

Glasgow Kelvin College

# **Equality Impact Assessment**

Disciplinary Policy and Procedure



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| <b>Practitioners conducting assessment</b> |                             |          |
|--|-----------------------------|----------|
| Name                                       | Designation                 | Date     |
| Doreen Shiels                              | Director of Human Resources | 17.05.19 |
| Patricia Currie                            | EDI Manager                 | 17.05.19 |

## **Step 1 – Identification and Scope**

### **Brief description of the decision, policy or practice being assessed**

The Disciplinary policy and its associated procedure aims to encourage employees to achieve and maintain acceptable standards of conduct by providing a clear framework within which any instances of alleged failure to meet such standards will be addressed.

This policy and procedure sets out expectations of employee conduct and ensures any disciplinary matters are managed fairly and consistently, in line with legislation.

### **Aims of the decision, policy or practice?**

The Policy and Procedure aims to ensure that a positive and consistent approach to managing disciplinary issues is adopted at all times across the College. The Policy and Procedure has been developed taking into account the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is designed to help managers, employees and their representatives' deal with disciplinary situations in the workplace.

The Disciplinary Procedure will be used where there are possible issues of misconduct and does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, capability or training or has genuine sickness absence or where an illness or other condition causes or contributes to performance issues. In such cases matters will be managed under a Capability Procedure.

The procedure provides a clear mechanism for managing misconduct, the responsibilities of the parties involved and the process to be followed.

The procedure considers the objectivity of the individual conducting the investigation and provides that a manager not previously involved hear the case, the opportunity to appeal is provided. HR ensure consistency of approach and application and will raise any concerns should they arise.

Process takes account of literacy issues, disability and English as a second language by providing additional support if required. Staff are entitled to representation and may be accompanied by an interpreter or support if required. The need to consider whether a protected characteristic could have played a part in the misconduct is incorporated and reasonable adjustments will be made for those with protected characteristics. OHS/medical will be sought where appropriate.

The Disciplinary Policy is now covered by National Collective Bargaining. The wording of the Policy document however has been amended slightly to reflect changes in light of the General Data Protection Regulations, section 4, Confidentiality and section 9 - Records.

The main changes to the Procedure include: the incorporation of a guide for managers conducting a disciplinary hearing, section 2.3 and Appendix 1 and the right for the College to appoint a panel to conduct a hearing where appropriate; the removal of a verbal warning to reflect those contained in the ACAS Code of Practice on Discipline and Grievance Procedures – 04/18; the requirement for

the manager(s) chairing the hearing to produce a written report. It has been normal practice for the manager to produce a written report articulating a justification for the decision reached and the sanction applied however the document now reflects this practice; and the incorporation of one additional offence under the heading of Gross Misconduct this relates to social media and the amendment of an offence contained within Gross Misconduct to make it explicitly clear that acts of indecency or sexual harassment are not limited to the workplace and include extensions to the workplace such as a residential and social events.

**Who is affected by the decision, policy or practice?**

- Students
- Staff
- Members of the public/Stakeholders

**Step 2 – Research and Consultation**

**Outline evidence / research**

ACAS – Discipline and Grievance – Code of Practice – 04/18  
Equality Act 2010 - legislation  
EHRC Code of Practice on Employment  
Equality Act 2010: Duty on employer to make reasonable adjustments for their staff  
Managing discipline - Investigation to possible dismissal: A guide  
CIPD -Managing Discipline  
Case law and case studies  
Operational feedback

**What consultation has been undertaken on this policy or practices, including consultation with those affected?**

Trade Union – Unison college representatives  
Trade Union – EIS/FELA branch officials  
Trade Union – EIS – full-time representative  
College Managers  
Staff;  
College Legal Advisor  
HR Committee – 29<sup>th</sup> May 2019

**Is there any evidence that different groups have, or may have, different needs, experiences and priorities in relation to this policy or practice?**

| Protected Characteristic       | Yes (+ or -) | Potentially (+ or -) | Neutral (no impact) | Not known |
|--------------------------------|--------------|----------------------|---------------------|-----------|
| Age                            |              |                      | x                   |           |
| Disability                     |              |                      | x                   |           |
| Gender                         |              |                      | x                   |           |
| Gender reassignment            |              |                      | x                   |           |
| Marriage and Civil partnership |              |                      | x                   |           |
| Pregnancy and Maternity        |              |                      | x                   |           |
| Racial group                   |              |                      | x                   |           |
| Religion or belief             |              |                      | x                   |           |
| Sexual orientation             |              |                      | x                   |           |

**Step 3 – Assessing the Impact**

**What impact could the proposal have on people who share protected characteristics (positive, negative and/or neutral?) Please provide details below.**

| Protected Characteristic | Likely Impact   |
|--------------------------|---|
| Age                      | The policy applies to all regardless of age.  |
| Disability               | <p>The policy applies to all regardless of disability. It is available on intranet and therefore available in different fonts, text size and through assistive technology.</p> <p>This policy will have a positive impact on those with a disability who are supported.</p> <p>The Policy and Procedure takes into account the Equality Act 2010, and makes reasonable adjustments.</p> |
| Gender                   | The policy applies to all regardless of gender.   |

| Protected Characteristic       | Likely Impact   |
|--------------------------------|---|
| Gender reassignment            | The policy applies to all regardless of gender reassignment.  |
| Marriage and Civil partnership | The policy applies to all regardless of marital status.   |
| Pregnancy and Maternity        | The policy applies to all regardless if the woman is pregnant or is/has been absent previously on maternity leave.  |
| Racial group                   | The policy applies to all regardless of race. Cultural issues will be fully considered when meeting with and discussing misconduct with staff. Staff members for whom English is a second language have the right to be accompanied by a work colleague or Trade Union representative. In addition employees may be accompanied by an interpreter when appropriate. |
| Religion or belief             | The policy applies to all regardless of religion or belief. Cultural issues will be fully considered when meeting with and discussing misconduct with staff.  |
| Sexual orientation             | The policy applies to all regardless of sexual orientation.   |

### **Step 4 – Taking Action**

**Detail the actions you would take to remove or minimise any actual or potential negative impacts identified, and to build positive impacts.**

Policy issued to all existing staff to raise awareness  
 Policy issued to all new staff as part of induction process  
 Policy available on the intranet and internet  
 Training for managers in managing discipline  
 Monitoring and reporting of disciplinary incidents to the Board of Management and HR Committee  
 Employee Assistance Programme – external provider in place  
 External Occupational Health Advice and Support

**Step 5 – Monitoring and Evaluation**

Identify how this policy will be monitored and any areas of concern reported.

|   |
|---|
| <p><b>Monitoring and evaluation:</b></p> <ul style="list-style-type: none"> <li>• HR involvement to monitor application and consistency;</li> <li>• Annual reports to the Board of Management and HR Committee;</li> <li>• informal discussions with staff and managers;</li> <li>• formal consultation with staff, managers and Trade Union representatives;</li> <li>• HSE stress survey; and</li> <li>• Annual HRM Report to the Board of Management.</li> </ul> |
|---|

Please present your EIA with recommendations for endorsement. All EIAs will be published on the Portal and added to the current record of EIAs.

**Step 6 – Approval – Equalities Committee**

Identify outcome

|  |     |
|--|-----|
| <p>A. Proceed –</p> <ul style="list-style-type: none"> <li>• no potential identified for discrimination or adverse impact, and;</li> <li>• all opportunities to advance equality have been taken.</li> </ul> | Yes |
| <p>B. Proceed with adjustments to:</p> <ul style="list-style-type: none"> <li>• remove barriers identified or</li> <li>• better advance equality.</li> </ul>   |     |
| <p>C. Stop and rethink as actual or potential unlawful discrimination has been identified.</p>   |     |

|  |     |
|--|-----|
| Approved                                       | Yes |
| *Not Approved and Requires Further Information |     |

*\*Please add Comments*

**Person(s) responsible**

| Name            | Designation                 | Date   |
|-----------------|-----------------------------|--------|
| PATRICIA CURRIE | SDI MANAGER                 | 4/6/19 |
| Arlene Sweeney  | Learning Engagement Officer | 4/6/19 |

Signed .....*P. Currie*.....

Date ..4/6/19.

Signed .....*Arlene Sweeney*.....

Date ..4/6/19.

**Central Monitoring**

Once your EIA is complete:

1. add it to the EIA monitor on the Equalities Section of the Intranet
2. In Col A. Insert Title **and** Hyperlink Doc

NB: Finalisation of central monitoring & identification of compound impact will be undertaken within Equalities Management.



## Appendix

**Equality Act General Duty** requires colleges to have **due regard** to the need to:

1. **Eliminate**
  - a) discrimination,
  - b) harassment,
  - c) victimization; or
  - d) any other prohibited conduct
  
2. **Advance** equality of opportunity by
  - a) removing or minimising disadvantage
  - b) meeting the needs of particular groups that are different from the needs of others
  - c) encouraging participation in public life
  
3. **Foster** good relations – tackle prejudice, promote understanding

### **Protected Characteristics:**

1. Age
2. Disability
3. Gender Reassignment
4. Marriage And Civil Partnership (applies only in relation to (1a) discrimination in *employment*, not to learners)
5. Pregnancy And Maternity
6. Race
7. Religion Or Belief
8. Sex/ Gender
9. Sexual Orientation.

