

Appendix Dii: Equalities Impact Assessment – Review of Capita Contracts, Safety, Health & Wellbeing (SHaW); and Skills, Employment and Economic Development (SEED) within Regeneration

Equality Impact Analysis (EIA)

1. Delivery Unit/Function and/or Service: Policy and resources report review of capita contracts, including Safety, Health and Wellbeing (SHaW), and Skills, Employment and Economic Development (SEED) within Regeneration (disciplines to be defined)	
Date assessment completed: 30 May 2019	
Title of project/proposal/policy change/Alternative Delivery model/organisation change being assessed: Review of Capita Contracts. Defined elements of existing Safety, Health and Wellbeing (SHaW) and Skills, Employment and Economic Development (SEED) within Regeneration services to possibly be TUPE'd in from Capita to LBB. Impact	
2. This EIA is being undertaken because it is:	
<input checked="" type="checkbox"/> A result of organisation change <input checked="" type="checkbox"/> Part of a project proposal for the Barnet Transformation programme 2018 – 2020 <input type="checkbox"/> Other please specify:	
3. Names and roles of officers completing this assessment:	
Lead officer	Cath Shaw
Stakeholder groups	All DUs, public
Representative from internal stakeholders (please specify)	HR, Equalities Allies Group, Trade Unions
Representative from external stakeholders (please specify)	Capita,
Delivery Unit Equalities Network rep	Not known
Commissioning Equalities rep (where appropriate)	Not known
HR rep (for employment related issues)	Not yet known

4. Employee Profile for the Proposal

On 11th December 2018, the Policy & Resources Committee approved the return of some Strategic Finance and HR functions to the council (subject to the outcome of a public and best value consultation exercise).

Since the December report, alongside work on the transfer of Finance and Strategic HR services, work has also been carried out on assessing the options for the future delivery of other services that were to be included in potential future phases of work. This has included analysis of the detailed financial information in respect of these services, a public and best value consultation, as well as giving more in-depth consideration to the issues that prompted consideration of the need to make changes in the current delivery arrangements.

The report to Policy and Resources Committee of 11th June recommends as follows:

That the Committee:

1. Notes the outcome of public and best value consultation and updated Equality Impact Assessments.
2. Notes the successful return of Finance and Strategic HR services to the council.
3. Agrees that the Director of Place role and the Skills, Employment and Economic Development team from within the Regeneration service should be returned to the council, subject to the outcome of the necessary financial due diligence.
4. Agrees that the Safety, Health and Wellbeing service should be returned to the council, subject to the outcome of the necessary financial due diligence.
5. Authorises the Chief Executive to take the necessary action to conclude negotiations and effect the transfer of these two services.
6. Notes the proposed arrangements to strengthen the management of the Highways service.
7. Agrees that the Director of Finance should continue to work with Capita to achieve the necessary improvements to the Pensions Administration service.
8. Instructs the Director of Finance to put appropriate measures in place to enable alternative service provision arrangements to be made for Pensions Administration, should the need arise, with a view to bringing a further report to Policy and Resources Committee in due course.
9. Authorises the Deputy Chief Executive to review the future contractual arrangements with Capita for those staff involved in the management and governance of the Brent Cross Cricklewood (Brent Cross) development scheme.
10. Further authorises the Deputy Chief Executive to commence staff consultation on any proposed changes arising out of that review and to report the outcome of the review and consultation to the Assets, Regeneration and Growth Committee, for noting, in due course, with any decisions to be referred to Policy and Resources.
11. Agrees that the review of remaining services be carried out through the year 6 (CSG) and year 7 (RE) contract reviews commencing in the autumn of 2019, with terms of reference and progress being reported to the Financial Performance and Contracts Committee. Any resulting recommendations would be made in a further report to the Policy and Resources Committee.

In broad terms, it has been concluded by officers taking into account the themes from the public and best value consultation that there is a need to strengthen strategic control of the SEED team from within the Regeneration service, to achieve greater flexibility and agility in the deployment of resources to meet emerging needs. On behalf of the council, the SEED team are responsible for coordinating the provision of business engagement and support, working with development partners and the Department of Work and

Pensions to delivery training and apprenticeship projects, managing the relationship with town teams and leading on the preparation and implementation of town centre strategies.

As the main report makes clear, the financial analysis suggests that this can be achieved at no additional cost to the council, due to the ability to delete vacant roles within the council. It is therefore proposed that this service be returned in-house, subject to the conclusion of the necessary negotiations and financial due diligence.

In addition to SEED, officers have also considered the future delivery arrangements for the Safety, Health and Wellbeing (SHaW) service.

The first contact advisory and some support service elements of the SHaW service are delivered from outside of Barnet. As a largely advisory service, this has led to some issues about consistency in support and a lack of sufficient strategic control. Current out of borough arrangements are due to end in July and there is uncertainty about how these arrangements will be delivered in the future. It is considered that an in-house service will allow for more flexibility to align it to changing health and safety priorities. It is, therefore proposed that the service be brought back in-house, subject to being able to reach an agreement that provides reasonable value for money for Barnet residents.

In total, 10 employees are likely to be affected by transferring from Capita to LBB (Director of Place, six members of the SEED team and three from SHaW).

Under this, or any of the other options to be set out to Policy & Resources Committee, there will be data about Capita staff in scope to be TUPE transferred in to LBB across the range of protected characteristics. The duty for leading the transfer of staff, and for therefore leading the TUPE process, including staff consultation, lies with the transferring organisation, in this case Capita. However, due consideration will need to be given to any adjustments that may be required post transfer. It will not be possible to undertake a detailed assessment of equality impacts until the TUPE process is triggered as this will be the mechanism by which LBB will be provided with individual staff details and information on any protected characteristics for which any reasonable adjustments or mitigations will be required. In the event that a TUPE process is triggered this EQIA will be reviewed and updated accordingly.

LBB (the receiving organisation) will be working very closely with Capita (the transferring organisation) to try and ensure that disruption to staff being TUPE'd over is minimised and the process is as transparent and strain free as possible.

It is not yet possible to be certain the impact on staff that will TUPE from Capita to LBB. However, certain staff Terms and Conditions are arguably better with LBB and others arguably better with Capita. These include the differences in the Capita versus the Local Authority Pension Scheme, certain staff benefits (including maternity leave, etc.). Against this background, we estimate that the impact on staff transferring to LBB from Capita will be considered neutral, or even minimum/positive. However, this will have to be clarified as part of a formal review of the EQIA as part of the TUPE process.

There are no immediate plans to change any aspect of how they are delivered. The proposed in-sourcing will have no direct impact on members of the public. In the event that changes to service provision are proposed in the future, this will require further consideration of any potential equality impacts for members of the public. There is nothing in the consultation responses that indicates that those with a particular protected characteristic felt that the insourcing of these functions would have an impact on them.

HR will help you to complete the table below and analyse the equality impacts of the proposal. Please record HR contact above. Please indicate the source of employee data and use the most relevant data (for example Delivery Unit/Service level or team level. The council will also meet its responsibilities under the Data Protection Act 2018 and avoid encroaching on individual privacy. No sensitive personal data should be published that will allow identification of individuals. Please use this information in sections 4 – 8 of this EIA.

Initial analysis set out below. To be reviewed further immediately after transfer as some data is not currently available.

Protected Characteristic		Team/Workforce Group	Public Consultation Respondents	Barnet Workforce
Gender	Female	This information will not be confirmed until at least 28 days prior to the point of transfer as part of the ELI data	114	734
	Male		76	1067
	Unknown		153	15
Age	18-21		1	17
	22-29	This information will not be confirmed until at least 28 days prior to the point of transfer as part of the ELI data – however, at present, we believe the majority of those transferring will be between the ages of 22 and 55	15	205
	30-39		31	397
	40-49		49	386
	50-64		54	705
	65-74		42	72
	75+		6	3
Ethnicity	White			
	British		64	735

Staff Equality Impact Assessment - Form

Protected Characteristic		Team/Workforce Group	Public Consultation Respondents	Barnet Workforce
	Irish		5	42
	Other White		17	155
	Mixed			
	White and Black Caribbean			14
	White and Black African		1	15
	White and Asian		1	5
	Other Mixed		2	23
	Asian and Asian British			
	Indian		4	109
	Pakistani		1	17
	Bangladeshi			26
	Other Asian		1	24
	Black or Black British			
	Caribbean			155
	African		1	139
	Other Black		2	29
	Chinese/Other Ethnic Group			
	Chinese			8
	Other Ethnic Group		3	5
Disability	Yes		22	
	No		161	
	Physical co-ordination (such as manual dexterity, muscular control, cerebral palsy)			1
	Hearing (such as: deaf, partially deaf or hard of hearing)			10

Protected Characteristic		Team/Workforce Group	Public Consultation Respondents	Barnet Workforce
	Vision (such as blind or fractional/partial sight. Do not include people who wear glasses/contact lenses)			7
	Speech (such as impairments that can cause communication problems)			1
	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)			8
	Severe disfigurement			Unknown
	Learning difficulties (such as dyslexia)			24
	Mental illness (substantial and lasting more than a year)			6
	Mobility (such as wheelchair user, artificial lower limb(s), walking aids, rheumatism or arthritis)			7
	Unknown		183	
Gender Identity	Transsexual/Transgender (people whose gender identity is different from the gender they were assigned at birth)			Unknown
Pregnancy and Maternity	Pregnant			Unknown
	Maternity Leave (current)			Unknown
	Maternity Leave (in last 12 months)			Unknown
Religion or Belief	Christian		50	730
	Buddhist		1	8
	Hindu		6	79
	Jewish		17	41

Staff Equality Impact Assessment - Form

Protected Characteristic		Team/Workforce Group	Public Consultation Respondents	Barnet Workforce
	Muslim		1	93
	Sikh			8
	Other religions		6	59
	No religion		59	250
	Not stated		203	244
Sexual Orientation	Heterosexual		135	1238
	Bisexual		3	15
	Lesbian		3	19
	Gay		3	15
Marriage and Civil partnership	Married			558
	Single			730
	Widowed			11
	Divorced			79
	In Civil partnership			18

5. How are the equality strands affected? Please detail the positive/negative or neutral effect on each equality strand, and any mitigating action you have taken / required. Please include any relevant data and source. If you do not have relevant data please explain why and when you will capture the data.

This data is not yet known since how individual equality strands will be affected will not become clear until the ELI data has been shared by the transferring organisation. The TUPE regulations currently stipulate that this information does not need to be made available to the transferring organisation until 28 days prior to the date of transfer.

However, based on the very small sample size of those expected to transfer (currently estimated to be 9 people), we do not believe there will be any material impact (positively or negatively) on those transferring. Anyone who does transfer from Capita to LBB will be TUPE'd across on their existing Terms and Conditions of employment.

Equality Strand	Affected?	Explain how affected	Indicate any action planned or taken to mitigate negative impact?
1. Age	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> x	
2. Disability	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	Not known at this stage
3. Gender reassignment	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	Not known at this stage
4. Pregnancy and maternity	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	
5. Race / Ethnicity	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	Not known at this stage
6. Religion or belief	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/>	Not known at this stage

		Neutral <input type="checkbox"/> x	
7. Gender / sex	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	
8. Sexual orientation	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	Not known at this stage
9. Marital Status	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	Not known at this stage
10. Other key groups? Carers	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/> x	Please assess Young, Parent and Adult carer. Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input checked="" type="checkbox"/> x	

There are no specific comments from the public and best value consultation about a detrimental equalities impact.

6. Overall impact and Scale		
Positive impact:	Negative Impact or Impact Not Known	
Minimal <input checked="" type="checkbox"/> x Significant <input type="checkbox"/>	Minimal <input type="checkbox"/> x Significant <input type="checkbox"/>	

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7.Outcome			
No change to decision	Adjustment needed to decision	Continue with decision <i>(despite adverse impact / missed opportunity)</i>	If significant negative impact - Stop / rethink
<input checked="" type="checkbox"/> x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8.Please give full explanation for how the overall assessment and outcome was decided
<p>The overall assessment and outcome is based on there being no immediate changes to how services are provided or to the physical location of staff or to any part time working arrangements that staff may have to enable them to carry on with any caring responsibilities.</p> <p>A total of 343 responses to the public and best value consultation was received. Of these, 198 had noted their age range. Of these, just 93 were aged 43 or under, with 105 therefore being aged 44 or over. This demonstrates that the consultation questionnaire had relatively few responses from younger residents, whereas nearly 3 in 4 respondents (73%) were aged between 45 and 74. Full details can be found in the Capita Contracts Consultation report, appended to the main P&R Report to which this document is also appended.</p> <p>This equality impact assessment will be updated as more information is made available.</p>