Equality Impact Assessment (EQIA) Template

Section 1: Details of the policy/practice/project

| Information required | Enter information below |
| --- | --- |
| Department/Team responsible | Human Resources |
| Name of Policy, Practice or Project being assessed | Disciplinary Policy |
| Purpose and anticipated outcomes | Review HR Policy and HR Procedure – Discipline to:   * streamline content, making it clearer, more concise and easier to read and understand * ensure alignment with the ACAS code and best practice * address issues identified through application of the current procedure |
| Is this a new or existing Policy, Practice or Project? | This is a review of an existing Policy and Procedure |
| List of participants in Equality Impact Assessment process | Nicola Clark, HR Policy Manager  Aileen Thomson, Senior HR Manager (Employee Relations and Policy)  Julie Fitzpatrick, Head of People and Organisational Development  Nichola Corrigan, HR Policy Manager  Andy Toland, HR Business Partner  FLS/SF HR Policy Approval Committee  Forestry Trade Union Scotland (FTUS) |
| Date Assessment started | 15 May 2023 |
| Completion date | 14 February 2024 |
| Who is likely to be affected?  E.g. employees, visitors, contractors, women, men, young people, older people, people with disabilities etc. | * All FLS and SF employees and senior civil servants and some on loan or secondment, as set out in the relevant agreement (excludes agency workers, and self-employed contractors and consultants) * FLS and SF managers, any of whom may need to implement this Policy * Trade union representatives and officials |

Section 2: Collecting information

What evidence is available about the needs of relevant groups? Please consider demographic data, including census information, research, consultation and survey reports, feedback and complaints, case law, others knowledge and experience. Please refer to the list of evidence on the EqIA page of the intranet.

| Details | Source of evidence |
| --- | --- |
| People Data for FLS as at 01 March 2023  Total staff: 1108  Gender: Male 66% | Female 34%  Disabled: 6% (95% declared)  Minority Ethnic: 1% (92% declared)  Age: <39 years 35% | 40> years 65%  LGBT+: 2% (45% declared)  Gender Reassignment: 0% (53% declared)  Religious: 14% (45% declared)  Married/Civil Partnership: 47%  Maternity (01/04/2021-01/03/2023): 2%  People Data for SF as at 01 March 2023  Total staff: 224  Gender: Male 47% | Female 53%  Disabled: 7% (93% declared)  Minority Ethnic: 3% (94% declared)  Age: <39 years 30% | 40> years 70%  LGBT+: 5% (58% declared)  Gender Reassignment: 0% (63% declared)  Religious: 18% (54% declared)  Married/Civil Partnership: 48%  Maternity (01/04/2021-01/03/2023): 3% | FLS Equality Mainstreaming Report 2021-23  SF Equality Mainstreaming Report 2021-23 |
| Number of Disciplinary Cases  (01/04/2021-01/03/2023)  FLS  Gender: Male 76% | Female 24%  Disability: No 95% | Yes 0% | Not stated 5%  Ethnicity: ME 0% | White 90% | Not stated 10%  Age: <39 19% | 40> 81%  SF  There were no formal disciplinary cases during this period | FLS Equality Mainstreaming Report 2021-23  SF Equality Mainstreaming Report 2021-23 |

| From your research above, if you have identified any gaps in evidence, enter the details of the gaps below |
| --- |
| We don’t currently have a complete data picture for all protected characteristics. Specifically, a statistically significant percentage of employees have chosen not to disclose information on sexual orientation, gender reassignment and religion. Work has been done in recent years to encourage employees to update this information in iTrent, and progress can be seen – particularly in relation to declaring a disability. |

| As appropriate, please describe below, the consultation/engagement undertaken, including details of the groups involved and the methods used |
| --- |
| We have looked at available data on the protected characteristics of those managed under the current Discipline Policy and Procedure in recent years and supplemented this with feedback from the HR Business Partners and HR Advisors, who support managers and employees through the disciplinary process. |

| Detail below if there are any other groups to be consulted |
| --- |
| We sought feedback on the draft Policy and provided advanced sight of the Guidance to the HR Policy Approval Committee, members of which have had a reasonable amount of experience in applying the current Discipline Policy and Procedure, particularly considering appeals.  Formal consultation with FTUS took place during Autumn 2023, providing a route for consulting with employees objectively yet sensitively. This included seeking specific input to the draft EqIA regarding the experiences of employees who have one or more protected characteristic. |

Section 3: Impacts

Has the research and consultation identified any potential for impacts on those with the following protected characteristics:

| Protected Characteristic | Potential Impact (yes or no) | Explain |
| --- | --- | --- |
| Age  E.g. older people, children including looked after children, young people including care leavers | No | Over 80% of disciplinary cases during the specified period were against employees aged 40 or over. This is despite this group accounting for just 65% of the relevant workforce.  While the HR Business Partner Team are unable to identify any specific relationship between older employees and disciplinary cases, there is a general feeling that reducing the complexity of the disciplinary process will be beneficial for all employees. |
| Disability  E.g. long term mental health conditions, neurodiversity, physical impairments | Yes | While there is no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on employees who have identified themselves as disabled, we recognise that some employees who have a disability may choose not to identify as disabled or choose not to disclose this to us.  We also recognise the impact some disabilities may have on an employee’s conduct or behaviour, and/or the way they engage with the disciplinary process. The new Disciplinary Policy therefore highlights our commitment to equality, diversity and inclusion, as well as to making any reasonable or workplace adjustments that allow all individuals to fully participate in the disciplinary process, including allowing a different or second companion, where appropriate. Supporting guidance for line managers/investigators/disciplinary managers/appeal managers/HR will also reflect the importance of making reasonable and workplace adjustments, where appropriate, and ensuring the impact of any declared disabilities are taken into account when considering the circumstances of the case, mitigation and appropriate penalties. |
| Gender reassignment  Where a person is living as a different gender to that at birth | No | There’s no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on any employee who has identified as going through, or having gone through, gender reassignment. |
| Pregnancy and maternity  Including breastfeeding | No | There’s no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on employees who are, or have been, pregnant, on maternity leave (or other family leave) or breastfeeding.  If allegations of misconduct were to be made against such an employee, depending upon the stage of pregnancy, HR would seek legal advice to ensure the right balance is struck between fair and reasonable treatment of the employee, including the appropriate timescales for taking action, and resolving the issues raised for the Agency and/or any other impacted employees (i.e. an employee who has raised a grievance). |
| Race, ethnicity, colour, nationality or national origins  Including gypsies or travellers, refugees or asylum seekers | No | There is no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on any particular racial or ethnic group. None of the disciplinary cases within this period were against employees who had identified as minority ethnic. In addition, the new Disciplinary Policy will be translated into Polish, following publication, to reflect the needs of a particular group of employees. |
| Religion or belief  Including non-belief | No | There is no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on any group of employees who hold the same religion or belief. |
| Sex/Gender | No | 76% of disciplinary cases during the specified period were against male employees. This is despite this group accounting for just 66 % of the relevant workforce. |
| Marriage and civil partnership | No | There is no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on any group of employees who share any particular marital status. |
| Sexual Orientation | No | There is no evidence to suggest application of the current Discipline Policy and Procedure has a specific impact on LGBT+ employees. |

Is there any evidence that the policy may result in any less favourable treatment, discrimination, harassment or victimisation as detailed below:

| Potential outcome of the policy | Delete as appropriate | If yes, give details of the potential outcome and any project modifications to mitigate the risk |
| --- | --- | --- |
| Result in less favourable treatment for particular groups | Yes / No / No evidence | Any failure to recognise the impact a disability may have on an employee’s conduct or behaviour, or the way they may engage with the disciplinary process, could lead to less favourable treatment. The new Disciplinary Policy highlights our commitment to equality, diversity and inclusion, as well as to making any reasonable or workplace adjustments that allow all individuals to fully participate in the disciplinary process, including allowing a different or second companion, where appropriate. Supporting guidance for line managers/investigators/disciplinary managers/appeal managers/HR will also reflect the importance of making reasonable and workplace adjustments, where appropriate, and ensuring the impact of any declared disabilities are taken into account when considering the circumstances of the case, mitigation and appropriate penalties. |
| Give rise to direct or indirect discrimination | Yes / No / No evidence |  |
| Give rise to unlawful harassment or victimisation | Yes / No / No evidence |  |

Section 4: Meeting our General Equality Duty

| Enter below which aspects of the Policy, Practice or Project seek to eliminate unlawful discrimination, harassment and victimisation |
| --- |
| The new Disciplinary Policy includes the following statements:   * Everyone involved is entitled to be treated with dignity and respect * We will make sure all our actions and decisions are objective, free from discrimination and in-line with our commitment to equality, diversity and inclusion * We will make all reasonable and workplace adjustments necessary to allow you, and all other parties, to fully participate in the disciplinary process * If you require a reasonable or workplace adjustment, you may be allowed a different or, exceptionally, second companion. * You should contact your HR representative if you have a disability that impacts your participation in the disciplinary process or if you need another form of assistance – for example, where English is not your first language. ……… We will make any reasonable or workplace adjustments you or your companion require. * We may agree to a meeting being recorded electronically if this is a reasonable adjustment.   Supporting guidance for line managers/investigators/disciplinary managers/appeal managers/HR reflect the importance of making reasonable and workplace adjustments, where appropriate, and the need to ensure the impact of any declared disabilities are taken into account when considering the circumstances of the case, mitigation and appropriate penalties. The Guidance suite includes to following statements:   * Line Managers: If you have any concerns about the conduct and/or behaviour of an employee who has a declared disability, you must consider the potential impact of this. You must ensure all appropriate reasonable adjustments are put in place – that the disciplinary process is fully accessible and takes account of any impact the employee’s disability may have on their conduct and/or behaviour. We strongly recommend you seek advice and support from Occupational Health and your HR representative. * Line Managers: Even when managing conduct issues informally, it is still important to ensure you handle matters objectively and consistently, avoiding any actual or perceived biased decisions, discrimination or victimisation. * Investigators/Disciplinary Managers/Appeals Managers: You must make the necessary arrangements if:… the employee or their companion require a reasonable or workplace adjustment - you can seek advice on this from the relevant HR representative * Line Managers/Investigators/Disciplinary Managers/Appeals Managers: You must also establish whether any attendees require specific reasonable or workplace adjustments to participate in a meeting via MS Teams - if so, the relevant HR representative may be able to assist you with making the required adjustments. |

| Enter below which aspects of the Policy, Practice or Project seek to advance equality of opportunity between people who share a relevant protected characteristic and those who do not |
| --- |
| The new Disciplinary Policy, and supporting guidance, will all reflect the importance of making reasonable and workplace adjustments, where relevant, ensuring: all parties can participate fully in the disciplinary process; that the impact of declared disabilities are taken into account when considering the circumstances of the case, mitigation and appropriate penalties; and preconceptions and unconscious bias are effectively tackled.  The new Disciplinary Policy and Guidance include the following statements:   * We will make all reasonable and workplace adjustments necessary to allow you, and all other parties, to fully participate in the disciplinary process * If you require a reasonable or workplace adjustment, you may be allowed a different or, exceptionally, second companion. * You should contact your HR representative if you have a disability that impacts your participation in the disciplinary process or if you need another form of assistance – for example, where English is not your first language. ……… We will make any reasonable or workplace adjustments you or your companion require. * We may agree to a meeting being recorded electronically if this is a reasonable adjustment. * Line Managers: If you have any concerns about the conduct and/or behaviour of an employee who has a declared disability, you must consider the potential impact of this. You must ensure all appropriate reasonable adjustments are put in place – that the disciplinary process is fully accessible and takes account of any impact the employee’s disability may have on their conduct and/or behaviour. We strongly recommend you seek advice and support from Occupational Health and your HR representative. * Investigators/Disciplinary Managers/Appeals Managers: You must make the necessary arrangements if:… the employee or their companion require a reasonable or workplace adjustment - you can seek advice on this from the relevant HR representative * Line Managers/Investigators/Disciplinary Managers/Appeals Managers: You must also establish whether any attendees require specific reasonable or workplace adjustments to participate in a meeting via MS Teams - if so, the relevant HR representative may be able to assist you with making the required adjustments. |

| Enter below which aspects of the Policy, Practice or Project seek to foster good relations between people who share a protected characteristic and those who do not |
| --- |
| N/a |

Section 5: Outcome of the assessment

| Outcome of the assessment on the Policy, Practice or Project | Enter detail below |
| --- | --- |
| No major change |  |
| Adjust the Policy, Practice or Project |  |
| Continue the Policy, Practice or Project | X |
| Stop and remove the Policy, Practice or Project |  |

| Detail below recommendations, including action required, to address any negative impacts identified |
| --- |
| N/a |

Section 6: Monitoring

| Describe below how you will monitor the impact of this Policy, Practice or Project  E.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure achievement of outcomes etc. |
| --- |
| People Management Team to monitor the application of this Policy and the impact on those with protected characteristics – working with the Equality, Diversity and Inclusion Manager on options for addressing any concerns or issues. This EqIA will also need to be revisited, in full, in-line with any future reviews and/or changes to the Disciplinary Policy. |

| When and how is the Policy, Practice or Project due to be reviewed? |
| --- |
| To be confirmed upon confirmation of the future policy review cycle |

Section 7: Sign off

| Required information | Enter information below |
| --- | --- |
| Date sent to Equality and Diversity Manager | 13/02/2024 |
| Comments from Equality and Diversity Manager | Integrated into the EqIA throughout the process |
| Date signed off by Equality and Diversity Manager | 15/02/2024 |

| Details of Senior Manager who has signed off this Equality Impact Assessment | Enter information below |
| --- | --- |
| Name | Julie Fitzpatrick |
| Title | Head of People and OD |
| Date approved | 2/4/24 |