

Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: Human Resources

Section: Human Resources

Lead Officer: Kate Harley

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Restructuring, Redundancy and Redeployment Policy (including Pay Protection)

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES
--

What is the aim of the policy, project, service, function or strategy?

The policy is a merger of the following policies/ guidelines:

- Restructuring
- Redeployment
- Redundancy
- Protection of earnings

The aim of the new policy is to provide one place for all policies relating to staff redeployment and to update these following feedback on existing policies. Over many years, local practices have been established relating to restructures and redeployment specifically and it is timely to document and agree these processes and formalise within this revised policy.

The purpose of this Policy is to ensure that:

- As far as possible employees are retained in employment.
- All employees are treated fairly and consistently
- Redundancy and redeployment processes are managed sensitively
- Legislative requirements are met.

Although the policies have remained mostly the same as previous versions, there are a small number of changes:

- Protection of earnings – under the proposed change, an employee who accepts an offer of re-deployment where protection of earnings applies, will have their pay frozen at their current rate for 18 months from the date that they accept and take up the post (previously pay was frozen for three years).
- Restructuring - In any situation where an employee has been acting up for a continuous period of 2 years, they will be treated as being in the higher grade for the purposes of assimilation/ring-fencing under the 70% rule.
- The other policies are subject to minor changes, but the policy provides more clarity for managers on how to apply the policies.

Scope of this EIA - Where an opportunity for redeployment is identified, the usual Recruitment and Selection Policy (which has been separately equality impact assessed) will apply. During a restructure, the manager responsible is required to undertake an equality impact assessment in relation to the direct proposals for employees within the service (and community if appropriate), so that any potential impacts can be identified and mitigated against where possible.

Who is the policy, project, service, function or strategy going to benefit and how?

The changes will ensure all restructures, redeployments and redundancies are dealt with on an equal basis and that there is a consistent approach across the Council.

What outcomes do you want to achieve?

- Increased clarity and consistency of application of the Policy across the Council.
- Minimising compulsory redundancies and ensuring fair treatment of employees.
- Ensuring that the processes are managed as smoothly as possible and to cause the minimum amount of stress to everyone concerned
- Reducing the corporate cost of protected pay, and bringing the entitlement in line with other local authorities.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

Ensuring that the policy is applied consistently across the Council - the successful handling of redundancy and redeployment implicitly requires the active support, participation and co-operation of all parties. Support and ongoing advice and guidance will be provided by the Human Resources section regarding the implementation of this policy.

The equality profile of employees is known to vary between services, and therefore, some groups are likely to be impacted on more greatly when the policies are applied in particular services, for example, during restructure of a service which is mostly male employees, for example. Therefore, service specific EIAs during restructures are essential to identify and mitigate against disproportionate impacts where possible.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

Equalities monitoring data of the workforce.

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
2016	Consultation with trade unions	The policy was discussed at length and agreed subject to the change to the pay protection period.
June '16 to Aug '17	Pay and reward project meetings	The trade unions accepted the change in pay protection to bring it in line with other councils in the County.

--	--	--

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Overall Impact	<p>The impacts of this policy are dependent upon the consistent application of the policy across the Council.</p> <p>The Policy outlines the Council’s commitment to minimising compulsory redundancies and ensure fair treatment of employees, and includes the following measures to enable this:</p> <ul style="list-style-type: none"> • Standards for consultation when redundancy is proposed. • Temporary employment opportunities • Providing redeployment opportunities including training and ringfencing • Ensuring that at all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview skills and counselling services should they need additional support during this process. • Undertaking stress risk assessments with individual employees to ascertain the need for further action to support employees. • Guidance on applying the assimilation and ring fencing matrix – the criteria for assimilation are based on national guidance (Local Government (Unitary Authorities) Reorganisation of 1996). • Providing advice and support on applications and interview techniques (with support from HR) if appropriate and proactively remind employees of sources of external support (arranging individual stress risk assessments for staff where 		

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
	<p>appropriate)</p> <ul style="list-style-type: none"> • Providing post-interview support and counselling for unsuccessful candidates where appropriate. • Ensuring that under redeployment arrangements, those employees expressing interest in a vacancy elsewhere in the council will be interviewed for that position before consideration is given to other applicants. • Providing support with the preparation of application forms and/ or CVs, developing interview skills (e.g. by providing mock interviews), identifying and providing time off to attend training courses as appropriate, arranging counselling or welfare support for employees, providing advice on Voluntary Redundancy and Voluntary Early Retirement scheme. <p>Where there is an opportunity for redeployment, the usual Recruitment and Selection Policy (which has been separately equality impact assessed) will apply.</p> <p>During a restructure, the manager responsible is required to undertake an equality impact assessment in relation to the direct proposals for employees within the service</p>		
Age – including older people and younger people.	<p>Where appropriate, if an employee has not been redeployed or assimilated during a restructure, early retirement and/or redundancy will be considered.</p> <p>Advice on retirement and free courses on preparing for retirement are also available.</p>	<p>In relation to redundancy selection criteria, consideration of length of continuous local government service has the potential to discriminate on the grounds of age, as there is likely to be a disproportionate negative impact on younger employees, who are less likely to have longer continuous local government service.</p>	<p>The policy states that the purpose of selection criteria is to ensure that employees are fairly selected for redundancy. The process should be consistent, objective and care should be taken to ensure that it is not directly or indirectly discriminatory on the grounds of any protected characteristic under the Equality Act 2010.</p>

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
<p>Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.</p>		<p>Employees with a disability or long term condition may be more likely to have a higher record of absence.</p> <p>Some employees with long term conditions or disabilities may be more likely to more impacted by stress caused during restructure, redeployment and redundancy.</p> <p>Employees may have been redeployed into suitable alternative roles as part of a reasonable adjustment in relation to a disability of long term condition.</p>	<p>In relation to redundancy selection criteria, the policy states that attendance, discipline and performance records are only to be used where formal action has been taken under the managing attendance or capability policy, ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged on the grounds of disability.</p> <p>The policy also sets out standards for consulting with employees who are absent from work.</p> <p>The policy sets out guidance for completing stress risk assessments during restructures and necessary subsequent action plans with employees. Managers and HR will also provide post-interview support and counselling for unsuccessful candidates At all times employees will be able to openly discuss their concerns with management in a confidential environment and have access to relevant training e.g. job application/interview</p>

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
			<p>skills and counselling services should they need additional support during this process.</p> <p>The Council's Protection of Earnings policy will apply to those employees redeployed into suitable alternative employment as a result of either restructure, redundancy or reasonable adjustments made as a result of a disability under the Equality Act .</p> <p>Where an employee has been found to be permanently incapable of undertaking the duties and responsibilities of their substantive post through ill health, the council will undertake to seek redeployment opportunities to a suitable alternative post within the council for a minimum period of twelve weeks.</p>
Gender – men, women and transgender.	See overall impact		
Marital status including civil partnership.	See overall impact		
Pregnant women and		Pregnant women	In relation to

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
<p>people on maternity/paternity. Also consider breastfeeding mothers.</p>		<p>may be more likely to have a higher record of absence.</p> <p>Employees may have been redeployed into suitable alternative roles as part of a reasonable adjustment in relation to a pregnancy.</p>	<p>redundancy selection criteria, the policy states that attendance, discipline and performance records are only to be used where formal action has been taken under the managing attendance or capability policy, ensuring that all obligations under the Equality Act 2010 are adhered to and no employee is disadvantaged on the grounds of pregnancy and maternity.</p> <p>The policy also sets out standards for consulting with employees who are absent from work eg. on maternity / shared parental leave.</p> <p>The Council's Protection of Earnings policy will apply to those employees redeployed into suitable alternative employment as a result of either restructure, redundancy or reasonable adjustments made as a result of a pregnancy or maternity under the Equality Act.</p>
<p>Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.</p>	<p>See overall impact</p>		
<p>Ethnic Groups</p>	<p>See overall impact</p>		
<p>Religions and Beliefs including those with no religion and/or beliefs.</p>	<p>See overall impact</p>		

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No ✓

If yes what action can be taken to stop the discrimination?

Mitigating actions have been identified within the table above and included in the policy. Individual service level EIAs are to be undertaken to identify any more specific impacts on employees as the policies are applied.

STEP 5 – RECOMMENDATIONS AND DECISION MAKING

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The EIA has helped to identify a number mitigating actions identified within the table above and included in the policy

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

This policy is due for a review in 3 years. Individual service level EIAs are to be undertaken to identify any more specific impacts on employees as the policy is applied.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager
Name:

Date: September 2010

Issue 1

9

Date:

Reviewed by Policy Service

Name: Katy Marshall

Date: Jan 2018

Final version of the EIA sent to the Policy Service ✓

Decision information sent to the Policy Service