



Northumberland County Council

Equality Impact Assessment Guidance and Assessment Form

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Policy Sub Group & approval date	
Date approved by Joint Consultative Committee	
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Target audience	All NCC Employees

Equality Impact Assessment Guidance

This document provides guidance for completing an Equality Impact Assessment (EIA).

Northumberland County Council is committed to promoting equality and participation in all our activities, in the work we do with residents and for visitors to our county and in our responsibilities as an employer. As a public sector organisation, the County Council has a Public Sector Equality Duty (PSED) and is legally required to have due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations when making decisions and developing policies.

To do this, it is necessary to understand the potential impacts of what we do on different groups of people.

What is an Equality Impact Assessment (EIA) and why do we need to complete one?

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, procedures, practices, and decision-making processes are fair and do not present barriers to participation or cause disadvantage to any protected groups. This covers both strategic and operational activities.

An EIA will help to ensure that we are meeting our PSED duties and:

- we understand the effects of a proposed policy or decision by assessing the potential impacts on different groups of residents or staff
- any negative impacts are identified, and actions are taken to remove or mitigate them
- any positive impacts are highlighted
- decisions are based on evidence and meet legal requirements

When might I need to complete an EIA?

Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. If a policy or decision will affect employees or service users, then it is likely to need an assessment. The EIA should be started when the need to change a service, a new policy or a new proposal is being developed, or when an existing policy or procedure is reviewed. Advice can be sought from the Equality, Diversity, and Inclusion team when you are considering the impact of a new policy or other proposal.

The EIA should form part of the development of any new policy or proposal and be factored in at an early stage in the same way as other considerations such as risk, budget or health and safety.

Who is responsible for completing and signing off the EIA?

The Head of Service will identify who will be responsible for completing the EIA and a manager who will sign off the EIA. It is helpful to involve more than one person, if possible, to take account of different perspectives.

The responsibility for deciding whether an EIA is needed, and the evaluation of any impact identified after completing the EIA lies with the decision maker, budget holder, project board or the most relevant senior manager. Heads of service can delegate responsibility for signing EIAs to appropriate managers in their service. Further advice is available from the Equality, Diversity & Inclusion team.

What is discrimination?

Discrimination is when someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act are referred to as protected characteristics these are: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex, and age.

Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality means you are proactive in identifying ways to remove barriers and improve participation for people or groups with a protected characteristic and you do not wait until there is a complaint. The EIA process is a way of positively considering and promoting equality.

Finding the evidence to make a judgement

In cases of new policies or management decisions there may be little evidence of the potential effect on protected characteristic groups. In such cases you will need to make a judgement that is as reliable as possible based on the information you do hold. Consultation will help to make decisions that avoid unintended prejudices or assumptions. It is important to show that consultation has involved a diverse range of people. Equality monitoring is important in consultation as it shows who has responded. Where groups have been underrepresented in a consultation, or where the proposal has the potential to impact on particular protected groups, additional targeted consultation with those groups may be needed. You should also consider any evidence from national or regional research, specialist reports or national consultation.

Consultation

Consultation can add evidence to the assessment. Consultation is important and is a keyway to demonstrate that the County Council is meeting its equality duties, but any consultation needs to be proportionate and relevant. Considering the degree and range of

consultation will safeguard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

Provisional Assessment

At the initial stages, you may not have all the evidence you need but you can still carry out a provisional assessment. A provisional assessment will identify plans to gather the required data needed to enable a full assessment to be completed within a reasonable timeframe. The scale of these plans should be proportionate to the activity at hand. When enough evidence has been collected, a full impact assessment can be carried out. Only one EIA needs to be created for each policy because, as more evidence becomes available, the provisional assessment should be reviewed and built upon.

Valuing Differences

EIAs (Equality Impact Assessments) are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.

You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question "Why?" and investigating further.

Evaluation Decision

There are four options open to you:

1. No barriers or impact identified; therefore, activity will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or will promote equality
4. Barriers and impact are identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g., in extreme cases or where positive action is taken). Therefore, you are going to **proceed with caution** with this policy or practice knowing that it may favour some people more than others, providing justification for this decision.

In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies and practices are usually changed or adapted (Option 3 above). In these cases, or when a change has been justified, you should consider making a record of this in the report prepared for the person, board, or committee making the decision.

Equality Impact Assessment – Overview and Form

Carrying out an Equality Impact Assessment (EIA) helps the County Council to meet its Public Sector Equality Duties (Equality Act 2010).

The duties which need to be considered when making decisions are 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 those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Failure to assess the equality impact may increase the risk of making an unfair decision which could potentially be discriminatory. It also prevents us from identifying opportunities to promote equality and leaves the County Council open to potential legal challenges.

Guidance; Using this EIA template will help to ensure that a decision is made in a fair way, based on evidence. It provides a clear and structured method to assess the potential impact on protected groups. [Further Guidance can be found here.](#)

EIA Form

Section 1: Policy Details

Name of policy, proposal, activity, or decision being assessed

Review and update of Northumberland County Council's Terms and Conditions of Employment (to replace the 'Job Evaluation and Single Status Agreement').

Directorate, Service and Team

Chief Executives, Workforce and OD, HR.

Summary of aims and objectives of the policy, proposal, activity, or decision being assessed

Guidance; this is where you explain what you are aiming to do. This must be written in plain English with no jargon or abbreviations as it may be read by a member of the public and must be clear and accessible to them.

The Council implemented its Single Status and Job Evaluation agreement in November 2011 following a lengthy job evaluation and resulting negotiation process. Single Status was introduced in response to a spate of equal pay claims raised nationally against multiple local government employers stretching back as far as the mid 1990s. Single Status was intended to resolve long standing issues arising from disparate treatment based on sex eg male staff working in highways being paid bonuses whereas female staff were not. This was achieved through evaluation of all roles in accordance with the Local Government Single Status Job Evaluation Scheme (Part 4 NJC Green Book).

Single Status also considered wider terms, conditions and allowances, some of which were locally agreed variations on the NJC Green Book.

Some addendums to the 2011 agreement were necessary in early 2012 in order to clarify some points around overtime and standby/callout payments.

In 2019, the then Executive team asked for the agreement to be reviewed. Negotiations duly commenced with recognised Trade Unions but reached an impasse and the onset of the Covid pandemic in March 2020 caused negotiations to halt.

The agreement has required an urgent review for the following reasons;

- 1) 'Single Status' is now an historic term that holds no meaning or relevance in the wider context of NCC terms and conditions.
- 2) There are parts of the agreement that can be interpreted in different ways depending on the way it is read. This creates inconsistency and confusion.
- 3) There are current cumbersome processes brought about as a result of the agreement that are bureaucratic and time consuming and lead to significant delays in the processing of employees claims.
- 4) Some elements are based on the technological restraints as they existed in 2011 (i.e. the payroll system and overtime being paid in 30 minute chunks).
- 5) 'Overall allowance' is still in payment and was noted as 'ceased subject to policy review' but is still in payment.
- 6) Which pay bands can claim enhanced rates of pay needs refreshed and clarified.
- 7) Standby payments in particular have not kept pace with increases in base pay and, following a thorough benchmarking exercise, it is clear that the Council are significantly behind neighbouring authorities in the amounts paid. This is leading to unrest in some areas with staff threatening to cease providing out of hours cover. This creates significant service risk.
- 8) Despite its comprehensive nature, there remains other aspects where there is no clear, current or agreed position. A refresh would offer the opportunity to bring clarity eg Bank Holidays and subsistence allowances

What information is already held, or have you obtained through consultation or engagement activity?

Guidance; You can use [Census Data for Northumberland](#), information from [Know Northumberland](#), any feedback, suggestions or complaints from service users, staff or service user/ residents survey's, information from other organisations (e.g. NCHT, Charities or voluntary organisations), targeted engagement with protected groups who may be affected, national or regional evidence or research if there are gaps in evidence.

The terms and conditions were due a review but there have been continued issues raised, especially around some of the financial rates of allowances within the terms and conditions.

The make up of the workforce of the Council and who will be impacted positively (and in one small change, negatively) is known already.

Section 2: Impact on Protected characteristics

Protected Characteristic	Is there a potential for positive or negative impact? (Yes/No)	Please explain and give examples of any evidence or data used	Potential action to address negative impact (e.g., adjustment to the policy)
<p>Age guidance: A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).</p>	Yes	<p>One of the changes proposed is to increase the Band at which employee's receive enhanced rates of pay for overtime and/or 'unsocial' hours working (between 8pm – 6am, weekends and Bank Holidays). As it stands, the cut off point for receiving the enhanced rate of pay is Band 8, it is proposed to increase that cut off to Band 11.</p> <p>This will have a positive impact on older members of the workforce in the areas that it will be most used as the average age of staff on Bands 9-11 is 48.</p>	

<p>Disability Guidance</p>	<p>No</p>	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	
<p>Marriage or civil partnership Guidance (someone who is legally married or in a civil partnership, can either be between a man and a woman, or between partners of the same sex.)</p>	<p>No</p>	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	

Protected Characteristic	Is there a potential for positive or negative impact? (Yes/No)	Please explain and give examples of any evidence or data used	Potential action to address negative impact (e.g., adjustment to the policy)
<p>Gender reassignment Guidance</p> <p>The process of transitioning from one sex to another.</p>	No	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	
<p><u>Pregnancy and maternity</u> Guidance</p> <p>Pregnancy is being pregnant. Maternity refers to the period after the birth, and is linked to</p>	Yes	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p> <p>Pregnant staff will be able to access the enhanced elements where service needs dictate and in the event that the do work that</p>	

<p>maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p>		<p>attracts those benefits in the build up to starting maternity leave their occupational maternity pay may be enhanced as a result.</p>	
<p>Protected Characteristic</p>	<p>Is there a potential for positive or negative impact? (Yes/No)</p>	<p>Please explain and give examples of any evidence or data used</p>	<p>Potential action to address negative impact (e.g., adjustment to the policy)</p>

<p>Race Guidance</p> <p>Refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p>	<p>No</p>	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	
<p>Religion and belief Guidance</p> <p>Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief, e.g. atheism, vegetarianism and vegans.</p>	<p>No</p>	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	

<p>Sexual orientation <u>Guidance</u> Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No</p>	<p>The proposed changes apply to all staff and the application of the financial elements is determined by service need. In the areas where they will apply, the role rather than the individual will determine if they will benefit from the changes.</p>	
<p>Sex <u>Guidance</u></p>	<p>Yes</p>	<p>There are a number of proposed changes that will impact on sex;</p> <ol style="list-style-type: none"> 1) There is an element called 'overall allowance' which is paid to kitchen/lunchtime staff within schools that are predominantly, if not exclusively female. The payment is a very long standing one and designed to contribute to the cost of laundering clothes. The payment is for a maximum of 65p a month (some people receive less) and it is proposed to cease. 2) The proposed change to the limit of which staff can claim enhanced rates of pay for overtime/unsocial hours working 	<ol style="list-style-type: none"> 1) Whilst this may be initially seen as detrimental to women, the payment is a hang over from a time when male colleagues in highways were receiving a 'bonus' payment which was the main comparator used by female staff to bring equal pay claims. To retain this payment, as small as it is, discriminates against male staff in similarly paid roles who are not given an allowance to wash their work allocated clothing.

		<p>will predominantly benefit women. This is because the areas that are mostly required to cover hours unsocially are Adults and Children's services who have a predominantly female staffing group at Bands 9-11 (83% female). However, the change applies equally to male staff and any male staff member in those Bands could also benefit, service needs requiring.</p> <p>3) The proposed increases to the standby allowance will predominantly benefit male staff due to the vast majority (90%) of standby being done in the Place and regeneration directorate (and specifically highways, neighbourhood and housing services) who are nearly exclusively male at an operational level. Female staff required to be on standby as part of service requirements will also benefit.</p> <p>4) The proposed simplification of how Bank Holidays are managed with regard to lieu time if worked is</p>	<p>4) Since 2022, the Council have been overly generous in how we have applied lieu time for bank holiday working and the predominantly female staffing groups that work on bank</p>
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		<p>potentially detrimental to some female staff groups as it will be a decrease from what they currently receive, however this is to remedy the fact that the Council have been overly generous in the last 2 years with how we do it (see adjacent column).</p>	<p>holidays (mainly Adults and Children's services), have been benefitting more than all other colleagues that do not work on a bank holiday. That in itself rectified an issue though where they had not been getting the correct bank holiday entitlement prior to 2022. Simplifying the guidance and process equals it for all staff.</p>
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Give details of any Human Rights implications and actions that may be needed to safeguard Human Rights.

Guidance: Although this guidance refers to Northern Ireland, it is also relevant to public bodies in England. [Practical Guide to the Human Rights Act](#)

N/A

Summarise actions that will promote equality or lessen any potential adverse impact on protected groups.

The terms and conditions that are being reviewed were born out of a need for the Council to look at equal pay issues (“Single Status”), so the terms were designed to address those issues as they were at 2011. That was done and a significant review done by an external equalities consultant which assured that issues were addressed.

Since then, there are no obvious equality issues with the terms and conditions and whilst the proposed changes may benefit some genders over others, that is more to do with the make up of the staffing groups within the areas that are required to be at work at the times that the proposed changes benefit.

What plans are there to monitor and review the actual impact of the policy change, decision, or proposal on equality of opportunity?

It has been 13 years since the last review of the terms and conditions and in line with all other HR policies, the terms will be put on a review cycle and looked at no less than every 3 years to ensure they are still fit for purpose and clear.

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Name and job title of person responsible for follow up review:	Andrew Meikle, Senior HR Manager
Date for follow up review:	April 2027

Section 2: Evaluation

Based on a consideration of all the potential impacts, mark one of the following as an overall summary of the outcome of this assessment:

<p>Proceed - The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.</p>	<p>PROCEED</p>
<p>Adapt or change -The equality analysis has identified risks or opportunities to promote better equality; the change, decision or proposal will be adjusted to avoid risks and ensure that opportunities are taken.</p>	
<p>Proceed with caution - The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the change, decision or proposal, and its overall financial and policy context.</p>	
<p>Stop - The equality analysis shows that the change, decision, or proposal would lead to actual or potential unlawful discrimination or would conflict with the Council's positive duties to an extent which is disproportionate to its objectives. It should not be adopted in its current form.</p>	
<p>Explain below how the judgement above was reached and summarise steps which will be taken to reduce any negative impacts or to enhance any positive impacts on equality:</p>	
<p>Name(s) and job title(s) of person (people) involved in carrying out this assessment</p>	<p>Andrew Meikle, Senior HR Manager</p>
<p>Authorising director, head of service or authorised Manager</p>	

Date authorised	
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<p>The completed equality impact assessment must be attached to the report that will be considered by the decision maker or decision makers to enable them to give due regard to the impact of the policy, decision, or proposal on protected groups.</p>
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End of Assessment