

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Right to Request Flexible Working Policy		
Directorate	Resources and Transformation		
Service	HR Strategy and Planning		
Responsible Officer	Rebecca Lloyd		
Proposal planning start	September 2022	Proposal start date (due or actual date)	July 2023
1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	Yes	Revision
	Guidance	No	N/A
	Is this a service to customers/staff/public?	No	N/A
	If yes, is it contracted or commissioned?		
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>The right to request flexible working policy was last updated in 2019. The policy has been reviewed to support the new Ways of Working policy and forthcoming legislation changes. Although the timescale of the legislation changes have not yet been confirmed, it was felt that some of the changes could be made by the council earlier as they are more beneficial and support the new ways of working principles.</p> <p>The legislation changes include;</p> <ul style="list-style-type: none"> • Making the right to request flexible working a day one right for employees (rather than having to wait for 26 weeks continuous service) • Consulting / holding a meeting with employees, as a means of exploring options, especially where employers are considering rejecting the request. • Requesting temporary arrangements and informal flexibility for short term changes. • Changing the timescales of the process. <p>Therefore, in consideration of the above the overview of the changes to the policy are;</p> <ul style="list-style-type: none"> • Insertion of reference to temporary arrangements (in the purpose / 1.6 / 3.10) and trial periods (3.14) 		

	<ul style="list-style-type: none">• Removal of the 26 weeks continuous service criteria (2.1) – making day one right from policy implementation.• Insertion of reference home working requests as a type of flexible working (3.1 / 3.11 / 3.12 / 3.13) – this is currently part of the agile working policy, which will cease when the new Ways of working policy is implemented, and is therefore reflected in this policy instead.• Insertion of the requirement to have a meeting if considering rejecting a request (in full or part) (3.4). This is recommended best practice by ACAS, and forthcoming legislative change.• Clarification on meetings – encouraging informal discussions (5.1), meetings do not need to be face to face (5.2), and that meetings can be used to discuss different approaches, trial periods and short term / temporary arrangements (5.3)• Changes in the timeframe for which the manager will confirm (accept/reject) the request from normally no later than 6 weeks to normally no later than 4 weeks (5.7). This is recommended best practice by ACAS, and is a step towards future legislation changes where the whole process (from application to appeal) must be dealt with in 2 months (rather than the current 3 months).		
3	Who is the proposal likely to affect?		
	People in Walsall	Yes / No	Detail
	All	No	This policy applies to all council employees. With the exception of; school based employees/workers where the governing body has delegated authority and for whom separate arrangements apply. This policy also applies to agency workers with a minimum of 26 weeks continuous service returning to work from a period of ordinary parental leave (in accordance with statutory rights to request flexible working).
	Specific group/s	No	
	Council employees	Yes	
	Other (identify)	N/A	
4	Please provide service data relating to this proposal on your customer's protected characteristics.		
	<p>As of 31 March 2022 the total number of Walsall Council employees (excluding Schools) were 2998.</p> <p>The Council's workforce is made up of 66.94% females. 21.68% of the workforce are classified as minority ethnic. In total there were 133 employees (4.44% of the workforce) who declared they had a disability, as defined by the Equality Act 2010. The age profile of Walsall Council employees is:</p> <ul style="list-style-type: none">• Age under 25: 3.20%• Age group 25-39: 24.35%• Age group 40-49: 24.72%• Age group 50-64: 44.09%		

	<ul style="list-style-type: none"> • Age 65 and over: 3.64%.
5	<p>Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).</p> <p>The policy was formally consulted upon with senior managers and trade unions colleagues across the council between 25 April and 12 May 2023.</p> <p>The right to request flexible working policy is subject to endorsement with CMT on 01 June 2023.</p> <p>The right to request flexible working policy is subject to approval with Personnel Committee on 12 June 2023.</p> <p>The intention is for the policy to be launched as soon as possible after Personnel Committee approval with publication of communications via Inside Walsall.</p>

Consultation Activity.			
Type of engagement/consultation	Email	Date	25/04/23 to 12/05/23
Who attended/participated?	Senior Managers across the council		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback As part of the consultation process, the policy was emailed to senior managers across the council welcoming feedback and comments and suggested improvements. Feedback was limited, however there was a comment regarding reasonable adjustments for disability/neurodiversity. As right to request flexible working is a statutory right it is open to all employees. A paragraph was inserted reminding managers to be mindful that the request may be due to a protected characteristic. In addition the application form was amended to highlight where a request is due to a protected characteristic, as ACAS advise employees to make this clear on their request.			

Type of engagement/consultation	Email	Date	25/04/23 to 12/05/23
Who attended/participated?	Trade Unions: Unison / GMB / Unite		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback As part of the consultation process, the policy was emailed to each of the trade unions. Comments were raised included: <ul style="list-style-type: none">• That managers should be offering a meeting regardless of their intention – this is in the procedure. Meetings referenced in 5.1 and 5.2. The principle 3.4 regarding managers must have a meeting if rejecting a request is a statutory requirement.• The required notice periods for withdrawing agreements. Withdrawing / terminating an agreement has been removed as, if agreed under the statutory procedure, the change is permanent (where it isn't agreed temporary with an agreed timeframe).• Managers are accountable for dealing with requests in a reasonable timeframe – the timeframe is the statutory timeframe, which is currently 3 months (including any appeals).			

6

Concise overview of all evidence, engagement and consultation

	Formal consultation with raised concerns that there was no mention of protected characteristics (specifically disability / neurodiversity). The policy was amended to include reference to consideration of reasonable adjustments under the Equality Act (para 5.6).			
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.			
	Characteristic	Affect	Reason	Action needed Yes / No
	Age	Neutral	The policy applies to all employees – no impact foreseen.	No
	Disability	Negative	Potential impact on employees who require reasonable adjustments for communication who do not understand the policy e.g. employees with learning disabilities.	Yes
		Positive	Potential impact on employees who require reasonable adjustments as a result of a disability-related condition. The policy allows for flexible working as reasonable adjustments.	No
	Gender reassignment / confirmation	Neutral	The policy applies to all employees – no impact foreseen	No
	Marriage and civil partnership	Neutral	The policy applies to all employees – no impact foreseen	No
	Pregnancy and maternity	Neutral	The policy applies to all employees – no impact foreseen	No
	Race	Negative	Potential impact on employees where English is not their first language as they may not understand the policy.	Yes
	Religion or belief	Neutral	The policy applies to all employees – no impact foreseen	No
Sex	Neutral	The policy applies to all employees – no impact foreseen	No	

	Sexual orientation	Neutral	The policy applies to all employees – no impact foreseen	No
	Armed Forces	Neutral	The policy applies to all employees – no impact foreseen	No
	Care responsibilities	Positive	Potential impact on employees who require flexible working related to caring responsibilities. The policy allows for flexible working as reasonable adjustments.	No
	Health, Social and economic inequalities	Neutral	The policy applies to all employees – no impact foreseen	No
	Other (Give Detail)			
	Further information			
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
	N/A			
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of launch	The policy to be explained/made available to employees	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements.	As and when required	

Day of launch	The policy to be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read (ITTE) service provider.	As and when requested	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees to be made available on request.	Liaison as required with the appropriate council procured services; audio formats from Walsall Society for the Blind and Easy Read from the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail

Contact us

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Inside Walsall: http://int.walsall.gov.uk/Service_information/Equality_and_diversity