

**Equality Impact Assessment (EIA) Recording Form**

Please refer to the notes and examples in the EIA Guidelines to help complete this record.

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| Title of Activity/Proposal/Policy/Practice | Informal Performance Improvement – Manager Guidance | | EIA Team and Lead Member of Staff (names of all people involved in this EIA) | Director of HR & OD  Projects and HR Systems Assistant | Date | January 2025 |
| Type of Policy/Practice/ (tick box) | New |  |
| Existing | X |
| Revised |  |

**Step 1 – Plan your process**

Considering the aims of the policy/proposal and the people will be involved.

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| What are the aims and purposes of the activity/ decision/ new or revised policy or procedure?  See Note 1 | The purpose of this guidance for managers is to provide advice on how to maximise the performance of all employees and to provide support and guidance when they are not performing to an acceptable standard.  Managers and employees can utilise a wide range of support to improve and maintain performance and there is guidance for managers on how to guide employees through a process to improve performance where needed. This can include training, coaching, mentoring, supervisory guidance, referral for Occupational Health advice (where there is a health issue) or counselling. |
| Who will be affected?  See Note 2 | This guidance is for line mangers who are looking to informally address performance issues with their employees. However, all employees will benefit from a consistent and supportive approach from their managers. |
| Who will be consulted?  See Note 3 | The College HR team, who are engaged in advising and supporting managers in managing employee performance. |

**Step 2 – Consider the Evidence**

What are the evidence we need and how we can gather them?

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| What evidence is available of how the policy/decision, etc. affects, or may affect, protected groups?  Evidence could be quantitative, qualitative or anecdotal.  Do we have enough evidence to judge what the impact may be?  See note 4 | This guidance was implemented in November 2022. However, we have not collected specific evidence of the impact on specific groups on performance issues, other than the monthly and quarterly casework data that we review. It is not possible to measure the impact of this guidance as there are many factors involved in managing employee performance and the various elements cannot be separated when considering whether the performance management of an employee, or a team of employees is successful or not. |

**Step 3 – Assessing the impact**

This involves:

* Considering relevant evidence relating to people who share a protected characteristic
* Assessing the impact of applying a decision of a new or revised policy or practice against the needs of the Public Sector Equality Duty (PSED) and each protected characteristic.

How will the policy / decision help the College to comply with the Public Sector Equality Duty?

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| **Eliminating discrimination, harassment, and victimisation** | **Advancing equality-**   * **Removing disadvantage** * **Meeting different needs** * **Encouraging participation** | **Fostering good relations**   * **Tackling prejudice** * **Promoting understanding** |
| The guidance provides an additional support for managers to handle the performance issues of their employees. It offers consistent and supportive approach to support employees for resolving their performance issues informally. | The advice from HR to managers is always to manage issues as informally as possible, to explore issues of concern with the employee and to explore any work related or personal challenges that may be impacting on their work performance. Experience shows that dealing with issues informally and in a supportive way is far more effective than formal action under the Disciplinary or Capability Policies and Procedures. There is a range of personal and work related support mechanisms available for managers and employees to utilise and an individual approach needs to be taken.    More formal approaches are also available under the Capability and Disciplinary Policies and Procedures if informal approaches have not worked or are not appropriate as the issue needs to be escalated to a more formal level. | This guidance is designed for managers and is available on the Manager Portal.  This guidance should enable a more consistent approach being taken across the College. |

See Note 5

Key Questions to ask:

1. What potential positive/neutral/negative impacts can be identified?
2. What does evidence demonstrate about positive/neutral/negative impacts for different protected characteristic groups? E.g. statistics on participation, progression or outcomes, feedback or complaints
3. Does the policy/procedure/practice/decision take account of the needs of people with different protected characteristics? How is this demonstrated?
4. Does it affect some groups differently? Is this proportionate?

See Note 6

| **Protected characteristic** | **Potential**  **Positive Impact Y/N** | **Details of Expected Positive Impact** | **Potential Negative Impact Y/N** | **Details of Expected Negative Impact** |
| --- | --- | --- | --- | --- |
| Age | Yes | OD Team offers a variety of training covering wide range of areas. | Yes | More experienced employees (who tend to be older) may be reluctant to ask for training. |
| Disability | Yes | Managers should consider target dates for improvement actions if necessary to accommodate disabilities | Yes | Employees with disability may take longer to improve their performance to an acceptable standard. |
| Gender reassignment | Yes | The informal resolution approach of this guidance should enable employees to clearly outline any short-term implications on their work performance from the transition process. | Yes | Transitioning employees may find their health / performance temporarily affected due to the impact/side effects of the transition process they are going through. |
| Marriage/ civil partnership | Yes | This guidance applies fairly to all employees regardless of their marital status. | No | No negative impact has been identified. |
| Pregnancy and Maternity | Yes | The informal resolution approach of this guidance should enable employees to clearly outline any short-term implications on their overall capability from being on maternity leave or have been on maternity leave in the previous 12 months. | Yes | Employees returning from maternity leave after 1 year (or longer if they have also taken accrued annual leave) are likely to find it takes them time to regain their confidence/catch up with changes which have taken place during their leave and this may wrongly be viewed as a capability issue. |
| Race | Yes | Provides a clear framework for managing capability issues and should ensure BAME employees are managed equitability with other employees and that race or cultural backgrounds do not negatively impact on the employee. | Yes | BAME employees may, due to perhaps different cultural or educational backgrounds, undertake some or all of their role in a different way from others in their team(s) but still be performing well. These potential differences may be wrongly viewed as a capability issue. |
| Religion or belief | Yes | Provides a clear framework for managing capability issues and should ensure employees with religious beliefs are managed equitably with other employees. | Yes | Similar to race, employees may, due to different religious practices/beliefs, undertake some of their role in a different way from others in their team(s) but still be performing well. These potential differences may be wrongly viewed as a capability issue. |
| Sex | Yes | Provides a clear framework for managing capability issues and should ensure employees, regardless of their gender, are managed equitably with other employees. | Yes | Traditional male/female stereotypes may be linked to how certain roles should be performed. Therefore, when female / male / non-binary employees undertake the same roles they may be viewed as being less capable as they undertake the role in a different way, but just as competently. This change may wrongly be viewed as a capability issue. |
| Sexual orientation | Yes | Provides a clear framework for managing capability issues and should ensure all employees, regardless of their sexual orientation, are managed equitably with other employees. | Yes | Non-heterosexual employees may be viewed through societal stereotypes and if they undertake their role in a different way from how it has been undertaken in the past they may be viewed as being less capable. This change in approach may wrongly be viewed as a capability issue. |

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| **Other**  **characteristic**  See Note 7 | **Potential**  **Positive Impact Y/N** | **Details of Expected Positive Impact** | **Potential Negative Impact Y/N** | **Details of Expected Negative Impact** |
| Social deprivation | Yes | The informal resolution approach of this guidance should enable employees to clearly outline and discuss any implications on their capability due to other concerns and give managers an opportunity to explore and implement other means of support, such as flexible working etc. | Yes | These employees may struggle to meet all their responsibilities which may impact on their capability/performance at work, due to worry/stress etc. |
| Care experienced people | Yes | The informal resolution approach of this guidance should enable employees to clearly outline and discuss any implications on their capability due to being care experienced and give managers an opportunity to explore and implement other means of support. | Yes | These employees may struggle to meet all their responsibilities which may impact on their capability/performance at work, due to their childhood/care experience. |
| People with caring responsibilities | Yes | The informal resolution approach of this guidance should enable employees to clearly outline and discuss any implications on their capability due to their caring responsibilities and give managers an opportunity to explore and implement other means of support, such as flexible working etc | Yes | Employees with caring responsibilities may become overwhelmed by all their responsibilities, which may then adversely impact on their own performance/capability. This may then be picked up through this guidance as a capability issue, when the actual support needed is different, such as flexible working to enable employee to better balance their caring responsibilities. |
| Any other groups that need to be taken in consideration? | No |  | No |  |

**Step 4 – Acting on the results of the assessment.**

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| What actions can be taken or amendments made to policy to reduce the negative impact?  See note 8 | Ensure managers are aware of this guidance so they can identify issues which should be dealt with under this guidance and those which should be addressed by providing other forms of support. This is particularly important at the informal stage when first raising any concerns with their employee. Managers should listen to their employees to ensure any mitigating circumstances are picked up early on and continue to take advice from HR on employee issues. |
| Is there a need to address any gaps in evidence? | Going forward HR can monitor the protected characteristics of those employees who are managed/supported through this guidance and review and identify if particular groups are disproportionately being affected. |
| How will equality be advanced/ good relations be fostered? | This guidance aims to supports employees to address/resolve any capability issue(s) they may have and so enables them to continue in their role at the College. |
| Who has been involved in carrying out this assessment? | HR team |
| If you cannot fully review the impact now, what else must be done, by/with whom and why? | See above comments |

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| **Recommended decision:** (place an x against relevant outcome)  See note 9 | Outcome 1: Proceed – no potential identified for discrimination or adverse impact, and all opportunities to promote equality have been taken | **X** |
| Outcome 2: Proceed with adjustments to remove barriers identified or to better promote equality |  |
| Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to promote equality |  |
| Outcome 4: Stop and rethink as actual or potential unlawful discrimination has been identified |  |
| Any other recommendations? | | |
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**Step 5: The monitoring and review stage**

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| **Plan actions to reduce negative impact, advance equality and monitor the impact of the policy, proposal or decision**   * Please indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed. * Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the policy, etc. * How will the impact of the policy/procedure/decision be monitored?   See Note 10 | | |
| **Action to be Taken:** | **Person Responsible:** | **Completion/Review Date:** |
| Run quarterly statistical reports on cases which were active/live during this period by each protected characteristic to identify if those in any particular group(s) are being disproportionately affected. | Systems Team | Ongoing - quarterly |
| Provide variety of training with reasonable adjustments (if required) | OD team | Ongoing |
| Arrange training for managers on this guidance so they can deal with their employee in regard to performance issues appropriately and supportively. | Director of HR & OD / OD Manager | Ongoing |
| **Signature of Lead:**  **Director of HR and OD** **Date: 17th January 2024** | | |

**Step 6 – Review and Publication**

See Note 11

Please send the completed EIA record to [equality@edinburghcollege.ac.uk](mailto:equality@edinburghcollege.ac.uk) for

* review by Quality and Improvement;
* publication in whole or in part on the College website.

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| **Date of Review** | **24 February 2025** |
| **Date of Publication** | **11 March 2025** |