

EQUALITY IMPACT ASSESSMENT

STAGE 2 FULL ASSESSMENT –using CRE guidance.¹

Name of Policy: Working Time Regulations (Excluding Annual Leave)

Assessed by: Victoria Evans

Designations: HR Consultant

Date: 6th December 2006

Purpose of assessment: a means of ensuring that the policy does not result in unlawful discrimination, that the policy promotes equal opportunities and good relations.

Does the service we provide reach all the communities it is meant for, and does it meet their needs?

1. Identify all the aims.	Key Points	Compliant Yes or No?
1.1 You need to be clear about the purpose of the policy, the context within which it will operate, who it is intended to benefit and the expected results.	Tackle long hours culture for all and ensure implementation of Working Time Regulations	YES
1.2 What are the Trust's specific responsibilities in relation to the proposed policy?	Reduce long hours and ensure compliance with WTR. To monitor working hours of staff	YES
1.3 Where does responsibility for the proposed policy finally rest?	Chief Exec via Dir of HR	YES
1.4 How will the proposed policy be put into effect? Who will be responsible?	Managers will have direct responsibility	YES
1.5 To what extent will the policy achieve equal opportunities and good relations between different racial groups?	Reduction in working hours for all groups of staff	YES
1.6 What are the specific outcomes you hope to see from the proposed policy?	Reduction in excess hours and improvements in monitoring and rest periods being taken	YES
What criteria will you use to measure progress towards these outcomes?	Monitoring of working hours and SAS results year on year	YES
1.7 Are there any risks associated with the proposals/policy,	Yes - managers not implementing policy fairly across all groups of staff	

¹ Race equality impact assessment: a step by step guide. www.cre.gov.uk/duty/reia/index.html

particularly for meeting the race equality duty, promoting good race relations, duties under the disability discrimination act?		
1.8 How does this policy fit in with other policies, - within this department and those of other departments and authorities? Is the overall purpose compatible with the Trust's equality and diversity policy?	The policy fits in with the general Trust wide Health & Safety policy. The overall purpose is to reduce working hours for all staff groups which is aligned to equality of opportunity.	YES
1.9 Which individuals and organisations are likely to have an interest in the proposals?	All staff	YES
1. 10 Do the stakeholders include representatives from all the groups likely to be affected by the proposed policy? (Noting need to promote equality of access and opportunity)	Consultation occurred across the Trust however stakeholders are still not representative of all relevant groups	NO
1.11 What relationships do you have, or need to have with these stakeholders, if the policy is to be credible and have their support?	Close links with Line Managers to ensure policy is implemented effectively. Need to ensure closer links with relevant representative groups to ensure effective feedback.	
1.12 Have you considered involving departments or authorities with similar policies in the assessment process, to benefit from their experience, and avoid duplicating work they might have already done?	YES	

2. Consider the Evidence. "The aim ultimately, should be to establish a reliable and extensive database of information on all equality factors"(age, religion or belief, gender, disability, sexual orientation and racial group).	Note Key Points	Compliant Yes or No?
2.1 What sort of information are you likely to need to develop an effective policy that benefits all (racial/ disability) groups equally?	Information in relation to working hours by specific groups – some limited information at the moment from the SAS 2005 in relation to BME, Disability, gender and Age	
2.2 Who will decide what information will be needed and where to look for it?	V Evans in consultation with Equality Steering Group, Policy Group and HR	

2.3 What information is already available? (quantitative and qualitative)	Some limited information at the moment from the SAS 2005 in relation to BME, Disability, gender and Age	
2.4 Could other Trusts or authorities with similar policies advise as to the information they found useful?	YES	
2.5 Is the available information sufficiently detailed to permit analysis of disparities between small groups?	Yes within some groups i.e. age, disability , gender and BME.	
2.6 Is the information up to date, relevant and reliable?	Yes – annual SAS results	
2.7 Is more information required ?– particularly for incomers: asylum seekers, refugees, gypsies and travellers.	YES – no information available on sexual orientation, religion.	
2.8 Who will be responsible for ensuring new data is gathered? Are there other authorities to work with?	HR	

3. Assess likely impact		
3.1 Does your analysis of the policy indicate possible adverse impact on some groups? (Are disparities in the ethnic data statistically significant and not due to chance?)	Yes SAS 2005 shows high numbers of men and disabled staff working most hours	
Does your analysis of the policy indicate possible adverse impact in any other particular group (disability, gender, age, religious or sexual orientation.	As above	
3.2 Are there other factors that could explain the adverse impact? Would changes to the policy make a difference?	The policy does not need to be changed as this applies to all staff – further investigation needs to occur in relation to the reasons why these groups are working the highest number of hours	
3.3 Could the policy lead to direct discrimination? If so different ways of achieving the policy aims need to be agreed.	Possibly if Line Managers implement in a discriminatory way	
3.4 Could the policy lead to unlawful indirect discrimination? If yes look at different ways of achieving the	Possibly if Line Managers implement in a discriminatory way	

policy aims. If the potential for discrimination is justifiable please state the justification.		
3.5 Could the policy damage relations between your Trust and a particular racial group?	NO	
3.6 Could the policy be in breach of other legislation or international obligations?	NO	
3.7 Is the policy intended to increase equality of opportunity for some groups? Are you confident that the policy is lawful? Do you need to take any steps to counter any resentment?	Policy has been written following best practice from DTI and ACAS. Policy is applicable to all staff on an equal basis	
3.8 Have you re-assessed the policy, if you have made substantive changes to the original proposal?	N/A	
3.9 Have you discussed the results of the assessment with the Steering Group and other stakeholders?	NO	
3.10 Do you need to hold an informal consultation exercise?	NO	
3.11 Would further research be useful?	More information in relation to specific groups and the reasons why the excess hours are worked	

4. Consider Alternatives	Note Key Points	Compliant – Yes or No?
<p>If your assessment shows that the policy is likely to have an adverse impact on a particular racial group, or people with a disability – that it will have significant negative consequences for them you must decide whether to:</p> <ul style="list-style-type: none"> • Make changes that will satisfy any concerns • Consider ways of putting the proposed policy into practice that remove or reduce its potential for affecting some groups adversely • Find alternative means of achieving the policy • Justify the policy, even though it could affect some groups adversely. Take legal advice. 		
4.1 If the assessment shows any potential adverse impact, look again at the purpose and aims. Can the approach be re-considered?	No	
4.2 Are there aspects that could be changed? Could additional measures be taken to reduce or remove adverse impact without affecting the policy's	NO	

overall aims? Could this result in disadvantaging another group?		
4.3 How does each option above (in bold) advance or hinder equality of opportunity?	N/A	
4.4 Could the policy lead to tensions between groups? Can you explain or do anything to reduce this?	NO	
4.5 Costs and benefits: what are the social benefits of implementing each option?	Ensuring that staff are working a safe number of hours that comply with the WTR	
4.6 If you decide the policy needs to go through without alteration, despite adverse impact, are you sure you can legally justify this action?	N/A	

5. Consult Formally	Key Points	Compliant Yes or No?
Public involvement and consultation should be an on-going process in order to promote legitimacy of the policy and confidence in the ORH Trust. Note the need to include as appropriate: Asylum seekers and refugees, gypsies and travellers, people from ethnic minorities in isolated rural areas, women, elderly and young people from some racial groups, people with a disability, older people and children.		
5.1 Have you identified all the groups affected by the policy? (different racial groups/ different disabilities)	Policy applicable to all staff	
5.2 Which organisations and individuals are likely to have an interest in the policy?	All staff	
5.3 Which methods of consultation are likely to succeed?	Standard HR P&P consultation process	
5.4 Have other departments or organisations held formal consultations? Can these be used? Can you target other groups?	Yes – consultation occurred following the HR P&P process	
5.5 Are members of the steering group involving all stakeholders including the public in their sectors?	NO	
5.6 Have previous attempts to involve and consult particular communities been unsuccessful – if so why?	N/A	
5.7 Do you have resources available to conduct meetings in the community? Check guidance on public involvement and planning meetings. Have you arranged for interpreting	Through PPI	

and/or translation services?		
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6. Decide whether to adopt the policy.	Key Points	Compliant yes or No?
Base your decision on four factors: <ul style="list-style-type: none"> • The aims of the policy • The evidence you have collected • The results of your consultations • The relative merits of alternative approaches. 		
Keep records of the assessment process and justify your decision.		

Taken from The Commission For Race Equality Step by Step Guide to Race Equality Impact Assessment. www.cre.gov.uk/duty/reia/index.html