

# Equality Impact Analysis Record Form - Derbyshire County Council – Budget 2024/25

## Introduction and context

Policy/Service under development/review	Redundancy, Redeployment and Protection of Earning Policies		
Department/Corporate	CST HR: HR Operations		
Lead officer	Lorraine Booth		
EIA Team:	Lorraine Booth, Pete Buckley, Lukasz Gazda and Sally Bakry		
Date analysis commenced:	14/08/2023	Date completed:	24/01/2024
		Date approved:	

## Part 1. About the service/ policy or function and the reason for the EIA

What is the purpose of the service, policy or function? Please describe briefly the service etc
<p>The purpose of this policy is:</p> <ul style="list-style-type: none"> <li>• To provide a structured framework relating to redundancy, redeployment and protection of earnings.</li> <li>• To outline the Council's approach in accordance with legislative requirements specifically the Employment Rights Act 1996, the Equality Act 2010 and the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA)</li> </ul>

Are there any proposals to change these? What are these? e.g. budget reduction, staffing re-organisation, service eligibility.....
This replaces the existing document 'Redundancy, Redeployment, Protection of Earning and Buy Out of Hours Policies'.

Have previous changes been made due to budget savings or restructuring and did they have any adverse impact upon your customers or employees etc? Please describe any potential cumulative impact or impact arising out of other proposals elsewhere to ensure this EIA alerts decision makers to the full context for any proposals now being made.

## Part 2. Supporting evidence about impact

What is presently known about how the current service or policy impacts upon people with a protected characteristic, people from disadvantaged communities, armed forces personnel and other groups outlined in the Council's guidance for EIAs?

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools.

Recent Equalities Profile for Derbyshire County Council employees indicates the following (January 2024) based on 10917 appointments:

<b>Gender</b>	<b>Count</b>	<b>%</b>
Female	8648	79.2%
Male	2269	20.8%

<b>Disability</b>	<b>Count</b>	<b>%</b>
Disabled	540	4.9%
Not Disabled	9925	90.9%
Not Known	452	4.1%

<b>Religion</b>	<b>Count</b>	<b>%</b>
Christian	4589	42.0%
Any other religion	230	2.1%
None/No religion	3535	32.4%
Undisclosed	2563	23.5%

<b>Age Group</b>	<b>Count</b>	<b>%</b>
17-25	505	4.6%
26-35	1588	14.5%
36-45	2171	19.9%
46-55	3037	27.8%
56-65	3214	29.4%
66+	402	3.7%

<b>Sexual Orientation</b>	<b>Count</b>	<b>%</b>
LGB*	242	2.2%
Heterosexual	7891	72.3%
Undisclosed	2784	25.5%

<b>Ethnic Origin</b>	<b>Count</b>	<b>%</b>
Ethnic Minority Background	630	5.8%
White British	10030	91.9%
Undisclosed	257	2.4%

By contract type the Council has 4,402 (40.3%) full time appointments, 4,357 (39.9%) part time appointments and 2,158 (19.8%) relief appointments.

Please detail the sources for the above information

Information taken from SAP.
Is consultation planned/ has consultation take place? Please outline. If Yes, once completed what did this tell us about the likely impact on the protected characteristic and other communities/ groups etc.?
Yes The changes have been consulted on with Joint Trade Unions between March and December 2023 via the monthly Policy Forum Meetings. In addition input, comments and feedback has been sought from the HR BP Network, HR Leadership Team and Legal Services.
If there is insufficient information to determine likely impact, what information is needed and how will it be obtained in the future?
For each service review where there are potential workforce implications an EIA will be completed.

### Part 3. Analysing and assessing the impact by equality Protected Characteristic group

Use the information, customer feedback and other evidence to determine upon whom the policy/ service and any proposed changes will impact upon and how, highlighting where these have a negative, positive or no impact, including where this could constitute unfair treatment, limit access, or result in additional inequality or disadvantage, hardship, or exclusion.

For any identified negative potential impact, you must provide details of any action or options which could mitigate against this, and in serious cases, you should highlight where the Council would be advised not to proceed with a new or changing policy or service, including any proposals which are being considered.

Please use your action plan towards the rear of this document to record the action and the monitoring that will take place to deliver or identify appropriate mitigation.

<b><i>Protected Characteristic or Group</i></b>	<b><i>Positive impact</i></b>	<b><i>Negative impact</i></b>	<b><i>No impact</i></b>
<b>All protected characteristics/ general population</b>			
(Please describe)			

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Age</b>			Considered no impact
(Please describe)	Although contractual redundancy payments are calculated using age and length of service, this is a recognised method used in the calculation of statutory redundancy pay.		
<b>Disability</b>	Yes		
(Please describe)	<p>The policy acknowledges that where the employee has a disability (as defined under the Equality Act 2010) the council will take all reasonable steps and consider reasonable adjustments to support the employee in securing redeployment. Consideration must be given to the need to provide a greater degree of assistance in finding alternative work.</p> <p>In any redundancy selection processes absences relating directly to an employee's disability (as defined under the Equality Act 2010) will be discounted.</p>		
<b>Gender re-assignment</b>			Considered – no impact
(Please describe)	NA		
<b>Marriage &amp; civil partnership<sup>1</sup></b>			Considered – no impact
(Please describe)	NA		
<b>Pregnancy &amp; maternity</b>	Yes		
(Please describe)	The policy acknowledges employees on maternity leave have an entitlement to be offered suitable alternative employment if such exists. Such consideration is in advance of that given to any other employees.		

<sup>1</sup> Under EA 2010 – someone in a CP must not be treated less favourably than a married person

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
	In any redundancy selection process absences relating directly to maternity/ante-natal will be discounted.		
<b>Race &amp; ethnicity</b>			Considered – no impact
(Please describe)	NA		
<b>Religion/ belief<sup>2</sup></b>	Yes		
(Please describe)	In a redeployment situation, offers of suitable alternative employment should take into consideration obligations related to the employee's faith, e.g. time for prayer, flexible working arrangements during religious festivals, holy months, etc.		
<b>Sex or gender<sup>3</sup></b>			Considered – no impact
(Please describe)	NA		
<b>Sexual orientation</b>			Considered – no impact
(Please describe)	NA		
<b>Human Rights</b>			Considered – no impact
(Please describe)	NA		
<b>Armed Forces personnel/ households</b>	Yes		
(Please describe)	In any redundancy selection processes absences relating directly to an employee's volunteer activity as part of the Territorial Army (TA) will be discounted.		

<sup>2</sup> Under EA 2010 – must also consider non-religious belief

<sup>3</sup> Sex and gender can be used at different times depending upon whether you are referring to the EA 2010 and the different duties which exist

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Users of British Sign Languages</b>	Yes		
(Please describe)	The Council must ensure that relevant reasonable adjustments are considered and in place for employees who are deaf and are users of British Sign Language. Relevant arrangements can be discussed with Occupational Health.		
<b>DCC Employees</b>	Yes	Yes	
(Please describe)	<p><b>Positive</b></p> <p><u>Redeployment:</u> Provision of a robust redeployment offer with the aim of:</p> <ul style="list-style-type: none"> <li>ensuring that valuable skills, experience and knowledge of our employees are retained, where circumstances permit.</li> <li>maintaining high quality and cost-effective services</li> </ul> <p><u>Redundancy:</u> Where redundancies occur, and employees have sufficient service to qualify for a payment, this is calculated on actual weekly pay and not the weekly capped amount, currently £643 per week. Furthermore, redundancy pay is not capped at the maximum statutory amount, currently £19,290.</p> <p><u>Protection of Earnings:</u> Where an employee's role changes due to a decision of the council, we will continue to apply a period of pay protection (up to two grades below).</p> <p><b>Negative</b></p> <p><u>Redundancy:</u> Budget pressures may mean a reduction in the number of employment opportunities. Suitable alternative employment may not be able to be secured within DCC leading to a compulsory redundancy situation.</p> <p><u>Protection of Earnings:</u> The period of pay protection will reduce from 2 years to 18 months.</p>		

<b>Protected Characteristic or Group</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>No impact</b>
<b>Community and Voluntary sector organisations working with protected characteristic groups</b>			Considered – no impact
(Please describe)	NA		
<b>Socio-economic/ financial inclusion/ deprived communities/ Thriving communities</b>			Considered – no impact
(Please describe)	NA		
<b>Carers (Unpaid and paid)</b>			Considered – no impact
(Please describe)	NA		
<b>Other, please state</b>			

#### **Part 4. Summary of key findings**

A review of the policy gives the Council an opportunity to ensure that arrangements are reflective of the organisations; need, are appropriate, effective, efficient and in accordance with relevant legislation. The policy will apply to all employees, acknowledging any required adjustments due to protected characteristics, e.g. meeting the needs of employees with disabilities to consider and make reasonable adjustments.



**Any recommendations to adjust/ stop or change the proposals in light of the above? (These should be recorded in the action plan below alongside any plans to mitigate likely impact via implementation e.g. plans to communicate changes to the public).**

NA

## Part 5. Proposed Equality Action Plan

Please complete this Action Plan to outline any mitigation you intend to take.

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
<p>Review of policy in light The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 which have been laid before Parliament. The Regulations extend the period during which certain employees are entitled to be offered a suitable alternative vacancy if they would otherwise be made redundant.</p>	<p>The new right can be summarised as follows:</p> <p>Pregnancy protection: Pregnant women who are not on maternity leave will be protected during the pregnancy. This applies when a woman has informed her employer of her pregnancy on or after 6 April 2024. If a woman miscarries or gives birth to a stillborn child before 24 weeks then she will be protected for 2 weeks after the pregnancy ends.</p> <p>Extended protection ‘maternity’: Women whose maternity leave ends on or after 6 April 2024 will benefit from protection throughout maternity leave and then for the remainder of the 18-month period after the date of childbirth.</p>	<p>These changes come into force from 6 April 2024.</p> <p>We will want to be particularly mindful of the impact these changes could have on any imminent redundancy exercises.</p> <p>Lorraine Booth/Sally Bakry</p>	<p>Monitored via LGA updates on legislative changes.</p>

Issue identified	Action required to reduce impact/ mitigate	Timescale and responsibility	Monitoring and review arrangements
	<p>Extended protection 'adoption': Employees on adoption leave that ends on or after 6 April 2024 will benefit from protection throughout adoption leave and then for the remainder of the 18-month period after the date of placement.</p> <p>Extended protection 'Shared Parental Leave': Employees who take a period of Shared Parental Leave of 6 weeks or more beginning on 6 April 2024 or later, will be protected not only during the Shared Parental Leave but for 18 months from the date of childbirth or placement.</p>		

**Date and outcome of any Cabinet/ Cabinet Member or Council Report to which this was attached and their decision:**

ACOS: 26 February 2024