

NHSScotland Special Leave Policy

Equality Impact Assessment Results

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Title of Policy	NHSScotland Special Leave Policy
Summary of aims and desired outcomes of Policy	<p>The aim of the policy is to provide a supportive and person-centred response where everyday arrangements break down, or urgent and unforeseen situations arise, such as:</p> <ul style="list-style-type: none"> • the sudden and immediate need to provide care to a family member, a dependent, a close friend, or a colleague • the death or serious illness of a family member, a dependent, a close friend, or a colleague • emergencies or unexpected domestic situations <p>In addition, the policy provides child bereavement leave, time off to undertake civic and public duties, and attending specialist clinical appointments.</p> <p>This is a refresh of the Model Special Leave Policy within the extant Supporting the Work Life Balance PIN Policy (July 2015).</p>
Directorate	Health Workforce

1. Executive summary

The Equality Act 2010 places a duty (known as the Public Sector Equality Duty, or PSED) on public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity, and promote good relations between people who share a protected characteristic and those who do not. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (Regulation 5) require public authorities to assess and review policies and practices against the three needs of the PSED.

The Scottish Government has undertaken national equality impact assessments (EQIAs) as part of the policy development process to refresh the extant NHSScotland Partnership Information Network (PIN) workforce policies. This EQIA Results Report provides a summary of the key findings from the EQIA Record prepared for each workforce policy.

The EQIA evaluates how a policy may affect different segments of the population both positively and negatively. If adverse effects are identified, efforts have been made to reduce or remove them. However, the focus is not solely on negating negative impacts, as there is also a proactive duty to promote equality. The development of the EQIA has been guided by equality legislation and addresses the protected characteristics of age, disability, gender reassignment, sex, pregnancy and maternity, race, religion or belief, and sexual orientation.

The NHSScotland Special Leave Policy has been equality impact assessed, and it has been determined that there are no barriers to any of the protected characteristics. The NHSScotland Special Leave Policy is expected to positively impact on eliminating unlawful

discrimination, harassment and victimisation and advance equality of opportunity across all protected characteristics. The policy has no negative impact in promoting good relations between people who share a protected characteristic and those who do not. It may promote good relations among and between different age groups and between disabled and non-disabled people by demonstrating that people have different needs and thereby minimising the perception of a hierarchy of need. There is no evidence of negative impacts on people with protected characteristics. The key findings section below provides a summary of the policy's impact on individuals with protected characteristics.

Scottish Government is committed to actively considering equality impacts during the implementation of the NHSScotland workforce policies. This EQIA will be subject to further review and revision to ensure that any negative impacts, whether direct or indirect, on individuals with protected characteristics are addressed and mitigated.

2. Background

The 'Once for Scotland' Workforce Policies Programme was commissioned by the Scottish Workforce and Staff Governance Committee to review and transform existing workforce policies [previously known as Partnership Information Network (PIN) Policies] in line with the following vision:

'Once for Scotland Workforce policies will promote NHSScotland as a modern, exemplar employer; showcasing our core values, and promoting consistent employment policy and practice that supports the implementation of the Staff Governance Standard and effective recruitment and retention.'

The refreshed NHSScotland Special Leave Policy reflects feedback from regional engagement events pre- and mid-policy development and formal consultation with a broad range of stakeholders. An invite to participate in the public consultation was sent to a wide range of stakeholders across NHS Boards and their staff networks, trade unions and professional organisations, and external protected characteristics equalities groups. Additional advice was sought from subject matter experts.

The policy, and associated supporting documents, set the standard for employment practice for all NHS Boards in Scotland, and are accessible through the [NHSScotland Workforce Policies website](#). These are adopted by NHS Boards, at a local level, to ensure a fair and consistent approach to the processes relating to employees requesting special leave.

The fair and consistent application of policy and treatment of staff working for the NHS in Scotland is the key driver for the move to a single policy position.

NHSScotland workforce policies support the requirements of the [Staff Governance Standard](#) (2012), in relation to the following five strands:

- well informed
- appropriately trained and developed
- involved in decisions
- treated fairly and consistently
- provided with a safe working environment

3. The Scope of the EQIA

On the basis that the policy and associated supporting documents set the standard for employment practice for all NHS Boards in Scotland to follow, a full EQIA was deemed appropriate.

The EQIA is based on a thorough analysis of existing evidence and data. Its purpose is to identify and understand the potential impacts that the NHSScotland Special Leave Policy may have on individuals with protected characteristics, as defined in the Equality Act 2010.

Specifically, the EQIA assesses the impacts of applying the revised policy against the needs relevant to a public authority's obligations under the Public Sector Equality Duty. The needs are to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

In addition to the stakeholder engagement noted above, evidence was gathered from a broad range of sources. Data was reviewed from the following national data sets:

- NHSScotland Workforce data
- The Scottish Household Survey
- Labour market statistics

During the consultation on the draft policy, there was a specific question aimed at gathering views on how the policy might impact on different equality groups.

In addition to the protected characteristics outlined in the Equality Act 2010, the exercise also considered broader socio-economic considerations in alignment with the commitment to the Fairer Scotland Duty. The findings are recorded in the Fairer Scotland Duty Results for the collection of Supporting Work Life Balance policies.

4. Key Findings

The EQIA has highlighted areas with potential impacts on different groups and opportunities for promoting equality.

The NHSScotland Special Leave Policy is expected to have a positive effect in **eliminating unlawful discrimination, harassment and victimisation** across all protected characteristics. The Special Leave Policy:

- outlines the situations that may occur at any point during an employee's career where they can request special leave.
- supports time off for caring responsibilities. Carer's leave applies to all employees with dependents including children, the elderly or people with disabilities.
- offers a formal route to request special leave for specialist clinical appointments.
- guides specifically recognise the disproportionate impact of caring responsibilities on female staff.
- is open to all employees and offers potential benefits for males and females including being able to respond to caring and domestic emergencies.
- encourages managers to be solution focused and explore other options where special leave is not appropriate.

- guides highlight that employees who are subject to gender-based violence may need urgent leave for their safety, to find alternate accommodation, or to engage with the police or legal advisers.
- supports an employee to attend appointments related to their gender reassignment.
- adopts gender-neutral language promoting inclusion.
- reinforces compliance with the Equality Act (2010) and the [Principles and Values | NHS Scotland](#).
- is written to fulfil legislative requirements and comply with statutory responsibilities.

The NHSScotland Special Leave Policy has a positive impact in **advancing equality of opportunity** across all protected characteristics. The Special Leave Policy:

- is for the use of all NHSScotland employees. It provides a supportive and person-centred response where everyday arrangements break down, or urgent and unforeseen circumstances arise. The policy also provides child bereavement leave, time off to undertake civic and public duties, and attending specialist clinical appointments.
- recognises that women largely take on primary caring roles within the family. As a major employer with 78.8% female workforce in NHSScotland, this policy will support a significant number of women to access special leave.
- by providing special leave for caring responsibilities or addressing the impact of gender-based violence can support a large section of the community.
- supports employees with time off for specialist clinical appointments. Examples include IVF, impacting positively on advancing equality of opportunity.
- compassionate leave section in the guides recognise that the length of leave required may need to be extended if the employee is responsible for making funeral arrangements or if travel is required. Managers have the flexibility to grant special leave in exceptional circumstances beyond the examples detailed. This may support employees of varying religion or belief who suffer a bereavement.
- is accessible through a purpose built [NHSScotland Workforce Policies website](#). The website scores high on the System Usability Scale (universal usability scoring system). This may particularly support older staff or staff with certain disabilities, advancing equality of opportunity through accessibility.
- advocates a person-centred approach in the application of all NHSScotland Workforce policies. This is demonstrated across the policy and supporting documents.

The NHSScotland Special Leave Policy has a positive impact in **promoting good relations** among and between different age groups and between disabled and non-disabled people. The policy demonstrates that people have different needs which should minimise the perception of a hierarchy of need. For other protected characteristics, the policy was considered to have no negative impact between people who share a protected characteristic and those who do not. The policy is open to all eligible employees and managers are encouraged to take a person-centred approach.

Currently, there is no evidence of negative impacts on individuals with protected characteristics. Nevertheless, Scottish Government will continue to monitor and review this EQIA to ensure ongoing assessment of potential impacts on people with protected characteristics.

5. Recommendations and conclusion

NHSScotland's commitment to eliminating unlawful discrimination, harassment, victimisation and less favourable treatment is central to the [principles and values](#) that underpin these policies.

NHSScotland workforce policies should be applied fairly and consistently to any employee or worker regardless of:

- protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity)
- personal characteristics such as trans identities including non-binary, weight, social status
- offender status
- membership or non-membership of a trade union
- contractual status - part-time or fixed-term

The EQIA process did not identify indirect or direct discrimination through the policy intentions of the NHSScotland Special Leave Policy.

It is anticipated that the policy will positively impact on eliminating unlawful discrimination, harassment and victimisation and advance equality of opportunity across all protected characteristics. The policy has no negative impact in promoting good relations between people who share a protected characteristic and those who do not. It may promote good relations among and between different age groups and between disabled and non-disabled people by demonstrating that people have different needs and thereby minimising the perception of a hierarchy of need. There is no evidence of negative impacts on people with protected characteristics.

The EQIA will be kept under review and updated based on new data, evidence or policy revision. Monitoring and review of this policy is an on-going process, involving iterative discussions with NHSScotland partnership groups. It will form part of the monitoring and review of Board's achievement of the Staff Governance Standard (2012) carried out through the Staff Governance Monitoring Framework. Further engagement with protected characteristic groups through staff networks and forums will form part of the ongoing review to ensure that the conclusions reached in the EQIA meet the needs of these groups.

Analytics from the website will allow collation of data related to use and accessibility of the policy, in addition to workforce data gathered through national datasets.



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