

Integrated Impact Assessment (IIA)

Part 1 Scoping

1 Details of the Proposal

Title of Proposal:	Disciplinary Procedures for Misconduct
What is it?	A new Policy/Strategy/Practice <input type="checkbox"/> A revised Policy/Strategy/Practice <input checked="" type="checkbox"/>
Description of the proposal: (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 Procedure 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 associated 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>This review has been conducted to ensure that the Policy remains relevant and fit for purpose. The Policy was last reviewed in November 2017.</p> <p>The employee data referred to throughout this assessment covers the period January – December 2019. As at December 2019 There are 5839 employees in total (Female 4287:Male 1552).</p>
Service Area: Department:	Human Resources

Lead Officer: (Name and job title)	Iain Davidson Employee Relations Manager
Other Officers/Partners involved: (List names, job titles and organisations)	Simone Doyle Equality & Diversity Officer Human Resources
Date(s) IIA completed:	4 th , 10 th & 13 th February 2020

2 Will there be any cumulative impacts as a result of the relationship between this proposal and other policies? SD to check this section against policy.

Yes	No	X
Other policies, procedures and guidelines need to be followed when dealing with employee conduct such as:		
<ul style="list-style-type: none"> • Policy on Dignity and Respect in the Workplace • Employees' Code of Conduct • Professional and Regulatory Regulations and Codes of Conduct/ Practice • Competency Behaviours • Domestic Abuse Policy • Equality, Diversity and Human Rights Policy • Substance Misuse Policy 		

3 Legislative Requirements

3.1 Relevance to the Equality Duty:
Do you believe your proposal has any relevance under the Equality Act 2010? Yes <i>(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.)</i>

Equality Duty	Reasoning:
Elimination of discrimination (both direct & indirect), victimisation and harassment. <i>(Will the proposal discriminate? Or help eliminate discrimination?)</i>	Raising awareness of this Policy serves to meet the equality duty of eliminating discrimination and promoting good relations.
Promotion of equality of opportunity? <i>(Will your proposal help or hinder the Council with this)</i>	Although not directly relevant to these 'arms' of the equality duty the Policy should allow promotion of equality of opportunity as it sets out a clear procedure that is applicable to all regardless of the protected characteristic identified with. In addition the Policy is widely publicised and promoted in order to ensure that all staff are aware of the Policy and the process.
Foster good relations? <i>(Will your proposal help or hinder the council s relationships with those who have equality characteristics?)</i>	

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)				
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	
Age Older or younger people or a specific age grouping		x		To avoid repetition all of the protected characteristics are considered in this response. In terms of overall gender demographics, 73% of employees at the Council are female. 27% male. An analysis of disciplinary data indicates that more female than male employees at SBC are involved in disciplinary proceedings. 69% female 31% male.
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring				
Gender Reassignment Trans/Transgender Identity anybody whose gender identity or gender expression is different to the sex assigned to them at birth				

<p>Marriage or Civil Partnership people who are married or in a civil partnership</p>			<p>With regards to age 64% of employees involved in disciplinary proceedings are aged over 40-60 years,</p> <p>For younger employees the procedure allows greater flexibility whereby if required they may be accompanied at hearings.</p> <p>2.60% of employees have declared a disability. Data regarding involvement in disciplinary proceedings by those with a disability has been reviewed but is not being reproduced in this assessment as there are low numbers involved and individuals may be identified</p> <p>In addition for those employees with a disability the Policy has been amended to specifically express that reasonable adjustments will be made (where required) to the procedure.</p> <p>SBC does not currently cross refer staff regarding religion/belief and whilst data is cross referred against ethnic origin during the time span of this assessment no minority ethnic employee has been disciplined. This is not surprising as only 0.47% of staff identify as Black Minority Ethnic. 24.32% of employees have not declared their ethnicity.</p> <p>It should be noted that the procedure requires that employees be asked if they need assistance with understanding language used in the proceedings. This should remove the risk that minority ethnic employees for whom English is a second language do not understand the procedure.</p> <p>Overall, there is no evidence to date that the Policy or its associated Procedure has had a negative or</p>
<p>Pregnancy and Maternity (Pregnancy is the condition of being pregnant/expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth),</p>			
<p>Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)</p>			
<p>Religion or Belief: different beliefs, customs (including atheists and those with no aligned belief)</p>			
<p>Sex – Gender Identity women and men (girls and boys) and those who self-identify their gender</p>			
<p>Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual</p>			

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

4 Full Integrated Impact Assessment Required

Tick No if you have answered "No" to all of Sections 3.1 – 3.3.

Yes

No

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 Policy on Disciplinary procedures for misconduct.

The Policy and procedure provides clear guidance for dealing with disciplinary matters. Applied consistently and as described above the policy 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.

Signed by Lead Officer:	Iain Davidson
Designation:	Employee Relations Manager
Date:	13th February 2020
Counter Signature Service Director	Clair Hepburn
Date:	27th February 2020