

Equality impact assessment form

Directorate	Corporate Resources
Service area	Human Resources
Proposal	Updated Attendance Management Policy and guidance
Reason for proposal	Regular review and update of policy and guidance
Sign off (Director/Head of Service)	Liz Moore, Head of HR
Date of assessment	August 2022

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 – Helen Bounds, HR Lead – Policy and Strategy

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Amy Stevens	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?	To ensure the policy and guidance is up to date with best practice and legislation, to address any inaccuracies or omissions in the existing policy, to improve clarity of the process and drive for consistency in how attendance is managed across the Council.
---	---

2. Why do you need to make this decision?	Regular reviews required for all HR policies. Guidance on iDerby identified as an area for improvement by internal audit. To ensure a fair and consistent approach to attendance management for all employees.
3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?	<p>Any changes to policy and guidance that require communication to staff and managers will be carried out by the Strategic HR team. This will include consultation with Trade Unions.</p> <p>Directors, Heads of Service and Managers will continue to be responsible for delivering the attendance management process described in the policy and guidance.</p> <p>GoodShape continue to deliver elements of the attendance recording and monitoring process.</p>
4. Who are the main customers, users, partners, colleagues or groups affected by this decision?	All Derby City Council employees are likely to be impacted by the policy.

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.	<p>Key stakeholders for the policy have been consulted throughout the policy and guidance development:</p> <p>Occupational Health and Wellbeing Manager Strategic HR team HR Shared Services Cross section of colleagues (including line managers, Heads of Service and members of the Disabled employees network) Trade Unions Lead on Equality and Diversity Digital and web content team Legal team</p> <p>The consultation started with asking for feedback from Trade Unions and Strategic HR team members who support the</p>
--	--

	<p>implementation of the guidance and the policy throughout the Council. Research was conducted using websites such as ACAS, CIPD, XperthR and considering best practice from other Councils and organisations. From there, revised guidance and policy was developed. The revised guidance was produced in conjunction with the web development team who provided guidance on ensuring the information met accessibility standards. The revised guidance was shared with Occupational Health and Wellbeing team, the Lead for Equality and Diversity and the HR Shared Services for feedback on specific aspects that crossover with their remits. User experience testing was also conducted for the guidance and involved sending out a link to the revised guidance and a questionnaire for feedback, this was sent to a cross section of around 50 colleagues from across the Council. Word versions of the guidance were made available for any colleagues without access to IT who wanted to carry out the testing and provide feedback. The revised policy has been shared with the Occupational Health and Wellbeing team, Legal team, Lead for Equality and Diversity, members of the Strategic HR team and with the Trade Unions for consultation.</p>
--	---

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?
Age – older and younger people	<p>Medical conditions related to particular stages in life could impact a colleague's attendance.</p> <p>People who are experiencing medical conditions that could be related to stages in life will be supported to achieve acceptable levels of attendance via the framework described in the</p>	Yes		.

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	policy and guidance. If those conditions result in them becoming a disabled person, then reasonable adjustments will be considered.			
<p>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</p>	<p>Disability is not necessarily an indicator of increased absence, but it could impact a colleague's attendance.</p> <p>During the feedback gathering and testing stage it has been highlighted that the different actions managers should take for attendance management purposes for disabled colleagues is not always clear.</p> <p>In line with Equality Act 2010 the revised policy and guidance confirm that reasonable adjustments will be considered for disabled colleagues with the aim of making it easier for disabled colleagues to do their job. The policy has been revised to capture those reasonable adjustments could be physical, adjustments to job role or also making adjustments to absence trigger expectations or targets set during the attendance management process as we know some disabled people may be off longer than non-disabled people, depending on their particular impairments. Better signposting has been added to</p>	Yes		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>the policy and guidance to the Disability equality at work guidelines. The ability to apply for paid disability leave (including for periods when not at work during a phased return) has been explained in the policy and guidance. The guidance on MiDerby has been rewritten to ensure clarity between reasonable adjustments and temporary arrangements.</p> <p>Carers of disabled people, older people and disabled children will be supported through the Attendance Management procedures</p> <p>We have a Disabled Employees Network who can offer support to other disabled colleagues. We are also Disability Confident Leaders in the DWP Disability Confident Scheme</p>			
<p>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.</p>	<p>Medical conditions related to gender identity and gender reassignment could impact a colleague's attendance.</p> <p>People who are experiencing medical conditions that could be related to gender identity will be supported to achieve acceptable levels of attendance via the framework described in the new policy and guidance. If those conditions result in them</p>	<p>Yes</p>		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>becoming a disabled person, then reasonable adjustments will be considered.</p> <p>Any Trans colleagues will be supported during the process of transition. Flexibility will be given for time off for appointments and counselling which will be managed through our Work Life Balance procedures.</p>			
Marriage and Civil Partnership	No equality impact identified.			
Pregnancy and maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers	<p>Pregnancy related absences could impact a colleague's attendance. The existing policy does not capture how pregnant colleagues will be protected against discrimination with regard to the attendance management process.</p> <p>In line with Equality Act 2010 the revised policy confirms that pregnancy related absences are disregarded for the purpose of attendance triggers.</p>	Yes		
Race - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community	<p>We know that certain medical conditions can affect some people of a particular race more than others.</p> <p>People who are experiencing medical conditions that could be related to race will be supported to achieve acceptable levels of attendance via the framework</p>	Yes		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	<p>described in the new policy and guidance. If those conditions result in them becoming a disabled person, then reasonable adjustments will be considered.</p> <p>We have a Black, Asian and Minority Ethnic Employee Support Network to give support to our colleagues.</p>			
Religion or belief or none - the effects on religious and cultural communities, customers and colleagues	We will be mindful not to arrange any attendance management meetings during key religious events, for example Ramadan.	Yes		
Sex - the effects on both men and women and boys and girls	<p>We know that certain medical conditions can affect one sex more than another.</p> <p>Colleagues of all sexes will be supported to achieve acceptable levels of attendance via the framework described in the policy and guidance.</p> <p>An example of a medical condition affecting one sex more than another is Menopause. We have successfully launched Menopause Friends sessions which are organised regularly and are drop-in, virtual sessions open to anyone interested in Menopause help and support at work or home</p>	Yes		

People with protected characteristics	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
Sexual orientation - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	<p>We know that certain medical conditions can affect some people with a particular sexual orientation more than others.</p> <p>People who are experiencing medical conditions that could be related to sexual orientation will be supported to achieve acceptable levels of attendance via the framework described in the new policy and guidance. If those conditions result in them becoming a disabled person, then reasonable adjustments will be considered.</p> <p>We have an LGBTQ+ and Allies Network and colleagues can get support from the Network if they are going through Attendance Management procedures.</p>	Yes		

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:

		<ul style="list-style-type: none"> • 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?

The policy and guidance aim to achieve consistency in the way attendance is managed, and appropriate adjustments have been described in the policy and guidance to mitigate any identified potential for discrimination or negative impact. We have consulted with a wide range of colleagues including our Disabled Employees Network on this revised Policy

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
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/**

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/**

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/**

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/**

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/** پر ہم سے رابطہ کریں