

Meeting the general equality duty

Title: employee relations

Which of the three aims is this information relevant to?

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Foster good relations between people who share a protected characteristic and those who do not.

How does this information help us to show we are paying due regard to advancing equality?

By focusing on our employee relations casework we can analyse the number of cases by protected characteristic group in order to see any patterns or trends. The Trust can demonstrate a positive example of this following information published last year. Work was undertaken to check data interpretation and quality to check for a possible trend in some of our casework. As a result, the outcome was positive and data quality has also improved. This is further explained below.

Ongoing monitoring and analysis of this type of information can help to inform our actions and help us to advance equality for the different groups.

Significant improvements have also been made during the past year to centralise the recording of information on applications for flexible working which can be seen below. This has improved our information and understanding thereby helping to advance equality.

Any other comments / actions

N/A

Section one employee relations – Non-Medical staff

Disciplinary Cases

From January to December 2012, there were 144 formal disciplinary cases. Of these, the majority (102) involved staff from Bands 1 to 5.

Bands 1 – 5	102
Bands 6 – 7	41
Bands 8 & above	1

Disciplinary by gender

22 (15%) cases involved male staff, 122 (85%) cases involved female staff. This breakdown is broadly in line with the overall staff gender split of 17% male and 83% female staff. Further information on the gender split in the workforce can be found in the workforce report.

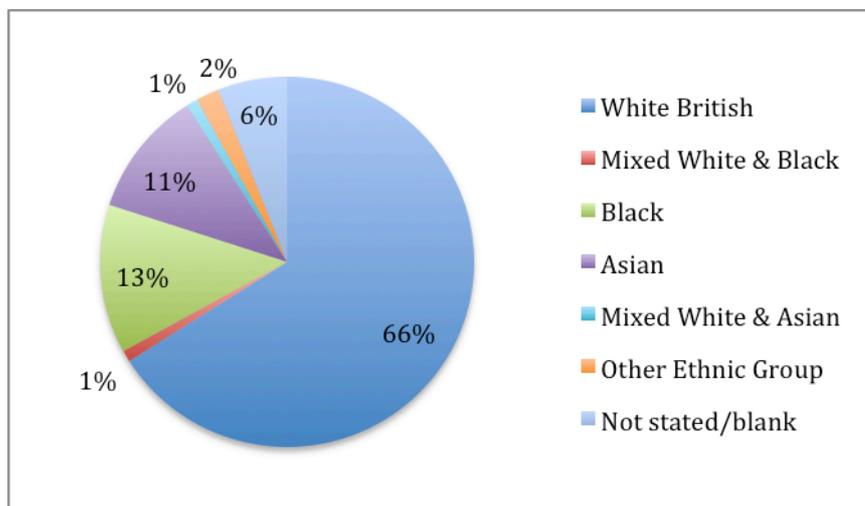
Disciplinary by disability

2 members of staff that went through a disciplinary case declared themselves to have a disability.

Disciplinary by ethnicity

Of the 144 cases:

- 95 (66%) involved staff who declared their ethnicity as White. The percentage of the total workforce declaring themselves as “White”, is 75%.
- 18 cases (13%) involved staff that declared their ethnicity as “Black”. The percentage of these groups of staff in the total workforce is 5% (Black)
- 16 cases (11%) involved staff that declared their ethnicity as “Asian”. The percentage of these groups of staff in the total workforce is 9% (Asian).



These overall figures appear to show some disproportionality for staff of a “Black” background, although breaking the figures down by band offers an explanation - 71% of cases involve staff in Bands 1 to 5. And staff from a “Black” background represent 9% of staff at Band 5.

Nevertheless, following similar findings in 2011, the Trust commissioned a report to scrutinise all formal disciplinary cases. The report found that the correct disciplinary processes had been followed and that there was just cause for formal disciplinary processes being initiated. The Trust is therefore satisfied that its disciplinary processes are fair and equitable.

Other Employee Relations Casework

For the following types of employee relations work, the numbers of staff involved are small – between 11 and 24 staff for each type of case. It is therefore not possible to draw any conclusions as to whether there is any adverse impact on any particular staff group. However, the Trust policies ensure that individual cases are scrutinised and monitored to avoid any discrimination.

Dignity & Respect Cases

There were 13 Dignity & Respect cases in 2012, a positive reduction of 8 from the previous year.

Of these 13 cases the breakdown is as follows:

Gender

3 were brought by male staff and 10 by female staff. This should be reflected on in the context of the overall workforce gender split i.e. a greater number of females.

Ethnicity

9 cases were brought by staff of “White” background, 2 of BME background and 2 who have not declared their ethnicity.

Disability

1 case involved a member of staff who has declared that they have a disability.

Capability cases

There were 24 Capability cases in 2012 an increase of 12 from 2011.

Of these 24 cases the breakdown is as follows:

Gender

Of these 24 cases, 2 involved male staff and 22, female staff. This should be reflected on in the context of the overall workforce gender split i.e. a greater number of females.

Ethnicity

16 cases involved staff of “White” background, 6 cases involved staff of BME background and 2 cases involved staff who have not declared their ethnicity.

Disability

1 case involved a member of staff who declared that they have a disability.

Formal Sickness Hearings

There were 12 formal sickness hearings in 2012.

Of these 12 cases the breakdown is as follows:

Gender

Of these 12 cases, 1 involved male staff and 11, female staff.

Ethnicity

11 cases involved staff of “White” background with 1 case involving staff of BME background.

Disability

1 case involved a member of staff who declared that they have a disability.

Grievance Cases

There were 11 Grievance cases in 2012.

Of these 11 cases the breakdown is as follows:

Gender

Of these 11 cases, 3 involved male staff and 8, female staff.

Ethnicity

8 cases involved staff of “White” background, with 3 cases involving staff of BME background.

Disability

1 case involved a member of staff who declared themselves to have a disability.

Section Two Employee Relations – Medical Staff

For January 2012 – December 2012, there were 22 cases managed under the Conduct, Capability, Ill Health and Appeals Policy & Procedure (Maintaining High Professional Standards) involving Medical Staff.

Conduct Cases

There were 10 Conduct cases in 2012

Of these 10 cases the breakdown is as follows:

Gender

Of these 10 Conduct cases, 9 involved male staff and 1 involved female staff.

Ethnicity

Of the 10 Conduct cases, 5 involved staff of a white background and 5 involved staff of BME background.

Representation of BME staff tends to be higher as a proportion of the medical staff group than in the general workforce as is demonstrated by the non AFC group data in the workforce report. E.g of 639 doctors approximately 29% have declared themselves as Asian. Therefore this finding should not be assumed to be disproportionate and these are very small numbers.

Capability Cases

There were 4 Capability cases in 2012

Of these 4 cases the breakdown is as follows:

Gender

Of the 4 Capability cases, 3 involved female staff and 1 was male.

Ethnicity

Of the 4 Capability cases, 2 involved staff of a White background, 1 involved staff of a BME background, and 1 involved staff who had not stated their ethnicity.

Ill Health Cases

There were 8 Ill Health cases in 2012

Of these 8 cases the breakdown is as follows:

Gender

Of the 8 Ill Health cases, 6 staff involved were female and 2 staff involved were male.

Ethnicity

Of the 8 Ill Health cases, 4 staff involved were of a White background, 3 staff involved were of a BME background, and 1 involved a staff member of a British-other background.

For information on flexible working please see the information that follows.

Flexible Working Applications

The Trust is committed to improving the working lives of staff and helping them to achieve a balance between the demands of their jobs and personal responsibilities. The Trust recognises that employees work best when there is a balance between work and home life.

Our flexible working procedure allows for staff and managers to develop local working practices which meet the needs of our patients and the workforce. Some examples of why staff may want to ask for a flexible working option can include childcare/caring responsibilities, care of elderly/disabled relatives of personal development and more. They can also be made as a part of a reasonable adjustment for staff that declare a disability.

Flexible working requests are managed locally by individual managers in line with legislation. These were previously also recorded locally. However, as an improvement in our data collection for the Public Sector Equality Duty (PSED) the Trust decided to commence central collection. Therefore we are able to demonstrate improved information this year which is as follows.

Since January 2012, flexible working applications and the outcome of those applications have been recorded centrally.

Total number of Flexible Working Applications, January – December 2012

	Number of applications
Flexible working applications	161
Applications accepted	123
Applications accepted with adjustments	19
Applications not accepted	8
Applications withdrawn	1

- The Trust has agreed just over 76% of flexible working applications.
- A further 12% has been agreed with some adjustments.

This is positive and helps to demonstrate our commitment to helping improve working lives and enable a more flexible way of working according to need. Only 5% were not accepted.

Flexible working applications by Gender

	Male	Female
Applications accepted	11	112
Applications accepted with adjustments	1	18
Applications refused	1	7

Flexible working applications by Ethnicity

	White British	White Irish	White other	Asian	Black	Mixed background	Other	Not Stated
Applications accepted	59	2	6	16	13	3	16	8
Applications accepted with adjustments	9	2	0	4	3	0	0	1
Applications refused	5	0	0	0	2	0	0	1

Flexible working applications by Age

	25yrs – 34yrs	35yrs – 44yrs	45yrs – 54yrs	55yrs – 68yrs
Applications accepted	25	60	27	11
Applications accepted with adjustments	4	5	6	4
Applications refused	1	2	3	2

Flexible working applications by Disability

Of the 161 Flexible Working applications,

- 3 were from staff who declared themselves to have a disability.
- All 3 applications were accepted without adjustment.