

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 Special Leave Policy
2.	Policy Aims and Brief Description	<p>The situations that this policy is intended to deal with are:</p> <ul style="list-style-type: none">• Emergency carers and dependant leave• Unexpected crisis leave• Bereavement leave <p>Leave granted under this policy is not intended for long term domestic and family situations, which may be provided for in other ways, e.g. annual leave, unpaid leave, reduced working hours etc.</p> <p>The policy will also consider the awarding of reasonable time off to staff to enable them to undertake civil and public duties requiring them to be away from the workplace in the following circumstances:</p> <ul style="list-style-type: none">• Time off for public duties• Jury service• Reserve and cadet forces• Attending interviews <p>This policy sets out the approach of the <i>NHS Organisations</i> to special leave and the procedure for dealing with applications for leave.</p>

		<p>This policy is intended to ensure that the <i>NHS Organisation</i> complies with section 57A of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, which came into effect on 15th December 1999. These regulations provide a right for employees to request a reasonable amount of time off work to deal with unexpected or sudden emergencies and to make any necessary long-term arrangements; and section 50 of the Employment Rights Act 1996, these regulations ensure that employees are allowed reasonable time off work to perform certain public duties.</p> <p>The policy attaches considerable importance to assisting employees in balancing the responsibilities of their work with their domestic and family responsibilities. This policy is not intended to deal with commitments which can be planned.</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)
5.	Is the Policy related to other Policies/areas of work?	Equality, Sickness, Disciplinary, Grievance and Dignity at Work Policies. Codes of Conduct of Professional/Regulatory Bodies, Staff Charters. All Wales Workforce Strategy. Individual organisation's workforce and OD plans.
6.	Stakeholders	All employees, trade unions, carers

7.

What might help/hinder the success of the Policy?

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.

Factors that may help:

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.

Clarity of obligations, expectations, accountability and performance objectives of all parties.

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		N/A
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		N/A

<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.</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>N/A</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.
Gender Reassignment	The Workplace and Gender Reassignment – A Guide for Staff and Managers. WWW.gov.uk
Sexual Orientation	
Age	EHRC report “Working Better 2008” The Work Foundation has also produced a number of reports on changing demographics, changing work patters 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
Maternity and pregnancy	Equal Opportunities Commission “Gender Equality and the Future of Work” Legal and General’s “Value of a Mum”
Marriage and Civil Partnership	
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
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	2	+2	4
Disability	2	+3	6
Gender	3	+3	9
Gender reassignment	1	+2	2
Sexual Orientation	1	1	1
Age	3	+3	9
Religion or Belief	2	+2	4
Maternity and Pregnancy	3	+3	9
Marriage and Civil Partnership	1	2	2
Welsh Language	2	1	2
Human Rights	2	+2	4 52/10 = 5.2

Scoring Chart A: Evidence Available Decision

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

-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 Assembly 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:	Special Leave Policy
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Brief Aims and Objectives of Policy:	<p>The situations that this policy is intended to deal with are:</p> <ul style="list-style-type: none">• Emergency carers and dependant leave• Unexpected crisis leave• Bereavement leave <p>Leave granted under this policy is not intended for long term domestic and family situations, which may be provided for in other ways, e.g. annual leave, unpaid leave, reduced working hours etc.</p> <p>The policy will also consider the awarding of reasonable time off to staff to enable them to undertake civil and public duties requiring them to be away from the workplace in the following circumstances:</p> <ul style="list-style-type: none">• Time off for public duties• Jury service• Reserve and cadet forces
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- Attending interviews

This policy sets out the approach of the *NHS Organisations* to special leave and the procedure for dealing with applications for leave.

This policy is intended to ensure that the *NHS Organisation* complies with section 57A of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, which came into effect on 15th December 1999. These regulations provide a right for employees to request a reasonable amount of time off work to deal with unexpected or sudden emergencies and to make any necessary long-term arrangements; and section 50 of the Employment Rights Act 1996, these regulations ensure that employees are allowed reasonable time off work to perform certain public duties.

The *NHS Organisation* attaches considerable importance to assisting employees in balancing the responsibilities of their work with their domestic and family responsibilities. This policy is not intended to deal with commitments which can be planned.

Was the decision reached to proceed to full Equality Impact Assessment?:

Yes

No

Record Reasons for Decision:

The principles and values of the policy are grounded in the promotion of fair and equal treatment. The policy makes explicit reference to the legal duty to consider reasonable adjustments for disabled employees 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.

If no, are there any

Yes

No

issues to be addressed?	<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). 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.</p>
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Is the Policy Lawful?	Yes ✓	No <input type="checkbox"/>
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Will the Policy be adopted?	Yes ✓	No <input type="checkbox"/>
<p>If no, please record the reason and any further action required:</p>		

Are monitoring arrangements in place?	Yes ✓	No <input type="checkbox"/>
<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:	Julie Rogers
	Title:	
	Department:	Welsh Assembly Government
Review Date of Policy:	March 2016	

Signature of all parties:	Name	Title	Signature
	Andrew Davies		

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

Form 8: Action Plan for Special Leave Policy

	ACTION	WHO	HOW/ WHEN
Monitoring Arrangements			
How will the Policy be monitored?	Monitoring arrangements will be determined locally. Monitoring outcomes will be reported to Health Boards	Workforce and OD Directors	Every 6 months
What monitoring data will be collected?	Local application of special leave policy and procedure disaggregated against each protected equality characteristic, workplace/directorate and staff group.	Workforce and OD Directors	Ongoing
Other Actions			
Describe any other actions highlighted through the policy screening	Policy training for managers to include scope and application of duty to consider reasonable adjustments for disabled employees	OD Group	To be confirmed