The Public Sector Equality Duty

The Equality Duty requires public bodies to have *due regard* to the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Protected Characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership (elimination of discrimination only)
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Due Regard means consciously thinking about the three aims of the Duty as part of the process of decision-making. For example:

- How they act as employers
- How they develop, evaluate and review policy
- How they design, deliver and evaluate services
- How they commission and procure from others

Advancing equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people because of their protected characteristics
- Meet the needs of people with protected characteristics
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed in discrimination law. This could mean making use of an exception or positive action provisions in order to provide a service in a way that is appropriate for people who share a protected characteristic.

Officers should:

Keep an adequate record showing that the equality duties and relevant questions have been actively considered. **Be rigorous in both inquiring and** reporting to members the outcome of the assessment and the legal duties.

Final approval of a proposal, can only happen after the completion of an equality impact assessment. It is unlawful to adopt a proposal contingent on an equality impact assessment.

Title of the Assessment:		Date of Assessment:	
Responsible	Name:		
Officer	Title:	Extension	
	Email:	Number:	

Stage 1 - Setting out the nature of the proposal and potential outcomes.

	Stage 1 – Aims and Objectives	GUIDANCE
1.1	What are the objectives of the proposal under consideration?	
1.2	What are the key drivers for the proposal (e.g. budget efficiencies)?	

- 1.3 What are the potential impacts of the proposal on staff or pupils?
- 1.4 How does this proposal contribute or relate to other School initiatives (e.g. policies)?

School Related:

Employment Related:

The Council has a School Redundancy & Reorganisation policy which outlines the process and principles to be adopted by Schools where they seek to make a significant change to the organisational structure of the school. A key aim of the policy is to ensure, as far as possible, that the interests of the school are met whilst ensuring that employees affected by the change are treated fairly and consistently.

The School Redundancy & Reorganisation policy includes the details of the voluntary severance scheme and should an employee be issued formal notice of compulsory redundancy the Schools Redeployment policy will apply to help mitigate against the consequences of compulsory redundancy.

1.5 In which ways does the proposal support Central Bedfordshire's legal duty to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

School Related:

Employment Related:

When an employee is facing reorganisation/compulsory redundancy, they have a series of entitlements that their employer, must address.

These apply to part-time staff in exactly the same way as they do to full-time staff.

No employee can be made redundant on the grounds of their gender (including transsexual people), race, religion or belief, sexual orientation, age or because they are pregnant or disabled.

Headteachers must:

- Assess the skills and roles the school really needs for the future
- Set out in writing to all those affected that the school is reorganising structures and some posts may be at risk of redundancy. Explain why redundancies are being contemplated and the selection process being used. This process should be seen as a discussion and consultation stage and the language used needs to reflect this by highlighting that this is still a proposal rather than a foregone conclusion and that alternative ideas will be considered
- · Use consistent, objective and fair criteria when allocating employees to new roles

E.g. does it consider the needs of people who are at greater risk of lower quality of life outcomes, close achievement gaps, reduce racial tensions, increase participation in decision making and service delivery processes or increase a sense of belonging amongst different communities or groups?)

 Give adequate notice: between one and 12 weeks, depending on how long the employee in question has been employed and their contractual notice period Provide a lump sum redundancy payment where applicable: the amount will depend on their age, length of employment and their weekly wage at the date that formal notice is served 	
 Allow those being made redundant a reasonable amount of paid leave to search for a new job or to organise training that will help them get a new job 	
The School Redundancy & Reorganisation policy sets out the selection criteria for new roles and redundancy which will be based on fair criteria taking equality employment legislation fully into account.	
1.6 Is it possible that this proposal could demand relations amongst groups of	
1.6 Is it possible that this proposal could damage relations amongst groups of people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers, people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities? School Related:	
people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers, people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities?	
people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers, people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities? School Related:	This is the most critical part of the assessment

In completing this section it will be helpful to consider:

- **Publicity** Do people know that the school exists?
- Access Who is attending / working at the school? / Is anyone who could attend not attending and if so why?
- Appropriateness Does the school meet people's needs and improve outcomes?
- Support needs Is further training and development required for employees?
- Partnership working Are partners aware of and implementing equality requirements?
- Contracts & monitoring Is equality built into the contract and are outcomes monitored?
- 2.1. Examples of relevant evidence sources are listed below. Please tick which evidence sources are being used in this assessment and provide a summary for each protected characteristic in sections 2.2 and 2.3.

Internal desktop research Demographic Profiles - Census & Parental satisfaction data ONS Local Needs Analysis Ofsted Information Other local research Third party guidance and examples National / Regional Research Analysis of outcomes for different groups Best Practice / Guidance Benchmarking with other schools Inspection Reports Public consultation related activities Consultation with Parents Consultation with Community /

For examples of relevant evidence contact: Clare Harding, Corporate Policy Advisor (Equality & Diversity) for further details

For details of existing consultation findings please contact Karen Aspinall Consultation Manager, Office of the Chief Executive Karen. Aspinall @centralbedfordshire .gov.uk Telephone 0300 300 6286 (x 42967)

	Voluntary Sector	
	Voluntary Sector	
Consultation with Staff	Feedback / Complaints	
Data about the physical environment e.g. training provision, transport, spatial plann	housing market, employment, education and ing and public spaces	
Consulting the Governing Body, stakeho	Iders and specialists	
Governing Body	Expert views of stakeholders	
Specialist staff / service expertise	representing diverse groups	
Please bear in mind that whilst sections of the and concerns, views and issues vary within and concerns depending on age, ethnic orig	groups. E.g. women have differing needs	
Lack of local knowledge or data is not a j negative impact on some groups of peop		
2.2. Summary of Existing Data and Co Considering the	Please set out in an Appendix to the assessment the details of data and consultation findings relating to diversity areas shown below. In the	
- Age : e.g. Under 16 yrs / 16-19 yrs / 20-29 yrs / 75+	section please summarise findings and the conclusions you have drawn from those findings in relation to the areas	
- Disability: e.g. Physical impairment / Sens Learning disability or difficulty / Long-standir disfigurement		
- Carers: A person of any age who provides could not manage without this help due to ill		

substance misuse problem

- **Gender Reassignment**: People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex
- Pregnancy and Maternity: e.g. pregnant women / women who have given birth & women who are breastfeeding (26 week time limit then protected by sex discrimination provisions)
- Race: e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other
- Religion or Belief: e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other
- Sex: e.g. Women / Girls / Men / Boys
- Sexual Orientation: e.g. Lesbians / Gay men / Bisexuals / Heterosexuals
- Other: e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership

2.3. Summary of Existing Data and Consultation Findings – Employment Considering the impact on Employees

- Age: e.g. 16-19/20-29/30-39/40-49/50-59/60+

National Research:

- Younger people often meet assumptions that they don't have relevant skills or experience. (Employers Forum on Age)
- 62% of over fifties feel they have been turned down for a job because they are considered to old, compared with 5% of people in their thirties. (GEO)
- People over 50 who have lost their jobs remain out of work for longer than average: however, older people's employment rates rose faster than any other rates in the past decade, and so far have fallen by less in the recession. Older people have increasingly been using flexible patterns of work, and this could be helping to protect the overall proportion of them employed in the present downturn.
- Overall, 9% of people who reported experiencing unfair treatment at work believed it
 was because of their age. Younger workers were more likely to report unfair
 treatment and discrimination at work than their older colleagues, whilst older people
 were slightly more likely to report bullying or harassment.
- Research has found discrimination against older Black, White and Asian women who
 reported facing fewer promotion opportunities, limited access to training and were
 allocated less rewarding and challenging work

Consultation with employees has highlighted the following issues:

 Disability: e.g. Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement

National Research:

- Across Britain, the employment rates of disabled adults are very low with only around 50% employed compared to 79% of non-disabled adults (a difference of nearly 30% in employment rates).
- Overall, disability affects work status more than gender or lone parenthood
- When disabled people are employed, they are significantly more likely than nondisabled people to work part-time. In 2009, 33% of disabled people were in full-time employment, compared to 60% of non-disabled people. The reasons for this (personal choice or discrimination) are not clear
- those with some forms of impairment such as diabetes and skin conditions are almost as likely to be employed as the average. At the other extreme, people with depression or 'bad nerves' have employment rates of around 23%.
- More severe overall impairments are associated with poorer job prospects
- Disabled employees are over twice as likely as other employees to report experiencing discrimination, bullying or harassment in the workplace, while disabled women are four times more likely to report being bullied than other employees
- People with a disability or long-term illness were more likely than those without to report experiencing unfair treatment (19% compared to 13%).
- People with a disability or long-term illness were almost twice as likely to report
 experiencing discrimination as those without a disability or long-term illness (12%
 compared to 7%) and were over twice as likely to report experiencing bullying or
 harassment in the workplace (14% compared to 6%).
- Disabled women were found to be four times more likely to be bullied than other employees.
- Those with a long-term illness or disability are significantly more likely to report feeling that they have been discriminated against in relation to recruitment or promotion than the average

Consultation with employees has highlighted the following issues:

- Carers: e.g. parent / guardian / foster carer / person caring for an adult who is a spouse, partner, civil partner, relative or person who lives at the same address

- There are currently over three million working carers in the UK. Work is important for well-being, income and to keep social contacts.
- Between 46% and 62% of carers are not getting adequate services to help them work
- Only just over half (56%) felt their employer was carer-friendly and supportive

Consultation with employees has highlighted the following issues:

- Gender Reassignment: People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex

National Research:

- Small-scale studies point towards evidence of harassment and other forms of discrimination in the workplace.
- Trans people are more likely than others to experience difficulty in finding work or retaining it if their background becomes known to others. High numbers report feeling obliged to change jobs because of workplace harassment and abuse. (EHRC) They have been found to be in jobs that are below their skills and educational capacity and appear more likely to work in lower-paid and insecure employment in the public sector, or to be self-employed
- The employment sphere is the space in which transgender people face the most significant and pervasive levels of discrimination 42% of people not living permanently in their preferred gender cited the workplace, and a fear that their employment status might be threatened, as a reason for not transitioning

Consultation with employees has highlighted the following issues:

- Pregnancy and Maternity: e.g. Pregnancy / Compulsory maternity leave / Ordinary maternity leave / Additional maternity leave
National Research:

- Evidence indicates that women are vulnerable to discrimination at particular points in their life, specifically when they are pregnant
- An Equal Opportunities Commission (EOC) formal investigation into the employment experiences of pregnant women carried out in 2005 found that almost half of the 440,000 pregnant women in Britain experienced some form of disadvantage at work, simply for being pregnant or taking maternity leave. Around 30,000 women were sacked, made redundant or treated so badly that they felt they had to leave their jobs
- A survey of 122 recruitment agencies revealed that more than 70% had been asked by clients to avoid hiring pregnant women or those of childbearing age. (Women and Work Commission)
- The EOC's formal investigation into ethnic minority groups, found that just under a sixth of White women in the sample had often/sometimes been asked about their plans for marriage /children at interview compared to between a fifth and a quarter of ethnic minority women

Consultation with Employees has highlighted the following issues:

- Race: e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other

National Research:

- Overall, it seems that employment gaps for ethnic groups are narrowing over time, although differences remain considerable for the Bangladeshi and Pakistani populations
- People from ethnic minority groups are more likely to report experiencing discrimination in relation to promotion than White men
- 7% of White British people reporting discrimination compared to 12% of people from ethnic minorities
- Compared to 1% of White people, 7% of ethnic minority people in 2009/10 felt they had experienced labour market discrimination by being turned down for a job because of their race. Black Caribbean people are most likely to report experiencing this form of discrimination (10%) compared to 4% of Indians and 4% of

Chinese/Others

- In terms of promotion, 1% of White people felt they had experienced discrimination due to their race when seeking promotion. A higher percentage of people from ethnic minority backgrounds overall felt that they had experienced this form of discrimination (5%). In particular Black African (9%), Black Caribbean (8%), Indian (5%), Chinese/Other (4%) and Pakistani (3%) people were more likely to feel they had experienced discrimination on the grounds of their race than White people
- Evidence suggests that ethnic minority groups are more likely to encounter racial discrimination in the private sector (35%) than the public sector (4%).

Consultation with employees has highlighted the following issues:

- Religion or Belief: e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other

National Research:

- While there is some variation in employment rates among different religious groups, the most significant gap is for Muslim people who have the lowest rates of employment in the UK
- The 2009/10 Citizenship Survey shows that less than 0.5% of people overall felt they had experienced labour market discrimination by being turned down for a job because of their religion or beliefs; this is unchanged since 2008-09.

Consultation with Employees has highlighted the following issues:

- Sex: Women / Men National Research:

- Women of all ages are significantly more likely to be in part-time employment than men and less likely to be self-employed
- Women are much less likely than men to be employed full-time or self-employed in their early 30s (due to caring responsibilities), and if they return to work are more likely to take and remain in part-time employment.

- Mothers of children under the age of 16 are four times more likely than fathers to be economically inactive: being a parent exacerbates the gender gap.
- Women are more likely to report experiencing discrimination in relation to promotion than White men
- 38% of mothers and 11% of fathers have left a job or been unable to take one due to caring responsibilities
- The Equality Review highlighted that one of the most significant issues to address to resolve this inequality is the development of policies to help mothers and fathers to balance paid work and caring between them, at the same time as fulfilling their obligations to their employers
- The vast majority of people employed in local government are women (70%) but most are concentrated in lower paid and part-time jobs. (EOC)
- Women are still under-represented in the higher paid jobs within occupations the "glass ceiling" effect. (GEO)

Consultation with employees has highlighted the following issues:

- Sexual Orientation: e.g. Lesbians / Gay men / Bisexuals / Heterosexuals National Research:
- There are no available data on employment or NEET status by sexual orientation
- LGB adults are around twice as likely to report experiencing unfair treatment, discrimination, bullying or harassment at work than other employees.
- LGB adults are far more likely than heterosexual people to report experiencing discrimination on the grounds of their sexual orientation in terms of recruitment (8% compared to less than 0.5% of all people

Consultation with employees has highlighted the following issues:

- Other: e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership

National Research:

• The Fair Treatment at Work Survey 2008 found that 13% of British employees had personally experienced unfair treatment in the workplace in the last 2 years, and 7% reported experiencing bullying, harassment or discrimination. Overall, respondents to the survey were far more likely to cite an individualistic reason for unfair treatment such as 'the attitude or personality of others' (41%), 'people's relationships at work' (35%) 'it's just the way it is' (23%) or 'your position in the organisation' (21%) than a reason directly associated with a protected equality characteristic

Consultation with employees has highlighted the following issues:

2.4. To what extent are vulnerable groups more affected by this proposal compared to the population or workforce as a whole?

School Related:

Employment Related (insert any school specific information from staff surveys that you have):

The CBC Employee Survey conducted in **2009** identified that there are variations in the extent to which employees feel that they are fairly treated;

- Only **two in five** employees feel fairly treated by Central Bedfordshire Council
- Almost two thirds (63%) however, feel that the Council does not discriminate on the grounds of age, gender, transgender, ethnicity, disability, sexual orientation, religion or belief.
- Only just over half of employees (52%) feel confident that the Council would deal
 with a bullying or harassment issue effectively if were raised, with a large
 proportion of fence-sitters.
- Only **45**% believe that Central Bedfordshire Council values the diversity of its employees with a large proportion who are again uncertain about this.

- When it comes to recruitment and selection processes, **46**% of employees feel they are fair and transparent
- Only around one third (34%) believe the Council is genuinely interested in the well being of its employees which falls short of the Ipsos MORI Overall norm figure of (43%).
- 31% of disabled employees feel that all staff are treated fairly compared to 41% overall.
- 56% of men think that the Council does not discriminate on any grounds compared to 63% overall
- 31% of Asian and 23% of Ethnic Other Background employees felt that recruitment and selection processes are fair compared to 46% overall.
- 33% of Ethnic Other Background employees feel that all staff are treated fairly compared to 41% overall and 63% of Mixed Race employees.
- 51% of Asian and 23% of Ethnic Other Background employees think that the Council does not discriminate on any grounds compared to 63% overall
- 28% of Muslim employees feel that all staff are treated fairly compared to 41% overall

A similar survey conducted in 2010 showed the following:

- The majority of employees feel line managers are trusting, approachable, behave with integrity, are open and honest, and supportive.
- two thirds of employees say the Council does not discriminate on any grounds,
- less than half feel fairly treated by the Council and there is only limited belief that the Council will deal effectively with any incidents of bullying or harassment should they arise.
- Organisational interest in employee well-being falls short of external benchmarks and there is room for the Council to show more interest in caring about how employees feel.
- Christians appear to be much more positive about the Council and working for us than employees of no religion. Most of the net scores that Christians produced from the survey were above the average result.

- Older employees seem fairly positive. Younger employees are positive about the Council but seem less positive about their job in terms of fulfilment, use of skills, how they can contribute, recognition etc
- Disabled staff stand out as being very unhappy across all aspects that were surveyed, with a net motivation of only 15%, not feeling valued or recognised. The findings of disabled employees are negative across all directorates - so this does appear to be an equality issue. We are completing further analysis to see if disabled staff who have had reasonable adjustments made for them are more positive than staff who have not had any adjustments made for them.
- The majority of staff felt informed and understood the budget changes in the Council.

2.5. To what extent do current procedures and working practices address the above issues and help to promote equality of opportunity? School Related:

Employment Related:

The formal consultation with employees and Trade Unions period for these proposals runs for 30 days from ...

Where roles have materially changed, new job descriptions will be developed and made available following the consultation meeting. All new roles will be evaluated using the Council's job evaluation scheme.

Staff are being encouraged to discuss any concerns they may have with their line manager in the first instance. Those employees who wish to request to have a one to one meeting are being advised to contact X

The School is keen to avoid the need for compulsory redundancies, and a range of measures will be put in place to mitigate this. These are detailed in the School Redundancy & Reorganisation policy. Included is the provision of a voluntary severance

scheme.

Staff are being reminded that the Employee Support Service is available to support all School employees (**Delete if this service is not available**).

The annual Personal Development Review encourages all employees to identify any learning and development needs.

2.6. Are there any gaps in data or consultation findings?

2.7. What action will be taken to obtain this information?

As the review proposals are consulted on and implemented the School must ensure that the views of employees are considered and addressed where possible.

Stage 3 - Providing an overview of impacts and potential discrimination.

Stage 3 – Assessing Positive & Negative Impacts						
Analysis of Impacts		Impact?		Discrimination?		Summary of impacts and reasons
		(+ve)	(- ve)	YES	NO	
3.1	Age					
3.2	Disability					School Related:
3.3	Carers					
3.4	Gender Reassignment					Employment Related: National research

Impact should be shown as Yes or No

3.5 Pregnancy & Maternity 3.6 Race	indicates that people can experience unfair treatment in the workplace. The CBC
3.7 Religion / Belief	staff survey highlighted that some employees
3.8 Sex	have concerns about fair treatment. The
3.9 Sexual Orientation	review / reorganisation has highlighted the
3.10 Other e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion Marriage and Civil Partnership	following issues

Stage 4 - Identifying mitigating actions that can be taken to address adverse impa
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Stage 4 - Conclusions, Recommendations and Action Planning

4.1 What are the main conclusions and recommendations from the assessment? School Related:

Employment Related:

The School has in place the School Redundancy & Reorganisation Policy to guide managers when reviewing structures. It is important to monitor that these are applied in practice and that the views and concerns of staff are properly considered. The School must ensure that;

- The views of staff are considered and addressed where possible
- Fair and transparent recruitment procedures are followed
- Flexible working practices are adopted where relevant
- Staff at risk of redundancy are offered support
- 4.2 What changes will be made to address or mitigate many adverse impacts that have been identified?
- 4.3 Are there any budgetary implications?
- 4.4 Actions to be taken to mitigate against any adverse impacts:

Action	Lead Officer	Date	Priority

Priority should be either High, Medium or Low. You can add rows using the Table>Insert Rows

		_
		1
		1
		1
		1

Stage 5 - Checking that all the relevant issues and mitigating actions have been identified

Stage 5 – Quality Assurance & Scrutiny: Checking that all the relevant issues have been identified]
5.1 What methods have been used to gain feedback on the main issues raised in the assessment?	
Step 1:	
Has the Corporate Policy Advisor (Equality & Diversity) reviewed this assessment and provided feedback? Yes/No	
Summary of CPA's comments:	
Step 2:	The Corporate
5.2 Feedback from Central Bedfordshire Equality Forum	Policy Adviser will
	advise whether this
	step is necessary.

Stage 6 - Ensuring that the actual impact of proposals are monitored over time.

	Stage 6 – Monitoring Future Impact
6.1	How will implementation of the actions be monitored?
6.2	What sort of data will be collected and how often will it be analysed?
6.3	How often will the proposal be reviewed?
6.4	Who will be responsible for this?
6.5	How have the actions from this assessment been incorporated into the proposal?

Please give details and make clear whether this is already planned, or just a possibility. Clear ownership in terms of team etc must be given.

Stage 7 - Finalising the assessment.

	be used to infor
Stage 7 – Accountability / Signing Off	the Equality
	Section of
	Committee Rep
	and
7.1 Has the Headteacher been notified of the outcome of the assessment	should be saved
	with the strategy
Name: Date:	policy, project,
	contract, or
7.2 Has the Corporate Policy Adviser Equality & Diversity provided confirmation	n that the decision file for
Assessment is complete?	audit purposes a
•	Freedom of
Date:	Information Act
	requests

Finalised Assessments can to inform ality of ee Reports e saved strategy, oject, or file for rposes and of