

COMMITTEE	Council
DATE	11 October 2017
REPORT TITLE	Equality figures - responses to questions
REPORT NUMBER	CG/17/115
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1. PURPOSE OF REPORT:-

- 1.1 The purpose of this report is to provide Council with responses to the questions asked at the Council meeting of 21 June 2017 in relation to the equality figures on the number of disciplinary cases involving employees with a disability.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Council notes the responses in relation to the equality figures on the number of disciplinary cases involving employees with a disability.

3. BACKGROUND/MAIN ISSUES

- 3.1 At the Council meeting of 21 June 2017 some questions were asked in relation to the equality figures, which had been included in the Council's Equality Outcomes and Mainstreaming Report 2017-2021, on the number of disciplinary cases involving employees with a disability, particularly with regard to frequency, possible patterns and appropriate training. The responses to the questions asked are shown below.

- 3.2 Further details were requested in relation to the 2016 figure of disabled employees who were subject to the disciplinary procedure (as was detailed in the Council's Equality Outcomes and Mainstreaming Report 2017-2021). The details are as follows:-

2016 figures

- 3.21 There were 14 employees with a disability who were subject to the disciplinary procedure in 2016 out of 148 disciplinary cases in total (which is 9.5% of

cases). This compares to a figure of 2.9% of disabled employees in the workforce (comprising 245 employees).

- 3.22 The 14 disciplinary cases involving employees with a disability have been looked into. Some of these employees received a disciplinary sanction following investigation under the procedure. In a certain number of the cases the nature of the employee's disability was presented as a factor for consideration in terms of their conduct and in all these cases this appears to have been taken into account and has resulted in the employee receiving a sanction deemed as appropriate.

2016 Patterns

- 3.23 The majority of the 14 cases (10) were in the Communities, Housing and Infrastructure (CH&I) Directorate. This may be expected as CH&I is a particularly large directorate and the vast majority of employees are manual front line workers in roles where historically there has been a higher incidence of conduct matters arising. Within CH&I, whilst there is a proportionately higher number of disciplinary investigations carried out compared to the other Directorates, the majority of these are for minor misconduct. Many of these are for unauthorised absences and all of these received either an oral warning or no sanction (being dealt with by training or counselling), unless repeated misconduct was evident.
- 3.24 There is a slightly higher proportion of employees in CH&I with a disability, particularly learning disabilities, with many of the positions not requiring qualifications or a high degree of literacy skills, and the Services have been proactive and supportive towards employment of people with this type of disability. Additional training has been sourced and delivered to a number of teams in CH&I to assist in this regard, particularly to enable managers to make reasonable adjustments where required and communicate effectively with employees e.g. the running of equality and diversity 'Pit Stop' sessions and training related to learning disabilities.
- 3.25 In relation to the 14 cases, there was no evidence identified that any of the employees have been subjected to disciplinary action as a direct result of their disability. Where there may have been an indirect link to a disability, this appears to have been taken into account and appropriate reasonable adjustments have been made.

Actions for HR teams

- 3.26 Going forward, the HR teams will be asked to remain vigilant when advising on disciplinary cases to help ensure that any disability is taken into account and appropriate reasonable adjustments are made to ensure both a fair outcome and improvement in the employee's conduct. Also, HR and the disability equality group in particular will continue to promote a culture where employees feel comfortable disclosing a disability to avoid unnecessary disciplinary action being taken. In general the HR teams will be reminded of the Equality Act duty for employers to make reasonable adjustments for employees with a disability.

Figures for 2013-2015

- 3.3 At the Council meeting on 21 June 2017, a question was asked about the figures for past years. For the three years 2013 to 2015 the figures are as follows:-
- 3.31 In 2013, there were 6 employees with a disability who were subject to the disciplinary procedure (out of 141 discipline cases in total) which is 4.3% of cases. This compares to a figure of 2.9% of disabled employees in the workforce (comprising 250 employees).
- 3.32 In 2014, there were 6 employees with a disability who were subject to the disciplinary procedure (out of 122 discipline cases in total) which is 4.9% of cases. This compares to a figure of 2.9% of disabled employees in the workforce (comprising 250 employees).
- 3.33 In 2015, there were 10 employees with a disability who were subject to the disciplinary procedure (out of 124 discipline cases in total) which is 8.1% of cases. This compares to a figure of 2.9% of disabled employees in the workforce (comprising 242 employees).

Figures for first 6 months of 2017

- 3.34 It should be noted that in the first 6 months of calendar year 2017 there have been 6 employees with a disability who were subject to the disciplinary procedure (out of 85 discipline cases in total) which is 7.1% of cases. This compares to a figure of 2.9% of disabled employees in the workforce (comprising 250 employees).

Training available

- 3.4 A question was asked about equalities training for employees in the Council. The details are as follows (which includes training in relation to disability and employment):-
- 3.41 In relation to training on diversity and equality, there are two computer-based on-line courses available, one for managers and the other for employees. This also forms part of the recruitment and selection training. In addition, the e-induction course has an element on diversity and equality. An equality and diversity 'Pit Stop' session is also available and is run periodically (or on specific request by a Service) comprising the showing of a DVD of equality scenarios covering discrimination and harassment followed by a discussion with delegates. A 'Pit Stop' session covering unconscious bias is also available.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from the recommendation in this report.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising from the recommendation in this report.

6. MANAGEMENT OF RISK

6.1 Financial

Financial risk has been considered and there is no risk identified.

6.2 Employee

Employee risk has been considered and there is no risk identified.

6.3 Customer / citizen

Customer risk has been considered and there is no risk identified.

6.4 Environmental

Environmental risk has been considered and there is no risk identified.

6.5 Technological

Technological risk has been considered and there is no risk identified.

6.6 Legal

Legal risk has been considered and there is no risk identified.

6.7 Reputational

Reputational risk has been considered and there is no risk identified.

7. IMPACT SECTION

7.1 Economy

There are no identified Economic impacts associated with this report.

7.2 People

There are no identified People impacts associated with this report.

7.3 Place

There are no identified Place impacts associated with this report.

7.4 Technology

There are no identified Technology impacts associated with this report.

8. BACKGROUND PAPERS

- 8.1 The ACC Employee Information contained in Equality Outcomes and Mainstreaming Report 2017-2021 was referred to in the preparation of this report which is under the link:-

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=75321&slD=28838>

9. APPENDICES

- 9.1 There are no appendices associated with this report.

10. REPORT AUTHOR DETAILS

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