

<b>Title of the policy</b>	Prevention of Illegal Working Guidance
<b>Date</b>	November 2014
<b>Lead Officer</b>	Helen Graham, HR Adviser
<b>Who else is involved in undertaking this assessment?</b>	Strategy Team, Strategic Human Resources (Leicestershire County Council)

### Step 1 - Overview of policy/function being assessed

<b>A. Outline: What is the purpose of this policy? (specify aims and objectives)</b>
This guidance has been produced to assist managers in preventing the employment of individuals who do not have the right to work in the UK. It also provides information to employees regarding the importance of maintaining their right to work in the UK and the potential consequences of failing to provide, when requested, documentary evidence proving this entitlement.
<b>B. What specific group(s) is the policy designed to affect/impact?</b>
The policy applies to all Charnwood Borough Council employees.
<b>C. Which groups have been consulted as part of the creation or review of the policy?</b>
Management Team, Legal Services, Trade Unions (Unison, GMB and UCATT) and Members.

### Step 2 - What we already know and where there are gaps

<b>A. List any existing information/data you have/monitor about different diverse groups in relation to this policy? Such as in relation to ethnicity, religion, sexual orientation, disability, age, gender, transgender etc.</b>  <b>Data/information such as:</b> <ul style="list-style-type: none"> <li>▪ Consultation</li> <li>▪ Previous Equality Impact Assessments</li> <li>▪ Demographic information</li> <li>▪ Anecdotal and other evidence</li> </ul>
Composition of the Council's workforce:  Male: 43% Female: 57% Declared disabled: 3.7% BME: 8.9%
<b>B. What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (please list)</b>
Although it has the capability, Trent is not currently used to record details (e.g. passport number, work permit expiry date, etc.) from the documents provided by employees to prove their entitlement to work in the UK. Consequently, the Council is not currently able to

produce reports detailing the number, or characteristics, of employees who have only been granted the temporary right to work or has restrictions on their employment. There are also still a large number of employee records on Trent that do not contain responses to some characteristics (e.g. 56.6% contain no response for sexual orientation, 30% contain no response for disability).

The Council is also not currently able to produce a report to confirm the number (if any) of employees that have been dismissed as a result of failing to maintain their right to work in the UK. A new casework database has been developed which will hopefully address this issue.

### Step 3 - Do we need to seek the views of others? If so, who?

**A. In light of the answers you have given in step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.**

There is no further need to consult with specific groups in order to identify needs/issues.

The guidance applies to all employees of Charnwood Borough Council and will ensure that managers undertake the necessary document checks in order to confirm an individual's entitlement to work in the UK.

Information on acceptable documents and the process that needs to be followed are legal requirements as set out in the Home Office's 'Full guide for employers on preventing illegal working in the UK'. It is a criminal offence for the Council to employ an individual who does not have the right to work in the UK. Consequently, a process will be introduced to deal with those employees who fail to maintain their entitlement to work for the duration of their employment with the Council. This process will apply to all employees equally and will meet the Council's legal obligations.

### Step 4 - Assessing the impacts

	<b>In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the groups specified and provide an explanation for your decision. (please refer to the general duties on the front page)</b>
<b>Age</b>	N/A
<b>Disability</b> (physical, visual, hearing, learning disabilities, mental health)	Potentially a negative impact as an employee's ability to understand the guidance and their responsibilities under it may be affected by their disability (e.g. learning difficulties).
<b>Gender</b>	N/A
<b>Religious Belief</b>	N/A
<b>Racial Group</b>	Potentially a negative impact as employees with English as a second language may have difficulty understanding the guidance and their responsibilities under it.
<b>Sexual Orientation</b>	N/A



<b>Transgender</b>	N/A
<b>Other protected groups</b> (pregnancy & maternity, marriage & civil partnership)	N/A
<b>Other socially excluded groups</b> (low literacy, priority neighbourhoods, socio-economic, etc)	N/A
<b>All</b>	N/A

### Step 5 - Action Plan

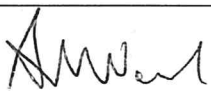
<b>Please include any identified concerns/actions/issues in this action plan:</b> <i>The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan</i>			
<b>Question Number</b> (Ref)	<b>Action</b>	<b>Responsible Officer</b>	<b>Target Date</b>
	In order to address potential issues in relation to an employee's ability to understand their responsibilities (due to a disability or language issues), the wording used in the guidance is clear making it easy to understand. Managers, with support from HR Services, will also ensure that employees are clear on what they need to do at each stage of the process.	HR Services / Managers	During implementation of the guidance
	To ensure that data relating to the documentary evidence provided by employees is input into Trent	HR Services	Ongoing
	To analyze equality monitoring data in relation to employees with the temporary right to work in the UK.	Claire Gregory	Ongoing
	To increase the percentage of employee's who have declared their personal information (e.g. sexual orientation, religion) on Trent so that data is available for statistical analysis	Management Team	Ongoing

### Step 6 - Who needs to know about the outcomes of this assessment and how will they be informed

	<b>Who needs to know</b> (Please tick)	<b>How they will be informed</b> (we have a legal duty to publish EIA's)
<b>Employees</b>	✓	This assessment will be sent to the Service Head for agreement and published on the Council's website.

		Employees will be informed that new guidance has been published (via managers) and information will be available via the Council's intranet.
Service users		
Partners and stakeholders		
Others		
To ensure ease of access, what other communication needs/concerns are there?		

**Step 7 - Conclusion (to be completed and signed by the Service Head)**

Please delete as appropriate	
I agree / <del>disagree</del> with this assessment / action plan	
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:	
Signed (Service Head):	
Date:	

**Please send completed & signed assessment to: Rachel Beaumont**