



Equality Impact Assessment

Name of project/strategy/service being assessed	Probationary Policy and Procedure	Cabinet meeting date <i>If applicable</i>	
Service area	Human Resources	Date EIA created	23/12/2016
Name of Completing Officer	Tamana Solanki		
Approved by Head of Service	John McMillan	Date approved	06/07/17

Equality Impact Assessments (EIA's) are designed to ensure that Wycombe District Council complies with all relevant legislation and fulfils its duty under the Public Sector Equality Duty (PSED). This comprises of three limbs which are set out in Section 149(1) of the Equality Act 2010. This requires that all public bodies, in the exercise of its functions, to have '**due regard**' to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Each service area has an Equality Champion (see the Equalities tab on WySpace for an up to date list). Please ensure that the relevant Champion is aware that an EIA is being undertaken as, if needed, your Equality Champion can provide advice and guidance on completing the EIA. Guidance on the completion of an EIA, along with information on the PSED and protected characteristics can be found in the documents section of the Equality page on WySpace (via the Corporate tab), along with a quick reference guide located here as Appendix 1.



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Stage 1 – Initial Scope of the Equality Impact Assessment

Please answer the five questions below to determine whether a full EIA needs to be conducted.

Will the service/policy/strategy affect any people or groups of people directly (including staff/members of the public)?	Yes	✓	No	
Will it affect how other services are provided?	Yes		No	✓
Will it have employment implications?	Yes	✓	No	
Do you have information suggesting that this service/policy/strategy will affect particular groups of people?	Yes		No	✓
Do you need further information or to undertake further research to answer any of the above questions?	Yes		No	✓

If the answer to any of the above is ‘yes’, then a full EIA will need to be carried out and Sections 2- 4 will need to be completed.

If the answer to all of the above is ‘no’ then a full EIA does not need to be carried out, but to ensure consistency in approach, the EIA will need to go through the Challenge Process. Please e-mail the EIA to Vickie McSwiggan, Policy Officer at Vickie.mcswiggan@wycombe.gov.uk who will review and discuss as necessary. Then, if following the Challenge Process:

- a) it is agreed with the Policy Officer that no further stages need to be completed the Head of Service needs to approve the assessment and return a Word electronic copy to the Policy Officer for publication.

OR

- b) it is agreed with the Policy Officer that Stages 2 - 4 need to be completed, then the Head of Service will need to approve only once the full EIA is completed at which point a Word electronic copy should be returned to the Policy Officer for publication.



Stage 2 – Information Gathering/Data Collection

<p>What are the aims of the strategy/policy/procedure? Why is it necessary? What is it trying to achieve?</p>	<p>A revised and updated Probationary Policy and Procedure.</p> <p>The purpose of the policy is to ensure that new employees to Wycombe District Council have the opportunity to become familiar with the main duties and tasks of their post and to demonstrate standard performance, attendance and behaviour expected of them during the probationary period.</p> <p>The aims and objectives of the policy are to provide managers with a formal process to monitor and support the progress of new employees in the first 6 months of their employment. Where an employee's performance is unsatisfactory during the probationary period, the formal process helps to terminate employment fairly. Should an employee be dismissed during their probationary period, the employee will have the right of appeal against such a dismissal.</p> <p>The policy is to benefit both employees and the employer as it ensures that key learning and development needs are recognised and addressed at the early stages of employment and ensures the new employee is capable of performing their role.</p>
<p>Which aspects of the policy/strategy/procedure are relevant to equalities? NB A list of impacts is NOT required at this stage, just identify areas – can be a bullet point list.</p>	<p>One of the main principles of the Probationary Policy is that no individual is discriminated against the application of this policy and procedure on any grounds including grounds of the protected characteristics.</p> <p>It will raise awareness, through the application of this procedure, of the requirement for all employees to be treated fairly, consistently and within the relevant legislation.</p>
<p>Identify the main data sources/information gathered e.g. Workforce reports, census data, staff</p>	<p>Updating the existing Probationary Protocol Reviewing similar policies and procedures from other Local Authorities.</p>



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survey etc.	
How have you engaged with service users/members of the public/staff? e.g. staff forums, consultations, questionnaires etc.	Consultation has taken place with staff side representatives
Is the responsibility for this strategy/policy/procedure shared with another service/organisation/agency?	No
Is further consultation/research or data collection planned or required? Is so, what is the aim of the research? Why is it needed?	No



Stage 3 – Impact Assessment & Analysis

Areas to consider	Impact Identified Y/N	Description of impact and likelihood of occurrence (positive, negative, no impact; high/medium/low likelihood)
Protected Characteristics (i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex and sexual orientation)	Y	<p>Positive impact on newly appointed staff for 6 months or more. The updated Probationary Policy is to ensure all staff are aware of the formal process during the 3 and 6 month review stage. This will raise awareness, through the application of this procedure, of the requirement for all employees to be treated fairly, consistently and within the relevant legislation.</p> <p>One of the main principles of the Probationary Policy and Procedure is that no individual is discriminated against in the application of this policy and procedure on any grounds including grounds of the protected characteristics.</p>
Other relevant groups (e.g. low income, ex-armed forces personnel, homeless people etc.)	N	

NB. Please note that when considering impacts in relation to marriage & civil partnership - the duty is solely to ensure that there is no unlawful discrimination against this protected characteristic.



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Stage 4 - Equalities Improvement Plan

Protected Characteristic/Other relevant groups	Impact Identified Y/N	Measures identified to reduce/mitigate impact (Also include all positive actions included in your proposals)	Review date	Review update/ monitoring comments	Officer/Service Responsible
Discrimination	Y	Positive impact. Promote the updated policy on the Intranet and in Talking Point.	September 2017	Application of policy will be monitored in fortnightly case review meetings as probationary cases arise	Jo Whiteley

Area of Consideration	How are/will we work to: (Also include all positive actions included in your proposals)	Review date	Review update/ monitoring comments	Officer/Service Responsible
Eliminate discrimination, harassment & victimisation	Promote the updated policy on The Intranet and in Talking Point so that Managers and Employees are aware. New employees to be advised of the Probation Policy as part of their induction process. HR to provide advice and guidance on the application of the policy and monitor cases in regular case review meetings	September 2017	As above	Jo Whiteley

NB. Please note that when considering impacts in relation to marriage & civil partnership - the duty is solely to ensure that there is no unlawful discrimination against this protected characteristic.



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Appendix 1 – Quick Reference Guide

For full guidance and further suggested reading please refer to documents located under the Corporate Equalities tab on WySpace. Documents include ‘Completing an Equality Impact Assessment.’ Below are a list of the key terms and definitions:

Protected Characteristics

There are 9 specified Protected Characteristics as listed below:

Age – to include all age groups.

Disability – a person is considered to have a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. People with progressive illnesses such as cancer, multiple sclerosis (MS) and HIV are considered to be disabled from the point of diagnosis.

Gender Reassignment – any person, who has undergone, is undergoing or is considering gender reassignment. A person does not need to be seeing a doctor or under medical supervision to be covered by the Act.

Sex – both men and women are covered.

Maternity & pregnancy – the Act applies during a woman’s pregnancy and any statutory maternity leave.

Marriage & civil partnership – for both marriage and civil partnerships, the PSED only extends to ensuring that due regard is given in relation to eliminating discrimination.

Race - this includes all ethnicities, races, colours, national origins as well as nationalities. This includes Roma & Traveller communities as well as refugees/migrants.

Religion and belief (including no belief) – Religion refers to any religion with a defined structure and belief system. Belief refers to any religious or philosophical belief. The Act also provides protection for those with no belief (e.g. agnostic/atheist).

Sexual Orientation - the Act protects heterosexual, homosexual and bisexual people.



Types of Discrimination

Direct Discrimination occurs when a person in the same situation as others is treated less favourably because of a protected characteristic they have (or are thought to have – perceptive discrimination) e.g. their age, race, sex etc.

Indirect Discrimination occurs when a condition or requirement, although applied equally, excludes, penalises or treats a person less favourably because of their race, disability etc.

Institutional Discrimination is the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin (taken from the *MacPherson Report, 1999*).

Harassment is defined in the Equality Act as ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual.’ In deciding whether harassment has occurred the following must be considered; the perception of the person; the other circumstances of the case and whether it reasonable for the conduct to have that effect.

Victimisation is defined in the Equality Act as treating someone badly because they have done (or you believe they are going to do) a protected act. These include making a complaint of discrimination and helping someone else make a claim. NB The less favourable treatment does not need to be linked to a protected characteristic.

Associative Discrimination - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.



Quick Guide to the Stages

Stage 1

The questions in this section are there to help you decide whether a full EIA should be undertaken. The questions should also help you to decide whether you have all the relevant information needed and if not, what further data/research is required to continue with the EIA.

Stage 2

Stage 2 is to help you consider the policy/strategy/service under assessment, analyse the data available, highlight areas requiring further research as well as encourage you to consider how equalities (across all strands and including community cohesion) is, in broad terms, relevant and/or impacted by this policy.

Stage 3

Within Stage 3, all protected characteristics should be considered and the Officer should consider each group individually to see if the policy/strategy/service will have an impact. Additionally, the Officer must consider the impact in relation to advancing equality of opportunity and promoting good relations between groups (including community cohesion). It is important that **active consideration and thought** are given to ensure that all possible impacts (negative, positive and no impact) are considered and thought is given to the likelihood of these impacts occurring.

Stage 4

Stage 4 comprises of two action plan tables. In the first table any impacts identified in Stage 3, need to be considered and the steps/actions that are to be taken to mitigate or reduce these impacts, or if positive impacts are required and necessary how these are to be sustained, are to be documented. In addition, the second table requires Officers to consider how the policy/strategy/service under assessment will impact on any of the three main PSED duties and what positive steps could be taken.

These steps need to be concise, measureable and have a realistic timeframe for completion alongside the name of the Officer and service responsible for the action plans. Additionally, there is a requirement for a review date and space for updates to be input into this table to show continuous monitoring and action planning in relation to the required steps.

Continuous monitoring and improvement can include consideration of how actions implemented will be measured, how any results will be analysed and over what time period will the actions/results be reviewed.