line with current employment legislation. Provide updated clarification of policy and practice for staff and managers.</p> <p>Improve ease of access for individuals with visual impairments and learning difficulties (e.g. dyslexia) by providing the document in an accessible format. To provide all employees with equality of access to internet for business and private use provided that the use is reasonable and does not cause the organisation reputational risk, loss of information or disrupt the progress of business.</p> <p>The SPS is also aiming for Good Practice (beyond basic compliance) in relation to the range of HR policies that will enhance equality.</p>
WHO did you consult with?	SPS Employee Relations & Reward Policy Team, SPS Equality & Diversity Team, SPS Staff Equality Networks, HR Business Partners, SPS Conduct & Investigation Unit.
WHAT did you learn?	Awareness on Social Media use is beneficial to both employees and SPS. If Social Media is not used wisely, there is a risk to both parties. The guidance encourages all SPS employees to use Social Media appropriately and responsibly.
HOW will this shape your policy/practice?	Ensuring the policy makes clear that the use of harassing, discriminatory or extremist language or language that could be perceived as a hate incident

Scoping

	<p>or crime is specifically prohibited. Detailing avenues of support if individuals experience inappropriate behaviour online.</p> <p>The guidance recognised the information will be relevant to a wide audience within the SPS and as such we have a duty to make the information available in an accessible format. Individuals with visual impairments will be considered in the formatting and layout of the policy.</p>
<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>	<ul style="list-style-type: none">• ISS SPIN user agreement was considered as this policy links to this agreement.• The Civil Service Code of Conduct• Processing data• Rights of Employees of job applicants• Information Commissioner Guidance• Article 8 – Right to respect for private and family life• (Niemietz v Germany [1192] 16 EHRR 97)• Pay-v-United Kingdom [2009] IRLR139• Press Complaints Commission – Baskerville case• Preece-v-JD Wetherspoon plc• Gosden v Lifeline Project Ltd ET/280273/2009• Social Media Guidance for Civil Servants• BBC’s Social Media Guidance• ACAS’s best practice on Social Media• Scottish Government’s Social Media Policy• Data Protection Act 1998• Human Rights Act 1998• Whitham v Club 24 t/a Ventura ET/18/0462/10• Taylor v Summerfield (Aberdeen Employment Tribunal) (ET S/ 107487/07)• Teggart v TeleTech UK Ltd 2011 (IT 704/11)• Otomewo v Carphone Warehouse Ltd 2011 (ET 2330554/11)• Adams v Wellington Free Ambulance Service Incorporated unreported, G Wood, 23 Jul 2010, WA 8A/10• Dickinson v Chief Executive Ministry of Social Development unreported, D King, 13 Dec 2010, AA 508/10

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, 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"/>
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, Sex, Disability, Gender Identity, Religion or Belief, Sexual orientation, Maternity and Pregnancy, Marriage and civil partnership, Socio-economic groups, Human rights compliance. The Internet Acceptable Use Policy encourages use of the internet. Internet access at work allows all employees to access the internet, beneficial for those who may not have internet access at home.
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Positive Impacts

It is reported that less people over 50 have used the internet therefore this policy will provide employees who are unfamiliar with the internet a clear idea of what is acceptable and how the internet can be used to their advantage.

All protected characteristics should benefit as this policy reinforces that discrimination in any form is unacceptable, in this case with regards to email content and websites accessed.

The policy advances equal opportunities and fosters good relations by allowing everyone full access to links and articles in the Equality and Diversity newsletters.

It also reinforces SPS' stance on unacceptable behaviour and in relation to all protected characteristics the explicit statements made regarding unacceptable language/behaviour. This will contribute to eliminating discrimination.

The Social Media Guidance is to encourage and enable all SPS employees to use social and other digital media appropriately.

The Social Media Guidance will be of interest to those of an older age. Over 53% of people who lack basic digital skills are aged over 65, and 69% are over 55. The main focus of this guidance should not be solely targeted at the older age groups, as it will also be directed towards a younger age group. 6% of people who lack digital skills are aged between 15 and 24 years and 27% of young people who are offline are in full-time employment. This guidance will give a clear explanation of what social media is to both age groups as well as helping them use social media in a safe and responsible way.

The Social Media Guidance will also help those with disabilities. 33% of people with registered disabilities have never used the internet, which is 54% of the total number of people who have never used the internet. The Social Media Guidance can offer support and guidance for this group to help them use social media if they wish to do so.

Certain Socio-economic groups will find help and guidance from the Social Media Guidance as digital exclusion affects some of the vulnerable and disadvantaged groups in society. 37% of those in social housing are digitally excluded, and 44% of people without basic digital skills are on lower wages or are unemployed. The Social Media Guidance can help those on a lower income to be shown how to use social media in a safe and responsible way – and allows those who may not be able to afford internet connections at home to access social media from the workplace.

Social Media also provides a medium for online bullying and harassment. This could take a number of forms, including the posting of offensive photos or comments as well as the risk of social exclusion. This could lead to discrimination claims or dismissal. This guidance will give all Social Media users awareness on the standard of behaviours to display while online.

The policy and guidance upholds Human Rights Articles:

Article 8 - Right to respect for private & family life (e.g. confidentiality and access to family)
The guidance allows employees who work shifts to maintain contact with family members through use of social media etc. The guidance upholds an employee's right to a private life by protecting them from having anything posted about them without their authorisation but also ensures that anything posted by employees does not negatively impact the reputation of SPS. It takes a long time to build up a good reputation, but a misplaced comment(s) can undo a lot of that good. An employee may post negative comments on a social networking site about their

Positive Impacts

employer, their colleagues, their bosses or the prisoners. Employees may also damage the reputation of an employer because they do not realise that the videos and photos that they post reflect badly on them as an individual and as a representative of the employer

Article 10 - Freedom of expression. The guidance upholds freedom of expression by allowing employees the opportunity to express themselves while ensuring that this freedom of expression does not restrict the rights of others to a private & family life.

Negative Impacts

Protected characteristics affected: all groups.

Impact	Mitigation
Risk of employees feeling their privacy has been invaded.	There is a legitimate business reason for having this guidance as it prevents bullying/harassment as well as the reputation of SPS.
Potential exposure of employees to bullying and harassment e.g. on social media.	The policy makes clear the actions/remedies for employees if they experience this.

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

Proceed with policy review, ensuring that the guidance takes into consideration issues around protected characteristics. In particular to ensure the guidance is re-written in such a way that the language used is inclusive and the information accessible to all employees.

A key aim is to ensure the guidance is clearly written and clearly articulates the roles and responsibilities on the individual, the manager and the SPS to ensure staff feel supported at all stages of the process.

Guidance notes and forms will be attached as annexes and again will be written in language that is clear, inclusive and accessible.

Next steps

Impact of policy will reviewed by taking action on 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 – As part of SPS standard review of policies.

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