

## Equality & Health Impact Assessment for

### WORKING TIMES PROCEDURE

**Please read the Guidance Notes in Appendix 1 prior to commencing this Assessment**

**Please note:**

- The completed Equality & Health Impact Assessment (EHIA) must be
  - Included as an appendix with the cover report when the strategy, policy, plan, procedure and/or service change is submitted for approval
  - Published on the UHB intranet and internet pages as part of the consultation (if applicable) and once agreed.
- Formal consultation must be undertaken, as required<sup>1</sup>
- Appendices 1-3 must be deleted prior to submission for approval

Please answer all questions:-

<b>1.</b>	For service change, provide the title of the Project Outline Document or Business Case and Reference Number	
<b>2.</b>	Name of Clinical Board / Corporate Directorate and title of lead member of staff, including contact details	Rachel Pressley, Workforce Governance Manager, 47559
<b>3.</b>	Objectives of strategy/ policy/ plan/ procedure/ service	<ul style="list-style-type: none"><li>• To ensure compliance with the Working Time Regulations</li><li>• To ensure the safe working of all staff and the safety of our patients</li><li>• To provide clear guidance for managers and staff on their responsibilities and the processes/principles to be followed.</li></ul>

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<sup>1</sup>[http://www.cardiffandvale.wales.nhs.uk/portal/page?\\_pageid=253.73860407.253\\_73860411&\\_dad=portal&\\_schema=PORTAL](http://www.cardiffandvale.wales.nhs.uk/portal/page?_pageid=253.73860407.253_73860411&_dad=portal&_schema=PORTAL)

4.	<p>Evidence and background information considered. For example</p> <ul style="list-style-type: none"> <li>• population data</li> <li>• staff and service users data, as applicable</li> <li>• needs assessment</li> <li>• engagement and involvement findings</li> <li>• research</li> <li>• good practice guidelines</li> <li>• participant knowledge</li> <li>• list of stakeholders and how stakeholders have engaged in the development stages</li> <li>• comments from those involved in the designing and development stages</li> </ul> <p>Population pyramids are available from Public Health Wales Observatory<sup>2</sup> and the UHB's 'Shaping Our Future Wellbeing' Strategy provides an overview of health need<sup>3</sup>.</p>	<ul style="list-style-type: none"> <li>• <b>Workforce monitoring data</b> (see end of document)</li> <li>• A <b>consultation</b> has taken place between &lt;&lt;insert dates&gt;&gt; via the UHB intranet site.</li> <li>• A <b>number of EQIAs from other organisations</b> were accessed via a Google search on 19 June 2018 - of those accessed: <ul style="list-style-type: none"> <li>○ <a href="#">Sheffield Health and Social Care NHS Foundation Trust</a> found that their Working Times Regulations Policy did not actually or potentially discriminate on groups of individuals on the basis of any of the protected characteristics. They also found that it was not possible to improve equality of opportunity for these groups through this policy, and that this policy could not be amended to enhance relations between people in these groups with those were not in these groups.</li> <li>○ <a href="#">West Hertfordshire Hospitals NHS Trust</a> found that there Working Times Regulations Policy did not affect one group less or more favourably than another on the basis of the protected characteristics.</li> <li>○ <a href="#">Bedfordshire Clinical Commissioning Group</a> found that their Working Time Directive Policy effected all staff including those with protected characteristics</li> <li>○ <a href="#">Vale of York Clinical Commissioning Group</a> – noted that worker who are aged between 16-18 are required by law to work fewer hours than adults, but that the CCG did not employ any individuals in this category . Apart from this they found that their Working Times Regulations Policy had a neutral impact</li> <li>○ <a href="#">Nottinghamshire Healthcare NHS Trust</a> concluded that their Working Times Regulations Policy would have no adverse impact on, or result in the positive discrimination of any of the protected groups.</li> <li>○ <a href="#">Blackpool Teaching Hospitals NHS Foundation Trust</a> found that healthy lifestyles were encourages and risks to health reduced by offering night workers an annual health assessment. No other impact was identified.</li> </ul> </li> </ul>

<sup>2</sup> <http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf>

<sup>3</sup> <http://www.cardiffandvaleuhb.wales.nhs.uk/the-challenges-we-face>

5.	Who will be affected by the strategy/ policy/ plan/ procedure/ service	The groups of individuals who will benefit from these policies include: <ul style="list-style-type: none"><li>• Our patients and their families</li><li>• Managers</li><li>• Our staff</li><li>• Workforce and OD</li><li>• Occupational Health</li><li>• The public</li></ul>

## 6. EQIA / How will the strategy, policy, plan, procedure and/or service impact on people?

Questions in this section relate to the impact on people on the basis of their 'protected characteristics'. Specific alignment with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 is included against the relevant sections.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
<p><b>6.1 Age</b> For most purposes, the main categories are:</p> <ul style="list-style-type: none"> <li>• under 18;</li> <li>• between 18 and 65; and</li> <li>• over 65</li> </ul>	<p>This procedure has a positive impact on this group by ensuring that the same processes are followed irrespective of the age of the individual concerned.</p> <p>The only exception to this are 16 and 17 year olds as 'special rules for younger workers' apply ensuring they have longer rest periods. However, the UHB only employs very small numbers of young workers with only 36 individuals aged 20 or less employed as at 31 March 2018</p>	<p>This is a legal requirement</p>	
<p><b>6.2 Persons with a disability as defined in the Equality Act 2010</b> Those with physical impairments, learning disability, sensory loss or impairment, mental health conditions, long-term medical conditions such as diabetes</p>	<p>This procedure has a positive impact on this group by ensuring that the same processes are followed irrespective of whether or not an individual has a disability.</p>	<p>Managers/HR can provide support to individuals unable to understand/access the forms. Trade Union members can also seek support from their TU.</p>	

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
	<p>Accessibility may be an issue for some groups e.g. individuals with sensory loss, learning disabilities or dyslexia</p> <p>The Procedure states that due consideration should be given to individual circumstances such as reasonable adjustments.</p>	Large print versions etc. can be provided on request	
<p><b>6.3 People of different genders:</b> Consider men, women, people undergoing gender reassignment</p> <p><b>NB</b> Gender-reassignment is anyone who proposes to, starts, is going through or who has completed a process to change his or her gender with or without going through any medical procedures. Sometimes referred to as Trans or Transgender</p>	This procedure has a positive impact on this group by ensuring that the same processes are followed irrespective of the gender of the individual concerned.		
<p><b>6.4 People who are married or who have a civil partner.</b></p>	This procedure has a positive impact on this group by ensuring that the same processes are		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
	followed irrespective of the marital status of the individual concerned.		
<p><b>6.5 Women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding.</b> They are protected for 26 weeks after having a baby whether or not they are on maternity leave.</p>	<p>This procedure has a positive impact on this group as consideration should be given to individual circumstances such as combining breastfeeding and returning to work. Furthermore, the Maternity Policy requires that a risk assessment is be conducted for pregnant employees and this would be expected to take working patterns into consideration.</p> <p>Women who are pregnant are entitled to time off for ante-natal care, and women who have recently given birth and returned to work should have paid time off for postnatal care e.g. attendance at health clinics</p>		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
<b>6.6 People of a different race, nationality, colour, culture or ethnic origin including non-English speakers, gypsies/travellers, migrant workers</b>	This procedure has a positive impact on this group by ensuring that the same processes are followed irrespective of the race of the individual concerned.		
<b>6.7 People with a religion or belief or with no religion or belief.</b> The term 'religion' includes a religious or philosophical belief	This procedure has a positive impact on this group stating that due consideration should be given to cultural/religious practices which may impact on the timings of breaks		
<b>6.8 People who are attracted to other people of:</b> <ul style="list-style-type: none"> <li>• the opposite sex (heterosexual);</li> <li>• the same sex (lesbian or gay);</li> <li>• both sexes (bisexual)</li> </ul>	This procedure has a positive impact on this group by ensuring that the same processes are followed irrespective of who the individual concerned is attracted to.		
<b>6.9 People who communicate using the Welsh language in terms of correspondence, information leaflets, or service plans and design</b>	There is no evidence to suggest that this procedure has any impact on people because of their Welsh Language Skills, however, managers should take the ability to		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate. Make reference to where the mitigation is included in the document, as appropriate
Well-being Goal – A Wales of vibrant culture and thriving Welsh language	provide a service to Welsh Speakers into consideration when applying this procedure		
<b>6.10 People according to their income related group:</b> Consider people on low income, economically inactive, unemployed/workless, people who are unable to work due to ill-health	There is no evidence to suggest that this procedure has any impact on people because of their income group		
<b>6.11 People according to where they live:</b> Consider people living in areas known to exhibit poor economic and/or health indicators, people unable to access services and facilities	There is no evidence to suggest that this procedure has any impact on the basis of where our employees live		
<b>6.12 Consider any other groups and risk factors relevant to this strategy, policy, plan, procedure and/or service</b>	Staff who work night shifts as part of a regular commitment are entitled to a regular, free and confidential health assessment. The UHB will consider the availability of alternative daytime employment should a night worker's health preclude them from safe night working.		





**HIA / How will the strategy, policy, plan, procedure and/or service impact on the health and well-being of our population and help address inequalities in health?**

Questions in this section relate to the impact on the overall health of individual people and on the impact on our population. Specific alignment with the 7 goals of the Well-being of Future Generations (Wales) Act 2015 is included against the relevant sections.

<b>How will the strategy, policy, plan, procedure and/or service impact on:-</b>	<b>Potential positive and/or negative impacts and any particular groups affected</b>	<b>Recommendations for improvement/ mitigation</b>	<b>Action taken by Clinical Board / Corporate Directorate</b> Make reference to where the mitigation is included in the document, as appropriate
<p><b>7.1 People being able to access the service offered:</b> Consider access for those living in areas of deprivation and/or those experiencing health inequalities</p> <p>Well-being Goal - A more equal Wales</p>	<p>There is no evidence to suggest that this procedure has any impact on the basis of access to services as they apply to all staff</p>		
<p><b>7.2 People being able to improve /maintain healthy lifestyles:</b> Consider the impact on healthy lifestyles, including healthy eating, being active, no smoking /smoking cessation, reducing the harm caused by alcohol and /or non-prescribed drugs plus access to services that support disease prevention (eg immunisation and vaccination, falls prevention). Also consider impact on access to</p>	<p>There is no evidence to suggest that this procedure has any impact on the basis of being able to improve/maintain healthy lifestyles as they apply to all staff</p>		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
<p>supportive services including smoking cessation services, weight management services etc</p> <p>Well-being Goal – A healthier Wales</p>			
<p><b>7.3 People in terms of their income and employment status:</b> Consider the impact on the availability and accessibility of work, paid/ unpaid employment, wage levels, job security, working conditions</p> <p>Well-being Goal – A prosperous Wales</p>	<p>This procedure requires staff to notify the UHB if they plan to undertake / are undertaking secondary employment. Staff who have secondary employment are responsible for ensuring they have adequate rest periods and that their combined working hours are not excessive. If the combined hours are in excess of 48 hours per week the UHB must be informed</p> <p>See section 6.12 (above) re night workers</p>	<p>These are legal obligations and help the UHB ensure that staff safety and patient care is not affected</p>	
<p><b>7.4 People in terms of their use of the physical environment:</b></p>	<p>There is no evidence to suggest that this procedure has any impact</p>		

<b>How will the strategy, policy, plan, procedure and/or service impact on:-</b>	<b>Potential positive and/or negative impacts and any particular groups affected</b>	<b>Recommendations for improvement/ mitigation</b>	<b>Action taken by Clinical Board / Corporate Directorate</b> Make reference to where the mitigation is included in the document, as appropriate
<p>Consider the impact on the availability and accessibility of transport, healthy food, leisure activities, green spaces; of the design of the built environment on the physical and mental health of patients, staff and visitors; on air quality, exposure to pollutants; safety of neighbourhoods, exposure to crime; road safety and preventing injuries/accidents; quality and safety of play areas and open spaces</p> <p>Well-being Goal – A resilient Wales</p>	<p>on the basis of on the people using their physical environment</p>		
<p><b>7.5 People in terms of social and community influences on their health:</b>            Consider the impact on family organisation and roles; social support and social networks; neighbourliness and sense of belonging; social isolation; peer pressure; community identity; cultural and spiritual ethos</p>	<p>There is no evidence to suggest that this procedure has any impact on the basis of social and community influences on their health</p>		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts and any particular groups affected	Recommendations for improvement/ mitigation	Action taken by Clinical Board / Corporate Directorate Make reference to where the mitigation is included in the document, as appropriate
Well-being Goal – A Wales of cohesive communities			
<p><b>7.6 People in terms of macro-economic, environmental and sustainability factors:</b> Consider the impact of government policies; gross domestic product; economic development; biological diversity; climate</p> <p>Well-being Goal – A globally responsible Wales</p>	There is no evidence to suggest that this procedure has any impact on the basis of macro-economic, environmental and sustainability factors		

**Please answer question 8.1 following the completion of the EHIA and complete the action plan**

<p><b>8.1 Please summarise the potential positive and/or negative impacts of the strategy, policy, plan or service</b></p>	<p>These policies and accompanying procedures have a positive impact on all groups with protected characteristics as set out in the Equality Act (2010) by ensuring that the same opportunities, entitlements and obligations exist and processes are followed for all staff. Any exceptions to this are set out in legislation and are for the benefit of one or more groups with protected characteristics:</p> <p>AGE - 'special rules for younger workers' apply for 16 and 17 year olds, ensuring they have longer rest periods.</p> <p>DISABILITY - The Procedure states that due consideration should be given to individual circumstances such as reasonable adjustments. Where accessibility may be an issue copies of the procedure and forms can be provided in alternative formats.</p> <p>MATERNITY - Consideration should be given to individual circumstances such as combining breastfeeding and returning to work. Furthermore, the Maternity Policy and accompanying Procedures requires that a risk assessment is be conducted for pregnant employees and this would be expected to take working patterns into consideration and that women who are pregnant or have recently had a baby are entitled to time off for ante-/post-natal care.</p> <p>RELIGION &amp; BELIEF - Consideration should be given to cultural/religious practices which may impact on the timings of breaks</p> <p>EMPLOYMENT STATUS - Staff must notify the UHB if they plan to undertake / are undertaking secondary employment. They are responsible for ensuring they have adequate rest periods and that their combined working hours are not excessive. If the combined hours are in excess of 48 hours per week the UHB must be informed. Staff</p>
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	<p>who work night shifts as part of a regular commitment are entitled to a regular, free and confidential health assessment.</p> <p>With regards to Welsh Language Skills, there is no evidence to suggest that this procedure has any impact on individual members of staff because of their Welsh Language Skills, however, managers should take the ability to provide a service to Welsh speakers into consideration when applying this procedure</p>
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### Action Plan for Mitigation / Improvement and Implementation

	Action	Lead	Timescale	Action taken by Clinical Board / Corporate Directorate
<b>8.2 What are the key actions identified as a result of completing the EHIA?</b>	No changes required to the Procedure – EPSG to be asked to roll it forward for a further 3 years	WF Gov Manager	July 2018	

	Action	Lead	Timescale	Action taken by Clinical Board / Corporate Directorate
<p><b>8.3 Is a more comprehensive Equalities Impact Assessment or Health Impact Assessment required?</b></p> <p>This means thinking about relevance and proportionality to the Equality Act and asking: is the impact significant enough that a more formal and full consultation is required?</p>	No, as the overall impact is positive.			



	Action	Lead	Timescale	Action taken by Clinical Board / Corporate Directorate
<p><b>8.4 What are the next steps?</b></p> <p>Some suggestions:-</p> <ul style="list-style-type: none"> <li>• Decide whether the strategy, policy, plan, procedure and/or service proposal: <ul style="list-style-type: none"> <li>○ continues unchanged as there are no significant negative impacts</li> <li>○ adjusts to account for the negative impacts</li> <li>○ continues despite potential for adverse impact or missed opportunities to advance equality (set out the justifications for doing so)</li> <li>○ stops.</li> </ul> </li> <li>• Have your strategy, policy, plan, procedure and/or service proposal approved</li> <li>• Publish your report of this impact assessment</li> <li>• Monitor and review</li> </ul>	<p>No changes are required to this Procedure as a result of this EHIA – EPSG to be asked to roll it forward for a further 3 years, after which time it will be reviewed in line with the Employment Policy Schedule</p> <p>This EHIA will be published on the UHB internet and intranet sites.</p> <p>This EHIA 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>	WF Gov Manager	<p>Ongoing</p> <p>On approval</p> <p>2021</p>	

**WORKFORCE PROFILE (March 2018):**



