

## Appendix E



# Equality Impact Assessment (EIA)

Name of Policy or Practice	Redeployment Policy		
Head of Service responsible for the Policy or Practice	Phil Davies		
Name of officer (s) completing impact assessment form	Ruth Hind		
Service	Corporate HR	Date of Assessment	6.11.12

EIA Completed by :		EIA Agreed by Head of Service :	
Date	6.11.12	Date	12/11/12
Name(s)	Ruth Hind	Name	Phil Davies
Signature(s)	R. Hind	Signature	P. Davies

## **STEP 1 – Identify the Main Aims and Objectives of the Policy or Practice**

1. What is being assessed? (*Please double click on the box and select 'checked' as appropriate to cross X*)

- New and revised policies or practices
- New procedures (which modify service delivery or employment practices)
- Service review or re-organisation proposals which affect the community and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year
- Decisions affecting service users, employees or the wider community
- New project proposals affecting staff, communities or accessibility to the built environment, eg, new construction work or adaptations to existing buildings
- Other please explain in the box below :

2. What are the overall aims and objectives of the policy or practice ?

The purpose of the Redeployment Policy is to protect the employment security of employees who are at risk of losing their job. The current financial outlook for this Council, and indeed the whole of Local Government, is a challenging one, and it is likely that more employees will need to access the redeployment list going forwards.

3. Who is the policy or practice intended to help or benefit (stakeholders) ?

The policy is intended to support the above employees. It provides a framework for the Council to try and match them with suitable alternative work. From 1.4.11 to 31.3.12 78 employees were on the redeployment list. Of this group, 64% were successfully redeployed or reintegrated back into the workplace, 26% were dismissed, and a further 10% had another outcome (eg: resignation, mutual termination etc.)

#### 4. Who are the main consultative groups or communities of interest ?

Employees, Managers – particularly ‘recruiting managers’, trade unions, Corporate Human Resources.

## **STEP 2 - Consider Existing Information and What This Tells You**

When completing this section, you need to consider if you have sufficient information with which to complete your EIA, or whether you need to undertake a period of engagement/consultation before continuing. The legislation relating to the EIA process requires you to **engage and involve people who represent the interests of those who share one or more of the protected characteristics and with those who have an interest in the way you carry out your functions**. This needs to be proportionate to the policy or practice being Equality Impact Assessed. You may have already recently undertaken consultation specifically on this policy or practice. Other officers within CCBC may have carried out engagement work which will be relevant to this EIA and you can review the Community Involvement Database to find out what engagement activities have taken place in Conwy and establish if this is relevant. If you have very little or no information from previous engagement that is relevant to this EIA, you should consider undertaking some engagement work with your stakeholders and with relevant representative groups to ensure that you do not unwittingly overlook the needs of each protected group.

5. What do you already know about the impact on each protected characteristic from your experience of current service delivery or previous engagement or consultation? You could refer to the Initial Equality Impact Assessment Screening Form and the Community Involvement Database.

<b>Protected Group</b>	<b>Relevance of the policy / practice by protected characteristic</b>
Race	Employees from an ethnic minority background make up 0.6% of the Council's current workforce. None of the 78 employees on the redeployment list between 1.4.11 and 31.3.12 were from an ethnic minority background, which was statistically as expected. However, given this, it wasn't possible to review whether outcomes for this group were

	<p>any different than for the whole redeployment group.</p> <p>To date, we haven't routinely analysed equalities data for employees on the Council's Redeployment list. However, it is proposed that we adapt our Trent system to enable better monitoring going forwards.</p>
Disability	<p>At present, disabled employees make up 1.6% of the Council's workforce. Nine out of the 78 employees on the Redeployment list were placed on the list for health reasons. Of this group, five employees were deemed likely to be covered by the disability provisions of the 2010 Equality Act. Of the whole group of nine, five employees (56%) were successfully redeployed or returned to work, one left on IHR grounds and three were dismissed. Of the group of five disabled employees, 40% (2) were successfully redeployed or reintegrated into work, 40% (2) were dismissed, and 20% (1) had another outcome (resignation.) Although these are small numbers, they do suggest that outcomes for disabled employees on the redeployment list were less positive than would have been statistically expected.</p>
Sex	<p>There were 78 employees on the redeployment list during the period from 1.4.11 to 31.3.12. Of these 57 were female and 21 were male. 65% of females and 52% of males were successfully redeployed (or re-integrated) during this period. 57 redeployees were placed on the list due to redundancy/restructure, the majority of whom were female and the outcomes for the female group were strongly linked to restructuring outcomes. This differs to the male group, who were largely on the redeployment list for non-redundancy/restructure reasons.</p>
Age	<p>The current workforce age profile is as follows: 10.7% aged 16-24, 54.8% aged 25-49, 30.8% aged 50-64 and 3.7% aged 65+.</p> <p>From 1.4.11 to 31.3.12, of the 78 employees on the Redeployment list, 40 were aged between 25 and 49, of whom 67% were successfully redeployed. In the 50-64 age</p>

	<p>group there were 33 employees on the list of whom 64% were redeployed. There were just 3 employees aged between 16 and 24 of whom 67% (2) were redeployed. There were also 2 employees in the age 65+ group of whom neither were redeployed. It should be noted that age 65 is the normal retirement age within Local Government, and that, although neither of the age 65+ group were redeployed, the numbers may be too small to be statistically significant.</p> <p>It should be noted that employees can presently access pension at age 65, and that fewer employees will choose to work beyond this age, even following the removal of the default retirement age in 2011.</p>
Religion & Belief	<p>We don't currently collect data in a way that allows easy analysis of the religion and belief of employees who are on the redeployment list. There is currently no impact identified of the Redeployment Scheme on the religion or belief of the employee. However, we propose to collect this data differently for future employees on the Redeployment list in order that this area can be monitored.</p>
Sexual Orientation	<p>We don't currently collect data in a way that allows easy analysis on the sexual orientation of employees on the redeployment list. However, according to Trent, none of the 78 employees on the redeployment list between 1.4.11 and 31.3.12 declared any sexual orientation other than heterosexual. We do propose collecting and reporting upon this area going forwards. No impact identified.</p>
Gender Reassignment	<p>We don't currently collect data in a way that allows easy analysis of the gender reassignment of employees on the redeployment list. However, according to Trent, none of the 78 employees on the redeployment list between 1.4.11 and 31.3.12 declared that they were undergoing gender reassignment. We do propose collecting and reporting upon this area going forwards. No impact identified.</p>
Marriage & Civil Partnership	<p>We don't currently collect data specifically regarding the marriage or civil partnership</p>

	status of employees on the redeployment list. However, we do propose collecting and reporting upon this area going forwards. No impact identified.
Pregnancy & Maternity	We don't currently collect data on pregnancy and maternity for employees on the redeployment list. However, we do propose collecting and reporting upon this area going forwards. The law provides additional protection for employees within this group, which is reflected in our draft policy already. No impact identified.
Welsh Language	The Council must comply with the Welsh Language Act and Scheme. Welsh language skills are sometimes required for vacancies advertised within the Council, and the Council has a robust process for assessing what level of skills are needed. Employees on the redeployment list will need to match the profile of vacancies, and not having Welsh language skills would preclude some candidates from applying for these vacancies. We propose collecting this data going forwards for future monitoring purposes. No impact identified.
Other (please state)	

6. Summarise the additional relevant data, research and performance management information you already have:

<b>Data / Information</b>	<b>Examples</b>
<p>At present we don't monitor redeployment outcomes for employees with different protected characteristics. Although equalities data is collected within the Trent system, we don't currently store redeployment information on the system. However, we do intend to change this going forwards to enable ongoing monitoring of the equalities profile and outcomes for different protected groups.</p> <p>The Council does collect general equalities data for employees, and the percentages of different protected groups within the Council are known and reported upon in the data monitoring report. For this EIA, we have looked at equalities data and reviewed outcomes for the 78 employees who were on the redeployment list from 1.4.11 to 31.3.12.</p>	<p>Initial EIA Screening Complaints Compliments Service User data Service User Feedback Inspections or Audits</p>
<b>Research or Comparative Information</b>	<b>Examples</b>
<p>The following list of legislation has been considered in the development of this draft policy:</p> <p>Equality Act 2010 Human Rights Act 1998 Employment Rights Act 1996 (ERA) Trade Union and Labour Relations (Consolidation) Act 1992 Maternity and Parental leave etc Regulations 1999 Fixed Term Employees (Prevention of Less favourable treatment) Regulations 2002 Additional Paternity Leave Regulations 2010</p> <p>We have also reviewed current pay protection arrangements for other Council across the whole of Wales.</p> <p>Specific areas of the policy (eg: fixed term worker access) have been benchmarked with the policies of other North Wales Councils, and advice has been sought from the CIPD legal</p>	<p>Service User Surveys Studies by Government departments or professional bodies Census data Service based projects and research How Fair Is Wales (EHRC data)</p>

helpline.

7. Have you complied with the duty to Engage as described at the start of this section and are you sufficiently informed to proceed?

Yes  No  **(please cross as appropriate X)** If Yes, please proceed to Step 3

If No, you may wish to consider pausing at this point while you undertake engagement activities (which you should add to your action plan – Step 6). Please incorporate any information you have obtained from this additional activity in the box below and state what the key findings were :

### **STEP 3 - Procurement and Partnerships**

The public sector General Duty means all public authorities need to consider the needs of different groups when designing and delivering public services. This duty also applies to private sector organisations who deliver a public function on our behalf and we need to ensure that those organisations exercise those functions by ensuring our procurement and monitoring of those services complies with the General Duty.

8. Is this policy or practice to be carried out wholly or partly by contractors or in partnership with another organisation(s)?

Yes  No  **(please cross as appropriate X)** If No, please proceed to Step 4

9. If yes, how will you comply with Equality, Human Rights and Welsh Language Legislation? Think about :



## **Procurement**

- Setting out clear equality expectations in Tendering and Specification documentation
- On what you based your decisions in the award process
- That contract clauses cover legislative equality requirements
- Performance and Monitoring measures are included to monitor compliance

## **Partnerships**

Who is responsible for :

- Equality Monitoring relevant data
- Equality Impact Assessment
- Delivering the actions from the EIA
- Ensuring that equality, human rights and Welsh Language legislation is complied with by all partners



## **STEP 4 - Assessing the Impact**

10. Is there any evidence of higher or lower take-up or satisfaction by any group(s), and if so, how is this explained?

Largely, the percentages of staff in different groups who were successfully redeployed were as would have been statistically expected - at around 65%. The exceptions to this were in the over age 65 group, the male group, and the group of staff with disabilities. Above, some explanation of this has been provided, and we intend to better monitor going forwards to ensure that differential outcomes are identified and addressed.

11. Does the geography or demography of any groups reveal anything?

Conwy has a number of work locations, and this may potentially be a barrier to successful redeployment for some groups. The repeal of the default retirement age will lead to more employees working beyond age 65, the previous normal retirement age. This in turn may lead to more redeployment activity for older employees, and it will be important to monitor outcomes going forwards for this group.

12. Do any rules or requirements or the way the policy or practice is delivered prevent or reduce the likelihood of any groups from use or access or are any other barriers created for them?

Eg: due to limited income, location, times of availability, access to buildings, information or language, eligibility rules, dress code, cultural issues

The removal of 3 years salary protection for disabled staff could potentially prevent them moving to a post that they might otherwise deem as suitable. Equally the Council will not pay disturbance allowance for employees redeployed via this policy. However, there is provision for short term transitional arrangements to be agreed, depending on individual needs.

13. Can any of these limitations be justified on the grounds of advancing equality of opportunity or fostering good relations between those who share a protected characteristic and those who do not?

The previous 3 years salary protection only applied to one protected group, and our aim is to create a more consistent and fair approach, based on the circumstances of each case and individual needs.

14. Do any of these limitations amount to unlawful discrimination?

Yes  No  Not Sure   
*(please cross as appropriate X)*

If you answered Yes or Not Sure, please state on the table below, which protected group(s) it applies to and if possible explain why (including likely impact or effects of this proposed change):

Race	Black Minority Ethnic groups Gypsies / Travellers Language
Disability The removal of the 3 years salary protection represents an initial negative impact compared to the previous arrangements for disabled employees. However, we do not have any employees currently in receipt of salary protection under this policy. This could mean that a disabled employee might not be able to take up another role at a lower grade because they couldn't afford too. However, the revised policy does provide that short term transitional arrangements can be agreed, depending on individual needs.	Mobility Dexterity Blind or Visually impaired Deaf or Hearing impaired Mental Health Learning Disabilities
Sex Although more women than men were successfully redeployed, it does seem as though the nature of the restructures at that time had the greatest bearing on outcomes. Had similar restructures been happening within predominantly male areas of the Council, the outcomes could have been very different for the male group.	Men Women
Age We will monitor this area going forwards to ensure that older workers have similar outcomes to other staff groups.	Older People Children Young People
Religion & Belief	Faith communities

Sexual Orientation	Gay Lesbian Bi-sexual Heterosexual
Gender Reassignment	A person who proposes to, starts or has changed his or her gender
Marriage & Civil Partnership	
Pregnancy & Maternity	
Human Rights	Right to Education, Private and Family Life, Protection of property, etc
Welsh Speaking Communities The Welsh Language Act and Scheme bring obligations upon the Council as a provider of government services. We are confident that our scheme to assess the language requirements of posts is robust. Consideration is given to the existing levels of Welsh skills within recruiting services, and the requirement for any vacancy set accordingly, to ensure that bilingual services can be delivered.	
Other socially excluded groups or communities (please state)	

15. If you answered No to Question 14, do the barriers and limitations amount to a differential impact for certain groups?

Yes  No  Not Sure   
**(please cross as appropriate X)**

16. If you answered Yes or Not Sure to Question 15, please give details in the box below and explain why

Although there is an initial negative impact for disabled employees, we feel that the proposed arrangements are more fair. However, changes have been made as a result of the impact assessment - please see step 5.

17. Do you have enough information to make an informed judgement?

Yes  No  **(please cross as appropriate X)**

If you answered Yes, please justify:

At present, disabled employees make up 1.6% of the Council's workforce. Nine out of the 78 employees on the Redeployment list were placed on the list for health reasons. Of this group five employees were deemed likely to be covered by the disability provisions of the 2010 Equality Act. Of the whole group of nine, five employees (56%) were successfully redeployed or returned to work, one left on IHR grounds and three were dismissed.

We have also looked at outcomes for the group of five disabled employees as explained above.

There are presently no employees who are receiving salary protection as a result of having been redeployed due to their disability.

If you answered No, what information do you require about protected groups?

n/a.

18. Is it possible to get the information needed quickly and easily, or should data collection be included in the action plan? Please give details below:

n/a.

## **STEP 5 – Dealing with Adverse or Unlawful Impact and Strengthening the Policy or Practice**

In this section, you will consider whether there are any measures to reduce or remove any adverse impact. You should also explore other ways of achieving the same goal and / or alternative means of delivering a service to meet the needs of different groups.

19. What measures can you introduce to the policy or practice which could reduce or remove any unlawful impact or disadvantage?

The new policy provides that reasonable adjustments will be considered according to the specific needs of disabled employees. For example, the revised policy provides that a trial period of between one and four weeks may be offered, and that the employee will receive their existing salary during the period of the trial. In the case of a disabled employee for example, a longer trial period for the purpose of retraining could be agreed, during which the employee would continue to receive their existing salary. Equally, a short period of salary protection could be agreed as a reasonable adjustment for a disabled employee.

The Council also has an employee assistance provider to offer support, and strong links with money advice services. We work closely with our Occupational Health adviser, and will engage with external advocacy organisations, such as MIND, Scope etc. as needed.

20. What measures could be included to strengthen the policy/practice and foster good relations and advance equality of opportunity?

Guidance for both managers and employees will be developed in support of the policy, and to help ensure consistency and fairness across the Council and for different groups of employees.

21. What actions could you take to achieve the same goal by an alternative means?

Through this impact assessment, we have looked at supporting disabled employees in particular, by making reasonable adjustments based on individual needs. The policy also provides that other measures may be considered to support people with other protected characteristics or in other employee groups. See 19 and 20 above.

**STEP 6 – Action Plan**

Please outline below the actions you will take to progress your proposal. These might involve carrying out additional Engagement/Involvement activities, collecting Equality data where this was not readily available to help with this EIA, undertake data analysis from future data obtained to monitor the impact of this policy/practice on an ongoing basis, any actions you need to take to ensure procurement complies with the General Duty, any arrangements you need to put in place to monitor and review the impact of this policy/practice in future, and so on.

<b>Action</b>	<b>Measure of Success</b>	<b>Timeframe</b>	<b>Lead Responsibility</b>	<b>Add to Service Plan (✓)</b>
<b>Actions to be taken before EIA and policy/practice can be signed off</b>				
Salary protection content amended.	redeployment outcomes for different groups are as would be statistically expected.	yearly monitoring	HRBP	
Content on reasonable adjustments/other measures amended.	redeployment outcomes for different	yearly monitoring	HRBP	



	groups are as would be statistically expected.			
<b>Actions after EIA and policy/practice signed off</b>				
Guidance will be developed for managers to ensure a fair and consistent approach. This will include examples of when and what kind of transitional arrangements might be considered to support staff.	Employees are consistently supported in accordance with their individual needs.	ongoing	HRBPs	
Guidance will be developed for employees to ensure that they understand how the redeployment process works, what they can expect, and what they will need to do.	Employees are satisfied that efforts to redeploy them were meaningful and genuine.	Yearly survey of staff on the redeployment list.	HRBP	
A standard format will be developed for the redeployment start up meeting to ensure that these are handled consistently, and to ensure that a reflective and fair profile is developed for the employee.	Employees and managers feel that the matching process is fair and robust.	Yearly survey of staff on the redeployment list/HR satisfaction survey.	HRBP	

## **STEP 7 – Decision To Proceed**

22. Using the information you have gathered in steps 1 – 5 above, please state on the table below whether you are able to proceed with the policy or practice and if so, on what basis?

*(please cross as appropriate X)*

<b>Decision</b>		<b>Action</b>
<input type="checkbox"/> Yes	Continue with policy or practice in its current form	Complete the Monitoring and Review section (Step 8) to ensure the outcomes are monitored and regularly reviewed
<input checked="" type="checkbox"/> Yes	Continue with policy or practice but with amendments for improvement	Complete Action Plan and Monitor and Review sections (Steps 6 & 8) to continually assess impact
<input type="checkbox"/> Yes	Continue with policy or practice but with amendments to remove any areas of adverse impact as identified in Step 5	Complete Action Plan (Step 6) to address any areas of adverse impact and Monitor and Review (Section 8) to continually assess impact
<input type="checkbox"/> No	Abandon this policy or practice as it is not possible to address the adverse impact, and consider alternative ways of addressing the issues	Complete Action Plan to address any issues resulting from abandoning policy and to deal with the adverse impact identified

## **STEP 8 – Arrangements for Monitoring Outcomes and Reviewing Data**

The EIA process is an ongoing one that doesn't end when the policy/practice and EIA is agreed and implemented. There is a specific legal duty to monitor the impact of policies/practices on equality on an ongoing basis to identify if the outcomes have changed since you introduced this new policy or practice.

23. Please outline below what arrangements you will make to monitor and review the ongoing impact of this policy or practice :

<b>Monitoring and Review arrangements</b> (including where outcomes will be recorded)	<b>Timeframe &amp; Frequency</b>	<b>Lead Responsibility</b>	<b>Add to Service Plan (✓)</b>
A flag system on Trent will be established for employees who go onto the Council's redeployment list from when the new policy is launched. This will enable easier analysis of outcomes for redeployees from different protected groups.	ongoing	Redeployment coordinator	
Yearly analysis of this data will be carried out to assess any potential impact of the policy on different protected groups	annual	HRBP	

## **STEP 9 – Publishing the Equality Impact Assessment**

**Please arrange for this completed EIA to be agreed by your Head of Service, refer to the EIA Policy regarding publishing arrangements and return a copy to the HR and Equality Officer.**