



# Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

<b>Title of policy/procedure:</b>	<b>Police Staff Capability Procedure and Guidance</b>
<b>Department:</b>	<b>Human Resource Development</b>
<b>Date:</b>	<b>Jan 2013</b>

## 1. Identify the aims and purpose of the policy

It is essential for Staffordshire Police to ensure that delivery of local policing services to our communities is effective and timely, and the public receive value for money. In doing so, the Force must ensure that necessary systems are in place to provide a framework within which managers may support and guide individuals to improve their capability or competence to a sound, acceptable and sustainable level. The procedure seeks to support Line Managers in ascertaining the reasons for the problem and establishing a means of resolving the problem.

The objectives of this procedure are to provide managers with the necessary information in order to:

- (a) Ensure employees are performing their roles effectively and capably and to deal with those staff not so performing in a fair and consistent manner.
- (b) Encourage sensitive, imaginative, realistic and constructive approaches from all concerned when dealing with capability issues.
- (c) Clarify and confirm that the managerial responsibility for resolving capability problems rests with line managers who may receive advice from Human Resource Managers and, as necessary, from the Force Occupational Health Department.
- (d) Ensure that capability difficulties are dealt with efficiently within agreed time periods (according to circumstances) and with clear outcomes at all stages.
- (e) Make every effort to help and retain an individual with a capability problem, whilst recognising that Staffordshire Police cannot guarantee to maintain employment.

## 2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

<p>This procedure applies to all police staff working under Staffordshire Police except probationary employees (dismissal takes place within the probationary period and unsuitable employees do not have a right of appeal).</p>
<p><b>3. Data</b></p> <p><b>Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.</b></p> <p>The informal stages of the Police Staff Capability procedure can be instigated via the management of sickness absence, in line with the Sickness Absence Procedure. The numbers of individuals who are subject to individual support plans since the implementation of the new procedure in September 2012 has increased, although no issues have been raised during an interim review of the procedure which impacts on any of the protected characteristic.</p>
<p><b>3.1 Age</b></p> <p>No data considered.</p>
<p><b>3.2 Disability</b></p> <p>No data considered</p>
<p><b>3.3 Race</b></p> <p>No data considered.</p>
<p><b>3.4 Religion or Belief</b></p> <p>No data considered.</p>
<p><b>3.5 Sex</b></p> <p>No data considered.</p>
<p><b>3.6 Sexual Orientation</b></p> <p>No data considered.</p>
<p><b>3.7 Transgender</b></p> <p>No data considered.</p>
<p><b>4. Research</b></p> <p><b>Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. ACPO, Home Office.</b></p> <p>No specific research has been considered regarding the protected characteristics, however the procedure is very closely aligned to the following:</p> <ul style="list-style-type: none"> <li>• ACAS Guidance</li> <li>•</li> </ul> <p>Generally, the impact on all groups listed will be positive in respect of all police staff being aware of the processes that Staffordshire Police will go through should an allegation of misconduct be made.</p>
<p><b>4.1 Age</b></p>

See Above.
<b>4.2 Disability</b> See Above.
<b>4.3 Race</b> See Above.
<b>4.4 Religion or Belief</b> See Above.
<b>4.5 Sex</b> See Above.
<b>4.6 Sexual Orientation</b> See Above.
<b>4.7 Transgender</b> See Above.

<p><b>5. Consultation</b></p> <p><b>Summarise the opinions of any consultation for all or any of the protected groups. Who was consulted and how e.g. survey, discussion, forum. If there was no consultation please justify why.</b></p> <p>Extensive consultation has been undertaken in respect of the 7 criteria below with UNISON. The Disability Support Group and Staffordshire Association of Women in Policing (SAWP) have had opportunity to contribute and comment on the procedure and guidance. In addition, HR colleagues have been consulted via HR Development Group upon the practical application of the procedure and the possible impact on equality/diversity. As the procedure and guidance are very aligned to the national guidance, no additional work in respect of the local impact on the protected characteristics was deemed necessary. However, following comments from SAWP the guidance will be reviewed to ensure that it allows for any gender specific issues to be highlighted in the early days, and for subsequent supportive intervention by line management and Occ Health to be put into place where applicable.</p>
<b>5.1 Age</b> See Above.
<b>5.2 Disability</b> See Above.
<b>5.3 Race</b> See Above.
<b>5.4 Religion or Belief</b> See Above.
<b>5.5 Sex</b> See Above.
<b>5.6 Sexual Orientation</b> See Above.

<p><b>5.7 Transgender</b></p> <p>See Above.</p>
<p><b>6. Conclusions</b></p> <p><b>Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts).</b></p>
<p><b>6.1 Age</b></p> <p>There is no disproportionate impact on staff due to age as a result of the content and operation of this procedure.</p> <p>The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.</p>
<p><b>6.2 Disability</b></p> <p>There is potential for impact for staff with a disability who are subject to this policy as a consequence of sick absence which is incurred due to their disability.</p> <p>The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.</p> <p>The procedure states that where sick absence is due to a disability the individual may require reasonable adjustments as part of their performance improvement action plan.</p> <p>Where the procedure refers to the sickness absence procedure it mentions that line managers can use discretion when creating a support plan for an individual who has incurred sickness due to disability, pregnancy or gender reassignment.</p>
<p><b>6.3 Race</b></p> <p>There is no disproportionate impact on staff due to race as a result of the content and operation of this procedure.</p> <p>The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.</p>
<p><b>6.4 Religion or Belief</b></p> <p>There is no disproportionate impact on staff due to Religion or Beliefs as a result of the content and operation of this procedure.</p> <p>The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.</p>

### **6.5 Sex**

A greater proportion of female staff may be affected by the procedure than male staff as a result of the mix of the police staff work force mix. This may result in a greater number of female staff being subject to capability proceedings than male staff. However, the procedure does apply equally to both sexes and will be used in a fair and equitable manner across both sexes; this prevents unfair or bias application of capability proceedings where they are initiated.

There is also potential for impact on females who are subject to this policy as a consequence of sick absence which is incurred due to pregnancy.

The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.

Where the procedure refers to the sickness absence procedure it mentions that line managers can use discretion when creating a support plan for an individual who has incurred sickness due to disability, pregnancy or gender reassignment.

### **6.6 Sexual Orientation**

There is no disproportionate impact on staff due to sexual orientation as a result of the content and operation of this procedure.

The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.

### **6.7 Transgender**

There is potential for impact for transgender staff who are subject to this policy as a consequence of sick absence which is incurred as a result of going through the process to reassign their sex away from their birth sex to their preferred gender.

The procedure states the Equality Act makes it unlawful to treat someone less favourably than another person because of a protected characteristic which are: age, disability, gender reassignment, pregnancy, race, religion or belief, sex, sexual orientation.

Where the procedure refers to the sickness absence procedure it mentions that line managers can use discretion when creating a support plan for an individual who has incurred sickness due to disability, pregnancy or gender reassignment.

**7. Decisions**

**If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way. If no changes are proposed, the policy needs to be objectively justified.**

By having a published procedure, the force can ensure that individual cases of capability will be managed in a fair, equitable and supportive manner.

**8. Monitoring arrangements**

**If the policy is new what consideration has been given to piloting the policy? If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?**

The impact of the procedure will be assessed via data collection from HR information systems and monitoring/feedback from the support and staff associations /UNISON. This data will provide a more detailed picture of the possible impact on disability and sex which are the protected characteristics that are more likely to be impacted.

Any interventions applied or not applied inappropriately will be reviewed and if necessary, decisions will be overturned and additional advice and coaching support will be given to line managers.

**This equality impact assessment will be published on the force website.**

EIA Form Dated  
01/11/11