



EQUALITY IMPACT ASSESSMENT

Full Assessment Form

This form is for use in undertaking a full equality impact assessment of a policy or function following the findings from a Partial Assessment.

Policy, practice, function or project assessed	Organisational Change, Redundancy and Redeployment Policy and Procedures
Lead Officer	Susan Gardner Craig
Team	Susan Gardner Craig, Richard May and Paul Williams
Date of completion of Partial EQIA	29 October 2010
Start date of final EQIA	08 October 2010
Completion date of final EQIA	29 October 2010

A. BUILDING ON THE PARTIAL ASSESSMENT

A1. What additional relevant evidence have you gathered following the Partial EQIA? Please summarise the evidence and implications.

Analysis of comparable impact assessments produced by other local authorities has shown that most redundancy policies follow the same statutory format as that proposed by the SCDC policy. No adverse detriment was highlighted in respect of Age, disability, religion/belief. Sexual orientation, race. One EQIA highlighted that there was a positive impact for females as they were more likely to be part time workers and thus more easily redeployed. It was also highlighted that the higher paid and low paid workers were the most difficult to redeploy. Age discrimination was the area that most councils considered as having an impact, mainly in relation to accessing of pension benefits at 55 years.

A2. Explain in more detail how the policy or function creates an adverse impact for any group affected. Outline which aspect(s) or operations of the policy or function contribute to inequality?

Gender:

The removal of the allowance for broken periods of local government service impacts disproportionately on female staff who are more likely to have undertaken career breaks to raise families. It should be noted that the proposed changes have the effect of bringing the Council in line with the Redundancy Payments (continuity of employment in local government etc) (Modification) Order 1999 and the approach to redundancy payments applied by the majority of local authorities who do not include broken periods of local government service in the calculation of redundancy payment entitlement. In this respect, the Council's previous policy, in recognised broken periods of service, was more generous than that of many similar organisations. Nevertheless, an adverse impact has arisen from the proposed withdrawal of this provision.

Disability:

The policy provides for detailed written procedures at each stage of the process which may be difficult to access for employees with certain types of literacy-based disabilities:

- Disclosure of basic information to Trade Unions
- Written offers of alternative employment
- Requirement for non-acceptance by employee to be in writing
- Requirement to make request for voluntary redundancy in writing;
- Statement of redundancy entitlement
- Written aspects of the grievance and appeal procedures.

- Redeployment questionnaire (appendix 1)

Age:

(1) The maximum of 20 years of employment, taken into account in calculating redundancy pay entitlement, impacts negatively on older staff who are more likely to have compiled over 20 years' service.

(2) The restriction for employees aged 21 or under to half a week's pay for each year of employment impacts negatively on staff below the age of 21.

(3) The entitlement for employees aged 41 or over to 1.5 week's pay for each year of employment impacts negatively on staff below the age of 41.

These criteria represent statutory provisions within the Employment Rights Act 1996

General:

The draft policy contains a proposal that, in exceptional circumstances, and with the approval of the Leader and Portfolio holder with responsibility for Staffing, an employee who was previously employed by SCDC immediately prior to a short break in service (maximum of 3 months), and who then returns to SCDC after the short break, will have their SCDC service counted as continuous. There is a risk that, if applied arbitrarily, this provision could give rise to general discrimination in decision-making involving one or more protected characteristic. This potentially adverse impact can be overcome through the agreement of equitable criteria within which 'exceptional circumstances' will be defined in practice.

A3. What measures should be undertaken to ensure that the adverse implications are reduced or eliminated? More details can be given in the Action Plan.

Gender:

The Council's current flexible working policies provide a sound framework to allow both male and female parents/cares to adjust their working patterns and hours. This has resulted in most females returning to work and sustaining employment following childbirth thus reducing the number of women who take career breaks.

Consider a 'means-based' approach under which employees who have taken lengthy career breaks to bring up families will be entitled to have broken service taken into account, subject to meeting certain criteria, principally that the career break **must** relate to childcare and not other factors e.g. career opportunities in private practice, foreign travel. A commitment to introduce a means-based scheme could be built into the draft policy and developed by officers for subsequent approval by SMT.

Disability:

This adverse impact can be minimised through an explicit commitment within the policy to make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability.

General:

The potentially adverse impact of provisions in respect of recognising broken service in exceptional circumstances can be overcome through the agreement of equitable criteria under which these 'exceptional circumstances' will be assessed in practice.

A4. Are the differential impacts of the policy or function unavoidable or justifiable (for example as a result of legislative or other constraints)? If so, please explain how this could be justified, if challenged?

Gender:

Given that the proposed change to remove recognition of broken service has the effect of bringing the policy into line with that of similar organisations, it is considered, on balance, that it is not appropriate to recommend the introduction of a means-based scheme along the lines suggested in Section A3 above.

Age:

The provisions in respect of 'times multiplier' and the 20-year maximum are statutory.

The higher multiplier for employees with longer period of service reflects the statutory redundancy scheme and recognises the

assumption that it is harder for older employees to secure alternative employment. Thus it is considered that this is a proportionate means of achieving a legitimate aim.

The Council may alter the policy to pay a 'times multiplier of more than the statutory minimum; however, this would give rise to an additional financial commitment which the organisation could not meet within its current resources.

A5. Have you involved stakeholders in discussions on the above issues? What were their views?

Currently consulting with Trade Unions and staff on the proposed changes.

A6. Could changes be made to the policy or function, which would also lead to a positive promotion of equal opportunities and good community relations? If so, what are they?

The policy has significant positive equality aspects in terms of setting out consistent, fair and transparent processes to be applied to all employees. The policy could be redrafted to remove the majority of the adverse impacts in terms of gender and age; however, as described in section A4 above, there are other significant factors to be taken into account before reaching a balanced conclusion.

B. CONCLUSIONS AND RECOMMENDATIONS

B1. Taking account of all the above issues, what are your conclusions and recommendations?

As per A4 above.

B2. Have you completed an Action Plan to put your recommendations into effect?

Yes.

B3. Please give a date to review the policy or function.

The policy will be reviewed after 3 years' operation or in response to emerging legislative changes, whichever is the sooner.

B4. Have the Equalities Steering Group and the Equalities Forum been consulted? What were their views?

The partial and full Equality Impact Assessments for this policy will be referred to the Equality and Diversity Steering Group for comment.

ACTION PLAN

Recommendation/ issue to be addressed	Planned Milestone	Planned completion of milestone (date)	Officer Responsible	Progress
<p>Disability: This adverse impact can be minimised through an explicit commitment within the policy to make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability.</p>	Revise policy to include this commitment	October 2010	Human Resources Manager	Completed
<p>General: The potentially adverse impact of provisions in respect of recognising broken service in exceptional circumstances can be overcome through the agreement of equitable criteria under which these 'exceptional circumstances' will be assessed in practice</p>	Revise policy to include criteria for exceptional awards	November 2010	Human Resources Manager	Outstanding

RESOURCES

Does the above action plan require any additional resources?

No.

ARRANGEMENTS FOR MONITORING

Please give your plans for monitoring the achievement of the above actions.

Final policy for adoption to include appropriate criteria for Member approval.

SIGN OFF: The officers below confirm that this full assessment has been completed in accordance with the Council's guidance

Signature of Lead Officer

Date:

Signature of Corporate Manager or Chief Officer:

Date:

Please retain the original form on your service area and return a copy of the completed form to the Equality & Diversity Officer for publication.