

APPENDIX 2



Equality impact assessment form

Directorate	Corporate Resources
Service area	Human Resources
Proposal	Review and update of the existing Disciplinary and Dismissals Policy in line with ACAS Code of Practice. The proposal also includes amending the policy title so it becomes Disciplinary Policy ("and dismissals" is removed)
Reason for proposal	Policies are reviewed and updated every 3 years to ensure they remain in line with best practice and the ACAS Code of Practice.
Sign off (Director/Head of Service)	Liz Moore – Head of HR and Interim Head of OD
Date of assessment	16 June 2022

Please read the support notes to help you in Appendix 1 before completing your assessment

The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

The assessment team or name of individual completing this form

Team leader's name and job title – Helen Bounds – HR Advisor Lead

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Anjula Nath	HR Advisor (Policy Team)	Derby City Council	Human Resources

Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

<p>1. What are the main aims, objectives and purpose of the decision you want to make?</p>	<p>An EIA was completed on 17/10/18. This stated “The Disciplinary and Dismissals policy and procedure is intended to help and encourage all employees of the Council to improve and maintain the required level of conduct. The Council takes equality complaints very seriously and some of these may be taken though the Disciplinary Process</p> <p>This policy outlines a fair, transparent and consistent process that includes the key steps the Council will take if the conduct of employees falls below what is expected of them.</p> <p>The Council’s Disciplinary and Dismissal Policy applies to all employees. The aim of the policy is to ensure consistent and fair treatment for all at the Council. It’s a statutory policy”.</p> <p>The aims, objectives and purpose of the policy remain unchanged. The policy has been reworded to be consistent with other policies and HR principles; for example, “employee” has been replaced with either “colleague” or “you”. We have also removed the word “dismissals” from the title to remove any unconscious bias and demonstrate that it is a fair and impartial process.</p>
<p>2. Why do you need to make this decision?</p>	<p>To continue to have a policy and process in place to address a colleague’s conduct, when required. This policy is a statutory requirement and is in line with ACAS Code of Practice.</p>
<p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p>	<p>The policy is applied by management at the Council. The Trade Unions will be consulted on the updates/ changes to the policy and the policy has been amended in collaboration with HR colleagues.</p> <p>The policy guidance on iDerby will be updated and both the policy and guidance will be communicated to all colleagues. Training and advice will be provided to managers by HR, including support and coaching for Investigating Officers.</p> <p>Colleagues can also contact the Employee Assistance Programme to access services to support their wellbeing; such as counselling. Managers may also refer colleagues to Occupational Health.</p>
<p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p>	<p>All Council employees are affected by this policy except for Chief Officers.</p>

Step 2 – collecting information and assessing impact

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

Draft policy and draft EIA will be circulated to our employee networks for their comments.

HR will consult with trade union colleagues via the Policy Working Group. The policy will also be presented to the Personnel Committee and to Corporate Day of Business for approval. Each year we analyse our equality employment statistics and [record disciplinarys and dismissals by equality group](#).

The policy wording has been run through the accessibility checker on Microsoft Word and no issues have been identified.

HR will work with the Equality and Diversity team to ensure the policy is available, on request, in a range of formats, for example large print, braille and translation to other languages. HR will also produce an updated BSL video and an easy read version of the Disciplinary Policy.

6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
Age – older and younger people	<p>The EIA in 2018 states “we know that some employees may face age discrimination and harassment at work from colleagues or managers. This Policy is a mechanism for offenders to be disciplined for their conduct.</p> <p>This remains unchanged. In such cases the Council’s bullying, harassment, victimisation and discrimination policy statement will also be considered.</p>	√		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<p>Disability – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments</p>	<p>The EIA in 2018 states “We know that some disabled employees may face disability discrimination and harassment at work from colleagues or managers, for example failure to make reasonable adjustments in a timely manner or derogatory comments. In addition, employees may face discrimination on the grounds of perceived impairment or by association and this Policy is a mechanism for offenders to be disciplined for their conduct. Reasonable adjustments are made for any disabled employees going through the disciplinary procedures”,</p> <p>This remains unchanged. Examples of reasonable adjustments include an electronic note taker and BSL interpreters. The guidance refers to other reasonable adjustments such as frequent breaks at any meetings/ hearings. In such cases the Council’s bullying, harassment, victimisation and discrimination policy statement will also be considered. Colleagues can also access support from the Disabled Employees Network (DEN).</p>	√		<p>The Policy can be provided in a range of formats, upon request, for example large print, braille. An easy read version of this Policy and a BSL video will be available.</p>
<p>Gender identity- trans and those people who don’t identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.</p>	<p>The EIA in 2018 states “We know that some employees may face discrimination at work from colleagues or managers on grounds of gender identity or perceived gender identity or by association and this Policy is a mechanism for offenders to be disciplined for their conduct”.</p> <p>This remains unchanged. In such cases the Council’s bullying, harassment, victimisation and discrimination policy statement will also be considered. Colleagues can also access support from the LGBTQ+ and Allies Employee Network.</p>	√		
<p>Marriage and Civil Partnership</p>	<p>The EIA in 2018 states “We know that some employees may face discrimination at work from colleagues or managers on grounds of civil</p>	√		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>partnership and this Policy is a mechanism for offenders to be disciplined for their conduct”.</p> <p>This remains unchanged. In such cases the Council’s bullying, harassment, victimisation and discrimination policy statement will also be considered.</p>			
Pregnancy and maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers	<p>The EIA in 2018 states “We know that some women may face discrimination and harassment when they come back to work after having a baby – this Policy is a mechanism for offenders to be disciplined for their conduct”.</p> <p>This remains unchanged and some women may face discrimination and harassment at work during their pregnancy. In such cases the Council’s bullying, harassment, victimisation and discrimination policy statement will also be considered.</p>	√		
Race - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community	<p>The EIA in 2018 states “We know that some employees may face race discrimination and harassment at work – this Policy is a mechanism for offenders to be disciplined for their conduct”</p> <p>This remains unchanged. In such cases the bullying, harassment, victimisation and discrimination policy statement will also be considered. Colleagues can also access support from the Black, Asian and Minority Ethnic Employees Support Network (BESN).</p>	√		The Policy can be translated into other languages for employees with English as an additional language, on request.
Religion or belief or none - the effects on religious and cultural communities, customers and colleagues	<p>The EIA in 2018 states “We know that some employees may face discrimination and harassment at work because of their religion or belief or perceived religion or believe or by association – this Policy is a mechanism for offenders to be disciplined for their conduct”.</p>	√		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	This remains unchanged. In such cases the bullying, harassment, victimisation and discrimination policy statement will also be considered. The guidance will refer to reasonable adjustments in attending meetings/ hearings, for example key religious events.			
Sex - the effects on both men and women and boys and girls	<p>The EIA in 2018 states “We know that some employees may face discrimination and harassment at work because of their sex– this Policy is a mechanism for offenders to be disciplined for their conduct”.</p> <p>This remains unchanged. In such cases the bullying, harassment, victimisation and discrimination policy statement will also be considered.</p>	√		
Sexual orientation - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	<p>The EIA in 2018 states “We know that some employees may face discrimination and harassment at work because of their sexual orientation, perceived sexual orientation or by association – this Policy is a mechanism for offenders to be disciplined for their conduct”.</p> <p>This remains unchanged. In such cases the bullying, harassment, victimisation and discrimination policy statement will also be considered. Colleagues can also access support from the LGBTQ+ and Allies Employee Network.</p>	√		

Important - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	√	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2		Adjust the proposal to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the proposal despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision? There are no barriers to equality identified in this Policy.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider

Appendix 1

Equality impact assessment form– please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term 'policy' as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
- Key decisions such as allocating funding to voluntary organisations, budget setting.
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You'll find that completing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring

- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don't do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It is a public document so must not contain any jargon and must be easy to understand.

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **derby.gov.uk/signing-service/**

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **derby.gov.uk/signing-service/**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **derby.gov.uk/signing-service/**

Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **derby.gov.uk/signing-service/**

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں