

This template summarises the key decisions/actions taken in the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

| Background                                |   |
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| Title of the Policy                       | Pay Protection Policy   |
| EHRIA Lead Person                         | Alan Strachan   |
| Date EHRIA completed                      | 09/09/14  |
| Review date and frequency                 | October 2015  |
| Is this a new or revised policy/practice? | New <input type="checkbox"/><br>Revised <input checked="" type="checkbox"/> |

| Scoping                                    |   |
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| What are the aims of this policy/practice? | <p>To remove potential equal pay risk presented by previous Pay Protection Policy which was without time limit.</p> <p>To ensure compliance with Equal Pay Legislation and best practice.</p> <p>Legal advice: Active pay protection was raised as an issue in Fearnon, as the gap between pay protected and non-pay protected employee's increases. The duration of pay protection has also been an issue, with Outlook Supplies Ltd and FAQ both highlighting the need to phase it out over time (e.g. for pay protection to be time limited). Fearnon also raised the issue of time, suggesting that the time period in question (14 years in this case) was not proportionate.</p> <p>Outlook Supplies also suggested that pay protection policies ought to take account of "current notions of good industrial practice".</p> <p>Trade Unions are also at risk in equal pay terms, following Allen, if they support a policy that is found to be discriminatory.</p> |
| WHO did you consult with?                  | Trade Union Side, Legal advice.   |
| WHAT did you learn?                        | To reach agreement in partnership.  |
| HOW will this shape your policy/practice?  | Suggested introducing alternative options, and length of phase of Pay Protection, increased   |

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| <b>Scoping</b>  |   |
|   | commitment to providing training etc. for staff exiting Pay protection. |
| What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice? | Caselaw relating to pay protection ( <i>Fearnon</i> ).                  |

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| <b>Impact</b><br>Will the impact and outcomes of the new/revised policy/practice:   |   |
| <b>Contribute to eliminating discrimination, harassment and victimisation?</b><br>E.g. <ul style="list-style-type: none"> <li>• Raise awareness of our SPS vision and values for equality and diversity</li> <li>• Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity</li> </ul> | <b>POSITIVE:</b><br>It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/> |
|   | <b>NO EFFECT:</b><br>It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>                |
|   | <b>NEGATIVE:</b><br>It will make discrimination, harassment and victimisation worse <input type="checkbox"/>                        |
| <b>Advance equality of opportunity between those who share a protected characteristic and those who do not?</b><br>E.g. <ul style="list-style-type: none"> <li>• Remove or minimise disadvantage</li> <li>• Meet the needs of equality groups that are different from the needs of others, encourage participation in public life</li> </ul>        | <b>POSITIVE:</b><br>It will advance equality of opportunity <input checked="" type="checkbox"/>                                     |
|   | <b>NO EFFECT:</b><br>It will have no effect on equality of opportunity <input type="checkbox"/>                                     |
|   | <b>NEGATIVE:</b><br>It will reduce equality of opportunity <input type="checkbox"/>   |
| <b>Foster good relations between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>• Tackle prejudice</li> <li>• Promote understanding</li> </ul>  | <b>POSITIVE:</b><br>It will foster good relations <input checked="" type="checkbox"/>   |
|   | <b>NO EFFECT:</b><br>It will have no effect on good relations <input type="checkbox"/>  |
|   | <b>NEGATIVE:</b><br>It will cause good relations to deteriorate <input type="checkbox"/>  |
| <b>Ensure Human Rights Compliance?</b>  | It will uphold human rights articles. <input checked="" type="checkbox"/>   |
|   | It will breach human rights articles. <input type="checkbox"/>  |

**Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.**

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| <p><b>Positive Impacts</b></p> <p>Protected characteristics affected: Age, socio-economic groups.</p> <p>The changes to the Pay Protection Policy ensures that all staff entering pay protection are treated equally and that for those staff who are in the Classic PSCPS and that are within three years of Normal Retirement Age at the point of entering Pay Protection, they will not suffer any detriment as a result of Pay Protection Policy.</p> |
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| <p><b>Negative Impacts</b></p> <p>Protected characteristics affected:</p> |                          |
| <p><b>Impact</b></p> <p>None identified.</p>                              | <p><b>Mitigation</b></p> |

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|---|-------------------------------------|
| <p><b>Recommended course of action</b></p>  |                                     |
| <p><b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.</p>   | <input checked="" type="checkbox"/> |
| <p><b>Outcome 2:</b> Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.</p> | <input type="checkbox"/>            |
| <p><b>Outcome 3:</b> Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).</p>             | <input type="checkbox"/>            |
| <p><b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.</p>  | <input type="checkbox"/>            |

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| <p><b>Summary of Outcome decision and Recommendations</b></p> <p>Pay Protection Policy agreed in partnership with Trade Union Side.</p> |
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| <p><b>Next steps</b></p> <p>Conduct equal pay assurance to ensure no unforeseen consequences by October 2015.</p> |
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If you require this document in an alternative format, please contact [SPSEqualityandDiversityTeam@sps.pnn.gov.uk](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)