



Equality Impact Assessment Record Form

Disciplinary Procedure

Directorate	Service	Person responsible for the assessment	Date assessment completed
Resources	Human Resources/Organisational Development	Sally Morgan	07/09/2009
Title of the policy being assessed	Disciplinary Procedure		
The status of the policy	Existing		
1. What are the aims, objectives and purposes of the policy?	To provide a framework for managing potential disciplinary situations that arise and to establish and maintain a fair and equitable standard of discipline throughout the Council that will satisfy the test of reasonableness and which will provide appropriate opportunities for counselling and encouragement of improvement of conduct as necessary, and where possible.		
2. Does the policy support other objectives of the council?	<p>Yes, it supports compliance with all Council policies and procedures, and underpins good 'corporate governance'. Some examples of this are below: -</p> <ul style="list-style-type: none"> • Employee Code of Conduct; • Whistle blowing Policy; • The constitution – e.g. Standing Order 39; • Corporate plan – 'Changing Gear' by assisting in the aim to become an 'excellent' Council; First Class Resource Management • Links to the Attendance Policy – this would be used for health capability issues rather than disciplinary issues (this policy has been assessed separately). • Links to the Bullying & Harassment policy – deals with issues of that specific nature rather than under the disciplinary procedure (this policy has been assessed separately); • Customer complaints procedure of the customer services team could lead to the matter of complaint being considered under the disciplinary procedure if necessary • People Strategy & Development Plan – ensuring that the Disciplinary Procedure is compliant with ACAS code is part of 'priority 5' see page 10 (this document has been assessed separately). 		

	<p>It is also a mechanism for directly enforcing many other policies of the Council e.g. -</p> <ul style="list-style-type: none"> • Health and Safety (section 14 of 'Examples of conduct justifying disciplinary action' in the procedure); • Equal Opportunities (section 16 of 'Examples of conduct justifying disciplinary action' in the procedure); • Attendance Policy (section 10 of 'Examples of conduct justifying disciplinary action' in the procedure); • ICT Policy (section 4 of 'Examples of conduct justifying disciplinary action' in the procedure); • Anti-fraud Policy (section 12 of 'Examples of conduct justifying disciplinary action' in the procedure); • Breaches of the child protection policy would be dealt with under the disciplinary procedure. <p>This procedure links with many other areas of the Council's work and therefore potentially has a widespread effect.</p>
<p>3. Who is intended to benefit from the policy, and in what way?</p>	<p><u>All permanent employees</u> – this policy helps to communicate what is and what is not expected of employees and provides a framework for managing any potential issues, ensuring consistency and fairness. Please note that those employees who hold statutory posts (such as the Monitoring Officer, Head of Paid Service and Section 151 Officer) are subject to special conditions under the Constitution and Chief Officers have a separate but similar procedure, set out in their National Terms & Conditions.</p> <p><u>All Members</u> – particularly those that are on the appeals panel, are provided with a framework for handling disciplinary appeals.</p> <p><u>All managers</u> – a framework and guidance for handling potential issues</p> <p><u>All customers & service users</u> – to ensure that the standards of discipline and conduct are as expected, for example ensuring the health and safety of our customers, and confidence that where there is an issue it is dealt with appropriately.</p> <p><u>ICAS (Employee Assistance Programme)</u> – Provides the telephone advisers with contextual information on which they can base their advice, when contacted by a member of staff</p>
<p>4. What outcomes are anticipated from the</p>	<p>Consistent standards of discipline and adherence to Council policies/procedures. A framework for managing issues in conduct and improving behaviours where possible and</p>

<p>policy being in place?</p>	<p>appropriate. Guidance – a reference point for staff, managers and trade union representatives when dealing with disciplinary issues.</p>			
<p>5. Identify and select your assessment team.</p>	<p>Name</p>		<p>Role</p>	<p>Responsibilities</p>
	<p>Sally Morgan Consultees – See appendix A</p>		<p>HR Officer Various</p>	<p>Lead on assessment Consultees</p>
<p>6. What data have you gathered for this assessment? How have you analysed this data?</p>	<p>Source and Age of Data</p>	<p>Owner</p>	<p>Findings</p>	<p>Data Gaps</p>
	<p>Employee views via consultation (Sept/Oct 2009)</p>	<p>Human Resources</p>	<p>Changes made following this consultation are listed in Appendix A.</p>	<p>n/a</p>
	<p>Figures for disciplinary cases from April 2008 onwards. (Correct at 31 Aug 2009)</p>	<p>Human Resources</p>	<p>Only one formal disciplinary case since April 2008. Level of sanction is recorded but no trends can be drawn due to the size of sample.</p>	<p>The records of disciplinary action does not include direct reference to equality groups, however this information can be easily located on the Human Resources Information System. The only area where we lack information is in terms of sexual orientation and religion/belief (as</p>

				this is not currently collected, but can be used in the future once collected – see Appendix B). However, only having one case, it would not be possible to analyse trends in any case. Information on the spreadsheet is from April 2008 onwards therefore does not cover data prior to this and is a fairly short timespan.
	Staff Survey results (2008)	Human Resources /IPSOS Mori	The number of staff who consider themselves to have a disability	n/a
	INTRAN pages of intranet	Maureen Wells	Services that INTRAN can offer	n/a
	North Norfolk District Councils accessibility matters standards	North Norfolk District Council	Guidelines on how to make information more accessible	n/a
	Cognos reports (Cognos is a tool that allows us to create reports from the information held on	Human Resources	A number of areas – e.g. number of staff who have declared themselves as White British; age & gender	Information on the HR system cannot be broken down according to sexual orientation or

	the Human Resources computer system - 'Resource Link')		profile of the workforce.	religion and belief as we do not currently collect or hold this information.
	The existing data we have about the make up of the workforce has been used and applied where possible to the appropriate equality category (covered below in points 8-13) as to try to anticipate where there may be more impact than others and areas in the policy which assist or mitigate are highlighted.			
7. Who are the main stakeholders of this policy?	Community	Staff/Members		Partners
	<ul style="list-style-type: none"> Customers 	<ul style="list-style-type: none"> All employees All managers Members who may need to deal with appeals in the procedure Trade union representatives Human Resources 		<ul style="list-style-type: none"> ICAS (employee assistance programme provider)
8. Are there any concerns that the policy could have a negative impact with regard to race and ethnicity?	No	What evidence (actual data or assumptions) do you have to support this?		
		<p>This policy applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) and regardless of race/ethnicity. The procedure itself went through a consultation process with UNISON which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. The combined equalities strategy supports the belief of celebrating diversity, which could include diversity of cultural norms relating to race/ethnicity. These may need to be taken into account during the procedure. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p>		

		<p>The data on disciplinary cases since April 2008 at North Norfolk District Council (NNDC) shows that only one member of staff has gone through the procedure. The majority (95.4%) of employees at NNDC are White British, which was the ethnic origin of the employee who went through the procedure. With only one employee effected it is not possible to highlight trends, however with such a high percentage of White British employees it is unsurprising that the employee should be of that origin.</p> <p>'INTRAN' services (translation) would also be available if there was a need to communicate the procedure in another language, for example.</p> <p>We therefore believe that this procedure should not have a differential impact based on race or ethnic origin.</p>
<p>9. Are there any concerns that the policy could have a negative impact with regard to gender?</p>	<p>No</p>	<p>What evidence (actual data or assumptions) do you have to support this?</p> <p>This procedure applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) regardless of gender. The procedure itself went through a consultation process with UNISON which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p> <p>The data on disciplinary cases since April 2008 at North Norfolk District Council (NNDC) shows that only one member of staff has gone through the procedure. The employee who went through the procedure was male, and whilst there are actually more females in the workforce at NNDC, it is not felt that this is significant bearing in mind only one employee went through the procedure.</p>

		<p>Women are more likely to be working part time (40.7% of women, compared to 16.5% of men at North Norfolk District Council). Therefore to ensure that all employees receive the information on any changes to the procedure in the future, any briefing sessions would need to be timed appropriately to catch as many employees as possible – e.g. different days of the week, times etc. The procedure should also be communicated in a number of different formats – intranet, briefing newsletter, team briefings etc. All communications should comply with the Council Accessibility Matters Standards.</p> <p>We therefore believe that this procedure should not have a differential impact based on gender.</p>
<p>10. Are there any concerns that the policy could have a negative impact with regard to disability?</p>	<p>No</p>	<p>What evidence (actual data or assumptions) do you have to support this?</p> <p>This procedure applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) regardless of whether or not an employee is disabled. The procedure itself went through a consultation process with UNISON which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p> <p>The data on disciplinary cases since April 2008 at North Norfolk District Council shows that only one member of staff has gone through the procedure. Whilst it is possible to identify the status of this employee with regard disability (not recorded as disabled), it would not be useful for the purpose of highlighting trends bearing in mind only one employee went through the procedure.</p>

		<p>Figures from the staff survey 2008 show that 5% of staff consider themselves to have a disability or health condition covered by the DDA. Therefore as with ethnicity, by the law of averages it would be more likely that the one employee who has been through the procedure would not be disabled - which indeed is the case.</p> <p>This procedure deals with performance and behaviour issues relating to conduct. It is possible however that some performance/behaviour issues may be due to capability rather than conduct. Where this is related to a disability, this would be considered 'health capability' which is covered in the Attendance Policy (there is no mention of this in the Disciplinary Procedure, as the Attendance Policy was written after this procedure was written). If disability should be a mitigating circumstance or there were reasonable adjustments that should be made, this would be identified in the investigation stage of the procedure (see paragraphs 3 & 4). A condition requiring additional support / reasonable adjustments may also be recorded previously on personnel records, for example on recruitment documentation or the personnel file.</p> <p>This procedure should be communicated in a number of different forms – e.g. intranet, team briefing & briefing newsletter. Communications would need to comply with the Council's Accessibility Standards. 'INTRAN' services (translation) would also be available if there was a need to communicate the procedure in sign language or Braille for example.</p> <p>We therefore believe that this procedure should not have a differential impact based on whether or not an employee has a disability.</p>
<p>11. Are there any concerns that the policy could have a negative impact with regard to age?</p>	<p>No</p>	<p>What evidence (actual data or assumptions) do you have to support this?</p> <p>This procedure applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) regardless of age. The procedure itself went through a consultation process with UNISON</p>

		<p>which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p> <p>The data on disciplinary cases since April 2008 at North Norfolk District Council shows that only one member of staff has gone through the procedure. Whilst it is possible to identify the age of this employee, it would not be useful for the purpose of highlighting trends.</p> <p>We therefore believe that this procedure should not have a differential impact based on age.</p>
<p>12.Are there any concerns that the policy could have a negative impact with regard to religion/belief?</p>	<p>No – but insufficient data available on this group</p>	<p>What evidence (actual data or assumptions) do you have to support this?</p> <p>This procedure applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) regardless of religion/belief. The procedure itself went through a consultation process with UNISON which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. The combined equalities strategy supports the belief of celebrating diversity, which could include diversity of cultural norms relating to religion/belief. These may need to be taken into account during the procedure. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p> <p>Whilst there is data available on disciplinary cases since April 2008, it is not possible to analyse this in terms of religion/belief as the Council does</p>

		<p>not currently collect this information. However with only one member of staff having been through the process since April 2008, it would not be possible to highlight trends in any case.</p> <p>If there were any mitigating factors regarding the behaviour of the individual relating to their particular beliefs, this would at least be discovered in the investigation stage (Paragraphs 3 & 4), if it had not been highlighted before this (for example in less formal meetings or day-to-day communication).</p> <p>Point 16 of the section 'Examples of Conduct Justifying Disciplinary Action' refers to religion but not belief. This would need to be edited, to comply with the 2003 Regulations on Religion and Belief.</p> <p>It is currently not possible to conclude the impact of the procedure according to religion/belief.</p>
<p>13.Are there any concerns that the policy could have a negative impact with regard to sexual orientation?</p>	<p>No – but insufficient data available on this group</p>	<p>What evidence (actual data or assumptions) do you have to support this?</p> <p>This procedure applies the same standards to all members of staff (subject to the exceptions detailed in section 3 above) regardless of sexual orientation. The procedure itself went through a consultation process with UNISON which would highlight issues of inequity.</p> <p>The Council has and operates an Equal Opportunities Policy to ensure all staff are treated fairly, regardless of their background. However there is no 'equalities statement' in this procedure to reinforce the Policy. Also, all employees have the right to be represented and to appeal a decision if they feel it is not just.</p> <p>Whilst there is data available on disciplinary cases since April 2008, it is not possible to analyse this in terms of sexual orientation as the Council does not currently collect this information. However with only one member of staff having been through the process since April 2008, it</p>

		<p>would not be possible to highlight trends in any case.</p> <p>It is not currently possible to conclude the impact of the procedure according to sexual orientation.</p>	
14. Could the negative impact you have identified in questions 8 - 13 lead to the potential for adverse impact if the policy is implemented?	No	<p>There is not deemed to be any adverse impact to a particular group, based on the available evidence. If there should be any issues related to any of the equality groups mentioned in sections 8-13 of this assessment, it is hoped that any issues would be picked up at the investigation stage of the procedure, at the hearing where an employee has the right of reply (and to raise any issues/concerns) and/or through monitoring of the process.</p> <p>It would be useful to flag up the issues of capability and health capability which are/will be covered in other policies/procedures.</p>	
Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group?	N/A		
Or any other reason?	N/A		
Can the impact be mitigated by existing means?		See section 14 above.	
If yes, what actions will you undertake to mitigate these impacts and revise the policy?		Include more details of health capability in the review of the Attendance Policy and create an overall capability procedure.	
15. Describe the arrangements for reporting and publishing this assessment.	This assessment will be reported to the Equality and Diversity Board and will be published on the NNDC external website (www.northnorfolk.org)		
Has this assessment been undertaken by a minimum of two staff?	Yes	Has this assessment been scrutinised by your Directorate Steering Group?	This has been scrutinised by Organisational Development Equality Impact

			Assessment team
If the policy is new, or requires a decision by Councillors to revise, has this Equality Impact Assessment been included with the report?			N/A
Have any actions identified in this assessment been included in your service equality and diversity action plan?			See Appendix B
Completed by:	Sally Morgan, HR Officer	Signed off by:	Julie Cooke, Organisational Development Manager

Appendix A – Consultation information and Edits

People consulted in the assessment:

- Melanie Forrer (MF) – Equalities Officer - South Norfolk District Council
- Julie Cooke (JC) – Organisational Development Manager
- Kate Davison (KD) – Human Resources Assistant
- Rod Lee (RL) – Human Resources Advisor
- David Smith (DS) – Performance & Risk Assistant
- Janella Hadlow (JH) – Human Resources Officer
- Dipak Arya (DA) – Equalities Consultant
- UNISON representative (UR)
- Kate Sullivan (KS) – Community Liaison Officer

Actions taken after consultation:

- Addition of sections regarding cultural norms in the race/ethnicity and religion/belief sections - KS
- Additional information regarding who this policy does not apply to in question 3 (i.e. statutory positions) - RL
- Addition to action plan to insert discrimination on grounds of being transgender into the examples of conduct justifying disciplinary action – KS
- Addition to action plan to change ‘preamble’ to ‘introduction’ – MF
- Additional wording in sections 1,2,3 &14 – JC
- Explanation of ‘capability’ in Appendix B – DS
- Minor amendments to sections 2 & 6 – DS
- Clarification in boxes 2&4 – KD
- Link to other completed EqIAs – DA
- Addition of ICAS to sections 3 & 7 - RL

Appendix B – Action Plan

Action	Expected Outcome	Person responsible	Target date	✓
Include an Equalities statement in the Disciplinary Procedure	To link the procedure to the wider equalities agenda of North Norfolk District Council and reinforce the Equal Opportunities Policy to ensure all staff treated fairly and consistently regardless of background.	Sally Morgan	When Disciplinary Procedure is reviewed	
Include Sexual Orientation and Religion/Belief in monitoring of employees in general and therefore in the monitoring of the use of the Disciplinary Procedure. This would require an update from current employees and the data to be collected for all new employees. This would also eliminate areas where equality data is 'not known'.	To ensure there is no cause for concern with regard either of these groups in the application of the Procedure.	Sally Morgan	Ready to report on March 2010.	
Change 'Preamble' to 'Introduction' at the start of the policy. It is advised by Melanie Forrer that 'Preamble' is not inclusive language.	To ensure that the policy is accessible to as many people as possible	Sally Morgan	When Disciplinary Procedure is reviewed	
Ensure that capability* issues are covered elsewhere and that their existence is highlighted in this Procedure. Attendance Policy contains a section on health capability which can be expanded and there are plans to create a capability procedure for performance capability issues. <i>*(issues with performance which are due</i>	To highlight that some issues may be due to capability rather than misconduct and where there may be potential disability issues, ensure these are handled appropriately and reasonable adjustments are considered. To ensure that issues which are not disciplinary matters are dealt with under a more appropriate procedure.	Sally Morgan	When Disciplinary Procedure/ Attendance Policy are reviewed Late 2010 for Performance Capability.	

<i>to a 'skill, aptitude, health or any other physical or mental quality' [s98(3) ERA 1996] and not due to negligence or wilful misconduct, for example)</i>				
Review the Equality Impact Assessment on an annual basis and a full review every three years; or at the point which the policy is reviewed – which ever is sooner	Continuing commitment to equality, where changes have been made, or new evidence is available	Sally Morgan	When Disciplinary Procedure is reviewed or after 12 months – whichever is sooner	
Continue to monitor discipline cases over a longer period to see if there is a trend or an adverse impact on any group.	To see if there is an adverse impact on any group.	All Human Resources Officers, Advisors and Organisational Development Manager (ODM)	Ongoing	
Include reference to discrimination on the grounds of 'belief' and change 'sex' to 'gender & transgender' in section 16 of the 'Examples of Conduct Justifying Disciplinary Action'	To send a clear message that this would not be tolerated	Sally Morgan	When Disciplinary Procedure is reviewed	
Consider some kind of training for managers in this area. This could be related to investigation/interview skills (which could be complimentary to both recruitment and discipline/grievance)	To ensure that investigations are carried out thoroughly and properly and any mitigating factors that may need to be considered are appropriately noted.	Human Resources	ASAP if agreed with ODM	

