



EQUALITY IMPACT ASSESSMENT (EQIA)

1. BACKGROUND

Legislation provides General Duties, which require the Council as a public authority to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity.

A framework for guiding policy formulation within Clackmannanshire Council is needed to ensure that potential impact of policy development and new ways of working are systematically identified assessed and taken into account. The purpose therefore of the Equality Impact Assessment is to work out whether a group or individual will be adversely impacted on by a Council policy or procedure.

2. AIMS

The aim of an Equality Impact Assessment is to facilitate openness in the way Council policies are designed and delivered and to be accountable to the public for decisions which affect them. This approach leads to greater public confidence and trust, particularly from those whose needs and concerns have been overlooked.

This document provides a step-by-step guide to carrying out an impact assessment and will cover the following areas:

- what is an equality impact assessment?
- why should it be done?
- who should do it?
- how should it be done?

3. EQUALITY IMPACT ASSESSMENT

What is an impact assessment?

An equality impact assessment is a way of systematically and thoroughly assessing and consulting on the effects that a proposed policy or function could have on some groups or individuals depending on their group. This then enables the Council to pre-empt the possibility that the proposal could affect some groups unfavourably.

The assessment extends to monitoring the effects of the policy/functions and being alert to any concerns about the way it is functioning.

An equality impact assessment has two key stages:

Stage 1

Involves screening policies or legislative proposals to see if they are relevant to equality:

- identify the main aims of the policy
- collect information
- decide if the policy is relevant

The answers to these questions should provide initial information on the priority issues. If it is identified through **Stage 1** that there may be an adverse impact on an area of equality, a more detailed assessment will be undertaken.

This will consist of following up and obtaining further information on the likely impact.

Stage 2

Involves fully assessing policies identified as being relevant to make sure they do not have an adverse effects on any groups. Policies may be defined as the sets of principles or criteria an organisation develops to help carry out its functions or role. This process will:

- Identify all aims of the policy
- consider the likely impact – is this appropriate consistent with the objective of the policy?
- consider alternatives
- consult formally
- decide whether to adopt the policy
- make monitoring arrangements
- publish assessment results

Whilst we have introduced a toolkit for use by services, all assessments will be based on individual Service estimates of likely implications and outcomes.

If an adverse impact is found during the Impact Assessment process, services will consider what action requires to be taken. Actions taken and reasons for the decision will be documented as part of the Assessment process. Services will consider what action requires to be taken and actions taken and reasons for the decision will be documented as part of the assessment process. Actions may include:

- changing the proposed policy
- considering ways it could be introduced that will remove or reduce the adverse impact
- finding an alternative way to achieve the aim of the policy

There may be situations, however, due to the policy's importance or to meet the needs of particular groups, that there is no other way of achieving the policy. Services may then be able to justify the policy as it was originally proposed this process and the decision taken in respect of the policy must be clearly documented as part of the assessment process.

By carrying out impact assessments in this way, we will ensure continued openness about the way that functions and policies are developed and ensure that an opportunity is given for individuals, both internal and external to the Council, to contribute to the shaping of the services we provide.

If you said you didn't need to carry out an Impact Assessment consider the following before going any further:

- will individuals have access to, or be denied access to a service or function as a result of the policy or the changes you propose to make to existing services or functions?
- will the implementation of your policy result in individuals being employed, a change in staffing levels or a change in terms and conditions, employer or location – either directly or indirectly?
- is there a change in the size of a budget? How will this change impact on individuals? Will a service be withdrawn, changed or expanded?

If you have answered yes to any of these questions, your policy **does** affect people and you should undertake an Equality Impact Assessment.

If you have decided that, in light of the answers to the questions above, that you do not need to carry out an Equality Impact Assessment, you should complete this form:

| | |
|--|--|
| Policy Title: | Single Status - Terms and Conditions of Employment |
| Service: | Corporate Development |
| Team: | Human Resources |
| <i>This policy/function will have no impact on people from any of the equality groups and an EQIA is not required</i> | |
| Name: | |
| Position: | |
| Title: | |
| AUTHORISATION | |
| Name: | |
| Position: | |
| Title: | |

If you do need to carry out an EQIA this is the process:

You should aim to carry out the Impact Assessment at the beginning of the planning of a new policy or the review of an existing policy. However, it is recognised that it is not always possible to do this and you should therefore do it as soon as is practicable.

A successful EQIA will look at 4 key areas.

Policy – a clear definition of your policy and its aims.

Collecting Evidence – this should involve engagement with equality groups.

Differential Impact – reaching an informed decision on whether or not there is a differential impact on equality groups, at what level and what will be done to address any adverse impact.

Measuring Outcomes – stating how you will be monitoring and evaluating the policy to ensure that you are continuing to achieve the expected outcomes for all groups.

An EQIA should be considered for the full range of Council activities, strategies, functions, policies and processes. The term 'Policy' will be used throughout this document to mean all of the above.

This 9 step process has been developed to help you:

| | |
|---------------|---|
| Step 1 | Define the aims of your policy |
| Step 2 | What do you already know about the diverse needs of your target audience? |
| Step 3 | What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience? |
| Step 4 | Will you be making any changes to your policy? |
| Step 5 | Does your policy provide the opportunity to promote equality of opportunity or good relations? |
| Step 6 | Based on the work you have done – rate the level of relevance to your policy – High Medium or Low |
| Step 7 | Do you need to carry out a further Impact Assessment |
| Step 8 | Outline how you will monitor and evaluate this policy to measure progress |
| Step 9 | Sign off and publish Impact Assessment |

Step 1 - Define the Aims of the Policy

The first step of the Impact Assessment process is to identify what the policy is designed to achieve. This helps you to think about how the needs of different groups of people are integrated into the policy aims and objectives. It helps you to think about who is intended to benefit from the policy and how.

When you are defining the aims of your policy, you should also be giving some thought to the resources that will be (or have been) allocated to deliver that work.

Have the potential costs of this work been set in a way which will help you to achieve the best outcomes for the diverse communities that your policy will engage with?

| | |
|---|--|
| Title of Policy: | Single Status - Terms and Conditions of Employment |
| Service: | Corporate Development - Human Resources |
| What is the purpose of the proposed policy or changes to established policy? | |
| Single Status is a collective agreement designed to promote equality and eliminate discriminatory practise in employment while also supporting a flexible approach to providing services to local communities. The amended terms and conditions are part of this process. | |
| Who is affected by the policy or who is intended to benefit from the proposed policy and how? | |
| These terms and conditions relate to all staff in the current Manual Worker and APT&C grades. | |

How have you, or will you, put the policy into practice? Who will be responsible for delivering it?

Human Resources are responsible for the conception and design in consultation with recognised trade unions.

HR and finance will implement the new policy.

Staff have been kept informed of the changes via updates, articles in the Grapevine, briefing sessions and FAQs.

After the consultation period has concluded letters will be issued to staff explaining their individual position. This will show:

- the grade of the job and associated new salary
- a general overview setting out the job evaluation factors
- statement of terms and conditions as they apply to the individual
- the process for appeals

Step 2 - What do you already know about the diverse needs and/or experiences of your target audience?

To understand the different needs and experiences of the people you are making policy for, you will need to gather the facts and figures about the target audience for your policy. It is important to know **who** will be affected by the proposed changes and **how**.

The evidence (or information) you require may come from a variety of sources – it may be statistical information, research projects which have collected information through discussions, focus groups and interviews with a range of people including those from recognised equality groups. It is also important to identify any information or evidence gaps you may have and which may need to be addressed in order to successfully complete the assessment process.

Evidence may include data (facts, figures, research findings etc) from our own information management systems or research surveys and consultation exercises.

In the absence of research there may be anecdotal evidence, feedback from service users and affected groups which may indicate positive or negative impact.

Points to remember:

- Evidence may indicate that there may or may not be an equality impact associated with a policy.
- The absence of evidence or indicators does not necessarily mean that there is no impact on equality.
- Arrangements should be made to obtain the relevant information (i.e. there is a need for us to conduct our own survey) to help in the process of deciding whether or not a policy has a differential adverse impact or whether the policy requires further, in-depth equality impact assessment.
- That an issue may only impact on small numbers of people from the different equality groups does not mean that there is not an issue or a problem. For example, it may be necessary to consider the needs of minority ethnic communities in rural areas, or lesbian, gay bisexual or transgendered people who may choose not to identify themselves as such due to fear of abuse or discrimination.
- You have a statutory duty to involve the community and you should keep a record of how you have done this.

Consultation is a key part of the process. The public sector equality duties require us to involve, consult and engage with our communities as widely as possible.

There are a variety of ways you can consult with people but it is important that you take account of the different needs of people from different communities.

Step 3 - What does the Information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?

In this section you should be looking at the information you have collected to assess what it is telling you about the needs of different groups of people.

Key Questions:

- Will the impact of the proposed policy/function be the same or different for each group
- Is there any indication or evidence of higher or lower participation or uptake of services by different groups?
- Are there any groups of people who are not taking up services?

What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?

| Equality Impact Assessment by Groups | | | | | | |
|---|--|------------|--------------|-------------|--------------|-------------|
| Scope | This impact assessment covers the changes in terms and conditions of employment proposed as part of single status with the exception of the flexible working suite which has been assessed separately and in full consultation with TU. Allowances have also been equality impact assessed externally. | | | | | |
| General Statistics | Gender Balance | | | | | |
| | Grade | M | | F | Total | |
| | Craft | 106 | 98.1% | 2 | 1.9% | 108 |
| | Manual | 263 | 42.1% | 361 | 57.9% | 624 |
| | Clerical | 20 | 4.6% | 418 | 95.4% | 438 |
| | Admin | 149 | 28.2% | 379 | 71.8% | 528 |
| | Technical | 15 | 71.4% | 6 | 28.6% | 21 |
| | PO | 97 | 52.4% | 88 | 47.6% | 185 |
| | JNC/Directors | 11 | 64.7% | 6 | 35.3% | 17 |
| | Education Teachers | 81 | 17.7% | 376 | 82.3% | 457 |
| | Principal Teacher | 29 | 30.5% | 66 | 69.5% | 95 |
| | Headteachers/Asst | | | | | |
| | Headteachers | 19 | 33.9% | 37 | 66.1% | 56 |
| | Promoted Posts | 13 | 68.4% | 6 | 31.6% | 19 |
| | Psychologists | 1 | 16.7% | 5 | 83.3% | 6 |
| | Educational Advisors | 1 | 16.7% | 5 | 83.3% | 6 |
| | Music Instructors | 5 | 50.00% | 5 | 50.00% | 10 |
| | Nursery Nurses | 0 | 0.00% | 118 | 100.00% | 118 |
| | Day Centre Staff | 5 | 27.8% | 13 | 72.2% | 18 |
| | Social Care Workers | 7 | 10.4% | 60 | 89.6% | 67 |
| | Senior Social Care Workers | 0 | 0.00% | 3 | 100.00% | 3 |
| | Social Workers | 8 | 15.7% | 43 | 84.3% | 51 |
| | Grand Total | 830 | 29.4% | 1997 | 70.6% | 2827 |

Age

| Age Range | % | Nos. | Female | Male |
|-----------|---------|------|--------|--------|
| <21 | 1.73% | 49 | 19 | 30 |
| 21-30 | 12.24% | 346 | 243 | 103 |
| 31-40 | 20.94% | 592 | 444 | 148 |
| 41-50 | 31.77% | 898 | 659 | 239 |
| 51-60 | 27.73% | 784 | 541 | 243 |
| >60 | 5.59% | 158 | 91 | 67 |
| | 100.00% | 2827 | 1997 | 830 |
| | | | 70.64% | 29.36% |

Disability

14 staff have chosen to declare a disability.

Race

Of the staff who have chosen to make this information available

White - 74%

Mixed - 6%

Asian - 0.1%

Black - 0.1%

Other - 0.1%

Religion & Belief

No data

Lesbian, Gay, Bisexual & Transgender

No data

Age

Most of the proposals will impact in the same way on every member of staff regardless of their age, with the potential exception of annual leave. Benefits which apply over a period of time are generally assumed to disadvantage younger workers, who have had less time in the workforce or those near retirement, who will never accrue the full benefit.

The proposal to award additional annual leave each year, up to the full allowance after 5 years service reduces this potential impact.

The age discrimination regulations permit pay and benefits (e.g. holidays and sick leave/pay entitlements) to be service related, without them being regarded as discriminatory. Only service criterion of greater than 5 years will need to be justified as affording a legitimate and real business need.

Excluding those who already have and will retain the full leave allowance, the service related benefit of increased annual leave impacts on every age range. The greatest impact by percentage of staff is on the age range 30 to 44.

| | |
|----------------------|--|
| <p>Gender</p> | <p>Working week</p> <p>The increase in the working week from 35 to 36 hours may have some impact on those with caring responsibilities, generally women.</p> <p>The maximum additional time requirement is 12 minutes per day, less for many female staff who are part time. This can generally be accommodated within the current and proposed flexi system, by reducing lunch breaks.</p> <p>Public Holidays</p> <p>Two of the public holidays which are being removed and added into annual leave are school closure days within Clackmannanshire. Staff with primary child caring responsibilities, generally women, will no longer be automatically entitled to these days off.</p> <p>There are several other school holidays and in service days which are not public holidays, leave requests for these days are treated as sympathetically as possible, while maintaining customer service. Consequently the impact should be minimal.</p> <p>Carers who live outwith Clackmannanshire will benefit from this change, as they will have additional flexibility to make arrangements for their local bank holidays /school closures.</p> <p>On balance the change offers greater potential flexibility to staff of both genders and a significant benefit to those who wish to observe religious holidays which are not included in the current fixed public holidays (see religion and belief).</p> <p>Annual Leave - Service related</p> <p>In terms of gender those most likely to be adversely impacted are women who take a career break for child care. They are however offered some protection by section 12.2 of the National Agreement on pay and Conditions of Service relating to continuous service and breaks for maternity purposes, which states that:</p> <p>"For the purpose of the calculation of entitlement to annual leave the eight year's time limit does not apply provided no paid employment has intervened".</p> <p>Clackmannanshire Council has a high proportion of staff with long service, therefore there is a relatively small group of permanent staff in single status grades (420 people) who do not qualify for the full leave allowance. In terms of numbers in this group, more women than men are affected however as a percentage the male female split almost mirrors the gender balance across the Council.</p> |
|----------------------|--|

| | |
|---|--|
| Religion & Belief | The reduction in fixed public holidays and consequential increase in annual leave provides additional flexibility to those who wish to observe religious holidays which are not included in the fixed public holidays. Managers will be encouraged to take a sympathetic view to leave requests for this purpose. Consequently there is, potentially, a positive impact on this group. |
| Lesbian, Gay, Bisexual & Transgender | The impact of these proposals will be the same, regardless of sexual orientation. |
| Race | The impact of these proposals will be the same, regardless of race. |
| Disability | The impact of these proposals will be the same, regardless of any health condition or disability. |

Step 4 - Does the policy need to be changed?

If the policy is likely to have an adverse impact on a group of people, the presumption should be that the policy will be changed or amended to lessen or remove this adverse impact. However, when considering making changes to our policies the actions we take should be proportionate.

It may be possible to make a change that may remove a barrier or have a lasting effect on one or all of the equality groups this will also be essential to avoid illegal discrimination. The EQIA process is a policy making tool which allows us to identify ways in which we can improve our policies and make them better suited for their purpose. You should also consider the resource implications of any changes you make i.e. will it cost more or should your resources be focussed on ensuring that your policy delivers effectively across different groups?

Will you be making any changes to your policy?

| Are there any changes? | | |
|-------------------------------|--|--|
| <i>Description</i> | | |
| None at this time | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Please Identify:

- what action you will take
- who will take that action
- when that action will be taken

Step 5 - Does your policy provide the opportunity to promote equality of opportunity or good relations?

The main purpose of the EQIA is to identify any potential adverse impact, it also offers the opportunity to consider how your work can better promote equality of opportunity and good relations.

The public sector equality duties require that the Council, in carrying out its functions, has due regard to the need to promote equality of opportunity and /or outcomes.

The public sector equality duties and the Council's own policies require that the Council, in carrying out its functions, has due regard to the need to promote equality of opportunity between:

- persons of a different race
- men and women
- persons with a disability and without
- persons of a different religion or belief
- persons of different ages
- persons of different sexual orientation

The public sector duties also require the Council to:

- promote good relations between people of different racial groups
- promote positive attitudes towards people with disabilities
- encourage participation by people with disabilities in public life

It must not be assumed that areas which have been immune to challenge or question in the past, do not have implications for equality of opportunity. All existing areas of policy must be looked at with a fresh eye.

Key Questions:

- How does this policy promote equality of opportunity?
- what is being done to ensure equal outcomes for people from different groups or communities?
- How can this policy encourage participation in public life?
- How does this promote good relations?

Step 6 – Based on the work you have done – rate the level of relevance to your policy.

You should now have enough information to decide whether or not there is an impact for any or all of the equality groups and whether the level of impact is in proportion to the policy. You will now have to decide whether the impact is high, medium or low for any of the strands.

Based on the work you have done rate the impact of your policy on equality groups:

| Tick one box for each strand | Age | Disability | Gender | LGBT | Religion and Belief | Race |
|--|-----|------------|--------|------|---------------------|------|
| <p>High There is substantial evidence that people from different communities or groups are or could be differently affected by the policy. There is substantial public concern about the policy or concerns have been raised about the policy’s potential impact by relevant bodies. This policy is relevant to all or part of the respective duty in the case of race, disability or gender</p> | | | | | | |
| <p>Medium There is some evidence that people from different groups or communities are or could be differently affected. There is some public concern about the policy. The policy is relevant to parts of the respective general duty</p> | | | | | | |
| <p>Low There is little or no evidence that some people from different groups or communities are or could be differently affected. There is little or no public concern about the policy. The policy has little or no relevance to the respective general duty.</p> | ✓ | ✓ | ✓ | | | ✓ |
| <p>Unknown No evidence or data has been collected therefore an assessment cannot be made.</p> | | | | ✓ | ✓ | |

Step 7 - Carrying out a Further Impact Assessment

If you haven’t got enough information, gather more and go through the process again. A further assessment should be undertaken if more detailed investigation is required. There will be some policies where, as a result of undertaking this EQIA, you may decide a further impact assessment is required although it may not be necessary for all equality groups depending on the nature and the focus of the policy in question.

Further impact assessment could include:

- collecting further data, commissioning research and analysis
- considering alternative ways to collect information
- consulting further with people affected by the policy

Having undertaken further work, you should then revisit the impact assessment toolkit as you should now be in a position to complete the EQIA more fully.

| Is a further EQIA required? | | |
|-----------------------------|--------|--|
| Description | | |
| No | Yes/No | |
| | Yes/No | |
| | Yes/No | |
| | Yes/No | |
| | Yes/No | |
| | Yes/No | |

If you have answered **yes** please explain **why**

If you have answered **no** but have identified a high impact on policy, please explain your decision.

Step 8 – Monitoring and Evaluating the Policy to Measure Progress

To ensure that the policy remains focused and is not affected by changing circumstances, it is important to keep it under review against its original aims. Monitoring and evaluation processes should be established to periodically assess the impact of the policy on the diverse needs of the target audience. This should reveal any unexpected adverse effect or unintentional discrimination.

The key to evaluating policy is good management information which may be collected as part of the ongoing monitoring process or conducted as a separate exercise.

Step 9 – Signing off

You should have completed the following steps:

| | | |
|--|---|--|
| Impact Assessment Steps 1-8 | | |
| 1. Defined the aims of your policy | ✓ | |
| 2. Identified what we already know what does the existing evidence tell us? | ✓ | |
| 3. Identified what more we need to know – what gaps have we identified? | ✓ | |
| 4. Analysed the evidence – what does all this mean in relation to our policies? | ✓ | |
| 5. Considered any necessary changes and identified action – will you be taking action? If yes What? When? Who? If not Why not? | ✓ | |
| 6. Identified opportunities to promote equality | ✓ | |
| 7. Measured differential impact? | ✓ | |
| 8. Outlined how you will monitor and evaluate the process | ✓ | |
| 9. Signed off and published the Impact Assessment | | |