

Appendix 1: Equality Impact Assessment Screening:

Redeployment Policy

1. Context:

This EIA screening is undertaken because the paper requires a decision in relation to a workforce policy review.

2. Relevance to the Public Sector Equality Duty:

The draft document sets out the policy that the organisation will adopt to ensure that employees facing redeployment to suitable alternative employment are treated fairly and consistently.

It does not relate to a decision to change/restructure an organisation and the impact this might have on the equality profile of the workforce and on patients/service users with different protected characteristics.

The policy has the potential to impact positively or negatively on different groups of employees or it could have a neutral impact, depending on how it is implemented.

The policy is relevant to the following aspects of the Public Sector Equality Duty:

1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

Redeployment can be triggered by capability arising from ill health problems or performance issues or by an upheld disciplinary/harassment case.

Research by the Health Service Journal (2008) and Kline (2013) provides significant evidence that, in the NHS, “BME workers are grossly under-represented among senior management but disproportionately involved in disciplinaries, grievances, bullying and harassment cases and capability reviews” (Discrimination by Appointment, Kline, 2013).

There is local evidence that bullying and harassment are also significant issues for lesbian, gay, bisexual and transgender NHS employees (S.O. Heard Survey, 2009).

In order to avoid other potentially discriminatory outcomes and to maximise the potential for positive impacts, the draft policy should be revised in order to:

- highlight the role of the wider working environment and working relationships in enabling effective/improving performance
- be more explicit about the role of the receiving manager in identifying and responding to the needs for reasonable adjustments
- highlight the need for positive steps to be taken, in the redeployee's new working environment, to prevent similar, negative issues from arising again

2) Advance equality of opportunity between people who share a protected characteristic and those who do not

Following redeployment or relocation, any effective reduction in the level of employee remuneration (through rebanding to a lower grade or more expensive travel to work requirements) is likely to impact most adversely on lower paid employees. Looking at the CCG's workforce profile, such employees are more likely to be female than male, so such an outcome could be indirectly discriminatory in limiting the range of suitable redeployment options to this protected group.

The draft policy, in providing for pay protection and excess travel payments, addresses this potentially negative outcome and improves the feasibility/suitability of a wider range of redeployment options.

Furthermore, the pay protection provisions aim to prevent adverse financial outcomes for redeployees in the following circumstances:

- Bullying and harassment cases (which might be a particular issue in relation to race, sexual orientation and gender identity)
- Inability to find a job share partner (which might be a particular issue for female employees, who are more likely to work part-time)

3) Foster good relations between people who share a protected characteristic and those who do not

Having a clear and transparent policy, which is effectively implemented and which addresses potentially discriminatory outcomes, has the potential to foster good relations between staff who share a protected characteristic and those who do not. If the reason for redeployment relates to bullying and harassment, this potential could be maximised if the draft policy is amended to include a provision to positively address such issues in the redeployee's new work environment.

2. Impact on Protected Groups:

Depending on how it is implemented, the policy could impact positively or negatively in relation to the following protected characteristics:

Age.	No	Disability.	Yes	Sexual Orientation.	Yes
Race.	Yes	Sex.	Yes	Religion or Belief.	Yes
Gender Reassignment.	Yes	Pregnancy & Maternity.	No	Marriage or Civil Partnership Status	No

To address the issues identified in section 2 above, the following amendments to the draft policy are recommended. The following recommendations have been considered and implemented within the policy.

- After s5.5 d) add: “Request and action information about any reasonable adjustments required or any other reasonable arrangements which will enable the employee to perform effectively in the post”**. Should a commitment along these lines be included in the redeployment trial letter (App C)?
- In s16.1) add something like “He/she will also be responsible for agreeing and implementing any reasonable adjustments required or any other reasonable arrangements which will enable the employee to perform effectively in the post”**

** Could these sections more explicitly highlight the need (in cases where redeployment has arisen as a result of bullying, harassment or capability issues) for positive steps to be taken, in the redeployee’s new working environment, to prevent similar issues from arising again?

- App D, top box – after “workplace” add “...or to working arrangements” (to reflect the wide range of conditions which are protected against disability discrimination)
- EIA (s21): This statement is not an EIA. It is a “Statement of compliance with the Equality Act 2010” and the subheading should be changed to reflect this. This also applies to the equivalent section of the other CCG policies.
- EIA - Insert, after sentence 1: “The Act prohibits discrimination on the basis of: age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation, etc; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not”

Corrections

- P1, s 3.1.d) – “requests”
- P2, s5.3.a) – “posts”
- Numbering of s11
- Wording of last line in s11.1 c)?
- App D – arrows on the horizontal lines?

3. Health Inequalities:

Does it relate to an area with known Health Inequalities? No

4. Where it is considered that the policy has no relevance to the General Duty or Protected Groups, this should be recorded here with reasons, along with any advice received:

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5. Conclusion:

Proceed to full EIA: No
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