



Equality Impact Assessment (EQIA) form

A. General Information

Name of proposal	Grievance Policy
Responsible department	Human Resources

B. Aims of the proposal

What do you hope to achieve?	<p>The Grievance Policy and Procedure provides employees with a course of action if they are upset or have concerns which they are unable to resolve through regular communication with their line manager. The aim of the policy is to ensure that any grievance relating to employment is settled fairly and without unreasonable delay. We follow the ACAS Code of Practice to ensure we comply fully with employment legislation. Anticipated outcomes of the policy are that grievances are settled fairly, and staff feel valued and supported in the workplace.</p> <p>The policy will be continually monitored by HR and the Partnership Forum.</p>
Why is the proposal needed?	<p>Employers are expected to comply with the principles set out in the Acas code of practice on disciplinary and grievance procedures when handling a grievance. The code, which came into force on 6 April 2009, provides basic practical guidance to employers, employees and their representatives. It was issued under s.199 of the Trade Union and Labour Relations (Consolidation) Act 1992, and a tribunal is required to take it into account when considering relevant cases. Where there has been an unreasonable failure</p>

	<p>by either party to comply with the code the tribunal may increase or decrease compensation by up to 25%, depending on which party is at fault. A failure to follow the code will not, by itself, render an employer liable to legal proceedings.</p> <p>In August 2020 the Council approved an HR people management policy review timetable. All policies are to be reviewed every three years to ensure they meet legislation and best practice.</p>
How will the proposal contribute to the SSSC's strategic objectives and/or priorities?	<p>This links to all Outcomes in the Strategic Plan 2020-2023.</p> <p>This policy fits well under the organisational characteristics of "People want to work at the SSSC" and is also guided by our value of 'work together'.</p> <p>We do this by recognising the importance of our employees and provide supports when they are needed.</p>
How will the proposal address the SSSC's Equality duties?	<p>The Grievance Policy and Procedure provides employees with a course of action if they are upset or have concerns which they are unable to resolve through regular communication with their line manager. The aim of the policy is to ensure that any grievance relating to employment is settled fairly and without unreasonable delay. We follow the ACAS Code of Practice to ensure we comply fully with employment legislation. Anticipated outcomes of the policy are that grievances are settled fairly, staff feel valued and supported in the workplace.</p> <p>The code identifies five key stages when an employer is handling a grievance:</p> <ul style="list-style-type: none"> • The employee should let the employer know the nature of the grievance. If informal resolution of the grievance is not possible, the employee should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. The grievance should be in writing and should set out the nature of the grievance. • Hold a meeting with the employee to discuss the grievance. At the meeting the employee should be allowed to explain their grievance and how they think it should be resolved. • Allow the employee to be accompanied at the meeting.

	<ul style="list-style-type: none"> Decide on appropriate action. The employer should communicate the decision to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action it intends to take to resolve the grievance. Allow the employee to take the grievance further if it is not resolved. Where the employee appeals, the employer should hear the appeal without unreasonable delay. The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. <p>The Grievance Policy is fairly applied across all employees. It is not possible to predict when or if an employee may raise concerns under this policy.</p> <p>It is worth noting that there is a separate policy – Dignity at Work –dealing with discrimination, bullying or harassment as these issues are often particularly sensitive.</p> <p>We also have a separate whistleblowing procedure, which will provide a route for workers to raise qualifying disclosures under the Public Interest Disclosure Act 1998.</p>
--	---

C. Data and evidence gathering

What evidence has been used to come to the decisions contained in this EqIA?	This has been developed in line with experience from using the previous policy, best practice, benchmarking, ACAS, employment law and current case law.
Has the proposal been the subject of relevant engagement and/or consultation?	The Consultation Log details the consultation with the Partnership Forum, OMT, EMT and Council.
Has best judgement been used in place of data/research/evidence?	<p>Sources of evidence:</p> <ul style="list-style-type: none"> - Employee Information - Equality Outcomes and Monitoring Report, SSSC. - HR Annual Report re number of Grievances - A range of information was examined including the Scottish Government Equality Evidence Finder http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid <p>It has been recognised by the Scottish Government that there are gaps in data around equality issues. This is also the case in terms of information and evidence around people</p>

	<p>raising a grievance with their employer by protected characteristic. This also impeded by low numbers of reporting due to the fact it may identify individuals in an organisation (as advised by the Equality and Human Rights Commission). We will continue to monitor grievances by protected characteristic to assess if there are any particular issues or patterns.</p> <p>The guidance was produced in accordance with good practice and professional knowledge and experience.</p>
Have any gaps been found in the data?	<p>It has been recognised by Scottish Government that there are gaps in data around equality issues. This is also the case in terms of information and evidence around people raising a grievance with their employer by protected characteristic. This also impeded by low numbers of reporting due to the fact it may identify individuals in an organisation (as advised by the Equality and Human Rights Commission). We will continue to monitor grievances by protected characteristic to assess if there are any particular issues or patterns.</p> <p>For 2019/20 there were 0 grievances raised.</p>

D. Assessing impact and identifying opportunities to promote equality

Your answer must make reference to all protected characteristics, these are:

- Gender – neutral - The guidance applies equally to all employees and is accessible regardless of gender. We anticipate that a significant proportion of carers in the SSSC may be female due to the demographic of our employees, but this policy is accessible to everyone equally.
- Ethnicity – neutral - The policy applies equally to all employees and is accessible regardless of ethnicity.
- Disability – positive – The policy can assist employees by providing supports when the need arises.
- Sexual Orientation – neutral – The policy applies equally to all employees regardless of sex.
- Gender Reassignment - neutral – The policy applies equally to all employees regardless of gender reassignment.
- Age - neutral – The policy applies equally to all employees regardless of age.
- Marital and Civil Partnership - neutral – The policy applies equally to all employees.
- Pregnancy and Maternity - neutral – The policy applies equally to all employees.
- Religion/Belief/Non-belief - neutral – The policy applies equally to all employees regardless of religion or belief.

In your answer, please indicate whether your proposal will likely have a positive, neutral or negative impact on these characteristics, giving reasons for your answer.

- We recognise that younger people may be less aware/ confident about raising grievances. A range of advice and assistance will be available from HR/OD to help mitigate any negative impact.
- We recognise that grievance procedures may exacerbate mental health issues. People with existing mental health issues may already have difficulties with personal resilience and this may add to anxieties around raising a grievance. Mitigation measures including the Employee Assistance Programme and support from HR is offered to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance.
- Gender reassignment - People from this group are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures including the Employee Assistance Programme and support from HR is offered to support those raising the grievance and those subject to the grievance.
- There could potentially be issues around raising concerns for women who are pregnant or on maternity leave. This could be due to personal stress and vulnerabilities caused by the pregnancy or because of the time away from the workplace. Mitigation measures including the Employee Assistance Programme and support from HR is offered to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance.
- Ethnicity; Religion/belief; Gender - The research and consultation has not identified any potential for impacts on these protected group at this stage.
- LGBT people are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures including the Employee Assistance Programme and support from HR is offered to support those raising the grievance and those subject to the grievance.
- There is a separate Dignity at Work policy which states - The SSSC is committed to providing a positive workplace which supports an environment free from bullying, harassment, discrimination and victimisation. These behaviours will constitute unlawful discrimination where they relate to one of the protected characteristics listed under the Equality Act (2010). This includes sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, religion or belief, disability and age.
- We adopt a zero tolerance approach towards bullying and harassment and any employee who is found to have harassed or bullied a colleague will be subject to disciplinary action.
- Work will also take place to ensure that all managers are trained in the application of the policy and procedure.

E. Challenges and opportunities for groups living in an island community

This section considers the impact or effect of the proposal on island communities and whether this could be significantly different from its effect on other communities.

Under the Islands (Scotland) Act we have three duties in relation to island communities. Your answer must make reference each of them, namely:

- Eliminating unlawful discrimination, harassment and victimization - Potentially a positive impact as managers will be providing consistent advice and support for all employees regardless of protected characteristics. The policy is up to date with legislation and best practise.
- Advancing equality of opportunity - Potentially a positive impact as managers will be providing consistent advice and support for all employees regardless of protected characteristics. Also extra support and flexibility can be provided where necessary which can open up opportunities.
- Promoting good relations among and between island communities] - Potentially a positive impact as managers will be providing consistent advice and support for all employees regardless of protected characteristics. By raising awareness and sharing knowledge this can be improved.

Please indicate whether an Island Communities Impact Assessment is necessary. See guidance for further information.

N/A

F. Child rights and wellbeing

This section considers the impact of the proposal on children and young people, or specific groups of children and young people, in Scotland.

Please describe the impact your proposal has on:

- Civil rights and freedoms.
- Violence against children.
- Family environment and alternative care.
- Disability, basic health and welfare.
- Education, leisure and cultural activities.
- Special protection measures.

Neither a positive nor negative impact was identified for any of the categories above.

G. Health and wellbeing and health inequalities

This section considers the impact of the proposal on physical and mental health and wellbeing; this includes for example, participation, creativity and developing potential.

Please describe the impact your proposal will have on:

- Removing inequalities and increasing access to opportunities for improving health and wellbeing.
- Advancing opportunities for increasing health and wellbeing across the sector.
- Fostering good practice for sector wide health and wellbeing.

The policy can have a positive impact as it can often open up communication to show where areas of support, flexibility, advice and help are needed whether this be due to health or lack of opportunities. This policy is created in line with best practise.

Issues that may lead to an employee raising a grievance e.g. lack of control over work, too high a workload etc. can potentially lead to the employee feeling that they are stressed at work, and lead to or exacerbate mental health conditions. Source - Mental Health in the Workplace: Tackling the effects of stress - [www.mentalhealth.org.uk/ .../publications/mental_](http://www.mentalhealth.org.uk/publications/mental_)

H. Economic and social sustainability

This section is concerned with the impact of the proposal on pay and employment opportunities as well as valuing and supporting voluntary work.

Please describe the impact your proposal will have on:

- Removing disadvantage of inequality
- Advancing opportunities for individuals
- Fostering good relations and sustainability of communities

The policy has a neutral impact here.

I. Care experienced children, young people and adults

This section concerns our duties to put Scotland's care experienced children, young people and adults at the heart of what we do.

Describe the impact your proposal will have on:

- The well-being of children and young people.
- Promoting the interests of eligible children and young people.
- Providing opportunities to eligible children and young people.
- How we exercise our functions in relation to eligible children and young people.

The policy has a neutral impact. There is no discrimination and it is accessible and supportive of all employees.

J. Decision making

Which of the following statements best describes the action that should be taken following the EQIA in relation to your proposal?

No major change	X
Adjust the policy	<input type="checkbox"/>
Continue with Policy	<input type="checkbox"/>
Stop and remove the policy	<input type="checkbox"/>

Outline the reasons why you've selected this option

The policy meets legislation, best practise and does not discriminate.

K. Monitoring and reviewing

How will the implementation of the policy/proposal be monitored? How and when will the impact of the proposal be reviewed? Outline the actions that will be taken, the timescale for these and who will be responsible for carrying out these actions.

Action	Timescale	Person Responsible
The policy will be reviewed every 3 years.	3 years.	Head of HR.

L. Sign off

Name: Lucy Finn

Title: Head of Human Resources

Date Approved: 23 September 2021