

Appendix 4: Equalities Impact Screening – Tower Hamlets Homes staff members

Section 1: Background information

Name of completing officer	Date of screening
Nicola Klinger, Programme Lead – Housing Management Strategic Review	11/01/2023
Service area and Directorate responsible	
Housing Management Review Programme - Housing and Regeneration	
Approved by (Director / Head of Service)	Date of approval
Karen Swift, Director of Housing and Regeneration	16/01/2023

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

Section 2: Summary of proposal being screened

Name of proposal
Proposal to bring housing management services back in-house, under the direct control of the Council
The aims/objectives of the proposal

The Council is proposing to bring housing management services back in-house, under the direct control of the Council.

The current Management Agreement between Tower Hamlets Homes (THH) and the Council ends on 31 March 2024. The Council must take a decision on whether to end or extend the management agreement no later than six months prior to this date.

Additionally, the Council's Strategic Plan 2022-26 sets out that Priority 2 is: Homes for the future and commits to consult residents on the future of housing management services, including Tower Hamlets Homes. The consultation concluded on 18 December, finding that residents were supportive of proposals to bring services back in-house.

Having reviewed the options for the future of housing management services, the Council has assessed that bringing services back in-house (and thereby ending the Management Agreement) will provide an opportunity to join up services, increase accountability to residents and the Regulator for Social Housing (RSH), and enable the Council to take a strategic approach to delivering good quality homes.

If a decision is taken to bring services back in-house, the majority of Tower Hamlets Homes staff will transfer to the Council, under Transfer of Undertakings (Protection of Employment) (TUPE) regulations. This means that for staff that transfer will keep the:

- Same terms and conditions of employment (including pay)
- Same length of service, so that there is continuous employment
- Same holiday entitlement

Changes may be made in the future to harmonise terms and conditions with that of existing LBTH staff, however this will only occur when it effects improvement to transferred staffs' terms and conditions and where this is consented to by staff members and unions.

Subject to proposals, legal advice and staff consultation, a very small number of senior management staff may be offered voluntary redundancy.

Once a proposed detailed model on new structures has been agreed, a full EQIA and staff consultation plan will be completed before a final model is agreed.

A full staff consultation will be conducted prior to the final proposals and the full EQIA will be updated after this.

Section 3: Equality Impact Analysis screening

<p>Is there a risk that the policy, proposal, or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below ?</p> <p>Please consider the impact on overall communities, residents, service users and Council employees.</p> <p>This should include people of different:</p>	Yes	No	Comments
<ul style="list-style-type: none"> ▪ Sex 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The protection of employment rights and terms of conditions will apply to all employees transferring over, regardless of their sex. All staff will be invited to participate in the consultation on future proposals.</p> <p>Women may positively benefit as after transferring into the council they will be able to access the Women's Network which supports and champions women's issues and wellbeing in the workplace.</p>
<ul style="list-style-type: none"> ▪ Age 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>As senior members of staff are more likely to be considered for voluntary redundancy, it is possible that older members of staff are more likely to be affected in this way.</p> <p>Once there is a proposed detailed model on the new structures and legal advice has been attained, a full equalities impact analysis will be completed to understand if there is any negative affect on older groups of staff.</p> <p>For those transferring into the council, the same protection of rights will apply no matter the age of the person, so no negative impact is foreseen in this regard. Staff of all ages will be supported with the transfer and participating fully in the staff consultation.</p>
<ul style="list-style-type: none"> ▪ Race 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All members of the racially diverse workforce at THH will receive the same opportunities to participate in the staff consultation and will have the same protection and transfer rights. There is therefore no risk of disproportionate impact due to a person's race.</p>

			Some groups may also benefit due to access (when transferred into the council) to the Race Equality Network - which is the Black, Asian and Multi ethnic staff and friends network, as well as to targeted initiatives to support groups to develop and attain managerial/leadership roles within the workplace (e.g. mentoring support for Black, Asian and minority ethnic groups of staff).
<ul style="list-style-type: none"> ▪ Religion or Philosophical belief 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Regardless of religion and philosophical belief, all staff will have the same protection of employment rights and terms and conditions under TUPE regulations. All staff will be invited to participate in the staff consultation and care will be taken to schedule any meetings or events around any religious meetings or holidays (e.g., Friday Prayers).</p> <p>The majority of staff will work in the same building before and after the transfer (having moved to the New Town Hall in March 2023 or remaining in satellite buildings), and therefore will have the same facilities for prayer and reflection.</p> <p>People belonging to certain religions may also benefit by access to staff religious forums (Christian Prayer Group and Tower Hamlets Muslim Staff Forum).</p>
<ul style="list-style-type: none"> ▪ Sexual Orientation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There will be no difference in either TUPE protection or opportunities to participate in staff consultation for groups of different sexual orientation.</p> <p>Staff transferring into the Council may benefit as they will have an opportunity to join the TOWER Pride Network, which is open to all staff, regardless of sexual orientation or gender identity. The forum provides advice and signposting to members and colleagues about the needs of LGBTQIA+ employees as well as confidential support service.</p>
<ul style="list-style-type: none"> ▪ Gender re-assignment status 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The gender re-assignment status of any transferring member of staff will not alter their rights under TUPE or ability to participate in staff consultation, and therefore no negative impact is expected for this group.</p> <p>A benefit from transferring into the council will be the opportunity to join the TOWER Pride Network.</p>
<ul style="list-style-type: none"> ▪ People who have a Disability (physical, learning difficulties, mental health, and medical conditions) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>People with disabilities may need some additional support during the transition period, to help them understand the changes that are going to occur, and their rights under TUPE. Likewise, as the transition may be an unsettling period, people with mental health issues may need additional support. LBTH and THH officers and HR teams will work together to ensure that there is a raft of support available to staff that might be</p>

			<p>concerned or need additional information about the transition, and that adjustments are made wherever possible to support those who have learning difficulties.</p> <p>As there will not be any changes to terms and conditions (e.g., taking leave due to medical appointments) or physical environment, it is not expected that people with physical disabilities or medical conditions will be disproportionately adversely impacted.</p> <p>The opportunity to join the N-Able disabilities network once transferred into the Council may have a positive impact on staff with disabilities.</p>
<ul style="list-style-type: none"> ▪ Marriage and Civil Partnerships status 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No matter a staff members' marriage and/or civil partnership status, TUPE rights and staff consultation will be consistent. No negative impact on any groups is predicted.</p>
<ul style="list-style-type: none"> ▪ People who are Pregnant and on Maternity 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>There will not be any changes to people's rights and employment protection in relation to pregnancy or maternity; the TUPE protections will apply in the same way and the same terms and conditions will remain after the transfer (so if someone is planning for maternity leave after the transfer, there will not be any changes in their pay or terms of this). Therefore, people who are pregnant or on maternity leave will not be disproportionately adversely affected due to their membership of these groups.</p> <p>However, people on maternity leave may be limited in their ability to participate in staff consultation events. Where there are people on maternity (or paternity) leave at this time, HR will need to advise on alternative ways to consult for that group of people (e.g., via written correspondence).</p>
<p>You should also consider:</p> <ul style="list-style-type: none"> ▪ Parents and Carers ▪ Socio-economic status ▪ People with different Gender Identities e.g. Gender fluid, Non-binary etc. ▪ Other 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Parents & Carers</p> <p>As there will not be any changes to terms and conditions (e.g., those relating to flexible working or annual leave), and no change in place of work, it is not expected that parents and carers would be negatively impacted by the transfer and will be able to participate in the staff consultation as fully as any other group.</p> <p>Gender Identities</p> <p>TUPE rights and staff consultation arrangements will apply to all members of staff, and therefore people with different gender identifies will not be disproportionately affected in any way by the proposals.</p> <p>Socio-economic</p>

		<p>As part of protection of terms and conditions, the pay of staff will be protected when they transfer to the Council (in perpetuity). Staff may benefit by having access to a wider pool of development and job opportunities (e.g., in different areas across the Council).</p> <p>Those members of staff that may be offered voluntary redundancy will be limited to senior management and therefore only impact groups that are paid at a significantly higher grade to the rest of the organisation. Redundancy payment will be offered in accordance with policy and staff will be consulted and supported through any redundancy process.</p> <p>Health & Wellbeing</p> <p>All staff members health and wellbeing may be adversely affected during the initial period of consultation and transfer, given the large change and concerns this may bring staff. Both LBTH & THH senior officers, the programme team and HR will support staff ensuring that timely decisions are taken, staff have comprehensive and transparent information, and that staff are consistently able to access support.</p>
--	--	--

If you have answered **Yes** to one or more of the groups of people listed above, a **full Equality Impact Analysis is required**. The only exceptions to this is if you can 'justify' the discrimination (Section 4). **If there are equality impacts on Council staff please complete the restructure equality impact analysis on the ['Organisational change process' pages of the intranet](#).**

Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input checked="" type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

Section 5: Conclusion

Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

All staff transferring into the Council will be protected by the TUPE regulations, which protect their terms and conditions, annual leave entitlement and continuous employment status. Therefore, there are few disproportionate impacts on groups in this regard.

Some groups may need additional support to participate in the consultation process and throughout the transition process. The process will be designed with this in mind and adapted in response to staff needs.

There may be a small number of senior managers offered voluntary redundancy, which are likely to be in an older age range due to their experience.

A full EIA will be undertaken once a detailed model on organisational structures has been agreed.