**Equality impact assessment form**

|  |  |
| --- | --- |
| Directorate | Corporate Resources |
| Service area | HR |
| Proposal | Update the Maternity, Adoption, Paternity, Parental and Shared Parental Leave Policy to make it inclusive- amended the title of the policy to ‘Family Leave and Pay Policy’ to make it more inclusive |
| Reason for proposal | Policy was not LGBTQ+ Inclusive in some of the language used |
| Sign off (Director/Head of Service) | Liz Moore |
| Date of assessment | 30 June 2021 |

**Please read the support notes to help you in Appendix 1 before completing your assessment**

**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** – Jas Bhupal – HR Advisor

Other team members if appropriate

| **Name** | **Job title** | **Organisation** | **Area of expertise** |
| --- | --- | --- | --- |
| Jas Bhupal | HR Advisor | Derby City Council | HR |
| Sara Clarke | HR Advisor | Derby City Council | HR |
| Ann Webster | Lead on Equalities and Diversity | Derby City Council | Equalities |
| Jack Taylor | Chair of the LGBTQ+ Network | Derby City Council | LGBTQ+ |

**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? | To detail employees’ entitlement to statutory and occupational maternity, adoption, paternity, parental leave and shared parental leave. To inform colleagues on how the process will work.  The Council is fully committed to equality, diversity and inclusivity and aims to ensure that all employees are treated fairly and equally, irrespective of their race, colour, nationality, ethnic origin, sex, gender reassignment, sexual orientation, marital (including civil partnerships) or parental status, age, disability, religion and belief.  To update the current policy so that the language included is inclusive. DCC is an inclusive organisation and it is important our policies reflect this.  The current ‘Maternity, Adoption, Paternity, Parental and Shared Parental leave Policy’ will be updated so that the full representation of gender/sex diversity within parenting is inclusive Consequently, for the purposes of this Policy, the legal definitions are interchangeable with the Council’s Terms/Explanation as set out in the policy. |
| 1. Why do you need to make this decision? | Feedback from the LGBTQ+ Network.  The Council agreed with the Network that not all the language included in the policy was as gender neutral as it could be.  Also based on the ‘LGBTQ+ Culture at Derby City Council Report’ which had an action for this policy to be updated with inclusive language. |
| 1. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements? | HR  Line Managers who apply the policy on a day to day basis |
| 1. Who are the main customers, users, partners, colleagues or groups affected by this decision? | All colleagues in Derby City Council – both employees and managers |

**Step 2 – collecting information and assessing impact**

|  |  |
| --- | --- |
| 1. 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. | We have consulted the LGBTQ+ Network and have attended a meeting with the Network, notes of the discussions were taken. The Draft Policy has been sent to the Network for feedback and comments and these were taken onboard in developing the revised policy and guidance.  We have worked closely with the current and previous Chair of the Network and taken onboard their comments in the revised policy.  We have consulted with the Council’s Lead on Equalities and Diversity.  Impact of the policy was discussed at a meeting on 17 June with HR, the Chair of the LGBTQ+ Network and the Lead on Equalities and Diversity.  We will engage our Trade Unions at Policy Working Group on 2 July 2021. We will take formal minutes of the discussions that take place.  We have consulted with HR colleagues and feedback was used to update the policy.  We have done detailed research on equalities and family leave policies. Research was undertaken on the Stonewall website, CIPD, ACAS, Xpert HR and other public sector organisations, including Brighton and Sussex University Hospital NHS Trust who have recently overhauled their policies.    The policy is available on request in a range of languages and in accessible formats for our disabled colleagues and councillors. |

1. 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.

| **People with protected characteristics** | **What do you already know?** | **Positive impact** | **Negative impact** | **Mitigation - what actions will you take to lessen impact?** |
| --- | --- | --- | --- | --- |
| **Age –** older and younger people | Allows employees of all ages to be aware of the benefits and leave they can receive prior to and after becoming parents – whether by birth or adoption. | **Positive** |  |  |
| **Disability –** 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 | A fair, transparent, consistent approach is provided in the operation of this policy.  Changes to the first page simplifying the language, including bullet points make it easier to read.  The document is also available in alternative formats. | **Positive** |  |  |
| **Gender identity-** 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. | Language in the policy has been updated so that it is inclusive for all our colleagues.  A colleague can get support through the LGBTQ+ Employee Network or the external Derbyshire LGBT+. | **Positive** |  |  |
| **Marriage and Civil Partnership** | A fair, transparent, consistent approach is provided in the operation of this policy.  Applies to all colleagues, whether married or not or in a civil partnership or not. | **Positive** |  |  |
| **Pregnancy and maternity -** women who are pregnant or who have recently had a baby, including breast feeding mothers | A fair, transparent, consistent approach is provided in the operation of this policy.  Language in the policy has been updated so that it is inclusive for all our colleagues. | **Positive** |  |  |
| **Race -** the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community | This Policy can be provided in different languages on request to make sure that all colleagues understand the procedure.  The policy is applied regardless of race. Making the policy easier to read is of benefit to those colleagues where English is not their first language | **Positive** |  |  |
| **Religion or belief or none -** the effects on religious and cultural communities, customers and colleagues | A fair, transparent, consistent approach is provided in the operation of this policy.  Language in the policy has been updated so that it is inclusive for all our colleagues. | **Positive** |  |  |
| **Sex -** the effects on both men and women and boys and girls | The Council will keep both the original terms along with adding inclusive terms. This was discussed with HR, the LGBTQ+ Chair and the Lead on Equalities and Diversity on 17 June.  We are not removing any terms, we are merely adding to the terms used, making the policy more inclusive. | **Positive** |  |  |
| **Sexual orientation -** the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality | Language in the policy has been updated so that it is inclusive for all our colleagues.  Entitlements are applied regardless of the sexual orientation of the parent. | **Positive** |  |  |

**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?

|  |  |  |
| --- | --- | --- |
| **Outcome 1** | **Yes** | **No major change needed** – the EIA hasn’t identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken |
| **Outcome 2** |  | **Adjust the proposal** to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified? |
| **Outcome 3** |  | **Continue the proposal** 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:   * sufficient plans to stop or minimise the negative impact * mitigating actions for any remaining negative impacts * plans to monitor the actual impact. |
| **Outcome 4** |  | **Stop and rethink** the proposal when the EIA shows actual or potential unlawful discrimination |

**Why did you come to this decision?**

It is important that all Derby City Council policies use inclusive terminology. We came to this decision as we consulted with the LGBTQ+ Network and we followed their guidance.

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.

**Appendix 1**

**Equality impact assessment form– please read this section first before you do the assessment**

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories…

* Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
* Key decisions such as allocating funding to voluntary organisations, budget setting.
* Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

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 don’t. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and 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
* encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You’ll find that completing these assessments will help you to:

* understand your customers’ and communities needs
* develop service improvements
* improve service satisfaction
* demonstrate that you have been fair and open and considered equality when working on re-structuring
* make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don’t do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You’ll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people 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 – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

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 is a public document so must not contain any jargon and must be easy to understand.

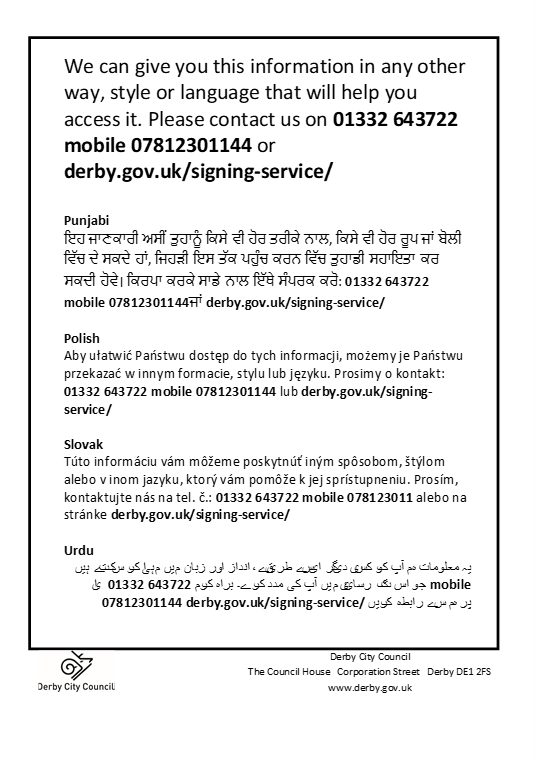
**Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 mobile 07812301144

[Sign Language Service](https://www.derby.gov.uk/signing-service/)

****