

## Form 1: Preparation

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To complete this form, refer to Guidance set out on Page 20 of the Toolkit

1.	<b>What are you equality impact assessing?</b>	All Wales Capability Policy
2.	<b>Policy Aims and Brief Description</b>	To ensure effective arrangements exist to deal with capability issues in a fair and consistent manner, where the emphasis will not be punitive, but will help employees to undertake their work to the required standard.
3.	<b>Who is responsible for the Policy/work?</b>	NHS organisations
4.	<b>Who is Involved in undertaking this EqIA?</b>	Welsh Partnership Forum Business Committee (Sub Group)
5.	<b>Is the Policy related to other Policies/areas of work?</b>	Equality, Sickness, Disciplinary, Grievance and Dignity at Work Policies. Codes of Conduct of Professional/Regulatory Bodies
6.	<b>Stakeholders</b>	All employees except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence.

7.

**What might help/hinder the success of the Policy?**

**Factors that may hinder:**

Lack of leadership and commitment at Board level

Lack of staff training and development to undertake duties to required standard

Lack of management capability to define and measure standards of performance

**Factors that may help:**

Development of knowledge and skills performance management framework

Integration of performance management skills in management development

Healthcare Standards

All Wales implementation plan to ensure delivery of policy objectives and good employment practice

## Form 2 : Information Gathering✓

To complete this form, refer to guidance set out on Page 22 of the Toolkit

	Race	Disability	Gender	Sexual Orientation	Age	Religion Belief	Welsh Language
Is the policy relevant to the public specific duties relating to each equality strand? Tick as appropriate (for a definition of Relevance, refer to Page 22)	✓	✓	✓	✓	✓	✓	✓
In other words, should the Policy:	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>eliminate discrimination and eliminate harassment in relation to:</li> </ul>	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>promote equality of opportunity in relation to:</li> </ul>	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>promote good relationships and positive attitudes in relation to:</li> </ul>	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>encourage participation in public life in relation to:</li> </ul>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?	N	✓					

The Human Rights Act contains 15 rights, all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

	Yes	No
<b>Consider, is the Policy relevant to:</b>		
<b>Article 2 : The right to life</b> <b>Examples:</b> The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control	Staff and Patient safety issues	
<b>Article 3 : The right not be tortured or treated in an inhuman or degrading way</b> <b>Examples:</b> Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control	Issues of dignity and respect and protection/promotion of patient and staff safety	
<b>Article 5 : The right to liberty</b> <b>Examples:</b> Issues of patient choice, control, empowerment and independence; issues of patient restraint and control		✓

<p><b>Article 6 : The right to a fair trial</b></p> <p><b>Example:</b> issues of patient choice, control, empowerment and independence</p>	<p>Issue of fair decision making process</p>	
<p><b>Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control</b></p> <p><b>Examples:</b> Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life</p>	<p>Issues of dignity and privacy, for example, potential impact on job performance of caring responsibilities. Also, issues of dignity and respect for patients</p>	
<p><b>Article 11 : The right to freedom of thought, conscience and religion</b></p> <p><b>Examples:</b> The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers</p>	<p>Issues of respect for different religious beliefs and cultural values</p>	

Equality Strand	Information Gathered
<b>Race</b>	There is no local or national research to inform the assessment. There is anecdotal evidence to suggest that issues of language and culture may have a negative impact on staff performance.
<b>Disability</b>	There is no local or national research to inform the assessment. There is anecdotal evidence to suggest that disabled employees may be disproportionately subject to capability processes.
<b>Gender</b>	There is no local or national research to inform the assessment.
<b>Sexual Orientation</b>	There is no local or national research to inform the assessment.
<b>Age</b>	There is no local or national research to inform the assessment. There is anecdotal information to suggest that capability issues are more likely to affect older employees. However, this has to be considered against the overall age distribution of the workforce and the relatively small number of cases taken through the capability policy, to measure any negative and/or disproportionate effect.
<b>Religion or Belief</b>	There is no local or national research to inform the assessment.
<b>Welsh Language</b>	There is no local or national research to inform the assessment.
<b>Human Rights</b>	<p>There is no local or national research to inform the assessment.</p> <p><b>General</b></p> <p>There are gaps in workforce data across all of the protected characteristics. Disaggregated workforce monitoring data is required to inform future policy review and assessment.</p>

### Form 3 : Assessment of Relevance and Priority

Equality Strand	Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	2	+2	4
Disability	2	+1	2
Gender	2	+3	6
Sexual Orientation	1	+1	1
Age	2	+2	4
Religion or Belief	1	+1	1
Welsh Language	1	+1	1
Human Rights	1	+1	1
			<b>(20)/8=2.5</b>

**Scoring Chart A: Evidence Available Decision**

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

**Scoring Chart B: Potential Impact**

-3	High negative
-2	Medium negative
-1	Low negative
0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

**Scoring Chart C: Impact**

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)
0	No Impact (N)
1 to 9	Positive Impact (P)

## Form 8: Action Plan for Capability Policy

	<b>ACTION</b>	<b>WHO</b>	<b>HOW/ WHEN</b>
<b>Monitoring Arrangements</b>			
How will the Policy be monitored?	<p>Monitoring arrangements will be determined locally.</p> <p>Monitoring outcomes will be reported to Health Boards</p> <p>At a national level, monitoring outcomes will be reported to Wales Partnership Board</p>	<p>Workforce, OD and HR Directors</p> <p>Joint Chairs, Wales Partnership Board</p>	<p>Every 6 months</p> <p>Annual reporting</p>
What monitoring data will be collected?	Local application of capability procedure disaggregated against each protected equality characteristic, workplace/directorate and staff group.	Workforce, OD and HR Directors	Ongoing
<b>Other Actions</b>			
Describe any other actions highlighted through the policy screening	Policy training for managers to include scope and application of duty to consider	OD Group	To be confirmed

	reasonable adjustments for disabled employees		
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