



Equality Impact Assessment

EqlA covers policies, provisions, criteria, functions, practices and activities, including decisions and the delivery of services, but will be referred to as 'policy/practice' hereinafter.

School of Law

New procedures for safe working in University buildings to control the risks from Covid-19

Due to rapidly changing circumstances, consultation with named affected groups in this document has begun, but has not been extensive. Feedback on plans and implementation of the new procedures are invited and encouraged.

A. Policy/Practice (name or brief description):

Change in operations of the School of Law buildings to accommodate social distancing requirements due to the Covid-19 pandemic

B. Reason for Equality Impact Assessment (Mark **yes** against the applicable reason):

- Proposed new policy/practice
- Proposed change to an existing policy/practice- **Yes**
- Undertaking a review of an existing policy/practice
- Other (please state):

C. Person responsible for the policy area or practice:

Name: Prof Martin Hogg

Job title: Head of School

School/service/unit: School of Law

D. An Impact Assessment should be carried out if any of the following apply to the policy/practice, if it:

- affects primary or high level functions of the University- **Yes**
- is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)? - **Yes**
- It is one which interested parties could reasonably expect the University to have carried out an EqlA? - **Yes**

E. Equality Groups

To which equality groups is the policy/practice relevant and why? (add notes against the following applicable equality group/s)

- Age – YES
- Disability - YES

- race (including ethnicity and nationality) - YES
- religion or belief – NO (There are no prayer or ablution facilities in Law School buildings so there is no impact from these changes. The Chaplaincy spaces will be available as usual)
- sex – YES
- sexual orientation - YES
- gender reassignment - YES
- pregnancy and maternity - YES
- marriage or civil partnership¹ - NO

Terms: **Clinically vulnerable** and **extremely clinically vulnerable** have been used throughout and are important. The NHS definition of these terms can be found on the NHS website: <https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

- All managers should familiarise themselves with the meaning of these terms and the relationship to social distancing/shielding.
- Managers should find out, where staff are willing to share this, all staff that they manage that are in the clinically vulnerable categories for the purpose of effectively assessing social distancing risks. Personal health details should be kept confidential unless agreed to be shared by the individual.
- Individuals classed as **clinically extremely vulnerable** will not be able to access the buildings and will be required to continue working from home.

AGE

Age and Clinical Vulnerability - There is evidence that the susceptibility of individuals to Covid-19 increases with age. Robust, consistent operating procedures will reduce this risk and provide reassurance to this group.

Mitigation: Any older individual that is also in the **clinically vulnerable** category will have a personal risk assessment.

Age without Clinical Vulnerability - Restricted access to the building and the use of rotas may occasionally require people to work longer hours on a particular day. This may be detrimental to some older individuals.

Mitigation: This will be mitigated through the communication of the clear expectation that staff and students are not compelled to work excessive hours during the day, and that lengthy operations tasks can, where possible, be shared between team members. Additionally, out of hours work will be voluntary for all individuals. The University has agreed extended teaching hours till 8pm Monday to Friday. The School will monitor if this will be required to deliver Law teaching once students have indicated preferences of on campus/online and make adjustments accordingly.

Travel to and from work using public transport may be more difficult and risky for older individuals.

Mitigation: Line managers are encouraged to take a flexible approach to arrival and leaving times to allow individuals to avoid peak public transport times. Extended opening hours may be adopted to reduce use of public transport at peak times. The use of other methods of transport when possible will be encouraged (e.g. walking, cycling, private car).

Restricted access to the building may disproportionately impact on Teaching Fellows, Research Fellows/Assistants and Early Career Fellows and PhD candidates, who, across the University campus, are often younger, and who may have less suitable home accommodation and share office space on campus.

¹ Note: only the duty to eliminate discrimination applies to marriage and civil partnership. There is no need to have regard to advancing equality or opportunity or fostering good relations in this respect.

Mitigation All staff and second and third year PhD students have been consulted about room occupancy and those who cannot continue with home working will be accommodated on campus if guidelines allow, either in a rota with those they share an office with or in a meeting room for their use as an office

DISABILITY

Disability with Clinical Extreme Vulnerability - Individuals classed as [clinically extremely vulnerable](#) will not be able to access the buildings and will be required to continue working from home.

Mitigation: Every effort should be made to ensure that the individual is not disadvantaged in their work.

Those living with someone that is [shielding \(clinically extremely high risk\)](#) – Though this person themselves does not need to shield, efforts should be made to ease anxieties via conversation about any practical work adjustments that can be made (e.g. working in a room alone etc), wherever possible.

The one-way circulation system implemented to maintain social distancing will create longer walking routes around the building.

Impaired mobility - This could impact negatively on those people with impaired mobility. Lifts will be operational and no areas of the building should be inaccessible for individuals with reduced mobility. Depending upon changes to the building, there may be impacts to evacuation plans.

Mitigation: Individuals with reduced mobility will be allowed to employ the shortest possible route to their destination even when this goes against a one way system, and will have priority access to the lifts. Manager should discuss mobility issues in relation to building plans and agree a new Personal Emergency Evacuation Plan (PEEP) if required.

There will be fewer toilets available in order to ensure social distancing, but the same number of disabled toilets will be available in unchanged locations. However, for some locations longer walking routes to and from toilets will be required as a consequence of the one-way system.

Conditions requiring urgent access to toilet facilities – For example, Irritable Bowel Syndrome, Crohn's disease, those experiencing severe menopause symptoms etc.

Mitigation: Individuals in this group will not need to abide by one-way systems to access the toilets and may take the most direct route. Staff may not wish to (and are not obliged to) disclose this information to managers, but managers should make clear to all staff that this is a policy.

Visual Impairments - Approved signage in the buildings has been produced in consultation with the University's Disability Service and senior university management. The national body – Colour Blind Awareness – has reviewed the signage and approved the visual contrast that addresses all combinations of colour blindness.

Mitigation: Those with visual impairments should be offered an individual risk assessment and a revised Personal Emergency Evacuation Plan (PEEP) if required.

RACE

Data are emerging that suggest BAME individuals can be more vulnerable to COVID-19, due to multiple factors, none, some or all of which may apply to any individual. The School will continue to monitor evidence in this regard and modify our assessments as information arises. **Mitigation:** BAME individuals who are concerned that they may be at increased risk can bring this up with their line manager in the first instance, though any line manager who they are comfortable with can be used. Line managers should engage with the individual, taking into account their particular circumstances, to ameliorate risk while at the same time

ensuring that individuals are not excluded from undertaking activities that they are able and willing to do.

Additionally, University statistics indicate that BAME staff are more likely to be on fixed term contracts and are under-represented at senior levels. Fixed term and junior staff are more likely to be in shared offices per the Law School Room Allocation Policy that uses length of service to offer single occupancy office space.

Mitigation: All staff and have been consulted about room occupancy and those who cannot continue with home working will be accommodated on campus if guidelines allow, either in a rota with those they share an office with or in a meeting room for their use as an office

SEX

Men – Evidence exists that men, especially those in older age categories, are more vulnerable to COVID-19

Mitigation: Men who are concerned that they may be at increased risk can bring this up with their line manager in the first instance. Line managers should engage with the individual, taking into account their particular circumstances, to ameliorate risk while at the same time ensuring that individuals are not excluded from undertaking work that they are able and willing to do.

Women – More women occupy Professional Services roles that will be continuing to work from home over the longer term. This may disproportionately affect women in terms of isolation/mental health and in relation to home work in unsuitable work spaces. Managers should be open to discussing concerns of women in relation to social distancing and returning, or not, to University buildings. The School will undertake a separate EqIA addressing remote working if required. Staff working remote from their office in a place that is not their home for a protracted period of time are "Remote Working" (example: staff who are on field assignments overseas)

Carers – Many individuals have taken on increased caring responsibilities during the COVID19 period e.g. childcare, home schooling, elderly care, caring for vulnerable family members even if remotely.

There is evidence to show that during the Covid-19 pandemic, women in particular have taken on higher levels of caring responsibilities, e.g. childcare, home schooling, elderly care.

Mitigation: Line managers are required to take caring responsibilities into account when creating staff work plans.

Additionally, University statistics indicate that female staff are more likely to be on fixed term contracts and are under-represented at senior levels. Fixed term and junior staff are more likely to be in shared offices per the Law School Room Allocation Policy that uses length of service to offer single occupancy office space.

Mitigation: All staff and second and third year PhD candidates have been consulted about room occupancy and those who cannot continue with home working will be accommodated on campus if guidelines allow, either in a rota with those they share an office with or in a meeting room for their use as an office

SEXUAL ORIENTATION

Some LGBT+ people may be hiding aspects of their lives from people that they are living with, or be forced to shelter in situations where their identity is not fully accepted. The requirement to continue to work from home may cause disproportionate feelings of isolation and mental health and wellbeing problems for LGBT+ people.

Mitigation: LGBT+ individuals who are concerned that they may be at increased risk can bring this up with their line manager in the first instance, though any line manager who they are comfortable with can be used. Additionally, concerns can be raised confidentially with the Director of Equality and Diversity (Mrs Lindsay Jack)

GENDER REASSIGNMENT

There is evidence that the lack of explicit gender-neutral facilities in higher education institutions causes indirect discrimination, and increases the risk of harassment for individuals who have undergone gender reassignment in addition to non-binary staff and students.

Mitigation: There will be fewer toilets available in total in order to ensure social distancing, but the same number of gender-neutral toilets will be available in unchanged locations, with the possibility of further options (all toilet blocks will be single occupancy, so gendering may be removed altogether to maximise the availability of facilities). Individuals who are concerned about impacts to them arising from new social distancing plans that related to their gender reassignment can bring this up with their line manager in the first instance, though any line manager who they are comfortable with can be used. Additionally, concerns can be raised confidentially with the Director of Equality and Diversity (Mrs Lindsay Jack)

PREGNANCY AND MATERNITY

Pregnant women have been included in the list of people at moderate risk ([clinically vulnerable](#)) as a precaution. The School will comply with health and safety and absence leave requirements for pregnancy and maternity. A risk assessment will be undertaken for all pregnant workers and new mothers, regardless of how many weeks' gestation. The risk assessment will take into account: their job; any pre-existing health conditions; use of public transport; social-distancing guidance on minimising contact and maintaining a 2m distance.

OTHER AVAILABLE INFORMATION ABOUT THE NEEDS OF RELEVANT EQUALITY GROUPS:

The threat posed by COVID-19 is without recent precedent, with all areas of the University affected. To this end a College level virtual "Microsoft Team" has been created to collate and share impacts at each of the Schools of CAHSS. The minutes from these meeting are cascaded promptly by the College Registrar or College Estates Officer to ensure that emerging information about protected groups is incorporated into School plans.

Information available through the UK government inquiry into the impacts of COVID-19 on people with protected characteristics has been consulted. The evidence for impacts on protected groups will change as new information becomes available. The School will keep up to date with information and incorporate new evidence of equality impacts as they arise. We will be monitoring particularly the UK government inquiry findings: "Unequal impact: Coronavirus (Covid-19) and the impact on people with protected characteristics" which will look especially at impact relating to gender, disability and BAME individuals <https://committees.parliament.uk/work/227/unequal-impact-coronavirus-covid19-and-the-impact-on-people-with-protected-characteristics/>

Are there gaps in evidence/insufficient information to properly assess the policy, and how this be will be addressed:

The gaps in evidence for assessment of this policy will be filled by consulting continuously with protected characteristic groups as this practice is implemented and changed in response to the Scottish government guidelines.

Could application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?

The implementation of this new practice has the potential on equality in a number of ways outlined in the document, and potential ways not identified, to impact indirectly on equality. These potential impacts are justified in achieving the aim of protecting staff and students from COVID-19. The indirect risk is mitigated by measures aimed at allowing individuals in one or various groups to take a more flexible approach to their work. In addition, we encourage any

individuals who notice that their circumstances have deteriorated and who are not included here to reach out to their line manager, or any line manager with which they feel comfortable.

Will the policy/practice contribute to advancing equality of opportunity² ? The new practice should enable staff from all protected characteristic groups to resume work.

Is there an opportunity in applying this policy/practice to foster good relations?

Applying this practice and ensuring its good communication will provide reassurance to **all** staff and students that their health, safety, and well-being are being prioritised, and that issues of equality have been carefully considered. Continued support for staff to work from home, and work flexibly can foster good relations with those for whom these flexible working practices allow them to maintain good work-life balance.

Will the policy/practice create any barriers for any other groups?

No other protected groups will be affected, but there will be some inherent inequity imposed by the social distancing requirements. Those with smaller working spaces will inevitably have more restrictions on the number of individuals that can access that spaces than those with large rooms who may be able to hold one-to-one meetings. Some Professional Service staff must return to campus full time to undertake their role and other will continue to home working or hybrid home working.

PhD students and postdoctoral fellows near the end of their studies/contracts have been particularly negatively impacted by the closure of the buildings as they have been unable to complete their work. As such access for these individuals be prioritised so they may complete their work.

Support for guaranteed hours tutors who have reduced access to University of Edinburgh infrastructure, recruitment, training, HR management, access to resources is under consideration, via the CAHSS Student Services paper, authored by Dr Lisa Kendall, Head of Academic and Student Administration

Finally a majority of students and members of staff will see the amount of at-home work to be increased well above pre-pandemic levels for the duration of the requirement of social distancing. While some individuals may find this advantageous, others will not. In addition to allowing, once buildings are able to re-open, individuals to retrieve items from offices to ensure a more comfortable and safe home-working environment and ensuring homeworking risk assessment are undertaken, we have made mental health links available on the school Sharepoint site to which all members of staff have access.

<https://uoesharepoint.com/sites/hss/law/SitePages/Covid19information.aspx>

The same links are available for students on the current Student website
<https://www.currentstudents.law.ed.ac.uk/>

All staff have been encouraged to undertake the homeworking desk assessment

<https://www.edweb.ed.ac.uk/health-safety/training/e-learning/cardinus/covid19-training>

How will communication of the policy/practice be made accessible to all groups, if relevant?

This policy will be available on the School SharePoint and regular focussed updates in a bulletin format, with particularly important information communicated via email. Printed versions will also be available for those that require them.

<https://uoesharepoint.com/sites/hss/law/SitePages/Covid19information.aspx>

² This question does not apply to the protected characteristic of marriage or civil partnership

How are equality groups or communities involved in the development, review and/or monitoring of the policy or practice?

The following were directly involved in the development of this policy: Head of School, the Resources Manager, the Director of Equality and Diversity and the Grade 6,7 8 Staff Rep.

In matters related with the following protected characteristics, the following were asked for comment:

- Race and Ethnicity - University Edinburgh Race Equality Network (EREN)
- Religious Belief – University of Edinburgh Chaplaincy – Honorary Muslim Chaplin and Muslim Belief Contact

The speed with which this EqIA was required did not allow for extensive consultation prior to release. Further feedback will be sought and encouraged from individuals in affected groups in August and September 2020 in the first instance, and on an ongoing basis. The Director of Equality and Diversity will coordinate this work and feedback to School management.

Virtual “Town Halls” will be undertaken with all staff and returning students in August, to query proposed policies. Questions received through town halls or via email are answered and will be uploaded to an FAQ page on the School SharePoint site and included in the Induction document given to all staff and students and uploaded to the School SharePoint site at:

<https://uoe.sharepoint.com/sites/hss/law/SitePages/Covid19information.aspx>

Communications to Tutors (Ordinary, Diploma and Online) will be as part of the paid training offered in early September

The policy will be monitored continually after implementation and factors re-evaluated as governmental and University policy is revised over time. Policy modification will be approved via the Resources Manager (for local decisions or building-wide modifications), or via Head of School for any change in policy affecting the entire School.

Is there potential or actual impact of applying the policy or practice, with regard to the need to eliminate discrimination, advance equality and promote good relations:

Applying this practice and ensuring its good communication will provide reassurance to all staff and students that their health, safety, and well-being are being prioritised, and that issues of equality have been carefully considered. The revised practice aims to provide opportunities for as many staff and students as possible to resume work.

F. Equality Impact Assessment Outcome

Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision

Option 1: No change required – the assessment is that the policy/practice is/will be robust.

Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.

Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated/or justified YES

Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated/or justified.

G. Action and Monitoring

1. Specify the actions required for implementing findings of this EqlA and how the policy or practice will be monitored in relation to its equality impact (or note where this is specified above).

All line managers will be required to go through the EqlA with all members of their groups prior to school reopening. During this time, it must be made clear to all members of teams that they should immediately contact their line manager should their circumstances change.

Method: This assessment will be cascaded to all Heads of Institute, who have delegated responsibility for collating and evaluating (along with building managers) individual plans for lab re-openings.

They in turn will cascade the EqlA to individual PIs to ensure all of them undergo a review of how their planning impacts on their staff.

For the Professional Services, the Technical Services Manager will cascade the EqlA to all area managers to undertake review with their own teams.

The Head of School will require all buildings to have considered the issues within the EqlA from both an academic (labs) and Professional Services (support services) perspective in order to be cleared for re-opening.

The system for monitoring the impact of the policy has largely been described on page 6 in section '**How equality groups or communities are involved in the development, review and/or monitoring of the policy or practice?**' and will include inviting feedback from affected groups. Comments will be discussed at the Senior Executive Committee and changes made as needed.

2. When will the policy/practice next be reviewed?

The policies will initially be reviewed one month after implementation on a building by building basis by order of re-opening.

After that the policy will be re-visited as anticipated changes in policies at the government or University level are implemented, or as and when feedback necessitates a review of the policy.

H. Publication of EqlA

Can this EqlA be published in full, now? Yes

If No – please specify when it may be published or indicate restrictions that apply:

Yes. Due to the urgency of need, the EqlA will be published in its draft form as soon as possible in order to provide guidance in tandem with anticipated changes that will come from Government. Changes to the EqlA are expected as more information regarding impact and feedback is received and the School intends to act responsively.

I. Sign-off

EqlA undertaken by (name(s) and job title(s)):

Alex Nuth (resources Manager)

Mrs Lindsay Jack (Director of Equality and Diversity)

Accepted by (name): Professor Martin Hogg, Dean/Head of School. Edinburgh Law School
[This will normally be the person responsible for the policy/practice named above. If not, specify job-title/role.]

Date: 1st August 2020

Retain a copy of this form for your own records and send a copy to equalitydiversity@ed.ac.uk

