

Equality Impact Analysis Record Form 2023 – Derbyshire County Council

Introduction and context

Policy/ Service under development/ review		Employee Code of Conduct			
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:	26 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>The Code of Conduct has been reviewed and updated to:</p> <ul style="list-style-type: none"> - Ensure it remains relevant and up to date with latest guidance and legal advice; - Ensure the council meets its commitments outlined in the Council Plan - Rationalise procedures by combining the corporate code of conduct with the currently separate Adult Social Care and Health code of conduct. <p>This Code applies to all employees (and other workers) of the Council except those employed by schools where the Governing Board is the employer.</p>

Anticipated outcomes of the Code include a fair and consistent approach for all employees who may find themselves under investigation for a breach of the Code of Conduct.

Are there any proposals to change these?

No - This is an update of the current Code of Conduct.

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?

The Code of Conduct is not an employment procedure in itself, it is a set of guidelines and expected behaviours for employees to follow. Not acting in accordance with the Code of Conduct may mean that an employee is in breach of their terms and conditions and as a result may be investigated under the disciplinary procedure.

Information relating to any protected characteristic is not collected in relation to use of the Code of Conduct. It is currently issued to all employees with their contract of employment. There is no specific procedure related to breach of the Code of Conduct. Any perceived breaches of the Code may be investigated under the Council's separate disciplinary procedure.

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.

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 and more latterly the HR Policy Forum as follows:

March 2022 – Current version 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 including impact of the Officer's Interests Policy

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 to finalise draft – no TU attendance

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?

Any information required would be gathered in relation to the use of the disciplinary procedure as there is no specific procedure to follow for breach of the code of conduct. Any investigation would be carried out under the council's disciplinary 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.

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

Protected Characteristic or Group	Positive impact	Negative impact	No impact
(Please describe)	N/A		
Gender re-assignment			Considered – no impact
(Please describe)	N/A		
Marriage & civil partnership¹			Considered – no impact
(Please describe)	N/A		
Pregnancy & maternity			Considered – no impact
(Please describe)	N/A		

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

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Race & ethnicity			Considered – no impact
(Please describe)	N/A		
Religion/ belief²			Considered – no impact
(Please describe)	N/A		
Sex or gender³			Considered – no impact
(Please describe)	N/A		

² Under EA 2010 – must also consider non-religious belief

³ 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

Protected Characteristic or Group	Positive impact	Negative impact	No impact
Sexual orientation			Considered – no impact
(Please describe)	N/A		
Human Rights			Considered – no impact
(Please describe)	N/A		
Armed Forces personnel/ households			Considered – no impact
(Please describe)	N/A		
Users of British Sign Languages			Considered – no impact
(Please describe)	N/A		
DCC Employees			Considered – no impact
(Please describe)	N/A		

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

Part 4. Summary of main findings

Introduction of the revised code of conduct gives the Council an opportunity to ensure that employees are treated fairly and equitably. It may be useful to better understand any relationship between actions taken as a result of a breach of the code of conduct and implementation of the code and the employees affected. This could take place by monitoring implementation of the disciplinary procedure.

This 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
<p>No monitoring of the implementation of the code of conduct in relation to protected characteristics is currently carried out.</p>	<p>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 but would only be in relation to those disciplinary cases which are a result of a breach of the code of conduct.</p>	<p>In line with case management system development.</p> <p>Tracey Wall</p>	<p>12 months following implementation</p>

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 – 27th June 2023.