

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"/>		

<p>Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).</p> <p><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></p>	<p style="text-align: center;">□</p>	<p style="text-align: center;">□</p>	<p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>Of the total headcount of the Council, 52.3% (3,606) are Nottingham City residents.</p> <p>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</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>
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			<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.