

INTRODUCTORY GUIDANCE TO EQUALITY SCREENING AND IMPACT ASSESSMENT

What is it? Equality screening and impact assessment helps us consider the effect of our policies and practices¹ on different people. It helps us minimise negative impact and potential discrimination and promote opportunities to advance equality, inclusion and good relations between different groups of people.

There are two main elements to equality screening and impact assessment. Firstly, a set of equality screening questions are reviewed. These questions help determine whether the policy is relevant to equality and whether it needs to go through an equality impact assessment. The second element, if required, is the equality impact assessment meeting. This is where a panel of people review the proposed policy, particularly thinking about its impact on different groups of people, trying to identify and counter any potential negative impact and promote any opportunities to enhance equality. The panel suggests actions for the policy owner to adopt.

Why do we do it? The process helps us improve our policies and build equality into our work. Equality screening and impact assessment helps us consider the potential impact of what we do on different groups who are susceptible to unjustified discrimination, some of whom are legally protected against this, whether by UK or other law. It helps us demonstrate that we have proactively considered equality when developing our policies.

When should we do it? Assessing the impact on equality should start early in the policy development process, or at the early stage of a review. Assessing the impact on equality should be ongoing rather than a one-off exercise, because circumstances change over time, so equality considerations should be taken into account both as the policy is developed and also as it is implemented. The guidance here is to help assess the impact on equality before the policy is implemented.

It takes some time to properly set up an equality impact assessment meeting if one is needed, so the equality screening questions should be considered as early as possible once the policy is drafted. If an equality impact assessment is required it will take a little time to identify a chair, a note-taker, a diverse panel and to set up the meeting arrangements. In addition once the meeting has taken place there are likely to be actions to be implemented before the policy is launched. All this needs to be considered when determining the best time to address equality screening and impact assessment.

When we are implementing a policy that has been developed elsewhere, for example by a government department, or by a partner organisation we also need to assess the impact on equality. Although responsibility for the policy itself rests with the organisation that developed it, we may have choices in how it is implemented that can help eliminate potential discrimination and promote equality, inclusion and good relations.

How do we do it? Consider the purpose of the policy, the context in which it will operate, who it should benefit and what results are intended from it. Reflect on its potential impact on people with different equality categories and think about which aspects of the policy, if any,

¹ Consistent with its broad definition in Section 75 of the Northern Ireland Act and other equality legislation, this guidance uses the term ‘policy’ as a shorthand for policies, practices, activities and significant decisions about how we work and carry out our functions.

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are most relevant to equality. Answer the equality screening questions to determine whether an equality impact assessment meeting is necessary.

Identify someone to chair the equality impact assessment panel meeting, if one is necessary, and someone to take the notes. The chair and note-taker play a crucial role and specific guidance has been developed to support them ([guidance for Chairs](#); [guidance for Note-takers](#)). A diverse panel should be approached, including a range of colleagues from different teams/departments/countries/regions as appropriate, some of whom should be directly involved in or impacted by the policy. Panel members should be sent the part-completed ESIA form and the policy documents, giving them at least a full week to read them and prepare for the meeting.

We particularly focus on the following equality categories (many of which are protected by equality legislation in the UK and beyond): age, dependant responsibilities (with or without), disability, gender including transgender, marital status/civil partnership, political opinion, pregnancy and maternity, race or ethnic origin, religion or belief and sexual orientation. Invariably there are other areas to consider including full-time/part-time working, geographical location, tribe/caste/clan or language, dependent on the country. We also review what is being proposed against the organisation's values (creativity, integrity, mutuality, professionalism and valuing people).

After the meeting the action points identified by the panel are reviewed by the policy owner and implemented as appropriate. The policy owner confirms implementation of the action points (and outlines a justification for any action points that won't be taken forward) and then signs off and sends the completed form to ESIA@britishcouncil.org.

Northern Ireland

There is particular legislation in Northern Ireland which requires a more detailed process of equality screening and impact assessment for policies that are deemed to have high relevance to equality. This includes external consultation with relevant contacts and organisations. Given this, there is a need to confirm whether the proposed policy affects anyone in Northern Ireland. **If it does, all parts of the form need to be completed and the guidance at Annex A must be read and followed.**

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EQUALITY SCREENING

POLICY² DETAILS – Please complete

Title of policy	2 Policies – Disciplinary and Managing Underperformance
Name of policy owner	Nita Bewley
Intended implementation date	September 2018

BACKGROUND - Provide brief background information about the policy or change to it. Include rationale, intended beneficiaries and expected outcomes. (Use as much space as you wish, the text box below will expand as you enter information).

HR has undertaken delivery of a 'Fit for Purpose HR,' Programme, designed to review and refresh the fundamental HR systems, processes and infrastructure that are required to support the work that the British Council does now and in the future.

One element of the Fit for Purpose Programme is Shared Services which has a dependency on HR policies that are easily accessible, simple to understand and give clarity on what minimum standards must apply.

The 5 policies being presented are simplified/refreshed versions of existing policies written in an agreed format which separates, policy from procedure and guidance. They are being presented as one set since:

- It is helpful to see the overview in terms of consistencies/differences in the way these key Employee Relations issues are managed
- They share common processes
- The organisation has planned to bring in a confidential helpline and this needs to be a consideration in how the concerns these policies represent may be raised

In respect of current policies this approach means:

- A separation between grievances and appeals
- The Bullying and Harassment policy is more holistic in terms of how issues will be managed instead of referencing back to the grievance policy
- Managing underperformance becomes a single policy and procedure

The intention is that these separations prevent having to cross references and move between policies and it is possible for all employees to clearly see in one place what applies.

The format is intended to help all employees understand how to raise specific concerns and how they will be managed. Each policy sets out roles and responsibilities as well as

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authorities to avoid misunderstandings.

IS AN EQUALITY IMPACT ASSESSMENT REQUIRED?

To determine this, please answer the following by ticking yes, no or not sure:

Question	Yes	No	Not sure
Is the policy potentially significant in terms of its anticipated impact on employees, or customers/clients/audiences, or the wider community?	x		
Is it a major policy, significantly affecting how programmes/services/functions are delivered?	x		
Might the policy affect people in particular equality categories in a different way?			x
Are the potential equality impacts unknown?	x		
Does the policy have the possibility to support or detract from our efforts to promote the inclusion of people from under-represented groups?			x
Will the policy have an impact on anyone in Northern Ireland?	x		
Total responses Yes/No/Not sure	4		2

DECIDING IF AN EQUALITY IMPACT ASSESSMENT IS NECESSARY

If all the answers to the questions above are 'no' then an equality impact assessment is not needed.

Please move to the 'Record of decision' section below.

If there are any 'yes' responses then an equality impact assessment is necessary.

Please move to the 'Record of decision' section below.

If there are no 'yes' responses but there are any 'not sure' responses then please discuss next steps further with the Regional Diversity Lead or with the Diversity Unit, who will help you decide if an equality impact assessment is necessary. Examples of situations where it is not necessary to carry out an equality impact assessment include:

- Producing a team newsletter
- Changing the time of a meeting
- Planning an internal event

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In these instances relevant equality issues should still be considered, but there is no need to carry out an equality impact assessment.

RECORD OF DECISION

I confirm an equality impact assessment is required

Policy Owner: Nita Bewley Programme Manager, HR Policy and Advisory Services

Date: 19 June 2018

Note 1: *If an equality impact assessment **is required**, please complete questions 1-3 in the following section and send this part-completed form to the panel along with any relevant background documentation about the policy at least one full week prior to the EIA meeting. This should include the draft policy and any supporting data or relevant papers.*

Note 2: *If an equality impact assessment **is not required**, please send this screening section of the form to ESIA@britishcouncil.org.*

EQUALITY IMPACT ASSESSMENT

PART A: *This section is to be completed before the EIA panel meeting and sent at least one week in advance to the panel along with the policy and other relevant documents.*

TITLE OF POLICY:	2 Policies – Disciplinary and Managing Underperformance
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(Take as much space as required under each heading below)

1. Please summarise the purpose of the policy, the context in which it will operate, who it should benefit and what results are intended from it.

These policies give clarity on how employee concerns may be raised and set the minimum global standards by which they will be managed (local legislation permitting).

The Disciplinary policy sets out how issues of misconduct will be addressed. Issues arising from concerns raised by employees may be addressed under the Disciplinary policy so it is helpful to see this procedure together with Bullying and Harassment and Grievance procedures.

Managing Underperformance sets out how continued failure to meet performance or behavioural standards will be addressed.

These are global policies, applicable to all employees and restate/make clear expected standards and how non-compliance will be addressed

2. Please explain any aspects of the policy you've been able to identify that are relevant to equality. This will contribute to the equality-focused discussion the panel will have.

The Bullying and Harassment policy has previously been to ESIA and is being presented here, again, so it can be seen together with the other policies.

Equality issues are more likely to be evident in the application of these policies, particularly if this is disproportionate to certain groups. To mitigate this it is intended that there is monitoring and review of the application of each of the policies.

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- 3. Please outline any equality-related supporting data that should be considered. This could include consultation with Trades Union Side or staff associations, equality monitoring data, responses from staff surveys or client feedback exercises, external demographic and benchmarking data or other relevant internal or external material.**

These policies have been drafted following review of UK good practice guides (ACAS). Consultation will be undertaken with the Trade Union.

We have very little internal monitoring data as these areas are not formally monitored and recorded. We do know from staff survey data that colleagues do not feel confident in speaking up.

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PART B: *This section captures the notes of the Equality Impact Assessment panel meeting.*

TITLE OF POLICY³:	2 policies – Disciplinary and Managing Underperformance
DATE OF EIA PANEL MEETING:	Thursday 2nd August 2018

1. Please list the names, roles/business areas and geographical location of the panel members. If contributions have been received in writing by people who could not attend please list their details too and note 'input in writing' by their name.

Chair: Fiona Bartels-Ellis, Head of Equality Diversity & Inclusion
Nita Bewley – Programme Manager, HR Policy and Advisory Services (Policy Owner)
Simon Ellis – Head of Crisis
Javed Iqbal – Global Head, Digital Performance and Governance,
Peter Hoult – Head of Employee Relations, East Asia
Esther Hay – Branch Secretary for PCS
Martin Akube – English and Exams
Dana Kaufman Geller – HRBP, Wider Europe
Rob McChesney – HRBP, UK
Chris McLean – International Postings Lead (Note taker)

2. Summarise the main points made in the discussion, noting which documents were reviewed. Note any points relating to clarity/quality assurance as well as points relating to equality issues.

The Chair introduced the meeting and confirmed the Panel will be reviewing the Managing Underperformance Policy and the Disciplinary Policies. The Chair highlighted that these are very high stake policies and, referring back to the 3 policies looked at during the first meeting, there are key elements shared across all the policies. The Chair checked with the Panel their understanding of the background to the policies, from the previous ESIA where the first 3 of the 5 policies had been reviewed.

The Chair confirmed that in reviewing these policies the Panel should keep in mind two equality aspects; firstly, any potential for negative impact and secondly opportunities to promote equality/inclusion. The Chair also reminded the Panel of the need to be mindful of how points are phrased and consider how this may impact in different cultural contexts, for example, the power dynamics of references to seniority. The Policy Owner confirmed she was also interested in the broader improvement of phases/language, and comments around this were welcomed.

It was confirmed that this is an opportunity to have a level of standardisation across all the policies, which helps with accessibility, familiarity and understanding. The policies supported by procedures and guidance will help promote equality in general.

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The Panel were reminded that there were, necessarily, differences in each policy.

The Policy Owner informed the Panel that managing sickness absence is missing from these policies and has not been reviewed. Any review of this policy would be undertaken by Andrew Spells.

A member of the Panel asked if there was any recorded equality data on underperformance. The Chair commented that our staff survey results and feedback tell us that as an organisation, we do not manage performance well and the process appears to be harsher on more junior colleagues.

It was highlighted that there is a data gap in the organisation, i.e., how many people are on a Performance Improvement Plan (PIP) and from which business areas. Performance ratings data shows that some EO groups get lower performance ratings. The Panel felt that having data is important in terms of promoting equality and mitigating negative impact and would look for opportunities to factor data into and inform the policy.

One Panel member commented that the policies may cause concern, some managers may need support and training in terms of understanding when it may be appropriate to take action. It could lead to some areas not being managed correctly, in line with the policy, or the management of performance being passed to other more senior managers to manage.

It was felt that all policies need to be simple and easy to understand and actions may need to be taken to ensure responsibilities are properly understood. It was suggested that the Guidance should provide clarity on when to address performance concerns.

It was also commented that there is a need for all colleagues to understand that we are growing a culture to tackle under performance and it is important to bring colleagues together in regions so they can understand the policy fully; the guidance and procedures can support this through conversations. It was highlighted that people respond well to hearing about case studies and that training is paramount to making these policies work in region.

It was commented that in East Asia, the performance policy is well understood, particularly in the teaching centres.

ACTION: Liaise with Performance Management policy owner to ensure the Performance Management policy incorporates the requirements and expectations of effective performance management.

ACTION: Ensure Guidance document gives clarity on when action should be taken

Managing Underperformance Policy

The Chair guided the Panel through each of the sections of the Policy asking the Panel to comment on anything that may have a negative impact on Equality or could be an opportunity to promote or strengthen areas of equality.

Purpose

ACTION: Add '**And/Or**' to 'To maintain high levels of organisational performance by setting out how individual performance which continues to fall below required performance **and/or** behavioural standards will be formally addressed'.

Scope – no comments

Definitions

The Chair asked the Panel whether they thought there should be definitions around what might be considered underperformance within the policy and the feedback was that it would be difficult to list all possibilities but the panel recognised that people like to be given examples to help them decide what constitutes underperformance. However, it was highlighted that if there was a detailed list, some people refer to it and when the underperformance is not listed, they may say it is not relevant.

A panel member commented that managing underperformance presumes that performance is currently being managed or implies that performance has not been managed to that point. A suggestion was made to have a definition here as this would give clarity of when the policy would start. It was highlighted that Underperformance has subjectivity, as we are allowing managers to use their own judgement in managing performance.

It was suggested that some form of definition is considered since this would provide clarity, which is important from an equality aspect.

ACTION: Consider adding 'This policy applies after performance has been managed and training and support provided.'

Principles

ACTION:

- Add access to support, including reasonable adjustments

Global Minimum standards

Point 6

The Chair suggested this point should be reviewed as the provision of a minimum of 4 weeks to improve performance might have an equality impact on those working flexible patterns.

It was discussed that 4 weeks is not long for the improvements to take place, but there is no maximum detailed. A panel member said the time that might be needed, i.e. adjustments to be made and improvements over that time, would depend on the issue. A panel member confirmed that training, adjustments etc would need to be given, which then may take up to 2 months. The Policy Holder confirmed that the policy would start after all the support had been provided. A panel member then highlighted that it would not be good for the individual to have a further period of scrutiny and also a prolonged process for the organisation. The training and support mechanisms should have already been undertaken before this process is instigated.

A question was raised about managing performance ratings of 4, where it could take time for performance improvements. The Policy Owner confirmed this policy is not about managing underperformance and is not linked to performance management ratings. There should be reasonable time for improvement and some form of review which is, ideally, agreed.

ACTION: Clarify 'minimum time' in relation to those working flexibly

ACTION: Consider re-wording 'reasonable' time to 'appropriate time and support'

Point 8

The Policy Owner confirmed that the managing underperformance policy is separate from the Performance Management policy but there is a link. Point 8, negates the need for an end date, but to have at least 4 weeks, with regular checks. The Chair confirmed with the panel that no one is challenging the 4 week period, but there is a need to make sure we are clear on what we mean.

ACTION:

- Point 8 – Consider re-phrasing 'minimum once a week' in consideration of those working flexibly

Point 10

ACTION: Point 10 – Add 'at any stage' plus add 'performance **and/or** behaviours'

Point 11

The phrase 'action plan' refers to the Performance Improvement Plan (PIP). Consider whether it should read PIP.

ACTION: Consider whether the wording should be 'improvement plan' rather than 'action plan'.

A question was raised about enabling flexibility for those who might be in the 'wrong' role to change jobs. One suggestion was to add the word 'normally or usually' The Policy Owner confirmed this should not be usual practice but an exception and what is stated needs to be the general message.

A panel member commented that the point is referring to the persons 'right to apply'. Consider changing to 'should not normally' be eligible. Support for the 'normally' but Policy owner to consider.

ACTION: Consider revising the wording to 'should not normally' be eligible.

Point 12

The Chair raised a question about what this point meant. The panel agreed that this meant prompt action to manage the plan.

The Chair asked for comments on Points 13 – 20

Point 17

A panel member highlighted the need to separate Unions and Staff Associations when referencing who had received training. The policy owner acknowledged this as an action from the first ESIA meeting, and the need to update all the policies with this change.

There were discussions about re ordering some of points; Point 18 – Point 16 comes in the middle, and 15 and 18 should be closer together.

The Disciplinary policy asks for the name of the companion, but does not ask for their role. Since there is a need to approve the person, the policy should ask for the role of

the person and this should be applied to all policies.

ACTIONS:

Consider re-ordering some of the bullet points to aid clarity. Points 15 and 18 should be closer together, as should 18 and 16.

Point 18: consider including name and role of companion.

Point 19,20

ACTION: The Chair commented that some of the wording used was very legalist words, which could be intimidating and suggested some re-phrasing.

Point 22

ACTION: This point should read 'unreasonable'.

Point 25

The Panel felt that the word 'not' fulfilling should be added here. Consider re wording to say unsatisfactory progress against the action plan. there is also mention of a 'set' period, for consistency this should read 'within the agreed period'.

A panel member asked the group if this global minimum standard was clear and whether it should be referenced in the disciplinary policy. The Policy Owner confirmed that once the definitions have been added, it would be clearer to show.

It was highlighted that dismissal on the grounds of a disciplinary offence is different to underperformance, but the process is the same.

ACTION: Reword this point to say 'Unsatisfactory progress in fulfilling the improvement plan will usually result in a final written warning. Continued underperformance or lack of sufficient [progress during the agreed period will lead to dismissal.

Point 28

ACTION: add '.....the right of appeal'

Roles and Responsibilities

Employees are responsible for:

ACTION: Add to final bullet 'to constructively' address the areas of concern

It was suggested that the sections should be re-ordered with 'Managers' appearing before 'Employees' It was also suggested that the terminology should be consistent and we us 'improvement plan', rather than action plan.

The Chair confirmed that the panel spoke earlier in the meeting regarding line managers not having the right skills to implement a PIP.

A member of the Panel proposed that there is an amendment to say line managers would work with HR in addressing performance. Another panel member challenged this view as HR is then being drawn into performance management, rather than advising on these situations.

The Chair felt it was important point to recognise matrix management, where the line manager is not in a central role.

ACTION: Consider re-ordering the sections so that 'Managers' appears before 'Employees'.

Use the terminology 'improvement plan rather than 'action plan'.

Add to guidance notes managing performance in a matrix management situation

Sources of Support

ACTION: Consider adding EAP to this section.

Managing Underperformance - Procedure

ACTION: Under 'Formal Procedure' Consider adding '**and taking evidenced action**' to support the need to demonstrate the plan.

Performance Improvement Plan

ACTION: Look at language/consistency of terminology the section is entitled 'Performance Improvement Plan' whereas 'action plan' has previously been used.

ACTION: Consider changing 'action plan' to '**Improvement Plan**' to be consistent.

ACTION: Consider adding 'should the performance not be sustained for a *reasonable time*'. It has not been specified, but should we be transparent.

ACTION: look at ordering and the headings. Should the headings mirror the bullet points to aid clarity?

Failure to achieve required standards

The Chair felt this part was unclear and needs to be revisited. It should include a sentence on what happens if standards are met, e.g. 'At the point at which improvement is achieved, normal performance process will apply' to ensure standards are maintained.

A panel member asked about possible outcomes if an individual does not make sufficient progress. The panel discussed the three possible outcomes – the individual has progressed to the required standard, has not made any progress, or is currently making progress, but is not yet at the level required, so the manager may want to extend monitoring the period.

ACTION: Consider splitting into the following areas:

- Performance reached
- Performance improved – but extension required.

- Not achieved – no/insufficient improvement.

ACTION: Consider re-phrasing the paragraph and re positioning.

Conducting the meeting

ACTION: Consider adding ‘..... may not respond.....without their permission.’

A question was raised about what might be considered a ‘reasonable’ opportunity to consider any new information. The Policy Owner confirmed if there were no investigations or new information, it may be possible to reach a conclusion within half an hour. However, if there is new information, this may require further investigation, and would take longer. It was decided by the panel that the definition of reasonable should be decided by the manager.

The Chair highlighted some phrases that were formal in the section such as ‘adjourn the meeting’, and ‘decision making and penalties.’

ACTION: Re ordering of content will help – decision making and penalties could be included into the 3 bullet points on the outcomes.

A Panel member asked if line managers might need help writing a PIP and standardising the document to reduce subjectivity.

ACTION: Consider referring to the standard PIP template and adding a link. This would support standardisation and ensure the performance system/tools are linked.

There was discussion around whether to include a ‘chaperone’ under who might accompany an employee. For example, in Libya, for a female colleague, having a meeting hosted by 2 men. The Chair confirmed this was a good point to raise and this could be addressed in adjustments.

The Chair confirmed that any other equality impacts should be addressed to the Policy Owner.

Disciplinary Policy

Scope

A panel member asked if this policy can be applied globally. The policy owner confirmed that there are different legal jurisdictions and it may be necessary, in some countries, to have variations.

Definitions

A question was asked about people who are working for the organisation but are not employees and whether this policy applies to them. It was confirmed that in these situations the handling of performance is undertaken by the contracting company and not us. It was added that the outsourced company should have standards of behaviours (which relate to our code of conduct) and these apply.

ACTION: Add ‘local legislation’ and ‘all employees’ so that it is clear to whom the policy applies and alerts people that there may be different legislative requirements.

ACTION: Under the bullet points delete Bullying by another ‘employee’ Consider

taking out employee.

The Chair raised a concern about the phrase 'Serious insubordination' which could be perceived as archaic. The Panel did not have a view on this.

The Chair commented that there is no reference to criminal charges within this section, but it is referred to elsewhere in the policy. It was discussed that usually charges are outside of the workplace and the Policy Owner confirmed it is referenced in the guidance Point 2, but not in the policy because it is outside work, but could have reputation impact.

There were some concerns over the wording of 'Investigation, charge or conviction' but a panel member confirmed that any organisation would reserve the right to take action.

Principles

It was agreed by the Panel that support, EAP and adjustments are really important to have listed. It was commented that it should be clear that EAP is there for emotional support not advice on policy.

ACTION: Consider moving EAP to support section and saying EAP is for emotional support.

Standards

Point 2

ACTION: To add: To establish '**as far as possible**' the fact

Point 4

ACTION: Consider saying '**where appropriate**' because depending on the location or the level of misconduct it may or not be possible to have 2 different people i.e. in smaller offices fewer people are available but in cases of gross misconduct we would want different people carrying out the investigation and making the decision.

Point 5

ACTION: Take out the words '**with pay**' and consider saying a cautionary suspension will be under review.

Point 7

ACTION: consider adding employees will be informed verbally and in writing

Point 12

A panel member felt this point was unclear. The panel discussed that normally this meeting is a fact finding/investigative meeting which would then determine the need for formal disciplinary action.

ACTION: It was suggested that the point be re-phrased 'At the meeting the reasons for considering disciplinary action and the evidence gathered will be explained' is confusing, to include 'be considered/presented/discussed'

Point 18

A panel member highlighted that this point could be confusing.

ACTION: It was suggested that this point is re-phrased 'Misconduct will usually result in a first written warning. Further misconduct or failure to improve during the warning period will lead to a final written warning'.

Point 20

ACTION: This point explains point 18 to an extent, so consider combining this point with point 18.

Point 22

ACTION: State the right to appeal.

Roles and responsibilities

ACTION: Change final bullet point under 'Managers are responsible for' to Ensuring any decision to convene a panel or suspend are in line with the 'necessary approvals'

Conclusion

The Chair asked if all panel members had an opportunity to raise all the equality issues they wished to raise. The policy owner advised she is happy to receive further comments, in writing by the end of the following week.

All panel members were thanked for a constructive discussion. The Chair closed the meeting.

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3. **Capturing information about the protected groups/characteristics** - Based on the notes of the discussion (section above), record here any potential for negative impact identified and any opportunity to promote equality, inclusion and good relations.

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
Different ages (older, middle-aged, young adult, teenage, children; authority generation; vulnerable adults)	See general comments above	See general comments above
Different dependant responsibilities (childcare, eldercare, care for disabled and/or extended family)	Covered under general comments above	Covered under general comments above
Disabled people (physical, sensory, learning, hidden, mental health, HIV/AIDS, other)	Covered under general comments above	Covered under general comments above
Different ethnic and cultural groups (majority and minority, including Roma people, people from different tribes/castes/clans)	Performance ratings are lower for minority ethnic staff, this may impact on numbers impacted through managing underperformance	Covered under general comments above
Different genders (men, women, transgender, intersex, other)	Covered under general comments above	Covered under general comments above
Different marital status (single, married, civil partnership, other)	Covered under general comments above	Covered under general comments above
Different political views or community backgrounds (particularly relevant to Northern Ireland)	Covered under general comments above	Covered under general comments above
Pregnancy, maternity, paternity and adoption (before/during/after)	Covered under general comments above	Covered under general comments above
Different or no religious or philosophical beliefs (majority/ minority/ none)	Covered under general comments above	Covered under general comments above

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Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
Different sexual orientations (gay, lesbian, bisexual, heterosexual)	Covered under general comments above	Covered under general comments above
Additional equality grounds (such as full-time/part-time working, language, geographical location, other ⁴)	Time frames for reviewing underperformance may be shorter	Covered under general comments above
British Council values (valuing people, creativity, integrity, mutuality, professionalism)	Covered under general comments above	Covered under general comments above

Action identified by Panel	Agreed by Policy Owner (Yes/No)	Justification if not agreed	Date to be implemented	Confirmation of implementation
1. Liaise with Performance Management policy owner to ensure the Performance Management policy incorporates the requirements and expectations of effective performance management.	Yes - a review of PM is taking place and a core part of this is to ensure that the requirements and expectations of effective PM are clearly stated		To be confirmed	
2. Ensure Managing Underperformance Guidance document gives clarity on when action should be taken	Guidance is still to be drafted – policy has been reworded to make it clearer as to when it applies – See ‘Definitions’ below		March 2019	

⁴ Any other categories people share that might impact on how the policy affects them.

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<p>3.Managing Underperformance Policy</p> <p>Purpose: Add 'And/Or' to 'To maintain high levels of organisational performance by setting out how individual performance which continues to fall below required performance and/or behavioural standards will be formally addressed'.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>4.Definitions</p> <p>Consider adding 'This policy applies after performance has been managed and training and support provided</p>	<p>Partial – wording has been amended to take into consideration that the policy is only applicable once performance has been addressed through the PM route</p>		<p>March 2019</p>	
<p>5.Principles</p> <p>Add access to support and reasonable adjustments</p>	<p>No</p>	<p>This is included in the 'Minimum Standards'. The Principles are intended to cover all policies and are not specific to an individual policy</p>		
<p>6.Global Minimum standards</p> <p>Point 6</p> <p>Clarify 'minimum time' in relation to</p>	<p>Yes – timeframe is now in working days so that it is consistent for those working full-time and flexibly</p>		<p>March 2019</p>	

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those working flexibly Consider re-wording 'reasonable' time to 'appropriate time and support'	Yes – wording amended as suggested			
7.Global Minimum standards Point 8 – Consider re-phrasing 'minimum once a week' in consideration of those working flexibly	Yes – change to say 5 working days		March 2019	
8.Global Minimum standards Point 10 – Add 'at any stage' plus add 'performance and/or behaviours'	Yes – now Point 9		March 2019	
9.Global Minimum standards <u>Point 11</u> Consider whether the wording should be 'improvement plan' rather than 'action plan'. Consider revising the wording to 'should not normally' be eligible.	Yes – consistent use of 'improvement plan' – Now point 10 Again, now point 10 – No change - the policy remains that those under an improvement plan are ineligible to apply for roles.	At this stage the process is formal, alternatives should have been explored earlier. Any agreement to allow applications would be an exception	March 2019	

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10. Consider re-ordering some of the bullet points to aid clarity. Points 15 and 18 should be closer together, as should 18 and 16.	Yes		March 2019	
11. Point 18: consider including name and <i>role</i> of companion. This should be applied to all policies.	Yes		March 2019	
12. Points 19,20 Some of the wording used is very legalistic, which could be intimidating, consider some re-phrasing.	Documents reviewed and wording amended		March 2019	
13. Point 22 This point should read 'unreasonable'.	Yes – this is now point 21		March 2019	
14. Point 25 Reword this point to say 'Unsatisfactory progress in fulfilling the improvement plan will usually result in a final written warning. Continued underperformance or lack of sufficient [progress during the agreed period will lead to dismissal.	Partial – for clarity the wording has been amended. Rather than 'Unsatisfactory progress' the wording is 'limited progress'. Remainder of sentences is as suggested. Now point 24		March 2019	
15. Point 28 add '.....the right of appeal'	Yes – Now point 27		March 2019	
16. Employees are responsible for:	Yes		March 2019	

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Add to final bullet 'to constructively' address the areas of concern				
<p>17. Consider re-ordering the sections so that 'Managers' appears before 'Employees'.</p> <p>Use the terminology 'improvement plan rather than 'action plan'.</p> <p>Add to guidance notes managing performance in a matrix management situation</p>	<p>Yes – first 2 points accepted.</p> <p>Guidance notes under development, matrix management will be included</p>		<p>March 2019</p> <p>Guidance Notes – July 2019</p>	
<p>18. Sources of Support</p> <p>Consider adding the EAP to this section.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>19. Managing Underperformance Procedure</p> <p>Consider adding 'and taking evidenced action' to support the need to demonstrate the plan.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>20. Performance Improvement Plan</p> <p>Look at language/consistency of terminology the section is entitled 'Performance Improvement Plan' whereas 'action plan' has previously</p>	<p>Yes – documents reviewed for consistency of terminology</p>		<p>March 2019</p>	

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been used.				
21. Performance Improvement Plan Consider adding 'should the performance not be sustained for a <i>reasonable time</i> '. It has not been specified, but should we be transparent.	No	This is one of 3 outcomes to the improvement plan so the improvement would have to have been sustained throughout the period of the plan. If there is a subsequent lapse then there needs to be a discussion with HR about next steps.		
22. Performance Improvement Plan Look at ordering and the headings. Should the headings mirror the bullet points to aid clarity?	Yes – section has been re-written		March 2019	
22. Failure to achieve required standards ACTION: Consider splitting into the following areas: <ul style="list-style-type: none"> • Performance reached • Performance improved – but extension required • Not achieved – no/insufficient improvement Consider re-phrasing the paragraph	Yes – section rewritten		March 2019	

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and re positioning.				
23. Conducting the meeting Consider adding '..... may not respond.....without their permission.	Yes		March 2019	
24. Conducting the meeting Re ordering of content will help – decision making and penalties could be included into the 3 bullet points on the outcomes.	Yes – Content re-ordered and re-written		March 2019	
25. Conducting the meeting ACTION: Consider referring to the standard PIP template and adding a link. This would support standardisation and ensure the performance system/tools are linked.	Yes – this has now been included in the section of Performance Improvement Plan		March 2019	
26. Disciplinary Policy Definitions Add 'local legislation' and 'all employees' so that it is clear to whom the policy applies and alerts people that there may be different legislative requirements.	Yes		March 2019	

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<p><u>27. Disciplinary Policy</u></p> <p>Definitions</p> <p>Under the bullet points delete Bullying by another '<i>employee</i>' Consider taking out employee.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>28. Principles</p> <p>Consider moving EAP to support section and saying EAP is for emotional support.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>29. Standards <i>Point 2</i></p> <p>To add: To establish 'as far as possible' the fact</p>	<p>Yes – Now Point 1</p>		<p>March 2019</p>	
<p>30. Standards Point 4</p> <p>Consider saying 'where appropriate' because depending on the location or the level of misconduct it may or not be possible to have 2 different people i.e. in smaller offices fewer people are available but in cases of gross misconduct we would want different people carrying out the investigation and making the decision.</p>	<p>Yes</p>		<p>March 2019</p>	

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<p>31. Standards Point 5 Take out the words 'with pay' and consider saying the suspension will be under review.</p>	<p>Yes – Now point 3</p>		<p>March 2019</p>	
<p>32. Standards Point 7 Consider adding employees will be informed verbally and in writing</p>	<p>No</p>	<p>It is a formal process and the reasons for taking it need to be set out clearly. It is not appropriate to do this verbally</p>	<p>March 2019</p>	
<p>33. Standards It was suggested that the point be re-phrased 'At the meeting the reasons for considering disciplinary action and the evidence gathered will be explained' is confusing, to include 'be considered/presented/discussed'</p>	<p>Yes – this has been re-worded – Point 14</p>		<p>March 2019</p>	
<p>34. Standards Point 18 It was suggested that this point is re-phrased 'Misconduct will usually result in a first written warning. Further misconduct or failure to improve during the warning period will lead to a final written warning'.</p>	<p>Yes</p>		<p>March 2019</p>	
<p>35. Standards Point 20</p>	<p>Yes</p>		<p>March 2019</p>	

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This point explains point 18 to an extent, so consider combining this point with point 18.				
36. Standards Point 22 State the right to appeal.	Yes		March 2019	
37. Roles and responsibilities Change final bullet point under 'Managers are responsible for' to Ensuring any decision to convene a panel or suspend are in line with the 'necessary approvals'	Yes		March 2019	

4. Agreed actions - *Insert additional rows for more action points and number these.*

5. Sign off by policy owner

I confirm that the policy has been amended as identified in the **Agreed actions** table above.

If the policy has an impact on people or functions in Northern Ireland, I confirm Annex A has also been completed.

Nita Bewley (Name) Head, Global Employee Relations (Role)

17 April 2019 (Date)

6. Record keeping

The Policy Owner (or their agent) must email the completed ESIA form to ESIA@britishcouncil.org.

POLICIES WITH AN IMPACT IN NORTHERN IRELAND

In accordance with the Guide for Public Authorities, policies which have a MAJOR impact on equality will share some of the following factors:

- they are deemed to be significant in terms of strategic importance;
- the potential equality impacts are unknown;
- the potential equality and/or good relations impacts are likely to be adverse or experienced disproportionately by groups who are marginalised or disadvantaged;
- the policy is likely to be challenged by a judicial review;
- the policy is significant in terms of expenditure.

Policies which have a MINOR impact on equality will share some of the following factors:

- they are not unlawfully discriminatory and any residual potential differential impact is judged to be negligible;
- aspects of the policy are potentially unlawfully discriminatory but this possibility can readily and easily be eliminated by making the changes identified in the action points at Section 4;
- any differential equality impact is intentional because the policy has been designed specifically to promote equality for particular groups of disadvantaged people;
- by amending the policy there are opportunities to better promote equality, inclusion and/or good relations.

Policies which have NO impact on equality will share some of the following factors:

- they have no relevance to equality, inclusion or good relations;
- they are purely technical in nature and have no bearing in terms of the impact on equality, inclusion or good relations for people in different equality groups.

For policies impacting on people or functions in Northern Ireland, you must identify whether any of the issues identified by the EIA panel in the table at Section 3 are likely to have a MAJOR, MINOR or NO impact on equality. This consideration must be given to all the items listed in the table at section 3 whether they have potential for negative impact or the opportunity to promote equality, inclusion and good relations.

Equality categories	Negative/Positive impact on equality, inclusion or good relations		
	NO	MINOR	MAJOR
Age			
Dependants			
Disability			
Ethnicity			
Gender			
Marital status			
Political opinion			
Religious belief			
Sexual orientation			

If the answer to the above questions is NO, no further action is needed.

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If MINOR impact is identified and the actions listed at Section 4 will address this, no further action is needed. Where the actions listed at Section 4 will not sufficiently address the impact, additional measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations should be considered. If mitigating measures and/or an alternative approach cannot be taken then the policy should be subject to full Equality Impact Assessment (EQIA) aligned to Northern Ireland's equality legislation.

If a MAJOR impact is identified in any of the answers above then the policy should be subject to full Equality Impact Assessment (EQIA) aligned to Northern Ireland's equality legislation.

For guidance on completing full EQIA aligned to Northern Ireland's equality legislation, see <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>.

A member of the Diversity Unit should be involved in any EQIAs that take place.

RECORD OF DECISION AND SIGN OFF BY POLICY OWNER: *(please delete 2 of the following statements)*

I confirm that a full EQIA is needed and that I will refer to the Guide for Public Authorities and the Diversity Unit for support in carrying this out.

or

I confirm that a full EQIA is not needed, providing all the Agreed actions at Section 4 and/or other noted mitigating actions are carried out.

Note other mitigating actions that are not listed at Section 4 here _____

or

I confirm that a full EQIA is not needed and no further action needs to be taken.

Signed by:

_____ (Name) _____ (Role)

_____ (Date)

RECORD KEEPING

The Policy Owner (or their agent) must email the completed ESIA form to ESIA@britishcouncil.org.