

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Job Retention (Furlough) Scheme

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Council wide including Locally Maintained schools
Lead Officer and contact details	Justine Brooksbank, Assistant Chief Executive
Names and roles of other people involved in carrying out the EIA	Emily Wren, Senior HR Advisor and HR Equality Lead
How will you pay due regard? e.g. working group, individual officer	Decisions agreed at Management Board having considered advice from Legal, Policy, Finance, HMRC and published government advice.
When did the due regard process start?	24 th March 2020

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Around 700 – 800 employees are being furloughed under the government's Job Retention Scheme (JRS). These are employees who cannot do their normal work because services have diminished or ceased as a consequence of the pandemic. They will continue to receive their full normal pay, of which 80% will be reclaimed through the government's JRS.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

Many Council services continue to be delivered and indeed demand has increased due to the pandemic. Other services have ceased or diminished eg due to schools and libraries being closed. The Council relies on its traded services to generate income to protect funding for core services. It is estimated that the additional costs (and lost income) to deal with the pandemic will see a shortfall of around £65m over a 6-month period. Additional government funding, the proportion of the £3.2b promised, is not expected to cover more than around £30m of this shortfall. Furloughing staff who are usually funded from traded income, where this income has diminished or ceased, will protect their continuing employment and reduce the financial shortfall which will otherwise have to be met through further cuts and efficiency savings.

Section 3. What will change? What will be different for customers and/or staff?

Employees who are furloughed will continue to receive their full normal pay, and to retain all their contractual employment rights, including continuous service, incremental pay progression and accruing holiday entitlement.

Employees will only be furloughed if they meet the tests that:

1. They cannot work because the service they provide has diminished or ceased;
2. Funding for their work has similarly diminished or ceased (eg parental contributions to school dinners or additional off contract commissioned services);
3. They cannot be redeployed into other work for the Council.

There will be no diminution of services as a result of furloughing staff, these are staff who are already unable to work because of the government restrictions as a response to the pandemic. As schools re-open and services resume employees will be brought back from furlough.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Unison, the recognised trade union, has been consulted and understands the need to furlough employees to avoid further financial losses and redundancies. All collective agreements with Unison still apply during furlough leave, including terms and conditions, pay and allowances, including any nationally agreed pay award from 1st April 2020.

Due regard has been paid to the need to ensure fairness in the selection process for furlough, and specific guidance has been developed with legal colleagues and shared with HR Business Partners supporting services and schools to identify employees to be furloughed.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

Furloughing employees will reduce costs, and contribute to limiting the shortfall in dealing with the pandemic. The JRS will provide up to 80% of employee pay and a contribution to national insurance and pension contributions to a maximum of £2,500 per employee per month until the end of June 2020. The scheme has been extended to end of October although the % that can be reclaimed is likely to fall from August. Had employees not been furloughed, restructures and redundancies would have to have been considered.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		X		It will protect services and jobs for all employees during a period of loss of traded income.
Disability		X		
Sex		X		
Race		X		
Gender reassignment		X		
Sexual orientation		X		
Religion or belief		X		
Pregnancy or maternity		X		
Marriage or civil partnership		X		

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		X		As above. Specifically with regard to low income, the majority of those being furloughed work in catering, and many are on the lower pay grades and work part time.
...have a low income?		X		
...are carers (unpaid family or friend)?		X		

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

North Yorkshire wide

Craven district	X
Hambleton district	X
Harrogate district	X
Richmondshire district	X
Ryedale district	X
Scarborough district	X
Selby district	X
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	
No	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.
No
The government have completed their own EIA for the JRS.

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	X
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.) This scheme will protect employees' pay and continued employment during a period where traded (funded) work has diminished or ceased. Guidance for selection for furlough has been tested to avoid discrimination or bias and is based on objective job related criteria.	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)
Claims for furloughed staff under the JRS will be reviewed every 3 weeks. Employees will be brought back from furlough when their traded work can be resumed eg as schools reopen. Management Board are being updated on the scheme on a weekly basis. Liaison meetings with Unison are being held on a weekly basis where any concerns can be shared.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Use of furlough and the government’s Job Retention Scheme will have a positive impact on employees with all protected characteristics, protecting pay and continuity of employment during an unavoidable decrease in traded activity and income as a consequence of the pandemic. It will assist to reduce the loss of income for the Council. Measures have been taken to ensure the scheme is applied fairly and in a non-discriminatory way.

Section 14. Sign off section

This full EIA was completed by:

Name: Emily Wren
Job title: Senior HR Advisor
Directorate: Central Services
Signature: Emily Wren

Completion date: 13th May 2020

Authorised by relevant Assistant Director (signature): Justine Brooksbank

Date: 21st May 2020