

## Equality impact assessment form

Directorate	Chief Executives
Service area	HR and OD
Proposal	Update the Market Rate Supplement Policy to clearly define the process which also includes the reduction of the notice period when a supplement is removed or reduced. The removal of the appeal process to bring it in-line with Job Evaluation and to provide clarity on the review periods.
Reason for proposal	The policy hasn't been updated since 2017 and due to an increase in recruitment and retention pressures, the policy needs to be refined in line with recent learning.
Sign off (Director/Head of Service)	Liz Moore, Head of HR and OD
Date of assessment	May 2023

**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** - Nicola Gerrard – HR Advisor

**Team leader's name and job title** – Helen Bounds - HR Team Lead

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Rebecca Hilton-Barber	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?	We need to clarify the policy to ensure that colleagues are clear of when a MRS will be considered, how it will be paid and under what
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	circumstances it can be amended or removed and what notice period would be applicable.
2. Why do you need to make this decision?	<p>We need to clearly state how and when a MRS will be amended or removed as to avoid any confusion. Not doing so can cause confusion for the recipient of the MRS.</p> <p>Reducing the notice period when we need to remove this temporary payment still allows a period of financial adjustment but importantly reduces the risk associated with overextending a payment.</p> <p>As with Job Evaluation, any decision made to decrease or remove a MRS will be based on factual data regarding recruitment and retention and benchmarking salaries. Therefore, there are no grounds for appeal and there is no legal obligation to provide an appeals stage as part of the MRS process.</p> <p>MRS need to be reviewed regularly to ensure they are still justified, this update clarifies the timeframes for such reviews.</p>
3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?	HR and managers who apply the policy to as necessary to jobs in their service area.
4. Who are the main customers, users, partners, colleagues or groups affected by this decision?	All colleagues in Derby City Council except the Chief Executive.

## 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.	We have had several MRS applications in the last 3 years that have highlighted technical issues with the existing policy that need to be addressed. Legal have provided advice on the content of the policy and Trade Union colleagues have been involved in discussions relating to current MRS applications. We have taken on board these comments and extended an opportunity for wider Trade Union representatives to feedback including schools.
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	<p>Comments from Trade unions have supported the need to clarify aspects of the policy as outlined in the objectives above. We will also consult with Trade Unions formally at Policy Working Group.</p> <p>We have benchmarked with neighbouring Local Authorities and carried out a wider exercise through the KornFerry Hay User Group. Changes to the policy are also based on best practice on advice from East Midlands Councils.</p> <p>We have consulted with our Lead on Equality and Diversity</p> <p>The policy is available on request in a range of languages and in accessible formats for our disabled colleagues and Councillors.</p> <p>This policy applies to all colleagues, except the Chief Executive and those employed under the delegated powers of governing bodies of community and voluntary controlled schools.</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.

People with protected characteristics	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	A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.	<b>Positive</b>		
<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	A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.  <b>The policy is also available in accessible formats on request.</b>	<b>Positive</b>		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<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.</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>This policy applies to all colleagues regardless of gender identity.</b></p>	<p><b>Positive</b></p>		
<p><b>Marriage and Civil Partnership</b></p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>This policy applies to all colleagues, whether married or not or in a civil partnership or not.</b></p>	<p><b>Positive</b></p>		
<p><b>Pregnancy and maternity</b> - women who are pregnant or who have recently had a baby, including breast feeding mothers</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>This policy is applied regardless of the pregnancy/maternity status of colleagues.</b></p>	<p><b>Positive</b></p>		
<p><b>Race</b> - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>This policy can be provided in a range of languages on request to make sure that all colleagues understand the procedure. The policy is applied regardless of the race of the colleague.</b></p>	<p><b>Positive</b></p>		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
<p><b>Religion or belief or none</b> - the effects on religious and cultural communities, customers and colleagues</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>The policy is applied regardless of religion or the beliefs of the colleagues.</b></p>	<p><b>Positive</b></p>		
<p><b>Sex</b> - the effects on both men and women and boys and girls</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>Gender monitoring will be carried out to ensure there is no indirect sex discrimination as a result of applying this policy</b></p> <p><b>The policy is applied regardless of the sex of the colleague.</b></p>	<p><b>Positive</b></p>		
<p><b>Sexual orientation</b> - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality</p>	<p>A fair, transparent, consistent approach is provided in the operation of this policy. The MRS is applied to a job role, rather than an individual, and as such all colleagues in that job role will receive the same amount of supplement.</p> <p><b>The policy is applied regardless of the sexual orientation of the colleague.</b></p>	<p><b>Positive</b></p>		

**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>Yes</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?

This policy applies to all colleagues because a MRS applies to a job role and all occupants in that role rather than the individual or their protected characteristics.

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](#)



We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **[derby.gov.uk/signing-service/](https://www.derby.gov.uk/signing-service/)**

### **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 ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **[derby.gov.uk/signing-service/](https://www.derby.gov.uk/signing-service/)**

### **Polish**

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **[derby.gov.uk/signing-service/](https://www.derby.gov.uk/signing-service/)**

### **Slovak**

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **[derby.gov.uk/signing-service/](https://www.derby.gov.uk/signing-service/)**

### **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 **01332 640000** یا **[derby.gov.uk/signing-service/](https://www.derby.gov.uk/signing-service/)** پر ہم سے رابطہ کریں