

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Corporate Services		
Service Area:	Council Wide		
Name of the proposal :	Agency Worker Contract Review		
Lead officer:	Helen Whiting		
Date assessment completed:	26/05/23		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Sophie Draper	HR Manager	CYC	Human Resource from Resourcing perspective

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>To agree contractual terms for the provision of temporary workers to City of York Council which are cost effective and maintain quality of service whilst ensuring we meet our commitments of paying a Living Wage. The current contract is due to expire on the 31 August 2023.</p> <p>It is recommended that the Council make a direct award of the contract to City of York Trading Ltd (“CYT”) who are a wholly owned subsidiary of the Council.</p> <p>The provision of these services will help us meet the council plan outcomes of well paid jobs and an inclusive economy and an open and effective council.</p>
1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Any contracts will need to be agreed in line with procurement legislation. As a direct award is recommended, Regulation 12(1) of the Public Contract Regulations 2015 will apply. The Council’s Contract Procedure Rules and Article 12, 34 and Appendix 11 of the Constitution also apply.</p>

1.3	Who are the stakeholders and what are their interests?
	CYT is a private limited company whose sole shareholder is CYC. Corporate Management and managers at CYC Trade unions when considering the capacity of existing employees

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	<ul style="list-style-type: none"> • Keeping agency staff costs to a cost effective level whilst maintaining quality of service and allowing the workforce to flex • Grow a successful commercial business and profits that can be returned to the Council • The provision of these services will help us meet the council plan outcomes of well paid jobs and an inclusive economy and an open and effective council • Continue to prioritise recruitment, retention, career development, pay, reward and recognition strategies to have a resilience and robust workforce to meet the needs of services and or community in line with the Workforce Strategy

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	Monthly reports from current provider on usage/spend	To understand what the service need has been to date, and identify the ongoing need for agency worker provision.

Review of issues / complaints raised in relation to current provisions.	To understand improvements needed to any ongoing provision in order to review future requirements and inform procurement process and specification.
Workforce strategy	Key strategic objective to concentrate on Recruitment and retention – enabling the Council to flex its workforce and positively contribute to the delivery of the Councils priorities.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
Protected characteristics for all agency workers is not known, as this data is not held by CYC.		Ensure there is a contractual term to ensure the provider monitors equality information so they can compare with data from the local population and take appropriate measures where required to attract applicants from all communities.	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.		Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)

Age		0	L
Disability		0	L
Gender		0	L
Gender Reassignment		0	L
Marriage and civil partnership		0	L
Pregnancy and maternity		0	L
Race		0	L
Religion and belief		0	L
Sexual orientation		0	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	Some roles can be filled flexibly providing opportunities for non-uniformed hours	+	L
Low income groups	It is a requirement of the contract that all agency workers placed with CYC are paid the Living Wage and CYT's employees are also paid the Living Wage	+	L
Veterans, Armed Forces Community	None		
Other	None		

Impact on human rights:			
List any human rights impacted.	None		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
A requirement of the new contract could be for CYT to provide equalities information about the agency workers supplied to CYC.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	There are no inequalities identified

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Provision of equal opportunities information	Provision of contractual terms around monitoring of equalities information	HR lead in procurement process	Ongoing

Step 8 - Monitor, review and improve

	<p>Continued engagement with stakeholders on experience of using the provision.</p>
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	<p>Regular review meetings with provider to monitor the effectiveness of the contract, initiatives or changes that might be needed in terms of process as well as ongoing contract management.</p>
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	<p>Review of management information as to what additional initiatives may be needed.</p>
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