

EQUALITY IMPACT ASSESSMENT TEMPLATE**Section 1: Details of the Policy/Practice**

Department/Team responsible for the policy:	Organisational Development							
Name of Policy or Practice being assessed:	Discipline Policy							
Purpose and anticipated outcomes of the policy:	<p>The Discipline Policy and Procedure provides managers with a course of action if they have concerns over an employee's conduct or behaviour.</p> <p>We follow the ACAS Code of Practice to ensure we comply fully with employment legislation.</p> <p>Anticipated outcomes of the policy are that discipline cases are settled fairly, staff feel valued and supported in the workplace.</p>							
Is this a new or existing policy?	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>New</td> <td>X (revised)</td> <td>Existing</td> <td></td> </tr> </table>				New	X (revised)	Existing	
New	X (revised)	Existing						
List of participants in Equality Impact Assessment Process:	Kirstine Rankin- Senior OD Adviser Jacqui Duncan – OD Adviser Heather Moonlight- OD Assistant Linda McKenna – Equalities and Engagement Adviser							
Date assessment started:	1/2/16	Completion Date:	26/4/16					

Please indicate who is likely to be affected by the policy: For example Care service providers/users, men, women, young people, people with disabilities	Care Inspectorate employees from and across all the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex and sexual orientation).
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Section 2: Collecting Information

What evidence is available about the needs of relevant groups? Please consider Demographic data, including Census information, Research, Consultation and survey reports, Service user feedback and complaints, Case law, Officer/adviser knowledge & experience

Details	Source of Evidence
<p>Recent employee equality monitoring reports indicate the following:</p> <ul style="list-style-type: none"> • 611 Employees • 81% are female • 76% are aged between 40-59 years • 1.3% have a disability • 34.9% are married or in a civil partnership • 1% are of Black or Minority Ethnic (BME) Ethnicity • 19.5% say they have no religion or belief • 2.2% are Lesbian, Gay or Bisexual <p>There was one formal discipline case between 1 April 2015 and 31 March 2016.</p>	Employee Information - Equality Outcomes and Monitoring Report, Care Inspectorate, April 2015.
A range of information was examined including the Scottish Government Equality Evidence Finder	http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid

From your research above have you identified any gaps in evidence? If so what are the gaps?

We will continue to monitor discipline cases by protected characteristic to assess if there are any particular issues or patterns.

As appropriate please describe the consultation/engagement undertaken including details of the groups involved and the methods used.

We have developed the draft Discipline Policy through a number of consultation and engagement exercises including:

- Discussion with Policy Review Group
- Internal consultation with teams via Policy Review Group
- Staff Survey 2014
- Early feedback from colleagues that was shared at the Unwritten Grounds Rules Leads training.

Are there any other groups to be consulted?

Not at this time.

Section 3: Impacts

Has the research and consultation identified any potential for impacts on the following groups:

Protected Characteristic	Yes	No	Please explain
Age (Older people, children and young people)		x	
Disability	x		We recognise that discipline procedures may exacerbate mental health issues. People with existing mental health issues may already have difficulties with personal resilience and this may add to anxieties around being subject to a disciplinary. Mitigation measures including the Employee Assistance Programme and support from OD is offered to alleviate additional stress arising from the process and those subject to the disciplinary. We will also make reasonable adjustments to the process to ensure that the employee can participate fully and is not disadvantaged in any way due to a disability.
Gender Reassignment (Where a person is living as the opposite gender to their birth)		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
Pregnancy and Maternity		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
Race, ethnicity, colour, nationality or national origins (including Gypsy/Travellers, refugees, asylum seekers)		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
Religion or belief (including non-belief)		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
Sex/Gender		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.
Sexual Orientation		x	The research and consultation has not identified any potential for impacts on this protected group at this stage.

Is there any evidence that the policy may:

	Yes	No	No Evidence
Result in less favourable treatment for particular groups?		x	
Give rise to direct or indirect discrimination?		x	
Give rise to unlawful harassment or victimisation?		x	

If yes to any of the above, please give details:
N/A

How will the policy be modified to mitigate this?

N/A as a number of mitigation measures have been included in the policy.

Section 4: Meeting our General Equality Duty

The following sections must be completed:

Which aspects of the policy seek to eliminate unlawful discrimination, harassment and victimisation?

The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures. Support measures have been put in place throughout the policy to ensure that no one receives unfair treatment due to their protected characteristic – this includes support from the OD Team, Employee Assistance Programme, measures to take account of sick leave/maternity leave. Measures have also been built into the policy to ensure that employees can raise concerns without fear of victimisation.

Which aspects of the policy seek to advance equality of opportunity between people which share a relevant protected characteristic and those who do not?

Actions have been included to advance equality of opportunity including equality monitoring of who is being managed under the Discipline Policy. Support measures have been put in place throughout the policy to assist in advancing equality including support from the OD Team, Employee Assistance Programme, and measures to take account of sick leave/maternity leave.

Which aspects of the policy seek to foster good relations between people who share a protected characteristic and those who do not?

The purpose and intended outcomes of the policy do not seek to foster good relations between and across protected groups. However, the organisation has a range of other policies, projects and actions to help bring people together – e.g. Equality Training, Involvement Strategy, Equality Outcomes and Mainstreaming Report.

Section 5: Outcome of Assessment

Please detail the outcome of the assessment:

No major change	X
Adjust the policy	
Continue the policy	
Stop and remove the policy	

Please detail recommendations, including any action required to address any negative impacts identified:

N/A

Section 6: Monitoring

Describe how you will monitor the impact of this policy e.g. performance indicators used, other monitoring arrangements, who will monitor progress, criteria used to measure achievement of outcomes:

- The OD will team will monitor queries coming into the OD Enquiries mailbox around disciplinaries and will flag up any potential equalities issues to the Head of OD. An agreed course of action will follow.
- The OD team will produce an 'equalities profile' for each disciplinary case/appeal to determine if there are any trends coming through, and whether we need to review the policy or put additional supports in place to reduce or remove any potential negative impact(s).

When and how is the policy or practice due to be reviewed?

- The Discipline Policy will be formally reviewed every 3 years- we will consult with the Policy Review Group (the group consists of colleagues from across the Care Inspectorate including employees, our equalities and engagement adviser, managers and trade union representatives) and consult with our Executive Team, Resources Committee (which includes members of our Board) and Partnership Forum.
- We have a policy monitoring programme that means we review all our policies on an annual basis.
- The OD function produces and publishes the OD Annual Workforce Report. The report contains a section on employee relations which covers disciplinaries within the Care Inspectorate.
- The policy will be reviewed on an on-going basis e.g. if we receive intelligence from OD Enquiries/feedback from colleagues/particular case/ legislation/case law that would call for an earlier review of the policy.

Section 7: Sign Off

Date sent to Involvement and Equalities Team:	
Comments from Involvement and Equalities Team	
Date signed off by Involvement and Equalities Team	

Please insert name and title of the Senior Manager who has signed off this Equality Impact Assessment:

Name	Janice Gibson
Title	Head of Organisational and Workforce Development
Date approved	April 2017