EQUALITY IMPACT ASSESSMENT

Policy title:	Capability Policy
Policy lead/ owner:	HR
Others involved in EqIA assessment group	Assessment group included: HR Business Partner HR Adviser
Policy implementation date:	01/06/2023

1   Framing the policy

1.1   Briefly describe the outcomes, aims and purpose of the policy:

This policy aims to support employees who are not managing to achieve the required standard of performance. It ensures that all employees are treated fairly and consistently and given timely and appropriate support to help you achieve these standards.

The aims of this policy are to:

- o Ensure that all employees are treated fairly and consistently and given timely and appropriate support to help them achieve and maintain the standards of performance required.
- o Set out the procedure to enable under-performance to be identified with the prime objective of improving employees' performance to the required level.
- o Promote an environment in which managers can openly and honestly initiate conversations or engage in discussions about performance and support their employee to achieve the standards expected.

1.2   Is the policy new or being changed, reviewed or stopped?

Reviewed in line with SRUC Policy review cycle.

1.3   Who is affected by this policy?

This policy applies to all employees who have passed their probation within SRUC.

1.4   Are there any other SRUC policies that may be affected by this policy?

Probation Policy, Attendance Management Policy, Disciplinary Policy, Flexible Working Policy. Hybrid Working Framework

2   Evidence relevant to the policy including consultation
        The information you gather in this section will:

- help you to understand the importance of your policy/ practice/ process/ service for different equality groups,
- inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and
- provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.

2.1   Evidence: Set out in the table what you know about the experiences of people in terms of each equality group. Consider the diversity within each group (e.g. experiences of people from different religions or faiths) as well as the differences between groups. There may also be cumulative barriers experienced by people when you look at more than one group together (e.g. experiences of women of different minority ethnic groups, so the intersectional impact of sex and race).

General evidence

The policy is developed in line with legislation explained here Dismissing staff: Dismissals for conduct or performance reasons - GOV.UK (www.gov.uk) and has been reviewed against the Advisory, Conciliation and Arbitration Service (ACAS) guide on Capability procedure Conduct and capability procedures when managing performance - Acas

We ultimately conclude that the policy closely reflects the ACAS guidelines and covers SRUC's statutory obligations.

SRUC collate data on all employee relations, however the number of employees who have been subject to capability procedures are too low to report.

You can add more rows to present the evidence if required.

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
Age	Internal data The Ageing Workforce – what effect does employee age have on workplace performance? | Bayes Business School (city.ac.uk)	SRUC data shows the majority of employee (25%) sit within the 40–49-year-old age group followed by 24.6% of employee at 50–59 years old. Evidence found suggests that there is no direct link between age and performance, and the organisations success. The evidence suggest that organisations will see higher productivity with a spread of age ranges in the workforce.
Disability	Internal data Equality Act 2010: guidance – GOV.UK (www.gov.uk)	7.8% of SRUC employees report having a disability. 83.9% of employees report non-disabled. By law (Equality Act 2010), an employer: • must not make someone redundant, dismiss them or discipline them just because they're disabled.

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
	ACAS guidance [Capability and performance when someone is disabled: Supporting disabled people at work – Acas](#)	• must not force someone to retire or resign because of their disability. The guidance always advises ensuring that all reasonable adjustments have been explored prior and a full investigation has been carried out to confirm an employee's capability.
Race	Internal data	SRUC holds data on ethnicity as part of our equality and diversity monitoring. The majority of SRUC employees reported as UK white ethnicity (79.6%), followed by Other white (5.3%) and Other ethnic background (5.2%)
Sex	Internal data [Facts_about_Carers_2019.pdf (carersuk.org)](#)	58.7% of SRUC employees identify as female, 39.1% as male, 0.1% identify as other and just over 2% of employees prefer not to say/have not given any information. In comparison 51% of Scotland's population are women, 49% men. 75.3% of part time employees within SRUC are female, compared to 22.4% of male employees. Evidence shows that 58% of carers are female and 42% are male. 1 in 4 women aged 50–64 have caring responsibilities, compared to 1 in 6 men.

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
	[In advanced courses, students give worse evaluations to lecturers in the gender minority | BPS](#)	This points towards some evidence that there is a higher likelihood women will require time off or work part time. Research shows that student evaluations are influenced by the gender composition of academic departments. The team finds that in higher-level courses, students tend to give worse evaluations to those in the gender minority, which are most often female staff.
Gender Reassignment	Internal data [The risks of coming out at work – BBC Worklife](#)	The majority of employees (40.7%) report as female gender, 25% identify as male and 32.3% gave no response to this question.
Sexual orientation	Internal data [The risks of coming out at work – BBC Worklife](#)	SRUC data shows 78.4% of employee's sexual orientation is heterosexual, 17.5% is unknown/prefer not to say and 3.8% of employees identify within LGBT+ groups.
Religion or Belief	Internal data	The majority of employee in SRUC have no religion or philosophical belief (45.7%), this is followed by Christian – Protestant (18.1%), Christian – other (5.7%) and Christian Catholic (5.4%).
Pregnancy or maternity	Internal data	26/1345 (1.93%) of employees took maternity leave in 2023.
Marriage or civil partnership	Internal data	The majority of employees (45.9%) of employees report their personal status as married, followed by 25.3% single and 16.5% living together.

2.2 **Consultation and stakeholder involvement**: Speaking to people who will be affected by your policy/ practice/ process/ service can help clarify the impact it will have on different equality groups. Describe below what you learned from the consultation/ involvement. Consultation can take time so make sure that you build this into your policy review/ development timeline.

This policy is currently being developed in consultation with all SRUC recognised Trades Unions, Prospect, EIS and Unison, who represent all staff throughout the organisation.

In addition, as this is an internal policy, SRUC will also consult with all employees through the policy review process. These include SRUC Rainbow Network.

2.3 **Record here if you need to undertake a full equality impact assessment based on your evidence above.**

Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality	No	Proceed to sign off (step 5) to agree with decision makers that no EqIA is required based on current evidence
There is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqIA

3   Impact on equality groups and changes to policy

You must consider the three aims of the general duty for each protected characteristic. The following questions will help:

- **Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010?**

- **Is there potential to advance equality of opportunity between people who share a characteristic and those who do not**? How can this be achieved?

- **Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not?** How can this be achieved?

3.1 **Does the policy have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?** In the tables below, record the impact of the policy, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy or actions will be required to mitigate that impact or to take advantage of a positive impact.

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
Age	Potential for discrimination		X		Unconscious bias may lead to managers viewing younger employees as less experienced, or older employees as not having the skills expected. SRUC encourages all employees to take unconscious bias training to reduce this. The policy will be launched with managers guidance and drop in sessions to encourage managers to look at all
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					employees objectively as part of their MPM/performance requirements of the role. SRUC are also going through a full pay and grading review which will mean all role profiles are being reviewed and standards will be explicit and clear for all employees.
Disability	Potential for discrimination		X		The policy uses inclusive language. The policy is formatted to promote accessibility. The policy also offers the employee to access alternative formats. The policy will be published with the option of immersive format and accessibility mode. The policy and guidance ensure that all employees are given any reasonable adjustments before proceeding with the procedure. The policy advises that managers should consider reasonable timeframes, including extended timescales for completion, for review at all stages of the procedure.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Race	Potential for discrimination			X	

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
	Potential to advance equality of opportunity			X	SRUC includes a statement in the policy to encourage engagement with people of different races and directs employees to alert HR if the policy presents any barriers. We will continue to promote this policy and monitor uptake, disaggregated by race.
	Potential to foster good relations	X			
Sex	Potential for discrimination		X		The policy advises that managers should consider reasonable timeframes, including extended timescales for completion, for review at all stages of the procedure. Managers are reminded to consider working patterns, especially part time, when setting review periods in the policy and supporting guidelines. The policy uses inclusive language.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Gender Reassignment	Potential for discrimination			X	The policy advises that managers should consider reasonable timeframes, including extended timescales for completion, for review at all stages of the procedure. Employees taking any absence from work
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					should have timescales considered in line with performance. SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers. The policy uses gender neutral language throughout. We will continue to promote this policy and monitor, disaggregated by gender reassignment.
Sexual orientation	Potential for discrimination			X	SRUC promotes engagement with the policy to people who identify with this protected characteristic and directs employees to alert HR if the policy presents any barriers. The policy uses gender neutral language throughout to ensure same-sex couples are represented in the policy. The policy will be open to all employee for feedback, including the staff Rainbow Network.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
Religion or Belief	Potential for discrimination			X	SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			
Pregnancy or maternity	Potential for discrimination			X	Managers should consider period of leave when reviewing an employee's MPM and performance. Any absence is considered when reviewing an employee performance. Where performance is reviewed within a year where there has been leave the manager is advised to use a pragmatic approach to performance and ensure that employees are not put at detriment. The policy advises that managers should consider reasonable timeframes, including extended timescales for completion, for review at all stages of the procedure. Managers are reminded to consider working patterns, especially part time, when setting review periods in the policy and supporting guidelines.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
Marriage or civil partnership (in employment only)	Potential for discrimination			X	SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations			X	

3.2 **Think about and describe below how your assessment impacts on your policy review/ development timeline including but not limited to:**

- Procurement criteria: do you need to include specific equality criteria as part of the technical specification?
- Communication plan/ products: do you need to communicate with people affected by this policy/ practice/ service/ process in a specific format (e.g. audio, subtitled video, different languages)?
- Cost: do you propose any actions because of this assessment which will incur additional cost?
- Resources: do the actions you propose require additional or specialist resource to deliver them?

3.3 **Record the outcome of this assessment below having considered the potential or actual impacts of your policy/ practice/ process/ service on equality groups.** Choose from one of the following (mark with an X or delete as appropriate):

Note: You must take action to remove barriers or take advantage of positive opportunities BEFORE the policy goes live.

Please select (X)	Implications for the policy/ practice/ process/ service
	No major change: Your assessment demonstrates that the policy service is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.
	Adjust the policy: You need to take steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy when implemented.
	Continue the policy: The policy will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.
	Stop and remove the policy: The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated.

4   Monitoring policy impact and further actions

It is important to continue to monitor the impact of your policy/ practice/ process/ service on equality groups to ensure that your actual or likely impacts are those you recorded. Your monitoring information will also inform a future review of the policy.

4.1   Record in the table below how you intend to monitor the impact of this policy/ practice/ process/ service on equality groups. In the table below you should:

- list the relevant measures,
- Identify who or which team is responsible for implementing or monitoring any changes
- Where the measure will be reported to (e.g. committee, ELT, Board) and how often.

Measure	Lead department/ individual	Reporting (where/ frequency)

The data around Capability will be reported on through the current employee relations tracker, this will move on to the new HR system in the future and be in built to reporting capabilities.	HR Operations	Monthly – reporting (from ITrent) Annual – Mainstreaming report

4.2 Record further actions or changes required after the policy is implemented in the table below. Make it clear if there are no outstanding actions.

Action	Lead department/ individual	Action target date
Recording of capability on the ER tracker.	HR BP team	End March 2023
Inclusion to new HR system and reporting	HR Data BP	December 2023

5 Sign off and future review

Equality impact assessments must be signed off by the relevant Head of Service/ Department, even where an EqIA is not required. Also note here when you plan to review the policy and accompanying EqIA which should be no later than 5 years from policy implementation.

5.1 Senior Responsible Owner/ Committee sign off.
Job/ Committee title: Chief People Officer
Date: 07/07/2023

5.2 Equality impact assessment review date.
Date: 07/07/2028

Important: You must send the final version of this equality impact assessment to:

- **the Equality Diversity & Inclusion Lead.**
- **the Communications team for publication on SRUC's equality page on the external website.**

Document control		
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