

## LBHF 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.

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 Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from the Opportunities Manager: [PEIA@lbhf.gov.uk](mailto:PEIA@lbhf.gov.uk) or ext 3430

## LBHF Equality Impact Analysis Tool

<b>Overall Information</b>	<b>Details of Full Equality Impact Analysis</b>
<b>Financial Year and Quarter</b>	<b>July 2016 / June 2020</b>
<b>Name and details of policy, strategy, function, project, activity, or programme</b>	<p>Title of EIA: (e.g. XX Strategy) State whether new or existing  <b>NEW – Procurement of a Managed Services Provider for the Provision of Agency Workers – Report to Cabinet</b></p> <p>Short summary:  <b>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 2016. It is necessary to engage a new MSP and this report details the process, options and recommendations to procure a new MSP.</b></p> <p><b>Note:</b> If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager.</p>
<b>Lead Officer</b>	<p>Name: <b>Gordon R Smith</b>          Position: <b>Shared Senior HR Business Partner</b>          Email: <b>gordon.smith@lbhf.gov.uk</b>          Telephone No: <b>020 8753 4693</b></p>
<b>Date of completion of final EIA</b>	<b>30 November 2015</b>

<b>Section 02</b>	<b>Scoping of Full EIA</b>								
<b>Plan for completion</b>	<p>Timing:          Resources: <b>N/A</b></p>								
<b>Analyse the impact of the policy, strategy, function, project, activity, or programme</b>	<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: 25%; text-align: center;">Protected characteristic</th> <th style="width: 60%; text-align: center;">Analysis</th> <th style="width: 15%; text-align: center;">Impact: Positive, Negative, Neutral</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Protected characteristic	Analysis	Impact: Positive, Negative, Neutral			
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 practices.  Further analysis is provided in Section 05 below	<b>Neutral</b>
	Disability	“	<b>Neutral</b>
	Gender reassignment	“	<b>Neutral</b>
	Marriage and Civil Partnership	“	<b>Neutral</b>
	Pregnancy and maternity	“	<b>Neutral</b>
	Race	“	<b>Neutral</b>
	Religion/belief (including non-belief)	“	<b>Neutral</b>
	Sex	“	<b>Neutral</b>
	Sexual Orientation	S“	<b>Neutral</b>
<b>Human Rights or Children's Rights</b>			
If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for			

	<p>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>
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<b>Section 03</b>	<b>Analysis of relevant data</b> 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.
<b>Documents and data reviewed</b>	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.
<b>New research</b>	If new research is required, please complete this section

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

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	<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><b>Age</b></p>

From April to June 2015 there were 922,000 young people (aged from 16 to 24) in the UK who were Not in Education, Employment or Training (NEET), a decrease of 21,000 from January to March 2015 and down 44,000 from a year earlier (Office for National Statistics 2015)

### **Disability**

The Labour Force Survey (2012), showed that disabled people are now more likely to be employed than they were in 2002, but disabled people remain significantly less likely to be in employment than non-disabled people. In 2012, 46.3% of working-age disabled people are in employment compared to 76.4% of working-age non-disabled people.

### **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.

### **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 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**

The 2011 Census, found the combination of all 'White Groups', used in the survey had the highest employment rate

(77%), of all ethnic groups (aged 16 to 64). This was the case for both men (82%) and women (72%) from this group.

The proportion of men aged 16 to 64 who were unemployed was highest in the Other Black (17%), White and Black Caribbean (16%) and Caribbean (15%) ethnic groups. For women it was highest for Black African (12%), White and Black Caribbean (11%) and Other Black (11%) groups.

Young people (aged 16-24) from the Gypsy or Irish Travellers (14%), White and Black Caribbean (13%) and Black Caribbean (12%) ethnic groups had the highest proportion of young people who were unemployed.

### **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**

Table 1 shows the Labour Market Statistics between March 2011 to October 2012 for men and women in full and part-time employment. The vast majority of men in employment work full-time (86-87 per cent) compared to just over half of all women in employment (56-57 per cent). Significantly more women in employment work part-time (43%) compared to men (13%). Therefore, although more women work full-time than they do part-time, unlike men, the difference between those working full and part-time is not as stark.

Labour Market Statistics (ONS 2012), show the majority of men are in full time employment (86-87%), compared to just over half of women in full time employment (56-57%). More women are likely to be in a parttime employment (43%) compared to men (13%).

Employment rates for women are lowest in Northern Ireland and London (approx 63%) and highest in East of England (70%) (Annual Population Survey (APS) - Office for National Statistics 2013)

### **Sexual Orientation**

Research conducted in 2014, 'The Ups and Downs of being, Lesbian, Gay or Bisexual at Work' (Manchester University and Plymouth University), found that Lesbian, Gay and Bisexual staff were more than twice as likely to be bullied and discriminated against than heterosexual employees, in a range of sectors.

One in five (19.2%) bisexual staff reported the highest levels of bullying with a third reporting regular bullying. One in

	<p>six (16.9%) lesbian staff reported bullying at work with approximately a third reporting regular bullying.</p> <p>Gay men reported more than double the levels of bullying compared to heterosexual staff.</p>
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<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<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>The process and proposals for appointing a new Managed Service Provider has not highlighted any adverse impact for any of the groups with a protected characteristics. However, the analysis has found that groups with a protected characteristics have different and sometimes adverse experience in gaining employment and issues surrounding bullying and harassment.</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"> <li>• Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;</li> <li>• Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>Hammersmith and Fulham Council has included equality and diversity provisions into its 'Councils Contract Standing Orders'. Clause 18.2 specifically places an obligation not to discriminate against any group with a protected characteristic. Clause 18.5, places an obligation to comply with the Equality Act and take all reasonable steps to eliminate discrimination, harassment and victimisation. In addition to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>



Clause 18.8 states:

‘The Contractor shall, no later than twelve months from the Commencement Date and annually thereafter submit a report to the Authority demonstrating its compliance with this Clause **Error! Reference source not found.**’.

It is recommended that the successful Managed Service Provider for providing Agency Workers, is required to submit a report to Hammersmith and Fulham Council demonstrating compliance with Clause 18.

The recruitment of temporary agency workers has the potential to impact on each of the protected characteristics identified above.

Both the framework agreement and the proposed call off contract with Pertemps make clear that temporary agency workers are not and cannot become employees of the Council as part of their agency engagement.

Both the framework agreement and the call off contract include robust non-discrimination provisions and require Pertemps to take all reasonable steps to ensure that anyone engaged in the performance of the contract with the Council observes these provisions.

The new call off contract will reinforce with Pertemps its obligations to comply with the law in relation to protected characteristics. It will include a commitment ensuring that Pertemps and its suppliers 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.

<b>Section 07</b>		<b>Action Plan</b>				
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis <b>N/A</b>					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	Successful MSP to provide Hammersmith and Fulham Council with annual report demonstrating compliance with Clause 18, 'Councils Contract Standing Orders'	Requirement to be built into contract	?	?	Information will provide a means for Hammersmith and Fulham to be assured that the provision of agency workers is undertaken in accordance with the Councils obligations under the public sector equality duty.	?

<b>Section 08</b>		<b>Agreement, publication and monitoring</b>
<b>Chief Officers' sign-off</b>	Name: Debbie Morris Position: Shared Director for HR Email: Debbie.morris@lbhf.gov.uk Telephone No: 020 8753 3068	
<b>Key Decision Report (if relevant)</b>	Date of report to Cabinet/Cabinet Member: 8 February 2016 Key equalities issues have been included: Yes/No	
<b>Opportunities Manager (where involved)</b>	Name: Albert Rose Position: HR Equalities Consultant Date advice / guidance given: 30 November 2015 Email: albert.rose@lbhf.gov.uk Telephone No: 020 8753 4975	