

Section 4

# Equality

# Analysis Toolkit

**New Organisation**

**For Decision Making Items**

November 2011

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk)

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

## **Name/Nature of the Decision**

The new County Council organisation.

## **What in summary is the proposal being considered?**

We are creating a new-look organisation structure that's designed to work with a much smaller budget while providing the very best service it can to create and support the prosperity, health and wellbeing of people across Lancashire.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The restructure is necessary to support the delivery of the savings needed, so ensuring the continued financial sustainability of the County Council. Everyone in Lancashire will therefore be potentially affected; employees, service users and residents.

## **Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender

- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes. The decision will impact on all employees of the county council, which will include individuals and groups of individuals with protected characteristics under the Equality Act 2010.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

See question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

## Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

### Numbers of staff employed by the county council

Number of Staff								
Gender		Disability			Age			
Male	Female	Yes	No	Not Recorded/Unknown	16-24	25-39	40-64	65+
3593	10005	315	11043	2219	606	2997	9438	536

Due to the makeup of the Council's workforce the transformation of the Council is likely to impact on significantly more females than males.

The analysis also indicates that a significant proportion of our workforce is aged 40 and above.

## Ethnic background of County Council Employees

### Ethnic Background

	Any Other	Asian Bangladeshi	Asian Indian	Asian Other	Asian Pakistani	Black African	Black Caribbean	Black Other	Chinese	Mixed African
ACS	13	4	51	8	47	6	8	6	5	1
CYP	7	3	31	10	46	2	5	6	2	2
LCCG	30	3	29	9	17	0	5	0	1	1
ENV	1	1	21	4	3	1	3	0	3	0
OCE	5	0	17	0	3	0	1	0	0	0
CT	0	0	14	2	0	0	2	2	2	0
<b>Total</b>	<b>56</b>	<b>11</b>	<b>163</b>	<b>33</b>	<b>116</b>	<b>9</b>	<b>24</b>	<b>14</b>	<b>13</b>	<b>4</b>

	Mixed Asian	Mixed Caribbean	Mixed Other	Unknown	White British English	White British Other	White Scottish	White Welsh	White Irish	White Other
ACS	5	9	10	786	77	2424	0	2	17	28
CYP	3	5	2	1120	67	1909	1	0	13	21
LCCG	0	2	0	1261	22	3208	0	0	16	3
ENV	0	1	1	275	17	1036	0	0	7	6
OCE	0	0	0	86	8	305	0	0	2	1
CT	1	1	0	82	13	284	1	0	1	1
<b>Total</b>	<b>9</b>	<b>18</b>	<b>13</b>	<b>3610</b>	<b>204</b>	<b>9166</b>	<b>2</b>	<b>2</b>	<b>56</b>	<b>60</b>

The analysis indicates that around 69% of the workforce consider themselves to be White British, 27% are not known and 4% considered to be BME.

### Specific analysis of posts at Grade 11 and above

Current Grade 11 and above (or equivalent	Existing Structure -	New Structure - Number of	Change in number of	% Change in number of
		7		

salary)	Number of Posts	Posts	Posts	Posts
<b>ED</b>	4	2	-2	-50%
<b>D3</b>	3	8	5	167%
<b>D2</b>	20	5	-15	-75%
<b>D1</b>	5	9	4	80%
<b>Grade 14</b>	98	83	-14	-14%
<b>Grade 13</b>	124	24	-98	-79%
<b>Grade 12</b>	127	169	44	34%
<b>Grade 11</b>	372	289	-81	-22%
<b>TOTAL</b>	<b>753</b>	<b>589</b>	<b>-157</b>	<b>-21%</b>

<b>Grade</b>	<b>Comment</b>	<b>Gender impact assessment</b>
ED	The number impacted is too low to be significant in the context of the equality analysis for LCC as a whole. However, 75% of current ED grade are male and 25% are female. This compares with 26% and 74% of the entire LCC workforce.	There is a disproportionate impact on male employees.
D3	We are increasing the numbers of posts at this level	
D2	The number impacted is too low to be significant in the context of the equality analysis for LCC as a whole. However, 82% of current grade D2 are male and 18% are female as compared with 26% and 74% of the entire workforce.	There is a disproportionate impact on males



D1	We are increasing the numbers at this level	
Grade 14	The number impacted is too low to be significant in the context of the equality analysis for LCC as a whole. However 69% of current grade 14 are male and 41% are female as compared with 26% and 74% of the entire workforce.	
Grade 13	59% of current Grade 13 are male. 41% of current grade 13 are female as compared with 26% and 74% of the entire LCC workforce.	There is a disproportionate impact on males
Grade 12	We are increasing the number of posts at this level	
Grade 11	47% of the current grade 11 are male. 53% of the current grade 11 are female as compared with 26% and 74% of the entire workforce.	There is a disproportionate impact on females

### **Equality indicators December 2013 taken from our Equality Report published January 2014**

The following indicators are monitored quarterly and reported on annually as required under the Specific Duties of the PSED of the Equality Act 2010.

<b>Indicator</b>	<b>% in December 2012</b>	<b>% in December 2013</b>
BME employees in the LCC workforce	3.90%	3.29%
Disabled employees in the LCC workforce	2.48%	2.21%
Women in the LCC workforce	73.2%	73.48%
BME employees in senior LCC posts	3.12%	3.00%
Disabled employees in senior LCC posts	3.01%	3.11%
Women in senior LCC posts	53.42%	55.72%

## Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

The consultation on the new organisation structure is an LCC employee consultation and has not involved external bodies other than Trade Unions.

The principles for appointment, structure at Grade 11+ and associated guidance such as the "How To" guide will be the subject of reports to Executive Scrutiny and Cabinet to be considered in October 2014.

The consultation on the principles for appointment to the new Council structure resulted in a number of changes:

- Eligibility based on substantive pay: Feedback highlighted that some employees felt that they were potentially disadvantaged by our proposals where they would be eligible to apply for posts based on their actual rather than substantive pay. As a result, we have amended the proposals to allow employees to elect to apply based on the pay of their substantive grade. This means we will still provide an opportunity to those employees who have taken on new roles pending the implementation of the new structure, often to facilitate voluntary redundancies and cost savings, whilst also responding to the feedback from those employees who may feel disadvantaged competing for posts within a higher grade range.
- Fixed-Term Contracts: We received a number of proposals from employees who considered that our proposed approach to the eligibility of employees on fixed-term contracts did not recognise the specific circumstances of employees, who may for example have

been employed by the Council for many years but had taken posts with fixed-term contracts as part of more recent restructures. As a result, we have changed the principles so that employees on fixed-term contracts will only be included within Stage One of the recruitment process if they have 12 months continuous service with the Council as at 31 March 2015 for posts within the Grade 11 and above structure and 31 March 2016 for posts in the structure at Grade 10 or below. This principle also extends to graduates and apprentices.

The consultation on the structure at Grade 11 and above resulted in some changes to proposed grading, line management arrangements and numbers of posts. Importantly, we are proposing that the Council strengthens its capacity to support employees on an ongoing basis with the inclusion of additional capacity to lead on employee welfare issues.

We received a relatively small number of comments on the "How To" guide which sets out some of the key processes which will apply throughout the recruitment phase. No changes to the guide have been made as a result of the consultation.

All comments received in response to the consultation, from both staff and trade unions, including suggestions about alternative structures, have been considered by Management Team

### **Question 3 – Analysing Impact**

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few

metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

The reductions in employee numbers will impact on individuals with protected characteristics as these individuals will form part of our workforce. However, the proposals will not discriminate unlawfully and, where appropriate, mitigating actions are being taken to ensure that the recruitment process reflects the needs of any individuals with a protected characteristic and therefore advance equality of opportunity.

We have used sources including consultation feedback and dialogue with the equality and cohesion team to consider impact.

Issues discussed included:

- Ability of employees to apply for posts on a part time basis
- Impact on employees with other flexible working arrangements
- Impact on disabled employees who have reasonable adjustments in place
- Impact of reductions at Grade 13
- Impact of enabling WorkStart and apprentices to apply for posts within the new structure and relationship with others on fixed term contracts
- Impact on employees on non LCC terms and conditions
- Support for people throughout the transformation process
- How we will share information with employees
- How we will support employees
- How we will support managers

Ability of employees to apply for posts on a part time basis and impact on employees currently in part time posts: Employees will be able to request flexible working upon appointment to a post in the new structure. Requests will be considered using our existing arrangements for considering flexible working. We need to acknowledge that this may result in uncertainty and could potentially detriment some employees' particular women and those with caring responsibilities.

<http://lccintranet2/corporate/web/?siteid=4934&pageid=25064&e=e>

Impact on employees with other flexible working arrangements e.g. V Time, job share etc. (this may be because of caring responsibilities). Existing policies will continue to apply.

Impact on disabled employees who have reasonable adjustments in place. Reasonable adjustments would have to be negotiated when an appointment is made but this may again lead to uncertainty as to whether the adjustments can be carried forward in to the new role.

Impact of reductions at Grade 13: Analysis has highlighted a

disproportionate impact on male employees at grade 13. However, in the context of the workforce as a whole, numbers are low. Employees at Grade 13 will have the opportunity to apply for posts 2 grades up and 1 grade down.

Impact of enabling WorkStart and apprentices to apply for posts within the new structure and relationship with others on fixed term contracts: We have changed our proposals to ALL employees with 12 months or more continuous service to apply in to the new structure

Impact on employees on non LCC terms and conditions: Our approach will ensure all employees within scope are on the same terms and conditions after the restructure.

It is not considered that the new structure will have an adverse impact on service users as the new organisation is designed to continue to deliver high quality services, including to service users with protected characteristics

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#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

Yes

Unemployment levels of young people, over 50s women and disabled people. These factors may deter VR applications so that individuals within these groups of staff could be displaced , and are therefore at risk, as a result of the transformation process, although this risk is not considered to be more significant than for any staff who do not have protected characteristics.

Current austerity measures and budget reduction for public services are reducing the scope for alternative public sector employment, therefore staff who are not appointed to posts in the new structure may struggle to find alternative employment.

### **Question 5 – Identifying Initial Results of Your Analysis**

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

As a result of the consultation the original proposals – both the principles for appointment and structure – have been adjusted in several respects. In terms of the impact on people with protected characteristics the Equality Analysis has informed decisions taken about how the recruitment process will accommodate these groups of individuals to ensure that the recruitment process is fair – see section 6

## Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

**Disability including Deaf people:** We will make adjustments for disabled employees wherever practicable through the process. Support arrangements may be of particular value in assisting disabled and Deaf employees to fully explore their options and engage with the process. Previous smaller scale restructures have however resulted in significant reductions in the number of disabled and Deaf employees in the workforce.

**Pregnancy or being on maternity leave:** The new structure impacts on all employees within the county council. The tight timescales at key points in the recruitment process could disadvantage some people so we have taken steps to help people understand and plan for the process in advance. Specific arrangements will need to be made to ensure that employees on maternity leave are kept fully informed and accommodated within the process.

### **Age**

Work is being undertaken by Your Pensions Service to highlight new options available

For younger employees we have now accommodated apprentices and graduates in the process.

We are supporting opportunities for young people, NEET for example, to gain employment



## **Generally**

There will be equality of opportunity in the new structure, created through the use of more generic profiles and reducing unnecessary barriers to appointment (e.g. reviewing the necessity for qualifications)

We are providing opportunities for people to apply to roles at grades other than their current grade

Our existing policies regarding flexible working will continue to apply.

We will support for people throughout the transformation process: We have established a range of opportunities under the banner of "supporting your future"

<http://lccintranet2/corporate/web/?siteid=7079&pageid=44322&e=e>.

In our recruitment processes we will:

- Communicate our intended timescales well in advance
- Publish information setting out how the process will work (The 'How to' Guide)
- consider how we support people in being able to access the information required to make informed choices and in making the application itself.
- Ensure we have accessible venues for interview and where possible provide alternatives for those who are unable to attend because of disability, maternity leave etc.
- Provide information to support managers in their role (The Managers Guide)
- Maintain contact with the Equality and Cohesion Team

## **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the

assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposal is necessary to help enable the Council to achieve savings targets of £300m and ensure the organisation has appropriate, clear leadership and management moving forward. By reducing our costs of leadership and management we are better placed to safeguard front line service delivery to residents of Lancashire.

### **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

Our final proposal is to proceed with the new organisation structure as proposed to Cabinet on the basis of the recommended principles for appointment.

### **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

#### **Equality indicators December 2013 taken from our Equality Report published January 2014**

Indicator	% in December 2012	% in December 2013
BME employees in the LCC workforce	3.90%	3.29%
Disabled employees in the LCC workforce	2.48%	2.21%

Women in the LCC workforce	73.2%	73.48%
BME employees in senior LCC posts	3.12%	3.00%
Disabled employees in senior LCC posts	3.01%	3.11%
Women in senior LCC posts	53.42%	55.72%

These indicators will continue to be used as a basis for monitoring impact within our equality report.

Equality Analysis Prepared By Dave Carr

Position/Role Head of Corporate Strategic Projects

Equality Analysis Endorsed by Chief Officer: Ian Young County Secretary and Solicitor

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

[Karen.beaumont@lancashire.gov.uk](mailto:Karen.beaumont@lancashire.gov.uk)

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

[Saulo.cwerner@lancashire.gov.uk](mailto:Saulo.cwerner@lancashire.gov.uk)

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

[Pam.smith@lancashire.gov.uk](mailto:Pam.smith@lancashire.gov.uk)

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you