

Title of the policy	Disciplinary Policy & Procedure (including Use of Electronically Collected Data)
Date	02/03/2015
Lead Officer	Sally Dobrowolska – HR Advisor
Who else is involved in undertaking this assessment?	N/A

Step 1 – Overview of policy/function being assessed

A. Outline: What is the purpose of this policy? (specify aims and objectives)
<p>The purpose of the Council's Disciplinary Policy and Procedure is to encourage all employees to achieve and maintain satisfactory standards of conduct and behaviour, rather than solely providing the means of imposing penalties where alleged matters of misconduct are identified. The aims of the Policy and Procedure are to ensure consistent and fair treatment for everyone and to meet the requirements of the ACAS Statutory Code of Practice on Disciplinary and Grievance Procedures.¹</p> <p>The Policy and Procedure, and associated guidance, in particular has been reviewed in order to incorporate specific guidance relating to the use of Electronically Collected Data, such as CCTV recordings and door access systems, in order to meet the recommendations of the Information Commissioner's Employment Practices Data Protection Code.²</p>
B. What specific groups is the policy designed to affect/impact?
<p>The Policy, Procedure and associated Guidance are intended to have either a neutral or positive impact on all employees, as they encourage employees and managers to work together to improve standards of conduct and behaviour rather than imposing penalties where it is alleged that standards are not met. However, a fair and consistent means of treatment is identified in the event that this does not achieve the desired result. With specific regard to the use of Electronically Collected Data, the purposes for which the data can be used and the process for accessing it are clearly defined, to ensure that where it is necessary to do so this is done in a fair manner which does not unreasonably affect an employee's right to privacy and dignity.</p>
C. Which groups have been consulted as part of the creation or review of the policy?
<p>Consultation has been carried out with the Council's management team and recognised Trade Unions: Unison, GMB and UCATT during the review of this policy. The Council's Legal Services advisors were also engaged and asked to offer further guidance and information especially with regard to statutory obligations.</p>

Step 2 – What we already know and where there are gaps

A. List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to ethnicity, religion, sexual orientation, disability, age, gender, transgender etc.
<p>Data/information such as:</p> <ul style="list-style-type: none"> ▪ Consultation ▪ Previous Equality Impact Assessments ▪ Demographic information ▪ Anecdotal and other evidence
<p>Charnwood Borough Council produces a quarterly report on the Council Workforce and Equality Targets. The figures within that demonstrate that for the latest quarter of analysis that the:</p> <ul style="list-style-type: none"> • Number of staff employed: 539 • Number of male employees: 211(39.1%)

¹ See Acas, available at: <http://www.acas.org.uk/index.aspx?articleid=2174> [Accessed 02/03/2015]

² See Information Commissioner's Office, available at: <https://ico.org.uk/for-organisations/guide-to-data-protection/employment/> [Accessed 02/03/2015]

- Number of female employees: 328 (60.9%)
- Number of disabled workers: 19 (3.53%)
- Number of employees aged under 25: 30 (5.57%)
- Number of workforce BME: 69 (12.8%)
- Number of Employees declaring as LGB: 4 (0.74%)

During the period 1st April 2014 – 2nd March 2015, CBC conducted three investigations in accordance with the Disciplinary Policy and Procedure, and three disciplinary hearings. Of these, four (66.6%) involved male employees and two (33.3%) involved female employees. This period has been chosen as an example and figures may fluctuate from year to year.

It should be noted that data is not currently collected in regard to the number of investigations and disciplinary cases involving the collection and use of Electronic Data.

Data is not currently collected regarding the other protected characteristics and how people with them are affected by or involved in investigations / disciplinary matters.

B. What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (please list)

The data collected indicates that more male employees were affected by this Policy and Procedure during the period 1st April 2014 – 2nd March 2015, and these numbers were disproportionate compared to the composition of the workforce. It is therefore important to ensure that the Policy and Procedure, and any associated guidance are reviewed regularly and any investigations / disciplinary hearing carried out in an appropriate manner in accordance with the Policy, to reinforce the fact that they have been developed in order to encourage employees to achieve the required standards of conduct and behaviour.

At present there is no data to identify whether the other protected groups are significantly affected by the Disciplinary Policy and Procedure, and in particular no data to identify trends in relation specifically to cases involving Electronically Collected Data.

Step 3 – Do we need to seek the views of others? If so, who?

A. In light of the answers you have given in step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

No further consultation was necessary as staff side representatives and management were involving in the consultation process.

Step 4 – Assessing the impacts

	In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative on the groups specified and provide an explanation for your decision. (please refer to the general duties on the front page)
Age	
Disability (physical, visual, hearing, learning disabilities, mental health)	<p>Employees with learning difficulties, visual impairments or low literacy may be unable to access the policy in written format. Versions in alternative formats may be made available on request, and managers are required to ensure all employees are aware of and understand the provisions of the Policy and Procedure.</p> <p>In some cases, employees with disabilities especially affecting e.g. judgement or behaviour may be less able to recognize acceptable standards of conduct and behavior, and may be more likely to be affected by the Disciplinary Policy and Procedure. It is also possible that this may make it more difficult to fully explain their version of events, comprehend complex information / conclusions</p>

	or to request relevant support.
Gender	<p>The Disciplinary Policy and Procedure will have a positive impact. Although more male than female employees were involved in investigations or disciplinary cases in the period in question, this Policy and Procedure has been written specifically to improve / maintain acceptable standards of conduct and behaviour and as a result reduce the need to proceed to more formal processes.</p> <p>Should the need arise, the Policy and Procedure outlines an equitable means of conducting investigations and disciplinary hearings, which would apply to all employees, with checks and balances such as appointing an independent hearing panel, to ensure fairness of process. In order to prevent bias in applying the procedures it would be advisable to consider offering training to managers to support the provisions of the Policy, Procedures and Guidance.</p>
Religious Belief	
Racial Group	Employees whose first language is not English may face barriers in accessing the Disciplinary Policy and Procedure. Versions in alternative formats may be made available on request, and managers are required to ensure all employees are aware of and understand the provisions of the Policy and Procedure.
Sexual Orientation	
Transgender	
Other protected groups (pregnancy & maternity, marriage & civil partnership)	
Other socially excluded groups (low literacy, priority neighbourhoods, socio-economic, etc)	Employees with learning difficulties, visual impairments or low literacy may be unable to access the policy in written format. Versions in alternative formats may be made available on request, and managers are required to ensure all employees are aware of and understand the provisions of the Policy and Procedure.
All	The Disciplinary Policy and Procedure (and associated Guidance) have been drafted in an inclusive manner, and contains clear references to expectations of its employees as representatives of the Council. The overall effect of the Disciplinary Policy and Procedure is expected to be positive as it is intended to help the Council achieve its aims of eliminating discrimination, advancing equality of opportunity, and fostering good relations.

Step 5 – Action Plan

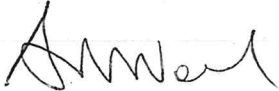
Please include any identified concerns/actions/issues in this action plan: <i>The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan</i>			
Question Number (Ref)	Action	Responsible Officer	Target Date
4	Consider offering training to managers in order to ensure fairness where the provisions of the Policy and Procedure may need to be invoked, especially with regard to Electronically Collected Data.		
	Disability- Ensure additional appropriate support is sought for employees, when relevant, if there is a		

	lack of understanding or difficulty in fully explaining their version of events as part of the disciplinary procedure.		
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Step 6 – Who needs to know about the outcomes of this assessment and how will they be informed

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
Employees	✓	The policy would be available to all staff and published on the intranet. Alternative formats may be made available upon request.
Service users		
Partners and stakeholders		
Others		
To ensure ease of access, what other communication needs/concerns are there?	✓	The policy would be available to all staff and published on the intranet. Alternative formats may be made available upon request.

Step 7 – Conclusion (to be completed and signed by the Service Head)

Please delete as appropriate	
I agree I disagree with this assessment / action plan	
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:	
Signed (Service Head):	
Date:	

Please send completed & signed assessment to: Helen Gretton