

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	Shared Parental Leave Policy
EHRIA Lead Person	Employee Relations & Reward Business Partner
Date EHRIA completed	24/11/15
Review date and frequency	August 2018, every 3 years
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	The introduction of this policy and the revision of some existing policies is to ensure compliance with the Shared Parental Leave Regulations which are due to come into force on 1st December 2014 as part of the Children and Families Act 2014. The intended outcome is to provide a clear SPS Policy and Procedure to ensure that all staff and eligible workers in SPS can access their statutory leave and pay entitlements for Shared Parental Leave and to ensure that SPS complies with current Employment Legislation in this area.
WHO did you consult with?	E&D Staff Manager, Trade Union Side, Operations Directorate, HR Colleagues, Prison Governors' Association, Legal Advisors, Scottish Government.
WHAT did you learn?	This legislation change is welcomed by all groups and seen as a way to further support families in choosing how best to care for their new child in its first year following birth or placement. There are some questions as to how the practicalities of managing time off could be accommodated within the service, particularly in terms of specialist roles and the availability of suitable cover and also within existing budget structures.

Scoping	
	We also learned the correct language to use to ensure that all parties are represented correctly, i.e. Birth Parent as opposed to mother.
HOW will this shape your policy/practice?	<p>We will provide guidance to Governors/Line Managers as to how to manage requests ensuring that they are familiar with the Policy and Procedures.</p> <p>We will also make the information available to all staff who may be interested in applying for Shared Parental Leave so that they can plan for their new child and avail of changes.</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?	We have considered the new regulations and the statutory obligations contained therein as well as legal advice on the application of the policy. There is currently no case law relating to this legislation as it is only applicable to babies due on or after 5 th April 2015 or children placed for adoption on or after 5 th April 2015. We are also awaiting further clarification from Scottish Government on the change to the Civil Service Management Code in relation to guidance on occupational pay.

Impact	
Will the impact and outcomes of the new/ revised policy/practice:	
<p>Contribute to eliminating discrimination, harassment and victimisation?</p> <p>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:</p> <p>It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/></p>
	<p>NO EFFECT:</p> <p>It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/></p>
	<p>NEGATIVE:</p> <p>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?</p> <p>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 	<p>POSITIVE:</p> <p>It will advance equality of opportunity <input checked="" type="checkbox"/></p>
	<p>NO EFFECT:</p> <p>It will have no effect on equality of opportunity <input type="checkbox"/></p>
	<p>NEGATIVE:</p> <p>It will reduce equality of opportunity <input type="checkbox"/></p>

Impact Will the impact and outcomes of the new/revised policy/practice:	
others, encourage participation in public life	
Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: 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>This policy will provide a clear framework for eligible SPS employees to access Shared Parental Leave.</p> <p>This will allow fathers or partners the opportunity to share leave with the birth parent/adopter to help care for their child at any stage following the birth/placement of the child. This also allows birth parent /adopters the choice to curtail their maternity leave and to share their leave with their partners, enabling them to return to work earlier if they so wish. This change will also allow both parents the opportunity to take time off together to care for their child if they so wish.</p> <p>The increased number of available Keeping in Touch days will allow parents to maintain contact with the workplace without cutting short their leave.</p> <p>This is open to all eligible staff regardless of disability, marital status, socio economic background, gender identity, race, belief or sexual orientation.</p> <p>This policy will also demonstrate the SPS commitment to supporting staff with family responsibilities and enhances the existing suite of family friendly policies and procedures.</p> <p>This upholds Human Rights.</p>

Negative Impacts Protected characteristics affected:	
Impact	Mitigation
None identified.	

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
It is advised that the Policy should go ahead as it is a statutory requirement and there are a number of positive benefits to staff. It also enhances the manner in which SPS as an employer supports employees who have responsibilities for caring for a child.

Next steps
Develop a draft policy and procedure – Outlines the way SPS will manage request for Shared Parental Leave.
Develop Guidance for Staff and Managers – To ensure that they can access information on the changes.
Develop awareness sessions for Governors In Charge/HR Business Partners and First Line Managers – To ensure that these groups are equipped to support staff accessing this policy.

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