

This template summarises the key decisions/actions taken in 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 and Procedure
EHRIA Lead Person	HR Business Partner, HMP Edinburgh
Date EHRIA completed	18/09/15
Review date and frequency	Every 3 years
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>Opportunity to review existing Policy and update to bring in line with current employment legislation. Provide updated clarification of policy and practice for staff and managers.</p> <p>Improve ease of access for individuals with reading impairment by providing document in alternative format.</p> <p>The SPS is also aiming for Good Practice (beyond basic compliance) in relation to the range of HR policies that will enhance equality of opportunity and inclusion for all genders, parents who are in same-sex relationships, and transgender staff. The revised Policy has been written in such a way to make the information accessible to all SPS staff and use language that is designed to be inclusive.</p>
WHO did you consult with?	<ul style="list-style-type: none"> • SPS Equality & Diversity Team • SPS Employee Relations & Reward Policy Team • Trade Union Side • Scottish Government Policy material • SPS Network Groups
WHAT did you learn?	That there was no previous EHRIA completed for the previous guidance/ policy, that SPS employees are seeking a Maternity & Parenting Policy that is written in clear, easy to understand language, that sets out roles and responsibilities and uses language that is inclusive towards all our workforce.

Scoping	
HOW will this shape your policy/practice?	The information obtained shaped the re-draft of the Policy with a particular emphasis on ensuring the revised guidance is clear, well structured, sets out roles and responsibilities and uses language that is inclusive to all.
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>This Policy is relevant to all employees but will be of particular importance to expectant mothers; partners of expectant mothers; expectant adoptive parents and those with parenting responsibility. The Policy impacts on a number of the 9 protected characteristics protected under the Equality Act 2010.</p> <p>SPS Employment Equality Monitoring Information at 31/01/15 was considered, with particular focus on sex (gender balance), age, full-time vs. part-time, disability.</p> <p>Wider Scottish demographics were considered regarding dependent children in a family; proportion of babies born to married/unmarried parents; variety of 'family types' in Scotland; and adoptions.</p> <p>Also considered was the Cabinet Office's "Women in Whitehall, Culture, Leadership and Talent" Report. One of the key findings is around support for women on and returning from maternity leave. The Report highlighted that employees view HR Policies like flexible working and job sharing and compressed hours as positive. They are broadly in line with leading practice. However, the interpretation of these policies by Department and line manager varies enormously. This finding supports the SPS having a clearly written and easily understood Maternity and Parenting Policy which is accessible to all and uses inclusive language.</p>

Impact	
Will the impact and outcomes of the new/revised policy/practice:	
Contribute to eliminating discrimination, harassment and victimisation? E.g.	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>

Impact Will the impact and outcomes of the new/revised policy/practice:	
<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 	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, encourage 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"/>
Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Ensure Human Rights Compliance?	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.

<p>Positive Impacts</p> <p>Protected characteristics affected: Age, Sex, Disability, Gender Identity, Sexual orientation, Maternity and Pregnancy, Marriage and civil partnership, Socio-economic groups.</p> <p>As the Policy relates directly to Maternity and Parenting it will provide updated advice and clarification to members of the protected group Maternity and Pregnancy</p> <p>Expectant mothers typically fall into the age category 16 – 45 thus the updated Policy will be of particular relevance and interest to this age group. However regardless of age the Policy is relevant and will be of interest to all employees with an interest in maternity or parenting and the aim is to make the advice and guidance accessible to all, to eliminate discrimination, advance equal opportunities and foster good relations.</p>

Positive Impacts

As most expectant mothers are female the updated Policy will be of particular relevance and provide clarification on roles and responsibilities to this gender group. However as expectant parents may have changed or be changing their gender the aim is to make the advice and guidance accessible to all, to raise awareness through the language used that we cannot make stereotypical assumptions based on gender in relation to maternity and parenting.

Those people who have changed or are changing their gender and who are or will be expecting a baby/becoming a parent will benefit from the updated Policy and procedures. The revised Policy seeks to make it clear that the policy applies equally to trans people and that inclusive language is used throughout to reflect this. On an annual basis the SPS completes the Stonewall Workplace Equality Index which includes a measurement whether policies use terminology which is explicitly inclusive of LGBT employees.

The quantitative data reflects that the majority of children in Scotland live in a married/cohabitating family thus the Policy is directly relevant to the marriage and civil partnership group. However the language used in the revised Policy has been designed to be inclusive to make the information accessible and relevant to all employees.

All staff regardless of sexual orientation who are expecting a baby/becoming a parent will benefit from the updated Policy and procedures. The revised Policy seeks to make it clear that the policy applies equally to employees regardless of sexual orientation and that inclusive language is used throughout to reflect this.

The policy includes provision for paternity leave and shared parental leave, which will have a positive impact on equality of opportunity for men and also for women as positively supporting men to take shared parental leave enables women to keep a strong link to the workplace. Similarly, the policy makes clear that the provisions for attending ante-natal appointments apply equally to male and female partners, and time off for attending fertility treatment appointments recognises that men have equal rights to have their requests considered reasonably.

The new policy will be presented in a format which will make it more accessible to individuals with visual or other impairments which make reading difficult.

Linking this policy to the E-HR process will allow for anonymous monitoring of the application of this policy to staff who have protected characteristics – allowing SPS to effectively review the process and take further action if required.

Negative Impacts

Protected characteristics affected:

Impact	Mitigation
None identified.	

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"/>

Recommended course of action

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).

Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.

Summary of Outcome decision and Recommendations

Proceed with policy review, ensuring that policy and (particularly) guidance takes into consideration issues around protected characteristics. In particular to ensure the Policy is re-written in such a way that the language used is inclusive and the information accessible to all employees.

A key aim is to ensure the guidance is clearly written and clearly articulates the roles and responsibilities on the individual, the manager and the SPS to ensure staff feel supported at all stages of the process.

Guidance notes and forms will be attached as annexes and again will be written in language that is clear, inclusive and accessible.

Next steps

Impact of policy will reviewed by taking action on the following:

- Legislative changes – To ensure compliance with all relevant legislation.
- Significant grievances/unforeseen EHRIA impacts – To ensure that any unforeseen issues are addressed.
- SPS standard policy review timescales – As part of SPS standard review of policies.

If you require this document in an alternative format, please contact

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