

# **POLICY & RESOURCES COMMITTEE**

## **ADDENDUM 1**

**4.00PM, THURSDAY, 10 OCTOBER 2019**

**HOVE TOWN HALL, - COUNCIL CHAMBER**

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## **ADDENDUM**

<b>ITEM</b>		<b>Page</b>
<b>55</b>	<b>ATTENDANCE SUPPORT PROCEDURE</b>	<b>3 - 36</b>



<b>Subject:</b>		<b>Attendance Policy and Procedures</b>	
<b>Date of Meeting:</b>		<b>10 October 2019</b>	
<b>Report of:</b>		<b>Executive Director Finance &amp; Resources</b>	
<b>Contact Officer:</b>	<b>Name:</b>	<b>Laura Keogh</b>	<b>Tel: 01273 290511</b>
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<b>Ward(s) affected:</b>		<b>All (All Wards);</b>	

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that additional information was required from external partners

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to brief the committee on a new attendance policy and procedure, and to seek authority to proceed with its implementation across the whole council.
- 1.2 The report also provides information on the TUC's *Dying to Work Charter*, designed to support staff with terminal illness, and requests approval to sign up to it as part of Our People Promise to staff.

### **2. RECOMMENDATIONS:**

- 2.1 That committee approves the implementation of the new Attendance Policy and Procedure for all staff across the council as part of our work on Our People Promise.
- 2.2 That committee gives delegated authority to the Executive Director, Finance & Resources to decide on an implementation timetable for the new Attendance Policy and Procedure.
- 2.3 That committee recommends to Full Council that the council signs up to the TUC's *Dying to Work Charter*, which supports staff with terminal illness to either remain in work as long as they are able, or to help them to access their pension early, depending on their wishes.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The council's existing Attendance Management Procedure has been in place since July 2014. Concerns have been raised by the trade unions and the Disabled Workers & Carers Network that the Procedure neither provides enough support for staff with disabilities, nor focuses enough on wellbeing and informal resolution of issues between managers and their staff.
- 3.2 The council's absence rate has been consistently above the target of 9.7 days (set according to CIPFA benchmarking data of similar organisations). The actual performance is improving, but with an outturn for 2018/19 of 10.08 days, further improvement is clearly required.
- 3.3 Research into effective methods of supporting improved attendance consistently shows that giving line managers responsibility for managing sickness through effective return to work meetings and other informal conversations, and providing them with the information needed to manage sickness both have a positive impact on attendance.
- 3.4 Work is already well underway to improve the health and wellbeing of our staff as part of Our People Promise. This includes a focus on both physical and mental health, and initiatives such as health checks, menopause training and mental health awareness that have been rolled out over the past year in response to the Well Workforce Survey in January 2018.
- 3.5 In December 2017 a new absence reporting system (First Care) was implemented to provide staff with immediate access to medical advice at any time, and real-time management information that ensures sickness is effectively managed and issues are discussed at an early stage.
- 3.6 Since the introduction of First Care the completion of return to work interviews following periods of sickness has increased from 64% to 72%, and the sickness rate for 2018/19 was 10.08 days compared to 10.57 days in 2017/18.
- 3.7 The review of the Attendance Management Procedure (see **Appendix 1**) addresses a number of issues and concerns with the current procedure and will ensure there is:
- Greater importance put on Return to Work discussions (page 6, point 2 & page 7, point 4) which research indicates is the biggest determining factor on improving attendance;
  - Support for staff with disabilities by more clearly recording disability related absence, putting more emphasis on providing paid time off for treatment and appointments (page 3, para 6.3) and ensuring that reasonable adjustments are considered and recorded in a support plan at the earliest stage (page 8, para 6.3, page 7, para 4.1);
  - A greater focus on informal resolution (page 10, paras 1.1 and 1.2) by reducing the procedure to two formal stages and introducing an informal stage at which the line manager and the employee agree an attendance support plan (this will significantly reduce formal sickness case work);
  - Earlier referral to Occupational Health for stress and mental health conditions (page 3, para 7.1);
  - Greater emphasis on our duties as an employer under the Equalities Act in relation to staff with disabilities (page 3, para 6.2);

- A commitment from the council on how we will support staff with a terminal illness to remain in work for as long as they are able or to meet their wishes in terms of leaving our employment as soon as possible (page 4, para 10.1). This commitment is part of the TUC's 'Dying to Work' campaign, which we are seeking support from Full Council to sign up to. Information about the campaign can be found here <https://www.dyingtowork.co.uk/> and in **Appendix 2. The charter asks employers to sign up to the following principles:**
  - We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
  - Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
  - We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
  - We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Research has been undertaken into what other large public sector organisations do on attendance management and this has been taken into consideration as part of the review.
- 4.2 The new policy and procedure are seen as progressive improvements to our wellbeing approach on attendance management and so no alternative options are being proposed.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The implementation of the new Attendance Policy and Procedure has been discussed with the council's recognised trade unions, workers forums and the Well-being Steering Group. Prior to the implementation of the new FirstCare attendance management system and new sickness reporting process, we agreed with the trade unions that we would review the existing Attendance Management Procedure in light of their feedback on this. The new policy and procedure detailed in this report is in response to this.
- 5.2 Throughout the review of this policy our recognised trade unions and the Disabled Workers and Carers Network have been fully involved in its development. The focus of these discussions have been on how we work collaboratively together to improve the experience of disabled staff in the workplace and to ensure that our policy/procedure is more supportive in enabling attendance at work.

5.3 Issues that the unions have raised through consultation have been addressed including:

- Agreement to reduce the review period during the informal stage to 6 months rather than 12 months.
- Agreement to increase the period of notice given before convening an absence hearing to 14 calendar days rather than 7 calendar days (which is in line with notice given for gross misconduct cases in the Disciplinary Procedure).
- Supporting a request to Full Council to sign up to the TUC's *Dying to Work* Campaign.
- Replacing formal warnings with formal review periods.
- Agreement to only use the new procedure for new sickness cases and that any existing sickness cases will continue to follow the current procedure.
- Agreement that If the attendance team are reduced in number or disbanded altogether then there will be immediate negotiations with the recognised trade unions on a new Attendance Support Procedure being put in place within 6 months of the change to the team.

5.3 The unions have confirmed that they support the implementation of the new Attendance Policy/Procedure and would like a policy review after 12 months, which has been agreed to.

## **6. CONCLUSION**

6.1 This revised policy and procedure reflects the council's well-being agenda and includes recommendations made by our trade unions, workers forums and the well-being steering group to provide a more supportive policy and procedure for our workforce.

6.2 This new policy and procedure meets one of the aims of Our People Promise which is to support employee well-being at work.

6.3 Signing up to the TUC's *Dying to Work* charter would demonstrate the council's commitment to supporting staff with a terminal illness and would also help to meet the above aim on well-being within Our People Promise.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

7.1 There are no direct financial implications expected, as the management and implementation of the policy will be undertaken within existing resources. Any reduction in sickness absence, arising from the extra support measures outlined in the report, would save money with regard to costs of cover and be more efficient for the council.

*Finance Officer Consulted: Jeff Coates*

*Date: 2/10/19*

### Legal Implications:



- 7.2 The proposed new Attendance Policy and Procedure complies with the council's statutory responsibilities and the relevant Codes of Practice, in particular the Employment Statutory Code of Practice issued by the Equality and Human Rights Commission.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 30/9/19*

Equalities Implications:

- 7.3 The Attendance Policy and Procedure EIA has been updated to reflect the content of the new policy and procedure and is attached at **Appendix 3**.

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

- 7.5 None

### **SUPPORTING DOCUMENTATION**

**Appendices:**

1. New Attendance Policy and Procedure
2. TUC Dying to Work Campaign information
3. Equalities Impact Assessment



## APPENDIX 1: New Attendance Policy and Procedure

### Attendance Policy

#### 1. Introduction

- 1.1 Employees are the most valuable resource in Brighton & Hove City Council. The aim of the Attendance Policy is to provide a framework to promote well-being and support employees to attend work. When an employee is absent for long periods, or frequently for short periods, this can cause disruption to services, increasing pressure for colleagues, and it is not good for the individual.
- 1.2 The policy outlines how we deal with absence situations fairly and consistently both for our colleagues and customers and ensure managers comply with our legal duty under the Equality Act to consider and provide reasonable adjustments to employees with disabilities. The responsibilities of both managers and employees to ensure good attendance and sustained returns to work after illness are set out in this policy and supplemented with guidance contained in the **Attendance Toolkit**.

#### 2 Scope

- 2.1 The procedure applies to all employees of the council with the exception of employees who are still within their probationary period and those employed in schools unless the relevant Governing Body has adopted this policy.

#### 3 Responsibilities

- 3.1 Employees have a personal responsibility to take all reasonable measures to ensure their fitness for work. Employees should be proactive in discussing any work issues that may be contributing to their absence and discuss any support and adjustments they may require.
- 3.2 Employees who are sick and unable to attend work are required to tell the council as soon as possible using the council's reporting process and to keep in touch regarding support required upon return to work. They are also expected to co-operate with referrals to **occupational health**.
- 3.3 Managers have a duty of care and responsibility for ensuring there are good working conditions, work practices and work behaviours in place. Managers are expected to;
  - hold supportive return to work discussions with employees after every absence,
  - agree and implement attendance support plans for employees,
  - ensure medical advice is promptly sought and considered, and always do so
    - At any time where advice is required to support an employee with a disability,
    - From day 1 for stress/mental health absence,
    - From day 14 for musculo-skeletal absence,
    - At any time but no later than day 28 for any other absence (this is regarded as long term absence)

- implementing agreed support promptly
- apply the process in a fair and consistent manner
- hold an informal absence review meeting where employees reach an attendance concern level
- arrange formal absence review meetings where employees reach a further attendance concern level

3.4 HR provides advice and support to improve the wellbeing and attendance of employees, on the application of the policy and procedure and advises the Hearing Manager at the Absence Hearing which is stage two of the Attendance Procedure.

3.5 The trade unions provide advice and support to fully represent their members interests, attend meetings convened under the Attendance Procedure, work with all parties to facilitate timely resolution to absence concerns and fair and consistent application of this policy and procedure.

#### **4 Attendance Support Plan**

4.1 Managers will agree an **attendance support plan** with employees where there is a requirement to maintain or improve attendance at work and, in the case of disabled employees, where reasonable adjustments are agreed and recorded. Any employee who doesn't have one already must have one as soon as they reach an attendance concern level.

4.2 The plan must be monitored, reviewed and updated on a regular basis and updated to reflect any additional requirements arising from a new or existing medical condition. The manager is responsible for implementing agreed actions promptly to secure the wellbeing of the employee at work.

#### **5 Attendance Concern Levels**

5.1 The council's attendance concern levels are:

- 3 separate spells of absence in any six month period
- 10 or more days of absence in any six month period

Different attendance concern levels should be considered as a reasonable adjustment for disabled employees.

5.2 Where employees reach an attendance concern level the manager is required to meet informally with the employee to discuss the situation and agree an attendance support plan. Following this meeting, if the employee should reach a further attendance concern level (see 5.1 above) within 6 months the manager will convene the first stage of the two stage Attendance Procedure.

5.3 The long-term absence concern level is 28 days and over. At which point, medical advice through occupational health should be obtained and the line manager should remain in regular contact with the employee.

- 5.4 Where an employee is absent for a prolonged period and there is no prospect of a sustained return to work within a reasonable time frame the matter may be addressed by going straight to stage two of the Attendance Procedure i.e. the Absence Hearing.

## 6 Disability Related Sickness

- 6.1 We are committed to having a representative workforce and understand that disabilities can be both visible and non-visible, and will take all reasonable steps to support the attendance of disabled employees.
- 6.2 We will also work with disabled staff making reasonable adjustments as necessary to help disabled employees to reach their full potential at work.

### Reasonable Adjustments

- 6.3 Under the Equality Act 2010, employers have a legal duty to make **reasonable adjustments** where working arrangements place a disabled person at a substantial disadvantage from those who are not disabled. Please see the **EHRC Employment Statutory Code of Practice** (<https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>), which contains a non-exhaustive list of potential adjustments that employers might be required to make. Where an employee has a disability, managers will need to evidence that reasonable adjustments couldn't resolve the unsatisfactory attendance before taking action up to dismissal including compulsory ill-health retirement. Where absence is attributable to a disability, managers should make sure they hold regular discussions with the employee to assess how reasonable adjustments are working or where further changes need to be made to support the employee. These discussions and outcomes relating to adjustments should be recorded on the employee's attendance support plan.
- 6.3 The Equality Act also covers where an employee is acting as main carer for someone who is disabled. If someone were treated less favourably as a result of their association with the protected characteristic of someone else (e.g. a carer's link to the disabled person they are looking after) this is considered discrimination by association. It is important that we consider this when managing attendance at work and ensure that reasonable adjustments are made where necessary.
- 6.4 Managers will allow reasonable paid time off for a disabled employee (i.e. someone whose condition falls under the Equality Act) to attend appointments in the following circumstances and this will be recorded on the employee's Attendance Support Plan (these are not recorded as sick leave and do not count towards concern levels):
- To attend consultations or treatment to improve/manage a disability
  - To attend medical appointments for life threatening/critical or chronic illnesses

## **7 Stress and mental health issues**

- 7.1 Where managers are concerned that an employee may have a **stress/mental health** issue it is important to talk to the employee and offer them support. They should also be made aware of the council's **counselling** and **occupational health** services. An **individual stress risk assessment** should be completed. When an employee's absence is stress or mental health related then an occupational health referral should be made immediately.

## **8 Pregnancy and Maternity Related Sickness**

- 8.1 Women have legal protection from detriment or dismissal in connection with pregnancy. Pregnancy and maternity-related sick absence (including absence as a result of a miscarriage) during protected periods should be reported in the normal way but does not count towards attendance concern levels. Pregnancy and maternityrelated sickness absence should be disregarded for the purpose of the Attendance Procedure.

## **9 Absence from work due to gender reassignment**

- 9.1 An employer is guilty of direct gender reassignment discrimination if, in relation to a transgender employee's absence from work because of gender reassignment, it:
- Treats the employee less favourably than it would have done had the employee been absent because of sickness or injury, or
  - Treats the employee less favourably than it would have done had the employee been absent for some other reason **and** it was not reasonable for it to do so.
- 9.2 A person's absence is because of gender reassignment if it is because the person is proposing to undergo, is undergoing or has undergone the process (or part of the process) of gender reassignment by changing physiological or other attributes of sex.
- 9.3 There is no defined minimum or maximum time which must be allowed for absence for treatment. It will be good practice for employers to discuss with transgender staff how much time they will need in relation to the gender reassignment process and accommodate those needs in accordance with our policy on **Supporting Transgender Employees Policy**.

## **10 Terminal Illness**

- 10.1 The council will strive not to create additional avoidable stress or worry for individuals who have been given a terminal diagnosis by providing employees in this situation with appropriate support and security. Where they wish to do so, employees will be supported to remain at work as long as they are able. This may reduce the uncertainty and insecurity that they are facing as well as providing some financial security and a distraction from their illness. Where possible and in accordance with their wishes, their death in service benefits will be secured for their

beneficiaries. Others may wish to sever their employment as soon as possible in order to spend the time they have left with their families. More information will be provided in the **Attendance Toolkit** under managing extended absences.

## **11 Sick Absence and Pay**

### **Occupational Sick Pay**

- 11.1 Entitlement to occupational sick pay is set out in employees' contracts of employment. Extensions to occupational sick pay may be granted in extenuating circumstances by the Head of HR&OD (in consultation with the Executive Director Finance and Resources).
- 11.2 The Council reserves the right to dismiss an individual before they have exhausted any outstanding entitlement to occupational sick pay.

## **12 Medical Appointments**

- 12.1 Employees are required to make every effort to arrange medical appointments in their own time outside normal/core working hours. If employees are unable to make appointments in their own time it is expected that managers will allow reasonable paid time off. Where attendance at a medical appointment results in an absence of half a day or more this should be recorded as sickness absence and employees qualify for occupational sick pay. Managers may ask to see appointment letters/cards. Medical appointments will not count towards an attendance concern level.

## **13 Unauthorised Absence**

- 13.1 Where an employee is absent without making contact, or when fit for work certificates are not produced on time, the manager should try to contact the employee to check their well-being. However, in the absence of a response or an acceptable explanation, managers should record the absence as "unauthorised absence" (and therefore unpaid) and contact HR.
- 13.2 Where there is evidence of false sickness certification or unauthorised absence then the manager should contact HR and the matter should be investigated under the council's **Disciplinary Procedure**.

## **14 Industrial Injury Related Sickness**

- 14.1 Only those injuries or illnesses covered by the reporting requirements of the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) can be classified as work related injury/illness. Work-related stress is not reportable under RIDDOR. Please see the **Attendance Toolkit**.

## **15 Third Party Injury Related Sickness**

\*Please note all links to relevant documents are not yet live



- 15.1 An employee who is absent as a result of an accident where damages may be received from a third party, may receive Occupational Sick Pay as an advance of salary. This is because part of any payment claimed from a third party will usually cover loss of earnings. Please see the **Attendance Toolkit**.

## **16 Sickness during Annual Leave**

- 16.1 If an employee is sick when they are on annual leave they should meet with their GP as soon as possible to obtain a 'fit note'. Once the manager has received the 'fit note' the days that are covered by this will then be considered as sickness and the annual leave days will be reinstated. Please note the council will reimburse the employee for any costs incurred as a result of obtaining a fit note.

## **17 Sickness during Notice Period**

- 17.1 Employees will be paid their normal contractual salary for the duration of their notice period where notice is given by the council.



## The Attendance Process

Note: This section sets out more detailed information about what is expected from staff and managers to meet the requirements of the policy and procedure.

### 1 Reporting Absence

- 1.1 Employees must report their sickness absence using the council's **sickness reporting procedure** no later than one hour before their normal start time on their first day of sickness or in line with local reporting arrangements. Failure to report sickness absence in accordance with the council's procedure may result in a loss of pay and/or disciplinary action and the manager should contact HR for advice. A 'fit for work' certificate must be produced as soon as possible for absences that continue beyond the seventh consecutive day.
- 1.2 Managers are responsible for monitoring and reviewing the employee's absence and working with employees to facilitate a return to work.
- 1.3 Managers must contact employees who haven't reported their absence as soon as possible to check on their well-being.

### 2 Informal Return to Work Discussion

- 2.1 A **return to work discussion** must take place between the manager (or delegate) and employee after each sickness absence, ideally on the day the employee returns to work. Ideally this would be a face to face discussion but a telephone call is acceptable.
- 2.2 This discussion is:
  - informal and supportive
  - intended to welcome the employee back
  - to check they are fit to return to their full duties
  - to find out why they were away
  - to let them know any news
  - cover any support required including reasonable adjustments
  - where there is room for improvement the employee must be told what is expected and the likely consequence if this does not happen

A copy of the return to work form should be provided to the employee. Please see the **Attendance Toolkit**.

### 3 Occupational Health Referrals

- 3.1 There are times when further medical advice is needed. This may be to seek advice on how to support an employee with a disability or a newly diagnosed condition maintain or improve their attendance at work, to support a return to work, to understand when an employee may be fit to return. Managers must discuss the reasons for making a referral with employees and provide the employee with a copy of the referral. Please see the **Attendance Toolkit** for details on how to make a referral.

#### **4 The Attendance Support Plan**

- 4.1 An **attendance support plan** is a record of the actions, reasonable adjustments, and other appropriate support agreed for the employee to maintain or improve their attendance at work. The manager is responsible for implementing actions promptly to secure the wellbeing of the employee at work. A stage 2 absence hearing cannot be arranged under the formal Attendance Procedure unless an attendance support plan for the employee's medical condition(s) has been implemented (where the individual is at work), and an attendance concern level reached within twelve months of being issued with a formal review period. A copy of the attendance support plan must be provided to the employee.

#### **5 Attendance Concern Levels**

- 5.1 If an employee has reached an attendance concern level the manager must meet with the employee to discuss their wellbeing and how their attendance at work can be improved to meet the required standard. It is expected that the manager and employee will agree an attendance support plan to mitigate against reaching the attendance concern level again. If there is already an attendance support plan in place this should be reviewed and any further support and reasonable adjustments agreed and implemented.
- 5.2 The employee must be told that if a further attendance concern level is reached within a six month period of the last absence then a formal absence review meeting will be convened under the Attendance Procedure and that if they continue to reach attendance concern levels their future employment may be at risk.
- 5.3 Managers cannot arrange a formal meeting under the Attendance Procedure if they have not previously met with the employee following their absence reaching the concern levels, implemented an agreed attendance support plan and the employee's absence has again reached an attendance concern level. The exception to this is long term absence where there is no reasonable prospect of the employee returning to work within a reasonable period of time.

#### **6 Definition of a Disability**

- 6.1 Under the Equality Act 2010, employees must not be unlawfully discriminated against in relation to their disability-related sickness absence. The definition of a disability is "a physical or mental impairment, which:

“Has a substantial and long term adverse effect upon their ability to carry out normal day to day activities”. The illness or condition is considered long term if it has lasted, or could last 12 months or more”.

- 6.2 The definition of disability applies from the time of diagnosis for those employees with progressive conditions including HIV, multiple sclerosis and cancer. Employees with psychological ill-health may also be protected.
- 6.3 A **reasonable adjustment** may be, **but is not limited to any of the following**:
- An adjustment to their working environment, the building, or equipment they require
  - A temporary/permanent adjustment to their duties
  - A temporary/permanent adjustment to their patterns of work or flexible working options
  - Reasonable paid time off to attend medical appointments related to the individual's disability
  - Adjusting attendance concern levels (increasing the threshold) for any disability related absences (see toolkit guidance and examples)

See also the council's **HIV/AIDS Awareness Guidance** on how managers should support HIV positive employees.

- 6.4 All disability related absence should be reported in accordance with the council's normal process but it should be clearly recorded as disability related absence on the attendance management system.

## **7 Occupational Health Advice – Management Action**

- 7.1 The manager must discuss the content of the occupational health report and the options with the employee as soon as possible. If occupational health advice is that the employee is unlikely to be able to return to their existing job within a reasonable period, the manager should consider convening an Absence Hearing under the Attendance Procedure.
- 7.2 If occupational health advises that the employee is not fully fit but that they should, for an interim period, return to work on reduced hours or reduced duties, the manager should wherever possible agree an appropriate temporary working arrangement or other adjustments. This arrangement should be documented in the attendance support plan. If the employee fails to make a sustained return to work within a reasonable period of time despite reasonable adjustments being in place then the manager will need to arrange an Absence Hearing under the Attendance Procedure to consider whether to terminate their employment.

### **Medical Redeployment**

- 7.3 If Occupational Health advises that the employee is not capable of returning to their post, but that they would be fit for other duties, the manager should ensure that a

report of the employee's occupational suitability is provided to the Redeployment Co-ordinator who will arrange for the employee to be placed in the redeployment pool at the earliest opportunity. The manager should also arrange an Absence Hearing under the Attendance Procedure to consider the future employment of the individual in case there is no suitable alternative employment.

### **III-Health Retirement process**

- 7.4 If the employee is a member of the local government pension scheme and occupational health advice is that the employee is or soon will be medically unfit to do their job or any other suitable post it is probably not appropriate to convene a Hearing under the Attendance Procedure and the employee will be written to regarding this decision. The employee will be advised, in writing, of their right to appeal the ending of their employment with the council.
- 7.5 In the absence of an ill-health retirement recommendation from Occupational Health termination will be on the grounds of medical capability and an Absence Hearing under the Attendance Procedure will be convened.

## **8 Return from Extended Sick Absence**

- 8.1 The employee should call before their expected return date provided on their fit to work certificate to update their manager about their recovery. When the employee confirms their return date the manager should (prior to the employee returning) discuss what support they are likely to need (on the basis of medical advice) and should capture this, together with any OH advice and agreed adjustments (temporary or permanent) on the Attendance Support Plan. These could include a phased return, temporary/permanent alternative duties or work location. If adjustments are required in most cases they will need to be in place before the employee returns.

## Attendance Procedure

### 1 Introduction

- 1.1 This document sets out the formal procedure to be used where an employee is unable to attend work regularly. Please note that there is an informal stage and this is the meeting between the line manager and the employee when they have reached the first attendance concern level. At this meeting an attendance support plan should be put in place.
- 1.2 There are two formal stages; stage one may result in the employee's attendance being subject to a formal review for a 12 month period and advised that if their attendance does not improve the matter will be considered at stage two of the procedure. This takes the form of an Absence Hearing which will consider their future employment with the council. There will be circumstances where it is appropriate to convene a hearing at stage two without having considered the matter at stage one, for example, long term absences where there is no prospect of a return within a reasonable time.

Please note – all references to days in this procedure refer to calendar days.

### 2 Discretion

- 2.1 **It is not necessary** to convene a formal **absence review meeting** under the procedure where it is clear from the return to work discussion and previous attendance record that:
  - The employee's future attendance levels are likely to be satisfactory
  - The employee has a disability and there is a short-term attendance issue which is likely to be resolved
  - The employee has a disability and there is a long-term attendance issue where a reasonable adjustment could be to accept a slightly higher level of absence compared to an employee who does not have a disability
  - The employee has been absent due to a newly diagnosed condition/illness that is covered under the Equality Act.
  - The employee has recently been prescribed new medication to treat their medical condition, which is impacting on attendance levels.
- 2.2 Please note this list is not exhaustive and further examples are provided within the **Attendance Toolkit**.

### 3 Stage One - Absence Review Meeting

- 3.1 The manager will convene an **Absence Review Meeting** in the following circumstances
- the employee has reached an attendance concern level
  - the manager has previously discussed concerns with the employee
  - the manager and employee have agreed an attendance support plan
  - the attendance support plan was implemented
  - within a year of reaching the attendance concern level the employee has again reached an attendance concern level
- 3.2 The manager will write to the employee to give 7 days' notice of the date of meeting and explain their right to be represented at the meeting by a union representative or a work colleague. If the employee is unable to arrange representation for the scheduled meeting then an alternative date will be arranged within a reasonable timeframe. Prolonged delays due to the lack of an available representative will not be a reason for postponement.
- 3.3 At the meeting the manager will discuss their concerns about the employee's absence, the actions taken to support improved attendance, review the attendance support plan and explore with the employee why these have not addressed the concerns. The manager will consider what action may be taken to prevent future absence from reaching the attendance concern level.

#### **4 Outcome – Formal Review Period**

- 4.1 At the conclusion of the meeting the manager can arrive at the following outcomes:
- The setting of a formal review period for the next 12 months.
  - To adjourn the meeting pending occupational health advice.
  - No formal review period (see section 5 below for examples of when this might apply).
- 4.2 Where the manager decides to place the employee in a formal review period, this starts from the end date of the last absence that caused the attendance concern level to be reached, for a period of 12 months. The employee needs to understand that if their sickness absence reaches a further attendance concern level during the 12 month review period, an Absence Hearing will be arranged and the Hearing Manager will, at that time, consider whether or not to dismiss the individual.
- 4.3 The attendance review period will expire after 12 months if the individual has not reached a further attendance concern level during this period.
- 4.4 The manager will write to the employee within 7 days of the meeting to confirm their decision and will explain that the last day of sickness absence marks the start of a formal rolling 12 month review period. Employees may appeal decisions to implement a formal review period by writing to their manager's manager within 7 days of receipt of the outcome letter. A copy of the outcome letter should be placed on the employee's personal file.

## 5 Outcome – No Formal Action

- 5.1 Placing the employee under a formal attendance review period may not be required in the following circumstances (please note that these examples are not exhaustive);
- Appropriate support and reasonable adjustments which would have prevented the absence reaching a concern level were not in place.
  - Return to Work discussions have not taken place for all absences that gave rise to the employee reaching this Attendance Concern Level.
  - The absence(s) represent a spell of illness which is unusual and unlikely to recur in an otherwise excellent attendance record by a long term employee.
  - The absence(s) relate solely to a non-recurring illness/condition which has been successfully treated (e.g. fracture, routine operation).
  - A disabled employee is experiencing short term absences as a result of changes in their medication aimed at improving their condition
  - Occasional absences are an accepted part of the condition which a disabled person has and the service area is able to support these operationally
  - An employee has been absent due to a newly diagnosed condition/illness that is covered under the Equality Act.
  - The manager is satisfied that the individual's absence will not give rise to further concerns.
- 5.2 If no formal action is to be taken, this should be confirmed in writing to the individual within 7 days of the meeting and a copy of this letter should be placed on the employee's personal file.
- 5.3 However, if a further Attendance Concern Level is reached within 6 months of the last occasion, the manager will convene a further Absence Review Meeting under this procedure.

## 6 Stage 2 - Absence Hearing

- 6.1 The purpose of the **Absence Hearing** (which is stage 2 of the procedure) is to consider the employee's continued employment with the council, which should be arranged in the following circumstances:
- where the attendance concern level is reached during a formal review period
  - when the reason for absence is a serious illness and it is unlikely that the employee will make a return to work within a reasonable period of time

- 6.2 The manager, prior to arranging an Absence Hearing, must have tried to obtain an up to date Occupational Health report and arrange to meet to discuss this with the employee to see if their attendance at work is likely to improve to the required standard. If the manager does not consider that the employee's absence will improve then an Absence Hearing will be convened.
- 6.3 Those present at an Absence Hearing will be the Hearing Manager, advised by an officer from the Human Resources & Organisational Development team, the line manager presenting the concerns about the employee's continued level of absence, the employee and the union representative or colleague of the employee.
- 6.4 The manager must confirm the date and time of the hearing in writing and send a copy of the written documentation to be relied on to the employee and their representative at least **14 days** before the hearing. Any documentation the employee or their representative wishes to present at the hearing should be submitted to the hearing manager **no less than 4 days** before the hearing.
- 6.5 If the employee or the representative cannot attend on the proposed date efforts will be made to find an alternative date acceptable to all parties within a reasonable timeframe.
- 6.6 At the Absence Hearing the Line Manager will present their case to the Hearing Manager setting out why the level of attendance is not acceptable and what action has been taken to support the employee improve their attendance at work. The case should include the following;
- the employee's absence record (no more than past 2 years), including the advice from Occupational Health
  - the support and advice given to the employee
  - how the attendance support plan has been implemented
  - any further action taken to support the employee's attendance at work
  - in cases where the employee's absence is related wholly or in part to a disability, set out how the council has considered or made reasonable adjustments.
- 6.7 The employee and/or the union representative will present their case setting out what they wish the Hearing Manager to take into consideration when making a decision.
- 6.8 The Hearing Manager will adjourn to consider the cases presented and decide whether to:
- Dismiss the employee (with notice) on the grounds of a lack of capability to attend work on a regular basis.
  - Dismiss the employee (with notice) on the grounds of a lack of capability unless an alternative suitable redeployment can be identified within the period of notice.
  - Dismiss the employee (with notice) on the grounds of permanent ill-health, where supported by medical certification from the OH Adviser.



- Implement a further final review period of 12 months to monitor the employee's attendance at work. If a further Attendance concern level is reached during this review period another Absence Hearing will be convened and it is likely that the employee will be dismissed.
- No dismissal or review period is required, and recommendations for further action for the manager/employee are detailed in the attendance support plan.

6.9 The manager will reconvene the hearing and inform the parties of the decision. Exceptionally the hearing manager may defer making a decision, for a short period, if issues arise that require further investigation.

6.10 The hearing manager will send a letter giving written confirmation of the decision to the employee within 7 days of the date of the hearing. A copy of the letter will be kept on the employee's file.

## **7 Appeals**

7.1 **Appeals** against a decision to implement a further review period shall be submitted to the Hearing Manager's manager (their contact details will be provided) within 7 days of receipt of the decision letter. See **Attendance Toolkit** for the format for the appeal against a further review period.

7.2 **Appeals against dismissal** - The employee may appeal against their dismissal to the Council's Personnel Appeals Panel. The appeal must be made in writing, on the appeal form and clearly state the ground(s) for the appeal.

7.3 The **appeal form** must be submitted to the Head of Human Resources & Organisational Development within 7 days of the date of the letter confirming the Hearing Manager's decision. The Council's Personnel Appeals Panel will then be convened as soon as possible to hear the appeal.

**September 2019**



## **Dying to Work Campaign**

### **Terminally ill employees**

Many workers get a serious illness at some time in their working lives. They may require time off, often many months, to get treatment or recover. There is good guidance that has been produced by the TUC and others to deal with cases of long-term illness, or return to work for those who are disabled as a result of an illness or injury.

However, sometimes there is no effective treatment. In these cases the worker may face a time of huge emotional stress, fear and uncertainty. Trade unions can try to ensure that when that happens, they try to remove any additional stress and worry.

A terminal illness is a disease that cannot be cured or adequately treated and there is a reasonable expectation that the patient will die within a relatively short period of time. Usually, but not always, they are progressive diseases such as cancer or advanced heart disease.

UK Social Security legislation defines a terminal illness as: “a progressive disease where death as a consequence of that disease can reasonably be expected within 6 months”, however many patients can have a terminal illness and survive much longer than 6 months.

### **Implications of a terminal diagnosis**

Being told that you are to die as a result of a disease for which there is no cure or effective treatment and that you only have months, or at best a year or so to live is a traumatic event and everyone will react differently.

Sometimes the nature of the illness is such that the person is unlikely to be able to work again. In other cases, a person may decide that they do not want to work anymore and would rather spend their remaining time with their family and friends, getting their affairs in order, or simply doing what they want. However, a lot of workers with a terminal diagnosis decide that they want to continue working as long as they can, either because they need the financial security or because they find that their work can be a helpful distraction from their illness. Whichever choice a person makes, they should be able to expect help and support from their employer.

Unfortunately the experience of many workers is that their employer is either unsympathetic or puts up barriers to them continuing in work.

If a worker with a terminal illness loses their job they lose their income. They can also lose any death in service payments they have earned through a life-time of work but are only payable to those that die while still in employment.

## Did you know...

Cancer Research UK are projecting that 1 in 3 people will be diagnosed with cancer. Currently 1 in 10 new cancer cases are found in people under 50. (Over 33k cases a year)

### 5 Steps to the Charter

#### Step 1

**Check that your employer has not already signed up to the TUC Dying to Work charter**

The TUC Dying to Work charter is already protecting over half a million working people in the UK and this number is growing nearly every week.

#### Step 2

**Involve your union**

Raise the campaign with your Trade Union branch and ask your rep to raise the charter with your employer. If your workplace has more than one recognised union then ensure their representatives are also involved in the discussions.

#### Step 3

**Encourage your employer to sign the voluntary charter**

Unions should be clear about what they want from their employer. Just getting a vague commitment is not enough. Union negotiators should seek agreement that their employer will:

- **Review sick pay and sickness absence procedures** and include a specific statement that they will not dismiss any person with a terminal diagnosis because of their condition.
- **Ensure that they have an Employee Assistance Programme** that has the capacity and competency to provide support to any person with a terminal illness, including access to counselling and financial advice.
- **Provide training to line managers and all HR staff** on dealing with terminal illness, including how to discuss future plans with any worker who has a diagnosis of a terminal illness, and on what adaptations to work arrangements that may be necessary.
- **Adopt the Dying to Work Charter** and notify all employees that they have made the commitments contained in it.

## Step 4

### Inform the TUC

Once the employer and the recognised unions are happy that the commitments within the charter have been met, please inform the TUC of your intention to sign using the contact details provided.

In your correspondence, please include:

- Dates of availability for a public signing ceremony
- The logo of your organisation and union(s) signing the charter
- The names of those signing the charter on behalf of the employer and union(s)
- The names and quotes for draft press releases – The TUC will be happy to liaise with your organisation's press department.
- The number of workers to be covered by the Charter. We will add these to the national total
- Confirmation that photos can be taken at the event which the TUC can share on social media, the campaign website and other outlets

## Step 5

### Sign the Charter

The TUC will provide a customised copy of the charter for the public signing ceremony which will be attended by a representative of the campaign. The TUC will also work with your internal press department to co-ordinate press releases to generate media coverage in both the local and national press and broadcast media.

After the signing, your organisation will have officially joined the growing number of employers from across the public and private sector which have made this important commitment to their employees. Your organisation's details will be added to our website and the charter will be left with the employer to display as they see fit.



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## APPENDIX 3

### Short Equality Impact and Outcome Assessment (EIA) Template - 2019

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No. [9](#)) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Meg Lewis)**

#### 1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Attendance Policy and Procedure	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	HR&OD		
<b>Focus of EIA<sup>8</sup></b>	<p>The introduction of a new Attendance Policy and Procedure to replace the existing Attendance Management Procedure within the council. This new policy and procedure addresses issues that were raised by the Well-being Group (with union, management and HR representation) back in 2016 and one of the recommendations of this group was a review of the current procedure. Over the past 12 months the council has been consulting with the trade unions over the new policy and procedure and this has also been shared with the Disabled Workers' and Carers' Network for their input too.</p> <p>The main changes within the new policy/procedure are as follows:</p> <ul style="list-style-type: none"><li>• The introduction of an informal stage at which the line manager and the employee would</li></ul>		

- 
- discuss an attendance support plan.
  - OH referrals recommended from day one of absence for a stress/mental health condition.
  - Greater emphasis on our duties as an employer under the Equality Act in relation to disabled staff. Including recording absence as disability related where appropriate, managers considering different attendance concern levels for a disabled employee and ensuring that any medical treatment required to manage an impairment is given as paid time off to the employee.
  - A commitment regarding how we will support staff with a terminal illness in line with the TUC’s ‘Dying to Work’ campaign.
  - A formal 2 stage attendance management process.
  - Formal warnings replaced with the setting of formal review periods, which can be given at both stages of the procedure.
  - The creation of an attendance toolkit to accompany the policy/procedure to support both managers and staff

### Assessment of overall impacts and any further recommendations<sup>9</sup>

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Sickness data by equality strand is shown in the table below – 175 employees (exc schools)

Protected group	% of sickness cases involving people sharing protected characteristic 2017/18	% of people sharing protected characteristic in workforce as at 31.3.18
BME	3.45%	6.9%
White Other	<b>8.28%</b>	<b>6.85%</b>
White Irish	1.38%	2.26%
White British	<b>86.89%</b>	<b>83.99%</b>
Disabled	<b>16.79%</b>	<b>7.51%</b>
LGB	<b>13.22%</b>	<b>11.82%</b>



Male	<b>49.14%</b>	<b>40.30%</b>
Female	50.86%	59.70%
<20	0%	0.13%
20-24	1.71%	1.78%
25-29	2.29%	5.12%
30-34	7.43%	7.96%
35-39	9.71%	12.3%
40-44	<b>16.57%</b>	<b>13.18%</b>
45-49	16.0%	16.43%
50-54	14.86%	17.52%
55-59	9.14%	14.05%
60-64	<b>15.43%</b>	<b>8.22%</b>
65+	<b>6.86%</b>	<b>3.14%</b>
No religion	57.03%	56.22%
Christian	32.23%	34.51%
Other religion	10.74%	9.27%

### Overall impacts and notes:

- Where a greater proportion of that staff group are subject to some form of action/intervention under our current procedure I have highlighted the relevant rows in the table above.
- From the above table, it is clear that in terms of sickness cases a larger proportion of disabled staff are subject to action of some form under our current procedure. The new policy/procedure seeks to address this and the changes proposed in related to disability related absences are detailed below. From union/forum feedback this appeared to be the main area of focus in terms of the review. The higher incidence of formal action/intervention in relation to those aged over 60 is also likely to correlate with a higher incidence of illness and possibly long-term conditions among this group.
- In terms of some of the other groups highlighted above e.g. staff aged 60+, LGB staff, male staff and 'white other' staff in particular further analysis will need to be undertaken to identify whether these cases relate to a particular directorate/service area or due to a particular absence reason.
- However, the greater proportion of male staff being subject to action/intervention under the current procedure could be related to particular departments e.g. CityClean where the main reason for absence is musculo-skeletal absence and they have the highest level of absence within the EEC Directorate. The new policy/procedure will better support those staff with the introduction of the attendance support plan, which encourages earlier informal discussions and the recording of adjustments/support offered to the employee.

Potential issues	Mitigating actions
<ul style="list-style-type: none"> <li>• Staff and managers being aware of the new policy and procedure scheduled to come into effect in the summer of 2019 as part of our well-being agenda.</li> <li>• Staff being concerned about how the new procedure will work if they are already being taken through the existing attendance management procedure.</li> <li>• Managers not understanding what needs to go into the new attendance support plan to support the employee.</li> <li>• Managers being aware of the need to consider adjusting attendance concern levels for a disabled employee (including mental health conditions) and the need to record everything put in place to support the employee on an attendance support plan. In addition, managers being aware of a new category on FirstCare of 'disability related absence' so that this can be recorded as such.</li> <li>• Ensuring that staff who have a terminal illness are aware of the changes to the new policy/procedure, to support them to remain in work as long as they are able to.</li> </ul>	<ul style="list-style-type: none"> <li>• Once agreed there will be a series of regular communications to staff and managers regarding the new policy and procedure together with training for managers, the new toolkit on the wave.</li> <li>• There will be communications on what will happen if an employee is already being dealt with under the current procedure and how they would move into the new procedure.</li> <li>• From February 2019, training will be scheduled for managers on attendance management and the changes proposed so that managers are ready for the introduction of the new policy/procedure.</li> <li>• The training provided to managers will cover all the changes being made and the fact that these changes have been made to provide better support to disabled staff.</li> <li>• Again through communications to staff/managers making sure that staff are aware of the TUC's 'Dying to Work' campaign and the principles within this, which the council is planning to sign up to (subject to agreement by PR&amp;G).</li> <li>• Communicate why this is important. From feedback</li> </ul>

- Staff not understanding why an OH referral is recommended from day 1 of absence as a result of stress or a mental health condition.

received, too often OH referrals are not made as soon as possible and are left too late. By recommending these from day 1 we know that the earlier support is given to the employee the earlier the employee will feel able to return plus they will feel supported by the organisation.

### **Actions planned<sup>10</sup>**

- Further engagement with the workers forums, staff, managers and the unions to ensure all are fully informed about the new Attendance Policy and Procedure and that all have been given the opportunity to ask questions about the proposed changes.
- Communications to managers and staff on the changes within the new policy and procedure and the benefits of this as part of our well-being workstream within Our People Promise.
- Training on attendance management being refreshed for managers on the new policy and procedure and a number of sessions scheduled from November 2019 onwards.
- Guidance for managers and staff on the new policy and procedure, together with other helpful information will be available to all in the new Attendance Toolkit, which will be available on the Wave.
- Discussions will need to take place at all DMT's regarding the proposed changes and discussions will also take place at all Directorate Equalities Group Meetings to make sure any potential issues have been addressed prior to implementation of the new policy and procedure in early 2020.
- The policy and procedure to manage attendance will be reviewed and evaluated at regular intervals once implemented.

**EIA sign-off:** (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

**Person completing the EIA:**      **Laura Keogh**

**Date:** 23<sup>rd</sup> September 2019

**BHCC Equality lead:**              **Sarah Tighe-Ford**

**Date:** 23<sup>rd</sup> September 2019

## Guidance end-notes

<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

### <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

**The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:**

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

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<sup>3</sup> EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

<sup>4</sup> **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

**Do you need to complete an EIA?** Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

<sup>5</sup> **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>6</sup> **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

<sup>7</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

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<sup>8</sup> **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>9</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>10</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.