

**EQUALITY IMPACT ANALYSIS  
 DISCIPLINARY POLICY  
 HaRD 013**

<b>Date of Analysis:</b>	26 February 2014								
<b>This Equality Impact Analysis was completed by: (Name and Department)</b>	CSU Workforce Team								
<b>What are the aims and intended effects of this policy, project or function ?</b>	This policy is designed to deal with cases of suspected or actual personal misconduct.								
<b>Please list any other policies that are related to or referred to as part of this analysis?</b>	<ul style="list-style-type: none"> <li>• Whistleblowing Policy</li> <li>• Standards of Business Conduct</li> <li>• Professional Registration Policy</li> <li>• Managing Performance Policy</li> <li>• Managing Absence Policy</li> <li>• Policy, Procedure &amp; Guidance for responding to allegations of abuse or neglect of a child against an employee of Harrogate and Rural District CCG</li> <li>• Harassment and Bullying at Work Policy</li> <li>• Objective Setting and Review Policy and Procedure</li> </ul>								
<b>Who does the policy, project or function affect ?</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Employees</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Service Users</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (List Below)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								
Please Tick ✓									

Equality Impact Analysis: Screening					
	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
<b>Race</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Evidence shows that employees in the NHS from a BME background are almost twice as likely to be disciplined as white employees (Bradford University report, The Involvement of Black and Minority Ethnic Staff in NHS Disciplinary Proceedings).4.55% of staff in the CCG are non-white. The policy refers to the CCGs obligations under the Equality Act and reference is made to other policies where work performance or attendance is a concern. Training is also clearly available. As a new policy, there is no evidence that the policy will have an adverse policy staff on BME staff, but the implementation of the policy should be monitored.
<b>Age</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Sexual Orientation</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Disabled People</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	In Yorkshire and Humber the population statistics are: Day-to-Day Activities Limited a Lot 8.43% Day-to-Day Activities Limited a Little 9.92% Day-to-Day Activities Not Limited 81.65% No disabled staff are currently recorded as employed in the CCG, though the policy should address circumstance where someone may be employed with a disability in the future In terms of national data: National evidence is that 'Disabled people are significantly more likely to experience unfair treatment at work than non-disabled people. In 2008, 19 per cent of disabled people experienced unfair treatment at work compared to 13 per cent of non-disabled people' (source: Office for Disability

					issues). However, the policy refers to the CCGs obligations under the Equality Act and reference is made to other policies where work performance or attendance is a concern. The policy should not have an adverse impact on staff with disabilities, but the management and implementation of the policy should be monitored
<b>Gender</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Transgender People</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Pregnancy and Maternity</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Marital Status</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Religion and Belief</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Considered, however there is no evidence of impact.
<b>Reasoning</b>	Some national evidence is available for disability and race, but local evidence should be acquired through monitoring of policy implementation				
<b>If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7</b>					

## Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected (population figures)	
<b>General</b>	Total number of employees in the CCG is 22
<b>Age</b>	72.73% are aged 30-55 29.27% of staff are over 55 No employees are under 30
<b>Race</b>	90.9% staff employed in the CCG are White 4.55% staff are Black 4.55% of staff have are not stated/undefined their ethnicity
<b>Sex</b>	54.55% staff employed are male 45.45% staff employed are female
<b>Gender reassignment</b>	No information at this stage
<b>Disability</b>	86.36% of staff employed declared themselves as having no disability 13.64% did not declare /undefined No staff have declared a disability
<b>Sexual Orientation</b>	77.27% of staff described themselves as heterosexual 22.73% did not wish to respond /undefined
<b>Religion, faith and belief</b>	Christianity is the largest religious group declared by staff in the CCG (40.91%) 27.27% declared themselves Atheist 27.27% were undefined or did not wish to declare 4.55% of staff have other beliefs/religious beliefs
<b>Marriage and civil partnership</b>	81.81% of employees are married. No employees are in a civil partnership. The remainder (18.19%) are single/divorced/legally separated or widowed
<b>Pregnancy and maternity</b>	No information yet as the CCG has not been established long enough to build meaningful data

## Equality Impact Analysis: Equality Data Available

<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1. Application success rates <i>Equality Groups</i></li> <li>2. Complaints by <i>Equality Groups</i></li> <li>3. Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> <li>5. <i>Previous EIAs</i></li> </ol>	<p>✓ Yes    employee data</p> <p>No    <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p><b>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</b></p>	<p>CCG staff Senior Leadership Team Joint Trade Union Partnership Forum</p>
<p><b>Promoting Inclusivity</b> <b>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</b></p>	<p>This policy does not directly promote inclusivity, however it applies a framework to follow a clear process for dealing with cases or suspected cases of misconduct for CCG staff/healthcare professionals.</p>

### Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Gender</b> (Men and Women)	✓			Considered, however there is no evidence of impact.
<b>Race</b> (All Racial Groups)	✓			Evidence shows that employees in the NHS from a BME background are almost twice as likely to be disciplined as white employees (Bradford University report, The Involvement of Black and Minority Ethnic Staff in NHS Disciplinary Proceedings). 1.19% of staff in the CCG are non-white. The policy refers to the CCGs obligations under the Equality Act and reference is made to other policies where work performance or attendance is a concern. Training is also clearly available. As a new policy, there is no evidence that the policy will have an adverse policy staff on BME staff, but the implementation of the policy should be monitored.
<b>Disability</b> (Mental and Physical)	✓			In Yorkshire and Humber the population statistics are: Day-to-Day Activities Limited a Lot 8.43% Day-to-Day Activities Limited a Little 9.92% Day-to-Day Activities Not Limited 81.65% No disabled staff are currently recorded as employed in the CCG, though the policy should address circumstance where someone may be employed with a disability in the future In terms of national data: National evidence is that 'Disabled people are significantly more likely to experience unfair treatment at work than non-disabled people. In 2008, 19 per cent of disabled people experienced unfair treatment at work compared to 13 per cent of non-disabled people' (source: Office for Disability issues). However, the policy refers to the CCGs obligations under the Equality Act and reference is made to other policies where work performance or attendance is a concern. The policy should not have an adverse impact on staff with disabilities, but the management and implementation of the policy should be monitored

**What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Protected Characteristic:</b>	<b>No Impact :</b>	<b>Positive Impact:</b>	<b>Negative Impact:</b>	<b>Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists</b>
<b>Religion or Belief</b>	✓			Considered, however there is no evidence of impact.
<b>Sexual Orientation (Heterosexual, Homosexual and Bisexual)</b>	✓			Considered, however there is no evidence of impact.
<b>Pregnancy and Maternity</b>	✓			Considered, however there is no evidence of impact.
<b>Transgender</b>	✓			Considered, however there is no evidence of impact.
<b>Marital Status</b>	✓			Considered, however there is no evidence of impact.
<b>Age</b>	✓			Considered, however there is no evidence of impact.

### Action Planning

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
There is no evidence of adverse impact on any group from the policy, but good practice and national evidence would suggest that monitoring of the policy particularly in disability and race is essential	Annual monitoring of implementation of the policy	HR Lead	Annually	One year from policy approval

## Equality Impact Analysis Findings

<b>Analysis Rating:</b>	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input checked="" type="checkbox"/> <b>Green</b>
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		Actions	Wording for Policy / Project / Function
<p><b>Red</b></p> <p><b>Stop and remove the policy</b></p>	<p><b>Red:</b> As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is recommended that the use of the policy be suspended until further work or analysis is performed.</p>	<p><b>Remove the policy</b></p> <p>Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.</p>	<p>No wording needed as policy is being removed</p>
<p><b>Red Amber</b></p> <p><b>Continue the policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.</p>	<p><b>The policy can be published with the EIA</b></p> <p>List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE).</p> <p>Consider if there are any potential actions which would reduce the risk of discrimination.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason exists which justifies the use of this policy and further professional advice.</p> <p><b><i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i></b></p>

### Equality Impact Findings (continued):

		Actions	Wording for Policy / Project / Function
<p><b>Amber</b></p> <p><b>Adjust the Policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p><b>The policy can be published with the EIA</b></p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><b><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></b></p>
<p><b>Green</b></p> <p><b>No major change</b></p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p><b>The policy can be published with the EIA</b></p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

<b>Brief Summary / Further comments</b>	
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<b>Approved By</b>		
Job Title :	Name :	Date :