

## EQUALITY IMPACT ASSESSMENT

<b>STRATEGY/ACTION:</b> 2012/2015 Budget Proposal : Proposed implementation of a pay freeze for 2012/2013, 2013/2014 and 2014/2015.	<b>Department:</b> Resources
<b>Person responsible for assessment:</b> Joanne Machers – Head of Human Resources  <b>Person responsible for strategy where different from above:</b>	<b>Date of assessment:</b> January 2012

<b>Brief description of strategy, partners and those who will be affected by its delivery:</b>  It is proposed to introduce a three year pay freeze for all Council staff other than Teachers (whose terms and conditions are statutory) following consultation with trade unions and workforce. It is proposed to seek to reach a collective agreement on this.  This proposal would only impact upon the local community in terms of income for those council staff who live and work in Darlington and also in delivering essential services in the event of strike action if agreement could not be reached.
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### **Introduction**

This is a generic document that will require interpretation in particular circumstances. If, after reading the guidance, you require further information on how to implement the assessment, please contact Peter Roberts, Social Enterprise Development Manager  
01325 388713

**Q.1 Is your strategy and the actions it proposes accessible to everyone within the community? Bear in mind any economic, social, environmental, physical, intellectual, cultural, linguistic, technological or other barriers.**

Issue	Yes	No	If yes, what evidence do you have to demonstrate this?	If no, what do you plan to do to remove barriers to access?
Equality Act 2010 Protected characteristics:				
Age	√		Please see attached Equality Analysis for the Proposals to Change Terms and Conditions: 3 year Pay Freeze and 3 Days Additional Leave	
Disability	√			
Gender reassignment	√			
Pregnancy and Maternity	√			
Race	√			
Religion or belief	√			
Sex	√			
Sexual orientation	√			
Marriage and Civil Partnership	√			
Local Priorities:				
Geographical impacts	√		Please see attached	
Carers	√			
Young People leaving care	√			
Gypsies & Travellers	√			

Issue	Yes	No	If yes, what evidence do you have to demonstrate this?	If no, what do you plan to do to remove barriers to access?
Refugees & Asylum Seekers	√			
Unemployed or low income	√			
People with spent criminal convictions	√			

**Q.2 (a) For whatever reason, does your strategy and the actions it proposes treat any group differently from others?**

Yes	
No	√

**If you have answered 'yes', please specify those individuals or groups affected and whether the impact has the potential to be adverse.**

Not applicable

**(b) What needs to be done to prevent any potentially adverse impact?**

Not an adverse impact therefore not applicable

**Q.3 (a) Does your strategy promote equality? (e.g. does it contain actions that demonstrate a consideration of community cohesion and the needs of the members of Darlington's diverse communities)**

Yes	
No	√

**If you have answered 'yes', please give examples of how equality is promoted.**

Not applicable

**Q.4 In the past three years, have you consulted with any of the following groups regarding the development of your strategy?**

Group	Yes	No	If yes, please summarise evidence (Who? When? What were the outcomes?)	If no, are you satisfied that the strategy has no impact on this group?
Age	√		<p>Consultation events have taken place as part of the 2011 MTFP budget consultation events, these include;</p> <ul style="list-style-type: none"> <li>• Public consultation events specifically targeted for disabled, young people and older people</li> <li>• Town Crier publications</li> <li>• Online forums</li> <li>• Talking Together Events</li> <li>• Staffing road shows and internal communications to employees</li> <li>• Attendance at local community groups and action groups (i.e. DAD)</li> </ul>	
Disability	√			
Gender reassignment	√			
Pregnancy and Maternity	√			
Race	√			
Religion or belief	√			
Sex	√			
Sexual orientation	√			
Marriage and Civil Partnership	√			
Geographical impacts	√			
Carers	√			
Young people leaving care	√			
Gypsies & Travellers	√			
Refugees & asylum seekers	√			
Unemployed or low waged	√			

Group	Yes	No	If yes, please summarise evidence (Who? When? What were the outcomes?)	If no, are you satisfied that the strategy has no impact on this group?
People with spent criminal convictions	√			

## **Equality Analysis for the Proposals to Change Terms and Conditions: Pay Freeze and 3 Days Additional Leave**

**December 2011**

The Council has commenced a 90 day consultation period from 15<sup>th</sup> November 2011 to make changes to 2 terms and conditions which impact on a significant proportion of the Council's workforce;

### **Three Year Pay Freeze**

This proposal introduces a three year pay freeze for the financial years 2012/13, 2013/14 and 2014/15 across all Council Staff including those based in Community Schools (other than those employed on Statutory Terms and Conditions). This proposal follows a 2 year pay freeze for the financial years 2009/10 and 2010/11 which was negotiated on a National basis for all National Joint Council Green Book employees. A similar pay freeze was also adopted for Chief Officers for the financial years 2009/10, 2010/11 and 2011/2012. It is anticipated that the three additional years pay freeze will achieve £2,350,000 savings.

### **Three Days Additional Unpaid Leave**

It is proposed to apply a mandatory 3 days unpaid leave on top of the current 31 days (pro-rata for part time) annual leave entitlement for all employees (excluding employees covered by statutory terms and conditions). This proposal will apply to the financial years 2012/13, 2013/14 and 2014/15. Taking into account that some posts must be 'covered' during employee absence it is anticipated that the savings achieved would be in the region of £294,000. The wider implications and issues associated with the implementation of this proposal (should it be approved) are currently being explored.

### **Statistical Analysis**

The following information offers an employee impact summary based on those employees who will be impacted by the proposed changes to terms and conditions identified above. A separate exercise has been conducted to assess the overall impact of other budget proposals that have and staffing impact as well as those that will have a community based impact.

The level of impact has been set against the key protected characteristics as identified in the Equality Act 2010 as well as the local key priorities to ensure that the Council meets it's duty in terms of advancing equality of opportunity, eliminating discrimination and fostering good relationships with the community and its employees.

Of the 9 protected characteristics identified in the Equality Duty, the Council monitors and collates information on Age, Race, Sex, Disability, Pregnancy and Martial Status.

The Council does not record or monitor employee information relating to Gender Reassignment, Religion / Belief or Sexual Orientation. As part of any equality analysis the Council monitors and records impacts on unemployed/low income, carers, young people leaving care, refugees and asylum seekers, gypsies and travellers and people with criminal convictions and geographical location. There is limited assessment that can be undertaken from employee data relating to local priorities due to the lack of data collection.

The following employee statistics provide a point in time analysis as at 2<sup>nd</sup> October 2011 and should be read as part of the Council having "due regard" to the financial decisions it will make that impact on employees who meet the protected characteristic groups.

Gender Profile of Workforce as at October 2011	Total	Male	Female
Council based employees	2740	1015	1725
Employees based in Community Schools	717	88	629
<b>Grand Total</b>	<b>3457</b>	<b>1103 (31.9%)</b>	<b>2354 (68.1%)</b>

### Ethnicity

A 92% majority of the employees / posts identified have an ethnic background of White British, with 4% undeclared. The remaining ethnic groups all had 0% counting 27 or less.

The total the number of Council employees reported to be from a minority ethnic community for the reporting year 2009/2010 was 1.58% (75 employees). This includes employees based in schools, including Teachers who have statutory terms and conditions. The Council does not have the scope to apply or negotiate local terms for those employees covered by Statutory Terms and Conditions. Therefore, the figures below indicated for Community Schools includes only those employees who will be covered by the proposals.

The following table shows the spread of BAME employees; there are a total of 112 (making up a total of 3% of the workforce). 96 employees are based in the Council, and a further 16 employees are based in Community Schools.

Ethnicity profile of Workforce as at October 2011	Male	Female	Council Total	Male	Female	Community School Total	Grand Total
Asian or Asian British Bangladeshi		3	3		3	3	6
Asian or Asian British Indian	2	8	10		1	1	11
Asian or Asian Other	4	3	7				7
Asian or Asian Pakistani		2	2				2
Black or Black British African	2	4	6				6
Black or Black British Caribbean	2	1	3				3
Chinese or other ethnic group Chinese		8	8				8
Chinese or other ethnic group Other	1	1	2				2
Mixed Other		2	2				2
Mixed White and Asian	1	4	5	1	1	2	7
Mixed White and Black African		1	1				1
Mixed White and Black Caribbean	2	6	8				8
Undeclared	12	34	46	15	95	110	156
White British	976	1622	2598	70	521	591	3189
White English	1	2	3	1	2	3	6
White Irish	5	10	15		1	1	16
White Other	7	14	21	1	5	6	27
<b>GRAND TOTAL</b>	<b>1015</b>	<b>1725</b>	<b>2740</b>	<b>88</b>	<b>629</b>	<b>717</b>	<b>3457</b>

## Disability

104 employees / posts declared themselves as having a disability and 3261 did not regard themselves as disabled with the remaining 91 not specifying / undeclared.

Disability profile of Workforce as at October 2011	Yes	No	Undeclared	Total
<b>Council Staff</b>	102	2615	22	2740
<b>School Staff</b>	2	646	69	717
<b>Grand Total</b>	104	3261	91	3457

The total number of employees declaring themselves as disabled in the reporting year 2009/2010 was 2.11% (103 employees). This includes employees based in schools, including Teachers who have statutory terms and conditions.

## Maternity

51 females are classified as pregnant or on maternity leave as at October 2011. This figure will however be subject to change based on individual maternity leave arrangements.

Maternity profile of Workforce as at October 2011	Yes	Undeclared	Total
<b>Council Employees : Total</b>	45	2695	2740
<b>Community Schools : Total</b>	6	711	717
<b>Grand Total</b>	51	3406	3457

## Service Group Split

The service group split of employees across the authority is as follows;

	Place	People	Resources	Community Schools	Total
<b>Female</b>	787	790	148	629	2354
<b>Male</b>	766	178	71	88	1103
<b>Total</b>	1553	968	219	717	3457

As can be seen above the highest concentration of females employees are within Services for People and Services for Place Groups. The highest ratio between males and females by service group is within Community Schools.

The general workforce profile for the Council is a 40% male and 60% female split. This has been a relatively static split for a number of years and represents the community gender split. These statistics may change when the Council makes a decision on its direction of travel for the Place Group if services are provided by alternative providers. Similarly, with the progress made to partnership People Services with Hartlepool, a large proportion of social care roles are currently fulfilled by females, and a change of employer / service provider could potentially change the overall gender profile for the Council.

The profile of Community School Employees is approximately 10% male and 90% female split.



## Age

The age range split indicates two thirds of employees falling within the age range of 31 to 60, with one third of those falling within the range 41 to 50. These statistics have been relatively static over a number of years.

Age profile of Workforce as at October 2011	16-30	31-40	41-50	51-60	61+	Total
<b>Council Employees : Total</b>	<b>528</b>	<b>574</b>	<b>833</b>	<b>638</b>	<b>167</b>	<b>2740</b>
<b>Male</b>	201	185	313	255	61	1015
<b>Female</b>	327	389	520	383	106	1725
<b>Community Schools : Total</b>	<b>83</b>	<b>151</b>	<b>279</b>	<b>153</b>	<b>51</b>	<b>717</b>
<b>Male</b>	24	15	19	15	15	88
<b>Female</b>	59	136	260	138	36	629
<b>Grand Total</b>	<b>611</b>	<b>725</b>	<b>1112</b>	<b>791</b>	<b>218</b>	<b>3457</b>

## Contracted Hours

Just over half of the employees / posts affected by the proposals to change terms and conditions, the pay freeze and 3 days additional leave are part time with 55%, covering a range of hours per week, 45% are working full time.

Working hours profile of Workforce as at October 2011	Part Time	Full Time
<b>Council Employees : Total</b>	<b>1471</b>	<b>1269</b>
<b>Male</b>	388	627
<b>Female</b>	1083	642
<b>Community Schools : Total</b>	<b>445</b>	<b>272</b>
<b>Male</b>	34	54
<b>Female</b>	411	218
<b>Grand Total</b>	<b>1916</b>	<b>1541</b>

There are 205 Term Time Only contracts in the Council and a further 583 employees with Term Time Only contracts based in the Community Schools. Term time only contracts make up 22% of the contracts affected by the proposals.

There is a specific issue associated with applying additional unpaid leave to term time only employees; largely associated with the fact that school based staff cannot normally take holidays during the school term. This implicates on mainly female lower paid employees working in areas such as school meals, school crossing patrol, supervisory assistants, classroom assistants and lower graded administrative roles within schools.

Profile of Term Time Only Workforce as at October 2011	Term Time Only
<b>Council Employees : Total</b>	<b>205</b>
<b>Male</b>	26
<b>Female</b>	179
<b>Community Schools : Total</b>	<b>583</b>
<b>Male</b>	42
<b>Female</b>	541
<b>Grand Total</b>	<b>788</b>

## Length of Service

Most employees / posts affected have worked for Darlington Borough Council between 6 and 10 years (26%), with a further 48% employees working between 3 and 10 years

Linking length of service with age and sex, it is clear to see that women within the age band of 41 to 50 and 6 to 10 are the highest for both Council and Community Schools.

Please see detailed tables at Appendix 1 for further information relating to age, sex and length of service.

<b>Length of service profile of Workforce as at October 2011</b>							
	<1	1-2	3-5	6-10	11-15	16-20	21+
<b>Council Employees : Total</b>	<b>116</b>	<b>272</b>	<b>608</b>	<b>712</b>	<b>355</b>	<b>248</b>	<b>429</b>
<b>Male</b>	30	105	225	249	113	98	195
<b>Female</b>	86	167	383	463	242	150	234
<b>Community Schools : Total</b>	<b>48</b>	<b>105</b>	<b>171</b>	<b>193</b>	<b>119</b>	<b>43</b>	<b>38</b>
<b>Male</b>	7	18	31	17	10	3	2
<b>Female</b>	41	87	140	176	109	40	36
<b>Grand Total</b>	<b>164</b>	<b>377</b>	<b>779</b>	<b>905</b>	<b>474</b>	<b>291</b>	<b>467</b>

A high proportion of long term employees are in the pension scheme with two thirds of the total number of employees contributing to the Local Government Pension Scheme being female.

<b>Pension profile of Workforce as at October 2011</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Council Employees contributing to the LGPS</b>	731	1143	1874
<b>Community Schools Employees contributing to the LGPS</b>	50	416	466
<b>Grand Total</b>	<b>781</b>	<b>1559</b>	<b>2340</b>

Historically female employees do not have as much service as male employees and therefore when accessing their pension they have a reduced number of years service. This is largely associated with part time working and career breaks for child care and / or other dependants.

From a workforce profile point of view the impact of three year pay freeze as well as a 3 day unpaid leave proposal may have severe detrimental impact on employees approaching their latter years of employment and approaching pensionable age. This is in addition to a potential increase in Council Tax for those employees who are residents of Darlington alongside the general economy of increased inflation and general costs of living. Unfortunately this may be the difference between employees wanting and or needing to work additional years in order to meet financial expectations.

## Grade

The range of grades affected by the proposals are across the whole grade bands but in gender terms the Council has a higher concentration of female workers who are lower end of the NJC grade range, from Grades E to I.

In relation to the Council Employees grade and wage levels, there are a number of grades with a high concentration of employees; Grades G, I and K, have the highest number of employees falling within them (764 employees - 27% of workforce). These grades are also

predominately occupied by females. Grade G equates to an hourly rate between £7.63 and £8.00, Grade I between £8.32 and £8.72 and Grade K between £9.22 and £10.17; for comparability purposes the National Minimum Wage rate from October 2011 is £6.08 for over 21 year olds. The minimum wage that the Council would award to an employee would be Grade A which equates to £6.29 per hour.

In relation to Community Schools employees, Grades E and L, have the highest number of employees falling within them (342 employees - 47% of workforce). Again these are occupied predominately by female employees. Grade E equates to an hourly rate between £6.83 and £7.04 and Grade L between £10.17 and £11.15.

In terms of the impact on employees at the top of their grade for both the pay freeze and the 3 Days unpaid leave, there are a higher number of employees who have reached the top of their incremental progression point at the lower grade ranges than the higher. This is reflective of the shorter grade bands for the lower grades within the NJC pay model which is made up of 2 increments for Grades A to E, 3 increments Grades F to J, 4 increments Grade K to N and 5 increments Grades O to T. Other grades structures are included in the analysis including Chief Officers (JNC) Youth and Community, Soulbury, Bectu, Craft, Tutors, Coaches and other local pay groups. Those excluded are only those on Statutory Terms and Conditions (Teachers).

The following is a summary of employees covered by the proposals who are currently on top of the incremental progression within their allocated grade.

<b>Top of the Grade – not including Schools</b>			
<b>As at 29th November 2011</b>	<b>Total</b>	<b>Female</b>	<b>Male</b>
<b>Number of Posts / Employees (excluding Teaching and Soulbury)</b>	3560	2448	1112
<b>Number of Posts / Person at top of grade</b>	2555	1721	834
<b>% of total number of posts</b>	72%	48%	23%
<b>Number of Posts / Person projected at top of grade on 1.4.12</b>	2882	1958	924
<b>% of total number of posts</b>	81%	55%	26%

Again, there is a higher proportion of females who have already reached the top of their grade as at April 2011. When analysing the proposed impact as at April 2012, there is only a small percentage increase in employees reaching the top of their grade.

<b>Grade profile of Workforce as at October 2011</b>											
<b>Grade</b>	<b>Male</b>		<b>Female</b>		<b>Council Total</b>	<b>Male</b>		<b>Female</b>		<b>Community School Total</b>	<b>Grand Total</b>
	<b>PT</b>	<b>FT</b>	<b>PT</b>	<b>FT</b>		<b>PT</b>	<b>FT</b>	<b>PT</b>	<b>FT</b>		
<b>Grade A</b>	1				<b>1</b>						<b>1</b>
<b>Grade B</b>	4		3		<b>7</b>						<b>7</b>
<b>Grade C</b>	1	1	3	1	<b>6</b>			3		<b>3</b>	<b>9</b>
<b>Grade D</b>	2		1		<b>3</b>						<b>3</b>
<b>Grade E</b>	47	2	122	1	<b>172</b>	2		134		<b>136</b>	<b>308</b>
<b>Grade F</b>	38	2	111	1	<b>152</b>	15		44		<b>59</b>	<b>211</b>
<b>Grade G</b>	29	6	207	20	<b>262</b>	1	4	80	12	<b>97</b>	<b>359</b>
<b>Grade H</b>	51	22	76	37	<b>186</b>						<b>186</b>
<b>Grade I</b>	17	22	153	59	<b>251</b>	13	13	25	16	<b>67</b>	<b>318</b>
<b>Grade J</b>	14	64	57	27	<b>162</b>						<b>162</b>
<b>Grade K</b>	32	105	75	42	<b>254</b>		2	8	5	<b>15</b>	<b>269</b>

Grade L	5	16	37	53	111	3	17	79	107	206	317
Grade M	21	51	67	94	233		9	32	45	86	319
Grade N	5	56	33	110	204		7	3	29	39	243
Grade O	12	55	20	71	158		1	1	2	4	162
Grade P	2	29	4	34	69		1		2	3	72
Grade Q	4	32	2	37	75						75
Grade R		18	1	15	34						34
Grade S		8		10	18						18
Grade T		6		4	10						10
AD1		1	1	4	6						6
AD2		1		1	2						2
AD3		2		2	4						4
BECTU 1	9		23		32						32
BECTU 2	1		1		2						2
BECTU 3	13		8		21						21
CHECX				1	1						1
CHEXPAR		1			1						1
COA2	2	1	5		8						8
CR1	33		23		56						56
CR3	13		16		29						29
CR6	12		17		29						29
CR7	4		6		10						10
CRAFT1	4	41			45						45
CRAFT2	3	59			62						62
CRAFT3		9			9						9
DIR100		1			1						1
DIR2		2			2						2
FLA01								2		2	2
LSC006				1	1						1
LSC007		1			1						1
MISC50		1			1						1
NMW		2		7	9						9
SA117			1		1						1
SA118			2	1	3						3
SA120		1		1	2						2
SA123				2	2						2
SB110				2	2						2
SEP112				1	1						1
Y&CPROF1		1			1						1
Y&C SWLEV1	8		7		15						15
Y&C SWLEV1A			1		1						1
Y&C SWLEV2	1	3	1	2	7						7
Y&C SWLEV2C		4		1	5						5
<b>GRAND TOTAL</b>	<b>388</b>	<b>626</b>	<b>1084</b>	<b>642</b>	<b>2740</b>	<b>34</b>	<b>54</b>	<b>411</b>	<b>218</b>	<b>717</b>	<b>3457</b>

### Postcode and Geographical Location Analysis

Employees working for the Council travel from a wide range of areas. Post code categories include Darlington, Durham, Harrogate, Leeds, Newcastle, Sunderland, Teesside and York.

On analysis of the postcodes within the Darlington boundary (DL1, DL2 and DL3), 2,612 or 75% of employees live within these postcode areas. The highest number of proposals impact on employees living within the DL1 postcode, closely followed by DL3. These areas house a large number of Council tenants.

Travel costs for employees who are residents of Darlington may well be impacted by wider budget proposals linked to transport. Some proposals look at reducing the level of subsidy or reducing services across the town and rural areas. This may impact on households with low income and when combined with the reduction in take home pay as a result of the two terms and conditions proposals and general cost of living and increased fuel costs, increase residents parking schemes reducing 'free' parking on streets and increased car parking charges all have a negative impact on potentially lower income families.

Employees can sign up to salary sacrifice schemes for contract parking which reduces costs for the employee however salary sacrifice schemes are not always viable or appropriate for low wage earners.

Postcode / Geographical Profile of Workforce as at October 2011	Council Employees	School Based Employees	Grand Total
DL1	935	306	1241
DL2	196	53	249
DL3	896	226	1122
DL4	17	8	25
DL5	124	29	153
DL6	6	3	9
DL7	9	3	12
DL8	6	1	7
DL9	12	1	13
DL10 – DL18	174	44	218
DH	54	3	57
HG	3	1	4
LS	1		1
NE	21	1	22
SR	9	1	10
TS	269	37	306
YO	8		8
<b>GRAND TOTAL</b>	<b>2740</b>	<b>717</b>	<b>3457</b>

### Legal Equality Risks Associated with the Implementation of the Proposed Terms and Conditions

As part of the equality analysis, there are a number of legal equality risks that need to be considered prior to approval. These are specifically associated with challenges from employees rather than the wider Community and associated challenges regarding consultation.

Risk Area / Issue	Scale of Risk	Level of Risk 1 to 5 (1 is lowest - 6 is highest)
The Council currently has a number of methods of calculating a days' pay. As part of the proposal for the three days unpaid leave, savings have been identified on a 1/5 <sup>th</sup> . Those employees who are currently paid on a	Scope could be applied to all former weekly paid employees. In 2006 as part of the Single Status Agreement, pay was converted to monthly pay and the notice period was converted to a month but	Likelihood of claims limited  Risk Level 3

<p>1/7<sup>th</sup> basis could raise an unlawful deduction of wages challenge.</p> <p>It is anticipated that there will be an agreement to harmonise the calculation of a days' pay as part of the proposal</p>	<p>the apportionment of salaries was not addressed. There are approximately 700 employees in former manual roles.</p> <p>Linked with the above issue is the risk of schools not adopting a change in the calculation of a days' pay causing a disparity and potential claim between School and Council employees and community school and community school employees</p>	
<p>Term time only employees within Community Schools have a different term time only formula to those employees who are employed by the Council on a term time only basis. There are potential terms and conditions and equal pay challenges between the two sets of employees. These groups of staff are also general female, part time and occupy lower grades within the Council's grade structure.</p>	<p>Terms and conditions claims would amount to sex discrimination but a male equivalent comparator would have to be identified.</p>	<p>Likelihood of terms and conditions claims been submitted on their own is limited. It is more common to identify terms and conditions disputes alongside equal pay claims. Unless equal pay can be identified the risk is relatively low to moderate.</p> <p>Risk Level 2</p>
<p>If community schools / governing bodies do not adopt the revised terms and conditions there is a potential of equal pay risk where relevant comparators can be sighted between the Council and school and also between similar community schools.</p>	<p>Initial discussions with schools to canvas intentions on the adoption of the proposals is varying but until a full consultation exercise is complete the risk level is unknown. The level and scope of the risk will depend on numbers of employees and appetite to take claims forward. This may be of interest to 'no win no fee solicitors' currently undertaking work in the Council and exploring both current and historic terms and conditions</p>	<p>Likelihood of claims currently unknown, risk level to be determined.</p>
<p>TUPE employees will have to be consulted with on an individual basis as part of changing protected terms and conditions. Numbers are perceived to be limited (Learning and Skills Council employees, Connexions)</p>		<p>Likelihood is limited</p> <p>Risk level 1</p>

Possible implications associated with recruitment and retention issues for Community Schools; if VA Schools and Academies do not adopt the changes their salaries and grades are likely to be more attractive than community schools grades which have adopted the revised terms and conditions	There is no obligation for VA and Academy Schools to adopt the revised terms and conditions.  Implications likely to be felt in the longer term rather than shorter term.	Likelihood of issues will be on a small scale initially but suggest that this is reviewed and schools made aware of risks.
Both budget proposals propose a dismissal and re-engagement exercise should a collective agreement not be reached. The risk associated with dismissal and re-engagement exercises are associated with employee relations and risks associated with breach of contract claims	Highly unlikely to be whole of workforce affected but pockets of service areas / similar job roles could be swayed if dissatisfaction is expressed. Higher risk associated with two elements of terms and conditions both affecting pay. Claims may be likely from trade unions if collective agreement can not be reached. Employment relations issues may result in strikes etc	Likelihood of breach of contract claims should be on a small scale but is a high risk area which could also attract negative media for Council and downtime for essential services.  Risk Level 2
Recruitment and Retention may become an issue for key posts for Darlington if other Council's in the Tees Valley region adopt the National Pay increases for staff groups. There is a potential that key comparable roles seek higher salaries in neighbouring authorities.	Market supplements can be applied where there is a suitable justification; however there is a risk of losing quality employees to higher paying authorities. There is also an equal pay risk between employees if market supplements are not justified and / or genuinely applied to all relevant employees.	Likelihood of losing key employees to neighbouring authorities will depend on national and regional pressures over the medium term. Market supplement challenges can be mitigated with continued tight control over market supplement procedures.

## Summary

The proposed changes to terms and conditions are being fairly applied in terms of coverage, however there are considerations and points to note including;

- Term time only employees are predominately female; applying additional leave outside of the term time period is likely to be pose a number of operational issues and in equality terms has a larger impact on females.
- Female employees falling within the grade range of Grade E to Grade I are the highest percentage of employees impacted on, these employees are also generally part time and will be harder hit in terms of the deduction in both the pay freeze and 3 days unpaid leave.
- Older employees facing their latter years of employment have their pension to consider and the combination of the two terms and conditions proposals is likely to produce a reduced estimated pension package
- A higher percentage of males are at the top of their grades than females, however females dominate the lower grades and are generally in a part time capacity, reducing the scope of higher pay levels

- Employees at the lower grades and working part time hours may be disproportionately affected by the three days unpaid leave proposal due to tax and NI contributions deductions. This is in comparison with higher wage earners who are taxed at 40% on earnings but are subject to lower national insurance contributions. On a gross calculation basis employees paid at lower grades are worse off in percentage terms than higher graded employees, employees in lower grades pay a higher percentage.
- Carers may well welcome 3 days unpaid additional leave but may find the unpaid element difficult when combining this with the hours available to work, carer commitments and associated carer benefits.
- Similarly, employees receiving income support benefits may find themselves 'hit twice' by a reduction of pay as benefits are calculated on gross income, by reducing this further with the proposals, benefits are potentially reduced.
- There are a number of equality risks associated with implementation of the terms and conditions identified



**APPENDIX 1**

**Analysis of length of service against age and gender**

**Council Employees**

Age Years	Male						
	Length of Service						
	<1	1-2	3-5	6-10	11-15	16-20	21+
16-30	12	42	69	67	11		
31-40	3	19	46	61	33	18	5
41-50	7	21	65	61	30	49	80
51-60	7	19	34	38	29	27	101
61+	1	4	11	22	10	4	9
<b>Total</b>	<b>30</b>	<b>105</b>	<b>225</b>	<b>249</b>	<b>113</b>	<b>98</b>	<b>195</b>

Age Years	Female						
	Length of Service						
	<1	1-2	3-5	6-10	11-15	16-20	21+
16-30	39	62	130	86	10		
31-40	20	52	90	126	54	32	15
41-50	15	28	105	140	94	58	80
51-60	12	21	49	86	66	48	101
61+		4	9	25	18	12	38
<b>Total</b>	<b>86</b>	<b>167</b>	<b>383</b>	<b>463</b>	<b>242</b>	<b>150</b>	<b>234</b>

**Community School Employees**

Age Years	Male						
	Length of Service						
	<1	1-2	3-5	6-10	11-15	16-20	21+
16-30	5	5	9	5			
31-40		4	6	4	1		
41-50		4	7	4	3	1	
51-60		1	5	3	5	1	
61+	2	4	4	1	1	1	2
<b>Total</b>	<b>7</b>	<b>18</b>	<b>31</b>	<b>17</b>	<b>10</b>	<b>3</b>	<b>2</b>

Age Years	Female						
	Length of Service						
	<1	1-2	3-5	6-10	11-15	16-20	21+
16-30	12	16	15	14	2		
31-40	10	28	36	39	15	7	1
41-50	10	29	58	86	55	8	14
51-60	9	8	16	33	36	20	16
61+		6	15	4	1	5	5
<b>Total</b>	<b>41</b>	<b>87</b>	<b>140</b>	<b>176</b>	<b>109</b>	<b>40</b>	<b>36</b>