

## Impact Assessment (IA) form

### General Information

<b>Name of policy/proposal</b>	<b>Special Leave Policy</b>
<b>Responsible department</b>	Human Resources
<b>Date</b>	3 July 2019

### Aims of the proposal

<b>What do you hope to achieve? Why is the policy/proposal needed, for example is there currently a gap in service delivery?</b>	<p>The SSSC is committed to supporting work-life balance for all employees. The Special Leave Policy provides a range of additional leave options to help employees take time away from work as a result of incidents or situations not covered by other types of leave such as the death of a close relative or illness of a dependent, a family or personal emergency or incident, unplanned medical treatment or a planned medical procedure. The Special Leave policy also covers employees who require to be absent from work to carry out a public service, such as jury duty.</p> <p>The Special Leave policy supports employee work life balance through providing special leave provisions or allowing staff to take a more flexible approach towards arranging their working hours.</p> <p>We are making amendments to the Special Leave policy as it has been recognised that the SSSSC can be more inclusive and supportive to promote equality in the</p>
--	--

	<p>workplace. For instance, the amended policy includes provision for foster carers, for those who have experienced domestic abuse and offers bereavement leave to parents. The policy also provides paid time off in certain circumstances as a reasonable adjustment to those with a disability.</p> <p>The guidance covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy.</p> <p>We are aware that certain groups of employees (disabled employees or employees who are pregnant or going through gender reassignment) are more likely to require time off for medical appointments. This policy has a positive impact on these groups as it states that employees are entitled to reasonable time off. Employees who are considered disabled under the Equality Act may be entitled to paid time off for appointments. Where appropriate, we believe this is a reasonable adjustment as it removes any substantial financial disadvantage they might otherwise suffer if they had to take unpaid leave or make up time lost.</p> <p>The policy will be continually monitored by HR and the Partnership Forum through the policy review channel.</p>
<b>How will it contribute to the SSSC's strategic objectives and/or priorities?</b>	<p>The Special Leave Policy contributes to strategic outcome 4, priority 5/6 – a customer focus throughout the organisation and high standards of governance.</p> <p>The aim of the policy is to ensure that the SSSC supports employees by allowing staff to take a more flexible approach towards arranging working hours as a result of incidents or situations that are not covered by other types of leave. The policy ensures there is a framework in place to ensure that all employees are treated fairly and that support measures are in place.</p>

<p><b>Equality duties and protected groups</b>  <b>Who will it affect (either positively or negatively)?</b></p>	<p>The policy and the amendments that have been made to the current version, go further to promote the legal requirements of fulfilling the three acts noted below.</p> <p><b>Human Rights Act 1998</b> - The Special Leave policy promotes human rights of all staff e.g. article 8 (right to respect for private and family life). It ensures that staff are treated as individuals and supported accordingly. For instance, the policy allows paid time off for dealing with emergency family situations.</p> <p>Children and Young People (Scotland) Act 2014</p> <p>United Nations Convention on the Rights of the Child</p> <p><b>Equality Act 2010</b> – amendments to the policy ensures we continue to meet the requirements of the legislation.</p> <p>We are aware that certain groups of employees (disabled employees or employees who are pregnant or going through gender reassignment) are more likely to require time off for medical appointments. This policy has a positive impact on these groups as it states that employees are entitled to reasonable time off. Employees who are considered disabled under the Equality Act may be entitled to paid time off for appointments. Where appropriate, we believe this is a reasonable adjustment as it removes any substantial financial disadvantage they might otherwise suffer if they had to take unpaid leave or make up time lost.</p> <p>There is also a positive impact in relation to gender, gender reassignment and sexual orientation – more details in this regard are noted below.</p> <p><b>Islands (Scotland) Act 2018</b> - the policy is supportive of those living on an Island Community as it encourages employees and managers to consider using the flexible working policy to be more flexible around contracted working hours.</p>
--	--

## Data and evidence gathering, involvement and consultation

(Please include any evidence or relevant information that has influenced the decisions contained in this IA)

**Please include details of all evidence used (qualitative and quantitative) you have included. This should include, where relevant, numbers of children and young people and their views/experiences and how this will affect them.**

The SSSC Equalities report (as at January 2019) was considered to identify the no. of current employees who have a protected characteristic. The SSSC are currently aware that 1.9% of employees have a known disability, however, only 47.4% of the workforce identified that they do not have a disability. This means that half of our workforce did not answer the disability question. Census information reports that approximately 20% of Scotland's population consider themselves to have a long-term, activity-limiting health problem or disability and therefore there is the potential that more of our employees have a disability than we are aware of. The Special leave policy permits time off for those who are considered to have a disability as a reasonable adjustment.

The Equalities report highlights that 79.6% of SSSC employees are full-time and 20.4% of staff are part-time. This policy takes account of part-time working hours and ensures that all staff are entitled to the same leave entitlements on a pro rata basis.

The Equalities report highlights that 66 of SSSC employees are male and 204 are female. Both men and women with caring responsibilities have the potential to benefit from time off to care for dependants. Carers Scotland identifies that 17% of the adult population in Scotland are carers and that 59% of carers are female and 41% are male. This policy allows time off for employees to look after dependants therefore this should have a positive impact.

	<p>External benchmarking and evidence was considered in relation to what other organisations are currently doing. For instance, the SSSC do not currently have a Fostering Leave Policy and therefore we have included best practice in relation to this in the amended policy.</p> <p>Furthermore, the UK government will introduce new legislation in April 2020 to provide two weeks paid leave for parents or carers of children who lose a child. We have therefore incorporated this into our policy.</p> <p>A section in relation to 'safe leave' for any employee who may experience domestic abuse was also included in the policy.</p> <p>A range of information was examined including the Scottish Government Equality Evidence Finder.</p>
<p><b>Has the proposal been the subject of relevant engagement and/or consultation?</b></p> <p><b>If yes, please say who with.</b></p> <p><b>If no, please say why none took place.</b></p>	<p>Consultation is not required for this policy due to the Equalities Outcomes and Mainstreaming report which takes cognisance of engagement with all employees allowing a holistic picture to be developed of SSSC staff.</p> <p>However, consultation has also been carried out with the OMT, EMT and Partnership Forum between January to April 2019. The Resources Committee have ratified the policy in June 2019.</p>
<b>Engagement and/or consultation carried out</b>	

<p><b>What were the results? Please include any consultation report/engagement results</b></p>	<p>The Equalities Outcomes and Mainstreaming Progress Report 2019 has the results of the SSSC workforce profile. The report is available on our website.</p> <p>Further the Policy Consultation Log also has details of the consultation with the Partnership Forum, OMT and EMT members.</p>
<p><b>Have you used best judgement (officer/practitioner knowledge and experience) in place of data/research/evidence?</b></p> <p><b>If yes, who provided this best judgement and what was this based on?</b></p>	<p>N/A</p>
<p><b>What gaps (if any) did you find in your data?</b></p>	<p>There are gaps identified in the evidence we have available as a number of employees chose not to complete their equality monitoring forms, therefore we have a number of gaps in relation to information available regarding disability status, gender reassignment status, marital status, ethnicity, religion and sexual orientation where staff have either not answered the question or responded that they would 'prefer not to say'.</p>
<p><b>Is further research necessary?</b></p> <p><b>If yes, what will you do, for example a further consultation, conduct a survey, engage with specific groups of people etc?</b></p>	<p>No further research is necessary at the current time.</p> <p>The policy will be reviewed every three years and will be done in consultation with staff, managers and the Partnership Forum.</p> <p>Information from the Equalities Monitoring report will also be reviewed.</p>

## ASSESSING THE IMPACTS AND IDENTIFYING OPPORTUNITIES TO PROMOTE EQUALITY

Having considered the data and evidence you have gathered; you need to consider potential impacts – negative and positive that your proposal might have on each of the protected characteristics. It is important to remember the duty is also a positive one – this means we must explore whether the proposal offers the opportunity to promote quality and/or foster good relations. Under each protected characteristic please consider how your proposal achieves the following:

- eliminates discrimination, harassment, victimisation or any other prohibited conduct
- advances equality of opportunity by having due regard to:
  - removing or minimising disadvantage
  - meeting the needs of particular groups that are different from the needs of others
  - encouraging participation in public life
- fostering good relations – tackling prejudice, promoting understanding.

**Gender – does the proposal take account of different roles and responsibilities? Does it assume, perhaps wrongly that men have no caring responsibilities? Is the proposal flexible enough to provide a service that everyone can access?**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positive impact identified as this policy allows time off for incidents of domestic abuse. Time off is available for family emergencies such as a breakdown of childcare arrangements. Time off for IVF fertility treatment can be requested by a man or a woman. This has a positive impact on sex and sexual orientation.

**Ethnicity – have you covered all minority ethnic groups? Consider the impact your proposal has on someone from a minority ethnic group and remember this impact may differ depending on the gender, disability, faith, sexual orientation or ethnicity of the person as different cultures have different views on what is acceptable. Consider language and format.**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neither a positive nor negative impact has been identified.

**Disability – a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out day-to-day activities. How does this proposal affect disabled people? Are there any impairment groups who are unfavourably affected by the policy?**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential positive impact identified as this policy allows paid time off for medical appointments as a reasonable adjustment for those who may be considered to have a disability.

**Sexual orientation – what are the issues for this group in terms of your proposal? Does it meet the needs of this group?**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential positive impact identified. Safe leave offers time off for any employee who has experienced an incident of domestic abuse. Research suggests that domestic abuse affects 1 in 4 lesbian, gay, bisexual and transgender people. Time off for IVF fertility treatment can be requested by a man or a woman. This has a positive impact on sex and sexual orientation.

**Gender reassignment – does your proposal include people of different gender identities? Will your proposal impact transgender individuals in any way?**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential positive impact identified. Under the Special leave policy, time off for medical appointments is highlighted. Also, paid time off is provided for medical procedures through the occupational sick pay scheme.



**Age – remember different age groups have different concerns. When considering age remember that some individuals are more vulnerable or have issues that may need additional consideration.**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neither a positive nor negative impact has been identified.

**Marriage and civil partnership – it is unlawful discrimination for people who are married/civil partnership/same-sex couple to be treated less favourable in employment than those who are not married/civil partnership/mixed-sex couple.**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential positive impact of Safe Leave which will be highlighted to employees once the policy has been approved. Latest figures (2016/2017 in Scotland) show that over half (55%) of domestic abuse incidents (where the relationship between the victim and accused is known) were between current partners. (Source: Police Scotland)

**Pregnancy and maternity – protection against maternity discrimination covers 26 weeks after giving birth – this includes treating a woman unfavourable because she is breastfeeding.**

Positive impact	Neutral impact	Negative impact	Reasons for your decision
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Significant positive impact. Pregnant women are also entitled to paid time off to attend ante-natal appointments. Expectant fathers and partners (male or female) of pregnant women are entitled to unpaid time off to accompany the women. 5 days paid leave is also provided in one year for IVF treatment.

			<p>The policy also now includes provision of 5 days leave for foster carers.</p> <p>Furthermore, the policy includes 'Parental Bereavement Leave'. This provides access to parents and carers to two weeks paid time off if they experience the loss of a child or a still birth after 24 weeks of pregnancy.</p>
--	--	--	---

**Religion/belief/non-belief – does your proposal take into account different festivals, holidays, religious days and traditions? Will the different faith beliefs impact on women from that group and exclude or prevent them from using the service?**

<b>Positive impact</b>	<b>Neutral impact</b>	<b>Negative impact</b>	<b>Reasons for your decision</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant positive or negative impacts identified as the SSSC already offer time off/flexible working arrangements for religious and/or cultural events, events.

#### **CHALLENGES AND OPPORTUNITIES FOR EQUALITIES GROUPS LIVING IN AN ISLAND COMMUNITY**

**This section considers the impact or effect of your proposal on an island community and whether this could be significantly different from its effect on other communities. Your proposal should be developed and delivered to improve or reduce any negative impact(s). Please consider each of the protected characteristics and complete the table below highlighting your evidence and justification for your response.**

<b>Is the impact positive, negative or no impact? Give comments</b>	<b>Positive Impact</b>	<b>Neutral Impact</b>	<b>Negative Impact</b>	<b>Reasons for your decision</b>
<b>Eliminating unlawful discrimination, harassment and victimisation</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially a positive impact as compassionate leave now allows manager discretion to award time off based on travel time, etc so this may have a positive impact if an employee was being granted time off to attend a funeral or to deal with a family emergency
<b>Advancing equality of opportunity</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially a positive impact as compassionate leave now allows manager discretion to award time off based on travel time, etc so this may have a positive impact if an employee was being granted time off to attend a funeral or to deal with a family emergency
<b>Promoting good relations among and between</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially a positive impact as compassionate leave now allows manager discretion to award time off based on travel time, etc so this may have a positive impact if an employee was being granted time off to attend a funeral or to deal with a family emergency

## CHILD RIGHTS AND WELLBEING

**This section considers the impact of your proposal on children and young people, or specific groups of children and young people, in Scotland. The UNCRC (The United Nations Convention on the Rights of the Child) has four general principles which you should consider as you develop your proposal.**

- 1. Non-discrimination children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).**
- 2. Best interests of the child every decision and action taken relating to a child must be in their best interests.**
- 3. Life, survival and development every child has a right to life and to develop to their full potential.**
- 4. Respect for the views of the child every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.**

**Please identify the individual rights you consider most relevant to your proposal and highlight the potential impact.**

<b>Is the impact positive, negative or no impact? Give comments</b>	<b>Positive Impact</b>	<b>Neutral Impact</b>	<b>Negative Impact</b>	<b>Reason for your decision</b>
<b>Civil rights and freedoms (Children have a right to access and to move freely in public spaces, and to meet up and spend time with others. Children have a right to think and believe what they like, to access information)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neither a positive nor negative impact identified.

<b>and to speak their mind, so long as this is not harmful to others. They have a right to keep personal matters and communications private.)</b>				
<b>Violence against children (Children have a right to be protected from inhuman or degrading treatment in every setting.)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential positive impact of Safe Leave which will be highlighted to employees once the policy has been approved. Latest figures (2016/2017 in Scotland) show that over half (55%) of domestic abuse incidents (where the relationship between the victim and accused is known) were between current partners. (Source: Police Scotland)
<b>Family environment and alternative care (Children have a right not to be separated from their parents, unless this is in their best interests. Where</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially positive impact for children as the special leave policy allows paid and unpaid time off for parents to deal with family emergencies or to deal

<p><b>children must live apart from their families, they have a right to be well cared for. If the child's parents are living apart, the child has the right to maintain contact with both, if that is safe and in their best interests. Children should have a say when adults make decisions about where they live and how they should be cared for, and those placements should be subject to regular review.)</b></p>				<p>with childcare emergencies.</p> <p>The policy also now includes time off for foster carers which also includes kinship carers.</p>
<p><b>Disability, basic health and welfare</b>  <b>(Disabled children are children first and have a right to the same opportunities as every child. That means removing the barriers - whether social, cultural, attitudinal or</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Potentially positive impact for children as the special leave policy allows paid and unpaid time off for parents to deal with family emergencies or to deal with childcare emergencies, this would include time off to attend</p>

<p><b>physical which impede their inclusion in education, play and recreation, and society, and providing whatever protective measures, health and social care services they might need. It also means promoting their equal rights and protecting them from discrimination. To fully take part in these opportunities, disabled children and their families sometimes require special care and assistance which should, where possible, be delivered free of charge.)</b></p>				<p>appointments or put in place care provision.</p>
<p><b>Education, leisure and cultural activities (All children, no matter what their ability, interests or background, have a right to an education</b></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Neither a positive nor negative impact identified.</p>

<p>that will help them achieve their potential without discrimination. Education should be child-centred and empowering. It should strengthen their capacity to enjoy the full range of human rights as well as promote human rights values. Children should be able to express their views, and encouraged to participate in preschool, school and college life. Children have a right to learn about human rights. Children also have a right to play and recreational activities, to rest and leisure, and to take part in cultural life.)</p>				
---	--	--	--	--



<p><b>Special protection measures</b>  <b>(There are groups of vulnerable and marginalised children who require special protection and these are often the children who are most at risk of having their rights ignored or infringed. They include asylum-seeking and refugee children, child victims of trafficking or exploitation, and children in trouble with the law. Asylum-seeking children and child refugees are entitled to special protection and all the other rights in the UNCRC. They must not be the victims of discrimination or stigmatisation. If they arrive unaccompanied by any parents or other family members,</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Neither a positive nor negative impact identified.</p>
---	--------------------------	-------------------------------------	--------------------------	---

<p><b>they should be well cared for. They should not be deprived of their liberty. Institutions where children are detained should treat them in a manner which takes into account their age, capacity and individual needs.)</b></p>				
---	--	--	--	--

## HEALTH AND WELLBEING AND HEALTH INEQUALITIES

**This is about physical, mental health and wellbeing and includes for example, participation, creativity and developing potential. It also covers all aspects of poverty including income and fuel poverty. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make. Think about health and the different causes of health inequalities:**

- **fundamental causes like macro-economic position, societal values about fairness and equity**
- **wider environmental influences like availability of jobs, physical environment for example, availability of services**
- **individual experiences like mental health and wellbeing, family income, ability to navigate services, connectedness**
- **socio-economic disadvantage like low income, low wealth, material deprivation and area deprivation.**

**Think about the different causes and types of poverty.**

- **Will this proposal provide services that meet the needs of people experiencing poverty?**

**Will the information and services be easy to access?**

<b>Is the impact positive, negative or no impact? Give comments</b>	<b>Positive Impact</b>	<b>Neutral Impact</b>	<b>Negative Impact</b>	<b>Comments</b>
<b>Remove inequalities and increase access to opportunities for improving health and wellbeing</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Positive impact identified. The policy allows employees who have a disability or are experiencing difficulties with their health and well-being to take reasonable paid or unpaid time off to attend appointments.</p> <p>The policy also allows paid time off for elective medical procedures and IVF treatment.</p> <p>Access to safe leave is also provided by the organisation.</p>

<b>Advance opportunities for increasing health and wellbeing across the sector</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially a positive impact as paid time off and unpaid time off is provided for elective medical procedures.
<b>Foster good practice for sector wide health and wellbeing</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially positive impact as paid and unpaid time off is provided for employees who require medical procedures or where employee is recognised to have a disability under the Equality Act.

## ECONOMIC AND SOCIAL SUSTAINABILITY

**This is about pay, employment opportunities, valuing and supporting voluntary work. It also covers some areas of poverty including individual and community resilience. The Fairer Scotland Duty requires us to actively consider how we can reduce inequalities in any major decision we make.**

**How will your proposal impact on social status, employment (paid or unpaid), encourage investment in skills and training, assist people on low incomes or support other disadvantaged groups in any way, the impact of delivery of services for people living rurally?**

**How will your proposal work in rural areas where the existing infrastructure is typically less developed or where infrastructure does not exist, for example there's no fast broadband connections?**

<b>Is the impact positive, negative or no impact? Give comments</b>	<b>Positive impact</b>	<b>Neutral impact</b>	<b>Negative impact</b>	<b>Reason for your decision</b>
<b>Removes disadvantage of inequality</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially positive impact as time off is provided for public and community service as part of the policy.
<b>Advance opportunities for individuals</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially positive impact as time off is provided for public and community service as part of the policy.
<b>Foster good relations and sustainability of communities</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potentially positive impact as time off is provided for public and community service as part of the policy.

## DECISION MAKING

**Which one of the following statements best matches your assessment of this proposal? Please give your reasons.**

<b>No major change – proposal is robust, evidence shows no potential for discrimination, all opportunities to promote equality have been taken</b>	
<b>The proposal needs to be adjusted to remove barriers or better promote equality</b>	X
<b>Proceed with proposal despite potential for adverse impact or missed opportunity to promote equality (not possible to remove all the risk protected characteristic groups)</b>	
<b>Stop and remove the proposal – shows actual/potential unlawful discrimination/in breach of equality legislation</b>	

## MONITORING AND REVIEWING

<p><b>How will you monitor the implementation of the proposal? For example, customer surveys.</b></p>	<p>The guidance document will be and will be reviewed after a period of 3 years in line with the SSSC Policy development cycle. The Equality Outcomes and Mainstreaming Progress report will be used to monitor the impact of the policy.</p> <p>Information will also be collated from HR systems in relation to employee access of the leave options available within the policy.</p> <p>As part of the review process the guidance will be shared with the Partnership Forum, OMT and EMT. The Resources Committee will have final approval of this policy.</p>
<p><b>How will you use the results of the monitoring to develop the proposal? (This information will be useful when you review the policy.)</b></p>	<p>HR will analyse how special leave is being taken within the organisation. The policy will be reviewed by Human Resources on a three yearly basis in consultation with managers, staff and Partnership Forum. Results of the Equality Mainstreaming report will also be considered as well as benchmarking with other organisations.</p> <p>The provisions of all categories of special leave will be analysed to see if there are any adjustments that should be considered.</p>
<p><b>When and how will you review the proposal? (Please also give details of who is responsible.)</b></p>	<p>The guidance document will be reviewed after a period of 3 years in line with the SSSC Policy development cycle. The Human Resources Team are responsible for reviewing the document. The OMT, EMT and Partnership Forum will be consulted in relation to the review process.</p>