

This template summarises the key decisions/actions taken in the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

Background	
Title of the Policy	Flexible Working Policy 2014
EHRIA Lead Person	Employee Relations & Reward Manager
Date EHRIA completed	26/06/14
Review date and frequency	3 years
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<ol style="list-style-type: none"> 1. There is a revision of the Flexible Working Policy due to changes in legislation contained within the 'Children and Families Act 2014', which is part of the government's 'Modern Workplaces' consultation planning for a culture of flexible, family-friendly employment practises. 2. The policy will extend the right to request flexible working to all employees with 26 weeks' service, rather than just parents and carers. 3. SPS will have a duty to deal with such requests in a reasonable manner.
WHO did you consult with?	<ul style="list-style-type: none"> • Trade Union Side • SPS Equality and Diversity Team • Advisory, Conciliation and Arbitration Service (ACAS)
WHAT did you learn?	<ul style="list-style-type: none"> • To ensure continued successful partnership working and collective thinking. • To ensure legislative issues in respect of Equality and Human Rights are addressed. • To obtain legal advice. • To obtain best practise advice.

<p>HOW will this shape your policy/practice?</p>	<p>The Flexible Working Policy requires amendments due to legislative changes. Those involved in the review of the policy will ensure there is legislative compliance, providing an analytical approach to reviewing the existing policy, aiming for a simplified and reasonable approach.</p>
<p>What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice?</p>	<p>The 'Children and Families Act 2014' is part of the government's 'Modern Workplaces' consultation, which is planning for a culture of flexible, family-friendly employment practises. This has outlined the changes required in existing policy and practise.</p> <p>The group has reviewed the existing policy and taken decisions, legislative matters apart, on other aspects of the policy potentially requiring amending, in relation to reasonableness, advice on best practise and legality, allied to SPS practise.</p>

<p>Impact Will the impact and outcomes of the new/revised policy/practice:</p>	
<p>Contribute to eliminating discrimination, harassment and victimisation? E.g.</p> <ul style="list-style-type: none"> • Raise awareness of our SPS vision and values for equality and diversity • Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity 	<p>POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/></p> <p>NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/></p> <p>NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/></p>
<p>Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g.</p> <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others, encourage participation in public life 	<p>POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/></p> <p>NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/></p> <p>NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/></p>
<p>Foster good relations between those who share a protected characteristic and those who do not? E.g.</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	<p>POSITIVE: It will foster good relations <input checked="" type="checkbox"/></p> <p>NO EFFECT: It will have no effect on good relations <input type="checkbox"/></p> <p>NEGATIVE:</p>

	It will cause good relations to deteriorate <input type="checkbox"/>
Ensure Human Rights Compliance?	It will uphold human rights articles. <input checked="" type="checkbox"/>
	It will breach human rights articles. <input type="checkbox"/>

Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.

Positive Impacts
<p>Protected characteristics affected: Age, Race, Sex, Disability, Gender Identity, Religion or Belief, Sexual orientation, Maternity and Pregnancy, Marriage and civil partnership, Socio-economic groups, Human rights compliance.</p> <p>The revised Flexible Working Policy will be streamlined, flexible in its operation and managed reasonably in relation to overall timescales, within a legislative limit of 30 days overall for process completion per application.</p>

Negative Impacts	
Protected characteristics affected: Maternity & pregnancy.	
Impact	Mitigation
<p>There may be a consideration for amending the Maternity and Parenting Policy by including a timescale of three months notification for those wishing to return to work under flexible terms.</p> <p>Currently, the policy refers only to reporting for duty after maternity leave on the date advised by SPS or giving eight weeks written notice if there is the intention to return to work before the end of the full maternity leave entitlement.</p>	<p>The Children and Families Act 2014 specifies a three month timescale for the completion of the consideration process, including appeals.</p> <p>The Flexible Working Policy is being amended in accordance with this legislation.</p> <p>To ensure consistent and fair application of policy and practise, it is appropriate that policies affected by this legislation are amended accordingly.</p>

Recommended course of action	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of Outcome decision and Recommendations

Proceed with the amendment of the Flexible Working Policy by 30 June 2014, in line with legislative requirements contained within the Children and Families Act 2014.

Review the Part Time Working Policy as a result of this change in legislation.
Consider the amendment of the Maternity and Parenting Policy with reference to the three-month timescale to be outlined for requests to return to work flexibly after maternity leave.

The Ethnic Monitoring Form (contained in Annex C of the Flexible Working Policy) does not cover all of the protected characteristics as required by the Equality Act 2010. This is not currently amended. When e-HR is scheduled to be launched in October 2014, the system will enable the monitoring of all the protected characteristics. The Ethnic Monitoring Form (Annex C) can then be deleted from the policy.

Next steps

Delete Annex C of the Flexible Working Policy - Ethnic Monitoring Form – when e-HR is scheduled to commence in October 2014.

Consider the amendment of the Maternity and Parenting Policy – Legislative requirements contained within the Children and Families Act 2014 includes reference to an overall three-month timescale for managing flexible working applications to conclusion, including appeal process.

If you require this document in an alternative format, please contact SPSEqualityandDiversityTeam@sps.pnn.gov.uk