

Equality and Human Rights Impact Assessment Publication Document

This template summarises the key decisions/actions taken in the EHRIA, and will be separated from the document above and published on the SPS external website in compliance with legal requirements.

Every EHRIA and Publishing Document must be quality assessed by the Equality & Diversity Team at HQ who will be responsible for displaying the publishing document on the SPS external website.

Title of Policy:	Shared Parental Leave		
EHRIA Lead Person:	ER&R Business Partner ER&R Officer	Role & Establishment/Business Area:	
Date EHRIA Completed:	24/11/16 01/04/2019	Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/>
Date EHRIA published and where:	24/11/16 External Web site / Share Point site 01/04/2019 External Web site / Share Point site		Revised <input checked="" type="checkbox"/>
Review Date and frequency:	August 2018 February 2022 (every 3 years)		
Aims of policy/practice:	<p>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.</p> <p>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.</p> <p>The aim of the Policy 3 Year Review is to ensure that the policy continues to provide a clear policy and procedure, following feedback since its original introduction. It is also intended to ensure that the policy still complies with current legislation, to take into account any feedback received to ensure employees have a better understanding of what the available options are.</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>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 5th April 2015 or children placed for adoption on or after 5th April 2015. We are also awaiting further clarification from SG on the change to the Civil Service Management Code in relation to guidance on occupational pay.</p> <p>The group considered the policy and guidance in line with the ACAS guide and Civil Service Employees Code, as well as comparing it to how a number of other organisations' policies to ensure that the SPS policy was as clear as possible, and compliant with regulations and obligations.</p> <p>The group also considered queries received by the ER&R team on the matter of Shared Parental leave to ensure these were clear in the revised policy.</p> <p>We included members of the HR community in SPS who had first-hand experience of dealing with Shared Parental Leave cases in order to improve the policy.</p>
Who did you consult with?	<p>E&D Staff Manager, TUS, Operations Directorate, HR Colleagues, PGA, E&D Manager, Legal Advisors, SG.</p> <p>E&D, TUS, HR colleagues.</p>

What did you learn?	<p>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.</p> <p>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.</p> <p>We also learned the correct language to use to ensure that all parties are represented correctly, i.e. Birth Parent as opposed to mother.</p> <p><i>We learnt that the policy and guidance is compliant with all legislation and legal obligations as it is, but that the policy could do with being clearer in some areas, to allow employees to make a more informed choice in terms of Shared Parental Leave. We learnt that the policies and guidance documents from other organisations which were easiest to understand included diagrams which set out the leave and pay available and how it might be shared, so decided to develop quick guides to enable colleagues to understand the policy better.</i></p>
How did the consultation shape the 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> <p><i>The revised policy, guidance and Quick Guides will be published on SharePoint and there will be a Staff Notice to draw attention to the revised policy. This will allow employees and managers access to the new documentation.</i></p>

What effect does the new/revised policy/practice have on:	
1. Contribute to eliminating discrimination, harassment and victimisation?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
2. Advancing equality of opportunity between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
3. Fostering good relations between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
4. Ensuring Human Rights articles compliance	Compliant <input checked="" type="checkbox"/>
	Breach <input type="checkbox"/>

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.



Summary of results, including the likely impact of the proposed policy/practice advancing equality and human rights

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.

This policy will provide a clear framework for eligible SPS employees to access Shared Parental Leave.

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.

The increased number of available Keeping in Touch days will allow parents to maintain contact with the workplace without cutting short their leave.

This is open to all eligible staff regardless of disability, marital status, socio economic background, gender identity, race, belief or sexual orientation.

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.

This upholds Human Rights.

Not a great deal to add in terms of what was published in 2015, except we feel that there might be a better take up of the policy if there is a better understanding of it, hence the introduction of quick guides and making some of the sections a little clearer to read.

Again, the policy demonstrates the SPS commitment to supporting staff with family responsibilities and enhances the existing suite of family friendly policies and procedures.

This upholds Human Rights.

Next Steps

Develop a draft policy and procedure – Outlines the way SPS will manage request for SPL

Develop Guidance for Staff and Managers – To ensure that they can access information on the changes

Develop awareness sessions for GIC's/HRBPs and FLM's – To ensure that these groups are equipped to support staff accessing this policy

The policy will be reviewed every 3 years, unless there is reason to trigger an early review.

Closely monitor queries relating to the policy to check whether there is anything which breaches human rights or equality issues.

Monitor the number of applications, and gather data to see the impact of the policy.

Monitor government legislation to ensure that the policy remains compliant with legislation.

