

Screening/Scoping Pro Forma

Section	Human Resources		Officer responsible for the screening/scoping	Richard Wood, Interim HR Manager		
Name of Policy to be assessed	Discipline, Grievance and Capability policies and procedures.		Date of Assessment	27/10/2008	Is this a proposed new or existing policy/procedure/practice?	Existing
1. Briefly describe the aims, objectives and purpose of the policy/procedure/practice?			The policies grouped together under this screening EIA are those that set out clearly for all employees the process to be followed where either the Council has a concern about actual performance (discipline or capability) or the employee has a concern about matters affecting them in their employment (grievance). They are aimed at performance improvement.			
2. Are there any associated or specific objectives of the policy/procedure/practice? Please explain.			Compliance with relevant legislation concerning disciplinary and grievance procedures. To support the 'employee relations' climate through presenting an 'improvement' rather than 'punishment' approach.			
3. Who is intended to benefit from this policy and in what way?			The 'customers' of Guildford BC who should be reassured that there are effective procedures in place to ensure that negative behaviours are addressed. Employees in their being aware that behaviours by staff that are below an acceptable level will be dealt with as will employee dissatisfaction. Line management in having available processes to deal with unacceptable behaviours/performance and to deal with employee dissatisfaction. The Council as a whole through the support that the procedures provide in ensuring the professionalism and effective performance of staff.			

4. What outcomes are wanted from this policy/procedures/practice?	An early return to effective performance/behaviour and a route to change where that is not possible to achieve.		
5. What factors/forces could contribute/detract from the outcomes?	<p>A lack of awareness/understanding of the various policies in the part of line managers and/or staff.</p> <p>Inconsistent and unfair/unreasonable application of the policies.</p> <p>Out-of-date policies that fall under the 'employee conduct' definition.</p>		
6. Who are the main stakeholders in relation to the policy?	Staff and line management	7. Who implements the policy, and who is responsible for the policy?	Implementation of the policy rests with line managers with guidance available from HR. HR is responsible for the policies.
8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?	Y	N	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on race/ethnicity grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduces Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p> <p>Is there a need to avoid, actively, prejudices/preconceived ideas on grounds of ethnicity coming into the process? Appeal processes and 'balanced' panels would help to avoid this happening.</p>

			<p>It is possible that cultural issues could be seen as a barrier to certain employees in raising grievances when they are in a minority from those who have the effect of setting the prevailing culture. It might be considered excessive in GBC to set up a team of advisers to staff in these situations but, certainly, HR and Staff and/or Union Representatives are available to provide support.</p>
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<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on race/ethnicity grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>It is recommended that the staff who are subject to these procedures are 'equality' monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole.</p>	
<p>9. Are there concerns that the policy <u>could</u> have a differential impact due to gender?</p>	<p>¥</p>	<p>N These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on gender grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on gender grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>It is recommended that the staff who are subject to these procedures are 'equality' monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole.</p>	

<p>10. Are there concerns that the policy <u>could</u> have a differential impact due to disability?</p>	<p>¥</p>	<p>N</p>	<p>No. The impact of each of the policies applies consistently regardless that the person does or does not have a disability. These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on disability grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p> <p>Certainly, subject to the nature of the disability, a disabled person may need additional support in going through the relevant procedures and may be protected under the Disability Discrimination Acts 1995 and 2005 which would enhance the need for fairness and reasonableness on the part of those conducting the process.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on disability grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>It is recommended that the staff who are subject to these procedures are 'equality' monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole.</p>		

<p>11. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?</p>	<p>¥</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on sexuality grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure. In the case of ‘sexuality’ that would not be a practicable option as the Council does not monitor for sexuality.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on sexuality grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>However, as the Council does not, currently monitor its staff for their sexuality, it is not possible to determine whether or not there is a differential impact for reasons of sexuality.</p> <p>It is recommended that such monitoring be introduced and for the monitoring to apply to cases that are the subject of these procedures.</p>		
<p>12. Are there concerns that the policy <u>could</u> have a differential impact due to their age?</p>	<p>Y</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p>

		<p>There is potential for a negative impact on age grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p> <p>There is greater potential for age to become an issue in the application of the capability procedure. Whilst it is permissible for there to be a default retirement age, this may not be a significant issue but that could change. Undoubtedly, in some people, there are perceptions that capability diminishes with age. That may be a factor in certain manual occupations but it need not necessarily be so.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on age grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>It is recommended that the staff who are subject to these procedures are 'equality' monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole particularly so in the application of the capability procedures.</p>	

<p>13. Are there concerns that the policy <u>could</u> have a differential impact due to their religious belief?</p>	<p>Y</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on religious or belief grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure</p> <p>It is possible that cultural issues arising from a person's beliefs could be seen as a barrier to certain employees in raising grievances when they are in a minority from those who have the effect of setting the prevailing culture. It might be considered excessive in GBC to set up a team of advisers to staff in these situations but, certainly, HR and Staff and/or Union Representatives are available to provide support.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on religion/belief grounds which would be dealt with under the Bullying and Harassment procedures.</p> <p>However, as the Council does not, currently monitor its staff for their religion or belief, it is not possible to determine whether or not there is a differential impact for reasons of sexuality. It is recommended that such monitoring be introduced and for the monitoring to apply to cases that are the subject of these procedures.</p>		

<p>14. Are there concerns that the policy <u>could</u> have a differential impact due to them having dependants/caring responsibilities?</p>	<p>¥</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on ‘carer’ grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on grounds that they are a carer which would be dealt with under the Bullying and Harassment procedures.</p> <p>It is recommended that the staff who are subject to these procedures are ‘equality’ monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole.</p>		

<p>15. Are there concerns that the policy <u>could</u> have a differential impact due to them have an offending past?</p>	<p>¥</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on 'ex-offender' grounds through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure.</p> <p>Specifically, in relation to Disciplinary matters, the policy does make clear that the fact that an employee is charged with or convicted of a criminal offence does not necessarily impact upon a person's employability and requires a full investigation before any conclusions are drawn.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on grounds of an employee being charged or convicted with an offence.</p> <p>It is recommended that the staff who are subject to these procedures are 'equality' monitored to ensure that their numbers are not unrepresentative of their numbers in the workforce as a whole.</p>		

<p>16. Are there concerns that the policy <u>could</u> have a differential impact due to them being Transgender or transsexual?</p>	<p>¥</p>	<p>N</p>	<p>These policies and procedures are long standing, well-known and understood and, in the case of disciplinary and grievance procedures, follow statutory guidelines. Their consistent application is critical to the establishment of order in the organisation.</p> <p>There is potential for a negative impact on grounds of their being of transgender through the improper application of the policy/procedure but any such negative impact is significantly mitigated against through the right to representation at hearings, the existence of a number of stages in the processes which involve different and previously uninvolved (internal) parties and the rights of appeal which, in the case of discipline, introduce Members into the frame. It would, however, be prudent to seek to ensure, where practicable, Panels that hear cases contain a representative who is from the same equality strand as the person who is the subject of the procedure. In the case of 'transgender' that would not be a practicable option as the Council does not monitor for transgender and there may not be a person suitably qualified to sit on the panel who also happens to be transgender.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence of unfair application of these procedures on grounds of transgender which would be dealt with under the Bullying and Harassment procedures.</p> <p>However, as the Council does not, currently monitor its staff for their transgender, it is not possible to determine whether or not there is a differential impact for reasons of transgender.</p> <p>It is recommended that such monitoring be introduced and for the monitoring to apply to cases that are the subject of these procedures.</p>		

<p>17. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy/procedure/practice?</p>	<p>Y</p>	<p>N</p>	<p>Generally 'no' given the protections that exists in the policies and procedures. However, in the examples identified, there is some potential for this to happen and the Council would benefit from introducing 'equality' monitoring of the subjects of the various procedures.</p>
<p>18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?</p>	<p>Y</p>	<p>N</p>	<p>These adverse impacts are specific to the particular equality strand where they have been identified</p>
<p>Business improvement</p> <p>19. Is there any concern that there are unmet needs in relation to any of the above groups?</p>	<p>Y</p>	<p>N</p>	
<p>20. Does differential impact or unmet need cut across the equality strands (e.g. elder BME groups)?</p>	<p>Y</p>	<p>N</p>	<p>Not relevant</p>
<p>21. If yes, should the full EIA be conducted jointly with another service area/contractor/partner/agency?</p>	<p>Y</p>	<p>N</p>	<p>Nor relevant</p>

22. Is there a missed opportunity to improve your business in relation to any of the policies, procedures or practices to promote racial, gender, disability, age, sexual orientation, religion or belief equality?	¥	N			
23. Should the policy proceed to a full equality impact assessment?	¥	N		Yes	No
24. If No, are there any changes required to the policy to improve it around the equality agenda?			Extending the equality monitoring of existing staff and monitor those who pass through these procedures to help to identify unexplained differential impacts		

Signed
 (completing officer) Date October 2008

Signed
 (Head of Section) Date

Countersigned
 (Corporate Diversity/Diversity/Policy Team) Date October 2008