

Major Disruption to Travel Policy

Equality impact assessment

March 2011

Equality impact assessment for Major to Disruption to Travel Policy

Introduction

1. The Department for Work and Pensions has carried out an equality impact assessment on the proposal to introduce the Major Disruption to Travel Policy, assessing the proposal in line with the current public sector equality duties.

2. This process will help to ensure that:

- the Department's strategies, policies and services are free from discrimination;
- the Department complies with current equality legislation;
- due regard is given to equality in decision making and subsequent processes; and
- opportunities for promoting equality are identified

3. This equality impact assessment considers the potential impact of the proposed policy in terms of disability, gender, gender reassignment, race, religion or belief, age, marriage and civil partnership, pregnancy and maternity and sexual orientation.

Purpose and aim of the Major Disruption to Travel Policy

4. The Major Disruption to Travel policy applies where major disruption prevents people from travelling to work and carrying out their normal day to day activities.

5. Major disruption is defined in this policy as travel disruption which is as a result of severe/extreme weather, such as heavy snow or flooding, industrial action e.g. national rail strikes, or another major incident which severely affects public transport or roads to the extent that it prevents or seriously disrupts travel to an employee's usual place of work.

6. The policy applies to situations where major disruption to travel is known about in advance and where the onset of major disruption is more immediate.

7. The policy provides all staff with practical options to consider when they are unable to travel to their normal place of work. Options include working from home or another office, delaying the journey to work until conditions improve, or travelling by another method. A non exhaustive list of suggested options is available within the guidance for all staff and their managers to consider. These options must be considered,

explored and ruled out before managers consider whether to award a time credit for staff still unable to participate in any work activities.

8. When considering options the policy ensures that the personal safety of all staff, the nature of disruption and the individual's personal circumstances are balanced with the need for work to continue during major disruption.

9. All staff affected by major disruption will be able to discuss any potential health and safety risks with their manager who will take account of, and make adjustments for, factors such as any disabilities when deciding on the most appropriate course of action.

10. Where major disruption is known about in advance, managers must speak to employees about the arrangements they have put in place to attend work, or ensure they have useful work to do if they are unable to travel to their usual place of work.

11. The policy makes specific reference to staff whose caring arrangements may have broken down due to the sudden closure of schools or care centres. Staff that notified about an unexpected breakdown in their caring arrangements are directed to the special leave policy.

12. The policy is flexible and will enable managers to manage absences fairly, consistently and sympathetically, based on local circumstances and making use of flexible working arrangements where practicable.

13. Each individual's circumstances are considered by their line manager with options such as flexi credits and special leave being available where appropriate.

14. The policy aims to overcome the inconsistencies in the application of the current policy.

15. The policy is for all staff to access and for all staff whose ability to travel to their normal place of work is affected by major disruption to travel to action.

16. The policy will compliment the Department's existing business continuity arrangements.

17. The policy will be published on DWP's internal website.

Consultation and involvement

18. We have consulted with the following:

Internal Stakeholders

DWP Human Resources Directors

DWP Business Continuity Team

DWP Health and Safety Team

Departmental Trade Union Side

External Stakeholders

Office of Fair Trading

HM Revenue and Customs

Food Standards Agency

Home Office

Department for Business, Innovation and Skills

Department of Communities and Local Government

DVLA

Ministry of Justice

19. A benchmarking exercise took place to look at existing policy in this area across government. Whilst there were similarities, policies did vary, particularly in terms of what types of disruption were covered and how time away from work was accounted for.

20. A cross government stakeholder group and internal DWP stakeholders were consulted to establish the issues with the current policies in this area. The issues were again broadly similar across government. The main issue was managers' discretion leading to inconsistent application of the existing policies. This is one area this new policy aims to address.

21. Stakeholders expressed concern about the different efforts staff made to get into work and the perception that those who made every effort to get into work were being disadvantaged. Delays to journeys and leaving early due to worsening conditions mean some staff are not able to work all their daily contracted hours, the expectation being that lost time will be made up at another time.

22. There was the perception that staff who did not make reasonable efforts to get to work were being rewarded for staying at home. Managers were awarding paid time credits for the whole day for staff who did not work, even though there may have been a lack of willingness to make reasonable efforts to travel to work or consider different options which would allow work to continue. This puts staff making little or no attempt to carry out useful work at an advantage over colleagues who made reasonable efforts but because of the disruption are unable to work their full contracted hours.

23. Staff with caring responsibilities can be disproportionately affected by major disruption to travel. Whilst they themselves may be able to attend work or consider other options to work in another way, a sudden closure of a school or care centre, means that options open to other groups can no longer to be considered as the employee takes over the caring role.

24. An earlier draft of the policy seemed to imply that special leave could only be considered for staff with caring responsibilities and that those staff without caring responsibilities were being discriminated against because special leave was not an option open to them.

25. This was not the policy intention. Although it is more likely that special leave will be appropriate for staff with caring responsibilities because of the time off for dependents right, special leave could be an option considered for other staff without caring responsibilities unable to attend work during major disruption, depending on their individual circumstances.

26. To avoid indirect discrimination later drafts of the policy were amended to clarify that special leave is an option that can be considered for all staff and is not just restricted to staff with caring responsibilities.

27. Special leave for all staff will be considered under the special leave policy. Reference will be made to special leave within the major disruption to travel policy, with hyperlinks included to the special leave policy.

28. The new policy has aimed to address these issues, together with a need to balance the personal safety of all staff against the need for work to continue. The emphasis has shifted; it focuses on what all staff can do to continue working rather than focussing on what happens if someone is unable to carry out any work.

Impact of the Major Disruption to Travel Policy

Disability

Positive Impact

29. Travel disruption can affect disabled staff more adversely than other groups. Disruption affecting their usual method of travelling to work is potentially more restricting to disabled staff, as other options for travelling, for instance using public transport instead of a private motor vehicle, may not be an option.

30. Guidance specifically states that when managers consider the suggested list of practical options when employees are faced with major disruption to travel the specific needs of disabled staff must be considered. The potential limitations on alternative options for travelling to work, other options such as working from home or receiving a flexi credit may be options used more often for disabled staff compared to other groups and could potentially be disproportionate.

Gender

31. Special leave can be considered for **all** staff with caring responsibilities regardless of gender.

Gender Reassignment

32. There is no impact on gender reassignment

Race

33. There is no race impact.

Religion or Belief

34. There is no impact on religion or belief.

Age

35. There is no impact on age.

Marriage and Civil Partnership

36. There is no impact on marriage and civil partnership.

Pregnancy and Maternity

37. When deciding on the most appropriate course of action during major disruption, employees and their manager will discuss any potential health and safety risks and take account of, and make adjustments for the individual's personal circumstances, which would include their pregnancy where applicable.

Sexual Orientation

38. There is no impact on sexual orientation.

All staff

39. There is no reason to believe that different group(s) of people could be negatively or unduly affected by the proposed policy.

40. The mitigation is that each individual's circumstances are considered by their line manager with options such as flexi credits and special leave available to all staff where appropriate.

41. All staff can access the policy and is for use by all staff when their ability to travel to their usual place of work is affected by major disruption.

42. All staff are expected to attend work to carry out their normal day to day activities. If any member of staff feels they are unable to attend work because of major disruption they must contact their manager to discuss options and what work they are able to do.

43. Managers will discuss options with all staff and decide on a course of action which takes into account the individuals own situation and their personal health and safety. Only when all options to carry out useful work have been considered and ruled out based on personal health and safety and individuals specific circumstances will a flexi credit or special leave be considered.

44. Flexi credits or special leave will be considered for all staff, but only after they have discussed with their manager what work they can do and those options for work have been considered and ruled out.

45. The policy provides the same outcome for all groups. All staff who are unable to carry out any work at all after considering all options with their manager, will receive a time credit. The time credit will be flexi credit or special leave depending on the individual circumstances of the case.

46. The new policy will not affect relations between different groups. Addressing inconsistencies in the application of the current policies will ensure that all staff are treated equally and benefit from a more consistent application.

47. This policy will not discriminate unlawfully against people from different groups.

Monitoring and evaluation

48. DWP's intranet site enables staff to provide feedback on the policy and advice. Where applicable, we will use this feedback to update or make required improvements to guidance.

Next steps

49. The policy will be published on the Department's internal website.

50. This impact assessment will be reviewed in March 2012.

Contact details

51. If you require further information about this assessment please contact:

corporate.employeepolicyframeworkteam@dwg.gsi.gov.uk