



Derby City Council

Equality impact assessment form

Directorate Resources

Service area HR & Business Support

**Name of policy, strategy, review or function
being assessed** Managing Individual Capability

Date of assessment 18 October 2013

Signed off by

Cabinet or Personnel Committee's decision

Date published on website

Derby... *Achieving*

1 What's the name of the policy you are assessing?

Managing Individual Capability

2 The assessment team

Team leader's name and job title – Tina Holmes, HR Advisor, Strategic Organisation Development

Other team members

Name	Job title	Organisation	Area of expertise
Keith Venables	Chair Disabled Employees Network	Derby City Council	Disability
Maggie Fennell	Co-Chair Disabled Employees Network	Derby City Council	Disability
Liz Moore	HR Business Partner	Derby City Council	HR
Susan Farmery	HR Advisor	Derby City Council	HR
Jocelyn Franklin	HR Advisor	Derby City Council	HR
Tania Hay	HR Advisor	Derby City Council	HR
Ben Ward	HR Team Leader	Derby City Council	HR

3 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council? Include here any links to the Council Plan or your Directorate Service Plan.

The policy aims to support employees to achieve and sustain a satisfactory standard of performance throughout their employment with the Council. This links to the Council's Plan to deliver good quality services that meet local needs.

4 Who delivers the policy, including any outside organisations who deliver under procurement arrangements?

Human Resources

5 Who are the main customers, users, partners, employees or groups affected by this proposal?

Internal policy for employees, used by HR and managers

6 Who have you consulted and engaged with so far about this policy and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups

Service Manager wanted the existing policy to be improved as they felt it did not meet their needs. It was agreed that the new layout and process appeared beneficial.

The Trade Unions were consulted at the Conditions of Service Working Group (CoSWP). They felt that the current policy was confusing as there was no clear difference between the probationary period and the use of the capability process for existing employees. Following the initial discussion the draft policy was taken back to CoSWP for consultation. Positive feedback was received on the improved process.

The Head of Occupational Health was concerned that Managers were only using the policy for poor performance relating to ill health. There have also been instances of employees being referred for ill health retirement before the Capability Policy had been exhausted.

The draft policy was sent by email to all the employee equality groups and the Lead on Equality and Diversity with a specific meeting being arranged with the Chair and Co-Chair of the Disabled Employees Network.

7 Using the skills and knowledge in your assessment team, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you know?	Positive impact	Negative impact	Not sure
Age	The capability policy makes clear	X		

	that the capability process can only be used after the managing individual performance process has been followed. This will protect older workers from potential age discrimination based on them reaching a certain age rather than a true assessment of their capability.			
Disability	The policy makes clear that any reasonable adjustments required must be in place prior to either a probation period being classed as unsatisfactory or sanctions being applied under the capability process. This protects those with performance issues resulting from reasonable adjustments not being in place.	X		
Gender	The policy has neither a negative or positive affect on this equality group.			
Marriage and civil partnership	The policy has neither a negative or positive affect on this equality group.			
Pregnancy and maternity	The policy has neither a negative or positive affect on this equality group.			
Race	The policy has neither a negative or positive affect on this equality group.			
Religion or belief or none	The policy has neither a negative or positive affect on this equality group.			
Sexuality	The policy has neither a negative or positive affect on this equality group.			
Trans gender	The policy has neither a negative or positive affect on this equality group.			
People on low income	The policy has neither a negative or positive affect on this equality group.			

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later.

8 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

There are no negative impacts on any equality groups.

9 What outcome does this assessment suggest you take? – you might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to promote equality have been taken
Outcome 2	Adjust the policy to remove barriers identified by the EIA or better promote equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	Continue the policy despite potential for negative impact or missed opportunities to promote equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are sufficient plans to reduce the negative impact and plans to monitor the actual impact
Outcome 4	Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s) 1

Why did you come to this decision?

The policy has the potential for two positive impacts.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality action plan to lesson the effect of the negative impact. This is really important and may face a legal challenge in the future.

N/A

10 How do you plan to monitor the equality impact of the proposals, once they have been implemented?

All capability meetings will be recorded by equality group to check that no trends develop. If any trends do develop an action plan will be devised at that time.

Equality action plan – setting targets and monitoring

What are we going to do to improve equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
Check for trends on an annual basis and compare to previous years.	Monitor cases by equality groups	Annually	If any trends develop these will be examined and an action will be developed		HRIS system

Make sure you include these actions in your service business plans