

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### EqIA : Revised Optalis shareholder agreement

#### Essential information

Items to be assessed: (please mark 'x')

<b>Strategy</b>	x	<b>Policy</b>		<b>Plan</b>		<b>Project</b>		<b>Service/Procedure</b>	
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<b>Responsible officer</b>	Hilary Hall	<b>Service area</b>	Adult social care	<b>Directorate</b>	Adults, Health and Housing
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<b>Stage 1: EqIA Screening (mandatory)</b>	Date created: 23/12/2021	<b>Stage 2 : Full assessment (if applicable)</b>	Date created : N/A
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**Approved by Executive Director:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** Hilary Hall

**Dated:** 23/12/2021

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## EQUALITY IMPACT ASSESSMENT

### **EqlA : Revised Optalis shareholder agreement**

#### **Guidance notes**

##### **What is an EqlA and why do we need to do it?**

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### **What are the "protected characteristics" under the law?**

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### **What's the process for conducting an EqlA?**

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### **Openness and transparency**

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### **Enforcement**

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

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#### Stage 1 : Screening (Mandatory)

##### **1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?**

The Royal Borough became a shareholder in Optalis Limited, a local authority trading company set up by Wokingham Borough Council in 2011, on 31 March 2017. All the council's adult social care services were transferred to the company under the Teckal exemption of the Public Contract Rules 2015.

Since then, Optalis has delivered good quality adult social care services on behalf of the Royal Borough, strengthening social work practice and improving the ratings for provider services regulated by the Care Quality Commission. Optalis is a key partner in delivering the council's Adult Social Care Strategic Plan. The review by the Chartered Institute of Public Finance and Accountancy, undertaken in 2020 and reported to Cabinet in July 2020, confirmed that Optalis had brought considerable benefits to the Royal Borough in terms of service improvement.

Both the Royal Borough and Wokingham are committed to Optalis as a jointly owned delivery vehicle, with shared responsibility for its results, continuous improvement in the delivery of services and a stable workforce. In order to continue to secure maximum value from the arrangements, there was a need to settle the outstanding dispute relating to central management costs between the councils and review the shareholder agreement. The negotiations have now been concluded and an appropriate and fair formula for calculating central management costs has been agreed. The shareholder agreement has been reviewed with both councils now having an equal shareholding in the company and the respective Cabinet Members and Directors of Adult Services appointed as Non-Executive Directors of the company to ensure a closer working relationship between the two councils and with the company.

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".**

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Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Disability</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Gender re-assignment</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Marriage/civil partnership</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Pregnancy and maternity</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Race</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Religion and belief</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>
<b>Sex</b>	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>

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Protected characteristics	Relevance	Level	Positive/negative	Evidence
Sexual orientation	Not relevant			<i>The proposed changes are in relation to the governance structure only of Optalis and there are no changes to the services that are being provided.</i>

### Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None identified	-	-
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	-	-	-

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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#### Stage 2 : Full assessment

##### 2.1 : Scope and define

**2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.**

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**2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.**

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**2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure?** *List those groups who the work is targeting/aimed at.*

## 2.2 : Information gathering/evidence

**2.2.1 What secondary data have you used in this assessment?** *Common sources of secondary data include: censuses, organisational records.*

**2.2.2 What primary data have you used to inform this assessment?** *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

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#### Eliminate discrimination, harassment, victimisation

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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#### Advance equality of opportunity

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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#### Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

**2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.**

*These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.*

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