

Equalities Impact Assessment (EqIA)

EqIAs make services better for everyone and support value for money by getting services right first time.

EqIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then create an action plan to get the best outcomes for service users and staff¹. They analyse how all our work as a council might impact differently on different groups protected from discrimination by the Equality Act 2010². They help us make good decisions and evidence how we have reached them.³

An EqIA needs to be started as a project starts to identify and consider possible differential impacts on people and their lives, inform project planning and, where appropriate, identify mitigating actions. A full EqIA must be completed before any decisions are made or policy agreed so that the EqIA informs that decision or policy. It is also a live document; you should review and update it along with your project plan throughout.

You should first consider whether you need to complete this full EqIA⁴.

Other key points to note:

- Full guidance notes to help you are embedded in this form – see the End Notes or hover the mouse over the numbered notes.
- Please share your EqIA with your Equalities Champion and the final/updated version at the end of the project.
- Major EqIAs should be reviewed by the relevant Head of Service.
- Examples of completed EqIAs can be found on the Equalities Hub

1. Responsibility for the EqIA

Title of proposal ⁵	Interim assessment of future delivery of Education and Skills Service
Name and job title of completing officer	Ben Thomas- Assistant Director- Education, Strategy and Partnerships
Head of service area responsible	Ben Thomas- Assistant Director – Education, Strategy and Partnerships and Ian Harrison - Education and Skills Director
Equalities Champion supporting the EqIA	Rosie Evangelou
HR rep (for employment related issues)	Sharni Kent

2. Description of proposal

Is this a: (Please tick all that apply)	
New policy /strategy / function / procedure / service <input type="checkbox"/>	Review of Policy /strategy / function / procedure / service <input type="checkbox"/>
Budget Saving <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
If budget saving please specify value below:	If other please specify below: Change in provider for a service
<p><i>Please outline in no more than 3 paragraphs⁶:</i></p> <ul style="list-style-type: none"> <i>The proposal which is being assessed</i> <p>In April 2016 Barnet entered into a new seven-year strategic partnership with Mott MacDonald, trading as Cambridge Education, to provide all of the council's education services. The partnership was established in consultation with Barnet schools following a detailed options appraisal and procurement process. The aim of establishing the partnership was to:</p> <ul style="list-style-type: none"> Maintain Barnet's excellent education offer 	

- Maintain an excellent relationship between the council and schools
- Achieve the budget savings target for the service up to 2020.

The contract is due to expire on 31st March 2023 with an option to extend for any period up to a maximum of three years, potentially extending the contract up to the end of March 2026.

The performance against all three of the stated objectives for the partnership has been strong and the benefits that were expected from the partnership have been realised. Educational progress and achievement have improved consistently year on year. 96.8% of Barnet schools are good or outstanding and Barnet is now in the top 10% for almost all measures and the top 5% for many of the measures. The £1.885m budget savings target for the service up to 2020 has been achieved and the excellent relationship with schools has been at least maintained.

Service delivery and impact of COVID-19

Mott MacDonald, an employee-owned company, operate under the name of Cambridge Education Ltd for their education services. Their core business is management, engineering and development consultancy.

The unprecedented nature of the COVID-19 pandemic has had significant impacts on the contract delivery model and Mott MacDonald notified a Force Majeure event under the contract in April, noting the potential effect of the event (covid19) on the performance of the obligations under the contract with the council. Under this Force Majeure event the council is providing temporary financial support to mitigate against these impacts, in accordance with Cabinet Office guidance.

As a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract. This could include changes to the terms and conditions of staff and salary arrangements and other commercially confidential conditions, which would be unacceptable to the council and would undermine the delivery of the service.

In the light of this, the council and Mott MacDonald have agreed that the termination of the Education and Skills contract may be the most appropriate course of action. The council and Mott MacDonald have now entered into negotiations regarding the future of the contract, with a view to agreeing a controlled exit by mutual consent.

This means that the council needs to consider urgently the best way of delivering the Education and Skills service in the future in order to protect the council, its relationship with schools and services for children and young people.

The two options which were taken forward for consultation and further analysis, should the contract end, were option 1 and option 2:

Option 1: Bring the service back in house

Option 2: Transfer all services into a Local Authority Controlled Company (LACC)

Summary of options

Option 1- Bring service back in house

- This would involve a TUPE transfer of all of the existing staff into the council. As with any staff joining a local authority, staff would be auto enrolled onto the Local Government Pension Scheme.
- Staff would retain their terms and conditions and continuity of service.
- The council would become responsible for appointing and managing staff. The council would have strategic oversight of services and would continue to consult with schools on service provision and strategic direction.
- The partnership structure would be similar to the current arrangements, with the partnership boards for key education strategies and education strategies going from partnership boards to the Children and Young People's Partnership Board.
- The catering contract with ISS would transfer to the Council.

Option 2- Transfer all services into a Local Authority Controlled Company (LACC)

- This model would involve the council setting up a Local Authority Controlled Company (LACC) and transferring the Education and Skills services to the company.
- The company would be a separate legal entity to the council. It would be wholly owned by the council, but with substantial autonomy to manage and deliver services.
- The company would be dedicated to the delivery of education services and any profits would be re-invested in education services or paid to the council for investment in local services.
- There would be a Board of Directors, which would have council and headteacher representation. The partnership structure would be similar to the current arrangements, with the partnership boards for key education strategies and education strategies going from partnership boards to the Children and Young People's Partnership Board.
- As with in-house, all of the existing staff and senior management of the Education and Skills service would TUPE transfer to the new company.
- Under this option those currently with Local Government Pensions Schemes would continue on LGPS and those on a Mott MacDonald pension would transfer to a similar scheme in the new company.

- Under this option the catering contract with ISS would transfer to the Council and would be managed by the Education and Skills Service on behalf of the council.

The services in scope for this project are:

- Strategic and financial management of the service
- School improvement
- Special educational needs (SEN) services (including management of SEN transport)
- Admissions and sufficiency of school places
- Vulnerable pupils
- Post 16 learning
- Traded services within the Education and Skills delivery unit:
 - Catering service
 - Governor clerking service
 - School improvement traded service (Barnet Partnership for School Improvement)
 - Newly Qualified Teachers support
 - Educational psychology (part-traded)
 - Education Welfare Service (part-traded)
 - North London Schools International Network (NLSIN)

There are 145 staff in the Education and Skills service in scope for the transfer.

Although the Catering service is in scope for the project under both options the contract would novate to the council. This will not result in any changes for the staff or the service and so these staff have not been included within the assessment.

Recommended Option

The consultation with schools and the Parent Carer has concluded. Staff and unions have been briefed and have sent through feedback on the proposals. A summary of all of the responses as well as analysis of the different options is included in a Full Business Case. The recommendation is that the Education and Skills Service and all the staff should be transferred into a Local Authority Controlled Company.

- *The key stakeholders who may be affected by the policy or proposal*

- The key stakeholders are:
 - Staff in the Education and Skills Service
 - Schools and Early Years settings
 - Children with SEND and their parent carers

- *The decision-making route being taken (eg. business planning, committee) and date of decision:*

At the Policy and Resources Committee on the 17th June 2020 it was agreed that the decision on the future model for delivering the Education and Skills service would be delegated to the Executive Director – Children and Young People, in consultation with the Chairman of the Children, Education and Safeguarding Committee. The decision is being taken as through a Delegated Powers Report on 6th July. The report includes results from the consultation with schools and the Parent Carer Forum, responses from staff and the Unions, and a Full Business Case with this Equalities Impact Assessment appended.

APPENDIX 1 provides the staff data for Education and Skills staff, broken down into those on different pensions, and LBB staff as a whole. There are 145 staff in the Education and Skills Service.

3. Supporting evidence

What existing data informs your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis

	What does the data tell you⁷?	What do people tell you⁸?
Protected group	<i>Provide a summary of any relevant demographic data about the borough's population from the Joint Strategic Needs Assessment, or data about the council's workforce</i>	<i>Provide a summary of relevant consultation and engagement including surveys and other research with stakeholders, newspaper articles correspondence etc.</i>

Age⁹	There is a higher percentage of staff under 40 in the Education and Skills Service (40%) than in the LBB workforce as a whole (34%). Just less than two thirds of staff under 40 are in the Aviva scheme and one quarter are in LGPS. For over 40s, less than a third of staff are in the Aviva scheme and nearly half are on LGPS.
Disability¹⁰	Twice as high a percentage of staff with a disability in the Education and Skills Service (8%) as in the LBB workforce as a whole (4%).
Gender reassignment¹¹	There are no staff in the service that have had gender reassignment
Marriage and Civil Partnership¹²	Cambridge Education do not collect data on marriage and civil partnership
Pregnancy and Maternity¹³	There is currently one member of staff on maternity and one is pregnant
Race/ Ethnicity¹⁴	There is a slightly lower percentage of Black and Minority Ethnic staff in the Education and Skills Service (29%) than in the LBB workforce as a whole (32%). There are twice as many Black and Minority Ethnic staff in the Aviva scheme than Black and Minority Ethnic staff in the LGPS scheme.
Religion or belief¹⁵	There is a higher percentage of Christian staff in the Education and Skills Service (49%) than in LBB as a whole (40%). There is also a higher percentage of Jewish staff in the Education and Skills Services (7%) than in the LBB workforce as a whole (2%).
Sex¹⁶	Higher percentage of female staff in the Education and Skills workforce (79%) than in the LBB workforce as a whole (59%). There is a slightly higher percentage of female Education and Skills staff in the LGPS than in the Aviva scheme. There are more than twice as many men in the Aviva scheme than in LGPS.

Sexual Orientation¹⁷

A lower percentage of staff preferred not to say in the Education and Skills Service (7%) than in the LBB workforce (15%). There is a slightly lower percentage of gay men and slightly lower percentage of gay women/lesbians in the Education and Skills Service than in the LBB workforce as a whole although numbers are low.

Other relevant groups¹⁸

4. Assessing impact

What does the evidence tell you about the impact your proposal may have on groups with protected characteristics ¹⁹?

Protected characteristic	For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Is there an impact on service deliver? Is there an impact on customer satisfaction? Is there an impact on staff? Click the appropriate box on the right to indicate the outcome of your analysis.	Positive impact	Negative impact		No impact
			Minor	Major	

Age	<p>There is a higher percentage of under 40s staff in the service than in the LBB workforce as a whole.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Just less than two thirds of staff under 40 are in the Aviva scheme and one quarter are in LGPS. For over 40s, less than a third of staff are in the Aviva scheme and nearly half are on LGPS. Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonald scheme (Aviva), albeit that employee contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<p>job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
<p>Disability</p>	<p>There is a higher percentage of staff with a disability in the service than in the LBB workforce as a whole.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonald scheme (Aviva), albeit that employee</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

	<p>contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
Gender reassignment	There are no staff in the service that have had gender reassignment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and Civil Partnership	<p>Cambridge Education do not keep data on marriage and civil partnership. However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonald scheme (Aviva), albeit that employee contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
<p>Pregnancy and Maternity</p>	<p>These individuals will retain their right to return to a similar role as they would if they remained employed by Mott MacDonald. Managers are aware and employees will be kept updated and included in any relevant communications. This will be handled appropriately as per the equalities legislation.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

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<p>Race/ Ethnicity</p>	<p>There is a slightly lower percentage of Black and Minority Ethnic staff in the Education and Skills Service (29%) than in the LBB workforce as a whole (32%).</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>There are twice as many Black and Minority Ethnic staff in the Aviva scheme than in the LGPS scheme. Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Mott's Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonal. Mott MacDonal have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonal delivered the Education and Skills contract, which could include changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonal scheme (Aviva), albeit that employee contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<p>job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
<p>Religion or belief</p>	<p>There is a higher percentage of Christian and Jewish staff in the service than in the LBB workforce as a whole.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonald scheme (Aviva), albeit that employee</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

	<p>contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
Sex	<p>There is a much higher percentage of women in the service than in the LBB workforce as a whole.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>There is a slightly higher percentage of female Education and Skills staff in the LGPS than in the Aviva scheme. There are more than twice as many men in the Aviva scheme than in LGPS. Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p> <p>It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.</p> <p>With the in-house option all current and new staff would be automatically enrolled into the Local Government Pension Scheme, which has more favourable terms than the current Mott MacDonald scheme (Aviva), albeit that employee contributions would increase from the current rate of 4.5%. It would mean that all staff would be covered by the Modification Order, which means that their continuous service will transfer if they move from their job with the council to a job with another body covered by the Modification Orders, such as a local authority or school.</p> <p>This may have a positive impact for staff. However, the current estimated additional cost of all staff being in the LGPS scheme is £818,000, which may have to be met through reductions to jobs or services.</p>				
<p>Sexual Orientation</p>	<p>A lower percentage of staff preferred not to say in the Education and Skills Service (7%) than in the LBB workforce (15%). There is a slightly lower percentage of gay men and slightly lower percentage of gay women/lesbians in the Education and Skills Service than in the LBB workforce as a whole.</p> <p>However, it is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.</p> <p>Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

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5. Other key groups Are there any other vulnerable groups that might be affected by the proposal? <i>These could include carers, people in receipt of care, lone parents, people with low incomes or unemployed</i>	Positive impact	Negative impact		No impact
		Minor	Major	

<p>Key groups</p>	<p>Stakeholder groups are affected by this decision. This includes schools and therefore children and parents are indirectly impacted by this decision, as well as children with SEND and their parents. The decision is assessed as having a neutral impact on these groups, as the contractual terms will remain the same. There is a possibility of a minor positive impact, as the LACC model projects a small saving and protects the service from risk of cuts by remaining with Mott MacDonald. However, this saving would need to be set against savings targets set by the Council and therefore it is not guaranteed to be reinvested in the service.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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6. Cumulative impact²⁰

Considering what else is happening within the council and Barnet could your proposal contribute to a cumulative impact on groups with protected characteristics?

Yes No

Whilst not a cumulative impact, some staff and the trade unions have expressed views that the transfer will have a negative impact on protected characteristics because it will promote a two-tier workforce. These views are summarised in the consultation summary of the Full Business Case. For the reasons set out above it is not accepted that it will have a negative impact and mitigations are set out in the section below.

7. Actions to mitigate or remove negative impact

Only complete this section if your proposals may have a negative impact on groups with protected characteristics. These need to be included in the relevant service plan for mainstreaming and performance management purposes.

Group affected	Potential negative impact	Mitigation measures ²¹ <i>If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.</i>	Monitoring ²² <i>How will you assess whether these measures are successfully mitigating the impact?</i>	Deadline date	Lead Officer
Staff	View expressed by some staff and trade unions as set out in Section 6	Ongoing consultation via the TUPE process	Through TUPE consultation report	End of TUPE consultation	Julie Huggins-Mott MacDonald
Staff	View expressed by some staff and trade unions as set out in Section 6	continued monitoring of data around protected groups to ensure employment opportunities for staff in minority groups	Report on equalities data from the service as part of contract monitoring	End of year reporting	Ben Thomas/Ian Harrison

8. Outcome of the Equalities Impact Assessment (EqIA)²³

Please select one of the following four outcomes

Proceed with no changes

The EqIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed

Proceed with adjustments

Adjustments are required to remove/mitigate negative impacts identified by the assessment

Negative impact but proceed anyway

This EqIA has identified negative impacts that are not possible to mitigate. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below

Do not proceed

This EqIA has identified negative impacts that cannot be mitigated and it is not possible to continue. Outline the reasons for this and the information used to reach this decision in the space below

Reasons for decision

It is considered that the recommended option of transferring the Education and Skills Service to a LACC would not have a negative impact on this group of staff. There are no planned redundancies and all terms and conditions, including their pensions, would be protected through the TUPE transfer.

Those currently in the LGPS scheme would remain in the LGPS scheme and they would retain their continuous service. Those currently on a Motts Aviva pension, which is what they were recruited onto, would transfer to a pension scheme that is broadly similar to their current scheme and any new staff could join the same scheme. The LACC could have an 'open' LGPS scheme, which would give the company the discretion to enable staff who are not currently in the LGPS and new joiners the opportunity to join the LGPS but only if that is affordable.

It is considered that the transfer will protect them from the risk of a negative impact if they were to remain with Mott MacDonald. Mott MacDonald have indicated that, as a result of the complexities and consequences of the COVID-19 crisis there would need to be substantial revisions to the way in which Mott MacDonald delivered the Education and Skills contract, which could include changes to the terms and conditions of staff and salary arrangements if staff remain employed by them.

Sign-off

9. Sign off and approval by Head of Service / Strategic lead²⁴

Name: Chris Munday

Tick this box to indicate that at you have approved this EqIA

Date of approval: 06/07/2020

Tick this box to indicate if EqIA has been published

Date EqIA was published:

Embed link to published EqIA:

Date of next review:

APPENDIX 1- DATA

		Total LBB Data		Total of CE Data		CE LGPS		CE Friends Life/AVIVA		CE TPS		No Pension	
		No.	% of LBB	No.	% of Service	No.	% of Service	No.	% of Service	No.	% of Service	No.	% of Service
Number of Employees		1808		145									
Gender	Female	1062	58.74	115	77.70%	53	35.81%	48	32.43%	2	1.35%	12	8.11%
	Male	730	40.38	30	20.27%	7	4.73%	17	11.49%	1	0.68%	5	3.38%
	Unknown	16	0.88										
Date of Birth	Under 18	3	0.17%										
	1994-1997 (18-21)	17	0.94%										
	1993-1986 (22-29)	204	11.28%	20	13.51%	1	0.68%	16	10.81%			3	2.03%
	1985-1976 (30-39)	393	21.74%	40	27.03%	14	9.46%	23	15.54%			3	2.03%
	1975-1966 (40-49)	380	21.02%	31	20.95%	12	8.11%	15	10.14%			4	2.70%
	1965-1951 (50-64)	706	39.05%	52	35.14%	32	21.62%	11	7.43%	2	1.35%	7	4.73%
	1950-1941 (65-74)	74	4.09%	2	1.35%	1	0.68%			1	0.68%		
	1940 and earlier (75+)	3	0.17%										
	Unknown	28	1.55%										
	Ethnic Group	Arab	1	0.06%									
Asian or asian british - bangladeshi		26	1.44%	4	2.70%	1	0.68%	2	1.35%			1	0.68%
Asian or asian british - indian		110	6.08%	8	5.41%	3	2.03%	4	2.70%			1	0.68%
Asian or asian british - pakistani		17	0.94%	3	2.03%	2	1.35%					1	0.68%
Asian other			0.00%	3	2.03%			3	2.03%				
Black or black british - african		133	7.36%	6	4.05%	1	0.68%	4	2.70%			1	0.68%

Black or black british - caribbean	155	8.57%	5	3.38%	3	2.03%	2	1.35%				
Black other		0.00%	4	2.70%			3	2.03%			1	0.68%
Chinese	7	0.39%										
Information refused	3	0.17%	3	2.03%	2		1	0.68%				
Mixed - asian & white	2	0.11%	3	2.03%	1		2	1.35%				
Mixed - white and asian	5	0.28%										
Mixed - white and black african	15	0.83%	2	1.35%			1	0.68%			1	0.68%
Mixed - white and black caribbean	14	0.77%		0.00%								
Not known	6	0.33%	3	2.03%			1	0.68%			2	
Other asian background	23	1.27%										
Other black background	30	1.66%										
Other ethnic group	5	0.28%	2	1.35%	1	0.68%	1	0.68%				
Other mixed background	23	1.27%	3	2.03%			3	2.03%				
Other white background	7	0.39%										
Prefer not to say	46	2.54%										
White - british	737	40.76%	72	48.65%	37	25.00%	28	18.92%	2		5	3.38%
White - greek cypriot	13	0.72%	7	4.73%	5	3.38%	1	0.68%			1	0.68%
White - other	138	7.63%	10	6.76%	3	2.03%	5	3.38%	1	0.68%	1	0.68%
White - turkish cypriot	4	0.22%	1	0.68%	1	0.68%						
White irish	42	2.32%	3	2.03%			2				1	

	Information not yet obtained			3	2.03%			3	2.03%				
Religion	Agnostic	54	2.99%										
	Atheist	79	4.37%										
	Buddhist	8	0.44%										
	Christian	727	40.21%	61	41.22%								
	Hindu	80	4.42%	4	2.70%								
	Humanist	4	0.22%		0.00%								
	Jain	5	0.28%	1	0.68%								
	Jewish	41	2.27%	11	7.43%								
	Muslim	92	5.09%	7	4.73%								
	No Form Returned	3	0.17%		0.00%								
	No Religion	246	13.61%	22	14.86%								
	No Response On Faith	51	2.82%	28	18.92%								
	Other Faith	50	2.77%										
	Prefer Not To Say	138	7.63%	9	6.08%								
	Sikh	8	0.44%	2	1.35%								
Sexuality	Bisexual	14	0.77%										
	Gay Man	14	0.77%	1	0.68%								
	Gay Woman/ Lesbian	19	1.05%	1	0.68%								
	Heterosexual	1232	68.14%	105	70.95%								
	Information Refused	266	14.71%	10	6.76%								
	Other	3	0.17%	28	18.92%								
Disability	Hearing	10	0.55%										
	Learning Difficulties	24	1.33%										
	Mental Illness	6	0.33%										
	Mobility	7	0.39%										
	Other Disability	8	0.44%										

	Physical Co-Ordination	1	0.06%										
	Reduced Physical Capacity	8	0.44%										
	Speech	1	0.06%										
	Vision	7	0.39%										
	Yes			11	8.11%								
	No			106	82.43%								
	No response			28	19.31%								

DRAFT

Footnotes: guidance for completing the EqIA template

¹ The following principles explain what we must do to fulfil our duties under the Equality Act when considering any new policy or change to services. They must all be met or the EqIA (and any decision based on it) may be open to challenge:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately
- **Timeliness:** the duty applies at the time of considering proposals and before a final decision is taken
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and must influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that anyone who provides services on our behalf complies with the equality duty.
- **Review:** the equality duty is a continuing duty – it continues after proposals are implemented/reviewed.
- **Proper Record Keeping:** we must keep records of the process and the impacts identified.

² Our duties under the Equality Act 2010

The council has a legal duty under this Act to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (see end notes 9-19 for details of the nine protected characteristics). This applies to policies, services (including commissioned services), and our employees.

We use this template to do this and evidence our consideration. You must give 'due regard' (pay conscious attention) to the need to:

- **Avoid, reduce or minimise negative impact:** if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately.
- **Promote equality of opportunity:** by
 - Removing or minimising disadvantages suffered by people with a protected characteristic
 - Taking steps to meet the needs of these groups
 - Encouraging people with protected characteristics to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **Foster good relations between people who share a protected characteristic and those who don't:** e.g. by promoting understanding.

³ EqIAs should always be proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The size of the likely impact – e.g. the numbers of people affected and their vulnerability

The greater the potential adverse impact of the proposal on a protected group (e.g. disabled people) and the more vulnerable the group is, the more thorough and demanding the process required by the Act will be. Unless they contain sensitive data – EqIAs are public documents. They are published with Cabinet papers, Panel papers and public consultations. They are available on request.

⁴ When to complete an EqIA:

- When developing a new policy, strategy, or service

-
- When reviewing an existing service, policy or strategy
 - When making changes that will affect front-line services
 - When amending budgets which may affect front-line services
 - When changing the way services are funded and this may impact the quality of the service and who can access it
 - When making a decision that could have a different impact on different groups of people
 - When making staff redundant or changing their roles

Wherever possible, build the EqIA into your usual planning and review processes.

Also consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people who will be affected?

If there are potential impacts on people but you decide not to complete an EqIA you should document your reasons why.

⁵ **Title of EqIA:** This should clearly explain what service / policy / strategy / change you are assessing.

⁶ **Focus of EqIA:** A member of the public should have a good understanding of the proposals being assessed by the EqIA after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EqIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the proposed change?
- Who implements, carries out or delivers the service or function in the proposal? Please state where this is more than one person or group, and where other organisations deliver it under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the service, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? E.g.: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the service tell you?
- What is the reason for the proposed change (financial, service, legal etc)? The Act requires us to make these clear.

⁷ **Data & Information:** Your EqIA needs to be informed by data. You should consider the following:

- What data is relevant to the impact on protected groups is available? (is there an existing EqIA?, local service data, national data, community data, similar proposal in another local authority).
- What further evidence is needed and how can you get it? (e.g. further research or engagement with the affected groups).
- What do you know from service/local data about needs, access and outcomes? Focus on each characteristic in turn.
- What might any local demographic changes or trends mean for the service or function? Also consider national data if appropriate.
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any group(s)?

-
- Is the service having a positive or negative effect on particular people or groups in the community?

⁸ What have people told you about the service, function, area?

- Use service user feedback, complaints, audits
- Conduct specific consultation or engagement and use the results
- Are there patterns or differences in what people from different groups tell you?
- Remember, you must consult appropriately and in an inclusive way with those likely to be affected to fulfil the equality duty.
- You can read LBB [Consultation and Engagement toolkit](#) for full advice or contact the Consultation and Research Manager, rosie.evangelou@barnet.gov.uk for further advice

⁹ Age: People of all ages, but consider in particular children and young people, older people and carers, looked after children and young people leaving care. Also consider working age people.

¹⁰ Disability: When looking at disability, consideration should be given to people with different types of impairments: physical (including mobility), learning, aural or sensory (including hearing and vision impairment), visible and non-visible impairment. Consideration should also be given to: people with HIV, people with mental health needs and people with drug and alcohol problems. People with conditions such as diabetes and cancer and some other health conditions also have protection under the Equality Act 2010.

¹¹ Gender Reassignment: In the Act, a transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected. Consider transgender people, transsexual people and transvestites.

¹² Marriage and Civil Partnership: consider married people and civil partners.

¹³ Pregnancy and Maternity: When looking at pregnancy and maternity, give consideration to pregnant women, breastfeeding mothers, part-time workers, women with caring responsibilities, women who are lone parents and parents on low incomes, women on maternity leave and 'keeping in touch' days.

¹⁴ Race/Ethnicity: Apart from the common ethnic groups, consideration should also be given to Traveller communities, people of other nationalities outside Britain who reside here, refugees and asylum seekers and speakers of other languages.

¹⁵ Religion and Belief: Religion includes any religion with a clear structure and belief system. As a minimum you should consider the most common religious groups (Christian, Muslim, Hindu, Jews, Sikh, Buddhist) and people with no religion or philosophical beliefs.

¹⁶ Sex/Gender: Consider girls and women, boys and men, married people, civil partners, part-time workers, carers (both of children with disabilities and older cares), parents (mothers and fathers), in particular lone parents and parents on low incomes.

¹⁷ Sexual Orientation: The Act protects bisexual, heterosexual, gay and lesbian people.

¹⁸ Other relevant groups: You should consider the impact on our service users in other related areas.

¹⁹ Impact: Your EqlA must consider fully and properly actual and potential impacts against each protected characteristic:

- The equality duty does not stop changes, but means we must fully consider and address the anticipated impacts on people.
- Be accurate and transparent, but also realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific where you can so decision-makers have a concrete sense of potential effects.

-
- Questions to ask when assessing whether and how the proposals impact on service users, staff and the wider community:
 - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake of a service among different groups? Which, and to what extent?
 - Does the project relate to an area with known inequalities (where national evidence or previous research is available)?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims?
 - Do the effects amount to unlawful discrimination? If so the plan **must** be modified.
 - Does it relate to an area where equality objectives have been set by LBB in our [Barnet 2024 Plan](#) and our [Strategic Equality Objective](#)?

²⁰ **Cumulative Impact**

You will need to look at whether a single decision or series of decisions might have a greater negative impact on a specific group and at ways in which negative impacts across the council might be minimised or avoided.

²¹ **Mitigating actions**

- Consider mitigating actions that specifically address the impacts you've identified and show how they will remove, reduce or avoid any negative impacts
- Explain clearly what any mitigating measures are, and the extent to which you think they will reduce or remove the adverse effect
- Will you need to communicate or provide services in different ways for different groups in order to create a 'level playing field'?
- State how you can maximise any positive impacts or advance equality of opportunity.
- If you do not have sufficient equality information, state how you can fill the gaps.

²² **Monitoring:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further monitoring, equality assessment, and consultation are needed.

²³ **Outcome:**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Also explain what positive impacts will result from the actions and how you can make the most of these.
- Make it clear if a change is needed to the proposal itself. Is further engagement, research or monitoring needed?
- Make it clear if, as a result of the analysis, the policy/proposal should be stopped.

²⁴ **Sign off:** You will need to ensure the EqIA is signed off by your Head of Service, agree whether the EqIA will be published, and agree when the next review date for the EqIA will be.