



Equality and Human Rights Impact Assessment (EHRIA) Publication Document

This template summarises the key decisions/actions taken by the SPS in the development of 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	Maternity & Parenting Policy (Neonatal Care Leave)
Date EHRIA completed	06/04/25
Review date and frequency	As and when required
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping
<p>What are the aims of this policy/practice?</p> <p>To align the Policy with the The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025, which will introduce a new entitlement to neonatal care leave and statutory pay for parents of children born on or after 6th April 2025 that require neonatal care.</p>
<p>WHO did you consult with?</p> <p>TUS, PGA(S) (via correspondence), Head of HR Central Services and external benchmarking, Scottish Government.</p>
<p>WHAT did you learn?</p> <ul style="list-style-type: none">• Neonatal care leave is a day one right for employees.• Where the date of birth is on or after 6 April 2024 and the child is admitted to neonatal care for a minimum of 7 days, within 28 days of the birth.• Parents will be eligible for one week of neonatal care leave for every week the child receives neonatal care up to a maximum of 12 weeks.

- Leave can be taken in two tiers:
- Employees can choose to take consecutive or non consecutive blocks of at least one weeks' leave during the tier 1 which commences when the child starts receiving neonatal care and ends 7 days after they are discharged.
- Employees can choose to take one continuous block of leave in tier 2 which commences after tier 1 ends and ends 68 weeks from the date of birth.
- Leave can be taken in addition to other forms of statutory leave such as maternity, paternity, adoption, shared parental and unpaid parental leave.
- Maternity/adoption leave must end before neonatal care can be taken but other statutory leave can be taken more flexibly with neonatal care leave.
- No advance notice of neonatal care is required during tier 1 but 15 days (for 1-2 weeks leave) or 28 days notice for more than 2 weeks leave) must be provided for leave taken in tier 2.
- Statutory pay available for those who have the required length of service. This will be enhanced to full pay by SPS.

Workforce Data (2024) SPS had 4,993 employees, equating to 4,700.40 FTE.

- **AGE:** 6% (16y-24y), 10% (25y-29y), 16% (30y-34y), 13% (35y-39y), 10% (40y-44y), 8% (45y-49y), 12% (50y-54y), 14% (55y-59y), 8% (60y-64y) and 2% (65y+). Breakdown by gender/age is below
 - 16-34 years = 51% F / 49% M
 - 35-54 years = 40% F / 60% M
 - 55+ years = 17% F / 83% M
- **GENDER:** 38% (female) and 62% (male).
- **GENDER IDENTITY:** The SPS does not currently collect data in relation to gender identity of staff.
- **ETHNICITY:** 30.4% (white), 5.9% (undisclosed), 63.3% (no response). The numbers of employees reporting their ethnic status as BAME has remained constant at less than 1% of the workforce population.
- **DISABILITY:** 90.8% (no response) of remaining respondents 7.6% (disabled).
- **RELIGION:** 65.7% (no response), 17% (religion disclosed with Church of Scotland as majority), 8.7% (chosen not to disclose) and 8.5% (no affiliation).
- **SEXUAL ORIENTATION:** 69.2% (no response), 27.7% (heterosexual/straight), with less than 2% recorded as gay, lesbian, bisexual or other.
- **MARITAL STATUS:** 67% (no response) of those who have provided information approximately 19.7% have declared they are Married/Civil Partnership.

Although not protected characteristics, other workforce data includes:

- **LENGTH OF SERVICE:** 41% (0-5Y), 14% (6-10Y), 13% (11-15Y), 5% (15-20Y), 5% (21-24y), and 22% (25Y+).
- **FT/PT SPLIT:** 87% Full-Time, 13% Part-Time

Whilst more females than males work part-time (12.6% of M vs 13.4% of F), the gender split by each working group is

- FT = 38.2% F / 61.8% M
- PT = 39.8% F / 60.2% M

From a banding perspective, more colleagues work part-time in senior grades (F to I) at 19.5% versus other bands (B to E) at 12.6%

Below is a breakdown of part time operational employees by age group and gender

Age Group	Female	Male	Grand Total
16 - 24	1	3	4
25 - 29	17	1	18
30 - 34	62	1	63
35 - 39	48	5	53
40 - 44	39	7	46
45 - 49	20	3	23
50 - 54	14	8	22
55 - 59	22	56	78
60 - 64	27	253	280
65 +	11	58	69
Grand Total	261	395	656

- **JOB FAMILY:** 77% Operational, 23% Non-Operational
- **SOCIOECONOMIC:** The SPS does not currently collect data in relation to staff who identify as experiencing, or having experienced, socioeconomic disadvantage.

The exact number of SPS employees who may become eligible for this leave cannot be accurately confirmed, however there are no restrictions on who can access the leave in terms of gender, age, or any other protected characteristic. Whilst all parents who need to access this leave will benefit, fathers and partners will benefit more, as they would be more likely to have to attend work when a child is receiving neonatal care if this leave was not available, whereas the birth parent would already be on maternity leave.

HOW will this shape your policy/practice?

- The revised policy reflects legislative requirements for neonatal care leave.
- The policy continues to encourage employees to make full use of their entitlements to support a positive work life balance.
- The SPS continues to provide more than the statutory provisions for pay and this will also be the case for neonatal care leave.
- Gender neutral language continues to be used as far as possible to be inclusive of all working parents.

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?

- *This policy is relevant to all employees across SPS but will be of particular importance to new parents; partners of new parents; adoptive parents and those with parenting responsibility.*
- *We have looked at external demographics, e.g. number of births in Scotland/UK and percental of children requiring neonatal care and average duration of neonatal care.*
- *We have reviewed the composition of the SPS workforce, and the number of maternity, adoption and paternity cases over the last two years. There were an average of 90 cases each year 2022-2024.*
- *Section 15 of the revised Maternity and Parenting policy now includes the legislative update that enables employees who have a child requiring neonatal care within 28 days of birth, to access neonatal care leave up to 12 weeks and for those who qualify, statutory pay. Those who qualify for statutory neonatal care pay will also qualify for SPS contractual (full) pay.*

- We have reviewed best practice from other public sector organisation, and we have had feedback from TUS and PGA(S).
- Reviewed externally recommended guidance and best practice, e.g. Chartered Institute of Personnel and Development (CIPD), Brightmine, and Advisory, Conciliation and Arbitration Service (ACAS) and the UK Gov impact assessment.

Legislation

- [Neonatal Care \(Leave and Pay\) Act 2023](#)
- [The Statutory Neonatal Care Pay \(General\) Regulations 2025](#)
- [The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025](#),

Other

- [Parents to receive day one right to neonatal care leave and pay - GOV.UK](#)
- [Neonatal care leave policy \(birth\) | Policies and procedures | Tools | HR & Compliance Centre.co.uk](#) (login required)
- [Neonatal Care Leave and Pay Archives - Working Families](#)
- [HR Magazine - Neonatal care leave: What HR needs to know](#)
- [8826 Neonatal care infographic \(PROOF2\)](#)
- [Maternity, paternity, shared parental and adoption leave and pay: UK employment law | CIPD](#)

Impact

Will the impact and outcomes of the new/revised policy/practice:

Contribute to eliminating discrimination, harassment and victimisation? E.g. <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 	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others participation in public life 	POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/>
	NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/>
	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>

Impact Will the impact and outcomes of the new/revised policy/practice:	
Foster good relations between those who share a protected characteristic and those who do not? E.g. • Tackle prejudice • Promote understanding	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Will the policy reduce inequalities of outcome as described within the Fairer Scotland Duty 2018?	It will take steps to reduce socio-economic inequalities. <input checked="" type="checkbox"/>
	It will make no impact on reducing socio-economic inequalities. <input type="checkbox"/>
Will it uphold human rights?	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 Protected characteristics affected: <ul style="list-style-type: none"> Gender Cultural expectations and gender norms mean that women are more likely to take on the role of caregivers. The Neonatal Care Leave legislation provides increased flexibility and better support to working parents by allowing both parents to take neonatal care leave at a time that suits their family circumstances without negatively impacting on their maternity or paternity leave. Gender Reassignment The use of gender-neutral language is inclusive to colleagues of all genders; supporting all working parents to feel recognised and able to access support. Maternity and Pregnancy The Neonatal Care Leave legislation provides increased flexibility and better support for working parents by allowing both parents to take neonatal care leave at a time that best suits their family circumstances and does not negatively impact on their maternity leave. Socio-Economic Considerations: The SPS continues to provide more than the statutory provisions for maternity pay, paternity pay, parental bereavement pay and will also provide this for neonatal care pay, increasing the amount to basic pay where an employee meets the eligibility criteria. This supports staff to fully engage in entitlement to neonatal care leave, regardless of their financial situation.
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Negative Impacts

Protected characteristics affected:

It is the intention that the revised Policy will have a positive impact on individuals with protected characteristics. We are conscious though that management practice is essential in ensuring consistency of application and compliance with relevant legislation.

Impact	Mitigation

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

Policy addresses the intended outcome and is positive in its language and terminology. It advances equality and human rights as well as fosters good relations.

Recommendations to remove or minimise any actual or potential negative impacts identified, and to build positive impacts:

- Policy made accessible to all staff on SharePoint.
- Revised Policy communicated via Notice to Staff.
- Awareness sessions for HR teams to understand revisions and support application across the SPS.
- Continued access to Occupational Health, Employment Assistance Programme and wider Health and Wellbeing offer.

Outcome is to launch revised policy. Research and consultation undertaken through the development and associated support indicates the introduction will have a positive impact. Specific positive impacts addressed by the policy include meeting legislative requirements and providing working parents with increased support during what is likely to be a challenging and stressful time for their family. There have been no negative implications for employees identified, therefore the recommendation is to publish framework.

Next steps

To monitor for unexpected negative consequences and identify opportunities for improvement. To provide opportunity to respond to any changing business needs or external factors which may require the development of different behaviours.

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