

Updated Employees Equality Impact Assessment

Project: Education and Skills Alternative Delivery Model

[This document remains live with information being added at each critical milestone]

Project Owner:	Schools, Skills and Learning Lead Commissioner
Date process started:	9 December 2013
Date process ended:	TBC
This EIA is being undertaken because it is:	<input type="checkbox"/> outlined within the equality scheme relevance assessment table <input checked="" type="checkbox"/> part of a project proposal submission to the programme management board <input type="checkbox"/> a result of organisation change <input type="checkbox"/> other – please specify:

EIA Contents

- 1 Introduction
- 2 Any Anticipated Equalities Issues at each milestone and identified mitigation
- 3 Monitoring Summary
- 4 Project Milestone Outcomes, Analysis and Actions
- 5 Briefing, Sharing and Learning

1. Introduction

- 1.1 It is recognised that a significant transformation of services is likely to have an impact upon staff. This impact will be monitored through the completion of an Employee Equalities Impact Assessment; this is a “live” document and will be updated at key milestones throughout the lifespan of the project. The employee data contained within this report remains relevant at this time; however the data will be updated at the next milestone.

As part of the public sector Equality Duty, section 149 of the Equality Act 2010, the Authority is required to give due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out activities.

This EIA will be used to understand the impacts on groups of staff over the period of the Education & Skills project as well as being used as a baseline for any future decision making.

1.2 Aims and objectives of the Education and Skills Alternative Delivery Model

A project has been commissioned to assess the best way of delivering Education and Skills services in the future. This must take into account significant savings pressures, maintain the strength of our relationship with schools and maintain or improve the excellent education offer in Barnet.

In order to fully explore available options the project has examined ways in which schools can take control or ownership of part or all of the system and has also considered any benefits of working with a third party provider.

The aim of the project is to implement a revised delivery model for Education and Skills services that will realise the objectives of:

- Achieving the budget savings target set by the Council
- Maintaining Barnet’s excellent education offer
- Maintaining an excellent relationship between the Council and schools

The approach through the assessment phase is:

- **To assess potential delivery models against criteria**, incorporating feedback from consultation in order to identify a recommended model.
- **To develop any procurement documentation** required to deliver the recommended model.
- **To deliver an Outline Business Case (OBC)** which provides detailed analysis and appraisal of potential models, including recommendations.
- **To deliver a final Outline Business Case (OBC)** providing detailed analysis and an appraisal of the preferred option.
- **To develop the recommended model to Full Business Case (FBC)** including complete financial case and implementation plan.

The services in the project scope are:

School improvement

- *Statutory local authority duties to monitor, support and challenge schools*

- *Narrow the gap service (DSG funded)*

Special educational needs (subject to changes being implemented by the Children and Families Act 2014 from 1st September 2014)

- *SEN placements & performance team*
- *SEN Early Support Programme*
- *SEN Transport – commissioning and assessment*
- *Educational psychology team (part traded)*
- *SEN placements (DSG funded)*
- *SEN specialist support service (DSG funded)*

Admissions and sufficiency of school places

- *Pupil place planning*
- *Admissions Service (DSG funded)*

Vulnerable pupils

- *Education welfare service (part traded)*

Post 16 learning

- *14 - 19 service to ensure sufficiency and breadth of supply*
- *Monitoring, tracking and supporting participation*

Traded services within Education and Skills

- *Catering service*
- *Governor clerking service*
- *Barnet Partnership for School Improvement*
- *Newly Qualified Teachers*
- *Educational psychology (part)*
- *Education Welfare Service (part)*
- *North London Schools International Network (NLSIN)*

Draft Outline Business Case – CELS Committee – September 2014.

An initial Employees Equality Impact Assessment was presented alongside the Draft Outline Business Case to CELS committee in September 2014.

The following options were considered and evaluated in the Draft Outline Business Case:

- Model A: In-house
- Model B: Outsource
- Model C: Local Authority Trading Company (LATC)
- Model D: Schools-led social enterprise
- Model E: Joint venture with schools having a commissioning role
- Model F: Joint venture with schools having an ownership role

The project team recommended to CELS Committee in September that the three partnership options (social enterprise, joint venture with schools taking an ownership role and joint venture with schools taking a commissioning role) could potentially meet the project objectives and have attracted a reasonable degree of support from schools. The committee decided that the following four models should be considered in the next stage.

- Model: In-house
- Model: Schools-led social enterprise
- Model: Joint venture with schools having a commissioning role
- Model: Joint venture with schools having an ownership role

Updated Outline Business Case – CELS Committee – January 2015.

Further work has been undertaken and the four models (In-house, Schools-led social enterprise, Joint venture with schools having a commissioning role and Joint venture with schools having an ownership role) have been reviewed and evaluated in the Updated Outline Business Case which will be presented to CELS committee in January 2015.

The outline business contains the results of consultation with residents, schools and the market together with financial modelling of the options. It recommends that the council pursue a Joint Venture model as the best model to meet the project objectives.

The Joint Venture model focuses on the growth of services which would limit the possibility of staffing reductions, staff will be protected by TUPE and is likely to have a positive impact with regards to increase in training opportunities and employee development alongside the development of services. However, it is clear that any workforce changes could have both a positive or negative impact, especially on the female workforce. Overall, the impact is expected to be positive however it cannot be known with any certainty at this stage. There will be greater clarity on the actual impacts on employees through the procurement process at the stage of contract award, following competitive dialogue. The development of a Full Business Case (FBC) will enable a full assessment of the impact and identification of any mitigating actions required.

1.2 Description of the critical milestones**Key milestones for the project**

Key dates / milestones	Date
CELS Committee – Approval of OBC	12 th Jan 2015
Commence process to establish new model	13 th Jan 2015
Issue OJEU	Jan 2015
Bidders Day	Feb 2015
PQQ evaluation and moderation	Feb 2015
Dialogue	March – June 2015
P&R Committee - report	20 th July 2015 (TBC)
CELS Committee – Approval of FBC	28 th July 2015 (TBC)
Commence formal TUPE consultation	29 th July 2015
Evaluation and moderation	August 2015
Preferred bidder selected	August 2015
Mobilisation	October 2015

1.3 Key Stakeholders

Key Stakeholders:

Members of the Children, Education, Libraries and Safeguarding Committee
 Lead Commissioner for Schools, Skills and Learning (Sponsor)
 Director for Education and Skills (Senior Supplier)
 Education and Skills Management team
 Strategic Commissioning Board
 BPSI Steering Group (Heads)
 Headteachers/schools
 Education and Skills Staff
 Trade Unions
 Residents/Parents

The project has followed a consultation and engagement plan in developing the outline business case.

Staff and Trade Unions have been communicated with, predominantly in the form of information sharing, briefings, updates, questions and answer sessions and follow up documentation.

Once the delivery model is decided upon the appropriate legislation will be followed which will include consultation under the councils collective agreement with the trade unions and supporting staff briefings.

2. Any Anticipated Equalities Issues at each milestone and identified mitigation

2.1 Milestone 1: Draft OBC to CELS committee September 2014:

For the current stage of project scoping and democratic process, no staff will be affected and there is no known detriment to any group.
 A full EIA will be produced at Full Business Case stage. Staff will be consulted as part of the process and equality issues/risks will be considered as part of this. As the proposals develop any impact will become clear and mitigating actions will be put in place.

2.2 Milestone 2: Updated OBC to CELS committee January 2015:

At this stage of project, with regards to the preferred option of a Joint Venture model, it is viewed that overall the impact would be positive (see section 4 for further detail).

This EIA will be updated in the next project phase (at Full Business Case stage). Staff will be consulted as part of the process and equality issues/risks will be considered as part of this. As the proposals develop any impact will become clear and mitigating actions will be put in place.

3. Monitoring Summary

3.1 Table 1- Employee EIA Profile of the Project

(This profile is in accordance with the requirements of the Equality Act 2010 and the Council will collect this information so far as we hold it)

All numbers replaced by an 'X' have been aggregated to protect personal identification

Critical Milestones

	Total LBB Data	Project Initiation	Name Milesto	Name Milestone	Name Mileston
--	----------------	--------------------	--------------	----------------	---------------

Appendix Three – Equalities Impact Assessments

	deaf, partially deaf or hard of hearing)										
	Vision (such as blind or fractional/partial sight. Does not include people whose visual problems can be corrected by glasses/contact lenses)	2	0.1								
	Speech (such as impairments that can cause communication problems)	0	0								
	Reduced physical capacity (such as inability to lift, carry or otherwise move everyday objects, debilitating pain and lack of strength, breath, energy or stamina, asthma, angina or diabetes)	7	0.4	x	x						
	Severe disfigurement	0	0								
	Learning difficulties (such as dyslexia)	3	0.2	x	x						
	Mental illness (substantial and lasting more than a year)	5	0.3								
	Mobility (such as wheelchair user, artificial lower limb(s), walking aids, rheumatism or arthritis)	5	0.3								
	Other Disability	27	1.34	x	x						
	No Disability	168	84.0								
	Not Stated	8									
		268	13.3								
Gender Identity	Transsexual/Transgender (people whose gender identity is different from the gender they were assigned at birth)										
Pregnancy and Maternity	Pregnant										
	Maternity Leave (current)										
	Maternity Leave (in last 12 months)										
Religion or Belief	Christian	851	42.3	163							
	Buddhist	9	0.5	x							
	Hindu	89	4.4	22							
	Jain	4	0.2								
	Jewish	51	2.5	10							
	Muslim	65	3.2	15							

	Sikh	6	0.3	x							
	Other religions	66	3.3	24							
	No religion	298	14.8	49							
	Not stated	165	8.2	51							
	No form returned	30	1.5								
	Atheist	36	1.8								
	Agnostic	25	1.2								
	Humanist	0	0								
	Not Assigned	315	15.7								
Sexual Orientation											
	Heterosexual	124	61.7	191	48.5						
	Bisexual	8	0.4								
	Lesbian or Gay	27	1.3	x	X						
	Prefer not to say	345	17.2	x	X						
Not assigned	389	19.4									
Marriage and civil partnership											
	Married	491	24.4	117	34.8						
	Single	409	20.4	50	14.9						
	Widowed	0	0								
	Divorced	35	1.7	x	x						
	In Civil partnership	0	0								
	Cohabiting	21	1.0								
	Separated	0	0								
Unknown	105	52.4									
Not Assigned	4										
Relevant and related grievances											
	Formal										
	Upheld										
	Dismissed										

3.2 Evidence

3.3 List below available data and research that will be used to determine impact on different equality groups

HR data provided from CORE HR (August 2014).
Staff/Stakeholder feedback.

The employee data contained within this report remains relevant at this time; however the data will be updated at the next milestone. For the Full Business Case we shall work with HR to ensure that the equalities data is enhanced.

3.4 Evidence gaps

Maternity Leave is not held centrally and will be shared from local records where necessary and as the process continues.

The project is still in the assessment stage, once a final delivery model is confirmed and further work is completed, the evidence gaps will become clearer.

3.5 Solution, please explain how you will fill any evidence gaps?

An update to this 'live' EIA will be completed at the key milestones, the next iteration is required after a delivery model has been decided; this will then establish whether further evidence should be gathered.

4. Project Milestone Outcomes, Analysis and Actions

4.1 Summary of the outcomes at each milestone

Milestone 1: Draft OBC to CELS committee September 2014:

This is an initial analysis of the EIA for the Education and Skills ADM project and provides baseline figures. As the project develops the EIA will need to be re-assessed.

A Service Users EIA profile has also been completed.

The equality data above is the information available which details the protected characteristics of staff within the Education and Skills cohort, including Barnet staff who are employed in the schools meals service.

As the proposals include the Barnet schools meals service and Special Educational Needs, additional consideration needs to be made as to how these services will operate and whether this will impact on, for example, the take-up of free school meals.

Children's, Education, Libraries and Safeguarding Committee will determine which options the council should explore and at this stage a detailed EIA will be undertaken on the staffing implications of the following services; School improvement, Special educational needs, Admissions and sufficiency of school places, Vulnerable pupils, Post 16 learning and Traded services within Education and Skills.

The councils overall workforce is;

- 66.17% female
- 42.64% of both female and male are over 50 years of age.
- 74.43% of the workforce are white, black and black British

Initial analysis of the Education and Skills equality data indicates;

- 93% of the workforce is female
- 55% of females only are over 50 years of age
- 75% of the workforce is white, black and black British

Given the current make-up of the workforce, whichever option is chosen, the change will have a bigger impact on women than men. The statistics show that 93% of the workforce is female and due regard will be paid to the requirements of the Public Sector Equality Duty. It cannot though be avoided that any changes will affect the female workforce whether this be a positive or negative impact. Mitigation for such effects will be drawn up at a later stage when more detail on the proposals are known and a decision is made to progress from the OBC.

There is no data available on maternity or sexual orientation transgender.

It is essential that the Managing Change Policy is followed and in a legally compliant manner, including with consideration of all aspects of the Equality Act 2010 and other relevant legislation.

Overall, at this stage of the project the new Delivery Model is not known and therefore it is not possible to fully assess the impact (in line with the LBB processes this cannot be completed until the Full Business Case is developed when the new model is known).

Milestone 2: Updated OBC to CELS committee January 2015:

As noted in milestone 1 above, given the current make-up of the workforce, whichever option is chosen, the change will have a bigger impact on women than men, whether positive or negative. The statistics show that 93% of the Education and Skills Delivery Unit workforce is female and due regard will be paid to the requirements of the Public Sector Equality Duty. Mitigation includes the continued involvement of staff and TUs during the next stage. Further mitigation will be drawn up at a later stage when more detail on the proposals are known and a decision is made to progress from the OBC to FBC.

In order to assist decision making, a summary of the expected high level employee outcomes / impacts of the four models can be seen in the table below.

Consultation and Engagement has taken place with the four key stakeholder groups: schools; the market; employees and trades unions; and residents and service users.

It is recognised that all four of the options under consideration constitute a significant change that will have an impact on employees. There have been a number of briefing meetings with employees as the outline business case has developed. During November 2014, a further series of meetings were held to allow employees to explore the implications of the four remaining options and also to suggest potential opportunities for improvement. Additional meetings have also taken place with the recognised trades union representatives. Whilst representatives have been keen to support the retention of services in-house, they have also engaged positively in discussions about other models to ensure that issues that may affect their members' interests have been given proper consideration.

Overall it can be seen that there are potential impacts from all four models. The project board are recommending to the CELS Committee that a Joint Venture model is the best model to meet the project objectives and has attracted a reasonable degree of support from schools. As can be seen in the table below, the Joint Venture model focuses on the growth of services which would limit the possibility of staffing reductions, staff will be protected by TUPE and is likely to have a positive impact with regards to increase in training opportunities and employee development alongside the development of services. However, it is clear that any workforce changes could have both a positive or negative impact, especially on the female workforce.

Overall, the impact is expected to be positive however it cannot be known with any certainty at this stage. There will be greater clarity on the actual impacts on employees through the procurement process at the stage of contract award, following competitive dialogue. The development of a Full Business Case (FBC) will enable a full assessment of the impact and identification of any mitigating actions required.

MODEL	SUMMARY OF POTENTIAL KEY OUTCOMES / IMPACTS
Model A: In house	<ul style="list-style-type: none"> • Staff would remain as local authority employees and be subject to the council's terms and conditions. • Staff would go through a major transformation programme including cultural step-change, performance management and business improvement. • Potential reduction in staffing requirement through the transformation process, either through efficiencies or service reductions. There is also the potential for an increase in staffing in some service areas as the service would aim to grow services and increase income
Model B: Schools-led social enterprise	<ul style="list-style-type: none"> • Staff would be transferred to the 'new' company', employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • Potential reduction in staffing requirement through the transformation process however there is also the potential for an increase in staffing in some service areas as the enterprise would aim to grow services and increase income

<p>Model C: Joint venture with schools having a commissioning role</p>	<ul style="list-style-type: none"> • Staff would be transferred to the 'new' company', employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • It is envisaged that there would be no reduction to overall staffing levels and there could be a potential for an increase in staffing as the aim of the model would be to grow services and increase income. However there could be a potential change in service structure and jobs through the transformation process.
<p>Model D: Joint venture with schools having an ownership role</p>	<ul style="list-style-type: none"> • Staff would be transferred to the 'new' company', employees would transfer on their terms and conditions under the TUPE. • Opportunity for investment in upskilling, employee development, asset and systems update. • It is envisaged that there would be no reduction to overall staffing levels and there could be a potential for an increase in staffing as the aim of the model would be to grow services and increase income. However there could be a potential change in service structure and jobs through the transformation process

4.1.1 Milestone 1: Draft OBC to CELS committee September 2014

An updated Employee EIA will accompany the final OBC on detailed options in January 2015 to the CELS Committee.

4.1.2 Milestone 2: Updated OBC to CELS committee January 2015

The initial employee EIA has been updated since the first draft OBC and initial employee EIA was approved at CELS Committee in September 2014.
 An updated Employee EIA will be produced in the next stage and will accompany the Business Case in July 2015 to the CELS Committee with specific detail on the impact on employees.

4.2 Actions proposed

4.2.1 Milestone 1: Draft OBC to CELS committee September 2014

Equalities should form a key component of any specifications for the alternative delivery model and will form a component of any evaluation process. Post OBC a more detailed equalities analysis will be produced.

4.2.2 Milestone 2: Updated OBC to CELS committee January 2015

Post the updated OBC to CELS committee in January 2015, a more detailed equalities analysis will be produced and will be used to inform project decisions and the procurement process.

Sections 5 and 6 have been removed from the EIA as they are not appropriate at this stage of the project. If these sections are appropriate in the next stage of the project then they will be completed.