

Cabinet

1 June 2020

Background document

Item

Pages

6. **AUTHORITY TO AWARD CONTRACT FOR THE MANAGED SERVICES FOR TEMPORARY AGENCY RESOURCES**

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H&F Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

Page 2 The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense, and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Strategy & Communities team for support.
6. Further advice and guidance can be accessed from the separate guidance document (on the intranet) or [ACAS - EIA](#). Or you can contact the relevant officer (see below).

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H&F Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	July 2020 to June 2022
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Re- Procurement of a Managed Services Provider for the Provision of Agency Workers – Report to Cabinet.</p> <p>Short summary: The Council's contingent workforce is currently facilitated through a Managed Services Provider (MSP) for the provision of agency workers. The contract will terminate in June 2020. There is no option to extend. The report is seeking to retain the current way of providing temporary agency resources through the Covid-19 crisis and into transition to recovery to reduce the impact on the organisation and its residents during this period.</p> <p>Approval is being sought to award a contract for a period of up to 2 years (1 year with an option to extend for a further year) to the current provider under a Framework .</p> <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager.</p>
Lead Officer	<p>Name: Mary Lamont</p> <p>Position: Head of People and Talent</p> <p>Email: mary.lamont@lbhf.gov.uk</p> <p>Telephone No: 0782 535 1847</p>
Date of completion of final EIA	12 / 05 / 2020

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Section 02	Scoping of Full EIA						
Plan for completion	<p>Timing:</p> <p>Resources:</p>						
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral, or negative impact on equality, giving due regard to relevance and proportionality.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Protected characteristic</th> <th style="width: 60%;">Analysis</th> <th style="width: 20%;">Impact: Positive, Negative, Neutral</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td>Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory</td> <td>Neutral</td> </tr> </tbody> </table>	Protected characteristic	Analysis	Impact: Positive, Negative, Neutral	Age	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory	Neutral
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Age	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory	Neutral					

	practices. Further analysis is provided in Section 05 below	
Disability	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Gender reassignment	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Marriage and Civil Partnership	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Pregnancy and maternity	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Race	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Religion/belief (including non-belief)	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices.	Neutral

	Further analysis is provided in Section 05 below	
Sex	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
Sexual Orientation	Although the potential for discrimination exists in terms of Agency Worker assessment and selection, established provisions exist to help prevent such actions and to protect Agency Workers / the Council against discriminatory practices. Further analysis is provided in Section 05 below	Neutral
<p>Human Rights or Children's Rights If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? Yes / No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? Yes/No</p>		

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	Hammersmith and Fulham Agency Workers Policy, Hammersmith and Fulham Equal Opportunities Policy. Agency workers are afforded protection from unlawful discrimination, victimisation and harassment under the Councils Agency Workers policy and Equal Opportunity policy. Agency workers will also benefit from the Councils various policies to advance equality of opportunity.
New research	If new research is required, please complete this section

Section 04	Consultation
Consultation	Details of consultation findings (if consultation is required. If not, please move to section 06)
Analysis of consultation outcomes	N/A

Section 05	Analysis of impact and outcomes
Analysis	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal, or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p>Groups with protected characteristics have different experiences within employment which impact on their opportunity to gain employment, enter management positions and to be free from discrimination, bullying and harassment.</p> <p>Age from April to June 2019 792,000 (11.5%) of all people aged 16 to 24 in the UK were Not in Education, Employment or Training (NEET), an increase of 28,000 from January to March 2019 and was up 14,000 from the previous year (Office for National Statistics 2019)</p> <p>Disability The Labour Force Survey 2019 (LFS), showed the disability employment gap has reduced between 2013 and 2019, with the latest data showing roughly half of disabled people were in employment (53.2) compared to 81.8% of working-age non-disabled people.</p> <p>Gender Reassignment People considering or undergoing gender reassignment are afforded protection under the Equality Act 2010 against unlawful discrimination, bullying, harassment and victimisation. Recruitment agencies should have measures in place to support trans gender agency workers in their pursuit of employment. Agencies should ensure that transgender workers are recognised and respected as the gender in which they live. This is the case whether or not they have had medical treatment or acquired a Gender Recognition Certificate. Recognition of change of gender for employment purposes is usually from the point at which the person begins living in their new gender.</p> <p>Marriage and Civil Partnership The Equality Act says that staff or agency workers must not be discriminated against in employment because they are married or in a civil partnership. In the Equality Act, marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man</p>

and a woman or between partners of the same sex. Civil partnership is between partners of the same sex.

Pregnancy and maternity Women who are pregnant or on maternity leave are afforded protection under the Equality Act and further protection under the Agency Workers Regulations 2013.

Race Employment rates between White ethnic groups and all other ethnic groups combined reduced to 12% in 2018. The highest unemployment rate was Other White ethnic group at 82% and the lowest unemployment rate was in the combined Pakistani and Bangladeshi ethnic group at 57%

Religion/belief (including non-belief) Agency workers who have religious, faith or philosophical beliefs are protected from discrimination, bullying, harassment and victimisation, either from the agency or organisation they are placed with.

Sex Unemployment for men was 4% and 3.6% for women in 2019

Sexual Orientation The last 5 years has seen the proportion of the UK population identifying as lesbian, gay or bisexual has increased from 1.5% in 2012 to 2.0% in 2017, Males were more likely to identify as LGB than females in 2017.

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Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for LBHF, and the overall outcome.</p> <p>Hammersmith and Fulham Council, as an equal opportunity employer is keen to use a diverse range of agency staff which reflects the characteristics of the borough and the wider Greater London Population. In ensuring that Hammersmith and Fulham Council, meets its Public Sector Equality Duties to:</p> <ul style="list-style-type: none">• Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;• Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>The recruitment of temporary agency workers has the potential to impact on each of the protected characteristics identified above.</p>

	<p>Both the framework agreement and the proposed call off contract make clear that temporary agency workers are not and cannot become employees of the Council as part of their agency engagement.</p> <p>Both the framework agreement and the call off contract include robust non-discrimination provisions and require the provider to take all reasonable steps to ensure that anyone engaged in the performance of the contract with the Council observes these provisions.</p> <p>The call off contract with the supplier reinforces its obligations to comply with the law in relation to protected characteristics. It includes a commitment to ensure that the supplier and agencies in its supply chain understand the Council's commitment to equality and diversity, monitor and review fairness and equality throughout the recruitment process and, where appropriate, agree action to improve diversity in recruitment.</p>
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Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and department	Expected outcome	Date added to business/service plan

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Section 08	Agreement, publication and monitoring					
Senior Managers' sign-off	Name: Dawn Auger Position: Assistant Director People & Talent Email: dawn.aunger@lbhf.gov.uk Telephone No: 07825 378 492 Considered at relevant DMT:					
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 01/06/20 Key equalities issues have been included: Yes /No					
Equalities Advice (where involved)	Name: Position: Date advice / guidance given: Email: Telephone No:					