

Equalities and Diversity Impact Assessment

Management Options Appraisal Phase 1: Setting up of a Charitable Trust to Manage the Council's Leisure, Museum and Library Facilities

(NS20)



Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments.

You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.

Service/team or section: Indoor Leisure Services, Sport and Leisure, Neighbourhood Services

Lead Officer:

Strategic Manager Indoor Leisure

Strategic Manager Libraries

Support Officer(s)

Planning and Policy Team Leader

Start date: 26-05-2011

Refreshed 14-12-2011
following receipt of NSMT
report by Policy & Planning

Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)

Background

The Council is undertaking a Management Options Appraisal (MOA) to establish what options there are for the future delivery of the Sport and Leisure services, the cultural aspects of Adults, Wellbeing and Health services and the Outdoor Education Centres within Children and Young People's services, and to identify which options provide optimal value for money, in line with the Council's strategic priorities. The MOA will involve an independent assessment of all the service delivery options available to operate these scoped services. There are three stages to this project: 1 – Scoping; 2 – MOA; 3 – Implementation. The initial scoping stage concluded that the proposed mix of services optimises the benefits available to the Council. The MOA will consider and compare the relative benefits and viability of the various service delivery options with each other and the current forms of service delivery and recommend a preferred option that is strategically, socially and financially most suitable to the Council's needs.

The scope of the project includes the following services:

Sport and Leisure Services

- Directly managed indoor leisure facilities (14 subject to Facilities Review project)
- Directly managed outdoor leisure facilities including Riverside facility, cricket centre, play pitches, parks and allotments

(3000+ plots)

- Indoor leisure facilities presently operated by:
- Local 'Trust' – Leisureworks (3 facilities in addition to broader sports and arts services)
- National private contractor – Leisure Connection (2 facilities)
- Sports development – club, coach and volunteer development; health interventions; holiday activities; partnerships and community engagement
- Events
- Countryside services including 3 country parks, 150km of railway paths, 23 nature reserves, etc

Adults, Wellbeing and Health Services

- Libraries (38 libraries and one library support headquarters, and a fleet of six mobile library vehicles, responsibility to deliver a public library service to the prisons in County Durham)
- Bishop Auckland Town Hall (a library, gallery and theatre multi purpose centre)
- The Gala Theatre
- The DLI Museum and Durham Art Gallery
- Killhope Leadmining Museum
- The Arts Team - covering arts for social and economic impact, includes BRASS and filming friendly

Children & Young People's Services

- Middleton in Teesdale Outdoor Centre
- The Westgate Outdoor Learning Centre

Initial Management Options

Consideration will be given to all potential delivery options including:

- retaining the services in-house;
- establishing a third sector enterprise (Non-Profit Distributing Organisation - NPDO);
- utilising existing NPDO, eg Leisureworks 'Trust' delivery vehicle;
- partnership with another NPDO;
- extension of the private sector partnership;
- new Voluntary Competitive Tender contractor with "pocket trust";
- Community Interest Company;
- Mixed economy of delivery ;
- Other Big Society options as appropriate.

14th December Refresh – Policy & Planning

The MOA has now been completed and this has informed the development of a report recommending that:

- (i) 'in principle' a new charitable Non Profit Distributing Organisation is endorsed as the preferred vehicle for those services outlined in Section 4 of this report subject to:
 - i. Confirmation of a non-contestable market from the existing NPDO sector;
 - ii. further consideration as to the inclusion of museums and outdoor sport services, and
 - iii. that both recommendations (i) and (ii) are subject to a delegated decision of the Corporate Directors of Neighbourhood Services and Adult, Wellbeing and Health Services together with their respective portfolio holders.
- (ii) A detailed Service Delivery Plan is prepared in relation to the provision of services via a charitable NPDO.

Who are the main stakeholders: General public / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) –

- All staff who dedicate more than 50% of their time to delivery of abovementioned services.
- Customers of the abovementioned services

Is a copy of the subject attached? No

If not, where could it be viewed? Contact Indoor Leisure Services, Sport and Leisure, Neighbourhood Services

Initial screening

Staff

The employment of all staff currently involved in the delivery of services within the scope of the MOA may be transferred to a different organisation, as recommended by the MOA. TUPE will apply to staff transfer therefore their future terms and conditions of employment will be equivalent to their current terms and conditions of employment. Staff will experience no negative impact as a consequence of their potential transfer.

Customers

In order to ensure that access to future services provided by the new delivery model do not disproportionately impact on equality groups, the Council needs to ensure that appropriate safeguards are put in place during transfer of services to ensure access to customers is not affected. Given that the management vehicle has not yet been identified, it is not yet possible to clarify the precise nature of possible associated impacts therefore the EqIA will be subject to review once the nature of the management vehicle has been determined.

Refresh 14th December 2011

The Cabinet report makes recommendation for 'in principle' endorsement of transfer to a Non Profit Distributing Organisation / Trust. The precise arrangements for transfer of staff and services will be set out with a 'Transfer Agreement', and the agreement represents the vehicle through which the Council can ensure safeguards are in place to meet our responsibilities under the Public Sector Equality Duty alongside the general provisions of the Equality Act 2010.

A further report in relation to a final decision to transfer will be presented to Cabinet on July 2012 and at this stage it is envisaged that greater detail will be made available regarding the new organisation and the content of the Transfer Agreement. Managers should ensure that the Transfer Agreement includes safeguards that ensure the Council meets its responsibilities under the Public Sector Equality Duty alongside the general provisions of the Equality Act 2010.

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate :Y = Yes, N = No, ?=Unsure

Gender	?	Disability	?	Age	?	Race/ethnicity	?	Religion or belief	?	Sexual orientation	?
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How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

What evidence do you have to support your findings?

Decision: Proceed to full impact assessment – Yes/No- Date: 14/12/2011

If you have answered 'No' you need to pass the completed form for approval & sign off.

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.

	Identify the impact : does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
<p>Gender Age Disability Race/Ethnicity Religion or belief Sexual Orientation</p>	<p>At this stage the management vehicle and asset transfer arrangements have yet to be clarified. The Leasehold Agreement will need to include assurance of compliance with the Public Sector Equality Duty.</p> <p><u>14th December Refresh</u> The report recommends a Trust model and identifies the need for a Transfer Agreement</p>	<p>.</p>	<p>The potential impacts to equalities groups should form a material consideration when determining the management structure and mechanism for asset transfer.</p> <p><u>14th December Refresh</u> Managers should ensure that the Transfer Agreement includes safeguards that ensure the Council meets its responsibilities under the Public Sector Equality Duty alongside the general provisions of the Equality Act 2010.</p>

How will this promote positive relationships between different communities?

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.			
The specific impacts to equalities groups relate to the type of organisation created as a management vehicle, and the arrangements for transfer of assets to the new organisation. The potential impacts to equalities groups should form a material consideration when determining the nature of the new organisation and mechanism for asset transfer.			
Action to be taken	Officer responsible	Target Date	In which plan will this action appear
Further review following drafting of leasehold and identification of management structure.	Planning and Policy Team Leader	December 2011	MOA project Plan
The potential impacts to equalities groups should form a material consideration when determining the nature of the new organisation and mechanism for asset transfer.	Strategic Manager Indoor Leisure/ Planning and Policy Team Leader	December 2011	MOA Project Plan
<u>14th December Refresh</u> Managers should ensure that the MOA Transfer Agreement includes safeguards that ensure the Council meets its responsibilities under the Public Sector Equality Duty alongside the general provisions of the Equality Act 2010.	Strategic Manager Indoor Leisure	July 2012	Neighbourhoods Service Equalities Monitoring MOA Project Plan
When will this assessment be reviewed?	Date: July 2012		
Are there any additional assessments that need to be undertaken in relation to this assessment?	Target date will be confirmed once the asset transfer arrangements have been clarified		
Lead officer - sign off: Head of Sport and Leisure, Neighbourhood Services			Date: 20 Dec 2011
Service equality representative - sign off: Policy, Performance and Communications Manager			Date: 6 January 2012

Please ask us if you would like this document summarised in another language or format.

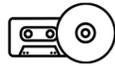
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