

MKSP Review 2015

Equality Impact Assessment (EqIA)

Jeremy Beake

This is an initial Equality Impact Assessment of the Milton Keynes Service Partnership Transition Programme Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

The duty to pay 'due regard' is required to be demonstrated in the decision making and the implementation process. Assessing the potential equality impact of proposed projects that are part of the programme is the means by which we show 'due regard'.

The Programme

The Programme has been jointly scoped by MKC and MKSP to undertake and oversee the detailed work to inform a Cabinet decision and Scrutiny review of the future direction of the Milton Keynes Service Partnership. The proposition, discussed at Scrutiny Management Committee on 28th July, is to transfer all activity (with the exception of Building Services), including trading from both MKSP LLP and MKSP Direct to MKC.

The future direction of services provided within Building Services will be determined separately, as a result of the Regeneration 2020 programme.

This programme will be required to be delivered on time to ensure business continues as usual with minimised service disruption and will involve consultation with staff about the proposed changes and the subsequent TUPE

Methodology

This assessment will review the main options. It will look at how each option advances equality of opportunity and/or could adversely impacted different people. One factor that is not relevant to any of these options is community relations; therefore it is only the first two paragraphs of the duty that will be considered.

Issues

The main equality issues faced by the programme are:

Will there be an impact on staff as they will be TUPE transferred into MKC?

The council will ensure that staff terms and conditions will be protected at the point of transfer, although there will be a case for harmonisation in the future. Formal consultation with staff, by MKSP and the council, will start once the decision has been taken regarding the basis on which the proposed transfer will be made. Consultation will be with reference to the legal, economic and social implications of the transfer on the individuals' in-scope, and provide clarity for staff regarding any proposed measures in relation to their terms and conditions. Any issues arising will require adequate resolution with full regard to the equality duties.

Will all services be accessible and ensure a seamless transition.

A review of the current MKSP arrangements has proved that there is significant scope for improvement in terms of outcomes, quality and possibly cost of some of the services, activities and functions undertaken by MKSP and allied services currently within MKC. The Council needs to take action and make the necessary changes to secure and optimise the benefits.

Benefits of the main option

The context within which local government operates has changed substantially in recent years, especially since the original outsourcing arrangement in 2003/04. Demands have increased, as have financial pressures, and the external environment requires MKC to ensure that maximum value is extracted from all its operations. The Council seeks to become more commercial, however the current Limited Liability Partnership (LLP) model constrains this in terms of commercial (external sales) activity.

Advancing Equality of Opportunity in Service Delivery

Will this programme increase the council's ability to remove barriers and/or improve the quality of the services?

This programme should not change substantially the ability to remove barriers. However, it is envisaged that it will improve the quality of the services by ensuring all services are closer to the provision of outcomes for residents. Overall the impact of the programme should not be severe if staff rights are protected.

Impact on the Equality for the Workforce

Is the transfer free from discriminatory factors for different staff characteristics?

A look at the main characteristics of 'possibly subject to transfer' staff shows that it is unlikely to affect them based on their characteristics. The council/or other TUPE organisation will need to ask newly transferred staff questions regarding any special needs not otherwise understood. Staff will be transferred on the same terms and conditions on which they are currently employed. Other measures will be considered as the programme develops and staff adjust to the new working arrangements.

This assessment suggests that the review should have due regard if it considers the issues outlined above and recommends the review continues without the need to make any major adjustments. This EqIA will be reconsidered after consultation has been completed.