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 practices[1] 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,

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[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.

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.**

EQUALITY SCREENING

POLICY[2] DETAILS – *Please complete*

Title of policy	3 Policies – Appeals, Bullying and Harassment, and Grievance.
Name of policy owner	Nita Bewley
Intended implementation date	August 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 polices 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.

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[2] 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.

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

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

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 <u>is required</u>

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:	3 Policies – Appeals, Bullying and Harassment, and Grievance.

(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.**

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

ECNI approved ESIA form

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

TITLE OF POLICY[3]:	3 Policies – Appeals, Bullying and Harassment, and Grievance.
DATE OF EIA PANEL MEETING:	28th June 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,
> Chika Idoko - Resourcing & Workforce Planning Manager, SSA
> Peter Hoult – Head of Employee Relations, East Asia
> Pooja Malhotra – Head of HR SSC
> Esther Hay – Branch Secretary for PCS
> Ela O'Shea – HR Advisor Arts
> Martin Akube – English and Exams
> Chris McLean – International Postings Consultant (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 summarised the reasons for conducting the ESIA. The majority of the panel were experienced in the ESIA process. The Chair reminded everyone of the importance of looking at the documentation with a view to minimising negative impact, identifying opportunities to promote equality, as well as looking more deeply and proactively at what is being proposed to make sure it does not negatively impact protected equality characteristics.
>
> The Chair confirmed that in reviewing the policies the Panel should: scrutinise each policy to ensure that there is no potential negative impact or unjustified discrimination
> and look for opportunities to promote equality.
>
> The Impact Assessment should help to strengthen the policies and promote equality including with reference to the protected characteristics.

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[3] 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.

The meeting would not look at editing/drafting of the documents and any comments relating to these should be sent to the Policy Owner by Friday 6 July. The Chair referred to the equality areas and the protected characteristics and confirmed that as we have experienced colleagues as part of the Panel, we would not be going through each of these separately but to hold these in mind when reviewing the policies.

The Chair confirmed that there are 5 policies and procedures to be reviewed and based on current priorities we will focus on the following 3 policies at this stage:
1. Bullying & Harassment
2. Grievance
3. Appeals

Guidance to support the policies and procedures are under development and this will be shared for comment.

The policy owner highlighted that the process of taking issues/complaints through the line has been maintained apart from in Bullying and Harassment procedures because these issues may be more difficult to raise within the line.

The Chair asked the panel members whether they had any questions or clarifications before starting.

Comments

The Panel raised concerns that some of the timelines may cause issues and the policies may need to be clearer. An example was given on the appeals policy, where the process may need to be undertaken more quickly. There was discussion about how quickly the response should be but also the need to be realistic about the organisations ability to respond quickly.

Information was provided on the introduction of a confidential hotline, which is currently being introduced to enable people to raise issues through a confidential channel. There was clarity given that this service would enable people to raise concerns which they may not feel able to do in other ways and with anonymity to encourage people to come forward to raise them.

A point was made regarding the data captured about issues raised not being accurate, and the need for a single entry point. Setting up a hotline of this kind will help capture the required data.

The Chair confirmed that the Bullying & Harassment policy had already been through ESIA previously and the reason it was being brought back to the Panel was to make sure we have an alignment and distinctiveness across all the policies. The policies now have familiar headings and follow a similar order. The Panel needs to now comment on the content of the policies.

ESIA form - Part A

The Chair highlighted that it is often the application of policies which causes issues and not the actual policy. It was also highlighted that the Panel needs to take account and recognise the global operating environment and that these are global policies.

Purpose

The Chair asked the Panel to comment on the purpose statement in each policy. The Chair commented that this was a positive purpose and to review and say if they had any concerns of negative impact.

No concerns were raised with regard to the purpose of each policy. A panel member, however, raised the following overall questions for discussion:

1. Should investigations be completed within the management line or outside the line to ensure transparency.
2. The timeframe needs to be addressed as some issues would need more time, and we should not be too rigid.
3. There needs to be training for people who are handling investigations. Union Representatives have training but colleagues accompanying employees are not necessary trained.

Point 1

The Policy owner clarified that our underlying principle is to be independent, unbiased and the aim is to resolve the issues informally. This is not in the policy but in the procedures and principles.

The Chair asked the Panel if they thought there should be a specific principle and if this would help promote equality and mitigate negative impact.

The Panel felt that the approach is covered in the minimum standards and is implicit in the existing principles so did not need to be added as a further Principle

Outcome: The Chair confirmed, on balance the view was that it was unnecessary to add a further principle relating to investigations being investigated outside of the management line.

Page 3 Bullying & Harassment - Procedure

The Chair commented that it was good there was reference to appointing an external investigator.

There was a suggestion that we should have a pool of independent people who deal with investigations. Another Panel member thought that resolution should be kept with line managers as fairness and equality comes about from managers being responsible for the process. The overall aim is to resolve issues with the support of line managers informally and quickly.

The Chair confirmed that these comments are very relevant and we have the policy and the guidance, but it's the application of these that are the issue, so the guidance should try to address the culture of the organisation.

Page 3. Point 11 of the Bullying and Harassment policy

It was discussed that often the pressure is on the individual to identify how they might want an issue managed, which does not feel right and we should be aware of the power dynamics in this situation.

It was suggested that the wording in Point 11 is amended.

Action: Amend wording in Point 11 to 'The manager with whom the complaint is raised must discuss this with the employee and explore how the issue might be best managed'.

The Chair supported the comments about training and stated that nurturing a culture of speaking up about concerns is important. It was observed that there is a problem with giving and receiving feedback, particularly in the UK, and other cultures around the world.

Bullying and Harassment Procedure – Informal Resolution

It was suggested that the wording could be strengthened by offering support from any ' manager' not just your 'line manager' with potential positive equality impacts due to potentially greater independence and choice.

Action: Amend wording under Informal Resolution to reference 'any manager' rather than 'the line manager'.

A question was raised about what training is available to managers to support them in dealing with information and issues raised. It was commented that managers would be expected to seek advice and support from HR, if they are uncertain.

Timelines

There was discussion with respect to the timescale of 2 days within which to acknowledge issues raised. One concern included, managers not being able to comply because they were travelling or, on leave.. The panel discussed the issue and agreed that the majority of cases (80/90%) could be acknowledged within this time frame.

Further comments included the suggestion that the time frames should be the same across all 3 policies and that this would ensure consistency. The timeframes would help drive a culture of prioritisation and the need to take such concerns seriously and in a timely manner in support of EDI principles

There was a comparison of timeframes across all the policies and it was agreed that these were consistent and needed to be realistic.

The Chair supported these comments and added that a timeframe is important, specifically in reference to postponement of meetings otherwise it may result in people putting off meetings and delaying the process. Having standard consistent timeframes is an opportunity to promote equality and reduce time delays. Not having these may affect people who have pressures in life, mental health, pressures at home, and dependent responsibilities. Colleagues, who have a reason to raise issues, may be vulnerable. Timeframes are an action to promote equality and potentially mitigate negative impact.

Further comments on the hotline suggested an added benefit and opportunity to have data and records about time taken to manage issues.

Bullying & Harassment Policy - Page 3, point 10

A concern was raised about the wording of point 10. Complaints *must* be raised as soon as possible with a manager, member of HR or a Trade Union/Staff Representative and preferably followed up in writing'. It was highlighted that some issues require a great deal of courage to raise. The word 'must' should to be replaced with the word 'should' as it could be seen more sensitive depending on the issue being raised.

Action: Bullying and Harassment Policy – point 10. Replace the word '**must** be raised as soon as possible with '**should** be raised as soon as possible'.

Timelines continued

There was discussion on the timescale set for meeting with an individual and whether within 10 days of an investigator being appointed is appropriate. The panel discussed this and agreed that as the investigator needs to gather information; set up the meeting with the individual making it shorter could be unrealistic. There are also other factors such as traveling to countries which could have an impact, but this should be an exception. It was mentioned that the guidance says *within* 10 days, so this could be done earlier, and would also promote equality.

A suggestion was made about keeping colleagues up to date at all times, and adding this to the guidance.

Action: Include within Guidance the need to ensure the employee is regularly updated on progress.

It was highlighted that the days in between acknowledging receipt of the concern/issue to the appointment of the investigator has not been accounted for in the timeframes. There were concerns raised that this needs to be clearer and there was a suggestion that it should be 10 days from start to finish. The panel felt that there needed to be a clearer timeframe for this period, but also a realistic one, and putting a period here will drive behaviours. An example was given where one recent case took 1 1/2 weeks to appoint an investigator. It was highlighted that this is a crucial point in the process and one which could slip. It was commented that having a timeline would be in line with our values and mutuality. It would support some equality groups such as people who suffer with anxiety or stress and will help in resolving the issue in a timely fashion.

There was a suggestion that the timeframe could be the appointment of an investigator within 10 days of receipt of the complaint. Other comments were that there are a number of characteristics which may need to be considered when appointing an investigator and reducing the timeframe to do this, would impact getting the right person; fewer days may not be realistic and achievable.

Action: Consider inserting a time period for receipt of the concern/issue and the appointment of an investigator. It was suggested this could be '**within'** 15 days and as soon as possible.

Postponement

Comments were made in relation to the postponement of a meeting by no more than 5 working days to enable an employee to be accompanied' and whether this

promotes equality. There were concerns that some colleagues may use this as a means to delay meetings. It was, however, highlighted that when you have an allegation made against you, there is a need to resolve the issue quickly. There were further comments that the organisation works in weeks and it was suggested that if the timeframe was changed to 6 or 7 days, then this could break the prevalent thinking and accommodate part time colleagues. This would be an opportunity to promote equality in relation to different working patterns.

A further point was that the words 'working days' could be interpreted as over a 2 week period if the person is part time.

Action: Consider revising the time allowed for a postponement of a meeting to 7 working days.

Reasonable Adjustments

There was discussion about types of reasonable adjustments and that these did not relate only to disability. It was highlighted that the Procedures documents referenced, for example, language translation as a reasonable adjustment. It was mentioned that The EDI team have stopped using the word 'reasonable' which originates from disability legislation and arguably is somewhat at odds with the social model of disability in the opinion of some. There were concerns raised that adjustments have to be ones that we can accommodate and are affordable to accommodate.

Action: Consider removing 'reasonable' from the title of this section.

Principles

There was a concern raised about transparency and the need to identify trends in departments and countries relating to issues. It was suggested that having an audit team to audit this process would add value and provide commentary which would make people accountable and drive behaviours. It was decided that this point was going beyond the principles and it is not something that should be in policy but in the practice.

The Chair confirmed that learning and changing the culture are important factors to consider and suggested the inclusion of a principle relating to learning from experience and data to inform practice.

Action: Consider adding a principle about learning from experience and data to inform practice. The Guidance should include further information on lessons learned and an annual review of the application of policies.

There was discussion about accuracy of data and that the data held is only as good as the systems recording it. It was highlighted that we should understand how data is to be captured and how we will drill down on equality data in order to support learning and help ensure consistency.

Training

There was a question as to whether training should be provided for those who are accompanied and investigators since it is not explicit within the policies or guidance. There were also concerns that the role of HR was not clear as the content focused on the manager and individual.

There was reference to the Bullying & Harassment Policy - Page 3, point 18 and who will be trained to handle investigations. It was highlighted that if we waited for a trained person, the case might not progress. The selection of an investigator is important and depends on a number of issues including potentially characteristics. The approach should be to strive to have trained investigators.

There was a concern about making capability of managers to have difficult conversations/manage situations a requirement in the policy as this ability is a broader management capability, not specific to the policies. It is part of the skills set of good managers. It was understood that these skills are included in the management capability training developed by the Learning & Development team.

It was explained that in complex cases the 'Case assessment panel' would be offering support and guidance, in recognition of the level of skill and capability required.

It was suggested that within the Responsibilities section, a requirement for managers to retain records confidentially and in line with Information Governance requirements should be added There was also a suggestion that the requirement for everyone to have undertaken mandatory training and specifically the EDI training should be added, this would be an opportunity to promote equality. Other comments included developing guidance material to support the policy and that some comments could be addressed within the guidance rather than the policy as they are about general awareness.

Action: Confirm whether management capability training is currently being delivered or still in design.

Action: Add under the Responsibilities section, a requirement for managers to retain records confidentially and in line with Information Governance requirements.

Action: Consider including a responsibility for everyone to undertake mandatory training.

There was a point made about separating 'managers' and 'employees' which could be confusing within the policy given that an individual may be both. Another concern was around the word 'we' and who does that refer to. It was highlighted that the term 'line managers' is made in relation to the management of grievances and in other areas it is managers, i.e. managers involved or managers taking the case forward. The terminology may need to be reviewed.

Action: Under Responsibilities change to 'all' employees to help promote equality and for it to feel inclusive.

Action: Review terminology so it is consistent across all policies.

Appeals – Roles and Responsibilities

With respect to Bullet one under an 'employees' responsibilities it was commented that an employee may not necessarily have the capacity to understand the information/decision. In terms of equality there is a power imbalance.

With respect to language there is also a need to watch for legal language, for example, reference to 'appellant'.

There was a suggestion that the wording in bullet 1 is amended to say 'support employees' to understand or 'clarify' the reasons for a decision

It was also suggested that bullet 2 should be amended to read 'consistent with the grounds of appeal'.

Action: Consider revising the wording for the 2 bullet points under Responsibilities for Employees to:

Bullet 1: ensuring they are supported in clarifying the reasons for any decision before taking action

Bullet 2: ensuring their appeal is consistent with the grounds for appeal

Action: Include in the Responsibilities of managers the requirement to provide reasons for their decisions.

Bullying & Harassment Policy Page 3 – Point 22

A concern was expressed about staff associations and work colleagues who are not usually trained in accompanying employees. There was a suggestion that they should be offered training.

Union representatives, however, are trained and can therefore offer a different level of skills/experience. It was commented that Point 22 reflects ACAS guidance. Employees should know that union representatives will be experienced and/or trained in carrying out the role. Employees, however, have a choice in who they select and colleagues and staff association representatives maybe less experienced.
The main area the Panel thought was helpful is that the representative knows the culture of the organisation.

It was suggested that it would be clearer to separate the reference to Unions and Staff representatives since only Unions are trained.

Action: Re-word policies so that it is clear that only Unions are trained in accompanying employees and that Staff Association members may or may not be trained.

Areas of unjustified discrimination or opportunities to promote equality

The Chair took the Panel through each of the sections of the procedures, starting with 'Confidentiality' on which there was no comment.

The Chair then asked if the Panel felt the informal resolution section was consistent with promoting equality. She asked whether there is sufficient emphasis on addressing issues at the earliest point, appreciating it can be difficult for some colleagues because of the nature of the issue. It was also highlighted that for some people it may not be possible to use the informal route and they may go straight to the formal stage because of the type of issue. When issues become formal power dynamics are more apparent with clear equality implications relevant to a number

of the protected characteristics including groups under represented within the organisation's power structures.

It was suggested that we should be nurturing informal resolution principally because this is consistent with a culture of dialogue and addressing things directly to support empowerment and of course formal routes can take a lot of time. To support this there is a need to strengthen the commitment to informal resolution and promote a culture of this.

There was discussion around the need to be mindful in distinguishing between grievances and bullying and harassment. The latter could be more difficult to address informally due to the very personal and hurtful nature of bullying and harassment. Although informal resolution can be in both policies the strength of spotlight should be different. Informal resolution should be stronger in the grievance policy than in Bullying & Harassment where it is likely to be more formal. There was a view that the weighting should not be the same in both policies.

The Chair confirmed that there should be an overriding principle about informal resolution and that this does not need to be included in the policy but should be expanded in guidance.

Action: It was suggested that the following wording should be added under Informal resolution 'if appropriate '**and possible'**.

Action: In the Grievance procedures, under Informal Resolution the wording should be amended to say most 'concerns/issues' can be resolved quickly rather than 'most grievances'.

Action: Consider adding to Informal resolution that issues should be resolved informally without coercion. '

Action: Amend wording under Informal Resolution to say 'the person 'experienced as causing concern'.

Action: Strengthen informal resolution within the Guidance notes.

Appeal Policy

The Chair suggested the Panel now focus specifically on the Appeals policy and procedures.

To promote and mitigate negative impact it was decided that the word 'should be managed impartially' be replaced with 'must' in Point 8 of the policy.

Action: Amend wording in Point 8 of the Appeals policy from 'should be managed…' to 'must be managed……'

There was discussion in relation to the criteria for making an appeal, specifically, the 'failure to follow a key aspect of the policy'. One suggestion was that any appeal should be allowed on any grounds. It was highlighted that we need to look at what is proportionate and would make a fundamental difference in the decision. However other comments were that the current version gives more flexibility than the previous policy. A suggestion was the wording should be 'failure to follow key aspects of policy and/or **procedures**'.

There was also discussion around having the same timelines as for the other policies. However, there is more urgency around appeals if a decision is overturned because of consequent actions.

Action: Amend wording for grounds of Appeal to read 'failure to follow key aspects of policy and/or **procedures**'.

Action: It was decided to change 'Would' have made a substantial decision to 'Could'.

Action: Include in grounds of appeal the availability of new evidence, if the appeal is against the outcome of an investigation.

Action: There was a point of ordering to be updated by the policy owner, points 7 and 8).

Action: Point 8 should be amended to say 'a manager not previously involved in the decision'.

There was discussion about decisions made by a panel and who should receive these appeals, for example an appeal against a performance rating should not go to the Chair or moderation panel. It was suggested that there should be a single person nominated to receive these but this was under discussion.

Authorities

There were no comments in relation to the authorities set out.

Sources of support

The chair questioned the sources of support listed as these were not support but links to other resources.

It was confirmed we have said EAP throughout the policies as support and that this should be included.

There was a question as to whether the support element was consistent with supporting equality and diversity and discussion of support which is informal.

Action: Amend title for Sources of Support to clarify between support and links to other policies or documents.

Suspension

A concern was raised about the wording 'may be necessary to suspend' and that this can be perceived as guilt, can taint a person's reputation and can lead to isolation of the employee. The Chair highlighted that there are instances where you do have to suspend and this is an exception. It states that the suspension should be as brief as possible and kept under review. Other comments supported this and confirmed suspension should take place if there is a real risk to the organisation, or concern about a repeat offence, which should be key criteria. The isolation is a practice element and about how managers keep the person up to date.

It was commented that the challenge is not the policy but how and when to use suspension as it is currently inconsistent. It was agreed that the option to suspend is necessary but there is a need for clearer guidance. It was also suggested that the gravity of suspension may not come through and the wording should be reviewed.

Action: Review the wording related to suspension in the policy and give further guidance on the situations when it may be used in the Guidance.

A question was asked if we currently suspend without pay, and if we do not, to take out 'without pay' and just say as brief as possible.

Action: Remove wording 'with pay' in relation to suspension as it is unnecessary since suspension is always with pay.

There were questions raised about why the authorities for suspension are different in relation to country/UK contracts and the different levels of approval. It was confirmed that different countries have different structures and follow different legislation and the authorities are set to take account of this. There was also a question about who makes the decision to suspend a UKA and it was confirmed this decision sits with the ER team.

Bullying & Harassment

A comment was made in relation to the examples of bullying and harassment given 'Examples include…. corporate social media' and the absence of personal messages. There was discussion about how much control an employer has with respect to non-corporate social media and what actions it can take if people engage through personal mediums. A panel member highlighted the organisation has guidance about the use of private social media.

Action: Panel member to send guidance material on social media to see if the wording needs to be revised. Further information, in terms of duty of care may be available from Andrew Spells.

Grievance Procedures – Page 2

In cases of suspension, a concern was raised about an employee's ability to have access to relevant information to prepare their case since they no longer have access to their laptop or emails.

Action: The Chair suggested that the following wording be added to the procedures 'prepare fully' and access to 'relevant documents' to prepare.

Final Points/Questions

Clarification was requested as to whether performance ratings were included in the Appeal policy. It was confirmed and agreed that the appeal policy relates to all decisions, which includes ratings.

Conclusion

The Chair asked if all members had an opportunity to raise all the equality issues they wished to raise. Ultimately this was confirmed by all panel members.

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.

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)	Time frames may be more challenging for this group.	Greater sensitivity and flexibility.
Disabled people (physical, sensory, learning, hidden, mental health, HIV/AIDS, other)	Challenge of raising through the line potentially.	Including 'other managers' as detailed above.
Different ethnic and cultural groups (majority and minority, including Roma people, people from different tribes/castes/clans)	Covered under general comments above.	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.

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)		
Additional equality grounds (such as full-time/part-time working, language, geographical location, other[4])		
British Council values (valuing people, creativity, integrity, mutuality, professionalism)	Referred to in discussion	Referred to in discussion.

Action identified by Panel	Agreed by Policy Owner (Yes/No)	Justification if not agreed	Date to be implemented	Confirmation of implementation
1. Page 3 Bullying & Harassment – Procedure - Amend wording in Point 11 to 'The manager with whom the complaint is raised must discuss this with the employee and explore how the issue might be best managed'.	Yes		March 2019	
2. Bullying and Harassment Procedure – Informal Resolution	Yes		March 2019	

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

Amend wording under Informal Resolution to reference 'any manager' rather than 'the line manager'.				
3. Bullying & Harassment Policy - Page 3, point 10 Bullying and Harassment Policy – point 10. Replace the word '**must** be raised as soon as possible with '**should** be raised as soon as possible'.	**Yes**		**March 2019**	
4. Timelines Include within Guidance the need to ensure the employee is regularly updated on progress.	**Guidance still to be drafted. This will be included**		**July 2019**	
5. Timelines Consider inserting a time period for receipt of the concern/issue and the appointment of an investigator. It was suggested this could be '**within**' 15 days and as soon as possible.	**A timeframe within which the investigator must meet with the employee is included (within 10 days or 15 days if a Case panel has been convened)**			
6. Postponement Consider revising the time allowed for a postponement of a meeting to 7 working days.	**No**	**The employee has already been given notice of the meeting and so a further 5**		

		days should be sufficient		
7. Reasonable Adjustments Consider removing 'reasonable' from the title of this section.	**Yes**		**March 2019**	
8. Principles Consider adding a principle about learning from experience and data to inform practice. The Guidance should include further information on lessons learned and an annual review of the application of policies	**Yes**		**March 2019**	
9. Training Confirm whether management capability training is currently being delivered or still in design		**Management training for new managers is in place and being delivered**		
10. Training Add under the Responsibilities section, a requirement for managers to retain records confidentially and in line with Information Governance requirements.	**Yes**		**March 2019**	
11. Training	**No**	**Mandatory training is a corporate requirement and is not specific to these**		

Consider including a responsibility for everyone to undertake mandatory training.		**policies. It is not a requirement of the policies but is expected to have been undertaken**		
12. Responsibilities Under Responsibilities change to 'all' employees to help promote equality and for it to feel inclusive.	**Yes**		**March 2019**	
13. Responsibilities Review terminology so it is consistent across all policies.	**Yes – all policies reviewed for consistency**		**March 2019**	
14. Appeals – Roles and Responsibilities Consider revising the wording for the 2 bullet points under Responsibilities for Employees to: • Bullet 1: ensuring they are supported in clarifying the reasons for any decision before taking action • Bullet 2: ensuring their appeal is consistent with the grounds for appeal	**Yes**		**March 2019**	

Include in the Responsibilities of managers the requirement to provide reasons for their decisions.				
15. Bullying & Harassment Policy Page 3 – Point 22 Re-word policies so that it is clear that only Unions are trained in accompanying employees and that Staff Association members may or may not be trained.	**Yes – now point 14 of the Policy**		**March 2019**	
16. It was suggested that the following wording should be added under Informal resolution 'if appropriate '**and possible'**.	**Yes**		**March 2019**	
17. In the Grievance procedures, under Informal Resolution the wording should be amended to say most 'concerns/issues' can be resolved quickly rather than 'most grievances'.	**Yes**		**March 2019**	
18. Consider adding to Informal resolution that issues should be resolved informally without coercion. '	**Yes**		**March 2019**	
19. Amend wording under Informal Resolution to say 'the person 'experienced as causing concern'.	**Yes**		**March 2019**	

20. Strengthen informal resolution within the Guidance notes.	**Guidance to be drafted – this will be included**		**July 2019**	
21. Appeal Policy Amend wording in Point 8 from 'should be managed' to 'must be managed'	**Partial – now point 4**	**Wording is 'will be managed'**	**March 2019**	
22. Appeal Policy Amend wording for grounds of Appeal to read 'failure to follow key aspects of policy and/or procedures'**	**Yes**		**March 2019**	
23. Appeal Policy It was decided to change 'Would' have made a substantial differecne to 'Could'.	**Partial**	**Wording is now 'which might have been substantially different'**	**March 2019**	
24. Appeal Policy Include in grounds of appeal the availability of new evidence, if the appeal is against the outcome of an investigation.	**Yes**		**March 2019**	
25. Appeal Policy Action: Point 8 should be amended to say 'a manager not previously involved in the decision'.	**Yes – now point 5**		**March 2019**	
26. Appeal Policy	**Yes**		**March 2019**	

There was a point of ordering to be updated by the policy owner, points 7 and 8).				
27. Amend title for Sources of Support to clarify between support and links to other policies or documents.	**Yes – separate heading for Links added**		**March 2019**	
28. Suspension Review the wording related to suspension in the policy and give further guidance on the situations when it may be used in the Guidance.	**Guidance to be drafted – will be included**		**July 2019**	
29. Suspension Remove wording 'with pay' in relation to suspension as it is unnecessary since suspension is always with pay.	**Yes**		**March 2019**	
30. Bullying & Harassment Panel member to send guidance material on social media to see if the wording needs to be revised. Further information, in terms of duty of care may be available from Andrew Spells.	**Guidance from panel member not received.** **Duty of care information reviewed**		**March 2019**	
31. Grievance Procedures – Page 2 The Chair suggested that the following wording be added to the procedures	**No – this is within the Disciplinary policy and not the Grievance policy. The wording has been amended, as suggested,**		**March 2019**	

'prepare fully' and access to 'relevant documents' to prepare.	**in the Disciplinary policy – point 6**			

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)   16 April 2019 (Date)

6. Record keeping

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

ANNEX A

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.

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.