



**EAST MIDLANDS REGIONAL COLLABORATION
EQUALITY IMPACT ASSESSMENT**

Q1. What is the Policy or Procedure title, what is its purpose or objective and who will be affected by it?

Management of Change - Police Staff- Policy & Procedure aims to enable managers to comply with legislation and implement necessary organisational changes fairly and effectively. This policy seeks to ensure that:-

Change is managed sensitively, fairly and consistently
There is a clear procedure for the management of change
There is full and open communication throughout the period of reorganisation
There will be regular consultation with staff and UNISON(as the recognised Trade Unions)
The process will be carried out objectively to meet business and operational needs
Appropriate support is given to staff
Measures are taken to avoid, mitigate or reduce the adverse effects of change
There is compliance with legal requirements.

A two year post implementation review- date is built into the Policy & Procedure.

The policy applies to all employees of the authority whether permanent or fixed term. It only applies to contractors or agency staff insofar as they may be affected by pre-redundancy measures used to avoid or mitigate the risk of redundancy.

All Nottinghamshire Police managers and staff will benefit directly by having clearly defined, legally compliant and articulated policy.

Q2. Is there any evidence that this Policy or Procedure could affect some people differently on the basis of race, gender, disability, age, religion or belief, or sexual identity? Provide details of who and how they could be affected and data or information to support this (e.g. demographics, crime statistics, staff information).

The document has been prepared, making full reference to employment legislation to ensure that it is fully inclusive and offers the same support to all sections of the workforce regardless of race, gender, disability, age, religion/belief or sexual identity.

The document follows HR best practice and complies with the ACAS booklet on redundancy handling. Support will be given to staff facing redundancy and depending on the circumstances this could include outplacement support/ advice and counselling.

Redundancy compensation payments are more beneficial than statutory payments.

A negative impact is that staff may lose their jobs as a result of the procedures set out in this policy.

There is limited information available on the impact of this procedure due to the small number of redundancies (22) the Force has undertaken in the past 6 years. The data shows a fairly equal split between male (52%) and female (48%) employees made redundant. All of whom were white with 48% of staff made redundant are aged 51 or over. This does not necessarily indicate adverse treatment as a number of staff took voluntary redundancy/early retirement with enhancements. Two staff were recorded as having a disability.

Information on the redeployment of staff 'at risk' is limited. 68 staff have been on the redeployment register due to their post being 'at risk' of redundancy (58% female and 42% male) of these 68% were successfully redeployed.

Q3. If the Policy or Procedure could affect some people differently can this be justified on the grounds of eliminating unlawful discrimination, promoting equality of opportunity or promoting good relations between persons of different groups? (Please provide an explanation).

The policy and procedure has been produced to be fair and equitable to all groups of staff.

The procedure promotes more favourable treatment of employees on maternity/adoption leave who are 'at risk' of redundancy, however, this is included in order to comply with employment legislation.

The procedure also promotes more favourable treatment of disabled employees who are on the redeployment register. This is included in order to comply with the duty to make reasonable adjustments for people with Disabilities and comply with the requirements of the DDA 1995 (as amended).

Employees aged over 55 and within the Local Government Pension Scheme will receive immediate release of their pension benefits in addition to the redundancy compensation payment.

Q4. Who has been consulted on this Policy or Procedure and what were the findings of the consultation?

Preparation of the draft documents (versions 1.1) sent for consultation with Head of HR: HR Director: THR Project Manager: HRM's and COT. Feedback received and amendments made.

The Procedure was updated as a result and wider consultation has then taken place (Policy Version 1.2 and Procedure Version 1.5) with Divisional Commanders, Heads of Department (including Senior Police Staff Forum), HR staff, Force Solicitor, Federation, Superintendents' Association, Unison, DAWN, OUT, BPA and WIN.

A significant amount of feedback has been received as part of the consultation process, which has resulted in changes to the policy and procedure.

The equality issues raised and subsequent amendments to Policy & Procedure are recorded in Q5 below.

The amended Policy (version 1.5) has been agreed by Unison and approved by the Police Authority and FEG.

Agreement has been reached with Unison on the the amended procedure (version 1.10), which will be subject to a final legal compliance check and JNCC sign off.

Q5. What amendments to the Policy or Procedure have been made as a result of the consultation or data analysis? Has this been fed-back to those consulted?

Management of Change Policy

DAWN raised concerns regarding the period of time an employee is placed on the redeployment register being linked to the contractual notice period. DAWN expressed concern that this may adversely impact on disabled employees who are on the lower pay scales and would limit the time to investigate reasonable adjustments. DAWN also felt the Policy may be discriminatory on grounds of age as more disabilities are acquired with age. Policy amended to reflect a non-contractual 3 months period on the redeployment register for all staff.

The Policy (Version 1.1) stated that excess travel costs and time would be for the period equivalent to the duration of the contractual notice period, Unison commented that they felt this could be indirect age discrimination. Policy amended and the link to contractual notice period removed (agreed 12 months excess travel costs and no travel time).

The Policy (version 1.5) was agreed by Unison, subject to further consultation on the procedure.

Management of Change Procedure

DAWN raised that there needs to be much more information available about people's rights or at least sign posting. E.g. there is no reference to Jelic Vs CC of South Yorkshire case. This case relates to moving a police officer out

of a non-operational role to make way for another officer with a disability. The Procedure only applies to Police Staff and so was not amended to reflect this case. Also, the Procedure is not written to cover every possible scenario but enable management discretion with support and guidance from HR. Managers will be briefed on the procedure, relevant employment legislation and diversity issues.

DAWN & UNISON requested a reference to exploring and making reasonable adjustments for people with disabilities. UNISON wished this to include reference to staff under DDA being considered for redeployment to higher graded positions. Whilst redeployment to higher grades will be a consideration in certain circumstances the Procedure was amended (Section 4.4.1) to reflect the general duty upon employers:

'Staff with disabilities must be treated in accordance with the Disability Discrimination Act 1995, (as amended) which places a duty upon employers to make reasonable adjustments. The duty to make adjustments may require the employer to treat a disabled person more favourably than others to remove the disadvantage, which is attributable to the disability. All reasonable adjustments should be fully explored and considered.' (Version 1.7)

DAWN, UNISON, WIN and line managers reflected that there is no reference to support offered by the organisation to the employee who is 'at risk'. Procedure amended at section 4.7 (version 1.7).

DAWN and HR wanted a definition of unreasonable refusal of reasonable alternative roles. The procedure is written to enable 'use of discretion' for managers. This is generally defined in case law and HR staff will be providing this level of advice to line managers. Procedure not amended.

DAWN – Will the redeployment register include those staff who are eligible for medical redeployment? Yes. Would people 'at risk' of redundancy take priority? NO, this could be discriminatory. UNISON also raised similar issues. Procedure amended to clarify the priority order for redeployment - section 4.4.1 (version 1.7).

UNISON & WIN raised concerns raised regarding the absence of Selection for Redundancy criteria and requested fixed selection criteria to apply in all redundancy cases. Not agreed. One of the main reasons for the change in Policy & Procedure is that the current documents limit the Force's ability to implement change in a timely and pragmatic manner. It would not be acceptable to the organisation for the replacement procedure to also be limiting. The business case for the Management of Change Policy & Procedure is that it will deliver better outcomes for the public and facilitate change in a more business responsive way (e.g. it would be an enabler for management). The setting of fixed selection criteria to apply in every circumstance may hinder the organisation to move forward and could negatively impact on the staff affected.

As each restructuring process is unique and will have a business case and objectives, the organisation wishes to retain the flexibility to determine selection criteria appropriate to the circumstances of each change

programme. The criteria used would be non-discriminatory and discussed with Unison at the initial consultation stage. Agreed adding into 4.2.1 'including potential selection 'pool' and selection criteria for redundancy' and in 4.3.3 under 'Matching' - 'Where there are more employees than posts available the jobs will be ring-fenced and selection criteria will be applied to determine those to remain in post. Unison will be consulted on the selection criteria, which will be based on fair, consistent, objective and non-discriminatory grounds. Where interview and assessment takes place this will be in accordance with the Force's recruitment and selection policy.' (Version 1.7)

UNISON - Unison felt the issue of Temporary staff needed further consideration and clarity and referred to Derbyshire Police's Procedure.

Procedure amended at section 4.3.3 (version 1.7) as follows:

'In broad terms, fixed term workers may not be treated less favourably than permanent workers. However, specific circumstances may arise where there is an objective justification for treating fixed-term workers differently in organisational change. Each circumstance should be considered on a case by case basis and advice obtained from HR.

Where there is a reasonable expectation that work would come to an end at a certain date, e.g. on completion of a project, funding, maternity leave or the return of the substantive post holder, there may not be a need to include the fixed-term worker in the organisational change.

However, where a fixed term assignment is cut short due to organisational changes, or a reasonable expectation that the work was continuing or would be extended, they will normally need to be included in any job matching and selection pools, provided they were recruited to the fixed term worker role through fair and open competition.'

UNISON requested explicit reference to rights of employees on maternity leave rather than just seek advice from HR. Procedure amended as at section 4.3.5 (Version 1.7).

WIN - 4.4 - Payments - paragraph need to be clear that over 55 will also get redundancy as well and it will not be capped. Procedure amended.

WIN - Will current practices outside policies cease or will there be a further agreement published of how people will be placed in to posts during the transformation period. This relates to the perceived practice of staff being moved into roles without a selection procedure. This sits outside of the Management of Change Procedure.

Unison, WIN & Head of Department - section 4.3.7 (version 1.7) - Needs more detail on how voluntary redundancy can be used in a positive way - this will allow some employees the opportunity to leave the organisation in a positive way and how people can volunteer without being asked first and to open up opportunities for them in the organisation to stay. Procedure amended to include a section on voluntary redundancy.

WIN - The policy raises the profile of the line Manager to carryout the

consultation processors - what training will line-managers go through do deal with this. The Policy & Procedure will be supported via line manager briefings/workshops and e-learning packages.

WIN - Will the current practise of employing consultants on salaries outside our current pay scales cease? This could be seen to be insensitive in some areas. This sits outside of the Management of Change Procedure.

WIN - The review of the Hay process - there has been a review carried out and the recommendations have not been applied - the Hay process needs regain its credibility. This sits outside of the Management of Change Procedure.

WIN - Will the current practise of allowing retiring Police Officers to apply for internal post be allowed to continue - we never saw the justification for this decision to be overturned. This sits outside of the Management of Change Procedure, however, organisation have placed a freeze on Police Officer and Police Staff recruitment.

Matching Process – Unison want a percentage figure incorporating into the procedure. Not agreed - One of the main reasons for the change in Policy & Procedure is that the current documents limit the Force's ability to implement change in a timely and pragmatic manner. It would not be acceptable to the organisation for the replacement procedure to also be limiting. The business case for the Management of Change Policy & Procedure is that it will deliver better outcomes for the public and facilitate change in a more business responsive way (e.g. it would be an enabler for management). The setting the setting of fixed percentage to apply in every circumstance may hinder the organisation to move forward.

The Chief Officer Team have provided strategic direction of how we do business. HR policies and procedures need to become less prescriptive and enable the use of discretion and decision-making. COT want to retain flexibility, be able to adapt to different situations and not tie the organisation into the same way of doing things. This has caused difficulty in the past and will impact our ability to improve performance and deliver better outcomes for the people of Nottinghamshire. As each restructuring process is unique and will have a business case and objectives, the organisation wishes to retain the flexibility to determine the matching process, in consultation with Unison, for each change programme.

In order to balance the benefits of retaining flexibility for the business with the need to treat staff in a fair, transparent and consistent manner additional quality assurance was agreed in relation to the matching process and clarity on the factors that could be considered. Revised Procedure wording as below (Version 1.10)

'A matching exercise will typically involve a comparison of the job descriptions and person specifications, making reference to factors such as job purpose, principal accountabilities, job dimensions, knowledge/experience, skills & abilities, education/qualification and business demands.

Unison will be consulted on the matching process, which will be validated by HR.'

Unison - 4.1 – or appropriate committee? Who is the appropriate committee - want FEG for all cases. Procedure not just for redundancy. Agreed 'or appropriate decision making authority (e.g. Chief Officer Team Level for redundancy decisions'.

UNISON - Policy & Procedure Review date – want a review date set as 2 years time. Agreed will review on an ongoing basis but formally after two years.

UNISON - Assimilation – change to minimum of 10 working days due to shift workers Agreed remain as is. It is 10 working days e.g. shift worker doing 6 on 4 off will count as 6 working days.

UNISON - Prior consideration – want Leicestershire section 4.5 – not outside unless maternity or DDA applies. Discussed and agreed that only exception to ring-fencing will be those on maternity leave who are 'at risk' and staff with disabilities where it is a reasonable adjustment under the DDA. Procedure amended:

'Departments undergoing restructuring are not expected to give prior consideration to staff on the redeployment register from other departments whilst their own restructuring is in process unless it relates to maternity or disability.' (version 1.7)

Unison made reference to Archibald v Fife case – in this case the House of Lords held that, where an employee becomes incapable of carrying out his or her duties, the duty to make reasonable adjustments could include transferring the employee into a post at a higher grade without competitive interview (positive discrimination). Whilst the transfer to a higher-grade post for a person with a disability is not specifically mentioned, it is covered under section 4.3.5 on staff with disabilities, which clarifies that the duty to make reasonable adjustments may require the employer to treat a disabled person more favourably.

Unison commented that they wanted the Management of Change Policy & Procedure to be available in alternative formats (e.g. audio and easy read – so available for all staff). Email sent to Head of Data Services requesting consideration to policies/procedures being available in alternative formats. Documents will be available on the intranet and via an e-learning package.

4.1 'Initial Considerations' - Unison request that both the EIA and costings are included in the business case papers before submission to either FEG or COT level. (Also require flow chart - Appendix A to be updated). Procedure amended to include the requirement to undertake an Equality Impact Assessment. (Version 1.10).

4.2.1 'Initial Consultation' - Trade Unions' 'Consultation time will vary depending on the nature of the proposal, the reason for the changes and the proposed effective date'. Unison requesting add 'and staffing numbers

affected' - Procedure amended (Version 1.10).

4.3.5 'Prior Consideration vacancy management' - 'Managers do have the discretion to advertise such posts concurrently, either on an internal and/or external basis, where there is an urgent business need to fill the post'. Unison requesting add on 'where this need either cannot either be met within the organisation or within a timely manner'. Procedure not amended as there are occasions where the Force will need to run external recruitment in parallel to meet business needs.

4.7 'Assistance to staff under notice of redundancy' - Unison requested add in that 'Unison members may also wish to seek advice and support from their branch'. Procedure amended:

'Trade Union support is also available for Union members' (Version 1.10)

Q6. What arrangements have been made to monitor the effects of the Policy or Procedure on equality and diversity?

Data will be captured on an ongoing basis following the implementation of the policy and procedure (e.g. when employees are 'at risk') and monitored by HR to assess the impact on the various sections of the workforce. Fairness at Work submissions, appeals within procedure and ET claims will be reviewed to monitor the process. Qualitative measures will be sought via staff and manager feedback.

Assessed by:	James Lunn
Date	