

EQUALITY IMPACT ASSESSMENT (EqIA)

Summary results of the EqIA

Title of policy/ practice/ process/ service:

Severe Weather and Travel Disruption Policy

Is the policy new (proposed), a revision to an existing policy or a review of current policy?

Replaces and updates previous Travel Disruption Guidance

Key findings from this assessment (or reason why an EqIA is not required):

This policy applies to all SLAB employees. Any decision to extend the policy to agency workers and contractors will engage similar equalities issues.

Severe weather can affect travel arrangements for all staff. However, the equality groups we found most likely to be impacted by the policy and changes to the policy are disability, pregnancy /maternity, sex (caring responsibilities) and religion or belief.

We recognise that people with disabilities or other medical conditions, and those who are pregnant may find travel to work extremely challenging during periods of severe weather or travel disruption. In addition, some religions or beliefs may impact staff more during periods of severe heat. The policy addresses this by supporting managers to be aware of and provide extra support/consideration for employees in these equality groups.

Severe weather can also result in school and nursery closures which may inadvertently affect women who are more commonly the primary care giver. The policy aims to mitigate any negative impact on women by providing a variety of options for such situations, including utilising SLAB's 'Time Off to care for Dependents' within the Special Leave policy.

The policy also confirms that the health and safety of staff is of key importance to SLAB and that staff should not place themselves at risk to travel to work. The policy supports managers and employees to consider alternative working locations where travelling to their usual work location is not possible.

Summary of actions taken because of this assessment:

- A consultation conducted with all staff on the proposed policy and its changes provided another avenue for people to raise issues in relation to situations, real or hypothetical, and about the policy.

- Policy renamed Severe Weather and Travel Disruption and to include
 - As a reasonable adjustment allow more flexibility in workplace and working hours, for example, working hours beyond normal office opening hours
 - Refer staff to the ‘Special Leave/ Time off to care for dependents’ policy which states staff can take unpaid leave
 - Clarity that staff get paid due to office closure
 - Special consideration will be given if there are greater difficulties during severe weather and or travel disruption because of a disability, medical condition, pregnancy or of a religious practice relevant in adopting this policy.

Lead person(s) for this assessment (job title and department only):

HR Manager and Business Management Continuity Team

Senior responsible owner agreement that the policy has been fully assessed against the needs of the general duty (job title only):

Director of Corporate Services and Accounts

Publication date (for completion by Communications):

09/06/2020

Step 1 - Framing the planned change

Discussing step 1 and step 2 with the Corporate Policy Officer (Equalities) at an early stage will help identify appropriate evidence. This may include support from the wider Policy and Development team.

1.1 Briefly describe the aims, objectives and purpose of the policy/ practice/ process/ service. *You can use the information in your project specification, business case etc.*

The Severe Weather policy aims to support The Scottish Legal Aid Board (SLAB) and its employees in planning for and managing the impact of severe weather, providing a consistent approach when normal transport arrangements are then disrupted. It may affect all SLAB staff throughout Scotland and potentially SLAB's ability to provide its services.

The policy reinforces staff's personal responsibility for travel to and from work, minimises hardship to staff, financially or otherwise, where conditions unavoidably prevent them from reporting to their normal place of work.

1.2 Why is the change required? *Legislative, routine review etc.*

An update of the 'traffic light' system by the Met Office and Scottish Government raised a number of queries from staff which highlighted the need to revise the review our policy.

1.3 Who is affected by this policy/ practice/ process/ service? *Be clear about who the 'customer' is.*

All SLAB employees. Any decision to extend the policy to agency workers and contractors will engage similar equalities issues.

1.4 Policy/ practice/ process/ service implementation date e.g. *project end date, date new legislation will take effect.*

30/01/2020

1.5 What other SLAB policies or projects may be linked to or affected by changes to this policy/ practice/ process/ service? The EqIA for related policies might help you understand potential impacts, and/ or your findings might be relevant to share. Refer to SLAB's business plan, our current equality outcomes, current project list etc.



Step 2: Consider the available evidence and data relevant to your policy/ practice/ process/ service

The information you gather in this section will:

- help you to understand the importance of your policy/ practice/ process/ service for different equality groups,
- inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and
- provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.

2.1 What information is available about the experience of each equality group in relation to this policy/ practice/ process/ service? Stay focused on the topic and scope of your policy/ practice/ process/ service. Does the policy/ practice/ process/ service relate to an area where there are already known inequalities? Refer to the EqlA guidance for sources of evidence.

Note: If you proceed to a full EqlA you should continue to add to this section as you develop the policy/ practice/ process/ service, come across new evidence and/ or **undertake a consultation**.

General research and evidence includes:

- www.acas.org.uk/absence-from-work
- Severe weather - Fair Work Charter - www.gov.scot/publications/severe-weather-charter/

SLAB has a diverse workforce as detailed below. As at 31 March 2019 SLAB's composition of staff was:

	Age 16-25	Age 26-35	Age 36-45	Age 46-55	Age 56-65	Age 66+	
Female:	<5%	10-15%	15-20%	20-25%	5-10%	<5%	65-70%
Male:	<5%	<5%	10-15%	10-15%	5-10%	<5%	30-35%
	<5%	15-20%	25-30%	30-35%	10-15%	<5%	

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
Age	Staff Demographics.	Potential negative impact on any staff with caring responsibilities as some ages more likely to have childcare or other caring responsibilities. If due to e.g. severe weather schools/nurseries may close and other care services may be inhibited. Considered under equality group Sex.
	Disabled peoples' attitudes to travel	People who are older (aged 50 and over) and / or who have a disability are less likely to regard walking or cycling as viable alternatives to short car journeys; when an individual has both of these characteristics, this perception is much more marked. 60% of people aged 50 and over with a limiting disability felt it would be difficult to replace short car journeys with walking
	Age UK	Some practical tips to stay safe in bad weather. Some conditions can be progressive in later life that can make walking or travelling in icy conditions more dangerous e.g. osteoporosis.
Disability	Staff Demographics. Staff query.	Disability: Yes 10-15% No/Prefer not to say 50-55% Unknown 35-40%

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
		<p>Staff with disabilities could be more likely to use public transport and could become stranded in the event of this being cancelled. Could be more at risk of personal injury in hazardous conditions. Could disproportionately affect people with some mental health conditions e.g. increased anxiety.</p> <p>Also if carer of person with disability whom bad weather may have more adverse affect (e.g. care of child/adult with disability and support unavailable)</p>
	<p>SG Severe Weather Fair Work charter</p>	<p>Notes an increased risk for people with a disability or medical conditions.</p>
	<p>Disabled peoples' attitudes to travel</p>	<p>Clear that people with disabilities are not a homogenous group so findings should be taken as general indicators.</p> <p>While people with disabilities are less likely to ever walk or cycle or ever use public transport, compared with those without disabilities, those who experience difficulties with personal care or balance are particularly likely never to undertake these activities.</p> <p>Having a disability significantly increases the probability of travelling by bus; however, this does not hold for people who are unable to lift or carry objects, who are less likely to travel by bus.</p> <p>People who are older (aged 50 and over) and / or who have a disability are less likely to regard walking or cycling as viable alternatives to short car journeys; when</p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
		an individual has both of these characteristics, this perception is much more marked. 60% of people aged 50 and over with a limiting disability felt it would be difficult to replace short car journeys with walking.
Race	Staff demographics	Gypsy/traveller might be impacted depending where home is temporarily sited, otherwise we have no evidence in relation to SLAB employees or from wider desk research that there is a significant impact for this group in terms of this policy.
Sex	Staff demographics Staff query	Possibly more females likely to be unable to attend work or perform work during normal office hours or at all as women are more likely to have caring responsibilities. Women make up 65-70% of our workforce. There may be impact if there are schools/nurseries closures and wanting to apply for leave. This can impact on both male and female employees.
Gender Reassignment	Staff demographics	We have no evidence in relation to SLAB employees or from wider desk research that there is a significant impact, positive or negative, for this group in terms of this policy.
Sexual orientation	Staff demographics	We have no evidence in relation to SLAB employees or from wider desk research that there is a significant impact, positive or negative, for this group in terms of this policy.
Religion or Belief	Staff demographics Guidance for Ramadan fasting during heatwave	We have a very small number of staff (<5%) whose religion or belief may be more affected by adverse weather at certain points in the religious calendar However, Muslims could be more susceptible to the effects of adverse weather (if hot/cold) during Ramadan (period of fasting) which is normally in April/May each year. The risk of a heatwave then or in the Summer is low risk in Scotland.
Pregnancy or maternity	Staff demographics	At any point in time, we usually have up to 5 staff who are pregnant. Pregnant women may find travelling to work more difficult and be more at risk of personal injury in

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
		hazardous conditions. This may depend on the stage in pregnancy and any physical conditions related to pregnancy (general mobility and balance changes, pelvic/ back pains).
	SG Severe Weather Fair Work charter	Notes an increased risk for people with a disability or medical conditions.
Marriage or civil partnership	Staff demographics	We have no evidence in relation to SLAB employees or from wider desk research that there is a significant impact, positive or negative, for this group in terms of this policy.
Care Experienced (<i>corporate parenting duty</i>)	Staff demographics	We have no evidence in relation to SLAB employees or from wider desk research that there is a significant impact, positive or negative, for this group in terms of this policy.

2.2 Using the information above and your knowledge of the policy/ practice/ process/ service, summarise your overall assessment of how important and relevant the policy/ practice/ process/ service is likely to be for equality groups.

There is clearly an impact on some equality groups, specifically disability (correlated with age), pregnancy and maternity, religion or belief and sex.

2.3 Outcome of step 2 and next steps. Complete the table below to inform the next stage of the EqIA process. Consult with the project group and/ or Corporate Policy Officer (Equalities) on completing this section.

Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality or our corporate parenting duties	N	Proceed to Step 5: agree with decision makers that no EqIA is required based on current evidence
There is relevance to some or all of the equality groups and/ or our corporate parenting duties	Y	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups and/ or our corporate parenting duties	N	Proceed to Step 3: complete full EqIA



Step 3 - stakeholder involvement and consultation

This step will help you to address any gaps in evidence identified in Step 2. Speaking to people who will be affected by your policy/ practice/ process/ service can help clarify the impact it will have on different equality groups.

Remember that sufficient evidence is required for you to show ‘due regard’ to the likely or actual impact of your policy/ practice/ process/ service on equality groups. An inadequate analysis in an assessment may mean failure to meet the general duty.

The Policy and Development team can help to identify appropriate ways to engage with external groups or to undertake research to fill evidence gaps.

3.1 Do you/did you have any consultation or involvement planned for this policy/ practice/ process/ service?

Yes

3.2 List all the stakeholder groups that you will talk to about this policy/ practice/ process/ service.

SLAB leadership team. SLAB Staff. GMB Union. Business Continuity Management Team.

3.3 What did you learn from the consultation/ involvement? Remember to record relevant actions in the assessment action log.

Having discussed with the SLAB leadership team, we invited comments from the Union on the draft policy and then all staff.

Staff concerns were in relation to disability (potential for direct and indirect discrimination), tone of the policy to make it more inclusive, distance of home in relation to work and walking distance, emergency arrangements if staff stranded, and opportunity for salary sacrifice to buy laptops for home use.



Step 4 - Impact on equality groups and steps to address these

You must consider the three aims of the general duty for each protected characteristic. The following questions will help:

- **Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?**
- **Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?**
- **Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?**

4.1 Does the policy/ practice/ process/ service have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?

In the tables below, record the impact of the policy/ practice/ process/ service, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy/ practice/ process/ service or actions will be required to mitigate that impact. Copy any actions across to the project action log.

Age	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impact	Negative impact	No impact	
potential for discrimination			X	The evidence does not suggest any specific impact on this group. Correlation between age and disability is considered under disability.
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Sex	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			We have removed from the policy that people will be allowed to leave at manager's discretion and needs of the service if schools etc. are closed. We have also referred more clearly to the Special Leave policy Time off to care for dependents with the option to take unpaid leave.
potential for developing good relations	X	X		There is the potential risk for managers to damage relations across equality groups in the way they interpret and apply the policy and where discretion can be used. Managers are asked to develop team business continuity plans to help manage relations within their teams.
potential to advance equality of opportunity	X			To support people with caring responsibilities the policy has been changed to allow more flexibility in workplace and working hours, for example, working hours beyond normal office opening hours.

Disability	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Potential for direct and indirect discrimination. We are being explicit in communication that will be prioritised in consideration of requests to work from home or working different hours. The requirement to walk to work if within two mile radius of work place has been reconsidered and the policy now states that people with a disability and/ or long term health conditions will not be expected to walk.
potential for developing good relations	X	X		There is the potential risk for managers to damage relations across equality groups in the way they interpret and apply the policy and where discretion can be used. This is mitigated by listing this equality group in the policy as a group we consider more vulnerable in terms of this policy. Managers are asked to develop team business continuity plans to help manage relations within their teams.
potential to advance equality of opportunity			X	Special consideration will be given to any member of staff who has made SLAB management aware of a disability relevant in adopting this policy. More consideration might need to be given to people with disabilities in the form of reasonable adjustments as appropriate. As a reasonable adjustment SLAB might allow more flexibility in workplace and working hours. Consider as no detriment, not withholding pay or deducting annual leave entitlement when they cannot work from home, travel to work is problematic and they could face more risks.

Gender Reassignment	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Race	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Religion or Belief	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Support will be given to any member of staff who has made SLAB management aware of a religious practice relevant in adopting this policy.
potential for developing good relations	X			Provide health advice guidance, for example during Ramadan.
potential to advance equality of opportunity	X			Where possible managers are supported to consider different shift/pattern of working.

Sexual Orientation	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Pregnancy & Maternity	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination	X			Special consideration will be given to any member of staff who is pregnant and has made SLAB management aware of this. For example, there will be no requirement for pregnant women to walk to work if they live within a two mile radius.
potential for developing good relations	X			There is the potential risk for managers to damage relations across equality groups in the way they interpret and apply the policy and where discretion can be used. This is mitigated by listing this equality group in the policy as a group we consider more vulnerable in terms of this policy. Managers are asked to develop team business continuity plans to help manage relations within their teams.
potential to advance equality of opportunity	X			More consideration will be given to those who are pregnant in the form of reasonable adjustments as appropriate. As a reasonable adjustment SLAB might allow more flexibility in workplace and working hours. Consider as no detriment, not withholding pay or deducting annual leave entitlement when they cannot work from home, travel to work is problematic and they could face more risks.

Marriage & Civil Partnership	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

Care experienced young people	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
	Positive impacts	Negative impacts	No impact	
potential for discrimination			X	
potential for developing good relations			X	
potential to advance equality of opportunity			X	

4.2 Describe how the assessment so far might affect other areas of this policy/ practice/ process/ service and/ or project timeline?

N/A

4.3 Having considered the potential or actual impacts of your policy/ practice/ process/ service on equality groups, you should now record the outcome of this assessment below. Choose from one of the following (mark with an X or delete as appropriate):

Please select (X)	Implications for the policy/ practice/ process/ service
	No major change: Your assessment demonstrates that the policy/ practice/ process/ service is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.
X	Adjust the policy/ practice/ process/ service: You need to take steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy/ practice/ process/ service when implemented.
	Continue the policy/ practice/ process/ service with adverse impact: The policy/ practice/ process/ service will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.
	Stop and remove the policy/ practice/ process/ service: The policy/ practice/ process/ service will not be implemented due to adverse effects that are not justified and cannot be mitigated.

Step 5 - Discuss and review the assessment with decision makers and governance structures

You **must** discuss the findings of this assessment with senior decision makers during the lifetime of the project/ review and before you finalise the assessment.

5.1 Record details of the groups you report to about this policy/ practice/ process/ service and impact assessment. Include the date you presented progress to each group and an extract from the minutes to reflect the discussion.

February 2019 Business Continuity Management Team (BCMT): The Severe Weather Policy had been put out to staff for consultation in December. Seven responses received. Two issues of particular relevance were noted, (1) an EQIA should be done on the policy, and (2) consideration would have to be given to what the significance of the two mile radius was given the different ways people were now working. There might also be difficulty enforcing the two mile radius as there could be different conditions in different areas which did not have the same impact on staff getting to work. The consultation responses should be analysed and included in the EqIA.

October 2019 BCMT: The policy was approved in principal. It was considered beneficial for the policy to support a lift of some of SLAB's restrictions around normal working hours for home workers in exceptional circumstances, such as home in the evenings/ weekend. This sort of flexibility was considered beneficial. As part of this meeting the policy had been updated to:

- Provide clearer guidance on what is expected of staff and managers in the event of severe weather or other incident including communication, impact on pay and decisions on office closures
- Review the opportunity to work from home or taking leave for key groups (disabled people, people with caring responsibilities, pregnant women) - these groups will be prioritised in consideration of requests to work from home or taking leave
- Consider as a reasonable adjustment to allow flexibility in the workplace and working hours, for example carers
- Reconsideration of the two mile radius as amended in the policy.

January 2020 Executive Team meeting: Further tweaks to the policy had been agreed and EqIA approved subject to final changes being implemented and then passed to Chief Executive for review before publication.

Step 6 - Post-implementation actions and monitoring impact

There may be further actions or changes planned after the policy/ practice/ process/ service is implemented and this assessment is signed off. It is important to continue to monitor the impact of your policy/ practice/ process/ service on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

6.1 Record any ongoing actions below. This can be copied from the project action log or elsewhere in this assessment and should include timescales and person/ team responsible. If there are no outstanding items please make this clear.

No ongoing actions to record. Policy has been published (October 2019) and impact to be monitored as noted below.

6.2 Note here how you intend to monitor the impact of this policy/ practice/ process/ service on equality groups.

Measure	Lead department/ individual	Reporting (where/ frequency)
Specific incidents will continue to be recorded and coordinated as part of the wider business continuity approach. For example: <ul style="list-style-type: none"> No. of staff attended work No. of staff working from home No of staff unable to work 	HR/BCMT	Following incident of severe weather or significant travel disruption or consider if requirement to review after 12 months
Complaints or queries following bouts of severe weather or other incidents with a particular focus on equality groups where possible.	HR	Reporting to the Executive Team and inputted to any policy/ EqlA review

6.3 EqlA review date. This EqlA should be reviewed as part of the wider post-implementation review of the policy/ practice/ process/ service. The date should not exceed 3 years from the policy/ practice/ process/ service implementation date.

30/04/2022



Step 7 - Assessment sign off

All equality impact assessments must be signed off by the Executive Team, even where an EqIA is not required. Note the relevant meeting date here:

30/01/2020