

Assessing for Relevance

FORM A: Assessing for Relevance

1. Policy Details

Policy : Review of Leisure and Cultural Services Part 2

Policy Lead Officer : Richard Grieveson, Depute Chief Executive

Date Relevance Assessment conducted : 10-28-2024

2. Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? (tick as appropriate)

People with disabilities: : yes

People from black and minority ethnic communities and different racial backgrounds : yes

Women and men (boys and girls) : yes

Older people, children and young people : yes

Lesbian, gay, bisexual and transgender people : yes

People from different religions or beliefs and people with no belief : no

Women who are pregnant or on maternity leave : no

People who are married or in a civil partnership : yes

3. Do you have evidence or reason to believe that this policy/function/review will, or may potentially:

General Duties level of impact (high, medium or low)

Eliminate discrimination faced by particular groups : low

Impact upon the promotion of equality of opportunity between particular groups : low

Impact upon good relations between particular groups : low

Does it have overall relevance to equality? : low

4. Equality impact assessment required? (All high and medium results MUST be impact assessed) : 0

5. Rationale for decision : The final part of the cross-cutting strategic review for Leisure and Cultural Services has been developed with full consideration to the essential requirements of a Best Value Review, as set out in the Council's Corporate Best Value Service Review Guidance.

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This new approach to the delivery of leisure, community, wellbeing and lifeskills services will ensure that valuable services are developed and sustained at a time of increasing public fiscal pressures. The impact on service delivery in relation to the protected characteristics is low as there will be a seamless transition with no impact on groups, pupils and communities, and the proposal set out in real terms will be an opportunity to enhance service delivery.

There will be no impact in relation to relevant staff as all those employees will be subject to TUPE (Transfer of Undertakings (Protection of employment)) legislation. Terms and conditions of all employees will automatically transfer from East Ayrshire Council (EAC) to East Ayrshire Leisure Trust (EALT) on the date of transfer.

There was concern raised in relation to East Ayrshire Instrumental Music Service, which is a specialist unit within the Education Service that is not managed through East Ayrshire Schools. The instructors are not employed as teaching staff, and none of the staff are in classes teaching music.

The Council will require to retain the function exercised by the Instrumental Music Service that relates to the duty to provide school education, namely that element that relates to the support of pupils to obtain a SQA qualification whilst outsourcing the delivery of that function to the EALT to deliver it on our behalf. This would be achieved by amending the Service Level Agreement in place between the Council and the EALT to ensure that when the budget and staff are transferred to East Ayrshire Leisure Trust in relation to that particular function, the Trust would be unable to interfere with the way it operates unless formally approved by East Ayrshire Council. The Council therefore controls how that element of the Instrumental Music Service is delivered.

The non-statutory tuition, and extra-curricular activities provided by the Instrumental Music Service, as with the education function, will still require to be subject to the amended Service Level Agreement between EALT and East Ayrshire Council to ensure that there is a seamless transition with no impact on staff, groups, pupils and communities.

The Council, as Education Authority, requires to act in a way that is compatible with the United Nations Convention on the Rights of the

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Child (UNCRC) in decisions that it takes. East Ayrshire Council complies and fully embraces the UNCRC rights incorporated into Scots Law, implementing and improving across all areas of practice. In this regard, children and young people will be involved throughout leading up to the transfer and in the development of any future service enhancements or changes.

As stated above all employees will be subject to TUPE legislation. Terms and conditions of all employees will automatically transfer from EAC to EALT on the date of transfer. EALT has the same terms and conditions, pay and grading and policies that are applicable to local government employees. In addition, some employees from the Instrumental Music service will transfer over on SNCT conditions. In relation to the transfer of employees, there will also be the transfer of the all vacant posts within each service.

EALT is in a better position to sustain, enhance and grow the services that are included within this review as they have a greater ability to develop a more agile, entrepreneurial culture and access to more funding sources than EAC.