

Selection of items for equality impact assessment

"Item" means any new policy, procedure, statement of practice or other item, including strategies and work programmes. It also includes policies etc. that are under revision.

Name of the item: Performance Appraisal Scheme (PAS)

Name(s) of author(s) of the item: Russell Higgins

Name of reviewer: Rachel Evans

(The person undertaking this selection review.) Russell Higgins

Date of selection review: 4th March 2013

1. Is the item likely to have a significant effect on any person with protected characteristics?

Yes

Briefly explain reason for answer, making reference to any relevant evidence:

All staff within the Wales Audit Office (WAO) will be subject to the Performance Appraisal Scheme (PAS) and therefore the PAS will have a significant effect on any people with a protected characteristic. Under the scheme the organisation will be able to monitor all staff by protected characteristic grouping and will be able to identify whether any form of discrimination is evident within the appraisal process. The scheme considers overall performance and identifies how to deliver learning and development interventions. Within the PAS guidance there is a Frequently Asked Questions (FAQ) chapter which covers questions that some of the people with a protected characteristic may ask. There has also been a question included specifically about adjustments that can be made for individuals.

It is also worth noting the under the PAS process reasonable adjustments can be made to assist a person with a protected characteristic. Performance appraisals should be evidence based.

2. Is the item likely to have a minor effect on a large number of people with protected characteristics?

No

Briefly explain reason for answer, making reference to any relevant evidence:

All people within the WAO will be subject the PAS and therefore the effect will be significant not minor. It will be down to line manager's completing the PAS to ensure that protected characteristics are not discriminated against and should be consistent and fair in their treatment to staff subject to an individual's needs. The PAS is an internal process which will be followed by all WAO staff and the details given within the above question provides reasons why it has a significant effect.

3. Is the item likely to have a significant effect on how other organisations operate in terms of equality? (For example WPI assessment criteria)

No

Briefly explain reason for answer, making reference to any relevant evidence:

The PAS is an internal process which has no external influence other than staff attending learning and development interventions as part of their personal development.

When attending a learning and development intervention if an individual discloses information to the line manager / HR relating to an adjustment that is required this information will be passed onto the provider / facilitator. The individual will be made aware or have made an agreement to this information being able to be passed on.

As part of the wider learning and development tender process the WAO will ask tendering organisations for information regarding their equality and diversity policy. This will help to ensure that providers are considering equality and diversity in the provision of services.

4. Does the item relate to an area where there should be significant potential for reducing inequalities or improving outcomes? (For example, improving access to health services for transsexual people)

Yes

Briefly explain reason for answer, making reference to any relevant evidence:

The robustness of regular catch up meetings and having equality and diversity as an agenda item within the appraisal process are both means of reducing inequalities within the organisation. We are working to encourage an inclusive environment being created where staff can be supported in a way which is fair and transparent.

5. Overall is the item likely to affect the WAO's ability to comply with the General Equality Duty to a meaningful extent?

No

Briefly explain reason for answer, making reference to any relevant evidence:

The aims, purpose and implementation of the Performance Appraisal Scheme are designed to eliminate discrimination and foster good relations and provide equal opportunities within the organisation which reflects the aims of the General Equality Duty. Individuals will have regular feedback regarding their performance and are empowered to manage their own progress and future development as a result of the PAS.

If answer to any question above is "yes", then the item is selected for equality impact assessment. In such cases, the information on this form should inform the

subsequent assessment. In any event, this form should be kept as a record of the review of items selected for assessment.

Equality impact assessment procedure

1. For each item to be assessed, the assessor(s) must prepare for the assessment by reading the relevant completed selection form and the latest draft of the item.
2. Where assessment is by an EIAG, each member of the EIAG will complete the following form and provide it to the Chair. The Chair will consolidate the forms received into a single version.
3. Where there is substantial disagreement on the assessment among EIAG members that cannot be resolved by meeting or correspondence, the Chair will provide a casting determination of the assessment, noting any material dissenting view in the relevant places on the form.

Record of equality impact assessment
Name of the item Performance Appraisal Scheme (PAS)
Name(s) of author(s) of the item Russell Higgins
Names of assessor(s) POLG reviewer: Donna Fanariotis <i>Or, if applicable—</i> Chair: Equality Interest Group representative: Phil Jones Subject member:
Date of assessment 27 th March 2013
Analysis Review of the selection form may help answer the following questions. In any event the relevant selection form must be reviewed before the analysis and a copy of that form must be appended to this form. What are the aims and mechanisms of the item? Briefly note in particular: a) what results are being sought, and who, if anybody, is intended to benefit; b) how the item is intended to have effect (e.g. the requirement or prohibition of an activity) The Performance Appraisal Scheme (PAS) was developed as a result of feedback received

through the Wales Audit Office 2010 Staff Survey. The results showed that the appraisal scheme had a negative, demoralising effect on individuals. When revisited in 2012 the feedback showed a higher skew to the appraisal scheme having a negative demoralising effect on individuals and the scheme did not consider the impact upon protected characteristic groups.

The new Performance Appraisal Scheme (PAS) will form an integral part of the Wales Audit Office People Management Framework (PMF). The PAS will work towards addressing the feedback from the staff survey by creating an inclusive and empowered environment where staff can have clear and regular feedback within a framework that is consistent with the organisation's approach to managing people. The on-going development, support and effective management of each and every one of our staff is crucial to the success of the Wales Audit Office (WAO).

One of the key objectives of the PAS is to promote the link between the corporate and individual objectives such that individuals can understand the contribution they make to the organisation. The PAS also aims to develop the individual by promoting on-going dialogue between the Manager and an individual.

Its purpose is to:

- Provide a consistent framework across the Wales Audit Office for assessing and recording individual performance.
- Set standards of behaviour for all staff in line with Wales Audit Office values.
- Ensure individual objectives are set against team and organisation-wide targets and empower individuals by providing an understanding of the role they play.
- Embed a culture of timely feedback between project manager and individuals.
- Promote engagement between individuals and line managers through regular catch up meetings to encourage ownership of objective and development and allow discussion in a timely fashion.
- Provide all staff with Personal Development Plans (PDPs) that suit their individual requirements.
- Provide a meaningful and motivating appraisal system.

2. Which aspects of the item are likely to be particularly relevant to the different elements of the General Equality Duty, and how so?

a. eliminate discrimination, harassment, victimisation and any other prohibited conduct

(Consider, among other things, whether the item may lead to less favourable treatment of persons with particular characteristics, whether it may help reduce such treatment, whether it may lead to indirect discrimination and whether it is likely to assist or impede the WAO making reasonable adjustments.)

Regular catch up meetings form part of the overall PAS and reduce the bias of perceived performance because the feedback is evidence based and is provided in a timely manner. The purpose is to ensure that:

- Staff remain clear about their own role and responsibilities within the WAO.
- There is regular opportunity for the individual and the manager to review work performance and discuss how staff are working towards their objectives so that everyone understands how they are performing.
- Promote a positive, on-going and informative two way discussion between the line manager and individual.
- Ensure that staff can speak openly and honestly in a safe environment.

The above points should eliminate discrimination because the above information is evidence based and delivered in a timely manner.

- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

(Consider, among other things, whether the item may remove or minimise disadvantage, whether it may increase disadvantage, how it may, or may fail, to meet the needs of persons with different protected characteristics and how it may encourage or discourage participation of persons with different protected characteristics.)

At each stage of the PAS process, consideration should be given to whether the unsatisfactory performance is related to a protected characteristic and, if so, whether there are reasonable adjustments that could be made to the requirements of the job, or other aspects of the working arrangements, including changing an employee's duties or providing additional equipment or training, which would help to support the individual to perform equally with an individual that may not share the protected characteristic e.g. disability.

If a learning and development intervention is required then, the delivery should suit the individual's specific learning style i.e. face to face delivery, e-learning or individual coaching.

- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it

(Consider, among other things, whether the item may tackle or exacerbate prejudice and how it may promote understanding between persons.)

The PAS will foster good relations between persons who share a protected characteristic. An environment will be created where individuals can discuss openly and honestly performance and learning and development requirements with their line managers. Through information sharing an improved understanding of individual needs will be achieved and minimise disadvantages because support can be given. The Wales Audit Office employs staff from all of the protected characteristics which in turn are representative of the community within which the organisation operates.

It is essential that within the process people are treated as individuals to suit their specific individual needs.

3. To which persons with protected characteristics, if any, is the item likely to be

relevant? (Note the relevant sub groups, e.g., within disability, different types of disability.)
And what is the impact or likely impact, noting any evidence for your answer?

Age

Sub-groups: All

Likely impact: Removal of the retirement age means that staff will be managed at all ages within the organisation. Learning and development opportunities should always be based on role requirement. It is essential that learning and development interventions which are developed meet all needs; for example some peoples' preferred learning style will be face to face whilst others will prefer to learn via e-learning.

Disability

Sub-groups: Mental health, dyslexia, colour blindness, physical condition, Depression & anxiety.

Likely impact: Not all disabilities are evident; staff may not have disclosed that they have a disability to the WAO. It is therefore essential that all line managers create a supportive, non-judgemental environment where an individual is able to be open and honest. It is important that line managers consider the tone, words and language they use during the appraisal process and in particular during face to face meetings and emails with staff because they might not be aware of the individual's personal circumstances. When arranging learning and development interventions in external locations it will be important that those locations have adequate disability access. With regards to the length and time of the catch up meetings and end of year appraisal it is important that the line manager considers the timings of these meetings because long meetings might have a negative effect for someone who is depressed or suffers from anxiety.

With regards to training some people with dyslexia may prefer printed documents and PowerPoint slides which have black text on a white background. Detailed and colourful PowerPoint slides can be difficult to read and may have a negative impact upon an individual's ability to participate and benefit from learning and development interventions.

Gender reassignment

Sub-groups: Staff undertaking gender reassignment

Likely impact: If an individual is undergoing gender reassignment, this might have an impact on the amount of leave they have. The line manager will therefore need to consider the appraisal year when completing their appraisal and the time the individual has been in work for.

Race (includes nationality)

Sub-groups: All

Likely impact: When completing both catch up meetings and end of year appraisals line managers need to be aware of the relevant three goals of the race equality duty which are to:

- Eliminate unlawful racial discrimination

- Promote equal opportunities
- Promote good relations between people from different racial groups

Line managers will need to be mindful of the language used during the meetings including the words and tone used. Consideration should also be given as to whether a translation service is needed for particular employees.

Line managers should also familiarise themselves with the culture of the individuals who work within their teams, e.g. arranging team meetings / outings or the location used for catch up meetings.

Religion or belief (including no belief)

Sub-groups: All

Likely impact: This is similar to the information given above. Again line managers should be mindful of the words, tone, language they use at all times not just during catch up meetings. Line managers should also have careful consideration of the dates and times of the meeting with staff and ensure that they do not take place during religious holidays and when staff would take time off to observe festivals and ceremonies.

Sex (gender)

Sub-groups: Male / Female

Likely impact: Line managers should consider the work life balance of all individuals both male and female working within their teams. Consideration should be had of staff working hours, for example, if the individual works during term time hours.

Sexual orientation

Sub-groups: All

Likely impact: Line managers should consider the words, tone and language used during 1-2-1 appraisals.

Marriage and civil partnership

Sub-groups: Not applicable

Likely impact: not applicable

Pregnancy and maternity

Sub-groups: All staff who are pregnant

Likely impact: Consideration should be made about the duties and roles that the employee undertakes and whether objectives need to be reviewed or amended in light of them being pregnant. The individual should be allowed the appropriate time off for appointments and this may impact on scheduling 1-2-1 meetings. Included in

the FAQ is a question regarding appraisals for pregnant employees. Line managers will need to use keep in touch days and ensure that the appraisal should be evidence based on performance undertaken whilst working.

4. Is it likely that the item will have a disproportionate negative impact on any persons with protected characteristics? (Include consideration of sub-groups)

No

Briefly explain reason for answer, making reference to any relevant evidence:

Please see the explanation given in questions 1 – 3.

5. If the item is intended to increase equality of opportunity, is the policy lawful? (see [EHRC - Positive action](#))

Yes

Briefly explain reason for answer, making reference to any relevant evidence:

The PAS guidance will increase equality of opportunity without involving any unlawful positive discrimination. Staff will have regular 1-2-1 meetings with their line managers to discuss their performance and identify learning and development needs. There is no process to discriminate in favour of staff with protected characteristics; rather allowance is made to cater for those staff with such characteristics so that they can do their job as effectively as those without such a characteristic. For example if the individual had a disability such as dyslexia, the manager would give them extra time to complete the various documentation.

6. Overall, is the impact or likely impact of the item on the WAO's ability to comply with the General Equality Duty substantial?

No

Briefly explain reason for answer, making reference to any relevant evidence:

The aims, purpose and implementation of the Performance Appraisal Scheme are designed to eliminate discrimination and foster good relations and provide equal opportunities within the organisation which reflects the aims of the General Equality Duty. Individuals will have regular feedback regarding their performance and are empowered to manage their own progress and future development.

7. What engagement with persons representing the interests of persons with protected characteristics has been undertaken in relation to this assessment?

(SI 2011/1064 requires WAO to involve in its assessments persons it considers represent the interests of persons with protected characteristics and have an interest in its functions. For external items, it may be appropriate to engage with external persons.)

The WAO has consulted with the Equality Interest Group, trade unions, line managers and the PAS working group (representing all areas within the business). Research was also conducted into the appraisal schemes which operate within the other audit offices i.e. Audit Scotland and the NAO.

8. What information (particularly information regarding persons with protected characteristics) has been taken into account in this assessment? (Relevant readily available information should be taken into account in this assessment, particularly under Qs 3 and 4 above, and references for such information should be given. However, Regulation 8(2)(c) of SI 2011/1064 requires a summary of information taken into account to be included in the published reports of assessments.)

Staff survey results from 2010 and 2012 have been considered when developing the PAS guidance.

General feedback from staff (at all levels within the organisation).

Learning and development attendance sheets are kept for all interventions which show staff attending courses.

Working party with members from a number of the protected characteristic groups.

9. What further information regarding persons with protected characteristics in relation to the item needs to be gathered? (Where practical, any further necessary information should be gathered as part of the assessment, for example, by seeking feedback on existing policies from the Equality Interest Group. Where it is not possible to collect relevant information on a timely basis, this will need to be taken into account in the action section below.)

The whole PAS process will be evaluated and monitored to make future improvements. The evaluation will take place by the PAS Group. Staff surveys will be used to obtain feedback regarding the PAS and amendments will be made as appropriate.

Action

10. Set out below the actions identified as necessary to ensure the new or revised item is congruent with compliance with the General Equality Duty. (For example, it may be possible to remove or change an aspect that creates unjustifiable negative effects.)

At the outset of the scheme the WAO has stated its commitment and principles of applying Equality and Diversity in all aspects of the process.

Equality & diversity questions are included within the FAQ chapter of the guidance.

Equality & diversity is also included in the introduction chapter of the PAS

guidance.

The outcome of the PAS will be monitored and consideration will be given to the trends of protected characteristic groups to ensure that there is not a disproportionate negative impact towards individuals.

At the EIAG meeting on 27th March further amendments were made to the PAS:

Appendix A – Adjustments box was expanded to specifically state adjustments in relation to a protected characteristic and / or other equality and diversity factors.

Appendix F – The order of the mandatory documents was re-ordered so that the format of the catch up meetings was agreed at the start. This form is now the first of the mandatory documents listed within Appendix F.

Appendix G – Specifically states considering adjustments that are related to a protected characteristic at the beginning of the year.

Appendix H – Specifically states considering adjustments that are related to a protected characteristic at the beginning of the year.

11. If no action is identified, record why, giving reference to the relevant evidence:

Not applicable

12. If the item is likely to lead to adverse impact or miss opportunities to advance equality (even after taking remedial action), but continuation of the item can be justified, set out the justification:

Not applicable

13. If there are adverse effects that cannot be justified (as will be the case with unlawful discrimination), then this must be noted below, and the assessor(s) must inform the relevant decision making body, e.g. the Executive Committee, as soon as practicable. The unlawful discrimination aspects of any item must be stopped or removed.

Not applicable

Monitoring

14. Where Q9 above indicates that further information regarding persons with protected characteristics in relation to the item needs to be gathered set out below the arrangements that need to be made. At the end of the appraisal year/process a review of the met/not met objectives will be conducted for members of staff within the WAO.

The whole PAS process will be evaluated and monitored to make future improvements. The evaluation will take place by the PAS Group. Staff surveys will be used to obtain feedback regarding the PAS and amendments will be made as appropriate.

15. Set out below arrangements for monitoring the impact of the item on WAO's ability to comply with the General Equality Duty. (If already satisfactorily set out in the draft item, give relevant references.)

As above.