

# Grievance Policy Equality Impact Assessment

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## Section 1: Details of the Policy/Practice

<b>Department/Team responsible for the policy:</b>	Organisational Development		
<b>Name of Policy or Practice being assessed:</b>	Grievance Policy		
<b>Purpose and anticipated outcomes of the policy:</b>	<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.</p> <p>Anticipated outcomes of the policy are that grievances are settled fairly, staff feel valued and supported in the workplace.</p>		
<b>Is this a new or existing policy?</b>	<b>New</b>	X (revised)	<b>Existing</b>
<b>List of participants in Equality Impact Assessment Process:</b>	<p>Kirstine Rankin- Senior OD Adviser</p> <p>Jacqui Duncan – OD Adviser</p> <p>Heather Moonlight- OD Assistant</p> <p>Linda McKenna – Equalities and Engagement Adviser</p>		
<b>Date assessment started:</b>	29/10/15	<b>Completion Date:</b>	13/11/15

<b>Please indicate who is likely to be affected by the policy:</b>	Care Inspectorate employees from and across all the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex and sexual orientation).
For example Care service providers/users, men, women, young people, people with disabilities	

## Section 2: Collating Information

Details	Source of Evidence
<p>Recent employee equality monitoring reports indicate the following:</p> <ul style="list-style-type: none"> <li>• 611 Employees</li> <li>• 81% are female</li> <li>• 76% are aged between 40-59 years</li> <li>• 1.3% have a disability</li> <li>• 34.9% are married or in a civil partnership</li> <li>• 1% are of Black or Minority Ethnic (BME) Ethnicity</li> <li>• 19.5% say they have no religion or belief</li> <li>• 2.2% are Lesbian, Gay or Bisexual</li> </ul> <p>In 2013/14 there were 3 grievances which were raised formally.</p> <p>In 2014/15 there were 5 grievances which were raised formally.</p> <p>We have resolved a number of grievances informally in partnership with our trade union colleagues.</p>	<p>Employee Information - Equality Outcomes and Monitoring Report, Care Inspectorate, April 2015.</p> <p>The OD Annual Report (2014 &amp; 2015)</p>
<p>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.</p>	<p>Mental Health in the Workplace: Tackling the effects of stress - <a href="http://www.mentalhealth.org.uk/.../publications/mental_health_workplace.pdf">www.mentalhealth.org.uk/.../publications/mental_health_workplace.pdf</a></p>
<p>For reasons such as lack of awareness, stress and fear of repercussions, women who are pregnant or on maternity leave are less likely to raise formal action with their employer - “Of the tens of thousands of women who suffer pregnancy or maternity-related dismissal, discrimination or detrimental treatment... less than 10 per cent took any kind of formal action such as raising a grievance with their employer “.</p>	<p>Overdue - Maternity Action  <a href="http://www.maternityaction.org.uk/wp/2013/12/overdue-a-plan-of-action-to-tackle-pregnancy-discrimination-now/">http://www.maternityaction.org.uk/wp/2013/12/overdue-a-plan-of-action-to-tackle-pregnancy-discrimination-now/</a></p>
<p>“Nearly one in ten (nine per cent) health and social care staff say they would not feel ‘comfortable’ working alongside a trans colleague.”</p> <p>“One in six (16 per cent) health and social care staff would not feel confident challenging their colleagues if they made negative remarks about lesbian, gay or bisexual people or used discriminatory language.”</p>	<p>Unhealthy Attitudes: The treatment of LGBT people within health and social care organisations in Scotland – Stonewall Scotland, 2015.</p> <p><a href="http://www.stonewallscotland.org.uk/sites/default/files/unhealthy_attitudes_scotland.pdf">http://www.stonewallscotland.org.uk/sites/default/files/unhealthy_attitudes_scotland.pdf</a></p>
<p>A range of information was examined including the Scottish Government Equality Evidence Finder</p>	<p><a href="http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid">http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid</a></p>

From your research above have you identified any gaps in evidence? If so what are the gaps?

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.

As appropriate please describe the consultation/engagement undertaken including details of the groups involved and the methods used.

We have developed the draft Grievance Policy through a number of consultation and engagement exercises including:

- Discussion with Policy Review Group
- Internal consultation with teams via Policy Review Group
- Staff Survey 2014
- Early feedback from colleagues that was shared at the Unwritten Grounds Rules Leads training.

Are there any other groups to be consulted?

Not at this time.

**Section 3: Impacts**

Has the research and consultation identified any potential for impacts on the following groups:

Protected Characteristic	Yes	No	Please explain
Age (Older people, children and young people)	x		We recognise that younger people may be less aware/ confident about raising grievances. A range of advice and assistance will be available from OD to help mitigate any negative impact.
Disability	x		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 OD is offered to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance.

<b>Gender Reassignment</b> (Where a person is living as the opposite gender to their birth)	x		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 OD is offered to support those raising the grievance and those subject to the grievance.
<b>Pregnancy and Maternity</b>	x		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 OD is offered to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance. Work will also take place to ensure that all managers are trained in the application of the policy and procedures.
<b>Race, ethnicity, colour, nationality or national origins</b> (including Gypsy/Travellers, refugees, asylum seekers)		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
<b>Religion or belief</b> (including non-belief)		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
<b>Sex/Gender</b>		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
<b>Sexual Orientation</b>		x	LGB 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 OD is offered to support those raising the grievance and those subject to the grievance.

Is there any evidence that the policy may:

	Yes	No	No Evidence
<b>Result in less favourable treatment for particular</b>		x	

<b>groups?</b>			
<b>Give rise to direct or indirect discrimination?</b>		x	
<b>Give rise to unlawful harassment or victimisation?</b>		x	

<b>If yes to any of the above, please give details:</b>
N/A
<b>How will the policy be modified to mitigate this?</b>
N/A as a number of mitigation measures have been included in the policy.

## Section 4: Meeting our General Equality Duty

The following sections must be completed:

<b>Which aspects of the policy seek to eliminate unlawful discrimination, harassment and victimisation?</b>
The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures. Support measures have been put in place throughout the policy to ensure that no one receives unfair treatment due to their protected characteristic – this includes support from the OD Team, Employee Assistance Programme, measures to take account of sick leave/maternity leave. Measures have also been built into the policy to ensure that employees can raise concerns without fear of victimisation.

<b>Which aspects of the policy seek to advance equality of opportunity between people which share a relevant protected characteristic and those who do not?</b>
Actions have been included to advance equality of opportunity including equality monitoring of who raises a grievance. Support measures have been put in place throughout the policy to assist in advancing equality including support from the OD Team, Employee Assistance Programme, and measures to take account of sick leave/maternity leave.

<b>Which aspects of the policy seek to foster good relations between people who share a protected characteristic and those who do not?</b>
The purpose and intended outcomes of the policy do not seek to foster good relations between and across protected groups. However, the organisation has a range of other policies, projects and actions to help bring people together – e.g. Equality Training, Involvement Strategy, Equality Outcomes and Mainstreaming Report.

## Section 5: Outcome of Assessment

Please detail the outcome of the assessment:

<b>No major change</b>	X
<b>Adjust the policy</b>	
<b>Continue the policy</b>	
<b>Stop and remove the policy</b>	

**Please detail recommendations, including any action required to address any negative impacts identified:**

N/A

## Section 6: Monitoring

**Describe how you will monitor the impact of this policy e.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure achievement of outcomes:**

The OD will team will monitor queries coming into the OD Enquiries mailbox around grievances and will flag up any potential equalities issues to the Head of OD. An agreed course of action will follow.

The OD team will produce an 'equalities profile' for each grievance case/appeal to determine if there are any trends coming through, and whether we need to review the policy or put additional supports in place to reduce or remove any potential negative impact(s).

**When and how is the policy or practice due to be reviewed?**

- The Grievance Policy will be formally reviewed every 3 years- we will consult with the Policy Review Group (the group consists of colleagues from across the Care Inspectorate including employees, our equalities and engagement adviser, managers and trade union representatives) and consult with our Executive Team, Resources Committee (which includes members of our Board) and Partnership Forum.
- We have a policy monitoring programme that means we review all our policies on an annual basis.
- The OD function produces and publishes the OD Annual Workforce Report. The report contains a section on employee relations which covers grievances within the Care Inspectorate.
- The policy will be reviewed on an on-going basis e.g. if we receive intelligence from OD Enquiries/feedback from colleagues/particular case/ legislation/case law that would call for an earlier review of the policy.

## Section 7: Sign Off

<b>Date sent to Involvement and Equalities Team:</b>	12/11/15
<b>Comments from Involvement and Equalities Team</b>	None required as Involvement and Equalities Team have been involved in the EIA process and comments have been included in the policy where appropriate.
<b>Date signed off by Involvement and Equalities Team</b>	12/11/15

Please insert name and title of the Senior Manager who has signed off this Equality Impact Assessment:

<b>Name</b>	Janice Gibson
<b>Title</b>	Head of Organisational Development
<b>Date approved</b>	08/02/2016



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