

# Equality Impact Analysis Record Form 2023 – Derbyshire County Council

## Introduction and context

Policy/ Service under development/ review		Disciplinary Procedure			
Department/ Corporate		CST HR Operations			
Lead officer		Lorraine Booth			
EIA Team:		Lorraine Booth, Jayne Mason, Tracey Wall			
Date analysis commenced:	28 March 2023	Date completed:	11 April 2023	Date approved:	27 June 2023

## About the service/ policy or function and the reason for the EIA

<p>What is the purpose of the service, policy or function?</p> <p>This procedure has been reviewed and updated to:</p> <ul style="list-style-type: none"> <li>- Ensure it remains relevant and up to date with latest guidance and legal advice;</li> <li>- Provide a framework to support managers in implementing the procedure fairly and consistently; and</li> <li>- To ensure employees are aware of their personal obligations with regard to the Disciplinary Procedure.</li> </ul> <p>This policy applies to all employees of the Council except those employed by schools where the Governing Board is the employer, and those who are employed under JNC Chief Officer or JNC Chief Executive conditions.</p>
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Anticipated outcomes of the procedure include a fair and consistent procedure for all employees with the ability to adjust procedures where necessary to ensure all employees are able to participate fully in the process should they become subject to a disciplinary investigation / process.

The revised procedure outlines roles and responsibilities more clearly and reminds employees that, certain professions require notification if an employee finds themselves subject to disciplinary proceedings.

Are there any proposals to change these?

No - This is an update of the current disciplinary procedure.

## Supporting evidence about impact

What is presently known about how the current service or policy impacts upon people with a protected characteristic, people from disadvantaged communities, armed forces personnel and other groups outlined in the Council's guidance for EIAs?

Information relating to any protected characteristic is not collected and is not available to anyone involved in the disciplinary process (Investigating Officer / Hearing Officer /Advice and Support).

It is necessary to ensure that the framework provides clear guidance and advice in the approach to disciplinary investigations and procedures to ensure employees are treated in a fair and consistent way.

Care has been taken in revising the procedure to take account of cases which have arisen since the last review, and to incorporate lessons learned with regard to the necessity of amending procedures to accommodate employees with protected characteristics to ensure they are able to participate fully in any proceedings.

Recent Equalities Profile for Derbyshire County Council employees indicates the following (January 2023) based on 11,194 appointments:

- Age: 17-25 – 4.7%; 26-35 – 14.3%; 36-45 – 18.98%; 46-55 – 29.4%; 56-65 – 28.9%; 66+ - 3.72%
- Gender: female 79.4% and male 20.6%
- Ethnicity: White British 93.9%, ethnic minority background 3.6%, undisclosed 2.49%
- Sexual orientation: LGB\* 2.8, Heterosexual 72.49%), undisclosed 24.71%
- Disability: yes 4.7%, no 91.8%, undisclosed 3.45%
- Religion: Christian 42.2%, any other 1.1%, no religion 31.1%, undisclosed 25.6%

By contract type the Council has 40% (4,519) part time appointments, 40% (4,433) full time appointments and 20% (2,242) relief appointments.

Please detail the sources for the above information

Information taken from SAP.

Is consultation planned/ has consultation take place? If Yes, what is this telling us about the likely impact on the protected characteristic and other communities/ groups etc.?

## Joint Trade Unions

The Joint Trade Unions have been consulted on the Disciplinary Procedures through the HR Operations Workstream meetings as follows:

March 2022 – Current procedure circulated for initial comments

June 2022 - Workstream meeting – initial comments discussed

September 2022 - Workstream meeting – discussion on feedback

October 2022 – Written summary of changes / amendments distributed to workstream reps

January 2023 – Workstream meeting to discuss final comments

3 February 2023 – Final draft issued to trade unions for comments (no comments received)

8 March 2023 – Reminder issued – no comments received

22 March 2023 – Workstream meeting – no TU attendance

The trade unions have commented on the need to ensure amendments to standard procedures may be required for employees with protected characteristics and a new section regarding revised arrangements has been incorporated into the procedure. The joint trade unions comments also incorporated include more inclusive language.

Input has also been requested from legal services and audit and comments incorporated as appropriate.

If there is insufficient information to determine likely impact, what information is needed and how will it be obtained in the future?

It would be possible to further report on gender, age, disability, race and ethnicity and religion to identify if certain groups are adversely affected by the use of the disciplinary procedure. This would entail additional recording processes within the current procedure.

### Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these have a negative, positive or no impact, including where this could constitute unfair treatment, limit access, or result in additional inequality or disadvantage, hardship, or exclusion.

For any identified negative potential impact, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan towards the rear of this document to record the action and the monitoring that will take place to deliver or identify appropriate mitigation.

<b><i>Protected Characteristic or Group</i></b>	<b><i>Positive impact</i></b>	<b><i>Negative impact</i></b>	<b><i>No impact</i></b>
<b>All protected characteristics</b>			Considered – no impact
(Please describe)	N/A		
<b>Age</b>			Considered – no impact
(Please describe)	N/A		
<b>Disability</b>		Yes	

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
(Please describe)	Amendments have been made to the procedure to mitigate against any potential disadvantage that may be experienced by employees with a disability. This allows for amendments to standard procedures to allow disabled employees to fully participate in the process. One example is that an employee with learning disabilities may wish to be accompanied by a support person in addition to their trade union representative or colleague.		
<b>Gender re-assignment</b>			Considered – no impact
(Please describe)	N/A		
<b>Marriage &amp; civil partnership<sup>1</sup></b>			Considered – no impact
(Please describe)	N/A		
<b>Pregnancy &amp; maternity</b>			Considered – no impact
(Please describe)	N/A		

<sup>1</sup> Under EA 2010 – someone in a CP must not be treated less favourably than a married person

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Race &amp; ethnicity</b>			Considered – no impact
(Please describe)	N/A		
<b>Religion/ belief<sup>2</sup></b>			Considered – no impact
(Please describe)	N/A		
<b>Sex or gender<sup>3</sup></b>			Considered – no impact
(Please describe)			

<sup>2</sup> Under EA 2010 – must also consider non-religious belief

<sup>3</sup> Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Sexual orientation</b>			Considered – no impact
(Please describe)	N/A		
<b>Human Rights</b>			Considered – no impact
(Please describe)	N/A		
<b>Armed Forces personnel/ households</b>			Considered – no impact
(Please describe)	N/A		
<b>Users of British Sign Languages</b>	Yes		
(Please describe)	The Council must ensure that relevant reasonable adjustments requirements are considered and in place for employees who are deaf and are users of British Sign Language. Relevant arrangements can be discussed with Occupational Health. Should an employee be in need of an interpreter, they would be allowed to be accompanied in addition to the normal accompaniment rights (trade union representative or colleague)		
<b>DCC Employees</b>			Considered – no impact
(Please describe)	N/A		



<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Community and Voluntary sector organisations working with protected characteristic groups</b>			Considered – no impact
(Please describe)	N/A		
<b>Other not listed above</b>			Considered – no impact
(Please describe)	N/A		

## Part 4. Summary of main findings

Introduction of the revised procedure gives the Council an opportunity to ensure that an appropriate, fair and equitable process is followed. The procedure will be applied to all employees equally.

The Council needs to ensure that it meets the needs of employees with disabilities to consider and make reasonable adjustments to allow employee to fully participate in the procedure.

It may be useful to better understand any relationship between implementation of the procedure and the employees affected. Monitoring of the implementation of the procedure would identify whether any group of employees with protected characteristics are adversely affected. This would allow identification of any potential positive and/or negative impacts and allow specific actions to be taken.

## Are there any recommendations for changes to proposals?

### Proposed Equality Action Plan

Please complete this Action Plan to outline any mitigation you intend to take.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
No monitoring of the procedure in relation to protected characteristics is currently carried out.	Additional personal information would need to be recorded on case files, or an ongoing programme of analysis would need to be implemented based on relevant categories, including protected characteristics. This may be able to be facilitated within the case management system currently being developed	In line with case management system development.  Tracey Wall	12 months following implementation

### Date and outcome of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:

Appointments and Conditions of Service Committee – 27<sup>th</sup> June 2023.