

People Impact Assessment (PIA)

Policy/activity or service area to be assessed:	Disciplinary Policy and Procedure	Person completing assessment:	
Reason for this assessment: (new policy / review etc)	Amendments to existing Procedure	Date of assessment:	22 nd August 2023

A PIA involves analysing the effect, or potential effect, of the way we do our business upon groups that share protected characteristics as defined in the Equality Act 2010. This requires us to look at the equality data which we capture or have access to and to consider the outcome of our community engagement. We need to assess whether our policies and practices show ‘due regard’ for the three aims (see below) of the Public Sector Equality Duty (PSED). The analysis should highlight effects that *increase* equality, *decrease* equality or have *no impact* upon equality across the protected characteristics. Its purpose is not just to paint a picture, but to *identify practical steps* to improve our performance by:

- (a) Eliminating any unlawful discrimination,**
- (b) Advancing equality of opportunity and**
- (c) Fostering good relations between different groups.**

1. Briefly describe the purpose, aims and objectives of the policy/activity: ¹	<p>This procedure is written to help and encourage all employees to achieve and maintain satisfactory standards of conduct, to encourage improvement where necessary and to ensure consistent and fair treatment for all employees in the organisation. This procedure does not apply to cases involving genuine sickness absence or poor performance or capability. In those cases reference should be made to the Performance and Capability Procedure.</p> <p>The aim is to ensure that appropriate action can be taken without unnecessary delay, but in a framework which also ensures fairness to all employees. It is also to ensure that there is clear behavioural guidance for all employees within SFRS.</p>
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2. Socio economic is not a Protected Characteristic under the Equality Act 2010. We will however demonstrate due regard to it because as a risk factor poverty has a significant contributor to inequality indicators. Also when present alongside a PCs or multiple PCs the risk increases exponentially

2. Who is the policy/activity aimed at: (communities, staff, partners etc)	All Service employees.
3. Who is responsible for the policy/activity: (Directorate/Department/individual)	Human Resources

Equality Statement

Clearly explain and provide supporting evidence to show how the policy/activity satisfies the three aims of the Public Sector Equality Duty (PSED) and **DOES NOT** cause or have the potential to cause a **NEGATIVE** (detrimental) effect:

Eliminating any unlawful discrimination

The Procedure does concur with the 'ACAS Code of Practice on Disciplinary and Grievance Procedures 2015' and therefore by definition will ensure that unlawful discrimination does not occur. See PC table for specific due regard to disability, race and gender (women) particularly and victimisation generally.

Advancing equality of opportunity

The Procedure is unlikely to result in the advancement of equality of opportunity by its purpose. However in cases of disciplinary action being taken against bullying and harassment behaviour this may be a resultant outcome

Fostering good relations between different groups

The Procedure concurs with the ACAS code as above. In disciplinary procedure there may be elements of unconscious bias and unwitting prejudice occurring. See below for consideration to reduce likelihood.

Where the policy/activity **DOES** or has the **POTENTIAL TO** have a **NEGATIVE** (detrimental) effect indicate which of the Protected Characteristics **MUST** be considered:

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Describe the **NEGATIVE** (detrimental) effect and provide supporting evidence for your rationale *

Age	
Disability	The NJC and LA IFSG Final Report June 2016 (Uniformed staff only) found disparities with the numbers of by gender, disability, and race. These are low numbers making it more problematic for analysis nevertheless they appear disproportionate to the percentage of staff from these groups (gender being women in the context).
Gender reassignment	
Marriage or civil partnership	
Pregnancy or maternity	
Religion or belief	
Race	<p>The concept of unconscious bias has recently been in the press following a finding that UK ethnic minority doctors are four times more likely than white candidates to fail their clinical GP exam. A report into the discrepancy suggests that unconscious racial bias is one possible explanation. This is not dissimilar theoretically to the findings of the Stephen Lawrence Inquiry by Sir William Macpherson in 1999 when unwitting prejudice and institutional racism was operating in systems of the public sector. A group representing ethnic minority doctors has brought a judicial review over perceived bias in the examination process.</p> <p>It is a well-established principle that an employer does not need to be acting consciously in order for an employee to establish a discrimination claim: in the words of Lord Brown-Wilkinson "those who discriminate ... do not in general advertise their prejudices: indeed they may not even be aware of them." This can be seen in the recent case of London Probation Trust v Francis, in which an employee of Afro-Caribbean origin was passed over for promotion in favour of a white candidate. At the tribunal, it was</p>

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	<p>found that the all-white panel had taken an inconsistent approach to scoring the two candidates. Although there was no indication of conscious action to discriminate against Ms Francis, anecdotal evidence given at the tribunal suggested that there was an 'affinity bias' in the workplace with white employees receiving more informal support.</p> <p>The NJC and LA IFSG Final Report June 2016 (uniformed staff only) found disparities with the numbers of by gender, disability and race. These are low numbers making it more problematic for analysis nevertheless they appear disproportionate to the percentage of staff from these groups (gender being women in the context).</p>
Sex	<p>The NJC and LA IFSG Final Report June 2016 (uniformed staff only) found disparities with the numbers of by gender, disability and race. These are low numbers making it more problematic for analysis nevertheless they appear disproportionate to the percentage of staff from these groups (gender being women in the context).</p>
Sexual orientation	
Socio-economic disadvantage ²	

* **NOTE:** Where any **NEGATIVE** (detrimental) effects are likely to occur:

- (a) For the policy/activity to continue corrective actions/amendments **MUST** be taken to prevent/minimise unlawful discrimination
- (b) An action plan **MUST** be completed (next section)
- (c) Where a negative (detrimental) effect can not be avoided, continuation of the policy/activity (with or without amendment) **MUST** be justified

Action plan

This action plan **MUST** accompany the policy/activity and be used continually to assess any negative (detrimental) effects resulting from the delivery of or amendments to the policy/activity based on customer feedback and evaluation.

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Negative/detrimental effect	Action needed to prevent/minimise it	By who	By when	Complete (tick)
Institutional isms, unwitting and unconscious biases.	<p>The Service is in discussion around tackling unconscious biases in the decision making process and systems in the Service. Systems to mitigate this should include practical steps of:</p> <ol style="list-style-type: none"> 1. We will seek to ensure the anonymity of individuals under investigation until such times that they appear at hearing. 2. The hearing panel should be inclusive of race, gender and disability, at an appropriate level from grey book and green book, staff. We will strive to ensure this is the case and ensure policy in procedure are developed to do so 	<p>Sue Wilkinson/ Tim Hyde</p> <p>Sonia Mills/Diane Dunlevey</p>	ASAP	
Bullying and or harassment by senior/manager.	<p>The association between performance and capability /discipline and grievance in the case of bullying and harassment needs consideration. <i>“Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual. Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer. Employers are responsible</i></p>	<p><u>Sue Wilkinson/ Tim Hyde/</u></p> <p>Sonia Mills/Diane Dunlevey</p>	ASAP	


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	<p><i>for preventing bullying and harassing behaviour” (bold not as original) ACAS.</i></p> <p>Cases where staff have been disciplined for poor performance as a result of bullying are well documented. In Phelan v. Pizza Express plc, the tribunal unanimously upheld the Applicant's claim of constructive dismissal for a lengthy period of bullying and harassment by her former manager at Pizza Express in Oxford. March 1997: Herefordshire fire-fighter Tania Clayton accepted £200,000 plus £100,000 legal expenses in an out-of-court settlement with Hereford and Worcester County Fire Service after five years of harassment, victimisation and bullying. A fire brigade internal investigation had found "no evidence of bullying".</p> <p>Recent exposure in the media (2022 – 2023) has highlighted numerous concerns in relation to misogyny and racism couple with a negative culture being evident across parts of the Fire and Rescue Sector nationally</p> <ol style="list-style-type: none"> 1. Ensure alignment to bullying and harassment policy and procedure. 2. Monitor Discipline by PC, if proportionality is not aligned review system and process. Buddy independent reviewer with Manager carrying out alleged misconduct process. <p>We have in place a tracker which means the HR Team will regularly monitor trends and be vigilant to repeat issues which may indicate an underlying issue.</p>			
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	Please link the Bullying and Harassment Policy within the Discipline Policy and Procedure			
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All Completed PIA's should be submitted to E&D team for approval.

Signed: _____  _____ (E&D)

Name: Diane Dunlevey _____

Date: 27.09.23 _____

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