

**Equality Impact Assessment (EIA) Recording Form**

Please refer to the notes and examples in the EIA Guidelines to help complete this record.

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| Title of Activity/Proposal/Policy/Practice | Disciplinary Policy & Procedure | | EIA Team and Lead Member of Staff (names of all people involved in this EIA) | Sue Clyne (Director of HR &OD)  Fumie Nakamura (Projects & Systems Assistant)  HR Partners | Date | November 2024 |
| Type of Policy/Practice/ (tick box) | New |  |
| Existing |  |
| Revised | X |

**Step 1 – Plan your process**

Considering the aims of the policy/proposal and the people will be involved.

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| What are the aims and purposes of the activity/ decision/ new or revised policy or procedure?  See Note 1 | The purpose of revised this policy and procedure are to provide a non-discriminatory, fair and timely process for the management of disciplinary matters within the College. It ensures all employees have an understanding of what is expected regarding actions and behaviours, and their performance level contributes to the overall College’s goals and reputation.  This policy and procedure are designed to allow the College to deal with disciplinary conduct issues in a fair and reasonable manner in response to alleged unsatisfactory conduct by an employee.  It follows the provisions of the relevant ACAS Codes and current employment legislation. They were also updated to incorporate changes in case law (the previous Policy and Procedure dated from 2010) and reflected actual practice at the College. |
| Who will be affected?  See Note 2 | All employees and managers will benefit from a consistent, supportive and transparent framework being available. |
| Who will be consulted?  See Note 3 | Both EIS-FELA & Unison were consulted on the changes to the Disciplinary Policy &Procedure. This policy and procedure are updated in line with current legislation, terminology and best practice. |

**Step 2 – Consider the Evidence**

What are the evidence we need and how we can gather them?

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| What evidence is available of how the policy/decision, etc. affects, or may affect, protected groups?  Evidence could be quantitative, qualitative or anecdotal.  Do we have enough evidence to judge what the impact may be?  See note 4 | Disciplinary action is rare at the College (only a few cases a year) and so there is little evidence available of the potential impact of this Policy and Procedure on protected characteristics.  Employee relations casework is carefully monitored and any indication of unreasonable impact on employees with a particular protected characteristic will be reviewed.  Review and discussion with both EIS-FELA and Unison on the implementation of the updated policy and procedure may provide evidence going forward.  Ensure updated policy & procedure are available on the intranet and available to all employees so they are aware of the framework of this policy and procedure and their right. |

**Step 3 – Assessing the impact**

This involves:

* Considering relevant evidence relating to people who share a protected characteristic
* Assessing the impact of applying a decision of a new or revised policy or practice against the needs of the Public Sector Equality Duty (PSED) and each protected characteristic.

How will the policy / decision help the College to comply with the Public Sector Equality Duty?

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| **Eliminating discrimination, harassment, and victimisation** | **Advancing equality-**   * **Removing disadvantage** * **Meeting different needs** * **Encouraging participation** | **Fostering good relations**   * **Tackling prejudice** * **Promoting understanding** |
| This policy and procedure provide the clear responsibility of managers and employees.  All managers are responsible for the consistent application of College’s Disciplinary Policy and Procedure.  All employees are responsible for ensuring that they are aware of what is required of them under this policy and procedure.  The College’s Disciplinary Procedure follows the ACAS best practice requirements and legal guidance where required on Disciplinary and Grievance procedures. | If required, any reasonable adjustment can be made to accommodate any long-term health condition or disability.  The College take option that It may be necessary to take advice from EDI lead in matters concerning the Equality Act 2010.  Variety of training related to protected characteristic employees are provided by EDI Lead, including Eliminating Unconscious Bias, Tackling of Hate Crimes and Putting EDI in to Practice. | The College commits to train managers in their use and application of this policy and procedure. They should be aware that most minor conduct issues can be resolved through an informal conversation with the employee, including confirmation of the behavioural standards expected.  Conduct related issues should be resolved informally as far as possible. However, where an issue cannot be resolved informally, or is sufficiently serious in nature, then it may be necessary to use the formal procedure.  Throughout stages of this Procedure, the principles of fairness, common sense and reasonableness shall be applied.  The College always aim to be fair, reasonable and open for dealing with disciplinary conduct issues. |

See Note 5

Key Questions to ask:

1. What potential positive/neutral/negative impacts can be identified?
2. What does evidence demonstrate about positive/neutral/negative impacts for different protected characteristic groups? E.g. statistics on participation, progression or outcomes, feedback or complaints
3. Does the policy/procedure/practice/decision take account of the needs of people with different protected characteristics? How is this demonstrated?
4. Does it affect some groups differently? Is this proportionate?

See Note 6

| Protected characteristic | Potential  Positive Impact Y/N | Details of Expected Positive Impact | Potential Negative Impact Y/N | Details of Expected Negative Impact |
| --- | --- | --- | --- | --- |
| Age | Yes | Managers will need to provide additional guidance for employees who requires more support. | Yes | Due to lack of work experience, younger employee may not fully understand the College’s expectations of their actions and /behaviours at work. |
| Disability | Yes | Reasonable adjustments to the disciplinary process will be put in place where necessary. | Yes | Reasonable adjustments may be required during disciplinary processes for employees with disabilities. This may include allowing additional time to respond to stages of the process or other additional support. |
| Gender reassignment | Yes | Consideration of personal circumstances will be taken into account during any disciplinary process. | Yes | Transition period may affect the person’s behaviour or capability which can inadvertently lead to disciplinary process. |
| Marriage/civil partnership (relevant in employment law) | Yes | This procedure applies to all employees fairly regardless of whether they are in marriage or civil partnership. | No | No negative impact has been identified. |
| Pregnancy and Maternity | Yes | The Family Friendly Policy and Procedure and the Flexible Working Policy and Procedure are in place for supporting employees. | Yes | Pregnant employees, or those on maternity/returning from maternity leave may feel overloaded when managing their work life balance. |
| Race | Yes | A variety of training for understanding different culture and tackling discriminations are available for all employees.  Managers are assisted to understand and consider the culture norms and values of people of different ethnic backgrounds when conducting any disciplinary process. | Yes | People of different ethnic groups may have different cultural norms and values that could impact on behaviour and actions. |
| Religion or belief | Yes | Managers are assisted to understand and consider the practices and values of different faith groups when conducting any disciplinary process. | Yes | People of different faith groups may have different religious practices and values that could impact on behaviour and actions. |
| Sex | Yes | The national Menopause Policy will help understanding the condition and ensure that women experiencing menopause are not unduly impacted by this Policy and Procedure. | Yes | Menopause can have an unintended impact on the performance of some employees. |
| Sexual orientation | Yes | Each case is revised by the manager and HR to assess if there are any aspects to be considered additionally. | Yes | Based on previous personal experience, LGBT employees may believe they can be unreasonably targeted. |

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| Other  characteristic  See Note 7 | Potential  Positive Impact Y/N | Details of Expected Positive Impact | Potential Negative Impact Y/N | Details of Expected Negative Impact |
| Social deprivation | Yes | The College will follow ACAS guidance and legal requirements. | Yes | An employee who is experiencing social deprivation may feel isolated from their colleagues. |
| Care Experienced people | Yes | Each case will discuss with their manager and HR to assess if there are any aspects to be considered additionally. | Yes | Due to a potential unstable upbringing, an employee who is care experienced may find more difficult to build relationships with other employees at work and as a result, their behaviour may cause concerns. |
| People with caring responsibilities | Yes | A Flexible Work Policy is in place for supporting employees (if required). | Yes | An employee with caring responsibilities may feel over loaded when managing their work life balance. |
| Any other groups that need to be taken in consideration? | No |  | No |  |

**Step 4 – Acting on the results of the assessment.**

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| What actions can be taken or amendments made to policy to reduce the negative impact?  See note 8 | Clear messages communicated to all employees that they should represent a shared understanding of what is expected regarding values, policies and behaviours to ensure that their performance level contributes to the overall College’s goals and reputation.  Ensure managers are trained in the implementation of this policy and procedure so they can take relevant action in timely manner to resolve disciplinary conduct issues.  HR will encourage all employees to fill in and update their sensitive information in iTrent so that we can capture an accurate information and can act proactively to resolve the case at informal stage. |
| Is there a need to address any gaps in evidence? | Regular requests for general feedback on the implementation of this policy and procedure from the Unions at local JNC meetings.  Working closely with HR Partners who advise on disciplinary process to identify any specific issues arisen during the process related to the employees with protected characteristics. |
| How will equality be advanced/ good relations be fostered? | The purpose of this revised policy and procedure are to provide a non-discriminatory, fair and timely process for the management of disciplinary matters within the College. In addition to this, understanding and awareness of the behaviours and actions of employees with protected character is crucial. |
| Who has been involved in carrying out this assessment? | HR team. |
| If you cannot fully review the impact now, what else must be done, by/with whom and why? |  |

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| **Recommended decision:** (place an x against relevant outcome)  See note 9 | Outcome 1: Proceed – no potential identified for discrimination or adverse impact, and all opportunities to promote equality have been taken |  |
| Outcome 2: Proceed with adjustments to remove barriers identified or to better promote equality | **X** |
| Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to promote equality |  |
| Outcome 4: Stop and rethink as actual or potential unlawful discrimination has been identified |  |
| Any other recommendations? | | |
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**Step 5: The monitoring and review stage**

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| **Plan actions to reduce negative impact, advance equality and monitor the impact of the policy, proposal or decision**   * Please indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed. * Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the policy, etc. * How will the impact of the policy/procedure/decision be monitored?   See Note 10 | | |
| **Action to be Taken:** | **Person Responsible:** | **Completion/Review Date:** |
| Ensure all employees are made aware of the existence and purpose of this policy and procedure. | Sue Clyne | Ongoing |
| Arrange training for managers on dealing with disciplinary issues. | Sue Clyne/Nyree Grierson | Ongoing |
| Run annual statistical reports on cases which were active/live during this period by each protected characteristic to identify if those in any particular group(s) are being disproportionately affected. | Systems Team (Irene Michie) | Ongoing - Quarterly |
| Provide additional support to manager for dealing with the case affected to employee with protected character by HR Partners. | HR Partners | Ongoing |
| Regular reviews at LNC meetings to be undertaken with Unions to request any appropriate general feedback on the impact of the implementation of the policy & procedure. | Sue Clyne | Ongoing |
| Undertake a 3-yearly review of the policy and procedure, or sooner if legislative changes require it, to ensure it remains in line with current legislation, terminology etc. | Sue Clyne | Ongoing – every 3 years |
| **Signature of Lead:**   **Date: 7 November 2024** | | |

**Step 6 – Review and Publication**

See Note 11

Please send the completed EIA record to [equality@edinburghcollege.ac.uk](mailto:equality@edinburghcollege.ac.uk) for

* review by Quality and Improvement;
* publication in whole or in part on the College website.

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| **Date of Review** | **11 December 2024** |
| **Date of Publication** | **11 March 2025** |