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Nottingham
City Council

NOTTINGHAM CITY COUNCIL APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Date: Tuesday, 7 March 2017

Time: 2.00 pm

Place: LH 1.15 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: James Welbourn **Direct Dial:** 0115 8763288

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 4
To confirm the minutes of the meeting held on 20 February 2017.
- 4 PUBLIC SECTOR DUTY - ENGLISH LANGUAGE REQUIREMENT POLICY** 5 - 20
Report of Director of HR and Transformation
- 5 EXCLUSION OF THE PUBLIC**
To consider excluding the public from the meeting during consideration of the remaining items in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 6 PROPOSED CHANGES TO THE WORKPLACE PARKING CHARGE (WPC) SCHEME RESULTING FROM THE PLANNED GOVERNMENT REMOVAL OF SALARY SACRIFICE AND WPC SCHEME PRICE INCREASE RECOMMENDATIONS** 21 - 42
Report of Corporate Director of Commercial and Operations
- 7 PAY, REWARD AND CONDITIONS OF SERVICE** 43 - 112

Report of Report of Director of HR and Transformation/Corporate
Director for Strategy and Resources

8 LIVING WAGE IN SCHOOLS

113 - 122

Report of Director of Human Resources and Transformation/Corporate
Director for Strategy and Resources

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

MINUTES of the meeting held at LB 31 - Loxley House, Station Street, Nottingham, NG2 3NG on 20 February 2017 from 14:00 – 14:09

Membership

Present

Councillor Dave Liversidge (Chair)
Councillor Eunice Campbell
Councillor Graham Chapman
Councillor Jon Collins
Councillor Nicola Heaton
Councillor Dave Trimble
Councillor Sam Webster

Absent

Councillor Toby Neal
Councillor Alan Clark
Councillor Georgina Culley
Councillor Jane Urquhart

Colleagues, partners and others in attendance:

Nancy Barnard - Governance Manager
Bridget Donoghue - Head of Human Resources
Della Sewell - Employee Relations Manager
Sheena Yadav-Staples - HR Consultant

32 APOLOGIES FOR ABSENCE

Cllr Alan Clark – Personal reasons
Cllr Georgina Culley – Unwell
Cllr Toby Neal – Other council business
Cllr Jane Urquhart – Work commitments

33 DECLARATIONS OF INTEREST

None.

34 MINUTES

The minutes of the last meeting, held on 17 January 2017 were confirmed and signed by the Chair.

35 PAY POLICY STATEMENT 2017/18

Della Sewell, Employee Relations Manager outlined the report to the Committee covering the following points:

- a) Reporting the Pay Policy Statement to Council on an annual basis is a statutory requirement. It is intended to take the Statement as outlined in the report to Council on 6 March 2017.

- b) The Statement outlines the relationship between remuneration of chief officers and the colleagues on the lowest pay grades. 50 posts in the structure as it was in September 2016 were designated as chief officer posts for this purpose and pay is deemed to include salaries and any additional payments, allowances and expenses. Chief Officers are paid very few allowances other than out of city mileage.
- c) Multiples of earnings have not changed significantly but this may change following the introduction of the new pay model in April. Levels of payments in addition to salaries are relatively stable.

RESOLVED:

- (1) Subject to the information in the report relating to additional payments being broken down, to ensure clarity regarding the reasons for the additional payments, to note the Council's Pay Policy Statement for 2017/18 for presentation to Council on 6 March 2017;**
- (2) To approve the new Pay Policy in principle contained in Appendix 12 of the report, subject to final Trade Union agreement.**

APPOINTMENT AND CONDITIONS OF SERVICE COMMITTEE – 7 MARCH 2017

Title of paper:	PUBLIC SECTOR DUTY – ENGLISH LANGUAGE REQUIREMENT POLICY	
Director(s)/ Corporate Director(s):	Richard Henderson, Director of HR and Transformation	Wards affected: ALL
Report author(s) and contact details:	Sheena Yadav-Staples, HR Consultant sheena.yadav-staples@nottinghamcity.gov.uk , Tel: 01158762951	
Other colleagues who have provided input:	Jon Ludford-Thomas – Senior Solicitor Jon.ludford-thomas@nottinghamcity.gov.uk 0115 8764398 Jo Worster - Finance Team Leader Joanne.worster@nottinghamcity.gov.uk Tel: 0115 8763448	
Date of consultation with Portfolio Holder(s) (if relevant)	Cllr Heaton, 24 January 2016	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
This report outlines the Council's statutory duty under the Immigration Act 2016 that requires all local authorities to ensure all colleagues or job applicants that are engaged to work in a customer-facing role have the ability to speak fluent English.		
Recommendation(s):		
1	To approve the Policy for inclusion in the Council's People Management Handbook.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 Under Part 7 of the Immigration Act 2016, all local authorities have a statutory duty to ensure that each person who works for the Council in a customer-facing role speaks fluent English. The Policy follows the standards and practices expected of local authorities as detailed in the statutory guidance, 'Code of practice on the English language requirements for public sector workers'.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The English Language Requirement for public sector workers came into effect on the 21 November 2016. The aim of the statutory duty is to help public authorities to meet

their obligations of the “fluency duty” under Part 7 of the Immigration Act 2016 and to provide higher quality services to citizens of Nottingham.

2.2 According to the code of practice, the standard of English spoken language proficiency will depend on the type of customer-facing role. Each public authority must carefully consider the nature and extent of the spoken communication which is necessary for effective performance. The following factors may be relevant when considering the standard required:

- The frequency of spoken interaction;
- The topic of spoken interaction;
- Whether the communication is likely to include technical, profession-specific or specialist vocabulary;
- The typical duration of spoken interaction;
- Whether the communication is repeated in or supplemented by, written material provided to members of the public; and
- The significance of the spoken interaction for service delivery.

2.3 Public authorities can, but are not required to, specify a minimum spoken English qualification if they determine this is appropriate for a customer-facing role. The specified level must not be below the Common European Framework of Reference for Languages (CEFR) Level B1.

2.4 A summary extracted from the CEFR levels of fluency can be found as follows:

CEFR Certificate	Description	Linguistic Fluency
B1	Threshold or intermediate	<ul style="list-style-type: none"> • Can exploit a wide range of simple language flexibly to express much of what he/she wants. • Can keep going comprehensibly, even though pausing for grammatical and lexical planning and repair is very evident, especially in longer stretches of free production.
B2	Vantage or upper intermediate	<ul style="list-style-type: none"> • Can adjust to the changes of direction, style and emphasis normally found in conversation. • Can produce stretches of language with a fairly even tempo; although he/she can be hesitant as he or she searches for patterns and expressions, there are few noticeably long pauses.
C1	Effective operational proficiency or advanced	<ul style="list-style-type: none"> • Can express him/herself fluently and spontaneously, almost effortlessly. Only a conceptually difficult subject can hinder a natural, smooth flow of language.
C2	Mastery or proficiency	<ul style="list-style-type: none"> • Can express him/herself spontaneously at length with a natural conversational flow, avoiding or backtracking around any difficulty so smoothly that the person with whom they are conversing is hardly aware of it.

- 2.5 The code also states that many of the statutory health regulatory bodies have adopted the C1 level for workers in a health care setting. Level B1 of the CEFR levels has been set for those seeking to apply for naturalisation as a British citizen¹.
- 2.6 A working group of colleagues from across a number teams has explored the potential impact of this duty on the Council policies and practices. The level of English proficiency that a public authority chooses to set should be reasonable and proportionate in all circumstances and can be justified and defended in the face of a challenge. The group felt that it was not necessary to specify in the Policy or the Council's recruitment practices a particular CEFR level of English language proficiency as set out in the table in paragraph 2.4 above.
- 2.7 Job applicants are already assessed at the point of interview to ensure they have the ability to competently answer questions; and there is no evidence to indicate that managers have had to performance manage employees in customer-facing roles who do not meet the required standard of English. Therefore it is envisaged that the implementation of this Policy will not change the way in which the Council recruits or performance manages colleagues or job applicants.
- 2.8 The Council has a responsibility to offer and implement measures to support colleagues in customer-facing roles who are found to not meet the necessary standard of spoken English, and to meet the cost of such training.
- 2.9 Further options that are available to managers in supporting employees include adjustments to the role of individual and redeployment. Dismissal is only to be considered by managers once all other options and/or procedures have been considered and/or followed.
- 2.10 The Code specifies that local authorities are also required to operate a complaints procedure to enable citizens to make a formal complaint to the Council if they feel that a customer-facing employee of the Council has insufficient proficiency in spoken English to perform their role.
- 2.11 A complaint about an employee's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint and the Policy makes this clear. The Council's complaints procedure, under 'Have your say,' has also been amended to include this as a category.
- 2.12 For employees whose first language is a signed language, the duty will be met by the provision of a sign language interpreter who is registered with the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD). The Council's current provider of sign language interpreters is the Nottinghamshire Deaf Society, whose interpreters are registered with the NRCPD, and therefore satisfies the requirements of the duty. Should the Council change its provider, this registration will need to be checked.
- 2.13 The duty has the potential risk of indirect race and/or disability discrimination when enforcing the requirements of this Policy and when dealing with complaints about the level of English of customer-facing employees from citizens. The requirement to speak fluent English could place employees or job applicants of nationalities or origins that do not have English as a first language at a disadvantage.

2.14 In order to protect the Council against claims of indirect discrimination from colleagues or job applicants whose first language is not English, the policy, job description and manager training will make clear that the level of English required for the customer-facing role will be no higher than necessary for the particular role and employees will be given reasonable support to attain the standard. The Council will therefore need to balance compliance with the English language requirement with the need to avoid unlawful discrimination.

2.15 It has been difficult to determine the impact this policy will have on the wider workforce, as it is difficult to estimate the number of customer-facing roles within the Council as this would need to be determined by managers based on aspects of the role. The Policy would therefore need to be reviewed to determine whether any particular groups of people are adversely affected.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 None.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 None.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 Legal Implications

5.1.1 The draft English Language Requirement Policy appended to this report complies with both Part 7 of the Immigration Act 2016 and the statutory code of practice issued by the Minister entitled: *Code of Practice on the English language requirements for public sector workers* (November 2016), whilst also balancing these against the duties of Nottingham City Council ("NCC") under the Employment Rights Act 1996 and the Equality Act 2010.

5.1.2 Therefore, subject to any comments put forward by others arising from this report, it is advisable that the draft policy appended to this report is approved by ACOS on behalf of NCC.

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 None.

7. TRADE UNION COMMENTS

7.1 None.

8 EQUALITY IMPACT ASSESSMENT

8.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix B, and due regard will be given to any implications identified in it.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Cabinet Office (Nov 2016). Code of Practice on the English language requirements for public sector workers. Part 7 of the Immigration Act 2016.

10.2 Cabinet Office (Oct 2016, Version 1.0 Preliminary). Code of Practice on the English language requirements for public sector workers. Part 7 of the Immigration Act 2016.

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PUBLIC SECTOR DUTY - ENGLISH LANGUAGE REQUIREMENT POLICY

1. Who this policy applies to

1.1 This policy applies to all employees of Nottingham City Council on permanent or temporary contracts; those employed within maintained schools; casual workers, consultants, agency workers, apprentices and any other workers who are not employees of the Council who are engaged to work for the Council in a customer-facing role.

2. Policy

2.1 The Council has a statutory duty under Part 7 of the Immigration Act 2016 to ensure all colleagues who are engaged to work in a customer-facing role speak fluent English. This means that they must have a command of spoken English which is sufficient to enable the effective performance of their role. This fluency applies in respect of existing colleagues as well as to new recruits. The Council will also take into account its obligations under the Equality Act 2010 when considering this duty.

2.2 For a colleague whose first language is a signed language and who is in a customer-facing role, the fluency will be met by the provision of a sign language interpreter who speaks English to the necessary standard of fluency as required by the duty on the English language requirement for public sector workers. (See [Section 4](#) for more details).

2.3 Customer-facing Roles

2.3.1 Colleagues who, as a regular and essential part of their role, as defined in their job description, are required to speak to citizens in English either face-to-face or by telephone are considered as working in a customer-facing role. Customer-facing roles would include, but are not limited to the following illustrative examples:

- A colleague working in customer service, receiving calls and fielding queries from citizens would be viewed as operating in a customer-facing role, as they will have regular telephone and face-to-face interactions with the public.
- A teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a customer-facing role.

2.3.2 Jobs that require occasional interaction with the public and are not an essential part of their role, are not considered customer-facing roles and are therefore outside the scope of this policy. An example of these would include, but are not limited to:

- A street cleaner for the purposes of this duty would not be viewed as being in a customer-facing role as their main duties do not require regular interaction with members of the public.
- A clerical officer or IT technician providing internal support within the Council would not be viewed for the purposes of this duty, as being in a customer-facing role as they are not required to communicate with members of the public over the telephone or face-to-face on a regular basis.



- 2.3.3 When determining whether a role is customer-facing or not, managers should consider the following aspects of the work involved:
- Is there a business need for interaction with the public;
 - What is the frequency and form of this interaction;
 - What is the level of service quality and responsiveness expected by the public;
 - What is the proportion of the role which would require spoken interaction with members of the public;
 - What is the nature of the role; and
 - Is English the primary language required for the role?
- 2.3.4 Colleagues working in a customer-facing role can, where appropriate, make use of any language skills they have to communicate with citizens who speak other languages.

3. Recruitment

- 3.1 An assessment of job applicant's verbal communication skills will form part of any application and interview process for all customer-facing roles. Job applicants should have the ability to fulfill all spoken aspects of the role with confidence through the medium of English.
- 3.2 Some customer-facing roles are already subject to a language standard. For example, Teachers in local authority maintained schools are appraised annually against the Teachers Standards, where they must 'demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject.'
- 3.3 All job applicants and colleagues will be treated in the same way, and reasonable adjustments in relation to job applicants and colleagues with disabilities that affect their verbal communication will be considered.
- 3.4 Job applicants and colleagues in a customer facing role, as defined under this Policy, will be expected to be able to effectively communicate verbally with citizens and ensure key information is understood by both parties.
- 3.5 **Casuals, Agency Workers and Self-Employed Contractors**
- 3.5.1 Casual workers who are offered a customer-facing assignment will be appropriately assessed and interviewed to confirm they meet the required standard. If a casual worker is unable to meet the standard of spoken English necessary for the role, the manager would need to address this in accordance with this Policy and consider whether the assignment can continue.
- 3.5.2 Agency workers are not employed by the Council and the terms on which they are engaged depend on the contract between the employment agency and the Council



and their own arrangements with the employment agency. Managers wishing to engage the services of an agency worker will ensure agency workers are appropriately assessed and, where applicable, interviewed to confirm they meet the required standard.

- 3.5.3 If an individual agency worker is unable to meet the necessary standard of spoken English required for the role, the manager can consider terminating the agreement with the employment agency for their engagement in accordance with the terms of the contract between the employment agency and the Council. (See [Agency Workers Policy and Procedure](#)).
- 3.5.4 Self-employed contractors work for the Council in accordance with the terms of a services contract. The terms of the contract will determine the steps which the Council can reasonably take should the individual fail to meet the necessary standard of spoken English fluency required for a customer-facing role.

4. Sign Language Interpreter

- 4.1 When the duties under this policy are met by the provision of a sign language interpreter, the interpreter should be registered with the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD). Registration will satisfy the Council that the level of language proficiency will be met, as NRCPD Registrants will be highly skilled in a signed language like BSL, ISL or ASL and hold a second language that can be another signed language or a spoken language. One of those languages must be native to the UK and Ireland. If it is impossible, after a determined effort, to engage an NRCPD Registrants, the Council will make sure the communication and language professional holds at least the qualification(s) required for NRCPD registration. Details of the Council's current contract can be found in [local suppliers](#) on the Intranet.

5. Responsibilities

5.1 Managers

- 5.1.1 Should make customer-facing colleagues aware of this new duty and explain the possible actions which may be taken if their proficiency in spoken English is found to be insufficient.
- 5.1.2 To be aware that an employee's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint under this Policy.
- 5.1.3 Ensure existing recruitment and selection practices facilitate compliance with the fluency duty and inform those responsible for evaluating candidates of the spoken language requirements for the role in question in each case.
- 5.1.4 All job applicants will be treated in the same way at each stage of the recruitment process (save for any reasonable adjustments required for disabled applicants).



- 5.1.5 Make clear in new adverts and job descriptions the necessary standard of spoken English required for the sufficient performance of the customer-facing role; and ensure consistency when advertising for similar types of customer-facing roles
- 5.1.6 Ensure managers who are responsible for evaluating candidates understand the spoken language requirements for the role and interview panel members should be provided with an objective method of evaluating candidates against clear criteria set out in the Job Description and Person Specification.

6. Training

- 6.1 It may become apparent during the course of a colleague’s employment, either because of a complaint received by a member of the public or as a result of performance management, that an employee who works in a customer-facing role does not meet the necessary standard of spoken English.
- 6.2 Measures to support employees in customer-facing roles, who are found to not demonstrate the necessary standard of spoken English, will be available in order for them to develop their spoken language proficiency within a reasonable period of time. Managers should contact the HR Casework Team for advice on how to support the employee in meeting the required standard. The Learning and Development Team can signpost managers to training and resources available.
- 6.3 The line manager will meet the cost of training through their sections budget and paid time off will be given to colleagues undertaking such training.

7. Re-deployment

- 7.1 If the employee does not meet the necessary standard of spoken English, adjustments to their role may be considered, such as reducing the frequency of communications with the public where possible. Consideration could also be given to redeploying the individual to a non-customer facing role. (See *Redeployment Policy* for information on redeployment, and [Pay Policy](#) for information on pay protection).

8. Dismissal

- 8.1 Colleagues will be given a reasonable opportunity to meet the necessary standard of spoken English. A manager could consider dismissing an employee on the basis that they are not capable of fulfilling their duties, or they refuse to engage in any supportive process, for example if they have:
- unreasonably refused to undertake training aimed to bring them up to the necessary standard for their role; or
 - not been able to attain the standard of fluent English required for the role within a reasonable amount of time, after reasonable training opportunities have been provided; or
 - if no other suitable post without customer-facing duties can be made



available for that individual.

8.2 Prior to dismissal, the manager must ensure all other usual policies and procedures have been followed in order to give the employee the opportunity to meet the required standard of spoken English. The employee will also have the opportunity to appeal against any dismissal. Managers should only consider dismissal after considering all reasonable alternatives and where appropriate, seek advice from the HR Casework Team.

8.3 For assistance in the management of these cases, managers should speak to the HR Casework team and follow the procedures as set out in the [Performance Management Policy](#) and [Disciplinary Procedure](#).

9. Complaints Procedure

9.1 If a member of the public feels that a customer-facing colleague has insufficient proficiency in spoken English for the performance of their role they can make a complaint to the Council which will be dealt with under the Council's complaints procedure, under 'Have your say'. (See the Council's [Comments, Compliments and Complaint's Procedure](#) for more information)

9.2 A complaint about an employee's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint under this Policy.

10. Linked Policies and Procedures

10.1 The Public Sector Duty – English Language Requirement Policy interacts with several other policies and procedures including but not exclusive to the:

- [Recruitment Policy and Guidance](#)
- [Redeployment Procedure](#)
- [Pay Policy](#)
- [Performance Management Policy](#)
- [Disciplinary Procedure](#)
- [Agency Workers Policy](#)
- [Comments, Compliments and Complaint's Procedure](#)
- [Reasonable Adjustments Policy and Guidance](#)



Version Control

Current version no.	0.5
Status	Draft
Panel/Committee	ACOS / Central Panel (<i>select/add other as appropriate</i>)
Panel/Committee date	
Agreed?	
Effective date	<i>(i.e. date policy became 'live')</i>
Review date	
Author	Sheena Yadav-Staples
Organisation	Nottingham City Council

Document history

Revision date	Version number	Author of changes	Summary of changes



Equality Impact Assessment Form (Page 1 of 2) - Appendix B

Title of EIA/ DDM: Public Sector Duty - English Language Requirement Policy. Name of Author: Sheena Yadav-Staples
Department: HR & Transformation **Director: Richard Henderson**
Service Area: Employee Relations **Strategic Budget EIA Y/N (please underline)**
Author (assigned to Covalent):

Brief description of proposal / policy / service being assessed:

The Council has a statutory duty under Part 7 of the Immigration Act 2016 to ensure all colleagues who are engaged to work in a customer-facing role to speak fluent English. As part of this, the Council has reviewed its policies and procedures to ensure they reflect the fluency duty. This new policy will apply to all employees of the Council on permanent or temporary contracts, those employed within maintained schools, casual workers, consultants, agency workers, apprentices and any other worker who is not an employee of the Council who is engaged to work for the Council in a customer-facing role. The Council has taken into account its obligations under the Equality Act when considering this statutory duty which will apply to existing colleagues as well as to new recruits and job applicants.

The policy also illustrates what action the Council will consider taking if a person who works in a customer facing role does not meet the required standard of spoken English.

Information used to analyse the effects on equality:

Census 2011 data, Proncle Workforce Profile, Code of practice on the English language requirement for public sector workers, input from the Equality and Diversity team, Xpert HR.

	Could particularly benefit X	May adversely impact X	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
<u>People from different ethnic groups.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>It is difficult to determine the impact this policy will have on the workforce or job applicants, as it is difficult to estimate the number of customer-facing roles within the Council as this would need to be determined by managers based on aspects of the role as set out in 2.3.2 of the policy.</p> <p>The statutory duty does however have the potential risk of race and/or disability discrimination when enforcing the fluency requirements and when dealing with complaints about the fluency of employees.</p>	<p>To mitigate any adverse impact the introduction of this statutory duty may have on any existing employees or job applicants, the job description of customer-facing roles and manager briefings will be clear that the level of English required for customer-facing roles will be no higher than necessary for the particular role and, individuals, who do not meet the required standard will be given reasonable support in order to attain the standard required.</p> <p>It will be highlighted in manager</p>
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
<u>Disabled people</u> or carers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>		
Older	<input type="checkbox"/>	<input type="checkbox"/>		
Younger	<input type="checkbox"/>	<input type="checkbox"/>		

Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).

Please underline the group(s) /issue more adversely affected or which benefits.



The requirement to speak fluent English places employees or job applicants of nationalities or origins that do not have English as a first language at a disadvantage.

For those colleagues whose first language is a signed language and who are in a customer-facing role, the fluency requirement will be met by the provision of a sign language interpreter who is registered with National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD).

The total headcount of the Council workforce as at 31/10/2016 is 6894. Of the 6232 employees who disclosed their ethnic origin, 19.54% (1,347) declared themselves as from a BME background and 70.84% (4,885) as White British. 9.60% (662) did not disclose their Ethnic Origin.

The Ethnic Origin of the Council workforce is proportionate to the profile of Nottingham City, with 23.4% declaring themselves as from a BME background in the 2011 Census and 66.2% as White.

Of the total headcount of the Council, 52.3% (3,606) are Nottingham City residents.

As at the 31/10/2016, 4.64% (320) of the workforce declared themselves as having a disability, 81.71% (5,633) as having no disability and 13.65% (941) as unknown. Compared to the profile of Nottingham City, according to data

briefings that all job applicants and existing colleagues will be treated in the same way and reasonable adjustments in relation to job applicants and colleagues with a disability that affects their verbal communication will be considered.

In order to protect colleagues whose first language is not English, the policy makes clear that complaints made by citizens about a colleagues accent, dialect, manner or time of communication, origin or nationality would not be considered a legitimate complaint under this Policy.

Manager briefings will also highlight that colleagues in a customer-facing role can where appropriate make use of any language skills they have to communicate with citizens who speak other languages.

Support from HR will be available to managers, who have concerns or where a concern has been raised via a complaint by a citizen about a colleagues' fluency in English.

In determining what is a reasonable length of time an employee will be given in order for them to develop their English language proficiency, managers will decide this together with a member of the HR Casework Team.

The Council's current provider of Sign Language interpreters is the Nottinghamshire Deaf Society whose interpreters are registered with the NRCPD. Should the Council change its provider, this registration will need to be checked.

			<p>from the 2011 Census 18.22% who, are of working age (aged 16-64), declared they had a disability.</p> <p>This shows that there are fewer disabled employees employed by the Council when compared to the profile of the City. Unfortunately the Council's workforce profile does not detail the type of disability a person has, therefore it is difficult to determine the number of employees who have a disability that affects their verbal communication who will be affected by this policy.</p>	<p>Job applicants who have a disability that affect their verbal communication could be put off applying for positions within the Council by the implementation of this policy. To mitigate the potential impact this might have, the recruitment policy and training for managers will make reference to the Equality and Diversity Policy, Reasonable Adjustments Policy and Guidance, and this Policy.</p>
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Outcome(s) of equality impact assessment:

- No major change needed •Adjust the policy/proposal •Adverse impact but continue
- Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

to be reviewed 12 months after launch by the Employee Relations Team to establish if the policy is having a particular adverse impact on any particular protected groups under the equality strands.

Approved by (manager signature):

Della Sewell
Employee Relations Manager
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Date sent to equality team for publishing:

Send document or link to:
equalityanddiversityteam@nottinghamcity.gov.uk

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.

7. Clearly cross referenced your impacts with SMART actions.

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