

EQUALITY IMPACT ASSESSMENT

Policy title:	Adoption and Surrogacy Leave Policy
Policy lead/ owner:	HR Business Partner
Others involved in EqlA assessment group	Assessment group included: HR Business Partner HR Adviser
Policy implementation date:	13/12/2022

1 Framing the policy

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

This policy sets out legislative rights and explains the internal process to be followed for anyone adopting a child through a UK or overseas adoption agency, or a local authority foster parent who has been approved as a prospective adopter, or an adopter through a surrogacy arrangement.

The policy outlines the support and entitlements that any employee that wishes to take Adoption leave are able to access. The policy applies to the "primary adopter". The policy signposts the partner (where applicable) of the primary adopter to the paternity/partner policy.

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

Review in line with Policy review cycle.

1.3 Who is affected by this policy?

All SRUC employees. Eligibility applies to the parent nominated as primary care giver when adopting a child, known as the 'primary adopter'

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

Maternity Leave, Special Leave, Paternity/Partner Leave, Shared Parental, Flexible Working Policy

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.

1.5 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

The policy is developed in line with legislation explained here [Child adoption: Overview – GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/child-adoption-overview), [Statutory Adoption Pay and Leave: employer guide: Entitlement – GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/statutory-adoption-pay-and-leave-employer-guide) and has been reviewed against the Advisory, Conciliation and Arbitration Service (ACAS) guide on adoption leave and rights [Adoption leave and pay: Your adoption leave, pay and other rights – Acas](https://www.acas.org.uk/advice-guidance/adoption-leave-and-pay).

We ultimately conclude that the policy closely reflects the ACAS guidelines and covers SRUC's statutory obligations.

Internal SRUC evidence / data: Only 1 employee has applied for adoption leave in the last 2 years. We therefore conclude that there is no meaningful data sample relating to the use of this policy in SRUC and it is equally impossible to draw any meaningful conclusions in respect of Equality impact.

In 2020 there were 10,895 children in care in Scotland. Of children who left care in Scotland in 2020, 6% went on to be adopted, and 73% of children adopted in Scotland were under the age of five. This information tells us that there are substantial numbers of children – predominantly under the age of 5 waiting to be adopted in the UK alone, so there is a continued need for an up to date, easily understood policy for prospective adopters – [Home for Good](https://www.homeforgood.org.uk/), [Statistics: Scotland | CoramBAAF](https://www.statistics.gov.uk/)

You can add more rows to present the evidence if required.

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	Adopting a child in Scotland – mygov.scot	You must be over 21 to adopt in the UK and the average age of an adopter in the UK is 38 years old. There is no upper age limit for adoption. 41% of the current SRUC workforce sits within the age bracket 21–40 years old who would fall into the most likely age group to be starting on the adoption process. Just over 57% are aged 41+ and less than 1% sits within the 16–21-year-old category, this younger age group could make up

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).
		prospective future adopters. SRUC does not restrict access to the policy based on age.
Disability	The EQIA group discussed the importance of accessible formatting	The policy uses inclusive language. The policy is formatted to promote accessibility. The policy also offers the employee to access alternative formats. The policy will be published with the option of immersive format and accessibility mode.
Race	Adopting a child in Scotland - mygov.scot Child adoption: Overview - GOV.UK (www.gov.uk) Adoption workforce must become more diverse to help tackle racial disparities, says Lords report - Community Care	<p>Evidence shows children from black and ethnic minority groups wait three months longer than white peers to be adopted and social workers continue to prioritise ethnic matching despite reforms to remove religion and belief to be taken into account. House of Lords committee found there were significant barriers to black and ethnic minority prospective adopters coming forward, including because of poverty and the perception that families needed a spare bedroom in order to adopt a child.</p> <p>Information detailing requirement to have lived in UK for more than 1 year to begin the adoption process. SRUC has employee groups who will be part of the promotion of the Adoption and Surrogacy policy. SRUC does not currently have an employee group representing employees from minority racial backgrounds.</p>
Sex	Facts_about_Carers_2019.pdf (carersuk.org)	<p>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>This points towards some evidence that there is a higher likelihood women will be the main or primary adopter.</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).
		<p>59% of SRUC employees identify as female, 38% as male, 0.2% identify as other and just over 2% of employees prefer not to say/unknown. In comparison 51% of Scotland's population are women, 49% men</p> <p>The limited evidence held by SRUC shows that adoption leave has been taken by females only in SRUC over the last 10 years.</p>
Gender Reassignment		Equality data is collated by SRUC on Gender Reassignment, there is limited internal data through the Adoption policy.
Sexual orientation	LGBT+ Adoption Enquire Today Adopters for Adoption UK	<p>The UK is now one of the world leaders in this respect to LGBT+ adopters, with 1 in 6 Adoptions in England in 2020. The number of same-sex couples adopting are continually increasing in the UK.</p> <p>SRUC data shows 74.9% of employee's sexual orientation is heterosexual, 21.7% is unknown/prefer not to say and 3.4% of employees identify within LGBT+ groups.</p>
Religion or Belief	Adoption and fostering: matching children to parents from same religion and ethnicity makes for happier families (theconversation.com)	Evidence shows that for many Muslim adopters and foster carers, this faith also motivates them to adopt in the first place however there is a lack of Muslim adoptive parents available for the number of children.
Pregnancy or maternity		1.23% of employee within SRUC confirmed maternity leave through SRUC from January 2022 – December 2022.

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).
Marriage or civil partnership	Who can adopt? – St Andrew's Children's Society (sacsadopt.scot)	Adoption agencies may have clear guidance on couples being together for a minimum period before being able to apply for adoption. (e.g. minimum 3 years).

- 1.6 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 their policy review process. These include SRUC Rainbow Network.

- 1.7 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 EqlA is required based on current evidence
There is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqlA

It is unclear if there is relevance to some or all of the equality groups	Yes	Proceed to Step 3: complete full EqlA
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2 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?** Yes. This will be mitigated by ensuring confidentiality, and promoting a fair and consistent application of the policy. The policy offers legislative minimum requirements and also offers enhanced payments in line with the maternity leave policy. SRUC offers support through the Grievance Policy and Dignity at Work policy to ensure that any potential discrimination, victimisation or harassment can be investigated and addressed.
The data around Adoption leave will be reported on under the PSED through the HR MI reporting.
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not?** How can this be achieved? Based on the evidence around increase of LGBT+ groups SRUC will promote the adoption leave policy through the Rainbow staff network. SRUC will also promote the [World Adoption Day](#) and World Surrogacy Day through our annual equality calendar to try and minimise any perceived stigma around Adoption and Surrogacy leave.
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not?** How can this be achieved? Through the promotion of the equality section of the Policy scope through the rainbow network.
Given the limited internal data SRUC has sought feedback from all employees to understand the experience and support for any employees considering Adoption leave.
SRUC will also promote the World Adoption Day and World Surrogacy Day through our annual equality calendar to try and minimise any perceived stigma around Adoption and Surrogacy leave.

2.1 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	SRUC does not restrict access to the policy based on age. Legislation may set restrictions however.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			
Disability	Potential for discrimination	X			The policy uses inclusive language. The policy is formatted to promote accessibility. The policy also offers the employee to access alternative formats. The policy will be published with the option of immersive format and accessibility mode.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Race	Potential for discrimination			X	SRUC does not restrict access to the policy based on this protected characteristic.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			
Sex	Potential for discrimination			X	Despite the evidence showing adoption will be taken predominantly by women, the policy applies to all genders and uses gender neutral language.
	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	
Gender Reassignment	Potential for discrimination			X	SRUC does not restrict access to the policy based on this protected characteristic.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations			X	
Sexual orientation	Potential for discrimination	X			Based on the evidence around increase of LGBT+ groups SRUC will promote the adoption leave policy through the Rainbow staff network.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Religion or Belief	Potential for discrimination			X	SRUC does not restrict access to the policy based on this protected characteristic.
	Potential to advance equality of opportunity			X	
	Potential to foster good relations	X			
Pregnancy or maternity	Potential for discrimination			X	The adoption and surrogacy leave and pay enhanced entitlements are comparable to those available through SRUC maternity
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			
Marriage or civil partnership (in employment only)	Potential for discrimination			X	SRUC does not restrict access to the policy based on this protected characteristic. SRUC will promote the adoption leave policy through the Rainbow staff network.
	Potential to advance equality of opportunity	X			
	Potential to foster good relations	X			

2.2 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?

2.3 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	No major change: 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.
	Adjust the policy: 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.
	Continue the policy: 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.

	Stop and remove the policy: The policy will not be implemented due to adverse effects that are not justified and cannot be mitigated.
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3 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.

3.1 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)
Adoption and surrogacy leave	HR Business Support Data and Reporting Analyst	Annual
New candidates joining SRUC and accessing adoption or surrogacy leave	HR Business Support Data and Reporting Analyst	Annual

3.2 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
EDI committee recommendation for other groups	HR Business Partner	End December 2022 – February 2023 committee date

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4 Sign off and future review

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

4.1 Senior Responsible Owner/ Committee sign off.

Job/ Committee title: Chief People Officer

Date: 28/02/2023

4.2 Equality impact assessment review date.

Date: Click here to enter a date. 12/2027

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.

Document control		
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