

APPENDIX 8 - Legal Implications

Employment

Internal restructuring comprised within the PRISM project, including any resulting redundancies, should be undertaken in accordance with the Council's Protocol for Managing Organisational Change, and taking into account the employment rights of the staff concerned. Officers in Legal Services and Human Resources can provide support as necessary.

Equalities

Members should have due regard to the public sector equality duty when making decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil partnership

An equality impact assessment has been completed and was attached to the original Cabinet report for members' consideration. It should be noted that this will be reviewed and updated as further work is undertaken to progress the design of the new business model.

Alternative Delivery Model (ADM)

The legal implications of adopting an ADM are set out at paragraph 3.4 of the full business case appended to the report. Further legal advice will be required if any of these options are pursued in the future.