

# **Equality Analysis Form**

## **Insourcing of Octavo Services**

## 1. Introduction

### 1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

## 2. Proposed change

<b>Directorate</b>	<b>Education</b>
<b>Title of proposed change</b>	<b>Insourcing of Octavo Services</b>
<b>Name of Officer carrying out Equality Analysis</b>	<b>Julie Ralphs</b>

### 2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

**This proposed change covers:**

- **De-commissioning**
- **In-sourcing**
- **Possible future restructure**

In-sourcing all Octavo delivered services (both commissioned and commercial) and dissolving the Octavo Partnership with a proposed effective date of 1<sup>st</sup> April 2020. With a focus on:

- Minimising the impact to schools by retaining as much as possible of what at Octavo works well (subject to legal advice on use of name, assets, website etc.) and maintaining a continuity of service;
- Subsuming Octavo staff and functions into the Education Directorate of the LA;
- Amalgamation of LA and Octavo systems and processes, reducing duplication wherever possible and appropriate.

**Rationale:**

Since formation in April 2015, the Council has commissioned Octavo to deliver Educational Psychology and School Improvement Services on its behalf. This includes some statutory services. In addition, Octavo sells a range of services to schools, including: education psychology, school improvement, governance, HR, IT and Finance.

The contract was for three years (1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2018) with the option of up to 3 x 1 year extensions taking it to a maximum expiry date of 31<sup>st</sup> March 2021. The first 2 on these one year extensions have been utilised with the current contract expiring on the 31<sup>st</sup> March 2020.

External legal advice has confirmed internal advice that, once all the contract extensions have been exhausted, the Council must conduct a competitive process to procure these (education psychology and school improvement) services in compliance with Public Procurement Regulations. This has been deemed too high risk to both the Council and Octavo.

Separation of the delivery of commercial and commissioned education psychology and school improvement services across two organisations would prove problematic and fragmented for schools which could lead to reputational damage and loss of income.

Both the LA Octavo Steering Group and the Octavo Board agree Octavo is unlikely to be viable without the LA contract.

Therefore the Council made an offer to the Octavo Board to insource all Octavo services (commercial and commissioned). Members of Octavo (LA, Croydon Head Teacher Association and Octavo Staff) subsequently voted unanimously in favour of this proposal which will result in Octavo services being insourced to the LA and the company being dissolved.

### 3. Impact of the proposed change

**Important Note:** It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

#### 3.1 Deciding whether the potential impact is positive or negative

**Table 1 – Positive/Negative impact**

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	Neither positive or negative impact is anticipated for any of the protected groups as the proposal is to effectively 'lift and drop' a full service from one organisation (Octavo Partnership) to another (LA). This will mean both staff and service continuity, meaning minimal impact for both staff and service users (schools). Octavo premises are also be retained, which again eliminates any impact.		Options appraisal undertaken as part of decision making including SWOT Staff Consultation
Disability			
Gender			
Gender Reassignment			
Marriage or Civil Partnership			

Religion or belief	TUPE process will apply, so consideration will be made to ensure that all staff have access to information, including relevant consultation, e.g. staff on maternity leave. Most changes will relate to changes in line management, although there is potential for a subsequent restructure impacting on a very minimal number of posts. Although any restructure is unlikely to impact positively or negatively on any particular protected characteristics, this will form consideration and an equality analysis will be undertaken as part of the restructure process.	CHTA consultation with schools
Race		
Sexual Orientation		
Pregnancy or Maternity		

**Important note:** You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. **Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact**

### 3.2 Additional information needed to determine impact of proposed change

**Table 2 – Additional information needed to determine impact of proposed change**

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

Additional information needed and or Consultation Findings	Information source	Date for completion
Ongoing consultation with Octavo staff, including relevant TUPE requirements	Staff meetings, 1-2-1 meetings, FAQs	31 <sup>st</sup> March 2020
Ongoing consultation with schools via CHTA partial ownership of Octavo	CHTA via Octavo Board meetings	31 <sup>st</sup> March 2020
EQIA to be undertaken as part of any subsequent restructure.	Staff records and consultation	When required

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

### 3.3 Impact scores

#### Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)

2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact )
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

**Table 4 – Equality Impact Score**

<b>Severity of Impact</b>	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	<b>Likelihood of Impact</b>			

**Key**

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

# Equality Analysis

**Table 3 – Impact scores**

<b>Column 1</b>  <b>PROTECTED GROUP</b>	<b>Column 2</b>  <b>LIKELIHOOD OF IMPACT SCORE</b>  Use the key below to <b>score</b> the <b>likelihood</b> of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.  <b>1 = Unlikely to impact</b> <b>2 = Likely to impact</b> <b>3 = Certain to impact</b>	<b>Column 3</b>  <b>SEVERITY OF IMPACT SCORE</b>  Use the key below to <b>score</b> the <b>severity</b> of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.  <b>1 = Unlikely to impact</b> <b>2 = Likely to impact</b> <b>3 = Certain to impact</b>	<b>Column 4</b>  <b>EQUALITY IMPACT SCORE</b>  Calculate the <b>equality impact score</b> for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.  <b>Equality impact score = likelihood of impact score x severity of impact score.</b>
Age	1	1	2
Disability	1	1	2
Gender	1	1	2
Gender reassignment	1	1	2
Marriage / Civil Partnership	1	1	2
Race	1	1	2
Religion or belief	1	1	2
Sexual Orientation	1	1	2
Pregnancy or Maternity	1	1	2

## 4. Statutory duties

# Equality Analysis

## 4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council’s ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups

Eliminating unlawful discrimination, harassment and victimisation

Fostering good relations between people who belong to protected characteristic groups

**Important note:** If the proposed change adversely impacts the Council’s ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

## 5. Action Plan to mitigate negative impacts of proposed change

**Important note:** Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

**Table 4 – Action Plan to mitigate negative impacts**

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	None anticipated but ongoing review of any emerging risks will be undertaken	In-going consultation with staff throughout the process, including with formal TUPE process. Ensuring any staff on maternity leave have access to all information and consultation opportunities	Project Manager HR (LA) HR (Octavo)	31 <sup>st</sup> March 2020
Race				
Sex (gender)				
Gender reassignment				
Sexual orientation				
Age				
Religion or belief				
Pregnancy or maternity				

# Equality Analysis

Marriage/civil partnership			
----------------------------	--	--	--

## 6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter <b>X</b> in column 3 ( <b>Conclusion</b> ) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	<p>Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. <b>If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision.</b></p> <p><i>The project aims to retain the current business model and service offer with minimal disruption to service delivery and staffing. Staff changes are anticipated to be very minimal, mainly line management changes, and there will be service continuity. Main changes will relate to process, for example change of payroll provider and moving financial transactions over to the LA system.</i></p>	<b>X</b>
Adjust the proposed change	<p>We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. <b>If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form</b></p>	
Continue the proposed change	<p>We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. <b>If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.</b></p>	
Stop or amend the proposed change	<p>Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.</p>	

# Equality Analysis

Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet	Meeting title: Cabinet Date: January 2020
---	--

## 7. Sign-Off

Officers that must approve this decision	
Equalities Lead	Name: Yvonne Okiyo Date: 21.11.19 Position: Equalities Manager
Director	Name: Shelley Davies Date: 21.11.19 Position: Interim Director of Education