

Equality Impact Assessment Toolkit – Initial Screening	
Stage 1	IDENTIFY POLICY AIMS & NEED FOR EIA
Title of Policy	This EIA covers the following HR policies/procedures: <ul style="list-style-type: none"> • Recruitment and Selection • Business Travel & Subsistence • Disciplinary
Is this a new policy or changes to an existing policy?	All are new policies for the Care Inspectorate (although existing similar policies transferred over from the Care Commission and Scottish Government)
Officer(S) responsible for carrying out EIA process	Senior HR Adviser
What are the Aims and objectives of the policy?	<p>The aims and objective for each of the three policies are outlined within the each specific policy. In summary:</p> <p>Recruitment and Selection The Care Inspectorate is committed to promoting fair and consistent recruitment and selection practices and to ensuring that all those recruited have the appropriate skills, aptitudes and knowledge and can identify with the Care Inspectorate’s Values and Performance Outcomes.</p> <p>Business Travel and Subsistence The Business Travel Policy is intended to provide support to all employees of the Care Inspectorate in the effective conduct of their duties and responsibilities.</p> <p>Disciplinary Discipline is essential to maintaining standards of conduct within the Care Inspectorate and for the safety and well-being of all employees. Disciplinary procedures help to promote good employment relations and contribute to fair and consistent treatment of employees. Disciplinary rules are designed to help all employees to achieve and maintain standards of conduct and to encourage and support relevant employees to improve as appropriate.</p>

Which protected characteristic(s), if any, will be affected by this policy?	Protected characteristic	Yes	No	Don't Know
	Age	x		
	Disability	x		
	Gender Reassignment	x		
	Marriage / Civil Partnership	x		
	Pregnancy / maternity	x		
	Race	x		
	Religion or belief	x		
	Sex	x		
	Sexual orientation	x		
<p>All should be affected in a positive manner. If the proposed policies are implemented in line with good practice there should be no adverse impact on any specific group. However, further research should be undertaken to establish if staff and stakeholders feel they could be impacted upon due to this proposed structure.</p>				

COMPLETION OF STAGE 1 & INITIAL SCREENING PROCESS

If the policy (guidance, procedures, etc) will affect or impact negatively on any protected characteristic under the Equality Act 2010, you should continue on and complete the full EIA template.

If there is no direct impact on any of the protected characteristics, this form should be signed below by the responsible officer to confirm a full EIA is not required. The form should then be authorised by a Senior Manager.

Date of Initial Assessment	December 2012
This policy will have no impact on people from any of the protected characteristics above and a full Equality Impact Assessment is not required.	Name:
	Position:
	Date:
Authorised By (Senior Manager):	Name:

Full Equality Impact Assessment																																																																																																															
Stage 2	COLLECT DATA AND CONSULT TO INFORM THE EIA																																																																																																														
What do we already know about these groups?	<p>INTERNAL</p> <p>In terms of our workforce we currently only record equalities data on gender, ethnic origin, disability and age. Our staffing profile as at 31/03/2012 was as follows:</p> <table border="1"> <thead> <tr> <th>GRADE</th> <th>TOTAL</th> <th>MALE</th> <th>FEMALE</th> <th>DISABLED</th> <th>ETHNIC MINORITY</th> </tr> </thead> <tbody> <tr> <td>Grade 1</td> <td>94</td> <td>6</td> <td>88</td> <td>1</td> <td></td> </tr> <tr> <td>Grade 2</td> <td>13</td> <td>1</td> <td>12</td> <td></td> <td></td> </tr> <tr> <td>Grade 3</td> <td>33</td> <td>4</td> <td>29</td> <td>1</td> <td></td> </tr> <tr> <td>SG B1/B3</td> <td>4</td> <td>1</td> <td>3</td> <td></td> <td></td> </tr> <tr> <td>Grade 4</td> <td>4</td> <td>1</td> <td>3</td> <td></td> <td></td> </tr> <tr> <td>Grade 5</td> <td>27</td> <td>4</td> <td>23</td> <td></td> <td></td> </tr> <tr> <td>Inspectors</td> <td>261</td> <td>46</td> <td>215</td> <td>11</td> <td>3</td> </tr> <tr> <td>Grade 6</td> <td>5</td> <td>1</td> <td>4</td> <td></td> <td></td> </tr> <tr> <td>Grade 7</td> <td>24</td> <td>3</td> <td>21</td> <td>1</td> <td></td> </tr> <tr> <td>Grade 8</td> <td>38</td> <td>13</td> <td>25</td> <td></td> <td>1</td> </tr> <tr> <td>Grade 9</td> <td>9</td> <td>3</td> <td>6</td> <td></td> <td></td> </tr> <tr> <td>Grade 10</td> <td>8</td> <td>2</td> <td>6</td> <td></td> <td></td> </tr> <tr> <td>SB C2</td> <td>21</td> <td>7</td> <td>14</td> <td></td> <td></td> </tr> <tr> <td>Grade 11+</td> <td>5</td> <td>2</td> <td>3</td> <td></td> <td></td> </tr> <tr> <td>TOTALS</td> <td>546</td> <td>94 (17.2%)</td> <td>452 (82.8%)</td> <td>14 (2.6%)</td> <td>4 (0.7%)</td> </tr> </tbody> </table> <p>Our age profile as at 31/03/2012 was:</p> <table border="1"> <thead> <tr> <th>Under 21</th> <th>21-29</th> <th>30-39</th> <th>40-49</th> <th>50-59</th> <th>60-65</th> <th>Over 65</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>25</td> <td>54</td> <td>205</td> <td>229</td> <td>28</td> <td>2</td> </tr> </tbody> </table> <p>HR undertakes an analysis of all equalities data for both our workforce and applicants on an annual basis. The Equalities & Human Rights Committee (EHRC) has recommended that the 2011 Census categories are used for future monitoring purposes as these include the new and revised categories. We are therefore currently in the process of collecting data on all of the “protected characteristics” to ensure we comply with our duties under the Equalities Act 2010.</p> <p>A full report will be provided to the Executive Team and Resources Committee in May/June 2013.</p>	GRADE	TOTAL	MALE	FEMALE	DISABLED	ETHNIC MINORITY	Grade 1	94	6	88	1		Grade 2	13	1	12			Grade 3	33	4	29	1		SG B1/B3	4	1	3			Grade 4	4	1	3			Grade 5	27	4	23			Inspectors	261	46	215	11	3	Grade 6	5	1	4			Grade 7	24	3	21	1		Grade 8	38	13	25		1	Grade 9	9	3	6			Grade 10	8	2	6			SB C2	21	7	14			Grade 11+	5	2	3			TOTALS	546	94 (17.2%)	452 (82.8%)	14 (2.6%)	4 (0.7%)	Under 21	21-29	30-39	40-49	50-59	60-65	Over 65	3	25	54	205	229	28	2
GRADE	TOTAL	MALE	FEMALE	DISABLED	ETHNIC MINORITY																																																																																																										
Grade 1	94	6	88	1																																																																																																											
Grade 2	13	1	12																																																																																																												
Grade 3	33	4	29	1																																																																																																											
SG B1/B3	4	1	3																																																																																																												
Grade 4	4	1	3																																																																																																												
Grade 5	27	4	23																																																																																																												
Inspectors	261	46	215	11	3																																																																																																										
Grade 6	5	1	4																																																																																																												
Grade 7	24	3	21	1																																																																																																											
Grade 8	38	13	25		1																																																																																																										
Grade 9	9	3	6																																																																																																												
Grade 10	8	2	6																																																																																																												
SB C2	21	7	14																																																																																																												
Grade 11+	5	2	3																																																																																																												
TOTALS	546	94 (17.2%)	452 (82.8%)	14 (2.6%)	4 (0.7%)																																																																																																										
Under 21	21-29	30-39	40-49	50-59	60-65	Over 65																																																																																																									
3	25	54	205	229	28	2																																																																																																									

In terms of the consultation exercise a total of 22 employees (4%) completed the survey monkey. Please note that employees can skip questions if they wish and due to the small number of responses received actual figures have been provided rather than percentages.

19 were female, 1 male and 2 preferred not to say.

The age profile was:

	16-24	25-34	35-44	45-54	55-64	65+
No.	0	2	5	8	4	0

3 employees preferred not to say what their age was.

0 stated they were from an ethnic minority, 20 were white and 2 preferred not to say

In terms of religion 8 were Christian, 1 was Buddhist, 10 stated they had no religion, 1 stated other and 2 preferred not to say

17 were heterosexual, 1 was a gay women and 4 preferred not to say.

20 stated they were not transgender, with 1 stating they would prefer not to say.

21 were not pregnant or on maternity leave and 1 preferred not to say.

17 of respondents stated they were disabled.

EXTERNAL

Please note that external consultation was only carried out on the Recruitment and Selection Policy. The other two policies are for internal use only.

The Professional Adviser – Equalities and Engagement advised that we have recently carried out a review of some of the key messages raised by representative groups for people with protected characteristics. This review reminded us that:

- Access to services is more difficult for many people with protected characteristics. Reasons for this can include lower levels of income, education, physical, emotional and

attitudinal barriers.

- Many of the protected characteristic groups flag up the need to have their needs addressed by services and organisations in a way which is sensitive to their individual characteristics. There is call to ensure that organisations employ staff who are representative of protected characteristic groups who are more understanding and who have experienced issues affecting the individuals they serve.
- Recent research material highlights the significantly increased disadvantages faced by people who have protected characteristics, including greater prevalence of being subject to hate crimes, homelessness, unemployment, ill health, social isolation and poverty. Policies and practice must be developed to mitigate against these inequalities.

Over 200 equality groups were contacted by the Professional Adviser - Equalities and Engagement and given the opportunity to complete the survey monkey. The groups represent all of the nine protected characteristics. However, only 19 responses were received, the results of which are below. Please note that respondents can skip questions if they wish due to the small number of responses received actual figures have been provided rather than percentages.

3 - care service provider

1 - persons who use a care service

1 - a relative or carer

4 - involved in the planning of policy or a service

7 - other

The respondent, a family member or someone they care for use the following care services regularly (they can choose more than one):

2 - care home

1 - childminder/day care of children

6 - housing support/care at home

0 - independent healthcare services

9 - other type of service

9 were female and 7 male.

	<p>The age profile was:</p> <table border="1"> <thead> <tr> <th></th> <th>16-24</th> <th>25-34</th> <th>35-44</th> <th>45-54</th> <th>55-64</th> <th>65+</th> </tr> </thead> <tbody> <tr> <td>%</td> <td>0</td> <td>0</td> <td>19</td> <td>25</td> <td>44</td> <td>12</td> </tr> <tr> <td>No.</td> <td>0</td> <td>0</td> <td>3</td> <td>4</td> <td>7</td> <td>2</td> </tr> </tbody> </table> <p>2 were from an ethnic minority, 12 were white and 1 preferred not to say</p> <p>In terms of religion 8 were Christian and 1 Buddhist, 4 stated they had no religion and 2 preferred not to say</p> <p>11 were heterosexual, 1 gay woman, 2 other and 1 preferred not to say.</p> <p>15 stated they were not transgender.</p> <p>No one who was pregnant or on maternity leave responded to the survey</p> <p>6 of the respondents stated they were disabled.</p>		16-24	25-34	35-44	45-54	55-64	65+	%	0	0	19	25	44	12	No.	0	0	3	4	7	2
	16-24	25-34	35-44	45-54	55-64	65+																
%	0	0	19	25	44	12																
No.	0	0	3	4	7	2																
<p>Where are the gaps?</p>	<p>Although consultation was carried out both internally and externally and all staff, the partnership forum, over 200 equality groups and any other stakeholders were given the opportunity to comment on the proposed policy/policies by completing a survey the results of which form the Equality Impact Assessment, only a total of 41 responses were received. Therefore the overall response level was poor. There was also a limited response received from individuals with a protected characteristic, both internally and externally.</p> <p>We have particular responsibilities as an employer to demonstrate a commitment to fully realising equality of opportunity for our own staff, ensuring that all of our activities are linked to the Care Inspectorate's Single Equality and Diversity Scheme (once developed) and to meeting the standards expected of us by regulatory organisations such as the Equalities and Human Rights Commission.</p>																					
<p>What involvement or consultation have the Care Inspectorate carried out and what are the</p>	<ul style="list-style-type: none"> • Consultation internally with the Partnership Forum, Executive Team and Resources Committee • All staff survey • External survey with equality groups on the Recruitment 																					

<p>results?</p>	<p>and Selection Policy and survey available on website for any stakeholders to complete</p>
<p>What changes did those consulted with suggest?</p>	<p>Recruitment and Selection</p> <p>100% (22) of respondents internally and 95% (17) externally stated that they felt the R&S policy helped them to understand how the CI will promote fair and consistent recruitment and selection practices.</p> <p>Comments received included (our response, where relevant is in brackets):</p> <ul style="list-style-type: none"> • There is no mention of family friendly work patterns – should be highlighted from the beginning (this is outlined in the terms and conditions document issued with an application pack and is available on our website). • Needs reference to equality training • Psychometric testing – much of this is Eurocentric and culturally specific, good idea to consider than in relation to race, ethnicity and religion. • Suggest include paternity and carers leave to list of cover for Acting Up Procedure (As paternity and carers leave is only for a very short period of time e.g. max of two weeks we would not expect any acting up to be applied to cover this type of leave. Acting up would normally apply for an absence of at least 1 month or longer). • How do you identify any actual or potential unfair discriminatory practices? (By reviewing our recruitment processes continuously; by including people from our Involving People Group to be part of our recruitment panels and getting their feedback appropriately; by conducting this EIA and consulting with equality groups and staff; by monitoring and analysing any equality data we collect; by developing and implementing an Equalities in Employment Strategy in 2013/14). • How do you ensure appropriate language and communication? (Equality and Diversity training has been available for all staff, it is planned to carry out refresher sessions in 2013/14; As well as training the majority of our staff are from a health or social care background there is therefore expectations that they are aware of what is appropriate and what is offensive; We have clear policies and procedures e.g. Code of Conduct, Dignity at Work, our Values which are clear regarding what our expectations are). • Does the policy apply to lay inspectors as well? (This policy does not cover our lay inspectors; they are covered by

separate guidance).

44% (7) of respondents internally and 18% (4) externally stated that they felt this policy would have an impact, negative or otherwise on people with protected characteristics. The comments were:

- A positive impact given the Guaranteed Job Interview Scheme and a commitment to making reasonable adjustments in the interview.
- Needs more clarity as to who and when specific components of an assessment centre are selected. This should be transparent from the start (this is made clear to all candidates at interview stage – it is not possible to outline the components for each post within the policy as there are so many and requirements of posts change and are reviewed each time a post becomes vacant).
- Need to be more explicit about convictions which will be considered relevant to the post – whilst not a protected characteristic need to be aware where operating outwith spirit of rehabilitation of offenders (we issue clear guidance to candidates on what they are required to disclose in relation to the rehabilitation of offenders act. Reference to the Act has now been included).
- How do interviewers address candidates? (Equality information is only withheld at interview stage, HR then provide the interview panel with a list of the candidates forenames and surnames, the panel will use forenames and will introduce themselves using their forename – should any candidate what to be known as another name they can advise the panel accordingly).
- “The most accurate predictor of future behaviours is past performance” – people who have previously been subjected to a disabling environment may not be able to evidence past performance to a required standard. Assessment centres should therefore be used which include evaluations that directly test the required performance and behaviours. (This only refers to the competency based interview element of the process and is why we use a number of components at an assessment centre. However, this statement has now been removed).
- Acting Up will have to be done carefully, ensuring full fairness. (there is a clear process contained within this policy which will be monitored by HR).
- Access to adverts maybe limited to exclude people – especially people with disabilities. (We advertise in a wide

range of locations but will take this into account in the future and engage with Equality Groups as appropriate).

- Can application forms, job profiles and other recruitment related materials be made available in accessible formats on request? (Noted and will be actioned)
- Will the range of additional selection methods used at an interview be decided at the same time when you know about an interviewee's additional support needs? (No the process is that the selection methods are selected in relation to the needs of the post, shortlisted candidates are then written to advising them of the interview and the methods to be used – at that point the candidate will advise us if they need any additional supports and we will adapt the selection methods accordingly).
- Appreciate need to reduce costs etc but if mostly recruit internally danger of perpetuation of any existing inequalities plus lack of opportunity for outside potential candidates (There is no statutory requirement on employers to advertise a vacancy externally. The policy states that in recognition of the existing talent within the organisation and to provide opportunity for promotion, each vacancy will be considered on its own merit, with vacancies being advertised internally in the first instance unless there is not the correct calibre or pool of potential candidates available. Please note however that many of our posts are automatically advertised externally e.g. Inspectors and the majority of our new strategic and corporate roles).

Other comments provided were:

- Give ourselves an internal KPI to endeavour to recruit staff by X (We participate in corporate benchmarking which is collated by the Scottish Government and can monitor and assess our timespan from advert to appointment in relation to other NDPBs and Agencies – this does not give us any concern at this time).
- Advice should be sought from all sectors where necessary to ensure advertising is being done in correct areas (Noted and will be actioned as appropriate)
- There isn't mention of the role of involved people in recruitment panels (noted and will be actioned as appropriate).

Many positive comments were also receive, examples of which are:

- *The policy is clear, concise, well indexed and referenced*
- *It will offer protection and equity*
- *We welcome the proposed policy as it offers some*

guidance to staff recruitment and is a fair policy.

- *Provides a level playing field*
- *The policy as I understand it covers everything that may arise*

Business Travel and Subsistence

81% (18) stated that they understood this policy and how it applied to them.

Comments included:

- No time allowed for overnight stays
- Some offices have parking spaces free of charge where others have hefty costs to park therefore all employees not treated fairly (this issue has been considered in detail in the past – there are no plans to change this process at this time, it is in relation to office location rather than intentional unfair treatment).
- Why has the lunch allowance been reduced while inflation and our salary remained static? (allowances have been rounded up or down to the nearest pound to make them clearer, in any event reimbursement is about ‘actual expenditure’)
- Concerns me that the amount per mile decreases after 10,000 miles – if the job requires us to travel more than that then we should still be paid the starting rate, or not be expected to travel (very rarely does a member of staff reach 10,000 – the limits applied are in accordance with guidance from HMRC. Other rates would be taxable)
- Subsistence rates are quite low (Extensive benchmarking was carried out which showed that these are on par with similar organisations)
- Change to parking “I have had this reimbursed from 2003 – 2012” what will the notice period be for the change to this custom and practice? (this point was raised by the Trade Unions and will be referred back to the Resources Committee for further discussion)
- Changes to overnight stays for those in North – what is the notice period that this custom and practice will be changing? (This matter was dealt with as a grievance, the outcome of which was that this was not custom and practice but an informal arrangement which could be removed at any time – affected employees were written to at the time to advise of the change)
- On an overnight ferry – cannot claim travel time (travel time can only be claimed for time spent carrying out actual work

activity, not for any free time)

- £80 overnight allowance urgently needs reviewed – it is away under actual cost. (This has been reviewed further and an amended proposal will be submitted to the Resources Committee to increase this amount).
- The policy is far too complicated and needs simplified. There is more can't do than can do. (the policy has been simplified and has a number of rules to set out in order that staff know what they can or cannot claim for. Also we need to ensure we comply with HMRC guidance and Corporate Governance)
- No increase for mileage yet petrol costs have rocketed (the rates are in line with HMRC)

82% (18) employees responding felt that this policy may have an impact, negative or otherwise on people with protected characteristics. Comments were:

- Hotels that tend to be barrier free tend to cost a little more than the £80 limit (see comment above)
- It's very difficult to travel by train in standard class when you have mobility issues (the policy states "If any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010 they will be accommodated and any wider costs incurred as a result of the employee carrying out their specific role will be reimbursed appropriately" this would apply in this case)

Positive and other comments received included:

- All seems quite reasonable to me
- Am pleased to see clarification that parking will not be paid for in relation to travel to work
- This is the first time I've been aware of any consultation with employees relating to policy formulation and development (Full consultation has taken place with the Partnership Forum in accordance with the Partnership Agreement – should any employee wish to have a role in consultation they should contact their trade union representative).

Disciplinary

81% (17) of employees stated that this procedure helped them to understand how disciplinary rules are essential to maintaining

standards of conduct within the Care Inspectorate and for the safety and well-being of all employees. Comments included:

- It seems clear
- Such a comprehensive disciplinary procedure would not be necessary if managers with staff responsibilities were doing their jobs properly and actually managing their staff. (The policy is required by law and is based on guidance provided by ACAS, but pointed noted and further training is planned).
- Needs reference to equality training
- Perhaps the investigation office should be a person at a certain level within the organisation e.g. team manager like the complaints process (due to the different staff groups that we have this is not practical – what the policy does state is “The appropriate person to undertake the Investigating Officer role and the Disciplining Officer role will vary depending on the situation e.g. it could be the line manager or it could be a manager from a different section. In any event there should be no conflict of interest.” In each case HR will monitor to ensure that the most appropriate person is appointed as the Investigating Officer.

14% (3) felt that this procedure may have an impact, negative or otherwise, on people with a protected characteristic. Comments included:

- What policies don't take into account of is the issue of practice. The policy is fairly watertight but it's about how it is interpreted, it needs to emphasise specific equality training (Equality and Diversity training has been available for all staff, it is planned to carry out refresher sessions in 2013/14. In addition, the procedure states “No disciplinary action will be taken by any manager within the Care Inspectorate without discussion with Human Resources. Human Resources will advise and guide managers through the all stages of the process.”
- People with additional support needs are under more pressure and need more time than others to be able to respond and prepare information. For example, there should be greater discretion in following the procedures for people with significant mental health issues (The policy states “All employees will be treated fairly and consistently under this process and in particular if any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010 they will be accommodated appropriately”)

Stage 3	OUTCOME OF CONSULTATION AND INVOLVEMENT
<p>Set out what changes or improvements have been made to the policy as a result of the consultation / involvement activities.</p> <p>What impact will the changes have?</p>	<p>Recruitment and Selection</p> <ul style="list-style-type: none"> • Inclusion of Equality training for all those involved in Recruitment • In terms of psychometric testing we have now including the following “Should any candidate have a protected characteristic under the Equality Act 2010 reasonable adjustments can be made to any selection tests e.g. extra time given, an interpreter or support worker. All candidates will be advised of what selection tests will be used at an assessment and asked if they require any assistance to allow them to participate”. We will also ensure that when we engage in testing of any sort that the provider has completed a full equality impact assessment on the test. • Inclusion of advertising through Equality Groups and involvement of external professional bodies where appropriate. • Inclusion of statement regarding accessible formats for recruitment materials and appropriate support and guidance • Inclusion of the role of members of the Involving People group within recruitment. • Reference to the Rehabilitation of Offenders Act • Removal of the statement “The most accurate predictor of future behaviours is past performance”. <p>Business Travel</p> <ul style="list-style-type: none"> • Inclusion of the following “The Care Inspectorate acknowledges that on occasion it may not be possible to find accommodation within the stated limit. Employees should seek to get quotes for overnight accommodation taking into account geographical location, length of time away from home; availability of suitable accommodation, the chosen option should be both practical and cost effective. If a line manager is satisfied that the option chosen is reasonable, albeit outwith the maximum limit stated they can authorise the additional expenditure.” <p>Disciplinary</p> <ul style="list-style-type: none"> • Managers will be supported in implementing this procedure through learning events including events on equality and diversity.

	All of the above changes will clarify parts of the policies and procedures in order to make them easier to understand and adhere to. In addition the comments will assist in ensuring there is no negative impact on people with protected characteristics.
Set out what suggested changes or improvements have not been made and why.	Each comment has been responded to individually to say why a change has not been made or if the policy already covers the point.

Stage 4	MONITORING, APPROVAL and PUBLICATION
How will the policy, practice or procedure and its accompanying EIA be approved and published?	Report to the Resources Committee on 26/02/2013, once approved the outcome will be fed back to the Partnership Forum, the policies will be issued on our intranet and internet and the EIA will be published on the internet.
Set out how the policy will be monitored and reviewed to regularly check if the effect on any protected characteristic has changed?	Monitoring and review arrangements are set out in section 6 of the HR strategy. All HR Policies and Procedures will be reviewed periodically in line with developments and best practice and in any event will be reviewed on a rolling three year basis.

Date EIA Completed: _____ 05/02/2012 _____

Name of Project Manager: Marnie Westwood _____

Job Title: **Senior HR Adviser**

Signature: _____