

Discipline

Evidence based equality analysis

A disciplinary policy, supported by a robust procedure, is the means by which rules are observed and standards are maintained which are necessary for the efficient and safe performance of work and for the maintenance of satisfactory working relations within Cheshire West and Chester Council.

The procedure is intended to ensure that all employees are treated fairly and consistently. Whilst the ultimate sanction of dismissal can be applied for continual misconduct (or for gross misconduct), it is also an intention of the procedure to bring the consequences of misconduct or inadequate performance to the attention of the employees concerned so that they can improve their conduct and avoid disciplinary sanction.

The Council aims to ensure that it:

- Promotes fairness and equality in the treatment of individuals
- Applies any disciplinary action in a consistent manner
- Only takes disciplinary action after full, objective unbiased and careful investigation of the facts and after employees have had the opportunity to be represented and present their case
- Takes the circumstances of each case fully into account
- Gives consideration to the employee's past record
- Considers the need to act reasonably in all the circumstances
- Only applies progressively more severe penalties to those employees who have failed to respond to disciplinary action
- Provides a sufficient and effective means of dealing with cases of serious and gross misconduct
- Informs employees fully and promptly of any allegations made against them and of the progress of any investigations into the allegations
- Adheres to the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Lead officer: Nicola Pierce

Stakeholders: All employees, trade unions

Equality analysis is a valuable tool to help embed equality into everything we do

While process is important, equality analysis is essentially about outcomes.

Lack of evidence of discrimination is not evidence of a lack of discrimination.

It is not acceptable to say that a policy is applied uniformly to all groups and is therefore fair and equal. Applying a policy or procedure consistently may result in differential outcomes for different groups.

For each of the areas below, an assessment needs to be made on whether the policy has a positive, negative or neutral impact, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a high, medium or low assessment. It is important to rate the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
Target group / area			
Race and ethnicity (including Gypsies and Travellers; migrant workers, asylum seekers etc.)		Discrimination and harassment both included in the list of potential gross misconduct offences	
Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to		Discrimination and harassment both included in the list of potential gross misconduct offences	

carry out normal day-to-day activities)			
Gender		Discrimination and harassment both included in the list of potential gross misconduct offences	
Gender reassignment		Discrimination and harassment both included in the list of potential gross misconduct offences	
Religion and belief		Discrimination and harassment both included in the list of potential gross misconduct offences	
Sexual orientation (including heterosexual, lesbian, gay, bisexual)		Discrimination and harassment both included in the list of potential gross misconduct offences	
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).		Discrimination and harassment both included in the list of potential gross misconduct offences	
Rural communities	No issues identified		
Areas of deprivation	No issues identified		
Human rights		Privacy considerations and data protection support Article 8 (right to privacy). Process supports right to a fair trial (Article 6)	
Health and wellbeing (consider both the wider determinants of	No issues identified		

health such as education, housing, employment, environment, crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services)			
Procurement/partnership (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)	Not applicable		

Evidence:

Disciplinary policy and procedure
Statistics

Action plan:

Actions required	Key activity	Priority	Outcomes required	Officer responsible	Review date
Review disciplinary cases by protected characteristic	Prepare report	Medium	Knowledge of whether there is any potential difference in the treatment of any particular group	Rosemary Hodgson	31 December 2014

Sign off	
Lead Officer:	Nicola Pierce
Approved by Head of Service:	Sam Brousas

Moderation and/or Scrutiny	
Date:	Resources equality meeting 19 March 2014 and subsequent virtual moderation of draft
Date analysis to be reviewed based on rating (high impact – review in one year, medium impact - review in two years, low impact in three years)	Three years

Please forward the completed Equality Analysis to the Equality and Diversity Managers for publishing on the Council's website