

## Derbyshire Dales District Council Equality Impact Assessment

*Brief guidance notes shown in italics*

<b>Title of policy, practice, service or function being assessed</b>	New Change Management Policy
<b>Officers conducting assessment</b>	Deborah Unwin - Human Resources Manager  Sarah Newton - Policy Analyst
<b>Date of assessment</b>	29 November 2013
<b>Reason for assessment</b>	New Policy
<b>Equalities Lead Officer</b>	Giles Dann – Policy and Economic Development Manager

### **Purpose, aims and objectives of the policy, practice, service or function under impact assessment**

The aim of this EIA is to assess the potential equalities impacts of the proposed new Change Management Policy on staff and to ensure that employees are treated equally and fairly.

It is recognised that the way that District Council services are delivered will need to change and adapt to embrace the Council's new priorities and financial realities (See Chief Executive's report to Council on 26 September 2013 on "Planning for the Future (2) Building Capacity and taking forward the peer challenge recommendation"). Such changes and improvements to service delivery may affect individual job roles, team structures and the way the organisation is structured. Changes may or may not lead to redundancy.

In order to implement such changes a new Change Management Policy is being proposed for introduction with effect from 1 January 2014. It broadens and replaces the existing Redundancy Policy of 2007 (updated in 2011).

The aim of the Policy is to ensure that staff:

- Are deployed effectively and efficiently
- Know what they need to do and have the appropriate skills and knowledge
- Are valued, involved and cared for
- Have equality of treatment and access to opportunities

The Change Management Policy gives guidance to managers and staff on change management processes (including job matching, redeployment and redundancy selection).

The proposed Policy:

1. Introduces a new role for Corporate Management Team to implement change management decisions on the basis of a business case for change and to determine redundancy selection.

2. In addition to formal consultation and negotiation with recognised Trade Union representatives, introduces a new role for the Employee Group to be consulted on change and support employees going through change.

3. Introduces an 8 week redeployment period to implement change processes and seeks redeployment opportunities before notice of redundancy is given.

4. Introduces salary protection for 18 months to post holders who accept suitable alternative employment to a lower grade post or whose posts are downgraded through change.

5. Changes the current relocation assistance on a change of base from 3 years to 18 months in line with the proposals for salary protection.

6. Changes the current redundancy selection process to become a 2 stage redundancy selection process with final decisions being taken on selection by Corporate Management Team.

7. Changes the current redundancy payment scheme of multiplying the statutory rates by 1.5 week's pay for each year of service to a new redundancy payment of multiplying the statutory rates by x1 week's pay for each year of service but retains calculations on the employee's actual weeks' pay not the statutory maximum weeks' pay prevailing at the time.

8. Proposes a new style of employment policy whereby any changes to the policy statement require consideration by the Joint Consultative Group and formal approval by Corporate Committee, but that Corporate Management Team may agree changes to the implementation guidance notes.

The proposed Policy aims to ensure that staff can be confident that all impacts will be dealt with fairly and transparently and in accordance with good practice and our legal requirements. The guidance notes describe objective and evidence based processes to implement the policy.

**Are there any other organisations involved in its implementation?**

Local Trade Union representatives have been consulted

**Main customer groups (beneficiaries) / stakeholders**

**Customer Groups:**

- All staff with contracted hours
- Members of Employee Group
- Casual workers with more than 2 years regular service where a mutual obligation has become apparent.
- Staff on fixed term contracts with more than 2 year's service

**Other stakeholders:**

- Line Managers
- Heads of service
- Corporate Directors
- Chief Executive
- Members
- Trade Unions – Unison, GMB & Unite
- Joint Consultative Group

**Which other District Council departments are affected by the policy, practice, service or function? Do any of the objectives directly support or hinder another activity?**

The Policy applies to the whole Council. In the process of transformation and organisational change there is potential for all services to be affected.

Key functions which will support the implementation of the Policy are:

- Human resources – leading, providing information and support
- Payroll – providing information on pay implications
- Legal – providing advice and support
- Finance – assessing budgets, cost implications

The proposed policy and supporting guidance recognise the need to broaden the existing redundancy policy to cover all potential aspects of organisational change and ensure a fair and transparent process. Whilst, due to the financial pressures on the Council some changes to services may be required, it is not felt that the proposed Change Management Policy will hinder other Council activities.

<b>Assessing relevance to the public sector Equality Duty</b>	
<p>The general Equality Duty has three aims which require the District Council to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination (both direct or indirect), harassment and victimisation;</li> <li>• advance equality of opportunity between all persons i.e. removing or minimising disadvantages suffered by protected groups; taking steps to meet the needs of people from protected groups where these are different from the needs of other people and encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low;</li> <li>• foster good relations between all persons i.e. tackling prejudice and promoting understanding between people from different groups.</li> </ul> <p>Which aims of the Equality Duty is the policy, practice, service or function relevant to?</p>	<p><i>Please state</i></p> <p>Eliminating unlawful discrimination and advancing equality of opportunity are particularly relevant</p>

**What evidence is already available or needed to help establish the impact of the policy, practice, service or function on protected groups? (Include consideration of relevant data and research available locally and nationally; monitoring information; performance information; previous consultation and engagement e.g. residents' surveys, satisfaction surveys, focus groups; access to services data; complements and complaints; previous equality assessments. When considering gaps, think about any additional monitoring arrangements needed and the need for further consultation).**

Information / Data	When and how collected	Source	What it tells you	Gaps
EIA on DDDC Redundancy Policy	January 2011	Democratic Services / Policy	The Redundancy Policy of 2007 was updated in 2011 in line with the provisions of the Equality Act 2010. The revised Policy was assessed for its Equality Impact and the main equalities issues identified and addressed. The issues raised have been considered within this EIA.	None
DDDC Workforce equalities monitoring information	Annually by Policy Team and Human Resources	HR database, self declarations of equality data on appointment and through annual employee survey results (2012 data)	<p>The most current <a href="#">Workforce Profile</a> was published on the District Councils' website on 31 January 2013, based on 2012 data as follows;</p> <ul style="list-style-type: none"> <li>• Gender – 46% Female, 54% Male</li> <li>• Age – <ul style="list-style-type: none"> <li>Under 21- 8.2%</li> <li>21 to 30 - 17.4%</li> <li>31 to 40 -19.7%</li> <li>41 to 50 - 24.8%</li> <li>50+ 30%</li> </ul> </li> <li>• Ethnicity – 97% White British, 3% BME</li> <li>• Self-declared disability (of those responding) - 4.9%</li> <li>• Self-declared religion (of those responding) – 62.4% of</li> </ul>	No gaps. The information provides a baseline to allow monitoring of the overall impact of the Policy on the workforce

			<p>staff have Christian beliefs,2.4% 'other'</p> <p>Compared to the <a href="#">District's 2011 Census</a> profile, the Council's workforce has a slightly higher proportion of men than women. Ethnicity and age are relatively similar. The proportion of self declaring disabled employees is lower.</p>	
Consultation with all managers	22 October 2013	HR Manager	<p>Email sent to all managers. Their comments have been taken on board and drafted into the final document where appropriate. Issues raised included:</p> <ul style="list-style-type: none"> <li>- How proposals compared with other Derbyshire authorities?</li> <li>- How proposals would be implemented from a management point of view?</li> <li>- How to use the business case template?</li> </ul> <p>No equalities issues were raised.</p>	/
Consultation with Employee Group	Meeting of 29 October 2013	Employee Group	<p>Main issues raised:</p> <ul style="list-style-type: none"> <li>-the implications of representing staff in relation to changes to or loss of jobs, due to the Employee Group Members lack of skills and expertise.</li> <li>-Implications of the reduction of the redundancy pay multiplier from 1.5 to 1 on those facing compulsory redundancy and encouraging voluntary redundancy.</li> <li>-The redundancy assessment criteria, which have now been altered to a two stage process.</li> <li>-Cost of release has also been removed from the primary and secondary criteria, although this would remain a consideration for CMT when making final decisions.</li> <li>- The implications upon staff affected by the Parks, Gardens and Street Cleansing Review</li> <li>-The cost implications of support to those affected.</li> </ul> <p>It was agreed that the proposed Policy would be available to all staff though the link to the Employee Group on the intranet and</p>	/

			that staff could comment directly to EG members and their comments would be fed back to Joint Consultative Group on 7 November.	
Consultation with all staff	31 October to 12 December 2013  Consultation with staff remains open until the report on the Change Management Policy is presented to Corporate Committee on 12 December 2013. Any questions received after the publication of the report will be tabled at this meeting	HR Manager	An email was sent to all staff on 31 October with a link to the proposed Policy and requesting comments and queries to be sent to members of the Employee Group. Hard copies were made available to those without internet access.  Feedback was gathered and reviewed by Employee Group.  Regular all staff emails have ensured staff have been kept fully informed of process	/
Responses to staff queries	All staff email 6 November 2013	Chief Executive	Response to key points received by staff included:  Reassurance that the restructure is not about reducing posts but realigning services into more logical functions and building capacity in priority areas.  Service Reviews over the next 3 years will look at how the Council delivers services. Efficiency savings could impact on jobs. Reassurance that the Council will manage these changes in a fair and transparent way and this is the reason for the Change Management Policy. The existing Redundancy Policy is not adequate to cover the future shaping of the Council.  Explanation that the proposed Policy sets out the protocols and processes that will be applied in any future changes  The change in the redundancy pay multiplier is being proposed after benchmarking with other authorities in Derbyshire and the East Midlands  Reassurance was given that redundancy will always be the last resort and redeployment and reskilling is the preferred route.	/
Consultation with Joint Consultative Group (Representatives of	Meeting of 7 November 2013	JCG minutes	The proposed new policy was considered. Comments and concerns raised by staff and the Employee Group (see above) were tabled and answered. JCG voted 9 in favour, 1 against	/

Trade Unions, District Council Members)			and 1 abstention for the proposals.  It was agreed that the Corporate Committee be recommended to approve the adoption of the Change Management Policy with effect from 1 January 2014. Further comments received from staff are to be considered at the Committee meeting.	
Consultation with Corporate Management Team	Meeting of 7 November 2013		Proposed Policy discussed at CMT. No equalities issues raised	/
Ongoing Consultation with staff	All staff email 8 November 2013	HR Manager	Update of propose Policy. Summary of discussion and minutes of JCG meeting of 7 November 2013 circulated. Opportunity for further comments to be received from staff up to 1 December 2013. This has now been extended to 12 December 2013	Any further comments to be considered at the Committee meeting

Protected Groups	Positive effects	Negative effects	No effect	Improvement actions
Does the policy, practice, service or function have a positive or negative impact on people of a particular <b>age</b> such as children, young people, and older people?	<p>The proposed Policy ensures that support is to be provided to staff of all ages affected by the change process</p> <p>Redundancy pay is to be calculated on the Statutory Redundancy Pay formula and age criteria included within this scheme</p> <p>The Local Government Pension Scheme Regulations state that for employees aged 55 and over, redundancy automatically triggers the payment of pension.</p>	<p>The proposed reduction in the multiplier from 1.5 to 1 week's pay for each year of service makes redundancy pay less supportive.</p> <p>Staff aged over 55 may consider flexible retirement and voluntary early retirement if the pension is accessible. However, Paras 1.5, 4.1 and 4.5 state that these schemes are not a right or entitlement. Each case will be considered on its business case and cost implications to</p>		<p>No action required – the level of redundancy pay proposed is dependent on the statutory formula with regard to age and length of service. However, the weekly rate that redundancy is calculated upon will remain at actual pay not the statutory maximum weeks' pay</p> <p>No action required – Staff aged 55 or over are able to apply and a decision will be taken based on the business case and VfM test set out in the policy. The business case template requires</p>

Protected Groups	Positive effects	Negative effects	No effect	Improvement actions
	<p>Given the cost of release is greater for those with longer service the Policy provides clarity for those casual workers with a regular pattern of work for over a 2 year period (many of whom are young), as they will be eligible for redeployment or redundancy (14.3)</p>	<p>establish whether the scheme is affordable and a good use of public money. This may have a negative impact on older people if costs are considered prohibitive.</p> <p>Younger employees who are casual workers may feel more at risk in a restructure.</p> <p>Those aged below 55 and affected by redundancy would be unable to access their Local Government pension</p>		<p>consideration of equality implications</p> <p>No action required – there is no mutuality of obligation to offer or accept work. However, staff will be referred on to appropriate agencies for support and advice e.g. CAB and Jobcentre plus</p> <p>No action required – This policy is included within the Local Government pension scheme (adopted by DDDC) and cannot be changed</p>
<p>Does the policy, practice, service or function have a positive or negative impact on <b>people with disabilities</b> including people with physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health difficulties?</p>	<p>The Policy (15.6) refers to consulting with staff absent for sickness reasons.</p> <p>The policy also ensures that disability related absence is not a criterion in redundancy selection.</p> <p>The District Council has a duty to make reasonable adjustments within the workplace so that staff with disabilities / limiting long term illnesses who may be redeployed or relocated are not disadvantaged.</p> <p>The Policy is available in other accessible formats</p>			<p>The Policy has been amended to refer explicitly to consulting with staff absent due to disability</p> <p>Any redeployment should consider the need for reasonable adjustments to be made. Advice will be available to managers from HR on a case by case basis</p>

Protected Groups	Positive effects	Negative effects	No effect	Improvement actions
Does the policy, practice, service or function have a positive or negative impact on any <b>racial / minority ethnic groups</b> ?	The Policy applies equally to all staff regardless of ethnicity		No differential impact anticipated	None
Does the policy, practice, service or function have a positive or negative impact on <b>women or men</b> including those living in particular communities?	The Policy applies equally to all staff regardless of gender	Women and men with caring responsibilities could be adversely affected where redeployment is to another location and travel times significantly increase		The District Council's Flexible Working Policy will apply to those affected by redeployment to another location. Consultation will take place with those affected to consider their needs on a case by case basis
Does the policy, practice, service or function have a positive or negative impact on <b>pregnant women or people on maternity or paternity leave</b> ? Please also consider any impacts on <b>breastfeeding mothers</b> .	<p>The Policy (15.6) includes a commitment to consult with staff absent due to maternity/ paternity/ adoption leave and to keep them informed of the process. They will be consulted by letter and invited to a meeting or a home visit. Their manager will keep in touch to update on progress.</p> <p>The Policy ensures that maternity related absence is not a criterion in redundancy selection.</p>	<p>Those absent due to pregnancy should also be consulted</p> <p>Pregnancy related absence should also be excluded from consideration in redundancy criteria</p> <p>There are possible negative impacts where redeployment to another location affects pregnant women, people on maternity/paternity leave or with young children due to additional travel times</p> <p>The policy needs to reflect the additional protections afforded to women on</p>		<p>The Policy on consultation with absent staff has been amended to include pregnancy as well as maternity as a protected group</p> <p>The Policy has been amended to exclude pregnancy as well as maternity related absence from the redundancy criteria</p> <p>See actions under Gender</p> <p>The Policy has been amended to include</p>

Protected Groups	Positive effects	Negative effects	No effect	Improvement actions
		statutory maternity leave when considering redundancy situations		favourable treatment to women on maternity leave in cases of redundancy i.e. that a suitable alternative vacancy will be offered in preference to other redeployees
Does the policy, practice, service or function have a positive or negative impact because of a person's <b>marital status including civil partnership</b> ?	The Policy applies equally to all staff regardless of marital status		No differential impact anticipated	None
Does the policy, practice, service or function have a positive or negative impact on people with a particular <b>sexual orientation</b> ?	The Policy applies equally to all staff regardless of sexual orientation		No differential impact anticipated	None
Does the policy, practice, service or function have a positive or negative impact on people with particular <b>religion or belief</b> ?	The Policy applies equally to all staff regardless of religion or belief		No differential impact anticipated	None
Does the policy, practice, service or function have a positive or negative impact on <b>trans people or people planning to or going through gender reassignment</b> ?	The Policy applies equally to all staff regardless of gender reassignment		No differential impact anticipated. The Policy treats absence associated with gender reassignment the same as	None

Protected Groups	Positive effects	Negative effects	No effect	Improvement actions
			normal sickness absence	
Does the policy, practice, service or function have a positive or negative impact on <b>access for people in rural areas</b> ?	Travel to work distances may decrease as a result of redeployment to a different location (14.8). The Policy ensures that relocation assistance is given for 18 months	Travel to work distances may increase for some staff who live in rural areas.  The proposal to reduce the relocation assistance from 3 years to 18 months could have a financial impact on staff	Staff who are relocated as a result of the Parks, Gardens and Street Cleansing Review are protected for 3 years under the existing terms	Where relocation is a requirement, managers will consult on the implications for staff on a case by case basis to help reduce the impact (also see action under Gender)  No action required – The proposed re-location assistance has been benchmarked against other Derbyshire councils and is considered reasonable in comparison
Does the policy, practice, service or function have a positive or negative impact on <b>other groups e.g. those experiencing deprivation or health inequalities</b> ?	The Policy (15.6) includes a commitment to consult with staff absent due to sickness absence and to keep them informed of the process. They will be consulted by letter and invited to a meeting or a home visit. Their manager will keep in touch to update on progress.  The redundancy selection process now considers frequency of sickness absence as well as days lost due to sickness as a secondary criteria to reduce any disproportionate effect to those experiencing health issues  The proposal for the Employee Group to accompany staff could have a positive impact on those unable to afford Trade Union subscription	The proposal to reduce the redundancy pay to a multiple of x1 could impact on some staff.		No action required – the level of redundancy pay proposed is dependent on the statutory formula with regard to age and length of service. However, the weekly rate that redundancy is calculated upon will remain at actual pay not the statutory maximum weeks' pay

<b>Outsourced services</b>	
If your policy, practice, service or function is partly or wholly provided by external organisations/agencies, please list any arrangements to ensure that they promote equality and diversity (Include this in your improvement plan)	Are council policies built into contractual or service agreements? N/A
<b>Relations between different protected groups</b>	
Does your assessment show that a policy, practice, service or function may amount to potential adverse impact between different protected groups? If yes please explain how the improvement plan is going to tackle this issue	Any adverse differential impacts should be addressed  Statutory maternity regulations give additional protection (see above policy amendments)

<b><i>If an existing policy, practice, service or function, has it achieved its intended outcomes for the customer groups / stakeholders identified? If not, are there any equalities issues for protected groups?</i></b>
<i>N.B. If nothing additional to answers to key questions move on.</i>  New policy (see below)
<b><i>If a new policy, practice, service or function, what factors <u>could</u> affect its intended outcomes from being achieved and are there any equalities issues for protected groups?</i></b>
<i>N.B. If nothing additional to answers to key questions move on.</i>  This new Policy and guidance notes specifically advises managers to ensure no discrimination, direct or indirect occurs against all of the 9 protected characteristics. The post matching process and redundancy selection processes are designed to be objective and evidence based, not subjective, and based on individual business cases.  The Policy reflects current employment and equalities legislation to ensure that all staff are treated fairly  The business case template includes the requirement to state equality implications.
<b><i>Can you think of any intentional or unintentional factors that could contribute to negative or differential impact?</i></b>
<i>N.B. If nothing additional to answers to key questions move on.</i>  No

**Summarise the key issues resulting from this equality impact assessment and any measures identified to minimise or remove any adverse impact and promote equality of opportunity?**

Protected Group:	Key Issues:	Actions / Comments:
Age	<p>a) The proposed reduction in the multiplier from 1.5 to 1 week's pay for each year of service makes redundancy pay less supportive</p> <p>b) Staff aged over 55 may consider flexible retirement and voluntary early retirement if the pension is accessible. However, the policy states that these schemes are not a right or entitlement. Each case will be considered on its business case and cost implications. This may have a negative impact on older people if costs are prohibitive</p> <p>c) Younger employees who are casual workers may feel more at risk in a restructure</p> <p>d) Those aged below 55 and affected by redundancy would be unable to access their Local Government pension</p>	<p>a) No action required – the level of redundancy pay proposed is dependent on the statutory formula with regard to age and length of service. However, the weekly rate that redundancy is calculated upon will remain at actual pay not the statutory maximum weeks' pay</p> <p>b) No action required – Staff aged 55 or over are able to apply and a decision will be taken based on the business case and VfM test set out in the policy. The business case template requires consideration of equality implications</p> <p>c) No action required – there is no mutuality of obligation to offer or accept work. However, staff will be referred on to appropriate agencies for support and advice e.g. CAB and Jobcentre plus</p> <p>d) No action required – This policy is included within the Local Government pension scheme (adopted by DDDC) and cannot be changed</p>
Disability	<p>e) The Policy refers to consulting with staff absent for sickness reasons but would benefit from being clearer with regard to treatment of those off work due to disability related absence</p> <p>f) The District Council has a duty to make reasonable adjustments within the workplace so that staff with disabilities / limiting long term illnesses are not disadvantaged</p>	<p>e) The Policy has been amended to refer explicitly to consulting with staff absent due to disability</p> <p>f) Any redeployment should consider the need for reasonable adjustments to be made. Advice will be available to managers from HR on a case by case basis</p>
Gender	<p>g) Women and men with caring responsibilities could be adversely affected where redeployment is to another location and travel times significantly increase</p>	<p>g) The District Council's Flexible Working Policy will apply to those affected by re-deployment to another location. Consultation will take place with those affected to consider their needs on a case by case basis</p>
Pregnancy & Maternity	<p>h) Those absent due to pregnancy should also be consulted regarding potential redundancy / redeployment</p> <p>i) Pregnancy related absence should also be excluded from consideration in redundancy criteria</p> <p>j) There are possible negative impacts where redeployment to another location affects pregnant women, people on maternity/paternity leave or with young children due to additional travel times</p> <p>k) The policy needs to reflect the additional protections afforded to women on statutory maternity leave when considering redundancy situations</p>	<p>h) The Policy on consultation with absent staff has been amended to include pregnancy as well as maternity as a protected group</p> <p>i) The Policy has been amended to exclude pregnancy as well as maternity related absence from the redundancy criteria</p> <p>j) See actions under Gender</p> <p>k) The Policy has been amended to include favourable treatment to women on maternity leave in cases of redundancy i.e. that a suitable alternative vacancy will be offered in preference to other redeployees</p>

<p><b>Other Groups:</b></p> <p>e.g. People in rural areas or experiencing deprivation or health inequalities</p>	<p><b>l)</b> Travel to work distances may increase for some staff who live in rural areas</p> <p><b>m)</b> The proposal to reduce the relocation assistance from 3 years to 18 months could have a financial impact on staff</p> <p><b>n)</b> The proposal to reduce the redundancy pay to a multiple of x1 could impact on some staff</p>	<p><b>l)</b> Where relocation is a requirement, managers will consult on the implications for staff on a case by case basis to help reduce the impact (also see action under Gender)</p> <p><b>m)</b> No action required – The proposed re-location assistance has been benchmarked against other Derbyshire councils and is considered reasonable in comparison</p> <p><b>n)</b> No action required – the level of redundancy pay proposed is dependent on the statutory formula with regard to age and length of service. However, the weekly rate that redundancy is calculated upon will remain at actual pay not the statutory maximum weeks' pay</p> <p>The HR Manager and CMT will monitor implementation of the policy.</p>
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***From the information gathered above, does the policy, practice, service or function discriminate (either directly or indirectly) against any protected groups? Explain why?***

The Statutory Redundancy calculator and the Local Government Pension Scheme regulations mean that the Policy indirectly favours older people. Additional statutory protections for women on maternity leave are also included. Other than these required protections, the policy is not considered discriminatory. Indeed, the policy requires that equality and diversity issues must be considered in all decisions taken.

***Do you think this policy, practice, service or function should proceed to full EIA? Explain why***

*The full EIA process includes a stakeholder day to gain views on any key issues and the preparation of an action plan to address them.*

No. The main stakeholders i.e. District Council staff, local Trade Union representatives and Members on JCG have been consulted on the proposed policy and the EIA has identified and addressed the main equalities issues ahead of consideration by the Council's Corporate Committee. It is not considered that a further stakeholder day will add to the information already available. Required improvement actions are set out above. The EIA will be reviewed should any future changes be proposed beyond those currently identified.

**PLEASE FORWARD THE COMPLETED FORM TO THE DISTRICT COUNCIL'S LEAD EQUALITIES OFFICER**

Signed Deborah Unwin / Sarah Newton (Completing Officer) Signed Giles Dann (Equalities Lead Officer)