

APPENDIX 3

Short Equality Impact and Outcome Assessment (EIA) Template - 2019

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No. [1](#)) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Meg Lewis)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

| | | | |
|------------------------------------|--|---------------------------|--|
| Title of EIA⁵ | Attendance Policy and Procedure | ID No.⁶ | |
| Team/Department⁷ | HR&OD | | |
| Focus of EIA⁸ | The introduction of a new Attendance Policy and Procedure to replace the existing Attendance Management Procedure within the council. This new policy and procedure addresses issues that were raised by the Well-being Group (with union, management and HR representation) back in 2016 and one of the recommendations of this group was a review of the current procedure. Over the past 12 months the council has been consulting with the trade unions over the new policy and procedure and this has also been shared with the Disabled Workers' and Carers' Network for their input too. The main changes within the new policy/procedure are as follows: <ul style="list-style-type: none">• The introduction of an informal stage at which the line manager and the employee would | | |

- discuss an attendance support plan.
- OH referrals recommended from day one of absence for a stress/mental health condition.
 - Greater emphasis on our duties as an employer under the Equality Act in relation to disabled staff. Including recording absence as disability related where appropriate, managers considering different attendance concern levels for a disabled employee and ensuring that any medical treatment required to manage an impairment is given as paid time off to the employee.
 - A commitment regarding how we will support staff with a terminal illness in line with the TUC's 'Dying to Work' campaign.
 - A formal 2 stage attendance management process.
 - Formal warnings replaced with the setting of formal review periods, which can be given at both stages of the procedure.
 - The creation of an attendance toolkit to accompany the policy/procedure to support both managers and staff

Assessment of overall impacts and any further recommendations⁹

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Sickness data by equality strand is shown in the table below – 175 employees (exc schools)

| Protected group | % of sickness cases involving people sharing protected characteristic 2017/18 | % of people sharing protected characteristic in workforce as at 31.3.18 |
|-----------------|---|---|
| BME | 3.45% | 6.9% |
| White Other | 8.28% | 6.85% |
| White Irish | 1.38% | 2.26% |
| White British | 86.89% | 83.99% |
| Disabled | 16.79% | 7.51% |
| LGB | 13.22% | 11.82% |

| | | |
|----------------|---------------|---------------|
| Male | 49.14% | 40.30% |
| Female | 50.86% | 59.70% |
| <20 | 0% | 0.13% |
| 20-24 | 1.71% | 1.78% |
| 25-29 | 2.29% | 5.12% |
| 30-34 | 7.43% | 7.96% |
| 35-39 | 9.71% | 12.3% |
| 40-44 | 16.57% | 13.18% |
| 45-49 | 16.0% | 16.43% |
| 50-54 | 14.86% | 17.52% |
| 55-59 | 9.14% | 14.05% |
| 60-64 | 15.43% | 8.22% |
| 65+ | 6.86% | 3.14% |
| No religion | 57.03% | 56.22% |
| Christian | 32.23% | 34.51% |
| Other religion | 10.74% | 9.27% |

Overall impacts and notes:

- Where a greater proportion of that staff group are subject to some form of action/intervention under our current procedure I have highlighted the relevant rows in the table above.
- From the above table, it is clear that in terms of sickness cases a larger proportion of disabled staff are subject to action of some form under our current procedure. The new policy/procedure seeks to address this and the changes proposed in related to disability related absences are detailed below. From union/forum feedback this appeared to be the main area of focus in terms of the review. The higher incidence of formal action/intervention in relation to those aged over 60 is also likely to correlate with a higher incidence of illness and possibly long-term conditions among this group.
- In terms of some of the other groups highlighted above e.g. staff aged 60+, LGB staff, male staff and 'white other' staff in particular further analysis will need to be undertaken to identify whether these cases relate to a particular directorate/service area or due to a particular absence reason.
- However, the greater proportion of male staff being subject to action/intervention under the current procedure could be related to particular departments e.g. CityClean where the main reason for absence is musculo-skeletal absence and they have the highest level of absence within the EEC Directorate. The new policy/procedure will better support those staff with the introduction of the attendance support plan, which encourages earlier informal discussions and the recording of adjustments/support offered to the employee.

| Potential issues | Mitigating actions |
|--|--|
| <ul style="list-style-type: none"> • Staff and managers being aware of the new policy and procedure scheduled to come into effect in the summer of 2019 as part of our well-being agenda. • Staff being concerned about how the new procedure will work if they are already being taken through the existing attendance management procedure. • Managers not understanding what needs to go into the new attendance support plan to support the employee. • Managers being aware of the need to consider adjusting attendance concern levels for a disabled employee (including mental health conditions) and the need to record everything put in place to support the employee on an attendance support plan. In addition, managers being aware of a new category on FirstCare of 'disability related absence' so that this can be recorded as such. • Ensuring that staff who have a terminal illness are aware of the changes to the new policy/procedure, to support them to remain in work as long as they are able to. | <ul style="list-style-type: none"> • Once agreed there will be a series of regular communications to staff and managers regarding the new policy and procedure together with training for managers, the new toolkit on the wave. • There will be communications on what will happen if an employee is already being dealt with under the current procedure and how they would move into the new procedure. • From February 2019, training will be scheduled for managers on attendance management and the changes proposed so that managers are ready for the introduction of the new policy/procedure. • The training provided to managers will cover all the changes being made and the fact that these changes have been made to provide better support to disabled staff. • Again through communications to staff/managers making sure that staff are aware of the TUC's 'Dying to Work' campaign and the principles within this, which the council is planning to sign up to (subject to agreement by PR&G). • Communicate why this is important. From feedback |

- Staff not understanding why an OH referral is recommended from day 1 of absence as a result of stress or a mental health condition.

received, too often OH referrals are not made as soon as possible and are left too late. By recommending these from day 1 we know that the earlier support is given to the employee the earlier the employee will feel able to return plus they will feel supported by the organisation.

Actions planned¹⁰

- Further engagement with the workers forums, staff, managers and the unions to ensure all are fully informed about the new Attendance Policy and Procedure and that all have been given the opportunity to ask questions about the proposed changes.
- Communications to managers and staff on the changes within the new policy and procedure and the benefits of this as part of our well-being workstream within Our People Promise.
- Training on attendance management being refreshed for managers on the new policy and procedure and a number of sessions scheduled from November 2019 onwards.
- Guidance for managers and staff on the new policy and procedure, together with other helpful information will be available to all in the new Attendance Toolkit, which will be available on the Wave.
- Discussions will need to take place at all DMT's regarding the proposed changes and discussions will also take place at all Directorate Equalities Group Meetings to make sure any potential issues have been addressed prior to implementation of the new policy and procedure in early 2020.
- The policy and procedure to manage attendance will be reviewed and evaluated at regular intervals once implemented.

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Person completing the EIA: Laura Keogh

Date: 23rd September 2019

BHCC Equality lead: Sarah Tighe-Ford

Date: 23rd September 2019

35

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ ID no: The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.