

Form 1: Preparation

To complete this form, refer to Guidance set out on Page 20 of the Toolkit

1.	What are you equality impact assessing?	All Wales Employment Break Policy
2.	Policy Aims and Brief Description	<p><i>NHS Organisations</i> are committed to working practices which support and enhance its reputation as an employer which is delivering quality, care and excellence. The policy recognises that employees may wish to take a break from their substantive employment for specific reasons and provides a means of facilitating this. This break may be longer than that provided by other flexible working policies.</p> <p>An employment break is an opportunity to leave the work place for a specific period of unpaid leave and to return to the same or a similar position inside the <i>NHS Organisation</i> at the end of that period. It should however be recognised that all NHS Wales organisations are subject to internal and external change, over which there may be little or no control. The All Wales Organisational Change Policy covers this issue. For this reason, it may be impossible to guarantee in all instances, a return to the same or a similar post.</p> <p>The employee does not have to resign from their post but their contract will be suspended for the duration of the career break.</p> <p>Employment breaks are intended for childcare, elder care; care for another dependant, training, study leave or to undertake voluntary work. Other reasons will be considered, on their merits.</p>

3.	Who is responsible for the Policy/work?	NHS organisations and sub committee of the Welsh Partnership Forum Business Committee
4.	Who is Involved in undertaking this EqIA?	Welsh Partnership Forum Business Committee (Sub Group) (Andrew Davies, David Long, Claire Nicholas and Dawn Bowden)
5.	Is the Policy related to other Policies/areas of work?	Equality, Sickness, Disciplinary, Grievance and Dignity at Work, Special Leave Policies. Codes of Conduct of Professional/Regulatory Bodies, Staff Charters, VER schemes, Pension Agency Regulations, Maternity and Adoption regulations. All Wales Workforce Strategy. Individual organisation's workforce and OD plans.
6.	Stakeholders	All employees, managers, trade unions, carers and dependents
7.	What might help/hinder the success of the Policy?	<p>Factors that may hinder: Lack of leadership and commitment at Board level. Difficult financial climate and reductions to budgets. The process not being followed inside organisations, lack of follow through by managers. Changes in legislation.</p> <p>Factors that may help: Consistent approach across all NHS Wales organisations Introduction of stronger public sector General Duty. The organisational change that service is currently going through. An all Wales implementation plan to support consistent delivery of policy objectives.</p>

<ul style="list-style-type: none"> encourage participation in public life in relation to: 	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<p>In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?</p>		✓								

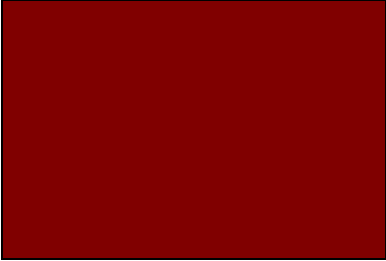
The Human Rights Act contains 15 rights, all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

	Yes	No
Consider, is the Policy relevant to:		
Article 2 : The right to life Examples: The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control	In terms of staff safety and welfare	
Article 3 : The right not be tortured or treated in an inhuman or degrading way Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control		N/A
Article 5 : The right to liberty Examples: Issues of patient choice, control, empowerment and independence; issues of patient restraint and control	Freedom to pursue life goals outside of work	

<p>Article 6 : The right to a fair trial</p> <p>Example: issues of patient choice, control, empowerment and independence</p>	<p>Appeal process is fair.</p>	
<p>Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control</p> <p>Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life</p>	<p>Policy supports the rights of an employee to enjoy their private life; and undertake carer duties</p>	
<p>Article 11 : The right to freedom of thought, conscience and religion</p> <p>Examples: The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers</p>	<p>Career break may be for religious or conscientious reasons</p>	

Equality Strand	Information Gathered
Race	Various case studies relating to the need for flexible arrangements for staff who may not live in the same country as their relatives.
Disability	Work Foundation report on Work, Health and Absence in the Public Sector
Gender	The Work Foundation has also produced a number of reports on changing demographics. Chwarae Teg reports on flexible working. Equal Opportunities Commission "Gender Equality and the Future of Work" Legal and General's "Value of a Mum"
Gender Reassignment	Your Rights to Equality at Work – EHRG Employment Statutory Code of Practice Discrimination and Equality in Employment - Eurofund
Sexual Orientation	"Using Monitoring Data: Making the Most of Sexual Orientation Data Collection". Stonewall Cymru.
Age	EHRG report "Working Better 2008" The Work Foundation has also produced a number of reports on changing demographics, changing work patterns for young workers, retention of older workers, e.g. 0-5 How small children can make a big difference, The Ageing Workforce, Work, Health and Absence in the Public Sector
Religion or Belief	Various case studies relating to the need for flexible arrangements for staff who may not live in the same country as their relatives. CIPD surveys on flexible working
Maternity and Pregnancy	Equal Opportunities Commission "Gender Equality and the Future of Work" Legal and General's "Value of a Mum"
Welsh Language	Some Work Foundation reports relating to employers and the Welsh Language.
Human Rights	General



There are gaps in workforce equality monitoring data across all of the protected characteristics. Disaggregated workforce monitoring data is required to inform future policy review and assessment. It is also noted that the Welsh Assembly Government is proposing that public sector employers in Wales will have a specific duty to make arrangements to collect employee data in respect of disciplinary procedures (Welsh Assembly Government Equality Act 2010: Performance of the Public Sector Equality Duties in Wales).

Form 3 : Assessment of Relevance and Priority

Equality Strand	Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	3	+2	6
Disability	2	+3	6
Gender	3	+3	9
Gender reassignment	2	+3	6
Sexual Orientation	1	+1	1
Age	3	+3	9
Religion or Belief	2	+2	4
Maternity and Pregnancy	2	+1	2
Welsh Language	2	+1	2
Human Rights	1	+1	1
			46/10 = 4.6

Scoring Chart A: Evidence Available

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

Scoring Chart B: Potential Impact

-3	High negative
-2	Medium negative
-1	Low negative
0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

Scoring Chart C: Impact Decision

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)
0	No Impact (N)
1 to 9	Positive Impact (P)

Form 7 : Outcome Report

To complete this form, refer to guidance at Page 41 of the Toolkit

Organisation:	Welsh Government/NHS Wales/Trade Unions
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Proposal Sponsored by:	Name:	Janet Wilkinson/Peter Finch
	Title:	Joint Chairs
	Department:	Wales Partnership Forum

Policy Title:	Employment Break Policy
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Brief Aims and Objectives of Policy:	<p><i>NHS Organisations</i> are committed to working practices which support and enhance its reputation as an employer which is delivering quality, care and excellence. The policy recognises that employees may wish to take a break from their substantive employment for specific reasons and provides a means of facilitating this. This break may be longer than that provided by other flexible working policies.</p> <p>An employment break is an opportunity to leave the work place for a specific period of unpaid leave and to return to the same or a similar position inside the <i>NHS Organisation</i> at the end of that period. It should however be recognised that all NHS Wales organisations are subject to internal and external change, over which there may be little or no control. The All Wales Organisational Change Policy covers this issue. For this reason, it may be</p>
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	<p>impossible to guarantee in all instances, a return to the same or a similar post.</p> <p>The employee does not have to resign from their post but their contract will be suspended for the duration of the career break.</p> <p>Employment breaks are intended for childcare, elder care; care for another dependant, training, study leave or to undertake voluntary work. Other reasons will be considered, on their merits.</p>
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Was the decision reached to proceed to full Equality Impact Assessment?:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	<p>Record Reasons for Decision:</p> <p>The principles and values of the policy are grounded in the promotion of fair and equal treatment. The policy makes implicit reference to the legal duty to consider reasonable adjustments and the requirement to collect and report on the equality monitoring of the process to ensure that there is no unintended discrimination arising from the implementation of the policy.</p>	
If no, are there any issues to be addressed?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<p>Record Details:</p> <p>Lack of robust workforce monitoring data to be addressed through all Wales action plan and local implementation. Action will be taken to ensure data gaps are addressed through Workforce Information Systems Programme and Electronic Staff Record (ESR). A WfIS project looking how to use ESR Employee Relations Module in its fullest capacity is in progress. There are two key streams to the project:-</p>	

- Defining the ESR fields that will be used by all NHS Wales organisations going forward (in line with all Wales policies)
- Developing an equality monitoring dashboards

Also, training for managers to ensure that the provisions of the policy are applied fairly and equally should be addressed through all Wales OD leadership programme.

Is the Policy Lawful?	Yes ✓	No ☐
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Will the Policy be adopted?	Yes ✓	No ☐
If no, please record the reason and any further action required:		

Are monitoring arrangements in place?	Yes ✓	No ☐
<p>Refer to Action Plan (Form 8)</p> <p>Monitoring arrangements will be addressed through local application of all Wales action plan. Scrutiny and review of monitoring reports will be undertaken at regular intervals by NHS organisation's executive teams and boards.</p>		

Who is the Lead Officer?	Name:	Martin Jones
	Title:	Interim Director of W&OD, NHS Wales
	Department:	Welsh Assembly Government
Review Date of Policy:	May 2015	

Signature of all parties	Name	Title	Signature
	Andrew Davies		
	David Long		
	Claire Nicholas		
	Dawn Bowden		

Please Note: An Action Plan should be attached to this Outcome Report prior to signature