

London Borough of Hammersmith & Fulham

## Cabinet

### EQUALITIES IMPACT ASSESSMENTS

8 April 2013

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## LBHF Equality Impact Analysis Tool

### Conducting an Equality Impact Analysis

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

Page 1 The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

## General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from the Opportunities Manager: [PEIA@lbhf.gov.uk](mailto:PEIA@lbhf.gov.uk) or ext 3430

## LBHF Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/4
Name and details of policy, strategy, function, project, activity, or programme	Title of EIA: <b>Parks capital programme 2013-16</b> Short summary: The programme sets out various parks improvement scheme across the borough. The allocation of both parks capital investments and external funding is described in detail.
Lead Officer	Name: Ullash Karia Position: Head of Service, Parks and leisure, ELRS Email: <b>Ullash.Karia@RBKC.Gov.UK</b> Telephone No: <b>020 7938 8171</b>
Date of completion of final EIA	25 / 01 /13

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Section 02	Scoping of Full EIA		
Plan for completion	Timing: 2013 -2016 Resources:		
Analyse the impact of the policy, strategy, function, project, activity, or programme	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.		
	<b>Protected characteristic</b>	<b>Analysis</b>	<b>Impact:</b> Positive, Negative, Neutral
	Age	The council would provide its services in line with Equality Act requirements, and this EIA notes that those under 18 are not protected under the Act by this protected characteristic at present.  The service provision outlined in the 2013-2016 capital programme for Parks caters for all age ranges, promoting improvements to facilities such as play	Positive

	areas, sports facilities and the natural environment..	
Disability	<p>Access to some sports facilities and pitches will pose limitation to those with physical disabilities due to the characteristics of certain physical sports, and therefore some disabled people may not be able to take part in the same way as non-disabled people.</p> <p>Improvements to access such as level pathway and signage will benefit many disability groups particular those wheelchair users. Proposal to introduce Changing Place toilets will have great benefit to those with severe disabilities</p> <p>The council shall provide its services in line with Equality Act requirements and would have to consider reasonable adjustments as necessary which have been taken in consideration within the programme e.g. Disable Play provision and pathway improvements</p>	Positive
Gender reassignment	<p>The council would provide a service in line with the Equality Act 2010. This can include restricting participation of a transsexual person in a sport, game, or competitive activity but only if this is necessary in a particular case to secure fair competition or for the safety of other competitors. S195 of the Act is relevant in these cases. In such a case, it would be of high relevance to the protected characteristic and it might regarded as negative for an individual or group but it is permitted under the Act.</p> <p>The service provider would still provide services in line its other obligations under the Act and could not, for example, repeatedly ask for a person's Gender Recognition Certificate and could not discriminate by requesting that a person in their chosen identity of female, uses the male toilets. This example of provision of goods, services and facilities is of high relevance to this protected characteristic and is positive</p>	Neutral
Marriage and Civil Partnership	The council would provide a service in line with the legal requirements of the Equality Act 2010 and not offer access or terms that are different for married people, to those in a civil partnership	N
Pregnancy and maternity	The project does not affect pregnancy and maternity or alter current its provisions for this group. The programme would ensure that services are in line with Equality Act requirements and could not, for example, ask a woman who is breastfeeding to leave or to dos it elsewhere	N

Race	It is considered that improvements to the sports' Facilities, Play Areas, Natural landscape will have a positive impact on race including due regard to PSED (above). The council will develop a programme, through its partnership with local sports clubs, including BME groups to use parks and opens pace for recreation and leisure.	N
Religion/belief (including non-belief)	The parks capital programme does not affect any religion or belief or alter current provisions. The council will continue to provide its services in line with Equality Act requirements	N
Sex	<p>The capital programme does proactively favour encourage women to use parks and open spaces as traditionally many of the existing provisions are for men such as Football. For example more ports facilities for women such as new netball courts at South Park and also improvement of site security to increase perception of safety.</p> <p>S195 of the Equality Act sets out an exception to provisions for men and women that may apply in relation to a competitive sport, game, or other activity, where physical strength, stamina, or physique are significant factors in determining success or failure. In such cases, the Act permits separate events to be organised for men and for women. This would be of high relevance to the protected characteristic of Sex, and may be viewed as positive or negative by individuals, this will depends on the views of individuals but it is permitted under the Act.</p> <p>The council would have to carry out its other functions with regard to its other obligations under the Act and could not, for example, provide men or women with inferior services in contrast to the other sex.</p>	N
Sexual Orientation	The projects and services within parks do not affect sexual orientation or alter current provisions. The contractor would provide its services in line with Equality Act requirements	N

#### Human Rights or Children's Rights

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice

	<p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>
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<b>Section 03</b>	<b>Analysis of relevant data</b>
<b>Documents and data reviewed</b>	<p>Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p> <p>The Parks and Open Spaces Residents survey 2008 of 10 000 residents informs much of our strategic development. The respondents showed a similar age profile to the 2001 census. Very few under 25 years old completed the questionnaire. 67% of total respondents were women which was higher than borough average of 53% but and only 15% of BME groups responded which was lower representative of the borough proportion.</p> <p>Of interest is that 13% respondents said they had a disability which for most did not affect their use of the park. Significant high proportion was unable to visit parks even though many said they would if given the opportunity. Distance from Home, health issues and safety concerns were factors affecting visiting parks.</p> <p>80% of respondents used a park at least once a year. Overall 92% of respondents where highly satisfied with LBHF Parks.</p>
<b>New research</b>	If new research is required, please complete this section

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<b>Section 04</b>	<b>Consultation</b>
<b>Consultation</b>	Please see section 3
<b>Analysis of consultation outcomes</b>	<b>See Section 03</b>

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	The various data available about park uses including the Park Resident survey highlight the key issues of Safety, lack of suitable facilities and access across all protected characteristics. The capital programme address most of the concerns through improvement of our assets which not only will improve the quality of our facilities but enable better

	service provisions that supports these assets. For example the improvement to South MUGA will create a safe environment, increase type of sports offer for women and also enables the booking service to promote and develop community programmes for all.
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<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	Not Applicable as no adverse impacts identified in the parks capital programme

<b>Section 07</b>	<b>Action Plan</b>					
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan

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<b>Section 08</b>	<b>Agreement, publication and monitoring</b>					
<b>Chief Officers' sign-off</b>	Name: Position: Email: Telephone No:					
<b>Key Decision Report (if relevant)</b>	Date of report to Cabinet/Cabinet Member: 08 /04 /13 Key equalities issues have been included: Yes					
<b>Opportunities Manager (where involved)</b>	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 28/01/2013 Email: <a href="mailto:PEIA@lbhf.gov.uk">PEIA@lbhf.gov.uk</a> Telephone No: 020 8753 3430					



# Agenda Item 8

Reorganisation EIA v3.4

## Equality Impact Assessment for Reorganisations

This part of the Equality Impact Assessment (EIA) is triggered by an Organisational Change Assessment report. If you require support completing this form, please speak to your HR Relationship Manager or call Smart HR on extension 1000 and select option 4.

### INITIAL SCREENING:

#### 1. Service Details

Department	ELRS
Division	Leisure & Parks – Cemeteries
Policy, proposal, strategy or function being assessed	Varying the current grounds maintenance contract with Quadron Services Limited (QSL) to include the management of Cemeteries function
Lead officer carrying out EIA Name, title and telephone number	Ullash Karia, Head of Leisure & Parks
Other officers involved in EIA (include HR Relationship Managers)	Ullash Karia, Head of Leisure & Parks
Date of Assessment	15.01.13

#### 2. Proposal Details

Policy Aims, Objectives and Projected Outcomes	<p>What are the main aims, purpose and outcomes of the proposed reorganisation as detailed in the organisation change assessment.</p> <p><i>In your response please consider:</i></p> <ul style="list-style-type: none"><li>• <i>What is the purpose of the policy?</i></li><li>• <i>What outcomes are expected?</i></li><li>• <i>Does the policy have any specially designed measures to promote equality of opportunity?</i></li></ul>
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Further to the Cabinet Members approval back in September 2012 to vary the current grounds maintenance contract with Quadron Services Limited (QSL) to include the management and client function of the Cemeteries. Cabinet approval is now sought to make this a more permanent arrangement.

It is proposed that the management function for Cemeteries be outsourced to Quadron Services Ltd (QSL), the current Grounds Maintenance provider, with the one existing staff member being seconded to QSL on existing pay, terms and conditions. This will enable better co-ordination of service delivery as QSL already maintain the cemeteries and carry out the grave digging and back fill operations. RBKC have already approved the outsourcing of the Cemeteries functions to QSL and bi-borough working has created an opportunity to look at smart ways of working to improve service delivery and to generate a small amount of savings to both authorities.

QSL would be responsible for filling the vacant posts in line with the council's Equal Opportunities Policy.

Intended Beneficiaries	Who are the main stakeholders in relation to this policy  <i>In your response, please consider:</i> <ul style="list-style-type: none"> <li>• <i>Who will be affected by this change</i></li> <li>• <i>Who does the policy intend to benefit</i></li> </ul>
<p>The current LBHF cemeteries service has a manager and two assistants. The Senior Cemeteries &amp; Facilities Officer and the Cemetery Manager both retired on 31 August 2012, last year.</p> <ol style="list-style-type: none"> <li>1. The Bi-borough initiative provided the opportunity to re-assess the staffing of the service across both Authorities and a number of options were considered. QSL already permanently manage the client management function in the Royal Borough of Kensington &amp; Chelsea and since September 2012 have been doing the same in Hammersmith &amp; Fulham. This includes a Manager across both Boroughs.</li> <li>2. The arrangement has proven to be successful, there has not been a dip in quality of provision and because QSL already look after the grounds maintenance element there have been benefits in joining up both elements. In particular there have been notable synergies in booking and managing grave plots with the wider grounds maintenance of the cemeteries.</li> <li>3. Currently there is only one member of staff who is employed by LBHF, Bereavement services Officer it is proposed that she would TUPE across to QSL, who are also an equal opportunities employer with a very good track record.</li> </ol>	

### 3. Relevance/Proportion

Will the reorganisation proposal require an increase or decrease (change) in staff numbers?	NO							
Is it likely to create public concern?	NO							
Do you feel there are any particular issues to take into account in relation to any of the protected characteristics listed below?  <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Race</li> <li>• Gender reassignment</li> <li>• Marriage and Civil Partnership</li> <li>• Pregnancy and maternity</li> <li>• Religion and belief</li> <li>• Sex</li> <li>• Sexual Orientation</li> </ul>	NO							
<p>If you have answered <b>YES to any these questions</b>, what is the proposed Impact Assessment level of the proposal, plan or function?</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%;"><b>Low</b></td> <td>Addition/Deletion of posts, no change to job descriptions and/or terms and conditions.</td> </tr> <tr> <td><b>Medium</b></td> <td>Addition/Deletion of posts, change to job descriptions, learning and development opportunities but no change to terms and conditions.</td> </tr> <tr> <td><b>High</b></td> <td>Addition/Deletion of posts and entire teams, learning and development opportunities, changes to job descriptions and terms and conditions including grade/pay, flexible working, allowances, overtime pay etc.</td> </tr> </table> <p><b>Go to full EIA below if MEDIUM or HIGH.</b></p>		<b>Low</b>	Addition/Deletion of posts, no change to job descriptions and/or terms and conditions.	<b>Medium</b>	Addition/Deletion of posts, change to job descriptions, learning and development opportunities but no change to terms and conditions.	<b>High</b>	Addition/Deletion of posts and entire teams, learning and development opportunities, changes to job descriptions and terms and conditions including grade/pay, flexible working, allowances, overtime pay etc.	LOW
<b>Low</b>	Addition/Deletion of posts, no change to job descriptions and/or terms and conditions.							
<b>Medium</b>	Addition/Deletion of posts, change to job descriptions, learning and development opportunities but no change to terms and conditions.							
<b>High</b>	Addition/Deletion of posts and entire teams, learning and development opportunities, changes to job descriptions and terms and conditions including grade/pay, flexible working, allowances, overtime pay etc.							
<p>If you have answered <b>NO to all of these questions and the assessment is LOW</b>, list the evidence considered below and include the following statement in the Organisational Change Assessment report. Please ensure that this is signed off by the Head of Service.</p> <p><b>“This proposal was screened for impact on equalities on (insert date). The following evidence (insert evidence) has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required.”</b></p>								

**“This proposal was screened for impact on equalities on 03.01.13. The following evidence has been considered: A full and detailed evaluation of all options has been prepared (please see imbedded document) and considered by the Head of Service and consulted on with Senior Managers within ELRS. As a result of this screening, it has been decided that a full equality impact assessment is not required.”**

Service Head	Ullash Karia, Head of Leisure & Parks
Signature	
Date	

**FULL IMPACT ASSESSMENT:**

**4. Data & Evidence**

Review of relevant data	<p>List all examples of quantitative and qualitative data available that will enable the impact assessment to be undertaken. Try to use various data sources. The Equality and Human Rights Commission (EHRC) and Government Equalities Office (GEO) publishes many research reports on equalities.</p> <p><b>Example</b></p> <ul style="list-style-type: none"> <li>• <i>Workforce Report</i></li> <li>• <i>Department Demographic data</i></li> <li>• <i>Staff Survey</i></li> <li>• <i>Published workforce research</i></li> <li>• <i>Equality and Human Rights Commission Reports</i></li> </ul> <p>The workforce report is a published report that can be found on the internet. This is published annually usually around June/July after the end of the financial year.</p> <p>The department’s demographic data can be obtained from Trent HR.</p> <p>Please note that if the reorganisation is for a small team, use division/department data. This is to ensure protection of personal data where individuals could be easily identifiable.</p> <p>Summarise the key information from the data/evidence and how it relates to the public sector duties (PSD)</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimisation;</li> <li>• advance equality of opportunity between different groups; and</li> <li>• foster good relations between different groups.</li> </ul>

**5. Findings**

Assessment of impact	<p><u>Employment</u></p> <p>Use the data to complete appendix 1 to identify the effect of the policy on different groups.</p> <p>From demographic data, look at the percentages of ‘at risk’ in relation to</p>
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the department/division and general workforce. 'At risk' percentages above the department and general workforce population are considered negative impact. 'At risk' percentages at or below the department and council workforce population are considered neutral or positive impact. Concentrate on at risk percentages with a variance over 10%.

Complete the table below by noting what the data is telling you about each group.

*In your response please consider:*

- *How does the data identify potential or known positive impacts? What are the reasons?*
- *How does the data identify any potential or known adverse impacts? What are the reasons?*
- *Percentages can be deceiving so where numbers involved are small, make sure you note where this is the case.*

Remember each reorganisation is unique. In some cases, comparing the grades will also be important as well as the main protected characteristics especially as we know that women and BME are under-represented at SMG grade in the organisation.

Where you do not have sufficient data, make it explicit for example 'We currently do not have any data to make an objective assessment on this and there is limited research to inform our thinking'

**Appendix 1 and 2**



EIA - Reorg Impact Analysis v2.xls

Group	Impact (Positive Negative Neutral)	Comments/Reasoning
Age		
Disability		
Gender		
Race		

Sexual Orientation		
Religion/belief (including non-belief)		

**6. Consultation**

Consultation	<p>This section is to be completed after you have consulted.</p> <p>Briefly describe who you consulted, when and the outcome. Please outline a brief summary of the responses gained and links to relevant documents, as well as any actions.</p> <p>This information is highly relevant for medium to high Impact EIAs.</p> <p>Remember to update the findings (section 5) after you have completed this section.</p>
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Consultation group	Date completed	Findings	Recommendations and Action

**7. Mitigation**

Measures to mitigate adverse impact	<p>From the data and consultation, have you identified any adverse impact? If so, are there changes that you could introduce which would make the proposal work better for this group of people? Is further research or consultation required?</p> <p>From Appendix 1, consider mitigating measures for at risk variances and especially those above 30%.</p> <p>Please consider:</p>
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	<ul style="list-style-type: none"> <li>• <i>Practical actions to reduce, justify or remove any adverse/negative impact?</i></li> <li>• <i>Are there learning and development opportunities?</i></li> <li>• <i>How the policy can be revised, or additional measures taken, in order for the policy to achieve its aims without risking adverse impact?</i></li> <li>• <i>Legal responsibilities under Disability requiring treating disabled people more favourably where necessary?</i></li> <li>• <i>Have the plans been revised in light of the consultation results, to enhance positive impact or reduce/eliminate negative impact?</i></li> </ul>

**8. Conclusions**

<p>Outcome of Assessment</p>	<p>Summarise your findings and give an overview of whether the proposed reorganisation will meet the Council’s responsibilities in relation to equality. Pay particular attention to where differential adverse negative impact is identified taking into account mitigating measures.</p> <p>If the proposal is likely to have an adverse impact on any equality group how this can be justified? Make sure you outline the Economical/Technical/Organisation (ETO) reasons where applicable.</p> <p>It is also important to note where the analysis on staff at risk shows disproportionate negative impact and the expectation is that a large number of staff will secure roles in the new structure.</p> <p>Conclusions can be:</p> <p>1 – Proceed with the proposal <i>as is</i> either because there is no evidence to show adverse impact or there is justification to do so. Remember weighty reasons will be needed. It is important to underline that there is no justification for direct discrimination and that indirect discrimination will need to be justified.</p> <p>2- Adjust the proposal to remove any barriers and better promote equality which will include putting in place the mitigating measures or making changes to the proposal itself.</p> <p>3 – Abandon the policy if the risks of going ahead are high.</p>
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**9. Action Plan**

<p>Action Plan</p>	<p>Any actions that arise as a result of the impact assessment should be noted here. Please include responsibility and target date.</p> <p><b>Example</b>  <i>Complete a further EIA at the end of the restructure when the impact on the workforce is clearer.</i></p>
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Action	Responsibility	Date

**10. Monitoring and Review**

<p>Post-Reorganisation Assessment</p>	<p>A review will be required once the proposal has been put in place to check what the actual impact was.</p>
<p>Outcome of Implementation</p>	<p>Using Appendix 2, complete the details of the remaining staff. Look at the percentages of remaining staff compared to the 'at risk', department and council workforce population. Using the principles set out above, note your analysis.</p> <p>Note that where 'remaining staff' percentages are higher than the 'at risk, then there was in fact a positive impact and this should be highlighted.</p> <p>Remember, percentages can be misleading so where numbers involved are small, make sure you note where it is the case.</p>



Date of Post – Reorganisation Assessment.	

**Authorisation**

Service Head	
Signature	
Date	
Date sent for publication	

Once you have filled in this document please send a copy to Employment Equalities Lead.