



Appendix - London Borough of Hackney Initial Equality Impact Assessment Form


Title of Project:

Markets Service – Creation of Markets Stall Management Establishment to in-source previously outsourced operation.

Purpose for Initial EIA:

To ensure the in-sourcing does not have an adverse impact on any officers or operatives currently employed within the Markets Service

Officer Responsible:

Name: Daniel O’Sullivan	Ext: 5981
Directorate Neighbourhoods & Housing	Department/Division: Public Realm – Parking/Markets
Signature: 	

Form must be signed and dated by the relevant Director:

Director of the Public Realm: Aled Richards **Date:**

Comment:

Signature:

Equality & Diversity Officer: (to be completed by the Equalities Team)

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. What are the aims, objectives and purpose of the project including desired outcomes?

As part of a review of the current outsourced markets stall management contract, we have an opportunity to in source this operation by the end of 2021 and remove the element of risk we have identified working with external contractors and improve the level of control of the service delivery and provide a cost saving to the service in the process.

We have identified an opportunity to create a number of posts to undertake the setting up and dismantling of the boroughs markets and street trading sites. By insourcing and creating these posts in house we will not only provide better value for money but also reduce the risk of contractors attempting to extort or leverage the council into paying additional fees or charges as part of the set up or dismantling of our trading sites, which the most recent supplier attempted to do this year.

The creation of the below posts will be responsible for undertaking the physical delivery of the stall management service. Each role will have a specific bespoke work stream to deliver a cohesive and self-sufficient alignment of the services provided and will report into the Markets Service Operations Manager as a management reporting line. This will ensure the markets services have the capacity to deliver a quality customer focused operation and provide best value for money for our traders and the council through a significant cost saving:

- Market Stall Set Up Supervisor (Full Time)
- Market Stall Operative (Part Time x 28)

The previous contractor had used x3 supervisors and approximately 35 part time operatives to set up and take down the markets. Given we already have senior and market service officers on site at all times and who are now trained in the set up and dismantling of all the equipment there is only a requirement for x1 full time supervisor to work with officers on the map creation and then oversee the weekend delivery of the set up and dismantling of all of our markets and trading sites.

It will be proposed as part of the insourcing period we seek to explore if TUPE is applicable in this circumstance and would then allow for assimilations where possible to reduce the effect of any redundancy from the loss of the contract from the previous supplier, although they had refused to sign the contracts in place and to protect staff as much as possible.

If we do indeed undergo a TUPE process any vacancies not filled will be advertised externally and we will begin an external recruitment process. If as expected no TUPE is required all vacancies will be raised both internally and externally with a focus on employment and fulfilling these vacancies from within the borough of Hackney first and foremost and then if we do not fill all vacancies thereafter we will explore advertising what vacancies we have left further afield.

As the largest employer in the borough, the Council also wants a workforce that reflects the diversity of our local community and this will form a significant part of the recruitment process.

2. Who are the main people that will be affected?

The stakeholder affected includes all operatives and supervisors working for the non contracted Service provider. Given the likelihood there will be no TUPE the risk of

redundancies is nil as all posts created within the new establishment will be new positions within the service.

As the Service has always worked with the Council's equal opportunity frameworks for the recruitment of staff it is not expected that this change will have an impact on any particular group.

Throughout the process the focus has been on job description and not officer or operative and therefore any management decisions that may result in officers or operatives at risk or redundancy have been reached using a clear guideline backed with analysis of improving the service that should avoid any unnecessary equalities impact

The roles identified at risk have all however been assessed to ensure they are not particularly suited to the needs of certain groups (eg on the basis of age, gender, disability, etc)

The Services intend to formally recruit to all vacant posts – this will take place on an equal opportunity basis and therefore will ensure individuals in this group are not adversely affected.

2. How relevant is the project to the following equality strands:

	Age	Disability	Gender	Race	Religion / Belief	Sexual Orientation
Relevance	Medium		Medium			

3. What positive impact could the project have overall and on different groups? (Please provide evidence e.g. consultation, monitoring etc?)

Overall The Services intend to formally recruit to all vacant posts. This will take place on an equal opportunity basis and aims to develop a workforce that reflects the local community it serves. This therefore helps to ensure individuals in this group are not affected adversely.	
a) Age as above	b) Disability As well as the above impact, the Council operates under the Two Ticks scheme to ensure equal and favourable treatment to this group
c) Gender as above	d) Race as above
e) Religion / Belief as above	f) Sexual Orientation as above

g) Other groups

4. What negative impact could the policy have overall and on different groups and (if possible) how can it be justified and/or eliminated? (Please provide evidence e.g. consultations, complaints, monitoring etc?)

There is no overall negative impact or specific impact on any group other than those working in roles identified at risk. However as stipulated in section 1 of this EIA that the service will do all it can within best possibilities to reduce redundancies if TUPE is applicable as we seek to in-source this service but as stated previously given their ios no longer a contracted provider the risk of this is extremely low.

If TUPE does become applicable , we propose adequate measures of either ring fencing and assimilations where possible as well as working with the redeployment process of the council. The service will also propose that all vacant jobs will be advertised internally first to provide staff within the service an opportunity to apply for vacant roles of their choice before the external advert. In addition, the service will also be proposing, if necessary, that if there is an occurrence of redundancies amongst posts affected, a ring fenced "ring fenced interview will be proposed to help further reduce any impact.

It is envisaged that the proposed insourcing of this service and creation of a new establishment of posts will take place in accordance with the Council's Restructuring Process which became effective from 1st December 2008.

Where new posts are being proposed, an initial exercise will be carried out to give indicative grade rates only however these are subject to the outcome of a full job evaluation exercise in line with the Greater London Job Evaluation Scheme.

The proposals identify the potential risks to none of the staff currently within the markets, Shop Fronts & Street Trading service areas and will seek to maximise the opportunities for any of the previous contractors staff to secure suitable alternative employment in line with the restructuring and redeployment process.

If following consultation these proposals are accepted, there will be a need for the management team to review the current job descriptions within the service area to ensure that they accurately reflect the new structures and reporting lines etc. It is envisaged that this exercise will not result in any significant changes to the proposed Job descriptions and will therefore be managed through the Council's job evaluation process. This process provides a consultation process that will be fully adhered to where applicable.

Where recruitment, assimilation, redeployment and redundancy are proposed, it is vital that the proposals are managed and staff are consulted in accordance with the Council's organisational change framework and the general legal requirements that govern organisational change.

a) Age	b) Disability
c) Gender	d) Race
e) Religion / Belief	f) Sexual Orientation

5. If you have undertaken any internal/ external research or consultation(s) please list them below (include purpose and summary of analysis)

The proposed new structure has been based on an extensive investigation of all elements of the Services. This was undertaken across 2019/20 and 2020/21, as part of the Head of service and Service Area Managers review of the operational management and delivery of the Markets stall management aspects of the service and included a full procurement exercise undertaken across 2019/20.

6. Do you need to undertake any further consultation? If so, what and with whom?

No further consultations are required to be undertaken at this stage.

It is also important to note that 29 posts are currently vacant as part of the proposed In-sourced service structure. All operatives from the previous contractor will be encouraged to apply for these posts as appropriate and also offer adequate support where required. (This is subject off course to any potential initial assimilation and job matching exercise if TUPE is applicable)

If TUPE is not applicable all vacancies will be subsequently advertised internally and externally.

As a final round evaluation all decisions will be subject to scrutiny by an independent HR Advisor in Human Resources and the Unions to check that the opportunity to offer a direct assimilation or ring-fenced interviews were not wrongly evaluated.

7. Has a full impact assessment been planned or completed?

Yes

No

If yes, please state timescales a full impact assessment was conducted under the auspices of the Invest to Save in 2014/15

9. Action Planning

No	Objective	Actions	Outcomes	Timescales / Milestones	Lead Officer
1	Staff at risk informed	Collective/One-to-one meeting with staff identified at risk with union representatives.	Acceptance of need to change and understanding of process by both sides.	15/07/2021	Dan O'Sullivan
2	Assimilation opportunities identified within Markets Services	One-to-one meeting with staff to discuss the new opportunity, and offer support /advice	Comments and feedback sessions	11/08/21 – 26/08/21	Dan O'Sullivan
3	New structure & Establishment created (management & support)	Finance and HR to create Establishment and posts	Completed within timescale	By 30/07/21	Dan O'Sullivan
4	Advertisement of all posts available	Recruitment to advertise all vacant positions	High volume of applications received	By 30/07/2021	Dan O'Sullivan
5	Recruitment of all posts rolling	On going recruitment , search and selection over three month period	Successful candidates interviewed and offers of employment made and accepted.	From July 2021 - December 2021	Dan O'Sullivan
6	HR/Unions independently assess opportunities for assimilation or ring-fenced interviews if candidates are unsuccessful or dissatisfied	HR/Unions advised and meetings convened to reassess decisions.	All parties agree on reassessment decision	14/09/21	Dan O'Sullivan
7	To fill the permanent structure	Advertise all remaining posts internally/externally	95% plus permanent staff quota achieved	Start 20/7/21 Complete by 01/12/21	Dan O'Sullivan

10. Have the above actions been incorporated into the Directorate's Equality Action Plan?

Yes No

If No, how will these actions be monitored?

The actions are all now included in Parking Services programme of works

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PLEASE EMAIL COMPLETED FORM TO equality.diversity@hackney.gov.uk

Contact: Equalities Team, 020 8356 3402/3169/3239

**Chief Executive Directorate
London Borough of Hackney**