



DERBY CITY COUNCIL

Equality Impact Assessment

Leisure and Culture
Derby LIVE Staffing Restructure

December 2011

Glossary of Abbreviations and Acronyms

BESN	Black Employee Support Network
BME	Black and Minority Ethnic
CEO	Chief Executive Officer
COG	Chief Officer Group
CRs	Compulsory Redundancies
CRB	Criminal Record Bureau
CSE	Customer Service Excellence
DCC	Derby City Council
DDA	Disability Discrimination Act
DEN	Disabled Employees Network
EqIA	Equality Impact Assessment
eVR	Enhanced Voluntary Redundancy
FTE	Full Time Equivalent
LGBT	Lesbian, Gay, Bisexual, Transgender
LIFO	Last In, First Out
SMT	Senior Management Team
TUs	Trade Unions
TULCA	Trade Union Labour Consolidation Act
TUPE	Transfer of Undertakings (Protection of Employment)
VR	Voluntary Redundancy

Equality impact, needs and requirements assessment form

Please use this form to record your findings, proposed actions, equality objectives and targets. Use the guidance notes to help you do the assessment or contact the Equality Standard Project Manager if you need some advice

About the policy, practice, service or function you are assessing

Name of policy, practice, service or function: Derby LIVE - Restructure November 2011

This EqIA conducted to ensure that the restructure proposal comply with anti-discrimination legislation. Also as part of the overall revenue budget setting process for 2012/13.

Without full consideration and assessment, financial decisions may have unintended consequences that not only impact on equality for employees, but also run the risk of failing to meet the authorities legal responsibilities.

Assessment team leader name: Peter Ireson, Director of Derby LIVE

Date of assessment: 23 November 2011

Department responsible: Neighbourhoods

Service Area: Leisure & Culture

Other members of assessment team:

Name	Position	Area of expertise
Peter Meakin	Artistic Producer	Artistic Programme
Kim Miller	Learning & Inclusion Manager	Community Engagement
David Potton	Head of Museums and Libraries	

Primary advisors

Name	Position/ organisation
Maggie Fennell	Change Manager for UNISON
Ann Webster	Lead for Equality and Diversity

	Question	Response/ findings
1.	What are the main aims and objectives or purpose of the policy, practice, service or function that you are assessing?	The restructure of Derby LIVE has been prompted to achieve the required budget saving of £576k. There is a need to create a 'fit-for-purpose' department that delivers against the Derby Plan, Council Plan and the Cultural Strategy. Further aims are to ensure the restructure aligns with the One Derby One Council objectives and that the department has the focus and capacity to enable high quality service delivery, in a challenging market place.
2.	Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person, team, department, or body – and include any outside organisations who deliver under procurement arrangements	Derby LIVE Senior Management Team working with the Human Resources Community and Trades Union.
3.	Who is affected by the policy, practice, service or function, or by how it is delivered? Such as, who are the external and internal customers, groups, or communities?	Staff with established posts identified at restructure subject to eligibility criteria. Except for the end of in-house produced theatre the service delivered will continue largely unchanged and opportunities for customers to access excellent, affordable events, performing arts and entertainment will continue.
4.	What outcomes do we want to achieve, why and for whom? For example, what do you want to be providing, how well, what changes or improvements, and what should the benefits be for customers, groups or communities?	This Review and Restructure has been designed to: <ul style="list-style-type: none"> • achieve the revenue budget savings required • avoid breaches of equality legislation • future-proof service design and ensure capacity and capability retained to meet increased income generation targets • empower, up skill and support managers • provide a safe and appropriate environment for all • avoid Compulsory Redundancies • develop a responsive and flexible workforce who will embody the Council's employee behaviours of : <ol style="list-style-type: none"> 1. Customer first - putting customers at the heart of everything we do 2. Team focus - always thinking about our colleagues 3. Committed to success - dedicated to the continued success of the Council 4. Personal integrity – takes responsibility and manages own behaviour

		<p>5. Values people – treats everyone with courtesy and respect</p> <p>6. Continuously learns – enthusiastic about learning and manages own development.</p>
5.	<p>What existing or previous inspections of the policy, practice, service or function are there? For example, Best Value Inspections, policy reviews, research into the effects of a policy or practice.</p> <p>What did they tell you?</p>	<p>As this service area is not a mandatory or statutory one for a local authority, inspections are limited. Bench-marking of similar services show that we offer a broad and busy programme and ‘good value’ for our many customers. Their feedback indicates that not all market demand is met. This is often compounded by our dated infrastructure e.g.; The Assembly Rooms restricted facilities mean that we cannot present many larger scale productions.</p>

Identifying potential equality issues and factors

	Question	Response/ findings
1.	<p>What do you already know about the equality impact or need? For example, from research, feedback, consultation or any performance monitoring</p>	<p>That the group contains individuals with multiple expressions of protected characteristics and they will not be disadvantaged by the procedures used to implement the change. The systems and processes used have been ‘equality-proofed’ through the EqIA process and designed not to disadvantage those employees.</p>
2.	<p>Is there any evidence of higher or lower take up under the policy or practice, or of the service or function for any particular groups? For example, who uses the service, who doesn’t and why not?</p>	<p>There is a good mix of staff in terms of the age and gender profile and the number of disabled employees broadly reflects the working age profile for the city of Derby. However, some weaknesses are apparent when considering the number of employees in this service area from a BME background.</p>
3.	<p>Have there been any important demographic changes or trends locally? For example is the population changing, and if so, how and what might that mean for the service or function?</p>	<p>There is limited turnover in this service area; there is no graduate scheme or formal apprenticeship. The new structure seeks to address some barriers, by introducing career progression. As the number of younger people seeking to enter the workplace increases, due in part to economic pressures and changes to the way Further Education is funded; this should support initiatives addressing those issues.</p>

	Question	Response/ findings
4.	Is there an indication that any of the policies or practices involved with the service or function creates particular problems or difficulties for any groups of customers or communities?	<p>No, agreed processes have been equality proofed, and has been applied consistently. Both statute and case law determine redundancy obligations and rights. The main legislation governing redundancy includes:</p> <ul style="list-style-type: none"> • The Trade Union and Labour Relations (Consolidation) Act 1992 • The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995 (SI 1995/2587) • The Employment Rights Act 1996 • The Collective Redundancies and the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (SI 1999/1925) • The Collective Redundancies (Amendment) Regulations 2006 (SI 2006/2387). <p>The (Derby) Corporate Plan 2010/11 contains an equality milestone – “Achieve excellence in the new Equality Framework for Local Government by March 2011. This was achieved.</p>
5.	What information or data exists? For example, statistics, customer feedback, complaints, research, monitoring – who keeps it and can you get hold of it?	Scheduled consultation has begun with staff and Trades Unions and this EqIA will be shared widely. Some changes may arise to the proposal but must be contained within budgetary constraints. SMT will record this on feedback forms.
6.	Does any equality or diversity objectives already exist? If so, what are they and what is current performance like against them?	Already established indicators of commitment to equality and knowing the communities served are contained within the DCC Equality Scheme and Action Plan. The council promotes itself as an employer of preference and repute and has sought and retained significant external accreditation to support this assertion. For example, Guaranteed Interview Scheme, Two Ticks, Stonewall top 100 Equality Index, Investors in People, Charter mark and CSE and Legal Services accreditation. The impact of changes in funding, including removal of funding and the resultant pressures have been examined as part of the budget process. This EqIA has been triggered by a significant and materiel change in policy, practice or delivery. The (Derby) Corporate Plan 2010/11 contains

		an equality milestone – “Achieve excellence in the new Equality Framework for Local Government by March 2011. This was achieved.
7.	Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?	There are contractual obligations relating to Arts Council funding and the existing contract with Derby University may impact negatively upon some staff applying to access eVR and result in CRs.

Collecting the information and data about how the policy, practice, service or function, impacts on communities

Please record your information and data in this table and think about:

- what information or data you will need
- using both quantitative and qualitative data
- making sure that where possible there is information that allows all perspectives to be considered
- identifying any gaps in the information/ data and what it can tell you

Data or information	When and how was it collected?	Where is it from?	What does it tell you? You need to consider all six equality strands where you can	Gaps in information
Customer feedback and complaints	COG CEO	Facts and Feedback		
Consultation and community involvement	Through the process as per TULCA with staff, TUs and representative bodies BESN, DEN, LGBT			
Performance information including Best Value	N/A			
Take up and usage data	N/A Not implemented as yet			
Comparative information or data where no local	This has been a broad reaching review; data has been examined regarding pay rates, contracts and terms of employment.			

Data or information	When and how was it collected?	Where is it from?	What does it tell you? You need to consider all six equality strands where you can	Gaps in information
information Census, national or regional statistics	N/A			
Access audits or assessments such as DDA assessments	The process of slotting and matching has been equality proofed via EqIA, LIFO and other matrix determinants were rejected. A method to determine the best and most suitable candidates to retain was elected.			
Workforce profile	This link provides the workforce statistics for the authority for 2009/10. http://www.derby.gov.uk/NR/rdonlyres/E46C5E27-0173-4D20-8523-33FF107D572A/0/DCC_employment_stats_0809.pdf			
Where service delivered under procurement arrangements – workforce profile for deliverers	There are some volunteers, who act as Front of House staff. Their details are monitored as per standard employees – for instance they are CRB checked.			
Monitoring and scrutiny outcomes	N/A For monitoring purposes only			

Objectives - process, impact or outcome based Please give your proposed objectives/ targets in this table

Objective/Target: One	Achieve savings for 2012/13
Specific	£576,000.00
Measurable	By cost centre
Achievable	Yes
Relevant	To Revenue Budget for 2012/13
Timed	By 31 March 2012

Objective/Target: Two	Keep Compulsory Redundancies to a minimum – no more than 5 no: FTE
Specific	To staffing group identified in the restructure
Measurable	Yes- but notices served
Achievable	Dependant on TUPE and other legal and contractual restraints
Relevant	Yes – a corporate goal to mitigate against CRs
Timed	By 31/03/12

Monitoring and reviewing - incorporating into performance management

Please summarise your objectives and targets in this table with your proposed monitoring and reporting arrangements

Objective	Planned action	Target performance	Responsible lead officer	Reporting cycle, for example, quarterly
		2011/12		
One	Audit	100%	Peter Ireson	Q1 12/13
Two	Exercise VR and TUPE options	No more than 5 no: FTEs	Peter Ireson	Q1 12/13