

Section A: Assessment	
Name of Policy	Annual Leave Policy – Career Grade Medical and Dental Staff
Person/persons conducting this assessment with Contact Details	Hilary Sharp, Senior Medical Workforce Manager David Yeandle, Senior Medical Workforce Adviser
Date	15 August 2016

1. The Policy
<p><i>Is this a new or existing policy?</i></p> <p>Existing.</p>
<p><i>What is the purpose of the policy?</i></p> <p>Cardiff and Vale University Health Board (the UHB) is committed to developing and maintaining arrangements which make it a great place to work and learn. The UHB will seek to ensure that members of career grade medical and dental staff are able to take the Annual Leave to which they are entitled, the purpose of which is to provide a break from work.</p> <p>The aim of this Policy is to set our career grade medical and dental employee entitlements to Annual Leave, recognising that there needs to be consistent service cover in order to be able to deliver an effective and safe service to our patients.</p>

How do the aims of the policy fit in with corporate priorities? i.e. Corporate Plan

By ensuring the UHB is compliant with relevant legislation and terms and conditions.

Other related documents are:

Flexible Working Policy

Maternity, Adoption, Paternity and Shared Parental Policies and Procedures

Sickness Absence Policy

Special Leave Policy

Reserve Forces Training and Mobilisation Policy

Payroll Underpayment/Overpayment Policy

Additional Annual Leave Purchase Scheme

Who will benefit from the policy?

- Our employees
- Managers
- Patients
- The public

What outcomes are wanted from this policy?

- To support a positive and healthy work-life balance for career grade medical and dental staff
- To ensure that service needs are balanced with individual needs
- To provide comprehensive information to employees on their Annual Leave entitlements
- To provide the fair, consistent and effective application of Annual Leave provisions

Are there any factors that might prevent outcomes being achieved? (e.g. Training/practice/culture/human or financial resources)

Awareness and understanding of policy and procedure
Awareness and understanding of own responsibilities
Communication
Training
Attitude

2. Data Collection

What qualitative data do you have about the policy relating to equalities groups (e.g. monitoring data on proportions of service users compared to proportions in the population)?

What quantitative data do you have on the different groups (e.g. findings from discussion groups, information from comparator authorities)?

Please indicate the source of the data gathered? (e.g. Concerns/Service/Department/Team/Other)

What gaps in data have you identified? (Please put actions to address this in your action plan?)

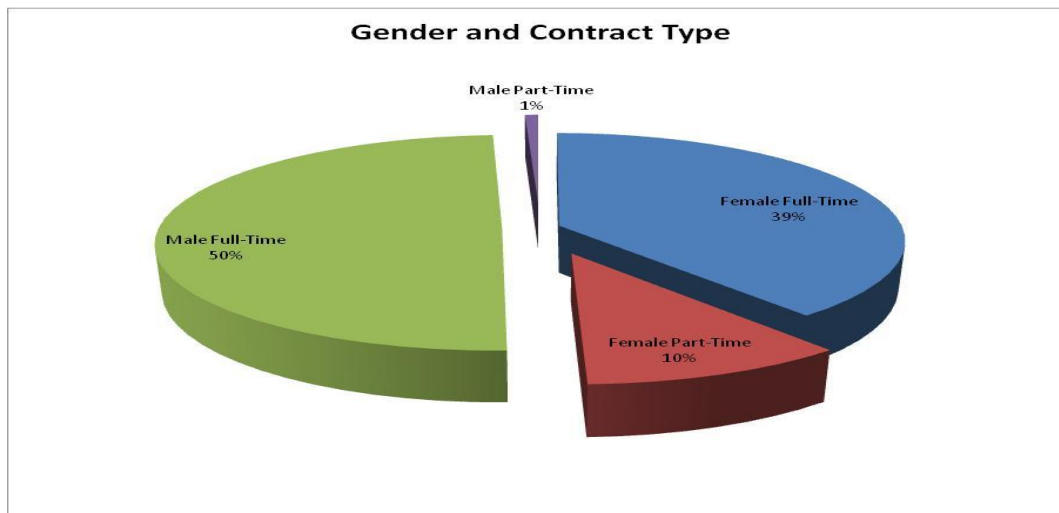
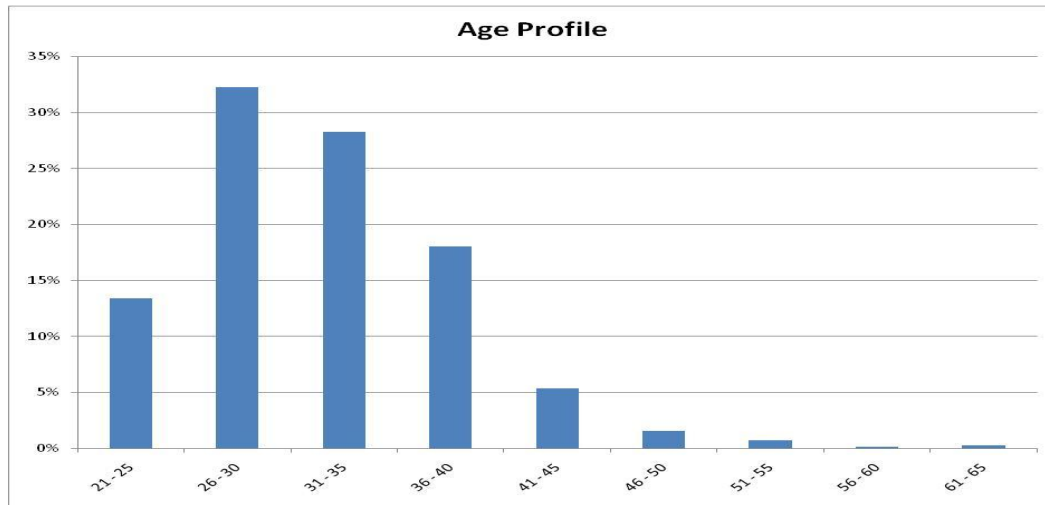
Please be advised that all the lists and links below are not an exhaustive list of the available evidence and information but provides an indicative summary of the evidence and information applicable to this policy.

(n.b. all links accessed on 10 August 2016)

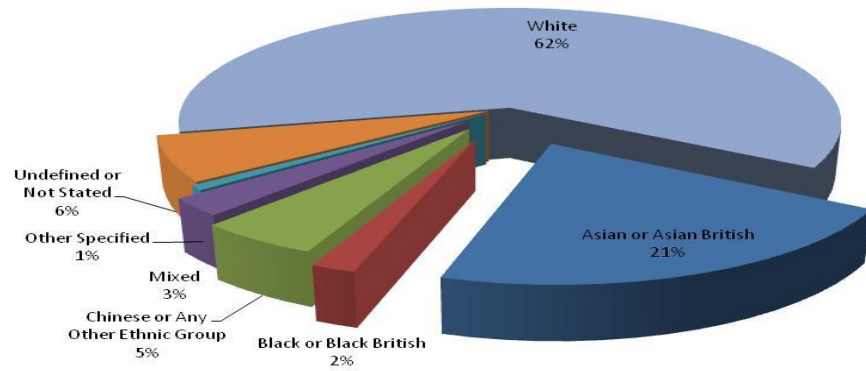
A number of **EQIAs from other organisations** were examined as part of this EQIA process – of those checked:

- [St George's Healthcare NHS Trust](#) found its Annual Leave Policy - which covers all staff groups including medical and dental staff - had no impact (positive or negative) on the basis of gender, race, disability, sexual orientation, transgender, or age as the policy ensures Annual Leave is managed fairly and consistently. It was also noted that the policy had a positive impact on faith groups by including a statement of support for requests for time off during religious festivals where it could be reasonably accommodated.
- [Basingstoke & North Hampshire NHS Foundation Trust](#) found its Leave Policy which covers all staff groups including medical and dental staff had a neutral impact in relation to Annual Leave as part of its Equality Impact Assessment.
- [Barts Health NHS Trust](#) found that its Annual Leave Policy for Medical & Dental Staff had no detrimental effects and some positive effects in respect of its impact on the basis of gender, race, disability, sexual orientation, transgender, or age.

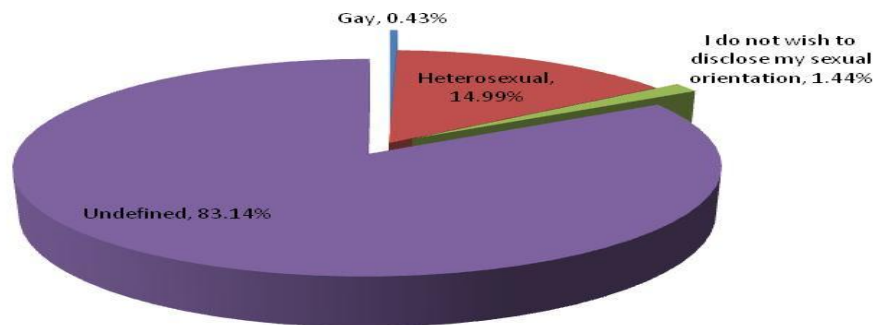
UHB medical & dental staff profile (August 2016 data)



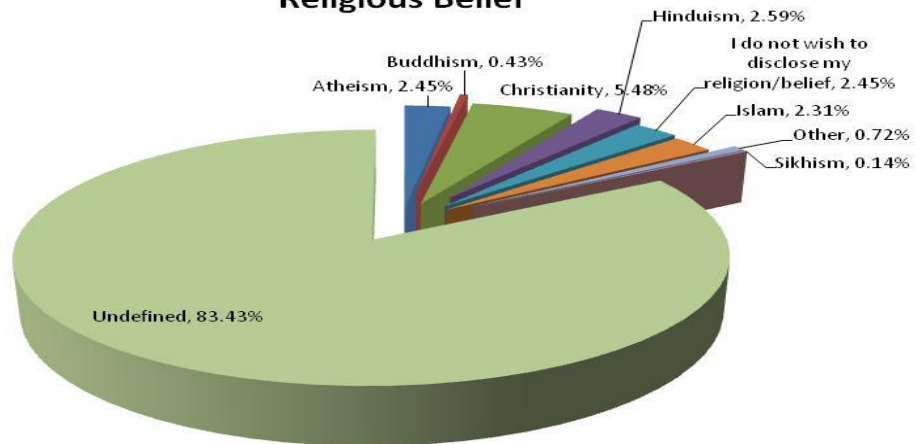
Ethnicity



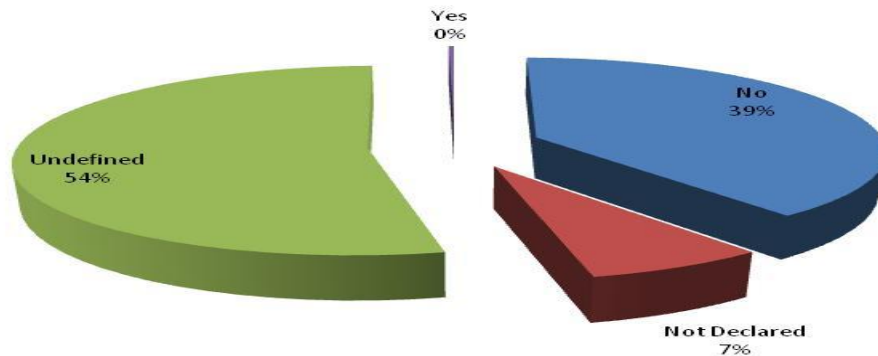
Sexual Orientation



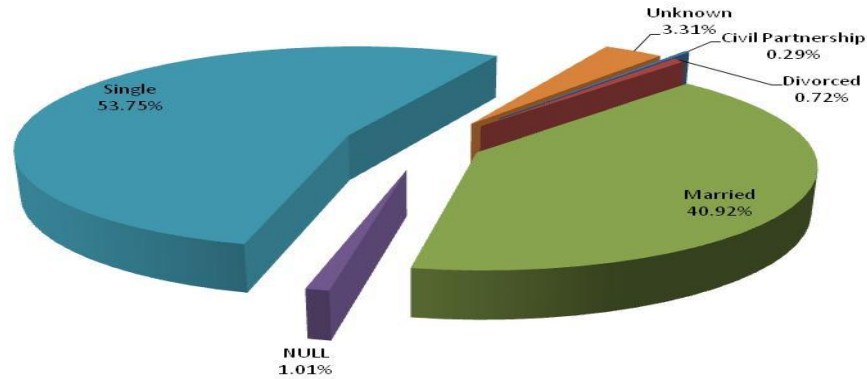
Religious Belief



Disability

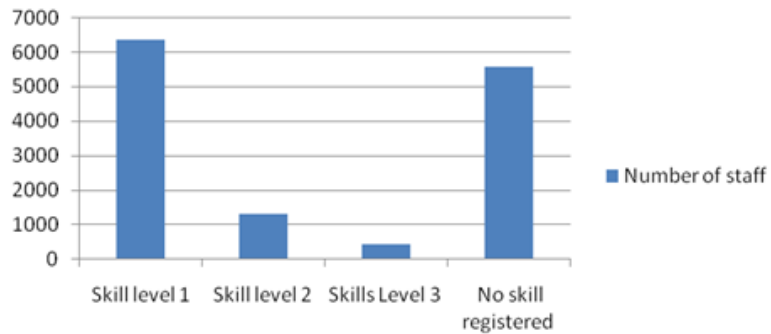


Marital Status



WELSH LANGUAGE

Welsh Language Skills level of UHB Staff



Skill level 1 - Cannot speak Welsh at all to Can speak a few phrases of Welsh
 Skill level 2 - Very basic conversational Welsh to Fair conversational Welsh
 Skill level 3 - Good conversational Welsh to Fluent in spoken Welsh

Key:

Others sources of information:

RELIGION AND BELIEF

The ACAS guide for [Religion or Belief in the workplace - A guide for employers and employees](#) states that many religions or beliefs have special festival or spiritual observance days. A worker may request holiday in order to celebrate festivals or attend ceremonies. An employer should sympathetically consider such a request where it is reasonable and practical for the employee to be away from work, and they have sufficient holiday entitlement in hand. While it may be practical for one or a small number to be absent it might be difficult if numerous such requests are made. In these circumstances the employer should discuss the matter with the employees affected, and with any recognised trade union, with the aim of balancing the needs of the business and those of other employees. Employers should carefully consider whether their criteria for deciding who should and who should not be granted leave may indirectly discriminate.

Similarly, The [Equality and Human Rights Commission](#) website states that if a worker's religion or belief has special festival or spiritual observance days, they may ask for time off at a particular time in order to celebrate festivals or attend ceremonies. If an employer refuses time off for a religious observance day because they want everyone working that day, this may be indirect discrimination unless the employer can objectively justify their refusal. General rules regarding when Annual Leave can be taken or annual shut-downs, can indirectly discriminate against workers if they coincide with religious holidays and the employer does not allow them to have time off on the relevant dates. In all cases, to avoid a refusal being indirect discrimination, the employer needs to be able to objectively justify saying no.

AGE

The [Equality and Human Rights Commission](#) website also states that equality law allows an employer to make a distinction between workers in pay and benefits based on length of service, including how much Annual Leave they get. An employer can give workers with less than five years' service different holiday entitlements to those with more than five years without having to objectively justify this.

MATERNITY/PREGNANCY

The [Equality and Human Rights Commission](#) website states that maternity leave and holiday cannot be taken at the same time. If an employee wants to take paid holiday they need to bring their maternity leave to an end. Annual Leave is accrued during maternity leave and employees must be allowed to carry over any unused part of their statutory leave entitlement of 28 days (which includes bank holidays). The UHB also allows staff to carry over contractual Annual Leave accrued during maternity leave. This can be taken before returning to work, or spread out to enable a phased return.

CARING RESPONSIBILITIES

The [Equality and Human Rights Commission](#) website states that although in recent years there has been an increase in the number of fathers who are combining work with childcare responsibilities, the evidence about women and men's participation in the labour market and the reality of childcare arrangements show that progress towards a more equal division of caring responsibilities between women and men is still very slow. The data for Britain shows that women are significantly more likely to be in part-time employment than men and this pattern has remained relatively unchanged over the past ten years. Research, surveys and statistical analysis continue to show that the primary reason why women work part-time is because of their caring responsibilities. In particular, many women with young children find that only by taking part-time employment can they balance the responsibilities and demands of family life and work. (Sheffield Hallam University, Working Below Potential: Women and Part-time Work Synthesis Report p3)

On the [ACAS](#) website it is noted that the summer holiday period can be a busy time for Annual Leave requests. It states that trying to balance work and childcare for several weeks can be hard for many families, especially at a time when other colleagues may also want to book leave, while employers may struggle to grant all their employees the leave they have asked for at popular holiday times, while still meeting their business needs. ACAS recommend that employers should have a policy regarding when leave can be taken, how many people can be off at any one time etc. and that employers should be fair and consistent with all staff when considering requests. This procedure states that departments should have localised agreements in place to cover these types of issues.

3. Impact

Please answer the following

Consider the information gathered in section 2 above of this assessment form, comparing monitoring information with census data as appropriate (see www.ons.gov.uk Office National Statistics website) and considering any other earlier research or consultation. You should also look at the guidance in Appendix 1 with regard to the protected characteristics **stating the impact and giving the key reasons for your decision.**

Do you think that the policy impacts on people because of their age? (This includes children and young people up to 18 and older people)

Although no specific evidence was found to suggest that this procedure impacts on people because of age, it has a positive impact as it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way.

However, it is noted that some Annual Leave entitlements increase with length of service. Although length of service is not necessarily tied to age, it is likely that more older employees will have reached 10 years service so the policy has a potential positive impact on older employees, but has a neutral impact on younger employees.

Do you think that the policy impacts on people because of their caring responsibilities?

Yes, the procedure has a positive impact on people because of caring responsibilities as many employees work part time to accommodate their caring responsibilities. Part time staff are entitled to a pro rata entitlement based on their contracted hours/sessions. All staff should record their Annual Leave in hours/sessions to ensure staff who work variable hours/sessions/shifts and part time do not receive either more or less leave than colleagues who work a standard pattern.

Employees with young children may need time off during school holidays to meet their caring responsibilities. Each department should have a local procedure in place which addresses the service needs of that particular work area and working rota. This should include issues such as how many staff at which grade can be away at any one time on planned leave, how many weeks can be taken during the summer period, and what the authorisation procedure is etc.

The procedure prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way.

Do you think that the policy impacts on people because of their disability? (This includes Visual impairment, hearing impairment, physically disabled, Learning disability, some mental health issues, HIV positive, multiple sclerosis, cancer, diabetes and epilepsy).

Although no specific evidence was found to suggest that this procedure impacts on people because of disability, it has a positive impact in that it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way

However, it is noted that staff continue to accrue Annual Leave while on sick leave. The process for taking Annual Leave while off sick and / or carrying Annual Leave over are set out in the [NHS Wales Sickness Absence Policy](#)

Do you think that the policy impacts on people because of Gender reassignment? (This includes Transgender and transvestites)

Although no specific evidence was found to suggest that this procedure impacts on people because of gender reassignment, it has a positive impact in that it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way.

Do you think that the policy impacts on people because of their being married or in a civil partnership?

Although no specific evidence was found to suggest that this procedure impacts on people because of marital status, it has a positive impact as it prevents discrimination by setting out the processes to be followed for requesting and approving annual leave, thereby ensuring that all staff accessing the policy will be treated in the same way.

Do you think that the policy impacts on people because of their being pregnant or just having had a baby?

Although no specific evidence was found to suggest that this procedure impacts on people because of pregnancy/maternity, it has a positive impact as it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way

Annual Leave continues to be accrued by employees while they are on maternity leave. This can then be taken before the member of staff returns to work or spread out to enable them to have a phased return. Staff are referred to the [Maternity Leave and Pay Procedure](#) which describes these processes and entitlements.

Fertility treatment is dealt with under the Special Leave Policy (and if appropriate, sickness policy), not the Annual Leave Procedure

Do you think that the policy impacts on people because of their race? (This includes colour, nationality and citizenship or ethnic or national origin such as Gypsy and Traveller Communities.)

Although no specific evidence was found to suggest that this procedure impacts on people because of race, it has a positive impact as it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way

Furthermore, it is recognised that some staff may want to have a longer period of Annual Leave than would ordinarily be approved e.g. the significant number of overseas doctors and dentists who wish to visit their families, therefore it may be appropriate to allow longer periods of leave than usual, as long as service needs can be met.

Do you think that the policy impacts on people because of their religion, belief or non-belief? (Religious groups cover a wide range of groupings the most of which are Buddhist, Christians, Hindus, Jews, Muslims, and Sikhs. Consider these categories individually and collectively when considering impacts)

Yes, this procedure has a positive impact on people because of religion, belief or non-belief. It prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way. It is also noted that Consultant medical staff have leave years which commence throughout the whole year as dictated by their start date in post – this ensures that this large staff group avoids the situation where they are using up remaining leave at the end of a shared leave year date and that it is more likely to be spread through the year as a whole. This potentially also has a positive impact on managers being able to consider favourably any request by staff to take paid leave for religious festivals. Such requests should take priority where possible, although managers will need to balance the needs of the team/service. Employees should inform managers at the earliest possible time of these dates, so that appropriate arrangements can be made. Managers are signposted to the ACAS guide for [Religion or Belief in the workplace - A guide for employers and employees](#)

Do you think that the policy impacts on men and woman in different ways?

No specific evidence was found to suggest that this procedure impacts on people because of their gender, but it has a positive impact because it sets out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way. However, it should be noted that more female employees work part time and this procedure states that part time staff are entitled to a pro rata entitlement based on their contracted hours/sessions. All staff should record their Annual Leave in hours/sessions to ensure staff who work variable hours/sessions/shifts or part time do not receive either more or less leave than colleagues who work a standard pattern.

Do you think that the policy impacts on people because of their sexual orientation? (This includes Gay men, heterosexuals, lesbians and bisexuals)

Although no specific evidence was found to suggest that this procedure impacts on people because of their sexual orientation, it has a potential impact as it prevents discrimination by setting out the processes to be followed for requesting and approving Annual Leave, thereby ensuring that all staff accessing the policy will be treated in the same way

Do you think that the policy impacts on people because of their Welsh language?

There is no evidence to suggest that this procedure impacts on people because of their Welsh Language skills

4. Summary.

Which equality groups have positive or negative impacts been identified for (i.e. differential impact).
Is the policy directly or indirectly discriminatory under the equalities legislation?
If the policy is indirectly discriminatory can it be justified under the relevant legislation?

A thorough analysis of the implications and impact of the Annual Leave Policy for Career Grade Medical & Dental Staff has been undertaken and a number of Equality Impact Assessments from other large public sector organisations have been examined, along with evidence from other stakeholders (e.g. ACAS, Equality and Human Rights Commission)

The policy has the potential for positive impact across all the protected characteristics by ensuring robust and consistent systems are in place for requesting and approving Annual Leave. However, with regards to caring responsibility, gender, pregnancy/maternity, disability, religion/belief and age the following should be noted:

- The Policy states that Managers should consider favourably any request by staff to take paid leave for religious festivals. Such requests should take priority where possible, although managers will need to balance the needs of the team/service. Employees should inform managers at the earliest possible time of these dates, so that appropriate arrangements can be made.
- There are more female part time employees than male, and many staff choose to work part time because of their caring responsibilities. The Procedure states that part time employees are entitled to Annual Leave on a pro rata basis. Annual Leave should be requested and taken in hours (not days) to provide equity by ensuring part time staff and staff who work variable hours/days do not receive more or less leave (pro rata) than colleagues who work a standard pattern.
- Staff continue to accrue Annual Leave and Bank Holidays while on maternity leave– the process for taking this Annual Leave (including any carry over) is set out in the [Maternity Leave and Pay Procedure](#)
- Staff continue to accrue Annual Leave while on sick leave – the process for taking and carrying over Annual Leave during sickness is set out in the [NHS Wales Sickness Absence Policy](#)
- Managers are reminded that there may be occasions when staff request a longer period of Annual Leave than would normally be approved e.g. when getting married, to enable overseas medical & dental staff to visit family etc. These requests should be given fair consideration (alongside service needs)
- In terms of age, some Annual Leave entitlements increase with length of service (up to maximum of 33 days after 10 years service). It could therefore be argued that the procedure has a potential positive impact on older employees, as they are more likely to have longer service. The [Equality and Human Rights Commission](#) website indicates that equality law allows an employer to make a distinction between workers in pay and benefits based on length of service, including how much Annual Leave they get.

There is no evidence to suggest that this Procedure has a negative impact on any of the protected characteristics.

Section B: Action**5. Please complete your action plan below. Issues you are likely to need to address include**

- What **consultation** needs to take place with equality groups (bearing in mind any relevant consultation already done and any planned corporate consultation activities?)
- What **monitoring/evaluation** will be required to further assess the impact of any changes on equality target groups?

Equalities Impact Assessment Implementation Mitigation/Action Plan

Issue to be addressed	Responsible Officer	Action Required	Timescale for completion	Action Taken	Comments
Highlight requirement for managers to favourably consider employee leave requests for religious festivals where the needs of the service can accommodate	Senior Medical Workforce Manager	Policy to be updated	Prior to approval	Complete	

<p>6. Report, publication and Review Please record details of the report or file note which records the outcome of the EQIA together with any actions / recommendations being pursued (date, type of report etc)</p>
<p>Please record details of where and when EQIA results will be published</p> <p>Once the policy has been approved the documentation will be placed on the UHB intranet and internet sites.</p>
<p>Please record below when the EQIA will be subject to review.</p> <p>The EQIA and Procedure will be reviewed three years after approval unless changes to terms and conditions, legislation or best practice determine that an earlier review is required</p>

Name of person completing	David Yeandle
Signed	<i>David Yeandle</i>
Date	

Name of Responsible Executive/Clinical Board Director Authorising Assessment and Action Plan for publication	Julie Cassley, Deputy Director of Workforce and OD
Signed	Julie Cassley
Date	25.08.16

Executive Summary

Background

Cardiff and Vale University Health Board (the UHB) is committed to developing and maintaining arrangements which make it a great place to work and learn. The UHB will seek to ensure that members of career grade medical & dental staff are able to take the Annual Leave to which they are entitled, the purpose of which is to provide a break from work.

The aim of this Policy is to set our employee entitlements to Annual Leave, recognising that there needs to be consistent service cover in order to be able to deliver an effective and safe service to our patients. Its objectives are:

- To support a positive and health work-life balance for career grade medical and dental staff
- To ensure that service needs are balanced with individual needs
- To provide comprehensive information to employees on their Annual Leave entitlements
- To provide the fair, consistent and effective application of Annual Leave provisions

The scope of the EQIA

The likely affects of this policy and accompanying procedures were assessed through looking at:

- other related EQIAs
- workforce profile data broken down by protected characteristics
- Stakeholder organisations (e.g. ACAS, Equality and Human Rights Commission)

The views of internal stakeholders were also sought during the consultation process.

Key findings

A thorough analysis of the implications and impact of the Annual Leave Policy has been undertaken and a number of Equality Impact Assessments have been examined from other large public sector organisations.

The policy has the potential for positive impact across all the protected characteristics by ensuring robust and consistent systems are in place for requesting and approving Annual Leave. However, with regards to caring responsibility, gender, pregnancy/maternity, disability, religion/belief and age the following should be noted:

- The Policy states Managers should consider favourably any request by staff to take paid leave for religious festivals. Such requests should take priority where possible, although managers will need to balance the needs of the team. Employees should inform managers at the earliest possible time of these dates, so that appropriate arrangements can be made.
- There are more female part time employees than male, and many staff choose to work part time because of their caring responsibilities. The Procedure states that part time employees are entitled to Annual Leave on a pro rata basis. Annual Leave should be requested and taken in hours (not days) to provide equity by ensuring part time staff and staff who work variable hours/days do not receive more or less leave (pro rata) than colleagues who work a standard pattern.
- Staff continue to accrue Annual Leave while on Bank Holidays – the process for taking this Annual Leave (including any carry over) is set out in the [Maternity Leave and Pay Procedure](#)
- Staff continue to accrue Annual Leave while on sick leave – the process for taking and carrying over Annual Leave during sickness is set out in the [NHS Wales Sickness Absence Policy](#)
- In terms of age, some Annual Leave entitlements increase with length of service (up to maximum of 33 days after 10 years service). It could therefore be argued that the procedure has a potential positive impact on older employees, as they are more likely to have longer service.
- Managers are reminded that there may be occasions when medical & dental staff request a longer period of Annual Leave than would normally be approved e.g. when getting married, to enable overseas staff to visit family etc. These requests should be given fair consideration (alongside service needs)

There does not appear to be any potential for a negative impact.

Recommendations

Following a thorough analysis of the implications and impact of the policy, it is recommended that steps are taken to raise awareness of proper requesting/recording mechanisms, especially the need to record leave in hours not days.