

# Equality Impact Assessment (EIA) form for activities affecting the workforce

## 1. Name of Service Area/Directorate

Name of Head of Service for area being assessed:

Mark Averill- Director of Environment & Highways

Directorate: Economy & Environment

Individual(s) completing this assessment:

- Alex Deans- Interim Major Contract Improvement Specialist
- Ed Bradford- Head of Highways and Traffic
- Bruce Evans- Engineering Manager
- Spencer Grogan- Parks & Leisure Centre Commissioning Manager
- Jwerea Morgan- BBLP Future Operating Model lead
- Anthony Agate- BBLP Network and Engagement Manager
- Paul Raynor- BBLP Contracts Operations Manager

Date assessment completed: 19/03/24

## 2. What is being assessed

Activity being assessed (eg. policy, procedure, document, service redesign, strategy etc.)

The Public Realm Services delivered by the council and its 2013 contract with Balfour Beatty Living Places (BBLP) include the following services:

#### Technical Services

- Asset Management Team
- Network Management
- Locality Stewards (incl Highway Inspections)
- Design / Project Management / Quantity Surveying
- Customer Services (enquiries and complaints)
- Communications Lead (communications management including social media)
- Fleet (part)
- Health & Safety / CDM (part)

#### Core Services and works

- Network resilience & civil emergencies services
- Winter service
- Reactive maintenance (potholes & patching)
- Carriageway & footway maintenance programmes
- Drainage (gully cleansing & land drainage)
- Street lighting
- Structures (maintenance of bridges and culverts)
- Parks and open spaces (highways verges and trees)
- Street cleaning (bin emptying, fly tipping & road sweeping)
- Fleet management and mechanical workshop (TBC)
- Cemeteries & burials (part or TBC)
- Infrastructure schemes and projects

What is the aim, purpose and/or intended outcomes of this activity?

The council's vision is to deliver public realm services that are fit for the future embracing technology, automation and digital innovation, a transition to electric plant and vehicles, using materials to meet carbon reduction ambitions, investment in people that support development and innovation enabling the service to continually improve, maximising resources and opportunities to best meet the needs of local residents and communities.

Name of lead for activity

Alex Deans- Interim Major Contract Improvement Specialist

Who will be affected by the development and implementation of this activity?

- Full time staff
- Part time staff
- All staff that are involved in delivering the Public Realm Services for the council and BBLP.

Is this:

- Review of an existing activity
- New activity/policy
- Planning to withdraw or reduce a service, activity or presence?

What information and evidence have you reviewed to help inform this assessment?

Performance of current BBLP employees and workforce  
Individuals T&Cs  
TUPE rights  
Wider employee benefits  
On call / out of hours including Winter Service Decision Making  
Training and development  
Vehicles (provision of)  
Travel benefits and staff car parking  
Place of work  
Business continuity plans  
H&S requirements  
Systems, IT and data that supports the workforce  
Review of the Public Realm Services delivered under the contract with BBLP  
The Major Contract Improvement Plan 2020-2023  
Contract performance indicators  
Cabinet 25 April 2024  
<https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=10100>  
Cabinet 2 March 2023  
<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8905&Ver=4>  
Connected Communities Scrutiny Committee 13 February  
<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1157&MId=8826&Ver=4>

Summary of engagement or consultation undertaken (eg. who and how have you engaged with, or why do you believe this is not required)

Council service managers, commissioners and support services  
BBLP  
Cross party Member groups  
Council HR services  
Council legal services  
Council finance officers  
Balfour Beatty Living Places HR services  
Council and BBLP comms teams  
Market engagement is scheduled for Summer 2024

Summary of relevant findings

The outcome of the review is that the council has in April 2024 terminated the current contact with BBLP, which will take effect on 31 May 2026 (2 year termination period).

The new model, subject to cabinet approval in Autumn 2024 will require:

- A redesign and restructure of the council client (currently around 35 roles), commissioning and contract management structure.
- The BBLP Technical Services employees will transfer into the council (59 roles).
- The BBLP Core Services and Works employees will transfer to the contractor that is selected from the procurement process ran in 2025 (65 BBLP workforce direct employees plus supply chain TBC).

The BBLP Technical Service role employees, and BBLP Core Service and Works role employees who are primarily working on the Herefordshire contract will be offered Transfer of Undertakings Protection of Employment rights (TUPE) into the council and new contractor respectively, where under TUPE existing terms and conditions will be retained by the new employers.

The BBLP Technical Service employees identified to be transferred into the council will deliver very similar services under similar working arrangements and office locations as currently provided, therefore subject to the council's employment terms and conditions and HR policies, there is not anticipated to be any negative impact of any of the groups listed. The Council is fully compliant in its EIA duties relating to staff transfer under TUPE and for all employees.

The BBLP Core Services and Works employees (operatives undertake the physical activities and works on site) will under TUPE transfer to the new provider, that wins the procurement process to be ran during 2025. Under TUPE regulations the BBLP employees T&Cs will be protected with the new contractor, and the services delivered by the new provider will be similar services that are currently delivered by BBLP. The new provider may have different working and H&S practices to BBLP, however new requirements will be addressed by appropriate training, health and safety processes and welfare provisions of the provider. This will ensure the BBLP employees identified to transfer to the new provider under TUPE are not disadvantaged by the new Public Realm Services Future Operating model from 1 June 2026.

The procurement process put in place by the council will be designed to ensure that any new contractors participating in the tender process have due regard to the equality requirements of a local authority and will be fully compliant with TUPE, HR, safety and wellbeing matters in relation to their employees.

### 3. The impact of this activity

Please consider the potential impact of this activity (during development and implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.** Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. **Note that you may not be aware of a staff member's protected characteristics.**

Equality Group	Potential <u>positive</u> impact	Potential <u>neutral</u> impact	Potential <u>negative</u> impact	Rationale/reasons
Age		✓		Transferring the Technical Service employees from BBLP to the Council, and the core service works employees to a new provider under a compliant procurement process, with TUPE and HR requirements with the necessary equality assurances, will not have a negative impact on this equality group, although this will be managed and

Equality Group	Potential <u>positive</u> impact	Potential <u>neutral</u> impact	Potential <u>negative</u> impact	Rationale/reasons
				reviewed during the transition to the new services to 1 June 2026.
<b>Disability</b>		✓		As above
<b>Gender Reassignment</b>		✓		As above
<b>Marriage &amp; Civil Partnerships</b>		✓		As above
<b>Pregnancy &amp; Maternity</b>		✓		As above
<b>Race</b> (including Travelling Communities and people of other nationalities)		✓		As above
<b>Religion &amp; Belief</b>		✓		As above
<b>Sex</b> (including issues of safety and sexual violence)		✓		As above
<b>Sexual Orientation</b>		✓		As above
<b>Other</b> (eg. carers, social/economic deprivation, etc)		✓		As above

#### What actions will you take to mitigate any potential negative impacts?

Potential negative impact	Actions required to reduce/eliminate negative impact	Who will lead on action?	Timeframe
Matters arising during the procurement process and transition to new services from 1 June 2026.	Managed as part of Project Governance controls to 1 June 2026.	Alex Deans-Interim Major Contract Improvement Specialist	Under review until 1 June 2026.

Where an impact on any of the Equality Groups is realised after the implementation of the project/service/policy, the commissioners and/or providers of the project/service/policy will seek to minimise the impact and carry out a full review of this EIA.

#### 4. Monitoring and review

How will you monitor these actions?

The EIA will be reviewed and updated along with the procurement process and implementation of the new model and contracting arrangements including staff restructures, TUPE transfer and mobilisation which are scheduled in 2026 leading up to a go live on 1 June 2026.

When will you review this EIA?

The EIA will be under review aligned with the implementation of the project to 1 June 2026.

## 5. Equality Statement

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics.
- Herefordshire Council will challenge discrimination, promote equality, respect human rights, and design and implement services, policies and measures that meet the diverse needs of our service, and workforce, ensuring that none are placed at a disadvantage over others.
- All staff are expected to behave in a manner which respects the individuality of service users and colleagues, and upholds our values.

Signature of person completing EIA

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to be 'A. J. P.'.

Date signed

06/06/24