

# Equality Impact and Needs Assessment Form



## A) Description

Name of service, function, policy (or other) being assessed

**Performance and Behaviour HR Policy Cluster**

Directorate or organisation responsible (and service, if it is a policy)

Human Resources (HR)

Date of assessment (DD/MM/YY)

**August 2011**

Date next assessment due (3 years)

**August 2014**

Names and/or job titles of people carrying out the assessment

**Nichola Parr – HR Advisor, Policy & Strategy**

Accountable person (e.g. Head of Service)

**Paul Jones – Head of Human Resources**

Date EINA Form approved by accountable person (e.g. Head of Service)

**10.11.2011**

1. What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?

The 'Performance & Behaviour' cluster is a group of employment policies, procedures and management guidance that set out expected standards of conduct for all employees and enable management and employees to resolve workplace issues and/or concerns.

School policies are 'model' policies for those Governing Bodies & Head teachers of schools who purchase personnel service to consider adopting.

This assessment measures the effectiveness of those policies in terms of how they are being applied (within DCC\*) as well as the policies themselves. (\*Schools are responsible for considering the effects of their own policies and practice).

The Conduct & Capability policies relate directly to the actions and behaviour of employees whilst at work (or outside of work where it has a direct impact upon their

ability to do their job). Where Management can demonstrate that acceptable standards are not being met, these situations will be managed via the Conduct and/or Capability policies.

Where an employee feels that standards are not being met and their employment is affected by this in some way they can raise a grievance within the Grievance Policy.

The Employee Code of Conduct applies to all DCC employees including those working within schools and is about the expectations relating to providing the highest possible standard of service to the public, any organisation or agency which is involved in helping the County Council or School to carry out its role and responsibilities and to other employees and Councillors. It sets out specific guidance relating to the following: Disclosure of Information; Political Neutrality; Relationships; Outside Commitments; Personal Interests; Hospitality and Sponsorship. This Code is set out in the 'Notes of Guidance on Local Procedures and Agreements' – i.e. grey pages. Failure of employees to adhere to the standards set out in this Code may result in formal action within the Conduct Policy being taken.

The Acceptable Behaviour Policy defines principles and sets out procedures that ensure that behaving in a professional manner is the accepted standard for all people working within the organisation. It deals with aspects of Bullying.

## 2. Location or any other relevant information

The policy documents are available on the Source (staff intranet) in PDF format and in MS Word. They are also provided electronically to our partners for the management of DCC staff in joint working arrangements.

When new or revised policies, procedures and guidance are produced by HR they are communicated throughout DCC by cascade and by inclusion of items in Insider (staff e-newsletter) and other relevant communications. It is up to managers to ensure their staff are aware. New staff will be made aware of policies as part of their Induction.

Policies that apply to schools are circulated via the weekly schools distribution list.

## 3. List any key policies or procedures to be reviewed as part of this assessment.

Policies assigned to this cluster:

- Corporate Capability Policy & Procedure (and Management Guidance).
- Model Policy for Optimising Staff Performance & Managing Capability Issues in Schools.
- Corporate Conduct Policy & Procedure (and Management Guidance)
- Conduct Procedures for Schools.
- Employee Code of Conduct.
- Grievance Policy.
- Model Grievance Policy for Schools.
- Acceptable Behaviour Policy.

4. Who is intended to benefit from the service, function or policy?

- DCC as a whole (incl. Services, Managers, Members, HR).
- Employees, including all those within all categories of schools including Foundation and Voluntary Aided Schools.
- Public.
- Service Users.

5. Who are the stakeholders? What is their interest?

**DCC as a whole** – A quality workforce that delivers high quality services and functions; effective and efficient use of public money and positive reputation. Assurance that DCC operates within the law.

**Employees** – Minimum standards apply and guidelines are set for employees to help maintain and improve standards and protect employees from misunderstanding or criticism. DCC/'the school' reserves the right to take disciplinary action and/or legal action, against any employee who breach standards of conduct. The aim is to ensure that when formal action needs to be taken, it is applied consistently, objectively and fairly in every case, reducing and eliminating all forms of discrimination.

**Trade Unions** – As part of joint consultative arrangements across the authority, the Trade Unions work with DCC to help ensure fair employment practice.

**Public & Service Users** – Devon County Council exists for the benefit of all the people of Devon and is accountable to them. The people of Devon are therefore entitled to expect the highest standards of conduct from all Devon County Council and/or school employees, together with the delivery of high quality services delivered in an efficient and effective manner.

6. Are there any concerns at this stage which indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, outcomes of a scrutiny review. Please describe:

DCC is such a large and diverse organisation that there are sometimes difficulties with implementing and communicating policies. Some front line/manual staff may have low literacy skills and may struggle to read and understand lengthy HR policies. Our suite of policies have been identified as best practice and provide the detail that managers require, but more appropriate versions could be created for staff in general.

**B) Relevance – Note: if not relevant, do not complete this form**

Select **all** that apply:

		<b>Scale of relevance</b>	
7.	Service or function that people use.	√	Low
8.	Discretion is exercised, or potential for people to experience different outcomes or level of satisfaction.	√	Medium
9.	Employment policy – where discretion is not exercised.		Medium
10.	Employment policy – where discretion is exercised (e.g. recruitment or disciplinary	√	High

Section C applies

Sections C & E apply

process).			
11. Concerns at a local, regional or national level of discrimination/inequalities.	√	High	
12. Major change such as the closure, removal or transfer of a service/provision.		High	
13. Community and regeneration strategies, local area agreements and organisational or directorate/partnership strategies/plans.		High	

Other:

State why it is relevant:

How relevant (high, medium or low?):

Mark 'X' to confirm which strands are relevant to the review:

Age	<input checked="" type="checkbox"/>	Disability	<input checked="" type="checkbox"/>
Gender (men and women)	<input checked="" type="checkbox"/>	Race/ethnicity	<input checked="" type="checkbox"/>
Trans-gender	<input checked="" type="checkbox"/>	Religion/belief	<input checked="" type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	Other (state below)	

Any other (such as Human Rights, people on low incomes and specific sub-strands requiring particular focus such as Travellers and Gypsies, Deaf people):

All protected characteristics are relevant to this review as it is critical that all employees are treated fairly and consistently when they are either subject to conduct or capability processes or if they are on the receiving end of unacceptable conduct/behaviour or they raise a concern via a grievance.

### C) Information

14. What information (monitoring or consultation data) have you got and what is it telling you? *Required where relevance is Medium or High.*

#### **Staff Profiles, Sept 2011 (DCC excluding schools)**

##### Gender

74% female

26% male

##### Age

16-29 8%

30-39 18%

40-49 28%

50-54 16%

55-59 16%

60-64 11%

65+ 3%

##### Ethnicity

BME (Black and minority ethnic excluding White Other) 1.2%

White Other 2.2%  
Not known 15.4%

#### Disability

Disabled 2.2%  
Not known 15.7%

We do not currently retain staff records for Sexual Orientation or Religion and Belief but do ask questions in the anonymous staff survey.

### **DCC Staff Survey 2010**

#### Bullying & Harassment:

- During the previous 12 months, 5% of employees (120 staff members) said that they had experienced bullying.
- 57% of respondents said that they had formally reported this to someone. Therefore 43% did not report it.
- Of the 57% that reported it, 14% reported this to a Senior Manager, 57% to their Line Manager, 12% to the Trade Union, 3% to HR, 2% to an Acceptable Behaviour contact and 11% said 'other'.
- Of the 57% who reported it, 36% said the bullying was dealt with to their satisfaction. This meant that 64% reported that the response was not to their satisfaction. Almost half of these were because the matter had not been resolved with things being ignored, left as they are or, if action taken, taking too long. Others problems included managers failing to deal with it, or that they were afraid of consequences on their career.
- 59% of respondents said that they know there is a formal and anonymous reporting mechanism. This was an increase of 11% on the 2008 survey.

Of the 5% who said they experienced bullying:

The U shaped age pattern was broadly in line with pattern of respondents. And the Gender profile of 72% female, 28% male was broadly in line with the profile of respondents (70/30).

10% of respondents were disabled but 16% of those experiencing bullying said they had a disability.

10% of respondents were carers but 21% of those experiencing bullying were carers.

In terms of ethnicity, 9% were BME (includes White Other) compared to a BME profile of 5%.

2% (53) of staff said they were LGB (Lesbian, Gay or Bisexual) but only 56% of those are Out at work. 5% reported bullying.

26% stated they had no religion/belief, 60% Christian and 14% another form of religion or belief. In terms of reporting bullying, 24% 'no religion/belief', 54% Christian and 24% other.

Feedback describes a range of incidents and perpetrators including managers, colleagues and customers. The incidents were mainly verbal (e.g. inappropriate reference to a group or sexist remark) with references to poor management in dealing with the incidents.

### **DCC Employment Diversity Data, April 2009 – March 2010**

22% of women work full time; 78% work part time.

62% of men work full time; 38% work part time.

#### Grievance

- 81.63% of DCC staff raising a grievance were women, 18.37% Men.
- 2.04% of DCC staff raising a grievance had a disability.
- 0% of DCC staff raising a grievance were BME (figure excludes White Other).
- 20.41% of DCC staff raising a grievance were White Other.

#### Discipline

- 46.34% of DCC staff subject to the disciplinary process were women, 53.66% Men.
- 2.44% of DCC staff subject to a disciplinary process had a disability.
- 3.39% of staff subject to a disciplinary process were BME.
- 17.07% of staff subject to a disciplinary process were White Other.

## **D) Assessment**

15 Describe any NEGATIVE impacts (actual or potential):

Strand/community	Impact ( <i>how</i> they may be affected). Include assessment of risk (likelihood and severity).
Staff with communication difficulties (Disability/Race).	Employees who have a learning disability, low levels of literacy or whose first language is not English may find it difficult to access the policies and therefore may not know what is expected of them or how to raise a grievance or report bullying.
Race Religion/belief LGB (sexual orientation)	<p>Figures for grievance and disciplinary show that BME (including White Other) groups are disproportionately high compared to the staff profile. The reasons are not known and therefore probably requires further investigation.</p> <p>Bullying involving LGB, religious and ethnic minority staff is slightly high indicating minority staff are more likely to experience unacceptable behaviour. The small numbers makes it difficult to draw firm conclusions. This will require ongoing monitoring.</p>

Gender	Whilst women are slightly more likely to raise a grievance, the number of men subject to disciplinary is disproportionately high. The reasons are not known and therefore this probably requires further investigation.
Disability	Figures show disabled staff and carers appear to be most at risk of bullying.
Carers	The reasons are not known and therefore this probably requires further investigation.

16. Describe any POSITIVE impacts:

Strand/community	Impact ( <i>how they may be affected</i> )
All.	These policies fully comply with employment legislation, including the ACAS Code on Discipline & Grievance and the Schools Staffing (England) Regulations 2009. They aim to ensure that all employees are treated fairly, consistently and within the principles of natural justice and in accordance with good management practice. Advice relating to the policies is provided by the HR Helpdesk, Schools Personnel Helpline and/or HR staff.  All policies have an equality statement.
All	HR staff are always involved at formal corporate conduct, capability and grievance meetings and usually at school meetings, together with being the first point of contact for all queries relating to unacceptable behaviour.  HR staff are trained to help ensure that any advice given or decision made is non-discriminatory and that staff are treated fairly and consistently throughout these informal/formal processes.
All	The Council is committed to tackling all forms of unacceptable behaviour, as stated in its Acceptable Behaviour Policy and Equality Policy.  Staff experiencing problems at work can contact the HR Helpdesk and also report incidents of discrimination anonymously to the Corporate Equality Officer.  Staff who discriminate will face action under the formal conduct procedures.
All	Workforce Development provides training to Managers

	<p>in both conduct and capability issues, however it is acknowledged that equality could be further factored into this training and regular dialogues are held with learning and development and corporate equality on training programmes.</p> <p>The Schools Personnel Service offers training to Head teachers and School Managers.</p> <p>Equality training is available through 'Introduction to Equality' course for new staff and through e-learning.</p>
--	--

17. Provide any information about NEUTRAL impacts that have been identified (there is neither a positive or negative impact):

Strand/community	Why there is 'no differential impact'
Age/gender	There appears to be no disproportionate levels of bullying on age or gender related grounds, although some inappropriate comments may be age or gender specific.

## E) Consultation

18. Did you carry out any consultations? *Required where relevance is High.*

YES

19. Who was consulted? Include your findings in 15, 16 and 17 above.

These policies were consulted on with Trade Unions before their implementation and were significantly revised. The HR Policy & strategy Team has a checklist for consultation and communication which includes Trade Unions, Service Representatives, Management and HR. For School specific policies consultation takes place with trade unions/professional associations for teachers and support staff in schools.

20. Describe other research, studies or information used to assist with the assessment and include your findings above:

Relevant employment legislation and professional HR best practice gathered from numerous resources, including those produced by other organisations such as XpertHR, the LGE, CIPD and ACAS and resources from professional magazines such as Personnel Management and Personnel Today.

Benchmarking was carried out against other local authorities.

During the preparation of the impact assessment, equality and diversity data was gathered from the Source, data gathered from the Staff Survey and contact was made with the Corporate Equality Officer.

## F) Conclusions

**\*\*N.B. The HR Service is currently undergoing a re-structure. Therefore the actions identified within this EINA may have to be 'on hold' for consideration post re-structure.**

Action/objective/target OR Justification	Resources required	Timescale	
<p>a) <b>Action:</b> To improve communications access to all staff with disabilities and/or those whose first language is not English:</p> <p>Ensure that all policies are written in plain English and are in clear and accessible formats (with requests for alternative formats met)</p> <p>Given that 17.07% of staff disciplined fell within the category of 'White Other' this may be an indication that this group have had difficulties understanding these policies. Therefore consideration could be given to creating a one page/leaflet, easy read summary for the Conduct, Capability, Grievance and Acceptable Behaviour policies, to provide to staff, particularly front line staff who do not always have access to a computer.</p> <p>Ensure consistency with corporate communications and equality policy standards, liaising with corporate communications on branding, plain English/easy read and format as appropriate.</p>	<p>For those writing policies in future to produce a one-page easy read summary and make this available to staff: This would add an additional day's work to a policy development but could reduce printing costs (print one page summaries rather than full policy).</p>	<p>Dec 2012</p>	
<p>b) <b>Action:</b> Improve data within the HR Disciplinary and Grievance databases/Prism (staff records) so that DCC can monitor whether capability and conduct issues are associated with Protected Characteristics (discrimination/equality issues) and therefore identify/investigate issues more effectively.</p>	<p>HR Ops to work with Employee Services &amp; Corporate Equality Officer to determine future reporting requirements and the resource/cost implications for actioning change.</p>	<p>Dec 2012</p>	

	Explore costs/potential for connecting or using Prism so that data can be linked to staff profiles.	Any additional costs to be considered & agreed by HRMT.		
c)	Continue to monitor bullying issues via the staff survey.	'business as usual'		
d)	Explore with Trade Unions reasons behind disproportionate numbers of: <ul style="list-style-type: none"> <li>disabled staff and carers experiencing bullying,</li> <li>BME staff raising grievances and subject to disciplinary action, and</li> <li>male staff subject to disciplinary action.</li> </ul> Make recommendations from any findings.	HR Ops to meet with Corporate Equality Officer & Trade Union's.	Dec 2012	
e)	Build more bullying & equality awareness into corporate conduct & capability training.	Workforce Development to liaise with Corporate Equality Officer to incorporate into future training events.	April 2012	