

## EQUALITY IMPACT ASSESSMENT

<b>Policy title:</b>	<b>Special Leave Policy</b>
<b>Policy lead/ owner:</b>	HR Business Partner
<b>Others involved in EqIA assessment group</b>	Assessment group included: HR Adviser HR Adviser
<b>Policy implementation date:</b>	01/03/2024

### 1 Framing the policy

#### 1.1 Briefly describe the outcomes, aims and purpose of the policy:

This policy sets out the support in place through special leave from SRUC. The policy details the different allowances for a range of different special leave.

The aims of this policy are to:

- provide guidance to employees when requesting time off for absences outlined in this policy.
- provide guidance and advice to managers when supporting employees requesting special leave.

#### 1.2 Is the policy new or being changed, reviewed or stopped?

Review in line with Policy Review cycle and in line with legislative changes

#### 1.3 Who is affected by this policy?

This policy applies to all employees of SRUC. This policy does not apply to agency workers or self-employed contractors.

#### **1.4 Are there any other SRUC policies that may be affected by this policy?**

Maternity Leave, Paternity/Partner Leave, Adoption and Surrogacy Leave, Safe Leave, Attendance Management Policy, Hybrid Working Policy, Shared Parental Leave,

### **2 Evidence relevant to the policy including consultation**

The information you gather in this section will:

- help you to understand the importance of your policy/ practice/ process/ service for different equality groups,
- inform the depth of equality impact assessment you need to do (this should be proportional to the potential impact on equality groups), and
- provide justification and an audit trail behind your decisions, including where it is agreed an equality impact assessment is not required.

2.3 **Evidence:** Set out in the table what you know about the experiences of people in terms of each equality group. Consider the diversity within each group (e.g. experiences of people from different religions or faiths) as well as the differences between groups. There may also be cumulative barriers experienced by people when you look at more than one group together (e.g. experiences of women of different minority ethnic groups, so the intersectional impact of sex and race).

General evidence:

	No. of days	No. of ee's	Average
Paid Childcare Illness/Emergency	49	27	1.8 days
Emergency care leave	32	19	1.7 days
Bereavement	305	88	3.5 days
Religion/Beliefs	5	5	1 day
Appointment	51	20	2.55 days

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
Age	<p>SRUC Equality Outcome data and internal reports</p> <p><b>Scottish Legal Aid Board</b></p>	<p>The internal data shows that the following applied for special leave in the year Jan 2023- Dec 2023</p> <ul style="list-style-type: none"> <li>• 19-24 = 9 employees/36.5 days</li> <li>• 25-34 = 42 employees/87.5 days</li> <li>• 35-44 = 63 employees/109.5 days</li> <li>• 45-54 = 47 employees/80 days</li> <li>• 55-64 = 87 employees/179.5 days</li> <li>• 65+ = 8 employees/4.5 days</li> </ul> <p>SRUC Equality Outcome report 2023 shows that the largest number of employees are 45 – 54 years old (25.33%) followed closely by 35-44 years old (23.54%),</p> <p>Scottish Legal Aid Board show similar findings in terms of age, 90% of working carers are over the age of 30, with the amount of special leave peaking between 45 and 64.</p> <p>Older people are more likely to have long term health conditions which may mean that they need to attend preventative medical appointments on a more frequent basis.</p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
<b>Disability</b>	Internal data <a href="#"><u>CIPD Flexible Working Practices</u></a>	<p>A snapshot of SRUC internal data in 2022 informs us that 7.2% of our total employee population declared a disability. In 2023 this rose to 7.9%.</p> <p>In 2022 83.65% of SRUC population declared no known disability, in 2023 this was 83.5%.</p> <p>Out of all the special leave in 2023 82.2% of leave was taken by employees who did not declare a disability. 8.74% of leave taken was by employees who declared a disability, slightly higher than SRUC population.</p>
<b>Ethnicity</b>	<b>Internal data</b>	The majority (61.5%) of employees taking special leave reported as Scottish ethnicity, followed by 15.96% of employees reporting as British
<b>Sex</b>	<a href="#"><u>Facts about Carers_2019.pdf (carersuk.org)</u></a> <b>Internal data</b>	<p>Women are <i>more</i> likely to be primary carers for young and/or elderly relatives and may therefore be impacted by this policy. According to carersuk.org evidence shows that 58% of carers are female and 42% are male. 1 in 4 women aged 50-64 have caring responsibilities, compared to 1 in 6 men.</p> <p>In 2023, 58.9% of SRUC employees identify as female, 38.7% as male and over 2% identify as either other or prefer not to say/unknown. Comparatively, 51% of Scotland's population are women, 49% men.</p> <p>85% of unpaid leave days were taken by female employees.</p>
<b>Gender Reassignment</b>	<b>Internal data</b>	There is limited data collated by SRUC on gender reassignment in relation to the Special Leave Policy.

<b>Equality characteristics</b>	<b>Evidence source (e.g. web link, report, survey, complaint)</b>	<b>What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).</b>
		<p>Research suggests of all the equality strands, work with transgender people is relatively rare, leaving significant misunderstanding and uncertainty on how to support people.</p> <p>Depending on the stage of transitioning process an employee may require additional time away from work.</p>
<b>Sexual orientation</b>	Internal data	<p>There is limited data collated by SRUC on sexual orientation in relation to the Special Leave Policy.</p>
<b>Religion or Belief</b>	Internal data <a href="#"><u>AdvancedHE Equality and Higher Education Staff Statistical Report 2020</u></a>	<p>The internal data shows the majority of employees who took special leave in 2023 (57.8%) report "no religion or philosophical belief" or "not known".</p> <p>This is higher than AdvancedHE statistical data 2020 who reported 29% and all SRUC staff data in declared no religion or philosophical belief as 41%.</p> <p>The special leave policy allows employees to request unpaid time off or annual leave or use the hybrid working guidelines for time off for religious or cultural leave, this does not require the employee to declare a religion or belief.</p>

Equality characteristics	Evidence source (e.g. web link, report, survey, complaint)	What does the evidence tell you about the experiences of this group in relation to the policy/ practice/ process/ service? Lack of evidence may suggest a gap in knowledge/ need for consultation (step 3).
<b>Pregnancy or maternity</b>	Internal data	<p>There is limited data of pregnancy/maternity linked with special leave. Any leave linked with antenatal appointments are recorded under appointments in line with the Maternity Leave policy and there were no instances of special leave for fertility treatment in 2023.</p> <p>Employees with dependants/caring responsibilities are more likely to require unexpected/unplanned time off. This impact has been minimised as the special leave policy is now closely linked to the Hybrid Working Framework and promotes flexible ways of working throughout SRUC.</p>
<b>Marriage or civil partnership</b>	Internal data	<p>The majority of employees requesting special leave (54%) declared their marital status as married in 2023.</p> <p>2023 internal data shows a significant increase of employees declaring their marital status to single and living together, from 11% to 23% and 19% to 23% between 2022 and 2023 respectively.</p>

2.4 **Consultation and stakeholder involvement:** Speaking to people who will be affected by your policy/ practice/ process/ service can help clarify the impact it will have on different equality groups. Describe below what you learned from the consultation/ involvement. Consultation can take time so make sure that you build this into your policy review/ development timeline.

This policy is currently being developed in consultation with all SRUC recognised Trades Unions, Prospect, EIS and Unison, who represent all staff throughout the organisation.

In addition, as this is an internal policy, SRUC will also consult with all employees through the policy review process. These include SRUC Rainbow Network.

**2.5 Record here if you need to undertake a full equality impact assessment based on your evidence above.**

Outcome of Step 2 following initial evidence gathering and relevance to equality characteristics	Yes/ No (Y or N)	Next steps
There is no relevance to equality	No	Proceed to sign off (step 5) to agree with decision makers that no EqIA is required based on current evidence
There is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqIA
It is unclear if there is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqIA

**3 Impact on equality groups and changes to policy**

You must consider the three aims of the general duty for each protected characteristic. The following questions will help:

- **Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010?**
- **Is there potential to advance equality of opportunity between people who share a characteristic and those who do not?**
- **Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not?**

3.3 **Does the policy have any impacts (whether intended or unintended, positive or negative) on any of the equality characteristics?** In the tables below, record the impact of the policy, as it is planned or as it operates, might have on each equality characteristic and describe what changes in policy or actions will be required to mitigate that impact or to take advantage of a positive impact.

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
Age	Potential for discrimination			X	The special leave policy is now closely linked to the Hybrid Working Framework and promotes flexible ways of working throughout SRUC. Where previously appointments may have been approved through special leave and sick leave for ongoing treatment, the special leave policy encourages staff and advises managers to work flexibly around any appointments. The emphasis to more flexible working practices should minimise any possible perceived bias towards any group of employees.  Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy. The guidance is
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					available to all staff so promotes transparency and fairness. The policy is supported by managers guides and support documents to promote a consistent application of special leave. The policy is available to all staff at any level. We will continue to promote this policy and monitor uptake, disaggregated by age.
Disability	Potential for discrimination	X			The special leave policy is now closely linked to the Hybrid Working Framework and promotes flexible ways of working throughout SRUC. Where previously appointments may have been approved through special leave and sick leave for ongoing treatment, the special leave policy encourages staff and advises managers to work flexibly around any appointments. The emphasis to more flexible working practices should minimise any possible perceived bias towards any group of employees.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					<p>The special leave policy now includes paid time off for carers leave. Employees who have a dependant with caring needs are entitled to take up to 5 days leave per rolling 12 month. This addition supports employees to reconcile their caring responsibilities with work allowing for a better work life balance and improved wellbeing.</p> <p>The Special Leave policy uses inclusive language and formatted to promote accessibility. The policy also offers the employee to access alternative formats.</p> <p>The policy will be published with the option of immersive format and accessibility mode. There is optional provision for all written correspondence in an alternative format or the facility for the employee to provide information in an alternative format if required. The policy refers to the 2010</p>

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					Equality Act in relation to reasonable adjustments.
Race	Potential for discrimination			X	SRUC includes a statement in the policy to encourage engagement with people of different races and directs employees to alert HR if the policy presents any barriers. We will continue to promote this policy and monitor uptake, disaggregated by race. victimisation or harassment can be investigated and addressed. Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy. The guidance is available to all staff so promotes transparency and fairness.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Sex	Potential for discrimination	X			85% of unpaid leave days were taken by female employees in 2023. This may be in part due to historic ideologies on parenthood and flexible working. The evidence shows that this is disproportionate compared to SRUC's sex
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					<p>demographic split; of 59% female and 39% male. The addition of carers leave and clearly defined leave for dependant care may see a reduction in unpaid leave being used and a more flexible approach to work for all employees.</p> <p>The policy uses inclusive language. SRUC recognises the access of flexible working is predominantly employees who identify as female.</p> <p>We will continue to promote this policy and monitor uptake, disaggregated by sex. Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy. The guidance is available to all staff so promotes transparency and fairness.</p>
Gender Reassignment	Potential for discrimination			X	SRUC promotes engagement with the policy to people who identify with this protected characteristic directly
	Potential to advance equality of opportunity			X	

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
	Potential to foster good relations	X			employees to alert HR if the policy presents any barriers. The policy uses gender neutral language throughout. We will continue to promote this policy and monitor uptake, disaggregated by gender reassignment.
Sexual orientation	Potential for discrimination			X	SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers. We will continue to promote this policy and monitor uptake, disaggregated by sexual orientation.  Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			
	Potential for discrimination			X	

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
Religion or Belief	Potential to advance equality of opportunity			X	<p>SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers.</p> <p>SRUC recognises that employees may require time off for cultural and religious beliefs therefore to increase visibility the policy confirms unpaid time off for religious or cultural beliefs, the policy also offers employees alternatives to unpaid leave including hybrid working and TOIL (where applicable).</p> <p>Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy.</p>
	Potential to foster good relations	X			
Pregnancy or maternity	Potential for discrimination	X			<p>SRUC understands the impact time off for fertility treatment can have on an individual, this policy clearly defines time off for fertility treatment for both the</p>
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					<p>employee receiving treatment and their partner.</p> <p>SRUC promotes engagement with the policy to people who identify with this protected characteristic directs employees to alert HR if the policy presents any barriers.</p> <p>Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy.</p>
Marriage or civil partnership (in employment only)	Potential for discrimination			X	<p>SRUC has seen a percentage decrease in employees who are married, 2022 at 63%, decreased in 2023 to 44%. And a significant increase of employees declaring their marital status to single and living together, from 11% to 23% and 19% to 23% respectively.</p> <p>SRUC promotes engagement with the policy to people who identify with this protected characteristic directs</p>
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

Equality group	Public sector equality duty	Place 'X' in the relevant box(es)			Describe the changes or actions (if any) you plan to take. E.g. to mitigate any impact, maximise the positive impact, or record your justification to not make changes despite the potential for adverse impact.
		Positive impact	Negative impact	No impact	
					employees to alert HR if the policy presents any barriers. Positive impact as the clearly defined policy and procedures are intended to support a fair and consistent application of the special leave policy.

**3.4 Think about and describe below how your assessment impacts on your policy review/ development timeline including but not limited to:**

- Procurement criteria: do you need to include specific equality criteria as part of the technical specification ?
- Communication plan/ products: do you need to communicate with people affected by this policy/ practice/ service/ process in a specific format (e.g. audio, subtitled video, different languages)?
- Cost: do you propose any actions because of this assessment which will incur additional cost?
- Resources: do the actions you propose require additional or specialist resource to deliver them?

**3.5 Record the outcome of this assessment below having considered the potential or actual impacts of your policy/ practice/ process/ service on equality groups.** Choose from one of the following (mark with an X or delete as appropriate):

**Note: You must take action to remove barriers or take advantage of positive opportunities BEFORE the policy goes live.**

Please select (X)	Implications for the policy/ practice/ process/ service
X	<b>No major change:</b> Your assessment demonstrates that the policy service is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.
	<b>Adjust the policy:</b> You need to take steps to remove any barriers, to better advance equality of to foster good relations. You have set actions to address this and have clear ways of monitoring the impact of the policy when implemented.
	<b>Continue the policy:</b> The policy will continue despite the potential for adverse impact. You have justified this with this assessment and shown how this decision is compatible with our obligations under the public sector equality duty. When you believe any discrimination can be objectively justified you must record in this assessment what this is and how the decision was reached.
	<b>Stop and remove the policy:</b> The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated.

#### 4 Monitoring policy impact and further actions

It is important to continue to monitor the impact of your policy/ practice/ process/ service on equality groups to ensure that your actual or likely impacts are those you recorded. Your monitoring information will also inform a future review of the policy.

##### 4.3 Record in the table below how you intend to monitor the impact of this policy/ practice/ process/ service on equality groups. In the table below you should:

- list the relevant measures,
- Identify who or which team is responsible for implementing or monitoring any changes
- Where the measure will be reported to (e.g. committee, ELT, Board) and how often.

Measure	Lead department/ individual	Reporting (where/ frequency)
Special Leave uptake disaggregated by protected characteristic.	HR Data	Annually

**4.4 Record further actions or changes required after the policy is implemented in the table below. Make it clear if there are no outstanding actions.**

Action	Lead department/ individual	Action target date
Trans Inclusion Policy	EDI	End 2024
Neonatal Leave	HR Policy	April 2025

**5 Sign off and future review**

Equality impact assessments must be signed off by the relevant Head of Service/ Department, even where an EqIA is not required. Also note here when you plan to review the policy and accompanying EqIA which should be no later than 5 years from policy implementation.

**5.3 Senior Responsible Owner/ Committee sign off.**

Job/ Committee title: Chief People Officer

Date: 19/03/2024

**5.4 Equality impact assessment review date.**

Date: 19/03/2029

**Important: You must send the final version of this equality impact assessment to:**

- the Equality Diversity & Inclusion Lead.
- the Communications team for publication on SRUC's equality page on the external website.

<b>Document control</b>		
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