

## Initial screening EqIA template

*Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:*

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 8 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex and/or sexual orientation.***

*The decision maker(s) must specifically consider those protected by the above characteristics:*

- (a) to seek to ensure equality of treatment towards service users and employees;*
- (b) to identify the potential impact of the proposal or decision upon them.*

*If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:*

- 1. **the decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **the duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. **the decision maker must be aware of the needs of the duty.***
- 4. **the impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?
  - a. **Collection and consideration of data and information;***
  - b. **ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
  - c. **proper appreciation of the extent, nature and duration of the proposal or decision.****
- 7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).*
- 8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider  
<http://occweb/files/seealsodocs/93561/Equalities%20->*

1. Which group (s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

The Council is committed to procedures which determine the pay and conditions of employment that are fair, free from bias and do not discriminate unlawfully. It operates three approved pay schemes (see page 4 of the statement and section three of the EqIA) in full agreement with local trades unions.

The Council's pay policy statement covers all employees but it is not anticipated that any individual or groups of employees will be disadvantaged by the current pay schemes and various allowances.

As part of the implementation of Single Status and the revised pay scheme in 2009, the Council undertook an equalities/ equal pay audit of the pay scheme that did not indicate any areas of disadvantage.

The Council produces an Annual Workplace Equalities Report which has a section on staff pay. The assessment for 2010/ 2011 produced the following analysis:

**Average earnings:**

<b>Male hourly earnings</b>	<b>£14.48</b>
<b>Female hourly earnings</b>	<b>£14.19</b>
<b>Total average</b>	<b>£14.38</b>

- The Council's Single Status project provided a firm foundation for equal pay and a further review of the Council's Reward Strategy is planned for 2012.
- Oxford City Council is committed to paying a minimum Oxford Living wage which is currently £7.19. Budget proposals for 2012-2013 will introduce a commitment to improve this to £8.01 per hour as the Living Wage to ensure this as a baseline for the lowest paid employees. Please note that the national living wage has been estimated as £7.30 by a number of analysts.

In December 2010 the Office for National Statistics reported that the national pay gap was 19.8% for all employees. The Council undertook an equal pay audit as part of implementing Single Status scheme and conducts regular reviews to ensure that equal pay is maintained and issues addressed. Data shows that the average pay gap between men and women at Oxford is 2%. Rates will inevitably differ but are explainable in context, e.g. craft grades are traditionally male dominated, account for a large proportion of the workforce and still paid on a productivity scheme so are not direct comparators with other service areas.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

The Council is responding to requirements under the new Localism Act 2011 to prepare, approve and publish a pay policy statement. The only proposed change is that of increasing the Oxford Living Wage to £8.01 (reviewable annually in line with cost of living increase if permitted by the LGA/ Central Government). Apart from the differences identified in paragraphs 13 & 14 of the statement, there are no other distinctions made in terms of remuneration.

As a result of the requirement to publish an annual salary statement it is not anticipated that the Council will need to specifically undertake any additional labour market analysis or research.

The Council also has to take due regard of the Code of Recommended Practice for Local Authorities on Data Transparency which commits the council to:

- Responding to public demand;
- Releasing data in open formats available for re-use; and
- Releasing data in a timely way

Background: As part of the wider transparency agenda, the Coalition Government is committed to increasing the transparency over the salaries of the highest earning public sector employees. The current Coalition Government's work programme is committed to:

- "require public bodies to publish online the job titles of every member of staff and the salaries and expenses of senior officials paid more than the lowest salary permissible (in Pay Band 1 of the Senior Civil Service pay scale, and organograms that include all positions in those bodies)"

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decisions that impact on them

The Council operates three pay schemes in agreement with the trade unions. No changes are proposed under this pay policy statement, it is simply affirmation of current agreed practice, as follows:

Scheme 1 is the main pay scheme appropriate for the majority of staff roles and was introduced as a result of Single Status and with the full agreement of trade unions. Based on the NJC analytical Job Evaluation scheme it consists of 11 grades and with progression based on competency and performance assessments. Pay is set at a median market rate.

Scheme 2 is a locally agreed national scheme covering approximately 150 skilled craft workers. It contains a retained productivity element that determines any grade progression. This progression starts from an apprenticeship grade.

Scheme 3 uses hay job evaluation to determine/ recommend pay for the Chief Executive, Directors, Heads of Service and a small number of corporate/ partnership roles. Senior pay is reviewed every two years by independent external review.

The Oxford City Council pay multiple is 1:7 and the Council will periodically undertake an equal pay review in agreement with trade unions.

The Council gained accreditation following an external peer review as an "Achieving" authority under the Equality Framework for Local Government in January 2012. In order to be able to be recognised at this level the Council had to be able to demonstrate a commitment to equal pay through a joint agreement and provided evidence of partnership working with trade unions to deliver equal pay. The Unison trade union lead and other union representatives were interviewed as part of the peer challenge.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

No adverse impacts have been identified.

The Council has negotiated with the trade unions a "Partnership Payment" for 2011/ 2012 to work proactively to support the financial well being of staff and offset medium term national public sector pay freezes and freezes in increments. Staff will receive a one off payment of up to £550 dependent on an achieving an acceptable annual performance appraisal, acceptable levels

of attendance (protecting the management of sickness absence for those staff declaring disabilities under the Equality Act 2010/ DDA), and on the Council satisfactorily meeting (and exceeding) it's budget out turn. This agreement was subject to an impact assessment agreed and signed off with the trade unions.

The Council recognises that there is work to be done to address the diversity of its workforce and will put positive action measures in place (via community coaching, careers events and the advertising of vacancies across community centres and a broader range of community contacts) in order to increase the diversity of the workforce across all grade points.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The Council will publish an annual pay policy statement on its website on or before 31<sup>st</sup> March each year.

The Council will publish annual data relating to senior officer remuneration as outlined in the Code of Recommended Practice for Local Authorities on Data Transparency

Equal pay will continue to be monitored as part of the Council's commitment to achieving "Excellence" under the Equality Framework for Local Government

Lead officer responsible for signing off the EqIA:

Role: Head of People & Equalities

Date: 01/02/2012

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties, socio-economic, social, regeneration and sustainability)
- Post implementation review plan (consider the basis for the review, objectives and how these will be measured, impacts and outcomes including the "unknown")
- Potential data sources

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