ULSTER UNIVERSITY POLICY SCREENING PRO-FORMA
Part 1

Information about the policy

Name of the policy

Ill-Health Capability Procedure

Is this an existing, revised or a new policy?

New

What is it trying to achieve? (intended aims/outcomes)

This Procedure aims to provide a compliant framework designed to address performance problems arising from ill health. In cases where sickness absence levels adversely affect performance, the university may need to take formal action and this may include termination of employment on the ground of incapacity due to ill health.

The Procedure aims to differentiate in the approach to performance management as set out in its Capability Procedure which mainly refers to situations which do not necessarily involve ill health.

Are there any Section 75 categories which might be expected to benefit from the intended policy?
If so, explain how.

All staff will benefit from the revisions to this policy as it provides a clear framework for the management of capability issues arising from ill-health. This Procedure is likely to have a particularly positive impact for staff in older age categories and staff who have a disability, given the higher likelihood of health related absences in both Section 75 categories.

Who initiated or wrote the policy?

The Chief People Officer initiated the review and update of the policy.

Who owns and who implements the policy?

The Head of Health, Safety and Wellbeing owns this policy.

All line managers will be responsible for implementing this policy.

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Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? (Please select one answer)

X Yes

☐ No

If yes, are they

☐ Financial (Please specify _____)

X Legislative: Changes to legislation

X Other: Changes to University policies

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

X Staff

☐ Students

☐ Other service users (e.g. prospective students, conference delegates)

☐ Other public sector organisations

X Voluntary/community/trade unions

☐ Other, please specify _____

Other policies with a bearing on this policy

Policy Name	Policy Owner
Five & 50 Strategic Plan	Vice Chancellor
Equality, Diversity & Inclusion Strategy	Chief People Officer
Disability Action Plan	Chief People Officer
Stress Management Procedure	Chief People Officer
Health, Safety and Wellbeing Strategy	Chief People Officer
Disciplinary Procedure	Chief People Officer
Grievance Procedure	Chief People Officer

Data Protection Policy	University Secretary
Sickness Absence Policy	Chief People Officer
Current Capability Procedure	Chief People Officer

Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? (Please specify details for each of the Section 75 categories)

Note: evidence can come from many sources. Examples include the University's management information systems, internal or external research, surveys or consultation exercises. Anecdotal evidence such as feedback from service users may also be used.

Section 75 category	Details of evidence/information
Religious belief	The University's EO data were reviewed. On 6 February 2020, our staff profile was 50.3% Protestant, 49.7% Catholic. Compared with 6 February 2015, this indicates a 3.6% increase in Catholic staff.
Political opinion	The University does not collect information on Political Opinion or make assumptions regarding Political Opinion based on Community Background.
Racial group	The University's EO data were reviewed. On 6 February 2020, our staff profile was 94.4% White, 5.6% Black and Minority Ethnic (BME). This indicates a 1.6% increase in BME staff compared with 2015. Our BME profile suggests that we are three times as diverse as the local population. The Northern Ireland Census (2011) suggests that 1.8% of the NI population is BME.
Age	The University's EO data were reviewed. On 6 February 2020, over one third (34.6%) of our staff were in the '46-55' age band. 26% of staff were in the '36-45' age band and 22.2% of staff were aged '56 and above'.
Marital status	The University's EO data were reviewed. In 2020, 60% of staff were 'Married or in a Civil Partnership', a marginal decrease of 1% compared to 2015 (61%).

Sexual orientation	Although we collect staff data on sexual orientation, this is not considered to be reliable. We do not collect student data on sexual orientation.
Men and women generally	The University's EO data were reviewed. In 2020, 56% of staff were 'Female'. This indicates a 2% increase in female staff compared with 2015.
Disability	The University's EO data were reviewed. In 2020, 5.1% of staff declared a disability, an increase of 1.1% compared with 2015. Our disability declaration rate is lower than expected, compared with the local population. The NI Census (2011) found that 20.6% of the NI population stated that their day-to-day activities were limited because of a long-standing health problem or disability.
Dependants	The University's EO data were reviewed. In 2020, 46.2% of staff had dependants. This indicates an increase of 1.5% compared with 2015.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? (Please specify details for each of the Section 75 categories)

Section 75 category	Details of needs/experiences/priorities
Religious belief	None identified.
Political opinion	None identified.
Racial group	None identified.
Age	University data show that as employees reach older age, time taken off for short term sickness absence increases, which is in line with UK-wide statistics. This suggests that the recovery time for older employees when absent due to a short term illness is likely to be longer than that of a younger colleague. Therefore, as employees age, they are more likely to experience ill-health which can have a detrimental impact on their ability to fulfil their contractual duties and perform to the required standards. As such, it is more likely that older staff will require a clear framework which provides guidelines on the university's Procedure on dealing specifically with capability and ill-health in a fair and sensitive manner. As over 50% of the university's workforce is aged over 50, this Procedure is likely to impact on a large proportion of our employees, especially in consideration of government data which shows that workers are choosing to remain in work beyond the former pensionable retirement age. Office for National Statistics www.ons.gov.uk
Marital status	None identified.
Sexual orientation	None identified.

Men and women generally	None identified.
Disability	According to a UK wide investigation, stress and mental health were the most common reasons for long-term sickness absence referrals to occupational health, followed by combined musculoskeletal and stress/mental health conditions. Musculoskeletal conditions such as back pain were the third most common reason for long-term sickness absence referrals to Occupational Health. https://www.atworkpartnership.co.uk/long-term-sickness-absence-research Employees with a disability who suffer from ill-health, which is having a detrimental impact on their performance at work, will benefit from a clear framework which sets out a fair and sensitive Procedure for dealing with ill-health incapacity. The new Procedure will include various options to support employees to overcome any performance-related issues.
Dependants	None identified.

Consultation

Consultation with relevant groups, organisations or individuals about the policy can provide useful information about issues/opportunities which are specifically related to them (i.e. evidence to inform the policy). Please indicate whether you carried out (or intend to carry out) any consultation exercises prior to equality screening?

The following groups were consulted during the development of this policy:

- Trade Unions;
- Individual meetings with managers from various schools/departments;
- Individual meetings with staff who have experienced the Sickness Absence Policy and line managers who have had to process sickness absence;
- People and Culture Senior Management Team;
- The Statutory Health & Safety Committee, which includes the recognised Trade Unions;
- The University Health, Safety and Wellbeing Committee which includes the recognised Trade Unions; and
- Senior Leadership Team.

Screening

Introduction

The answers to the following screening questions will assist the University in making a decision whether or not there is a need to carry out an equality impact assessment on the policy. The following information is provided to help you to identify and comment on the level of likely impact of the policy in questions 1-4:

Select 'major' impact if:

a) The policy is significant in terms of its strategic importance;

b) Potential equality impacts are unknown, because, for example, there are insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;

c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

e) The policy is likely to be challenged by way of judicial review;

f) The policy is significant in terms of expenditure.

Select 'minor' impact if:

a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;

b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;

d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations;

e) Differential impact observed and opportunities exist to better promote equality of opportunity and/or good relations.

Select 'none' if:

a) The policy has no relevance to equality of opportunity or good relations.

b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented in Part 1, please complete the screening questions (Questions 1-4).

Screening questions

1	**What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (Please provide details)**	
Section 75 category	Details of policy impact	Level of impact? (minor/major/none)
Religious belief	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's religious belief.	None
Political opinion	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's political opinion.	None
Racial group	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's racial group.	None

Age	This Procedure is likely to have a positive impact on equality of opportunity for this group. University sickness absence data held on CoreHR shows that the recovery time from illness and injury for older employees is likely to be longer than that of a younger colleague. This can have a detrimental impact on an older employee's ability to perform to the required standards or targets set by their manager. As such, it is more likely that older staff will require a clear framework which provides guidelines on the university's Procedure on dealing specifically with capability and ill-health. The Procedure aims to deal with such situations in a caring and sensitive manner, which includes exploring ways in which an ill-health related performance issue might be overcome.	Minor (+)
Marital status	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's marital status.	None
Sexual orientation	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's sexual orientation.	None
Men and women generally	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual's gender.	None

Disability	This Procedure is likely to have a positive impact on equality of opportunity for this group. This Procedure will benefit employees with a disability who suffer from a condition which is having a detrimental impact on their performance at work as it provides scope for exploring ways in which an ill-health related performance issue might be overcome in a sensitive, fair and supportive manner.	Minor (+)
Dependants	This Procedure is unlikely to impact on equality of opportunity for this group. There is no data that has been considered or identified that would demonstrate differential impact based on an individual with dependants.	None

2	Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?	
Section 75 category	If **Yes**, provide details	If **No**, provide reasons
Religious belief		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.
Political opinion		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.
Racial group		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.
Age		This Procedure aims to provide a compliant framework designed to address performance problems arising from ill health.

Marital status		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.
Sexual orientation		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.
Men and women generally		None identified. This Procedure aims to provide a compliant framework designed to address performance problems arising from ill health.
Disability		This Procedure aims to provide a compliant framework designed to address performance problems arising from ill health.
Dependants		None identified. The Procedure provides a framework for reporting sickness absence, regardless of equality category.

3	To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (Please provide details)	
Good relations category	**Details of policy impact**	**Level of impact (minor/major/none)**
Religious belief	The Procedure is unlikely to impact on good relations between people of different religious belief. The Procedure has no bearing on good relations.	None
Political opinion	The Procedure is unlikely to impact on good relations between people of different political opinion. The Procedure has no bearing on good relations.	None
Racial group	The Procedure is unlikely to impact on good relations between people of different racial group. The Procedure has no bearing on good relations.	None

4	Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?	
Good relations category	**If Yes, provide details**	**If No, provide reasons**
Religious belief		No, the Procedure provides a framework for dealing with ill-health incapacity and has no bearing on good relations for this group.
Political opinion		No, the Procedure provides a framework for dealing with ill-health incapacity and has no bearing on good relations for this group.
Racial group		No, the Procedure provides a framework for dealing with ill-health incapacity and has no bearing on good relations for this group.

Additional considerations

Multiple identity

5	Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, please provide details of any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).* Please include details of any data which you have used to determine/identify this impact
Section 75 categories (please specify)	Details of policy impact and details of data which describes the policy impact
Age Disability	This Procedure is likely to have a positive impact on equality of opportunity for these groups. Performance issues caused by ill-health will be managed in a supportive manner with consideration for the employee's age and disability and in recognition that older staff with a disability may take more time off work due to illness or for medical appointments compared with younger staff, which could have a detrimental impact on achieving required standards of performance. The scope of the Procedure provides a framework for addressing capability in a fair and reasonable manner.

Disability Duties

6.	Does the policy provide an opportunity to encourage disabled people to participate in University life?	
If **Yes**, provide details		If **No**, provide reasons
Yes. The Procedure will ensure that in cases involving performance-related issues caused by ill-health, a framework will be available to explore workable and practical options that may help to resolve the performance issues of an employee who is suffering from ill-health/ is disabled. This helps to manage expectations about an individual's contribution and overall outcomes in a positive way, encouraging disabled people to participate in University life.		

7. Does the policy provide an opportunity to promote positive attitudes towards disabled people?	
If **Yes**, provide details	If **No**, provide reasons
The implementation of the Procedure requires line managers to consider the needs of disabled people. This helps to promote a positive attitude towards disabled people. This helps to manage expectations about an individual's contribution in a positive way.	

Screening decision

Based on the evidence considered and outlined in Part 1 and the responses to the screening questions (Part 2), please indicate the screening decision for this policy:

Note: The University should take particular care not to screen out policies that have a procurement aspect if there is potential to promote equality of opportunity through the procurement of services.

Screen in the policy (subject the policy to an Equality Impact Assesment)
*i.e. the likely impact is '**major**' in respect of one, or more of the equality of opportunity and/or good relations categories*

Screen out the policy without mitigation or an alternative policy proposed to be adopted (no Equality Impact Assessment)
*i.e. the likely impact is '**none**' in respect of all of the equality of opportunity and/or good relations categories*

[X] **Screen out** the policy and **mitigate the impacts on equality** by **amending or changing the policy**, or by **developing an alternative policy or action** (no Equality Impact Assessment)
*i.e. the likely impact is '**minor**' in respect of one, or more of the equality of opportunity and/or good relations categories*

If the decision is to subject the policy to an equality impact assessment (i.e. 'screen in' the policy), please provide details of the reasons.

> N/A

If the decision is not to conduct an equality impact assessment (i.e. 'screen out' the policy), please provide details of the reasons.

> N/A

If the decision is not to conduct an equality impact assessment (i.e. 'screen out' the policy) and mitigate the impacts on equality by amending or changing the policy, or by developing an alternative policy or action, please provide reasons to support your decision, together with the proposed changes/amendments or alternative policy:

> The decision is to screen out the Procedure as the likely impact is 'minor' in respect of the following characteristics:
>
> - Age
> - Disability
>
> However, this impact is likely to be positive.
>
> The Procedure aims to provide a compliant framework designed to proactively manage absence and support staff who are absent due to illness in a sensitive, caring manner which respects the employee's dignity and individual circumstances.
>
> It has been designed to ensure that all staff are aware of their respective responsibilities and that any problems and instances of working practices or environments which may be contributing to sickness absence are dealt with at an early stage.
>
> The changes to this policy will be reviewed one year after it has been implemented and if necessary amended.
>
> Thereafter the policy will be reviewed in line with University policy, every two years.

Timetabling and prioritising

If the policy has been **'screened in'** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to the University's functions	

Note: The Total Rating Score will be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the University in timetabling. Details of the University's Equality Impact Assessment Timetable will be included in its quarterly Screening Reports.

Is the policy affected by timetables established by other relevant public authorities?

Yes

No

If yes, please provide details:

_____

_____

Approval and authorisation

		Position/Job Title	Date
Screened by:	*Geoff Gill*	Head of Health, Safety and Wellbeing	03/06/2021
Approved by:	*Samantha McAllister*	Chief People Officer	29/06/21

Note: Following approval by the Senior Leadership Team/Senate, the policy owner must inform the University Secretary that the policy has been approved. Once the Council of the University has been informed of the policy (either directly of through an appropriate Committee), the policy owner can then promulgate the policy and develop appropriate training or awareness raising material in relation to the policy.

A copy of the screening pro-forma will be made available on the University's website and be made available on request.

Review

Note: Policies must be reviewed at least every two years, but sooner if changes in legislation or other variables require review.

This policy is due for review (in terms of its impact on equality of opportunity and good relations) by the policy owner on:

      _29/06/23_____