

SALARY SACRIFICE LEASE CAR POLICY

January 2015

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|-------------------------------------------|----------------------------------------------------------------------------------------|
| Authorship : | Y&HCS Workforce Policy Lead |
| Committee Approved : | CCG SMT and Joint Trade Union Partnership Forum |
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| Equality Impact Assessment : | Completed – Full |
| Sustainability Impact Assessment : | Completed |
| Target Audience : | Council of Members, Governing Body and its Committees and Sub-Committees and CCG Staff |
| Policy Reference No. : | HaRD 036 |
| Version Number : | 1 |

The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as ‘uncontrolled’ and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

| New Version Number | Issued by | Nature of Amendment | Approved by and Date | Date on Intranet |
|---------------------------|-----------------------------------------------------------|----------------------------|----------------------------------------------------|-------------------------|
| 1.0 | Harrogate and Rural District Clinical Commissioning Group | New Policy | JTUPF 28 January 2015 and HaRD SMT 06 January 2015 | 10 February 2015 |
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1 INTRODUCTION

Harrogate and Rural District CCG has introduced a new staff benefit in the form of a salary sacrifice lease car scheme.

This policy provides information for employees of the CCG to allow them to make an informed decision regarding their application for a lease car and sets out the eligibility criteria, terms and conditions of the scheme as well as the duties of the CCG and the employee.

2 ENGAGEMENT

This policy has been developed for CCG use and will seek approval from the Senior Management Team and ratification through the Yorkshire and Humber Commissioning Support (YHCS) Joint Trade Union Partnership Forum (JTUPF).

3 IMPACT ANALYSES

3.1 Equality

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

3.2 Sustainability

All policies require a Sustainability Impact Assessment. Such an assessment has been undertaken for this policy. A negative impact relating to travel has been identified and is addressed within the assessment. This screening can be found in Appendix 2.

3.3 Bribery Act 2010

Under the Bribery Act 2010, it is a criminal offence to :

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

It is therefore, extremely important that staff adhere to this and other related policies and documentation (as detailed on the CCG's intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

4 SCOPE

This policy applies to all CCG employees, irrespective of age, race, colour, religion, disability, nationality, ethnic origin, gender, sexual orientation or marital status, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership. All employees will be treated in a fair and equitable manner recognising any special needs of individuals where adjustments need to be made. No member of staff will suffer any form of discrimination, inequality, victimisation, harassment or bullying as a result of implementing this policy.

5 POLICY PURPOSE AND AIMS

The purpose of this policy is to provide a framework for managing the implementation of the Lease Car Scheme available to employees of the CCG.

6 DEFINITIONS

Lease Car / Car leasing

Car leasing is a method of paying for the 'use' of a vehicle over a specified period of time. It is similar to renting, but instead of hiring a vehicle for a day, a week or a month, leasing typically lasts for a minimum of 24 to 48 months.

Salary Sacrifice

A salary sacrifice happens when an employee gives up the right to receive part of the cash pay due under his or her contract of employment. Usually the sacrifice is made in return for the employer's agreement to provide the employee with some form of non-cash benefit. The 'sacrifice' is achieved by varying the employee's terms and conditions of employment relating to pay.

7 ROLES / RESPONSIBILITIES / DUTIES

7.1 The Head of Finance / Contracting is responsible for the following:

- Final approval of the lease car application made by the employee.
- Monitoring of the financial impact to the CCG of the lease car schemes.

7.2 The line manager is responsible for the following:

- Ensuring that the employee meet the applicable criteria for the lease car scheme.
- Ensuring that any salary sacrifice deductions will not allow the employee to fall below the Lower Earnings Limit (LEL)

7.3 The employee is responsible for the following :

- Keeping the car in a clean condition, both externally and internally, at the employee's cost.
- Arrange servicing of the vehicle in accordance with manufacturers recommendations.
- Carrying out regular checks to ensure oil, coolant, battery, brake and clutch fluids, tyre pressures and conditions of tyres etc., are all in accordance with the manufacturer's recommendations.
- Reporting any defect or malfunction in the vehicle promptly to the service agent.

8 IMPLEMENTATION

8.1 This policy and will be available to all staff via the CCG's website and on the CCG intranet.

8.2 Any deliberate breaches in the application of this policy and procedure may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

9 TRAINING AND AWARENESS

Guidance and support will be provided to all Line Managers in the implementation and application of this policy upon request.

10 MONITORING AND AUDIT

Records will be kept by the CCG Finance Team of all lease car agreements made under this policy. This information will be audited on a periodic basis. Records of declined requests will be maintained on personal files and can be audited where there is a specific requirement to do so.

11 POLICY REVIEW

The policy and procedure will be reviewed every 3 years by the Senior Management Team in conjunction with managers, the Y&HCS Workforce team and Trade Union representatives.

12 REFERENCES

NHS Agenda for Change Terms and Conditions of Service Handbook.

13 ASSOCIATED DOCUMENTATION

HMRC Salary Sacrifice http://www.hmrc.gov.uk/specialist/salary_sacrifice.htm

PROCEDURE

14 Salary Sacrifice Lease Car Scheme

The CCG is introducing a new arrangement for its employees which allow for the provision of a lease car under a salary sacrifice arrangement. The scheme is intended to bring financial benefits to those employees who wish to exchange part of their salary for the benefit of a car.

Employment Law Rules allow you to give up an amount of your gross (before tax) wage or salary – a procedure that is known as a ‘salary sacrifice’. This means that you do not have to pay tax, pension or national insurance contributions on the amount that you give up.

The CCG then provides you with a car on which you pay tax as a Benefit-in-Kind. Employees should refer to the HMRC website for further information on company car tax and how it is calculated. www.hmrc.gov.uk/cars.

By choosing a car with a low carbon dioxide output, the tax on the car can be substantially less than that on the salary foregone, giving you a net saving.

Employees wishing to take part in the Scheme are required to sign up to a salary sacrifice arrangement, under which the employee formally agrees to accept a reduction in gross salary in return for the CCG providing them with a car. The CCG will contract with a car lease provider (NHS Fleet Solutions) to pay the lease costs directly to them.

Although the contractual salary will be reduced for the amount paid, any annual pay increases and benefits will be based on the same salary known as Basic Pay (i.e., contractual salary). Entering into a Salary Sacrifice arrangement will not affect your basic pay or other salary related payments such as bonuses, overtime pay or pay awards.

15 Benefits of the Scheme

15.1 What is included?

The Salary Sacrifice covers :

- The cost of hiring the car
- Road fund licence
- Maintenance and servicing costs (including replacement of tyres due to fair wear and tear but not damaged)
- Fully comprehensive motor insurance (including class one business insurance)
- 24 hour accident management and breakdown assistance

15.2 The Salary Sacrifice will not cover:

- Early termination costs
- Excess mileage costs
- Parking fines, congestion charges and other driving penalties
- Unreasonable wear and tear

- Driver abuse
- Insurance excess

This list is not exhaustive.

15.3 Fines and Sundry Charges

It is the employee's responsibility to pay fines, without delay. Any fines not paid within the stated period will be paid by the leasing company and the cost forwarded to the CCG. The leasing company may add an administration charge to the fine. The CCG will recover the full cost of the fine, including the administration fee, via payroll. More details on the types of fines and the process for each are provided in the NHS Fleet Solutions document which is available on the CCG intranet.

16 Eligibility

Eligibility is subject to the following conditions :

- A permanent employee of the CCG
- Payment to be via Salary Sacrifice or agreed deductions from Net salary
- Line Manager confirmation of employment status
- No named drivers under the age of 21 can be insured on the vehicle

Your salary sacrificed must not take you below the National Minimum Wage (NMW) or Lower Earnings Limited (LEL) for National Insurance purposes.

One lease car per employee.

The CCG reserves the right to decline any application.

17 Process

CCG employees wishing to participate in the Salary Sacrifice Lease Car Schemes should first discuss the issue with their line manager to establish if their manager will support their application where necessary, or to confirm that any salary sacrifice deductions will not cause them to fall below the Lower Earnings Limit (LEL). Contact should be made with NHS Fleet Solutions who will provide an enquiry form for completion and approval where applicable.

18 Quotations

NHS Fleet Solutions will provide further information regarding the range of cars available and associated costs for employees wishing to apply for a lease car. Contact details are contained within the NHS Fleet Solutions Brochure which is available on the CCG intranet site.

19 Insurance

The car will have fully comprehensive insurance for business purposes of the CCG and private use under the terms of insurance held by the trust.

Up to five named drivers can be named on the insurance policy (although no named drivers under the age of 21 can be insured on the vehicle). The insurance Terms and Conditions are subject to change on an annual basis when the policy is renewed, such changes are outside of the control of NHS Fleet Solutions or the CCG.

To ensure that drivers with a poor driving record are not allowed to use the vehicle the CCG will require members of the employee's family to submit their licence for examination by the lease car department and complete an "additional driver authorisation" form. The CCG reserves the right to deny access to the vehicle or impose conditions to anyone who they feel is a risk.

Employees must inform the lease car provider of any convictions or endorsements imposed upon themselves or any member of their family who will be driving the vehicle.

Please check your insurance policy for the accidental damage excess.

20 Accidents

Under the Salary Sacrifice Lease Car scheme damage to the vehicle or third parties must be reported as per the instructions provided with the insurance certificate and the insurance company will assist in arranging an estimate and repair of the vehicle. You must quote your insurance policy number in all correspondence.

When involved in an accident employees should take note of the following :

- The name and address of the other driver(s) and vehicle owner(s) if different
- The name and address of each witness
- The injury to yourself or other people involved
- The damage to the vehicles involved or to property
- The name and address of the other driver's insurance company and policy number
- The registration numbers of the other vehicles
- The speed of the vehicles involved
- The width of the road, road markings and signs, state of the road surface and weather conditions
- Whether the other drivers and passengers were wearing seat belts
- If the accident happened at night or in poor visibility

21 Vehicle Theft / Break In

In the event of the vehicle being stolen, employees must contact their lease car provider as well as the police who will issue you with a crime number.

In the event of CCG property being stolen staff should inform their manager, as CCG items are not covered by the insurance policy.

22 Service and Maintenance

It is the employee's responsibility to ensure that the vehicle is serviced in line with manufacturers' recommended intervals and any mechanical problems are rectified as soon as they happen.

All routine servicing and repair costs arising from normal usage of the vehicle are included in the monthly cost. This includes normal wear of exhausts, replacement batteries, even puncture repair and the replacement of tyres as a result of fair wear and tear.

23 Traffic Offences

Parking fines, local fines and penalties for driving offences are the employee's responsibility. Any that occur will be passed on to the employee for immediate payment. If the lease car provider has to pay the fine they will recharge the drivers and will include an administration fee.

24 Foreign Travel

Staff who wish to take the vehicle out of the UK will require :

1. A letter of authority from the leasing company
2. A hired vehicle certificate (VE103A)
3. Fully comprehensive insurance cover

In most cases these can be arranged through NHS Fleet Solutions. There will be a charge made for this service. If an employee has difficulty arranging travel documents they should contact the relevant lease car provider at least 28 days before departure.

25 Road Fund Licence

From 01 October 2014 it will no longer be necessary to display a Road Fund License on a motor vehicle windscreen and a new online system will be implemented. The lease car provider will ensure that the vehicle is registered appropriately and the road tax is paid during the duration of the lease period.

26 Inland Revenue

The Inland Revenue are informed when an employee joins the lease scheme. Employees must also inform the Inland Revenue that they have a lease car. If further advice is required then contact should be made with the applicable lease car provider. The CCG will make an annual return to the Inland Revenue of all employees who have a lease car.

27 Long Term Sickness, Maternity Leave or Redundancy.

The CCG recognises that employees who are unable to work because of illness or incapacity, or who take maternity leave during the period of a lease contract, may have concerns about possession of a lease car. In these circumstances any employee who is

unable to attend work due to sickness or incapacity, for a period exceeding six months, or who takes maternity leave will have the following options :

Option 1 – To return the car and pay the early termination fee.

Option 2 – To continue paying for the car on a net salary deduction.

If a CCG employee were to retire on ill health grounds or die in service or has been made redundant as a result of organisational change then the CCG will pay any associated early termination costs. The employee is liable to pay the early termination costs in all other circumstances.

28 NHS Pension Scheme

The CCG recommend that all employees wishing to partake in the salary sacrifice scheme seek advice from NHS Pensions regarding the impact that a reduction on their gross salary, and therefore reduction in their pension contribution, will have on their full pension entitlement.

Currently public sector pension arrangements are under review. Indications are that a career average pension scheme is likely to be implemented from 2015. The CCG recommends that such changes are taken into account when consideration is given to joining the salary sacrifice lease car scheme.

NHS Pensions website: www.nhsbsa.nhs.uk/pensions

NHS Pensions Member Helpline: 0300 3301 346.

29 Further Terms and Conditions of the Salary Sacrifice Lease Car Scheme

Further terms and conditions of the salary sacrifice lease car scheme operated by NHS Fleet Solutions, can be found on the CCG Intranet.

NHS Fleet Solutions contact details are as follows:

Email: enquiry@nhsfleetsolutions.co.uk

Website: www.nhsfleetsolutions.co.uk

Helpline: 0844 811 82 28

Appendix 1

| 1. Equality Impact Analysis | | | | | | | | | |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---|---------------|--------------------------|-----------------------|--------------------------|--------------------|--------------------------|
| Policy / Project / Function: | Salary Sacrifice Car Lease Policy | | | | | | | | |
| Date of Analysis: | 09 September 2014 | | | | | | | | |
| This Equality Impact Analysis was completed by: (Name and Department) | Workforce Service | | | | | | | | |
| What are the aims and intended effects of this policy, project or function ? | The purpose of this policy is to provide a framework for managing the implementation of the three Lease Car Scheme options available to employees of the CCG | | | | | | | | |
| Please list any other policies that are related to or referred to as part of this analysis? | <ul style="list-style-type: none"> • Disciplinary Policy • Maternity Leave • Sickness Absence | | | | | | | | |
| Who does the policy, project or function affect ? Please Tick ✓ | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Employees</td> <td style="text-align: right; padding: 2px;">✓</td> </tr> <tr> <td style="padding: 2px;">Service Users</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Members of the Public</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Other (List Below)</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> </table> | Employees | ✓ | Service Users | <input type="checkbox"/> | Members of the Public | <input type="checkbox"/> | Other (List Below) | <input type="checkbox"/> |
| Employees | ✓ | | | | | | | | |
| Service Users | <input type="checkbox"/> | | | | | | | | |
| Members of the Public | <input type="checkbox"/> | | | | | | | | |
| Other (List Below) | <input type="checkbox"/> | | | | | | | | |

2. Equality Impact Analysis: Screening

| | Could this policy have a positive impact on... | | Could this policy have a negative impact on... | | Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact |
|--------------------------------|------------------------------------------------|----|------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------|
| | Yes | No | Yes | No | |
| Race | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Age | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Sexual Orientation | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Disabled People | <input type="checkbox"/> | ✓ | ✓ | | See assessment test |
| Gender | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Transgender People | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Pregnancy and Maternity | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Marital Status | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Religion and Belief | <input type="checkbox"/> | ✓ | <input type="checkbox"/> | ✓ | Considered – no impact |
| Reasoning | | | | | |

If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7

3. Equality Impact Analysis: Local Profile Data

| Local Profile/Demography of the Groups affected as at July 2014 | |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | Total number of employees in the CCG is 24 |
| Age | 75% are aged 30-55 25% of staff are over 55 No employees are under 30 |
| Race | 87.49% staff employed in the CCG are White 4.17% staff are Black 4.17% staff are Asian 4.17% of staff have are not stated/undefined their ethnicity |
| Sex | 58.34% staff employed are male 41.68% staff employed are female |
| Gender reassignment | No information at this stage |
| Disability | 91.67% of staff employed declared themselves as having no disability 8.33% did not declare /undefined No staff have declared a disability |
| Sexual Orientation | 87.5% of staff described themselves as heterosexual 12.5% did not wish to respond /undefined |
| Religion, faith and belief | Christianity is the largest religious group declared by staff in the CCG (45.83%) 25% declared themselves Atheist 20.83% were undefined or did not wish to declare 4.17% of staff have other beliefs/religious beliefs 4.17% of staff declared themselves Buddhist |
| Marriage and civil partnership | 83.33% of employees are married. No employees are in a civil partnership. The remainder (16.67%) are single/divorced/legally separated or widowed |
| Pregnancy and maternity | No information yet as the CCG has not been established long enough to build meaningful data |

4. Equality Impact Analysis: Equality Data Available

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> | <p>Yes <input checked="" type="checkbox"/> employee data</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p> |
| <p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p> | <p>Consultation has taken place both locally and nationally with Trade Unions and staff</p> |
| <p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p> | <p>The scheme provides a framework for employee access to lease cars</p> |

5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

| Protected Characteristic: | No Impact: | Positive Impact: | Negative Impact: | Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists |
|----------------------------------------------------------------------|------------|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gender (Men and Women) | ✓ | | | Considered – no impact |
| Race (All Racial Groups) | ✓ | | | Considered – no impact |
| Disability (Mental and Physical) | | | ✓ | Potential negative impact with regard to lease car termination payments in the case of loss of entitlement to drive due permanent disability. However the impact of this can be mitigated through other policies to support staff through the process (sickness absence/ill health retirement) and is justifiable under the rules of the Scheme See action plan |
| Religion or Belief | ✓ | | | Considered – no impact |
| Sexual Orientation (Heterosexual, Homosexual and Bisexual) | ✓ | | | Considered – no impact |
| Pregnancy and Maternity | ✓ | | | Considered – no impact |
| Transgender | ✓ | | | Considered – no impact |
| Marital Status | ✓ | | | Considered – no impact |
| Age | ✓ | | | Note: Employee must be 21 years of age or older to participate in the salary sacrifice scheme (under the rules of the scheme provider). However, it does not preclude younger staff from participating in the car lease scheme – neutral impact |

6. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

| Identified Risk: | Recommended Actions: | Responsible Lead: | Completion Date: | Review Date: |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------------------|-------------------------|---------------------|
| Potential negative impact with regard to lease car termination payments in the case of loss of entitlement to drive due permanent disability | This is justified as part of the Scheme rules and mitigated by other policies | HR Lead | Ongoing | Ongoing |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

7. Equality Impact Analysis Findings

| Analysis Rating: | Red | Red/Amber | ✓ Amber | Green |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Actions | | Wording for Policy / Project / Function |
| Red Stop and remove the policy | Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed. | Remove the policy Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination. | | No wording needed as policy is being removed |
| Red Amber Continue the policy | As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken. | The policy can be published with the EIA List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE). Consider if there are any potential actions which would reduce the risk of discrimination. Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date. | | As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason exists which justifies the use of this policy and further professional advice. <i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i> |

Equality Impact Findings (continued):

| | | Actions | Wording for Policy / Project / Function |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Amber</p> <p>Adjust the Policy</p> | <p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> | <p>The policy can be published with the EIA</p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p> | <p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></p> |
| <p>Green</p> <p>No major change</p> | <p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> | <p>The policy can be published with the EIA</p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p> | <p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p> |

| | |
|-----------------------------------------|--|
| Brief Summary / Further comments | |
|-----------------------------------------|--|

| Approved By : | | |
|----------------------|-------|-------|
| Job Title: | Name: | Date: |
| | | |

Appendix 2

SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

| | |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Title of the document | Salary Sacrifice Lease Car Scheme |
| What is the main purpose of the document | This policy provides information for employees of the CCG to allow them to make an informed decision regarding their application for a lease car and sets out the eligibility criteria, terms and conditions of the scheme as well as the duties of the CCG and the employee. |
| Date completed | January 2015 |
| Completed by | Y&HCS Workforce Team |

| Domain | Objectives | Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = n/a | Brief description of impact | If negative, how can it be mitigated? If positive, how can it be enhanced? |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Travel | Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups? | -1 | Negative impact due to the promotion of car use within the policy. | |

| | | | | |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|--|
| Procurement | <p>Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery?</p> <p>Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?</p> <p>Will it promote ethical purchasing of goods or services?</p> <p>Will it promote greater efficiency of resource use?</p> <p>Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?</p> <p>Will it support local or regional supply chains?</p> <p>Will it promote access to local services (care closer to home)?</p> <p>Will it make current activities more efficient or alter service delivery models</p> | 0 | | |
| Facilities Management | <p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>Will it reduce water consumption?</p> | 0 | | |
| Workforce | <p>Will it provide employment opportunities for local people?</p> <p>Will it promote or support equal employment opportunities?</p> <p>Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?</p> <p>Will it offer employment opportunities to disadvantaged groups?</p> | 0 | | |
| Community Engagement | <p>Will it promote health and sustainable development?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p> | 0 | | |

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|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|--|
| Buildings | <p>Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?</p> <p>Will it increase safety and security in new buildings and developments?</p> <p>Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?</p> <p>Will it provide sympathetic and appropriate landscaping around new development?</p> <p>Will it improve access to the built environment?</p> | 0 | | |
| Adaptation to Climate Change | <p>Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?</p> | 0 | | |
| Models of Care | <p>Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?</p> <p>Will it promote prevention and self-management?</p> <p>Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?</p> <p>Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?</p> | 0 | | |

BRIBERY ACT 2010 GUIDANCE

Introduction

In July 2011 the Bribery Act 2010 came into force, making it a criminal offence to give, promise, or offer a bribe and to request, agree or receive a bribe. It increased the maximum penalty for bribery to ten years' imprisonment, with an unlimited fine. Furthermore the act introduces a 'corporate offence' of failing to prevent bribery by the organisation not having adequate preventative procedures in place. An organisation may avoid conviction if it can show that it had such procedures and protocols in place to prevent bribery.

The Ministry of Justice in its consultation and guidance set out six broad management principles whereby an organisation can demonstrate an effective defence by showing that it had effective bribery prevention measures in place.

Risk Assessment – this is about knowing and keeping up to date with the bribery risks you face in your sector and market;

Top level commitment – this concerns establishing a culture across the organisation in which bribery is unacceptable. If your business is small or medium sized this may not require much sophistication but the theme is making the message clear, unambiguous and regularly made to all staff and business partners;

Due diligence – this is about knowing who you do business with; knowing why, when and to whom you are releasing funds and seeking reciprocal anti-bribery agreements ; and being in a position to feel confident that business relationships are transparent and ethical;

Clear, practical and accessible policies and procedures – this concerns applying them to everyone you employ and business partners under your effective control and covering all relevant risks such as political and charitable contributions, gifts and hospitality, promotional expenses, and responding to demands for facilitation demands or when an allegation of bribery comes to light.

Effective implementation – this is about going beyond 'paper compliance' to embedding anti-bribery in your organisation's internal controls, recruitment and remuneration policies, operations, communications and training on practical business issues.

Monitoring and review – this relates to auditing and financial controls that are sensitive to bribery and are transparent, considering how regularly you need to review your policies and procedures, and whether external verification would help.

Relevance to the NHS

NHS organisations are included in the Bribery Act's definition of a "relevant commercial organisation". Any senior manager or executive who consents to or connives in any active or passive bribery offence will, together with the organisation, be liable for the corporate offence under the act.

Any individual associated with an organisation who commits acts or omissions forming part of a bribery offence may be liable for a primary bribery offence under the act or for conspiracy to commit the offence with others – including, for example, their employer.

Risks in breaching the Bribery Act

There are a number of risks entailed in breaching the Bribery Act. These include :

- Criminal sanctions against directors, board members and other senior staff as a corporate offence – Section 7 of the Act.
- Convictions of bribery or corruption may also lead to the organisation being precluded from future public sector procurement contracts.
- Damage to the organisation's reputation and negative impact on patient / stakeholder perceptions.
- Potential diversion and/or loss of resources.

What do NHS organisation's need to do ?

There are a number of steps NHS organisations can take :

- The Board needs to understand its responsibility in respect of the act.
- Be clear that, as NHS organisations, you are covered by corporate liability for bribery on the part of their employees, contractors and agents.
- Take steps to make your employees, contractors and agents aware of the standards of behaviour that are expected of them: this may include training for employees who might be affected – for example, employees with responsibility for procurement.
- Review existing governance, procedures, decisions-making processes and financial controls, introduce them if not already in place and, where necessary, provide appropriate training for staff.

- Record the fact that these steps have been taken, as they provide the defence against corporate liability under the act.

Areas for Action

- Once risks have been assessed the organisation must put in place procedures that are *proportionate* to bribery risks that are identified.
- The checklist below provides details of areas for actions to assist in ensuring proportionate steps to ensure prevention and defence against corporate liability under the act. The checklist is based on best practice guidance documents issued by NHS Protect in May 2011, Ministry of Justice and other anti-bribery and corruption NGOs.
- Internal Audit and Counter Fraud Teams will provide support to the organisation to help ensure that assurance can be given against the points in the following checklist during 2012/13.

Bribery Act 2010 Guidance and Bribery Prevention Checklist

| Areas for action | Expected Action | Evidence of Compliance / Assurance |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1. Governance and Top Level Commitment | <p>The Chief Executive should make a statement in support of the anti-bribery initiative and this should be published on the organisation's website.</p> <p>The board of directors should take overall responsibility for the effective design, implementation and operation of the anti-bribery initiatives. The Board should ensure that senior management is aware of and accepts the initiatives and that it is embedded in the corporate culture.</p> | |
| 2. Due Diligence | <p>This is a key element of good corporate governance and involves making an assessment of new business partners prior to engaging them in business. Due diligence procedures are in themselves a form of bribery risk assessment and also a means of mitigating that risk. It is recommended that at the outset of any business dealings, all new business partners should be made aware in writing of the organisation's anti-corruption and bribery policies and code of conduct.</p> | |
| 3. Code of conduct | <p>The organisation should either have an anti-bribery code of conduct or a general code of conduct for staff with an anti-bribery and corruption element.</p> <p>The organisation should revise the Standards of Business Conduct Policy (or equivalent) and Declaration of Interests guidance (see point 4 below) to reflect the introduction of the Bribery Act.</p> | |
| 4. Declaration of Interests/Hospitality | <p>The organisation should have in place a declaration of business interests/gifts and hospitality policy which clearly sets out acceptable limits and also a mechanism to monitor implementation.</p> | |

| Areas for action | Expected Action | Evidence of Compliance / Assurance |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 5. Employee employment procedures | Employees should go through the appropriate propriety checks e.g. CRB (Criminal Records Bureau) and/or a combination of other checks before they are employed to ascertain, as far as is reasonable, that they are likely to comply with the organisation's anti-bribery policies. | |
| 6. Detection procedures | The organisation should ensure Internal Audit/Counter Fraud check projects, contracts, procurement processes and any other appropriate systems where there is a risk that acts of bribery could potentially occur. | |
| 7. Internal reporting procedures | The organisation should have internal procedures for staff to report suspicious activities including bribery. | |
| 8. Investigation of Bribery allegations | The organisation should have procedures for staff to report suspicions of bribery to NHS Protect (previously NHS Counter Fraud and Security Management Service) and the organisation's Local Counter Fraud Specialist for investigation/referral to the appropriate authorities. | |
| 9. Risk assessment | MoJ (Ministry of Justice) guidance states "...organisations should adopt a risk-based approach to managing bribery risks...[and] an initial assessment of risk across the organisation is therefore a necessary first step". The organisation should, on a regular basis, assess the risk of bribery and corruption in its business and assess whether its procedures and controls are adequate to minimise those risks. | |
| 10. Record keeping | The organisation should keep reasonably detailed records of its anti-fraud and corruption initiatives, including training given, hospitality given and received and other relevant information. | |
| 11. Internal review | The organisation should carry out an annual internal review of the anti-bribery and corruption programme. | |
| 12. Independent assessment and certification | Proportionate to risks identified, the organisation should commission, at least every three years, an independent assessment and certification of its anti-bribery programme. | |

| Areas for action | Expected Action | Evidence of Compliance / Assurance |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 13. Internal and External communications | <p>The organisation should publicise the NHS Fraud and Corruption Reporting Line (FCRL) and on-line fraud reporting facility.</p> <p>The organisation should publicise the Security Management role (theft and general security issues) and reporting arrangements.</p> <p>The organisation should work with its stakeholders in the public and private sector to help reduce bribery and corruption in the health industry.</p> | |
| 14. Awareness and training | <p>The organisation should provide appropriate anti-bribery and corruption awareness sessions and training on a regular basis to all relevant employees.</p> | |
| 15. Monitoring: <ul style="list-style-type: none"> • Overall Responsibility • Financial / Commercial Controls | <p>A senior manager should be made responsible for ensuring that the organisation has a proportionate and adequate programme of anti-fraud, corruption and bribery initiatives.</p> <p>The organisation should ensure that its financial controls minimise the risk of the organisation committing a corrupt act.</p> <p>The organisation should ensure that its commercial controls minimise the risk of the organisation committing a corrupt act. These controls would include appropriate procurement and supply chain management, and the monitoring of contract execution.</p> | |