

Issue Resolution Equality impact Assessment

Employee Policy Centre of Expertise

Issue Resolution

November 2010

Equality impact assessment for the Issues Resolution Policy

Introduction

1. The Department for Work and Pensions has carried out an equality impact assessment on the proposal to introduce Issue Resolution, to meet the requirements of the Equality Act 2010.

2. This is to ensure that:

- The Department does not directly or indirectly discriminate against people carrying out its functions, policies or services
- Our strategies, policies and services are free from discrimination
- Due regard is given to equality (specifically disability, gender and race) in decision making and subsequent processes
- Opportunities for promoting equality are identified.

3. This assessment covers the following 3 areas under the broad heading of Issue Resolution:

- Issue Resolution Policy
- Formal Harassment, Discrimination and Bullying Policy
- Formal Grievance Policy

Purpose and Aim of Issue Resolution

4. Issue Resolution gives all staff the opportunity to raise a grievance or harassment, discrimination or bullying complaint.

5. It offers all staff the same opportunity to raise their issue informally, using the Issue Resolution policy, or formally using the Formal Grievance or Formal Harassment, Discrimination or Bullying policy.

6. Issue Resolution replaces DWP's current Grievance and Harassment, Discrimination and Bullying Policy and was introduced to fully benefit from the flexibilities of the ACAS Code of Practice introduced in 2009 and meets current legislation.

7. DWP aims to create an environment where all staff are able to raise concerns and can be confident that they have been listened to. The desired outcome is that issues are resolved in a simple and timely way.

8. All staff are expected to contribute to this culture of openness by first seeking to resolve issues or concerns through open dialogue with colleagues and managers.

Where this is not possible Issue Resolution aims to ensure that, where possible, workplace disputes are addressed and resolved informally within the line management chain. Where issues are unable to be resolved informally, or it would not be appropriate for the issue to be considered informally, formal complaints policies and procedures are in place.

9. Staff are under no obligation to attempt to resolve their issue informally. All staff have a right to raise a formal grievance or harassment, discrimination or bullying complaint from the outset if they do not wish to use the informal Issue Resolution policy.

10. By introducing the changes our aim is to ensure that all employees raise their issues using whichever process (informal or formal) allows the issue to be handled most effectively. Whilst we do not wish to discourage employees from making formal complaints, if the issue can be handled as effectively through an informal process, causing minimal stress to all parties involved, the Department will encourage informal resolution in these situations.

11. The Formal Harassment Discrimination and Bullying policy supports our Diversity and Equality Statement of Commitment by promoting an environment where employees are free from harassment, discrimination and bullying, and where managers are required to deal with situations of this nature sensitively, rapidly, and confidentially. It also helps to strengthen the Department's commitment to equality of opportunity and valuing diversity within its workforce.

12. Under our current processes the majority of issues are addressed formally. A likely outcome of our changes is where staff opt to use the informal process the number of formal complaints will reduce as a consequence.

13. Use of DWP's mediation service is encouraged throughout Issue Resolution as a way of nipping issues in the bud and as a way of restoring or repairing working relationships. Participation in mediation is entirely voluntary. Other processes are in place to deal with issues for those employees who do wish to participate.

14. Issue Resolution is for all staff to access and for all staff who wish to raise a grievance or harassment, discrimination or bullying complaint, informally or formally.

15. The policy will be published on DWP's internal website.

Consultation and involvement

16. We have consulted and involved:

- Users of DWP's current grievance and harassment, discrimination and bullying policies
- Legal Group for legal advice on proposed processes
- Diversity and Equality Centre of Expertise
- Other Government Departments for best practice advice
- Departmental Trade Union Side

- DWP HR Investigation Service
- DWP Complex Case Advisory Service
- HR Business Partners Harassment, Discrimination and Bullying forum

Impact of Issue Resolution

Disability

Positive Impact

17. Clear guidance is provided to ensure meeting arrangements do not disadvantage disabled staff and allow them to fully participate in the issue resolution process on an equal basis. The guidance ensures that the meeting location provides complete privacy and caters for any individual special needs. For example, if the employee has difficulties communicating over the telephone, a meeting must be held face to face.

18. Specific guidance within the issue resolution policies allows timescales for dealing with complaints to be extended so reasonable adjustments can be made for disabled staff. For example, a support worker may attend a meeting to help with communications. Sufficient time should be given so arrangements can be made for a support worker to attend.

19. Managers are also required to clarify their understanding of any complaint in order to establish details or differences relating to the needs of disabled staff, the customs and practice of other cultures, or those with caring responsibilities.

Negative Impact

20. There is no negative impact on disability. All disabled staff have the same opportunities to access and use issue resolution.

Race

21. There is no race impact. All ethnic minority staff have the same opportunities to access and use issue resolution.

Religion or Belief

22. There is no impact on religion or belief

Age

23. There is no impact on age.

Marriage and Civil Partnership

24. There is no impact on marriage and Civil Partnership

Pregnancy and Maternity

Positive Impact

25. The changes introduced positively impact on pregnancy and maternity as they allow staff who are absent from the workplace, the opportunity to fully participate in the issue resolution process, should they wish their complaint to continue to be handled in their absence. The introduction of telephone meetings allows a meeting to take place without unreasonable delay and without the need for the employee to return to the workplace, should they wish to remain at home. The reduced timescales involved with resolving issues informally reduces stress on pregnant staff.

Sexual Orientation

26. There is no impact on sexual orientation

All staff

27. There is no reason to believe that different group(s) of people could be negatively or unduly affected by Issue Resolution.

28. The policy is accessible to all staff wishing to make a grievance or harassment, discrimination or bullying complaint informally or formally.

29. If an employee raises a complaint the Department guarantees impartiality of treatment and timely responses for all staff.

30. DWP recognises that there are concerns that where people are asked to raise harassment, discrimination or bullying complaints through an informal process, they are potentially less likely to raise their complaint. To safeguard against this, guidance clearly states throughout that all staff have the right to raise a formal grievance or harassment, discrimination or bullying complaint at any point before, during or after the informal issue resolution process.

31. All staff are protected from victimisation for making a complaint. If employees are shown to have been victimised because they have made a complaint it will be treated as a disciplinary offence.

32. Vexatious or malicious complaints are not tolerated by DWP where there is evidence that members of staff are making vexatious or malicious complaints against other members of staff disciplinary action may also be taken.

33. Issue Resolution provides the same opportunities for all staff by providing processes (informal and formal) which allow all complaints from all staff to be dealt with in a fair and transparent way.

34. Where complaints are not upheld, all staff can access the appeals process, where an independent appeal manager will review the evidence and consider the issue again.

35. Under the Formal Harassment, Discrimination and Bullying policy part of Issue Resolution, formal investigations into allegations of harassment, bullying and

discrimination are carried out by the independent and impartial Human Resources (HR) Investigation Service. Investigators receive on-going specialist training to enable them to deal with the sensitive issues involved. DWP believes that the provision of an independent investigation service helps to allay concerns all staff might have about the impartiality of the process and increases the potential for positive impact.

36. Line managers are responsible for ensuring that Issue Resolution is followed. DWP has attempted to manage and to mitigate the potential for inconsistency of application by managers by actively promoting good practice.

37. Our guidance supports equality by directing managers to exercise discretion reasonably, consistently, and appropriately unless specified by the policy and to make decisions that:

- comply with the policy;
- are procedurally correct;
- take account of the employee's circumstances;
- are legal;
- satisfy the principles of natural justice;
- are reasonable and fair;
- can be clearly explained and justified; and
- take account of our Diversity and Equality Policy and the Departmental Values.

38. Our guidance for Decision Makers supports managers and ensures employee trust and confidence when participating in the relevant processes.

39. A formal appeal route is accessible to all staff who are dissatisfied with the outcome of their formal grievance or harassment, discrimination or bullying complaint. The independently appointed Appeal Manager is an impartial senior manager in who has had no previous involvement with the complaint. This is intended to allay any concerns all staff may have about the impartiality of the process.

40. As part of Issue Resolution, DWP offers employees a confidential mediation service. Participation is entirely voluntary but considering mediation is encouraged to repair working relationships or prevent issues escalating. This is an additional avenue for disputes to be raised where breakdowns in working relationships have occurred. Both parties have to agree to participate and can decline or withdraw from mediation at any point.

41. The mediation service was first introduced to DWP in a number of pilot areas in June 2008. Following its success the service was introduced throughout Department. There has been a 95% success rate for cases referred for mediation since June 2008 up to May 2010.

42. Further information about the mediation service in DWP, relating to the period June 2008 to May 2010 can be found in the tables below:

Table 1 - Number of referrals to the Mediation Service (June 2008 – May 2010)

Enquiries to HRIS about potential mediation cases	144
Actual referrals	84
Withdrawal before mediation	12

Table 2 – Outcome of actual referral to the Mediation Service (June 2008 – May 2010)

Total Mediations Completed	65
Successful	61
Unsuccessful	4
Live cases at end of May 2010	7

Table 3 – Participants perception of the effectiveness of mediation

Overall effectiveness of mediation	Percentage
Excellent	33%
Good	42%
Fair	20%
Poor	5%

Table 4 – Participants perceptions of the impact of mediation on their situation

Following mediation has the situation.....	Percentage
Improved a lot	41%
Improved slightly	43%
Stayed the same	14%
Got worse	2%

Monitoring and evaluation

Issue Resolution monitoring

43. DWP is unable to monitor or record the number of issues raised and resolved by the informal process.

44. With the introduction of the Complex Case Advisory Service (CCAS) in February 2010 there is an additional central recording system of complex cases available. Any negative impacts on any of the diversity strands can be identified by CCAS from their

experiences of advising managers with complex cases will be reported to the policy team. Any evidence of inconsistency of application or developing trends which are identified via this route they can be addressed quickly and effectively.

Specific Harassment Discrimination and Bullying Monitoring

45. DWP's central data recording system, Resource Management, currently records the process steps of harassment, discrimination and bullying complaints but does not capture details of the complaint. Managers are responsible for ensuring that data is recorded on the system, but there is evidence to suggest that some under recording is taking place.

46. Information about the nature of the complaint and equality information about the individual(s) involved is collated clerically. Complainants and the subject of the complaint are asked to provide equality information for monitoring purposes. Provision of this information is entirely voluntary. No names are recorded against equality data to preserve confidentiality.

47. DWP believes that there is considerable under-recording of action taken in harassment, discrimination and bullying cases by managers. Additionally not all individuals involved in HDB cases disclose information about their ethnicity or disability as it is not mandatory for them to do so.

48. The Department is aware of the problems caused by the absence of reliable data in this policy area. A change of guidance and an improved system for returning clerical information seeks to overcome this issue.

49. New guidance encourages employees to provide equality information for the clerical returns, explaining that it assists DWP to identify negative behaviour so action can be taken to stop it.

50. The clerical return collation system is now operated by CCAS. Information is forwarded to the policy team for analysis and is used to identify potential negative impacts and to help managers and DWP businesses to:

- Identify where harassment, discrimination and bullying has occurred
- Create awareness in the businesses of where the application and understanding of the policy and procedures could be improved
- Provide the basis for awareness training
- Identify areas where unacceptable behaviour needs to be addressed.

51. Clearer instructions to managers about their need to input their actions on our Resource Management system will be included at the appropriate point in the new guidance. This will aim to increase the amount of information managers are recording on RM. Managers are now being prompted by CCAS when they telephone for advice to ask employees to provide information for the clerical returns.

52. These improvements aim to improve the amount of qualitative data available to allow DWP to present a comprehensive statistical account of activity in this policy area.

53. Separate management information is collated by DWP's Human Resources Investigation Service (HRIS). They maintain a separate comprehensive database related to formal Harassment Discrimination and Bullying investigations, however this does not include any personal or diversity information about the employees involved.

54. Employee feedback will continue to be picked up and responded to, via 'Have Your Say' which allows our staff to raise issues and receive response to concerns on our Intranet site. In addition to this the findings of our employee surveys are examined for evidence of impact.

55. Senior managers within the businesses consult their Human Resources Business Partners with issues and queries and these may then be referred on to the Employee Policy Centre of Expertise for consideration. This provides the opportunity for the policy owners to receive feedback on the application of the policy from those directly responsible for ensuring the consistency and standard of decision making.

56. Attendance at the HR Investigation Cross Government Network Group allows policy owners to interact with HR Investigators from across Government, to discuss operational issues and best practice.

57. Central monitoring on diversity data to identify any negative trends and undertake necessary enquiries to understand any negative action and take appropriate action to rectify

Next Steps

58. The policies will be published on DWP's internal website.

59. This assessment will be reviewed in July 2011.

Contact Details

60. If you require further information please contact

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