

'You will not get far if you perceive the duty to be over burdensome or take a mechanistic approach....there will be progress if the duty is seen as a way of fundamentally changing the core values and culture of the organisation.....we need and outcome-oriented approach' – CRE Chair 2001

Equality Impact Assessment (EIA): Stage 1: Initial Screening Form for New/Revised Policies or Functions

A: Summary Details

Directorate: Chief Executives

Section: HR Strategy

Person responsible for the assessment: Fatima Shuaibu

Contact details: 2007 364 4618

Name of Policy to be assessed: Age Legislation

Is this a new or revised policy: New

Date policy scheduled for Overview and Scrutiny/Cabinet/LAB: January 2007

B: Preparation

Age legislation aims to maximise the participation and economic contribution of groups that are currently subject to discriminatory practices in the labour market because of their age. There is recognition that there are exceptional circumstances when some age-based practices are capable of being objectively justified, and the Directive allows this.

The legislation will affect individuals of all ages but evidence suggests that those affected most by age discrimination tend to be older workers (about 50 years or over) and young workers (up to about 25 years). It is also aimed at benefiting job seekers who face discrimination entering the labour market.

Included in the assessment are monitoring information on current Tower Hamlets employees by age, gender and disability. This legislation is intended to apply equally to all employees regardless of their religion and belief, ethnicity and sexuality.

The tables below show the number of employees' as a proportion of the Council's workforce by age, gender and disability. These are the group identified as most likely to be affected. Taking into account the above research, the number of employees that will be affected (over 50s' and the under 25s) by a decision on retirement age is small in proportion to the size of the overall workforce.

Age	Female	Male	Grand Total
16 - 24	221	140	361
25 - 34	688	473	1161
35 - 44	1108	592	1700
45 - 54	1001	664	1665
55 +	447	339	786
No Data		1	1

Grand Total	3465	2209	5674
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The ratio of male to female employees is 38.9 and 61.1 respectively. Women are more likely to request postponing retirement in general, due to career breaks and so on, have not accumulated as much pension entitlement as men. However, without evidence e.g. a breakdown by sex of the number of employees requesting to work beyond 65, it's more likely both sexes are treated identically.

Age	Disability Declined To State			No Data	Grand Total
	No	Yes	No Data		
16 - 24	241	23	3	94	361
25 -34	839	93	31	198	1161
35 - 44	1219	246	63	172	1700
45 - 54	1193	272	95	105	1665
55 +	577	130	51	28	786
No Data				1	1
Grand Total	4069	764	243	598	5674

Having disabilities may be a significant factor in determining an employee's decision to work beyond 65. Tower Hamlets employs 243 employees with disability, the majority 158 are aged between 35-54. While it is generally acknowledged that there are fewer physically demanding jobs, a number of these employees may be affected as they get older and their disability or requirement for reasonable adjustment becomes more of a factor in their decision to continue working beyond the Council's default retirement age of 65.

Clearly, age and disability and the physical demands of their job play a major role in an employee's decision to retire or continue working. However rather than generalise older or disabled people working longer, it is critical that we pay attention to the circumstances of men and women who may have to leave employment due to age or disability.

Number of Redundancy and Retirement by Gender

Leaving Reason	Female	Male	Grand Total
Redundancy	31	26	57
Early Retirement	5	4	9
Retirement on Health Grounds	7	4	11
Grand Total			

If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data for this area? If not, specify the arrangement you intend to make; if not please give a reason for your decision.

We are putting better systems in place for collecting employees' data including sexuality and religion and belief accordingly, we have recently updated all our forms that request monitoring data to ask for information on sexuality.

Please list any consultations that you may have had and/or local/national consultations, research or practical guidance that will assist you in completing this EIA:

The draft regulation has been through consultations with Trade Unions, CHRG members, CESH, CMT and Staff Forum

C: Your Policy or Function

1 The Employment Equality (Age) Regulations 2006 come into force on 1 October 2006 and make it unlawful to discriminate against or harass workers because of their age. The regulations will apply before the employment relationship begins (the recruitment process) up until the employee leaves. Age discrimination follows the same pattern as existing forms of discrimination. It therefore can occur based on a perception of a person's age even if those perceptions are wrong. For example, making discriminatory remarks about a person's age even if the person is actually younger or older than described

2 ***Are there any other objectives of the policy or function, if so what are they?***

The policy will support the Council's progress towards a more consistent policy across all strands of equality legislation. The legislation aims to provide protection to individuals of all ages that are subject to discriminatory practices. It is also aimed at benefiting job seekers who face discrimination entering the labour market.

3 ***Do any written procedures exist to enable delivery of this policy or function? Yes***

Age Legislation
HIV/AIDS Policy Statement
Religion and Belief Policy Statement
Sexual Orientation Policy Statement
Manager's Guide on Disability

4 ***Are there elements of common practice in the service area or function that are not clearly defined within the written procedures?***

The legislation will affect individuals of all ages but evidence suggests that those affected most by age discrimination tend to be older workers (about 50 years or over) and young workers (up to about 25 years). It is also aimed at benefiting job seekers who face discrimination entering the labour market. The age legislation seeks to eliminate discrimination in employment and to reinforce the current written procedures in order to strengthen common practice such as notifying employees reaching retirement age and making recruitment practices more consistent. There are some areas that are not clearly defined such as guidance for managers when making decision to approve an employee request to continue working beyond 65.

5 *Who are the main stakeholders of the policy?*

Management, employees and prospective applicants.

6 *Is the policy associated with any other Council policy (s)?*

There are a number of employment policies that are common to all grounds of discrimination in employment - race, gender, sexual orientation, religion or belief, disability and age.

8 *Are there any areas of the service that are governed by discretionary powers? If so, is there clear guidance as to how to exercise these?*

Applications by employees to work beyond 65 are approved by the employee's line manager and Services Head. Decisions are made based on the type of work, skills shortage (hard to fill posts) and the requirement of the service.

9 *Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, what responsibility, and which bodies? Yes.*

The policy has been agreed by Corporate Human Resource Group (CHRG), Corporate Management Team (CMT), Corporate Equalities Steering Group (CESG) and the Trade Union (TU).

D: The Impact

Assess the potential impact that the policy could have on each of the target groups. The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will need to also assess whether that negative potential impact is high, medium or low – see glossary in the attached guidance notes for definitions.

1. Identify the potential impact of the policy on men and women:

Gender	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Women		medium		Women may be more likely to want to work beyond their current normal retirement age, because they tend to have accrued less pension entitlement, mainly because of career breaks.
Men		low	4	There are no perceived restrictions in the policy based on gender

b) Identify the potential impact of the policy on different race groups:

Race	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Asian (including Bangladeshi, Pakistani, Indian, Chinese, Vietnamese, Other Asian Background – please specify _____)		low	4	This legislation is intended to apply equally to all employees regardless of their racial or ethnic category. An assessment of the overall effect of these proposals is that there will not be a disproportionate impact across different groups.
Black (including Caribbean, Somali, Other African, Other black background – please specify _____)			4	
White (including English, Scottish, Welsh, Irish, Other white background – please specify _____)			4	
Mixed Dual heritage (White and Black Caribbean, White and			4	

Black African, White and Asian, Other mixed background - please specify _____)				
Other (please specify)			4	

c) Identify the potential impact of the policy on disabled people:

Disability	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
		medium	4	This legislation is intended to apply equally to all employees regardless of their disability. One of the implications of having an ageing workforce is being able to better manage and support staff with disabilities or ill-health problems.

d) Identify the potential impact of the policy on different age groups:

The Council may find it increasingly hard to recruit younger workers and retain the employees as indicated by the number of employees leaving the Council age 16-35 within the first 2 years of employment. Other reasons why, some of the older workers who want to continue working beyond their present normal retirement age will be able to do so could be skills shortage, experience and local knowledge of the areas and client groups. Older workers, for example may take fewer, short periods of sickness absence although the periods of absence may be longer. The Employers' Forum on Disability reports that most disabled people are not born with a disability but acquire one during their working life or later. They also report that incidences of disability increase significantly over the age of 45.

Age Group (specify, for example younger, older etc)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
		low		As those older workers stay on, younger workers will not be taken on to replace them

e) Identify the potential impact of the policy on lesbian, gay men, bisexual or heterosexual people:

This is a new policy as such we have no formal record of CHAD complaint from employees requesting to work beyond 65 on the grounds of their sexuality.

Sexual Orientation	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Lesbian		low	4	It is not possible to identify any adverse impact of the policy on people of different
Gay Men			4	
Bisexual			4	
Heterosexual			4	

				sexual orientations.
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f) Identify the potential impact the policy on different religious/faith groups?

Religious/Faith groups (specify)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Buddhist		low	4	This legislation is intended to apply equally to all employees regardless of their religion and belief.
Christian			4	
Hindu			4	
Jewish			4	
Muslim			4	
Sikh			4	
Other (please specify)			4	

g) As a result of completing Question 1 a-f above what is the potential impact of your policy?

High Medium Low

If you have assessed the potential impact as HIGH you must complete a full potential impact assessment.

2. Could you minimise or remove any negative potential impact that is of medium or low significance? Explain How.

Race: The legislation is intended to apply equally to all employees regardless of their racial or ethnic category. An assessment of the overall effect of these proposals is that there will not be a disproportionate impact across different groups.

Gender: It is not justifiable to discriminate on grounds of gender under the legislation. The over-representation of women in the workforce may be explained by the common expectation that women will fulfil a caring role in society generally.

Age: The assessment represent the number / percentage of employees working for Tower hamlets as permanent employees i.e. it does not include staff categorised as temporary e.g. agency, consultant or interim appointments.

Disability: The disability figures presented include all employees on LBTH payroll i.e. it is not possible to included information on temporary employees as stated above. One of the implications of having an ageing workforce is being able to better manage and support staff with disabilities or ill-health problems. The strategy seeks to place greater emphasis on health promotion to encourage staff to adopt healthy lifestyles so they enjoy better health as they get older.

Sexual Orientation: Although we have no formal record of any discrimination against people on the grounds of their sexuality, a recommendation of this assessment will be that, in future, there is better recording and monitoring of employees' sexuality.

Religious/Faith groups: Tower Hamlets has diverse religious community. A recommendation of this assessment will be that, in future, there is better recording and monitoring of employees' religion.

3. If there is no evidence that the policy promotes equal opportunity– could it be adapted so it does? How?

Please ensure that all actions identified are included in the attached action plan and in your service plan.

Please sign and date this form, keep one copy and send one to Equalities Team.

Signed
Lead Officer
Date

Signed
Service Head
Date

Signed
Strategy and Programmes
Date

Action Plan

Recommendation	Key activity	Progress milestones/	Officer Responsible	Time scale
Policy reviews				
Review policies, processes and procedures	Assess all employment policies including terms and conditions, staff handbook for possible age discrimination.	involve trade union in checking policies and procedure		
Encourage application from underrepresented age groups Positive action – will be lawful but should be stated in advertising.	Ensure that job adverts and person specifications are free of direct or indirect age statements, e.g. 'mature person' 'young dynamic team' and number of years experience etc. Review HR forms to ensure that DOB is not requested unless where it is appropriate. review WFTRC statement	increase the number of underrepresented age group within the Council		
Retirement age decisions should take, account of all regulations	pension section to advice re: LGPs management Review current working beyond 65 procedure	procedure on working beyond 65 in place		
Contractors, agency, staff and trainers to meet TH's engagement to be free of age criteria	Review contract and external agency procurement documentation and procedure including reference to ensure that there are no reference to age.	update manager's guidance on procurement/ consultant engagement		

Analyse staff surveys and monitor staff information by age	expand current RES monitoring data to include age	RES management information to include age data		
Management performance processes to be operated consistently across the age range	include age related guidance for managers conducting PDR, as part of the manager's PDR process	PDRs to included age related target for managers		
All staff PDR's to be treated with the same importance	Policy on staff training e.g. does the organisation train staff regardless of age and cost?	policy statement on Council's training to include age positive statement		
Collect data showing that all employees regardless of age are offered the same development opportunity	monitor staff training activities by age	training documents to included age related information		
Review pay and non-financial benefits and ensure that these are not based on the staff age	clarify the Council's position on length of service benefits e.g. severance			
Redundancy, recruitment and selection policy should not be based on age	review Handling Organisation Change procedure to ensure that managers decision on recruitment and selection, redundancy and retirement is not based on age or length of service	Recruitment selection are based on skills and competencies and redundancies and retirement decisions are based on service needs		

Adopt positive recruitment and selection decision on age instead of the skills and competencies	collect data on application received and analyse the number of applicants shortlisted or recruited based on their age	Increase in the number of people employed by Tower Hamlets based on age positive action		
Selection practice				
Advertisements should be free of direct or indirect age statements	review all adverts to ensure that age , perceived age or experience (i.e. no of years experience) are not included in the advert	Candidates skills, competencies and knowledge to be the bases of all recruitment decisions		
Job specifications to be free of direct or indirect age	review all adverts to ensure that age , perceived age or experience (i.e. no of years experience are not included in the advert	Candidates skills, competencies and knowledge to be the bases of all recruitment decisions		
Keep age references in selection procedures to a minimum	TH's reference request do not contain age related questions			
Review the relevance of asking for dates of qualifications or training	Review all relevant education and training knowledge and experience sections on the application form to identify relevant section for inclusion on application form.	Tower Hamlets application forms to include skills , knowledge, experience and competencies		
Positive action statement use in job advertisements	Include positive action statements in job adverts to encourage applicants of all ages.	Job adverts to include positive action statement		
Data monitoring				

Monitor and benchmark absence level by age	Monitor staff sickness absence by age	Data collected and reported on staff sickness by age		
Monitor and benchmark causes of absence by age levels	Monitor causes of sickness absence by age	Data collected and reported by causes of sickness by age		
Monitor and benchmark recruitment and selection processes for age bias	review current RES data and expand to include recruitment and selection decision by age	RES- data including age related information		
Monitor and benchmark disciplinary /grievance occurrences by age	review current RES data and expand to include recruitment and selection decision by age	RES- data including age related information		
Training provision				
Recruitment training should recognise age issues	L + D to confirm			
Health and safety training should recognise age issues	L + D to confirm			
Age awareness training for managers and HR staff	HR officers to be training on age awareness and procedure	All directorates HR officers and managers trained on age awareness and procedure		
	recruiting managers and officers involved in recruitment and selection process to be trained on age awareness and procedure	All recruiting managers directorates HR officers and managers trained on age awareness and		

		procedure		
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