

## Equality impact assessment form for quick COVID 19 decisions only

Directorate	Corporate Resources
Service area	Human Resources
Proposal	<p>To require any employees who have been Shielding to return to a COVID secure workplace following the end of the Shielding programme on 1st April if they cannot work from home.</p> <p>To include in guidance that <i>“In the event that a colleague does not return to work and the Council has demonstrated that all necessary actions have been taken and that everything reasonably practicable has been done to minimise risk, for pay and salary to remain in place all contractual provisions will be explored, including other leave provisions if alternative work cannot be provided. In certain circumstances, we may consider disciplinary action and/or the withholding of pay as this may constitute unauthorised absence or partial performance.”</i></p> <p>This guidance is intended to provide information for those previously Shielding returning to the workplace, but may also apply to any employee who has expressed concerns about returning to the workplace and ultimately refuses to attend work.</p>
Reason for proposal	Shielding programme ending on 1 <sup>st</sup> April and Government guidance stating that employees who cannot work from home should attend workplaces if they are COVID secure.
Sign off (Director/Head of Service)	Liz Moore, Head of HR
Date of assessment	

***Please read the support notes before completing your assessment that are set out in Appendix 1.***

### The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

### The assessment team or name of individual completing this form

Team leader's name and job title – Liz Best, Strategic HR Manager

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Amy Stevens	HR Advisor	Derby City Council	HR

### Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

1. What are the main aims, objectives and purpose of the decision you want to make?	Clarity for colleagues who have been Shielding about the expectation and process of their safe return to the workplace, if they cannot work from home. This may also apply to other
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	employees who have expressed concerns about returning to the workplace, if they cannot work from home.
2. Why do you need to make this decision?	To give managers the guidance and processes required to facilitate their team members who have been Shielding to return to the workplace, if they cannot work from home.
3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?	Any changes to policy and guidance that require communication to staff and managers will be carried out by the Strategic HR team in the form of guidance in the Coronavirus FAQs on iDerby and via advice on specific cases.
4. Who are the main customers, users, partners, colleagues or groups affected by this decision?	All Derby City Council employees who have been Shielding and unable to work from home (circa 30 employees) plus any colleagues who are required to return to the workplace as they cannot work from home, but express concerns about this return. Any Derby City Council Managers who have a team member who has been Shielding and unable to work from home or who they require to return to the workplace but who have concerns.

## Step 2 – collecting information and assessing impact

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.	<p>EMC/LGA – for advice on whether a local authority stance exists on this subject at a national level. The advice for now from the LGA regarding an employee refusing to attend work or perform their duties is – “It is anticipated that employees will, as far as possible within the constraints of workplace closures, caring responsibilities and complying with Government advice on self-isolating and social distancing, continue to perform their duties and be flexible to ensure that services continue to be provided. Personal protective equipment advice should be followed both in relation to COVID-19 and any other risks applying to the roles that employees are asked to perform. If difficulties arise with a refusal to attend work or a refusal to carry out certain duties, managers should ascertain what the concerns are, consider what, if anything, can be reasonably done to address those concerns and take action accordingly, to encourage the individual to work.</p> <p>If this has been done, but the individual still refuses to attend or perform the task then this may constitute unauthorised absence or partial performance (ie where they are only prepared to carry out certain tasks rather than their full range of duties). This may be a disciplinary issue, which may justify withdrawal of pay. The manager should explain the individual’s contractual obligations and</p>
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	<p>the consequences of refusing to work. If there is still no change in the individual's position, immediate advice should be sought from HR to ensure an appropriate and consistent approach can be taken.”</p> <p>Our previous guidance and previous <a href="#">Joint Negotiating Committee for Local Authority circular</a> when Shielding was paused last year.</p> <p>The <a href="#">letter</a> issued by the Government on 17<sup>th</sup> March to those Shielding explaining that Shielding was ending.</p> <p>Derbyshire County Council, who have shared with us that they have adopted a similar stance in regard to this decision.</p> <p>Corporate Health &amp; Safety team, who have checked the guidance and this EIA to ensure it is fit for purpose, up to date and in line with Government and Health and Safety Executive standards.</p> <p>Internal DCC Legal Team, who advised on Shielded staff returning to work when Shielding was previously lifted in August 2020.</p>
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6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<b>Age</b> – older and younger people	Age is a risk factor used in the QCovid® model to estimate a person's combined risk of COVID-19, therefore, it is likely that as age increases so does the likelihood of being classed as clinically extremely vulnerable. Therefore, older employees are likely to be		✓	Guidance primarily reminds that the overall approach remains to work from home if you can, including any opportunities for reallocation if existing role cannot be worked from home.

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	<p>more impacted by this decision.</p> <p>It is widely acknowledged that, even if not defined as clinically extremely vulnerable, the risk of severe symptoms, hospitalisation and death are increased with age. Therefore, older employees could be more concerned about the risk of infection when returning to the workplace.</p>			<p>We advocate a collaborative and supportive approach between employee and manager on agreeing a plan for any necessary return to the workplace. This would include managers offering support, listening to and addressing any concerns raised.</p> <p>From a Risk Assessment perspective a COVID-secure assessment for the service will be in place. This risk assessment will have been consulted on with colleagues, shared with Trade Union Colleagues and reviewed by COVID Policy Group before being published on iDerby. This will be shared with the individual prior to returning to work. In addition an Individual COVID-19 Risk Assessment for anyone who has been Shielding. . An outcome of the Individual COVID-19 Risk Assessment could be to make reasonable adjustments, utilise Access to Work or make a</p>

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				<p>referral to Occupational Health. An outcome of the Individual COVID-19 Risk Assessment could be that it is not suitable for the employee to return to the workplace and provision is given in these circumstances, if no reallocation opportunities can be found, that an employee may need to remain at home on full pay.</p>
<p><b>Disability</b> – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments</p>	<p>Some impairments form part of the definition of clinically extremely vulnerable and some impairments are also risk factors used in the QCovid® model to estimate a person's combined risk of COVID-19, therefore, it is likely that a larger proportion of disabled people in the workforce population are clinically extremely vulnerable than the general workforce population. Therefore, people who share this protected characteristic are likely to be more impacted by this decision.</p> <p>Disabled employees with impairments such as</p>		<p>✓</p>	<p>Guidance primarily reminds that the overall approach remains to work from home if you can, including any opportunities for reallocation if existing role cannot be worked from home.</p> <p>We advocate a collaborative and supportive approach between employee and manager on agreeing a plan for any necessary return to the workplace. This would include manager's offering support, listening to and addressing any concerns raised.</p>

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>mental health issues, could be even more concerned about the risk of infection when returning to the workplace. In addition, minority ethnic disabled colleagues may be more anxious given the high risk of Covid.</p> <p>Carers also who care for disabled relatives who may be extremely vulnerable may also be more anxious about returning to work</p> <p>When disabled people have been shielding for so long it does take a great deal of confidence to come out of this and to mix with people again.</p>			<p>. From a Risk Assessment perspective a COVID-secure assessment for the service will be in place. This risk assessment will have been consulted on with colleagues, shared with Trade Union Colleagues and reviewed by COVID Policy Group before being published on iDerby. This will be shared with the individual prior to returning to work. In addition an Individual COVID-19 Risk Assessment for anyone who has been Shielding. An outcome of the Individual COVID-19 Risk Assessment could be to make reasonable adjustments, utilise Access to Work or make a referral to Occupational Health. An outcome of the Individual COVID-19 Risk Assessment could be that it is not suitable for the employee to return to the workplace and provision is given in these circumstances, if no reallocation opportunities can be found, that an employee may need to</p>

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				<p>remain at home on full pay.</p> <p>If required their individual PEEP would also be reviewed and appropriate support provided to assist in the event of an emergency</p> <p>In addition, the support of our Employee Assistance Programme can be offered, Employee Support Networks and Chaplaincy</p>
<b>Gender identity-</b> trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.	There is no evidence to suggest that gender identity has any impact on the likelihood of being defined as clinically extremely vulnerable.			
<b>Marriage and Civil Partnership</b>	Partners of those people who are clinically vulnerable may be more uneasy about returning to work in case of passing any infection on.			We will carry out a Covid 19 risk assessment and offer support from our Employee Assistance Programme and Chaplaincy
<b>Pregnancy and maternity</b> - women who are pregnant or who have recently had a baby, including breast feeding mothers	There is no evidence to suggest that pregnancy and maternity has any impact on the likelihood of being defined as clinical extremely vulnerable. However, there is an increased risk		✓	<p>The following specific guidance is already in place for pregnant women –</p> <p>The following recommendations apply for women less than 28 weeks pregnant with no underlying</p>

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>of a pregnant woman who is beyond 28 weeks gestation becoming severely ill and of pre-term birth if COVID-19 is contracted. In addition, we know that pregnant women with certain medical conditions are being classed as extremely clinically vulnerable</p>			<p>health conditions that place them at a greater risk of severe illness from coronavirus (COVID-19)</p> <ul style="list-style-type: none"> <li>Managers should ensure that an up to date <b><u>Expectant mother risk assessment form</u></b> is completed.</li> <li>Any risks identified by the assessment should be removed or managed. If this cannot be done, managers should consider offering suitable alternative work or working arrangements (including working from home). Providing any identified risks can be removed or managed an employee can continue to work from a COVID-19 secure workplace, if necessary. <b>Until this risk assessment has been completed and any risks identified by the assessment have been removed or managed, pregnant employees should not attend the workplace.</b></li> <li>It may also be helpful in specific cases to seek</li> </ul>



	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				<p>the advice of Occupational Health.</p> <p>The following recommendations apply for pregnant women who are 28 weeks pregnant and beyond or with underlying health conditions that place them at a greater risk of severe illness from coronavirus (COVID-19) -</p> <ul style="list-style-type: none"><li>• In addition to the above steps managers should take a more precautionary approach. This is because although no more at risk of contracting the virus than any other non-pregnant person who is in similar health, pregnant women have an increased risk of becoming severely ill and of pre-term birth if they should contract COVID-19.</li><li>• For pregnant colleagues with underlying health conditions that would mean they are defined by the government as clinically extremely vulnerable, the latest advice on protecting people who</li></ul>

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				<p>are clinically extremely vulnerable should be followed.</p> <ul style="list-style-type: none"> <li>Managers should consider offering suitable alternative work or working arrangements (including working from home) for all colleagues in this group as a matter of course.</li> <li>Where adjustments to the work environment and role are not possible and alternative work cannot be found, colleagues should remain on normal pay for now. This position will remain under review as Government guidance changes.</li> </ul> <p>If you're pregnant and worried about coronavirus, you can get advice about coronavirus and pregnancy from the <a href="#">Royal College of Obstetricians and Gynaecologists</a>.</p> <p>For new mothers returning to work managers should complete the <a href="#">New mother return to work risk assessment form</a>.</p>
<p><b>Race</b> - the effects on minority ethnic communities, including newer</p>	<p>Ethnicity is a risk factor used in the QCovid® model to estimate a</p>		<p>✓</p>	

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<p>communities, Gypsies and Travellers and the Roma community</p>	<p>person's combined risk of COVID-19. Therefore, there may be some likelihood that members of the workforce from certain ethnic groups may be more at risk than the general workforce population.</p>			<p>The Director of HR and OD contacted the Council's Black, Asian and Minority Ethnic colleagues in 2020 in recognition that there are factors that may influence the impact of COVID-19 on Black, Asian and Minority Ethnic communities and the additional risks.</p> <p>The Director's letter set out about how the Council could support colleagues, including the offer of a <a href="#">COVID-19 Black, Asian and minority ethnic risk assessment</a>.</p> <p>This support continues to be available, and managers continue to engage with their Black, Asian and minority ethnic colleagues to have supportive conversations and encourage taking up the offer of an individual risk assessment</p> <p>Guidance primarily reminds that the overall</p>

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				<p>approach remains to work from home if you can, including any opportunities for reallocation if existing role cannot be worked from home.</p> <p>We advocate a collaborative and supportive approach between employee and manager on agreeing a plan for any necessary return to the workplace. This would include manager's offering support, listening to and addressing any concerns raised.</p> <p>From a Risk Assessment perspective a COVID-secure assessment would need to be available for the workplace any colleague was returning to in addition to an Individual COVID-19 Risk Assessment for anyone who has been Shielding. We advise involving employees and TUs in the COVID-secure Risk Assessment process. An outcome of the Individual COVID-19 Risk</p>

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				<p>Assessment could be to make reasonable adjustments, utilise Access to Work or make a referral to Occupational Health. An outcome of the Individual COVID-19 Risk Assessment could be that it is not suitable for the employee to return to the workplace and provision is given in these circumstances, if no reallocation opportunities can be found, that an employee may need to remain at home on full pay.</p> <p>Further support can be from our Black, Asian and Minority Ethnic Employee Support Network and Employee Assistant Programme and Chaplaincy</p>
<b>Religion or belief or none</b> - the effects on religious and cultural communities, customers and colleagues	There is no evidence to suggest that religion or belief has any impact on the likelihood of being defined as clinical extremely vulnerable.			
<b>Sex</b> - the effects on both men and women and boys and girls	There is no evidence to suggest that sex has any impact on the likelihood			

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	of being defined as clinical extremely vulnerable.			
<b>Sexual orientation</b> - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	There is no evidence to suggest that sexual orientation has any impact on the likelihood of being defined as clinical extremely vulnerable.			

**Important** - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

### Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

<b>Outcome 1</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>	<b>Adjust the proposal</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>	<b>Continue the proposal</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>	<b>Stop and rethink</b> the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision?

**Outcome 1 – Full risk assessments will be undertaken to identify any risks and colleagues should not return to the workplace until such assessments have been carried out.**

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

#### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: Tel. tekstowy: 01332 640666

#### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

#### Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

#### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم مینی کام 01332 640666 پر ہم سے رابطہ کریں۔

## Appendix 1

### Equality impact assessment form for quick decisions concerning COVID 19 – please read this section first before you do the assessment

We've adapted our usual equality impact assessment form so you can use it for quick decisions needed concerning COVID 19. Remember it needs to be completed **before** that decision is made, but we hope it will just act as a reminder that we still need to 'pay due regard to equality' under our **Public Sector Equality Duty** as this is still very much in force. The Equality and Human Rights Commission are keeping an eye on examples of discrimination and collecting evidence so it's important we still check for equality impact.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who



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don't. Protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people – this also involves taking account of disabled people's barriers and may involve treating some people more favourably than others to achieve this
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

We usually ask for teams to complete Equality impact assessments, but we realise this is not helpful for quick decisions to do with COVID 19 so you can complete them yourself, if you can't get a team together. Please ask Ann Webster, our Lead on Equality and Diversity for help and advice if you're not sure about something. You'll need to pull together all the information you can about how your proposal affects different groups of people so you can check whether they will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact and what action you will take.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It's a public document so make it easy to understand and no jargon please.

#### **Contact for help**

Ann Webster – Lead on Equality and Diversity

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