

NATIONAL PROBATION SERVICE HAMPSHIRE AREA

EQUALITY IMPACT ASSESSMENT FORM

This "Equality Impact Assessment Form" documents the outcome of a full impact assessment on the specified function, policy or procedure, addressing the equalities strands of: Race, Gender, Disability, Sexuality, Faith and Age. It is to be completed, published as specified, and appended to policy and/or strategy documents.

1. Function Name, Policy or Procedure:

Policy for Planned Retirements

2. Aims and Approach of Function/Policy/Procedure

This policy sets out Hampshire Probation Area's position on planned retirement, with reference to the Employment Equality (Age) Regulations 2006. It details the procedures to be followed when staff are approaching their planned retirement age and the circumstances in which HPA will consider extending employment.

All HPA staff have a planned retirement age of 65 years of age. Under the Employment Equality (Age) Regulations 2006, staff have the right to request to work beyond their retirement date and extend their employment for a specified period of time. HPA in turn has a duty to inform and consult with staff about their planned retirement and to consider any such requests to extend employment. 12-6 months prior to the planned retirement date, the HPA will write to the member of staff informing them of their planned retirement date and the intention of HPA to retire them on this date and their right to request to work beyond their planned retirement date. HPA retains the right to retire staff at their planned retirement date where it does not agree to a request, or where a member of staff does not exercise their right to make a request. Procedures for making the request are detailed in the policy.

The HPA criteria for assessing requests are laid out in the policy document as those cases where "there is a clear and demonstrable benefit to the organisation in doing so. This is defined as being where:

- staff have skills, knowledge or experience that are key to the HPA meeting its objectives and which the HPA will have difficulty replacing

and/or

- staff are employed in posts that the HPA will have difficulty recruiting to

An appeals process is in place for staff whose requests are turned down. Where agreement to the request is made a minimum period of not less than 6 months and maximum period of not more than 2 years will be set for further employment. A member of staff can make a further request to extend their employment as their new planned retirement date approaches.

3. What data/information is available & does it suggest differential impact for any of the groups identified as part of the impact assessment process?

Race - No information currently available

Gender (including transgender) – No information currently available

Disability – No information currently available

Sexuality – No information currently available

Faith – No information currently available

Age - The policy discriminates against people over the age of 65 in as much as it sets a planned retirement age. Challenges have been made to this position through the European Courts and adaptations to the Employment Equality (Age) Regulations may result, but in the meantime HPA is operating within statutory requirements.

4. What consultation has been undertaken and what are the results of this?

The Planned Retirement Policy was taken to the Equalities Consultation Panel on 15th May 2007 for discussion. Key points that were raised:

- Although it was recognised that the Policy discriminated against people over 65 in employment and this was felt to be disappointing, the point was also made that young people could also be disadvantaged by an approach which does not require staff to retire.
- Concern was raised about planned retirement dates being specified in all employment contracts
- The criteria for assessing requests for working beyond planned retirement was of some concern. Although the criteria seems transparent, application of it could have a degree of subjectivity and bias applied which could advantage/disadvantage some groups over others. For example, disabled staff may be more likely to be retired.

- The potential for indirect discrimination against women was also raised. The criteria for assessing requests would suggest that those in administrative roles are far less likely to satisfy the criteria and therefore women, who make up the vast majority of administrative staff, less likely than men to have their request for continuation of employment agreed to.

5. What adverse impact has been identified and what changes are needed to remove any adverse impact (either approach or implementation considerations)?

Adverse impact in relation to age is not at this point to be removed, although the Policy review process will enable this to periodically be considered, alongside any legislative developments/changes.

Adverse impact in terms of disability and gender are identified as potent outcomes depending upon the implementation of the policy. Careful monitoring will need to be undertaken to provide information as to whether such processes are occurring.

6. What decisions have been taken on the basis of the impact assessment and what measures have been put in place to implement?

Reference to staff contracts to be removed from the Policy. Potential adverse impact in terms of disability, gender and other equalities strands as identified, will only be apparent upon scrutiny of the application of the policy. Monitoring systems will therefore be established and regularly reported on to ensure no particular group is disadvantaged.

7. Monitoring arrangements and review process

Specific monitoring arrangements for the policy will be established at 6 and 12 months post implementation and results made available to HR Director for further consideration.

8. How results will be published

Results will be published through HPA intranet and website.

Signature of Policy Lead

Position

Date