

EQUALITY IMPACT ANALYSIS ANNUAL LEAVE POLICY – HaRD 004

1. Equality Impact Analysis									
Policy / Project / Function:	Annual Leave Policy								
Date of Analysis:	08/02/2014								
This Equality Impact Analysis was completed by: (Name and Department)	Christine Brown, Workforce								
What are the aims and intended effects of this policy, project or function?	<p>The aim of the Annual Leave Policy is to ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements which take into account the arrangements as defined under NHS Agenda for Change terms and conditions. It also sets out a consistent procedure for requesting annual leave.</p>								
Please list any other policies that are related to or referred to as part of this analysis?	<ul style="list-style-type: none"> • Working Time Directive (1998) • Agency Worker Regulations (2011) • Agenda for change • Working Time Regulations 1998 • Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 • Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 • Employment Rights Act 1996 • Flexible working policy • Flexi time scheme • Other leave policy • Maternity, Paternity and adoption leave policy • Career break scheme • Anti-Fraud, Bribery and Corruption policy 								
Who does the policy, project or function affect? Please Tick ✓	<table style="width: 100%; border: none;"> <tr> <td style="padding: 2px 5px;">Employees</td> <td style="text-align: right; padding: 2px 5px;">✓</td> </tr> <tr> <td style="padding: 2px 5px;">Service Users</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px 5px;">Members of the Public</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px 5px;">Other (List Below)</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> </table>	Employees	✓	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	✓								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								

2. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race	✓			✓	<p>Para 8.2 requires that 'employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager'. It should be noted that where the request is to travel to an employee's country of origin and this is some distance away (i.e. Australia) any refusal of the request may require the decision to be objectively justified.</p> <p>There is a requirement for line managers to take account of the Equality Act (para 3.1) and should therefore consider the circumstances of this type of request. On that basis this is assessed as positive impact.</p>
Age	✓			✓	Staff with longer reckonable service are entitled to greater annual leave. This has a potential positive impact on older staff.
Sexual Orientation		✓		✓	
Disabled People		✓		✓	Whilst staff with disabilities may require a greater number of hospital appointments, this can be addressed through other policies (absence management, other leave policy). In addition, staff that are on long or short term sick leave as a result of their disability will still accrue annual leave. This policy should not have an adverse impact on this protected group.
Gender		✓		✓	Para 2.1 states 'In the case of part time employees, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. This removes the potential for inequity in cases where employees work varying days.' Women are often part time and this paragraph supports equity. In addition, annual leave calculations are based on hours rather than days

					and Bank Holiday calculations will be on a pro-rata basis.
Transgender People		✓		✓	
Pregnancy and Maternity	✓			✓	Section 3 states that employees continue to accrue annual leave during maternity leave.
Marital Status		✓		✓	
Religion and Belief	✓			✓	Staff with religious beliefs may need annual leave on specific days to celebrate festivals or take part in religious ceremonies. In applying the policy managers are required to take account of the Equality Act 2010 (para 3.1). This potentially has a positive impact on this group.
Reasoning					

If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7

3. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected (population figures)	
General	Total number of employees in the CCG is 22
Age	72.73% are aged 30-55 29.27% of staff are over 55 No employees are under 30
Race	90.9% staff employed in the CCG are White 4.55% staff are Black 4.55% of staff have are not stated/undefined their ethnicity
Sex	54.55% staff employed are male 45.45% staff employed are female
Gender reassignment	No information at this stage
Disability	86.36% of staff employed declared themselves as having no disability 13.64% did not declare /undefined No staff have declared a disability
Sexual Orientation	77.27% of staff described themselves as heterosexual 22.73% did not wish to respond /undefined
Religion, faith and belief	Christianity is the largest religious group declared by staff in the CCG (40.91%) 27.27% declared themselves Atheist 27.27% were undefined or did not wish to declare 4.55% of staff have other beliefs/religious beliefs
Marriage and civil partnership	81.81% of employees are married. No employees are in a civil partnership. The remainder (18.19%) are single/divorced/legally separated or widowed
Pregnancy and maternity	No information yet as the CCG has not been established long enough to build meaningful data

4. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes <input checked="" type="checkbox"/> - employee data</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>Consultation has taken place nationally and locally with Trade Unions.</p>
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>The policy contributes to promoting equality and diversity by providing a framework for equitable allocation of annual leave.</p>

5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			Para 2.1 states 'In the case of part time employees, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. This removes the potential for inequity in cases where employees work varying days.' Women are often part time and this paragraph supports equity. In addition, annual leave calculations are based on hours rather than days and Bank Holiday calculations will be on a pro-rata basis.
Race (All Racial Groups)		✓		Para 8.2 requires that 'employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager' It should be noted that where the request is to travel to an employee's country of origin and this is some distance away (i.e. Australia) any refusal of the request may require the decision to be objectively justified. There is a requirement for line managers to take account of the Equality Act (para 3.1) and should therefore consider the circumstances of this type of request. On that basis this is assessed as positive impact.
Disability (Mental and Physical)	✓			Whilst staff with disabilities may require a greater number of hospital appointments, this can be addresses through other policies (absence management, other leave policy). In addition, staff that are on long or short term sick leave as a result of their disability will still accrue annual leave. This policy should not have an adverse impact on this protected group.
Religion or Belief		✓		Staff with religious beliefs may need annual leave on specific days to celebrate festivals or take part in religious ceremonies. In applying the policy managers are required to take account of the Equality Act 2010 (para 3.1). This potentially has a positive impact on this group.
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Pregnancy and Maternity		✓		Section 3 states that employees continue to accrue annual leave during maternity leave.
Transgender	✓			
Marital Status	✓			
Age		✓		Staff with longer reckonable service are entitled to greater annual leave. This has a potential positive impact on older staff.

6. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

7. Equality Impact Analysis Findings

Analysis Rating:	Red	Red/Amber	Amber	□ Green
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		Actions	Wording for Policy / Project / Function
Red Stop and remove the policy	Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Remove the policy Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.	No wording needed as policy is being removed
Red Amber Continue the policy	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.	The policy can be published with the EIA List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE). Consider if there are any potential actions which would reduce the risk of discrimination. Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason exists which justifies the use of this policy and further professional advice. <i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i>

Equality Impact Findings (continued):

		Actions	Wording for Policy / Project / Function
<p>Amber</p> <p>Adjust the Policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p>The policy can be published with the EIA</p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></p>
<p>Green</p> <p>No major change</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p>The policy can be published with the EIA</p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

Brief Summary/Further comments	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
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Approved By		
Job Title:	Name:	Date: