

## Tri-Borough 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.

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 your service or borough leads:

<b>LBHF</b> Opportunities Manager: <a href="mailto:PEIA@lbhf.gov.uk">PEIA@lbhf.gov.uk</a> or ext 3430	<b>RBKC</b> Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc.gov.uk">angela.chaudhry@rbkc.gov.uk</a> 020 7361 2654	<b>WCC</b> Senior Policy Officer: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a> 020 7641 8024
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<b>Overall Information</b>	<b>Details of Full Equality Impact Analysis</b>		
<b>Financial Year and Quarter</b>	2013/2014 – Quarter No.1		
<b>Name and details of policy, strategy, function, project, activity, or programme</b>	<p><b>Tri-Borough Total Facilities Management Award of Contract:-</b>                  In January 2012 the Cabinet approved the Business Case for the tendering of a Tri-boroughs' Total Facilities Management Contract and London-wide framework agreement using the Competitive Dialogue procedure permitted under the Public Contracts Regulations. Throughout the procurement process the relevant Cabinet Member has been asked to sign-off decisions that need to be taken by the Council (on behalf of the 3 boroughs) at the previous four key stages (selection stage, conclusion of Competitive Dialogue solution stages rounds 1 and 2, the invitation to submit final bids and the appointment of the Preferred Bidder). This is the final stage in the procurement process whereby this report is presented to the Cabinets at the three councils for the award of the contract and framework agreement.</p>		
<b>Lead Officers</b>	<p><b>LBHF:-</b></p> <p>Mike Cosgrave                  Head of Professional Services &amp; Facilities Management                  Email: mike.cosgrave@lbhf.gov.uk                  Telephone No:020 8753 4849</p>	<p><b>RBKC:-</b></p> <p>Raj Patel                  Transformation Programme Manager                  Email:Rajesh.Patel@rbkc.gov.uk                  Telephone No: 020 7361 2853</p>	<p><b>WCC:-</b></p> <p>Glenn Woodhead                  FM Strategy Manager                  Email:gwoodhead@westminster.gov.uk                  Telephone No: 020 7641 6270</p>
<b>Lead Borough</b>	Hammersmith & Fulham Council are the procuring authority – Mike Cosgrave Reported produced by Raj Patel – RBK&C		
<b>Date of completion of final EIA</b>	15 <sup>th</sup> April 2013		

<b>Section 02</b>	<b>Scoping of Full EIA</b>
<b>Plan for completion</b>	Following the evaluation of the final bids by the Tender Appraisal Panel, which was reported to the Project Board, the appointment of the Preferred Bidder was approved by the Leader of Hammersmith & Fulham Council. In accordance with the procurement process, discussions are now taking place with the Preferred Bidder (Amey Community Ltd) in order to finalise the contract and associated documentation, in preparation for the contract award by the three Cabinets, which is the subject of this report. Following the Award of Contract and the expiration of the “Alcatel” period it is anticipated that the parties will work towards the engrossment of the contract in June / July 2013. The contractor will be

working alongside the ICF during the mobilisation period with an operable date of Sept/Oct 2013.

**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.

Protected characteristic	Borough Analysis	Impact: Positive, Negative, Neutral
Age	<b>LBHF :-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, irrespective of their age. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
	<b>RBKC:-</b> Ditto	
	<b>WCC:-</b> Ditto	
Disability	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community. The requirements and needs of the community are at the forefront of the service delivery specification for this project with particular attention being emphasised in respect to the delivery of all statutory compliance areas e.g. Equality Act 2010.	Neutral
	<b>RBKC:-</b> Ditto	
	<b>WCC:-</b> Ditto	
Gender reassignment	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, irrespective of their gender. The requirements and needs of the community are at the forefront of	Neutral

		the service delivery specification for this project.	
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Marriage and Civil Partnership	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, regardless of their marriage/civil partnership status. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Pregnancy and maternity	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, Irrespective of their personal circumstances. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Race	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, regardless of their race. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Religion/belief (including non-belief)	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality	Neutral

		services to all sectors of the community, regardless of their religious beliefs. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Sex	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, regardless of their sex. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	Sexual Orientation	<b>LBHF:-</b> The contract is structured so as to provide a safe and reliable support services, thereby enabling the delivery of high quality services to all sectors of the community, regardless of their sexual orientation. The requirements and needs of the community are at the forefront of the service delivery specification for this project.	Neutral
		<b>RBKC:-</b> Ditto	
		<b>WCC:-</b> Ditto	
	<p><b>Human Rights or Children's Rights</b>          If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice          No it will not affect Human Rights or Children's Rights</p>		

<b>Section 03</b>	<b>Analysis of relevant data</b> 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.
<b>Documents and data reviewed</b>	<b>LBHF/ RBKC / WCC</b> Contract Control Documents, Contract documents, OJEU Documentation, PQQ documentation, contractor's submissions / authenticated documents detailing marking procedure and outcome of PQQ assessment, Results of Competitive Dialogue process, documentation and authenticated documents marking procedure and outcome of assessment of bids, Details of financial appraisal process and table of analysis data.  Supporting documents for report:- Appendix A: Scope of functions and scope of services Appendix B: Contractual Set-up Appendix C: ICF Organisation Structure Appendix D: Governance Arrangements Appendix E: Inter-Authority Governance Options Appendix F: Inter-Authority Agreement Timeline Appendix G: Principles of the Inter-Authority Agreement Appendix H: Tri-Borough TFM Cost Allocation Methodology Appendix I: Background Information on Amey Community Limited
<b>New research</b>	If new research is required, please complete this section <b>LBHF / RBKC / WCC</b>  Not applicable

<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	<b>LBHF / RBKC / WCC:</b> Consultation has been carried out with the various stakeholder groups from each council including Councillors, Chief Officers and staff affected by the service transfer to the TFM contractor via TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) which will apply. The Council will ensure that all TUPE and other related employment legislation including statutory consultation with the affected staff and trade unions will be applied to the letting of this contract. There has also been

	consultation with the existing service providers, who were given the opportunity to meet the contractors who were tendering for the TFM contract.
<b>Analysis of consultation outcomes for each borough</b>	<b>LBHF / RBKC / WCC:</b> This initiative has been well received by Councillors and Chief Officers across Tri-Borough and the tender results as detailed in the report will deliver significant cost reductions, potential service improvement, improvements to compliance management and overall business continuity in respect to the delivery of FM services across the Tri-Borough Estate.

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	<p><b>LBHF / RBKC / WCC:</b></p> <p><b>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</b></p> <p>The market testing of the Tri-Borough FM services has confirmed that the advantages originally envisaged at the conception of this initiative, are achievable and that the delivery vehicle of a TFM (via an external contractor) and managed by a single Tri-Borough client organisation (Hosted by RBK&amp;C) based upon an ICF model is the correct business model to follow.</p>

<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p> <p><b>LBHF / RBKC / WCC:</b></p> <p>To enter into contract with Amey Community Limited.</p>

<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

Section 08	Agreement, publication and monitoring		
<b>Chief Officers' sign-off</b>	<b>LBHF:-</b> Maureen McDonald-Khan Director of Building and Property Management Hammersmith and Fulham Council 6th Floor Hammersmith Town Hall King Street Hammersmith London W6 9JU E-mail: Maureen.McDonald-Khan@lbhf.gov.uk Tel:020 8753 4701	<b>RBKC:-</b> Michael Clark MBA, MRICS Director for Corporate Property and Customer Services Lead Director Tri-Borough TFM Royal Borough of Kensington and Chelsea E-mail: Michael.Clark@rbkc.gov.uk Mob: 079 605 79967	<b>WCC:-</b> Richard Platt Head of Property WCC City Hall 64 Victoria Street London SW1E 6QP E mail: <a href="mailto:rplatt@westminster.gov.uk">rplatt@westminster.gov.uk</a> Tel 020 7641 9828
<b>Key Decision Report (if relevant)</b>	<b>LBHF:-</b> Date of report to Cabinet - 13/05/2013 Key equalities issues have been included: Yes	<b>RBKC:-</b> Date of report to Cabinet- 02/05/2013 Key equalities issues have been included: Yes	<b>WCC:-</b> Date of report to Cabinet - 13/05/2013 Key equalities issues have been included: Yes
<b>Lead Equality Manager (where involved)</b>	<b>LBHF:-</b> No direct involvement.	<b>RBKC:-</b> No direct involvement.	<b>WCC:-</b> No direct involvement.