

## Integrated Impact Assessment (IIA)

### Stage 1 Scoping and Assessing for Relevance

#### Section 1 Details of the Proposal

<b>A. Title of Proposal:</b>	Disciplinary Procedures for Misconduct
<b>B. What is it?</b>	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/Strategy/Practice X <input type="checkbox"/>
<b>C. Description of the proposal:</b> (Set out a clear understanding of the purpose of the proposal being developed or reviewed (what are the aims, objectives and intended outcomes, including the context within which it will operate))	<p>The aim of this Policy is to help to maintain the required standards of conduct by employees throughout Scottish Borders Council's ("SBC") activities and to ensure that any disciplinary action is applied consistently and fairly. The Policy and procedure should encourage employees to achieve and maintain standards of behaviour and performance while providing comprehensive information about the process itself and how disciplinary matters should be handled.</p> <p>The policy has been comprehensively reviewed taking into consideration the recommendations of the independent inquiry.</p> <p>Key changes are clear instruction and guidance on when and how to make referrals to Child/ Adult</p>

	<p>Protection and/ or Disclosure Scotland and other external agencies, where appropriate.</p> <p>Additionally in order to ensure that the procedure is consistently and accurately applied and adhered to, as a minimum all managers must familiarise themselves with the revised Policy and its procedures and have undertaken the online training course Discipline Procedure at Work before commissioning or conducting any disciplinary proceedings.</p> <p>Similarly, Investigation Officers must have as a minimum undertaken this training.</p> <p>To ensure accuracy and certainty in the investigation process an Investigation Brief Document has been introduced, which is required to be completed by the Commissioning Manager to commence an investigation.</p> <p>Furthermore, in order to ensure a consistent approach to the investigation aspect of the procedure the Guidelines on Conducting Investigations have also been revised and are also now added as an appendix to this policy.</p> <p>As a supportive measure to employees on special paid leave, the policy has been amended to allow them to choose their support person. The policy also now clarifies that they are entitled to collect personal items from their workplace and that this will be facilitated by their manager.</p>
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	<p>The workforce data referred to throughout this assessment has been obtained from the Council's Equality Mainstreaming Update Report 2023 and covers the period January 2021 – December 2022. As at December 2022 There were 5961 employees in total (Female 4476, Male 1485).</p>
<p><b>D. Service Area:</b> <b>Department:</b></p>	<p>People Performance &amp; Change  Human Resources</p>
<p><b>E. Lead Officer:</b> (Name and job title)</p>	<p>Iain Davidson Employee Relations Manager</p>
<p><b>F. Other Officers/Partners involved:</b> (List names, job titles and organisations)</p>	<p>Clair Hepburn Director People Performance &amp; Change Heather Cassils HR Advisor Stacey Hendron HR Advisor Michael Rogerson HR Advisor</p>
<p><b>G. Date(s) IIA completed:</b></p>	<p>July 2023</p>

**Section 2 Will there be any impacts as a result of the relationship between this proposal and other policies?**

Yes

If yes, - please state here:

- Policy on Dignity and Respect in the Workplace
- Employees' Code of Conduct
- Work Performance Policy
- Professional and Regulatory Regulations and Codes of Conduct/ Practice
- Competency Behaviours •
- Domestic Abuse Policy
- Equality, Diversity and Human Rights Policy
- Substance Misuse Policy

**Section 3 Legislative Requirements****3.1 Relevance to the Equality Duty:**

Do you believe your proposal has any relevance under the Equality Act 2010?

Yes

*(If you believe that your proposal may have some relevance – however small please indicate yes. If there is no effect, please enter “No” and go to Section 3.2.)*

Equality Duty	Reasoning:
<b>A. Elimination of discrimination (both direct &amp; indirect), victimisation and harassment.</b> <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i>	Raising awareness of and the consistent application of this policy serves to meet the duty of eliminating discrimination, victimisation and harassment.
<b>B. Promotion of equality of opportunity?</b> <i>(Will your proposal help or hinder the Council with this)</i>	The Policy should promote equality of opportunity as it proscribes behaviour which is in breach of the Equality Act and general principles of fairness.
<b>C. Foster good relations?</b> <i>(Will your proposal help to foster or encourage good relations between those who have different equality characteristics?)</i>	Similarly this should foster good relations between equality groups.

<b>3.2 Which groups of people do you think will be or potentially could be, impacted by the implementation of this proposal? (You should consider employees, clients, customers / service users, and any other relevant groups)</b>				
Please tick below as appropriate, outlining any potential impacts on the undernoted equality groups this proposal may have and how you know this.				
	Impact			Please explain the potential impacts and how you know this
	No Impact	Positive Impact	Negative Impact	
<b>All Equality Groups</b>				It is considered that overall there will be a positive impact on all equality groups. The policy seeks to maintain standards of behaviour which are beneficial to all. Any form of bullying, harassment, intimidating or offensive behaviour is a breach of the policy. This includes any such behaviour influenced by a protected characteristic.

				<p>Specific consideration of the individual protected characteristics are detailed below.</p> <p>Over the period 2020-22, disciplinary action was taken against 40 employees.</p>
<p><b>Age</b> Older or younger people or a specific age grouping</p>		X		<p>Disciplinary action by age over this period is as follows:  16-29 – 10%  30-44 – 24%  45-59 – 56%  60+ - 10%</p> <p>This is broadly in line with the overall age profile of Council employees, although statistically those in the 45-59 age group were slightly more likely to be subject to disciplinary action and those in the 16-29 and 60+ groups slightly less.</p> <p>For younger employees the procedure allows greater flexibility whereby if required they may be accompanied at hearings.</p>
<p><b>Disability</b> e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring</p>		X		<p>2.35% of employees have declared a disability. Data regarding involvement in disciplinary proceedings by those with a disability has been reviewed but given the small number involved no further analysis has been undertaken.</p> <p>The Policy specifically provides that reasonable adjustments will be made to disciplinary proceedings (where required) for employees with a disability.</p>
<p><b>Gender Reassignment/ Gender Identity</b> anybody whose gender identity or gender expression is different to the sex assigned to them at birth</p>		X		<p>There were very small numbers declared for this protected characteristic. Accordingly no further analysis has been undertaken.</p>

<b>Marriage or Civil Partnership</b> people who are married or in a civil partnership		X		The Council does not record under this protected characteristic in respect of disciplinary action.
<b>Pregnancy and Maternity</b> (refers to the period after the birth, and is linked to <b>maternity</b> leave in the employment context. In the non-work context, <b>protection</b> against <b>maternity</b> discrimination is for 26 weeks after giving birth),		X		The Council does not record under this protected characteristic in respect of disciplinary action. In practice it is unlikely disciplinary action would be taken against an employee during the maternity leave period.
<b>Race Groups:</b> including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)				Of disciplinary actions taken in the period January 2021 – December 2022, only one involved a minority ethnic employee.
<b>Religion or Belief:</b> different beliefs, customs (including atheists and those with no aligned belief)				The Council does not record under this protected characteristic in respect of disciplinary action.
<b>Sex</b> women and men (girls and boys)				Disciplinary action by sex over this period is as follows: Female – 60% Male – 40%  This means that men were statistically more likely to face disciplinary action than women.  Given the numbers involved this is not considered statistically significant but the position will be monitored.
<b>Sexual Orientation</b> , e.g. Lesbian, Gay, Bisexual, Heterosexual				The Council does not record under this protected characteristic in respect of disciplinary action. As at December 2022 only 1.35% of employees had declared that they were lesbian, gay or bisexual.

### 3.3 Fairer Scotland Duty

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to how we can reduce inequalities of outcome caused by socioeconomic disadvantage when making strategic decisions.

The duty is set at a strategic level - these are the key, high level decisions that SBC will take. This would normally include strategy documents, decisions about setting priorities, allocating resources and commissioning services.

#### Is the proposal strategic?

No (*please delete as applicable*)

Whilst this Policy is a Corporate document it is considered that it is not relevant to the Fairer Scotland Duty.

#### If No go to Section 4

If yes, please indicate any potential impact on the undernoted groups this proposal may have and how you know this:

	Impact			State here how you know this
	No Impact	Positive Impact	Negative Impact	
<b>Low and/or No Wealth</b> – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.				
<b>Material Deprivation</b> – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken				



electrical goods, warm home, leisure and hobbies				
<b>Area Deprivation</b> – where you live (e.g. rural areas), where you work (e.g. accessibility of transport)				
<b>Socio-economic Background</b> – social class i.e. parents' education, employment and income				
<b>Looked after and accommodated children and young people</b>				
<b>Carers</b> paid and unpaid including family members				
<b>Homelessness</b>				
<b>Addictions and substance use</b>				
<b>Those involved within the criminal justice system</b>				

### **3.4 Armed Forces Covenant Duty (*Education and Housing/ Homelessness proposals only*)**

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to the three matters listed below in Education and Housing/ Homelessness matters.  
This relates to current and former armed forces personnel (regular or reserve) and their families.

<p><b>Is the Armed Forces Covenant Duty applicable?</b>  <b>No</b></p> <p>If “Yes”, please complete below</p>	
<p><b>Covenant Duty</b></p>	<p><b>How this has been considered and any specific provision made:</b></p>
<p><b>The unique obligations of, and sacrifices made by, the armed forces;</b></p>	
<p><b>The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces;</b></p>	
<p><b>The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the armed forces.</b></p>	

#### **Section 4 Full Integrated Impact Assessment Required**

*Select No if you have answered “No” to all of Sections 3.1 – 3.3.*

**No** *(please delete as applicable)*

If yes, please proceed to Stage 2 and complete a full Integrated Impact Assessment

**If a full impact assessment is not required briefly explain why there are no effects and provide justification for the decision.**

This is a review of the existing Disciplinary Procedures for Misconduct.


It provides clear guidance for dealing with disciplinary matters. Applied consistently and as described above this should result in a positive impact for all employees.

The Policy and procedure will be reviewed in accordance with the Council's HR Policy Review Programme or as required by legislative requirements in order to ensure that it remains relevant and fit for purpose.

As a minimum an Integrated Impact Assessment will be carried out every two years.

Statistics will continue to be monitored and any disproportionate impacts analysed.

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<b>Signed by Lead Officer:</b>	<b>Iain Davidson</b>
<b>Designation:</b>	<b>Employee Relations Manager</b>
<b>Date:</b>	<b>18/07/2023</b>
<b>Counter Signature Director:</b>	
<b>Date:</b>	<b>20/07/2023</b>