

APPENDIX 4

EQUALITY IMPACT ASSESSMENT

Directorate People Planning and Regeneration	Human Resources	Section:	Person responsible for the assessment: Howard Crabtree Corporate Manager - Human Resources			
Name of the Policy to be assessed	'Early Retirement / Severance Scheme'		Date of Assessment	11/09/07	Is this a new or existing policy	New (revised)
1. Briefly describe the aims, objectives and purpose of the policy			The Policy and Statement of Discretions are required under the local Government (Early Termination of Employment) Regulations 2006. These govern termination / severance payments in Local Government, including aspects of pension provision.			
2. Are there any associated objectives of the policy, please explain			There is a requirement that any severance scheme retains public confidence. The scheme must be 'workable, affordable and reasonable having regard to foreseeable costs'. The Council determined in March 2007 that a further review of the scheme should take place after 6 months given the medium term financial position of the Authority.			
3. Who is intended to benefit from the policy and in what way			The policy enables compensation for employees whose employment is terminated by way of <ul style="list-style-type: none"> • Redundancy • Early retirement on the grounds of efficiency • Early retirement of the grounds of ill health • Early retirement under rule 31 of the Local Government Pension Scheme (the 85 year rule). • Early Retirement on compassionate grounds 			

4. What outcomes are wanted from this policy?	The provision of compensation to employees that facilitates effective organisational change, retains public confidence, and is compatible with the medium term financial outlook.		
5. What factors/forces could contribute/detract from the outcomes?	Contribute: <ul style="list-style-type: none"> • Consultation with Trade Unions • Consultation with the District Auditor Detract: <ul style="list-style-type: none"> • The Council's financial position • Adverse Employee/Industrial Relations • Failure to manage organisational change 		
6. Who are the main stakeholders in relation to the policy	<ul style="list-style-type: none"> • Employees • Trade Unions • Public (as Council Tax Payers) 	7. Who implements the policy and who is responsible for the policy?	Corporate Manager – Human Resources
8. Are there concerns that the policy could have a differential impact on racial groups.	N		A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.		
9. Are there concerns that the policy could have a differential impact due to gender	N		A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.		

<p>10. Are there concerns that the policy could have a differential impact due disability</p>	<p>N</p>	<ul style="list-style-type: none"> • A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk. • Consideration of Early Retirement on Grounds of Ill Health must meet the criteria in the Pension Scheme. The decision is solely on medical grounds undertaken independently of the Council by its Occupational health Provider. Individuals have a right of appeal to an independent Occupational Health provider if dissatisfied with a decision on Ill Health Retirement.
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>No recent grievances / tribunal claims to date on this issue. Employees who have lodged appeals have had these considered under Council policies.</p>	
<p>11. Are there concerns that the policy could have a differential impact on people due to sexual orientation</p>	<p>N</p>	<p>A robust approach to equalities issues in HR policies for handling redundancy / redeployment mitigate this risk.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>No recent grievances / tribunal claims to date on this issue.</p>	
<p>12. Are there concerns that the policy could have a differential impact on people due to their age</p>	<p>Y</p>	<ul style="list-style-type: none"> • The 2006 Local Government Regulations were produced in response to the Employment Equality (Age) Regulations 2006. • Severance payments and the granting of augmented service have included elements of age/length of service to determine amounts paid and these could be challengeable.

What existing evidence (either presumed or otherwise) do you have for this?	No evidence exists as yet. The Council has had the proposed policy checked by legal services for compliance with age discrimination legislation and the current advice is that there is a risk that such augmentation of service may give rise to unlawful age-related discrimination. Redundancy Pay is calculated on the statutory formula, which the Government advises is compliant with the legislation.	
13. Are there concerns that the policy could have a differential impact on people due to their religious belief	N	Robust HR Policies cover this aspect.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
14. Are there concerns that the policy could have a differential impact on people due to them having dependants/caring responsibilities	N	<ul style="list-style-type: none"> • Robust HR Policies cover this aspect. • The Policy makes explicit reference to calculating service when there are breaks due to caring responsibilities.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
15. Are there concerns that the policy could have a differential impact on people due to their offending past	N	Robust HR Policies cover this aspect.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	
16. Are there concerns that the policy could have a differential impact on people due to them being transgendered or transsexual	N	Robust HR Policies cover this aspect.
What existing evidence (either presumed or otherwise) do you have for this?	No recent grievances / tribunal claims to date on this issue.	

17. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy?	Yes		This could occur in relation to age; case law will need to be kept under review to check continued compliance with the law. The Government have confirmed that the statutory formula for calculating redundancy payment is not unlawful discrimination on the grounds of age.		
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	NO				
19. Should the policy proceed to a partial impact assessment?	NO		20. If Yes, is there enough evidence to proceed to a full EIA		N/A
			21. Date on which Partial or Full impact assessment to be completed by		N/A

Signed (completing officer) _____

Signed (Policy Team Leader) _____

Impact Assessment continued.

Northampton Borough Council has addressed some of these issues by the following actions;

- Seeking legal opinion on the operation of the scheme – Age
- Consulting the local Pensions Authority regarding the impact of Age Regulations on severance.

Proposed recognised actions to monitor and overcome unjustifiable or adverse treatment

- Keeping Case Law under review
- Keeping the impact of the scheme under review as it affects different groups of people

Stages 3 & 4 – Formal Consultation & Consultation Result

Formal consultation with Trade Unions has taken place on this policy through the Council's Joint Consultation machinery. Consultation has taken place with the External Auditor and the Local Pensions Authority.

Stage 5 – Publishing of Findings

Stage 6 – Monitor & Review Arrangements

Review policy when regulations finalised for the New Look LGPS due 1 April 2008.

Review the outcomes of severance decisions, checking for any adverse trend on granting severance / applying severance to the different categories of staff who may be adversely affected and against the profile of staff represented in each group.