

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	Mediation Policy
EHRIA Lead Person	Employee Relations & Reward Manager
Date EHRIA completed	11/01/16
Review date and frequency	In 3 years' time
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?	To provide a service for Scottish Prison Service (SPS) employees to seek structured, informal and impartial resolution to disputes within the workplace.
WHO did you consult with?	Employee Relations & Reward Policy Team Employee Absence, Conduct & Health Team
WHAT did you learn?	<p>Since January 2014, SPS has had 27 requests for mediation, with 10 cases subsequently being withdrawn and not proceeding.</p> <p>By a small margin, males were involved more than females in mediation procedures (33 to 28). However, it should be noted that 45% of females were involved in mediation procedures. As women represent only 28% of the workforce, this is a concern.</p> <p>Every establishment has received at least one request for mediation within the last two years.</p>
HOW will this shape your policy/practice?	<p>Ensuring the policy makes clear that employees are provided with information which would enable them to seek structured, informal and impartial resolution to disputes within the workplace.</p> <p>The policy will be available in an accessible format. Individuals with visual impairments will be considered in the formatting and layout of the policy.</p>

## Scoping

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?

- ACAS' Mediation: An Approach to Resolving Workplace Issues.
- Gov.uk – A Guide to the Use of Mediation in the Planning System in Scotland.
- Data Protection Act 1998.

Mediation can offer many benefits to organisations. An ACAS survey in 2008 found that out of those who had used mediation, almost half had stated that the last mediation had resolved the issue completely (49%), while 82% said it had resolved the issues either completely or partly.

In 2011, CIPD carried out a Conflict Management Survey. The report from this highlighted the main benefits of mediation being:

- Improving relations between individuals (80%)
- Reducing or eliminating the stress involved in more formal processes (64%)
- Avoiding the costs involved in defending employment tribunal claims (52%)

## 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

**POSITIVE:**

It will advance equality of opportunity

**NO EFFECT:**

It will have no effect on equality of opportunity

<b>Impact</b> Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> <li>Meet the needs of equality groups that are different from the needs of others, encourage participation in public life</li> </ul>	<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?</b> E.g. <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.**

<p><b>Positive Impacts</b></p> <p>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.</p> <p>The Mediation Policy is available to all SPS employees who wish to work out an agreement from a dispute within the workplace. An impartial third party helps to resolve any issues. This can give individuals with protected characteristics the opportunity to address workplace misperceptions, stereotypes and assumptions with colleagues in a supportive and structured environment. It also provides a safe forum where employees can learn from inappropriate behaviours in a positive way, maintaining and strengthening relationships with individuals who were subject to the inappropriate behaviour.</p> <p>Since January 2014, males were involved slightly more than females in mediation procedures (33 to 28).</p> <p>Any of the protected groups could use mediation after initial discussions regarding disputes have failed to improve a situation(s). The policy highlights mediation as a positive and problem solving and could potentially stop the protected groups from feeling vulnerable etc.</p> <p>The policy upholds Human Rights Articles:</p> <p>Article 8 - Right to respect for private &amp; family life (e.g. confidentiality and access to family). The mediation process is confidential. The detail of what is discussed between the mediator and the parties will not be provided to the referring client. What is discussed in a mediation session is confidential and there are ground rules to help people feel confident and safe enough to communicate their needs, feelings and concerns.</p>
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## Positive Impacts

Article 10 - Freedom of expression. The policy upholds freedom of expression by allowing employees the opportunity to express themselves while ensuring that this freedom of expression is in confidence, and is aimed at conciliation and understanding.

## Negative Impacts

Protected characteristics affected:

Impact	Mitigation
None identified.	

## Recommended course of action

<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"/>

## Summary of Outcome decision and Recommendations

A key aim is to ensure the policy 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.

Almost half of mediation cases involve females although they only represent around one quarter of SPS' workforce, therefore it would be beneficial to try to work out why this is the case.

## 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](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)