

Equality Impact Assessment

DISCIPLINARY CODE AND PROCEDURE

Impact Assessor: Kirsten Burnett, HR Development Officer

Date: 1 March 2006

The Impact Assessment was carried out with the support of a working group comprising HR staff from each directorate, managers and Trade Union representatives.

1. Defining the Aims of the Procedure

- To ensure fairness and consistency within a clearly-understood and agreed framework when dealing with disciplinary issues.
- To support employees to make the necessary improvements to conduct themselves as the Council and its customers expect and to sanction misconduct (including by dismissal from employment) where appropriate.
- To safeguard the health and safety of staff, service users and customers, particularly in the case of children and vulnerable adults.
- To ensure that all the facts are thoroughly investigated before any disciplinary action is taken.
- To avoid lengthy and costly suspensions from duty, which often cause anxiety for the individuals concerned.
- To lay down ground rules for managing conduct issues informally wherever possible.
- To allow managers to deal with conduct issues without being accused of bullying.
- To avoid Employment Tribunal claims and protect the reputation of the Council.
- To ensure that those people involved in disciplinary procedures are supported during this time, including maintaining effective communication with them.
- To clearly define roles and responsibilities.
- To deal with issues within a reasonable timeframe.

The Procedure is defined by the corporate HR team, following consultation with HR colleagues, TU representatives, staff and managers. It is approved by the HR sub-group. It is managed by corporate and departmental HR teams. The appeal process is administered by the corporate HR Team.

The stakeholders are: HR, all employees, all managers, the Trade Unions and the Elected Members who hear appeals. Residents of Blackpool also expect the Council to manage the conduct of its employees. There are other regulatory bodies (CSCI, GSCC, DIS), which expect the Council to have effective disciplinary procedures in place.

The procedure supports the Council's People Strategy and links to other policies: Dignity at Work, Bullying and Harassment, Grievance, Whistleblowing, Code of Conduct.

What might hinder the Procedure?

- If matters are not dealt with in a fair and consistent fashion, this will lead to a poor employee relations climate, appeals and employment tribunal claims, with adverse publicity.
- A lack of training and awareness.
- Individual personalities / bias may detract from the aims of the policy.
- Changes in employment legislation.
- Inconsistent interpretation or application of the procedure.

2. Available Data and Research

Data was collected from departmental HR teams on staff put through the disciplinary procedure during a period in 2005.

Business Services / Tourism and Regeneration

7 staff disciplined. 6 were male, 1 female. One male declared himself disabled (the only person in the group to do so) and was the only individual dismissed. There were also 3 females who resigned before disciplinary investigations were completed.

49.46% of staff within these directorates are male. 83% of staff given a disciplinary warning were male. There were no cases where no action was taken. All staff declared themselves to be White British.

Housing and Social Services

25.6% of staff within this directorate are male. 11 members of staff were subject to formal disciplinary procedures. Of these, 5 (45% of the group) were male and 4 of these were dismissed, with the other being given a formal warning. 2 of the 6 females were dismissed, 3 were given formal warnings and no action was taken against the remaining female.

None of the staff declared themselves to be disabled. All were White British, except for one person who did not declare their ethnicity.

Education and Children's Services and Leisure, Culture and Community Learning

30.7% of staff within these directorates are male. 7 members of staff were subject to formal disciplinary procedures. Of these, 3 (43% of the group) were male and 1 of these was dismissed and reinstated on appeal, with 1 being given a formal warning and no further action was taken in respect of the remaining male. 2 of the 4 females were given formal warnings and no action was taken against the remaining females.

1 member of staff declared themselves as from a BME group. In this case, the matter was resolved informally. None of the staff declared themselves as disabled.

Overall

25 members of staff were subject to formal procedures. 56% of these were male compared to 35% of the overall workforce.

None of these members of staff declared themselves as disabled, compared to 1.5% of the workforce.

All but one, or 96%, were recorded as White British (or undeclared). This compares to 97.6% of the workforce.

3. Assessment of Impacts

There are some discrepancies between the staff ratios generally and those who were subject to formal disciplinary procedures. However, the numbers concerned are small and are only likely to show adverse impact when collected over a longer timeframe. The HR system is being used, as of 1 January 2006, to record disciplinary information and will facilitate annual reporting in the future.

In the case of the only member of staff with a disability being the only person to be dismissed within Business Service, further investigation shows that the conduct issue had previously been dealt with more leniently (with a previous warning being issued) specifically to recognise and support the disability.

Most of the males within H & SS were dismissed. This should be monitored over a longer period to assess whether there is a tendency to treat male staff more harshly.

4. Possible Measures to Mitigate Impact / Promote Equality of Opportunity

- Review the existing procedure and communicate this to staff.
- The new procedure should include more detail about how matters can be resolved informally, including the support that is available to all parties. This should, in some cases, avoid formal investigations and allow for an early resolution of the issue.
- Managers should be trained in the Disciplinary Procedure. The Middle Managers' Knowledge / Skills programme will address this.
- Improved recording using the HR system will assist in monitoring over a longer period, which will show any trends / adverse impact more clearly and allow for consistency checks across the Authority.

Kirsten Burnett
HR Development Officer