

SPECIAL AND CARER'S LEAVE POLICY

POLICY NUMBER & CATEGORY	HR04	Human Resources
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RATIFYING COMMITTEE	Trust Board / Clinical Governance Committee*	
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EXECUTIVE DIRECTOR	Head of HR Operations	
POLICY LEAD	Head Of HR Operations	
POLICY AUTHOR (if different from above)	XXXX (HR Advisor) XXXX (HR Advisor)	
FORMULATED VIA	Workforce Committee, Trade Union	

POLICY CONTEXT

- This policy aims to inform managers and staff of the different types of “special leave” which may be used in a variety of circumstances.
- This policy is developed in accordance with legislation, Agenda for Change terms and conditions and the Trust’s desire to create a workplace where employees are supported in balancing their working lives with their commitments outside of work.

POLICY REQUIREMENT (see Section 2)

- This Policy undertakes to outline potential circumstances in which the requesting and authorisation of Special Leave is appropriate for employees of the Trust subject to the needs of the service. The list provided is intended to be illustrative and not exhaustive.
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1 INTRODUCTION

1.1 Rationale (Why)

The Trust is committed to helping staff balance the demands of both their work and personal needs and recognises the importance of supporting staff to achieve a work-life balance, in order to maintain an effective performance and the continued provision of high quality service.

The Trust understands that in exceptional circumstances emergencies/duties which affect employees and/or their dependants may require them to be unavoidably absent from work.

The Trust takes seriously its responsibility to support any employee who has caring responsibilities for relatives or friends who may need special support because of age, disability or illness.

As a result this policy aims to provide a clear framework for decision making to ensure fair and equitable approach in the consideration of leave requests balanced with the needs of the service.

It is Human Resources responsibility to provide specialist advice to both employees and managers on the application of the policy. This states why the policy is necessary and include reference to any relevant guidelines, statutory requirements or other recommendations.

1.2 Scope (Where, When, Who)

The following areas are covered within the policy:

- Bereavement or compassionate leave
- The illness of a spouse, partner (regardless of their gender) parent or person standing in a special relationship to the employee
- Breakdown of normal care arrangements for dependants giving rise to domestic difficulties
- Unexpected or sudden **serious** emergencies e.g. an incident with your child at school.
- Unexpected and **serious** domestic situations e.g. burst pipes, flooding or burglary
- Attending medical appointments (other than ante and post-natal appointments) inclusive of IVF treatment
- Religious Festivals
- Civil or public duties
- Volunteer Reserve Forces
- Recruitment and selection interviews
- Inclement weather

This policy applies to all employees of the Trust excluding those employed solely through Temporary Staffing Solutions, Agency staff and contractors.

1.3 Principles (Beliefs)

All special paid leave granted will be paid equivalent to basic pay and not include any additional enhancements.

Annual leave shall accrue during any period of special leave whether paid or unpaid.

Annual leave may be requested to supplement special leave and managers should ensure that in all but exceptional circumstances, this is granted. Any approved annual leave will be paid as per Agenda for Change terms and conditions.

In exceptional case and where circumstances dictate, leave over and above the periods described in this policy may be granted by a Senior Manager

2 POLICY (What)

This policy aims to inform managers and staff of the different types of “special leave” which may be used in a variety of circumstances. This policy is developed in accordance with legislation, Agenda for Change terms and conditions and the Trust’s desire to create a workplace where employees are supported in balancing their working lives with their commitments outside of work.

All Trust employees will act in a fair and reasonable manner in both making requests for special leave and, if they are in a role which has managerial responsibilities, in considering and approving applications for special leave with a responsive and flexible approach which is consistent with the Trusts policy. Individual decisions about the granting of special leave cannot be considered as precedents.

3 PROCEDURE

- 3.1** All requests for special leave i.e. any absence other than authorised leave or sickness must be submitted in writing to the line manager using the “Application for Special / Carer leave” form, (appendix 1) and approved by way of signature by the employee’s line manager. In the event that the leave is refused, the reason for the refusal will be discussed with the member of staff and clearly stated on the leave form. Due to the nature of this request it is envisaged that this request will be dealt with retrospectively. It is important to record this leave as soon as is practicable on the employees return and if at all possible on their first day / shift. The form should be retained on the individuals file.
- 3.2** In making a request employees should always act responsibly by giving as much notice as possible in advance of the period of leave requested if circumstances permit, to allow time for consideration and any cover arrangements that may be required to be made. In times of an unexpected urgent crisis employees should notify their manager at the earliest convenience. Where examples are given within the actual policy, please note that these are not exhaustive lists.
- 3.3** Staff may only take special leave when they have been given prior permission to do so. Leave that has not been agreed in advance could potentially be treated as unauthorised absence. The Trust reserves the right to request documentary evidence to consider an application for special leave, e.g. medical appointments.
- 3.4** All absence should be recorded on ESR via manager’s self-service.
- 3.5** Any requests for leave not covered specifically by this policy should be discussed with Human Resources.
- 3.6 Bereavement or Compassionate Leave**

Bereavement leave will be granted following the death of a close relative, family member, partner (regardless of their gender), or close friend. **Up to 5** working days (or equivalent) paid leave

may be granted. This need not be taken consecutively and individual circumstances need to be taken into account. Additionally **a further day's paid leave** would normally be granted for the day of the funeral and will be in addition to the provision made for bereavement.

Annual leave or unpaid leave may be granted when bereavement leave is exhausted or is not appropriate and where additional time may be required.

Factors to be taken into account in reaching a decision should include:

- Personal relationship with the deceased
- Responsibility for funeral arrangements and/or personal effects
- Amount of travelling involved

The Trust naturally recognises that bereavement will be a particularly difficult time in the employee's life. Managers should ensure that any employee going through such an experience is made aware of the services of Staff Support (PAM Assist and Occupational Health at this time, should they require them).

3.7 Special Leave for Emergencies or Serious Illness Involving Dependants and/or Family Members

A dependent within the Employment Rights Act of 1996 is defined as an employee's spouse or civil partner, a child, parent or a person living in the same household as the employee (other than being a tenant, lodger, boarder or employee).

Paid special leave may be granted to enable employees to manage either **urgent or unforeseen** personal situations including:

- Illness of a spouse, partner (regardless of their gender), parent, child or person standing in a special relationship to the employee
- Breakdown of normal care arrangements for dependants giving rise to domestic difficulties
- Unexpected or sudden emergencies involving a dependant of the employee

Up to 3 days working days (or equivalent) paid leave may be granted -to enable the employee to manage such situations in the short term. A further **2 days** paid leave may be granted in **exceptional circumstances** and on the approval of the appropriate Senior Manager.

It is not expected that such leave arrangements will be a regular occurrence. This type of leave is specifically designed for unpredictable times. They should not be applied to minor or common problems such as home deliveries or planned hospital treatment for dependants (for which annual leave should be used).

The employee's line manager will hold a meeting with the employee following their return from absence. It is at this meeting a decision will be made as to the granting of special/carers leave. Further details of the discussion, including the reasons for requesting this leave should be recorded on the application of special/carers leave form (Appendix 1). Discussion around the employees wellbeing and potential requirement of further support should also be discussed.

The use of special/carers leave will be monitored and regularly reviewed by the line manager, with consideration of the number of applications submitted and any evidence of potential abuse of the Trusts policy.

Should the need for leave be rather longer term employees may wish to consider:

- Annual Leave
- Taking a period of parental leave under the parental leave policy

- Requesting alternative flexible working arrangements – e.g. a change in working hours or shift pattern, refer to the **Flexible Working Policy**.
- Requesting a period of unpaid, extended special leave for a period of up to 3 months. (Authorisation for such a period would be taken in conjunction with the relevant Clinical Services Manager)
- Taking an employment break under the Trust's employment break scheme

3.8 Special Leave for Unexpected and Serious Domestic Situations

Paid special leave will be granted to enable an employee to manage unexpected, serious domestic situations. Examples of such situations that would give rise to the granting of such leave are flooding and any damage or situation that pose a risk to the employee's home. Up to 1 days' paid special leave will be granted to enable the employee to manage the situation.

Annual leave or unpaid special leave may be granted when this special leave is exhausted. There will be meeting with the employee's immediate line manager following their return from absence. It is at this meeting a decision will be made as to the granting of special leave. Further details of the discussion, including the reasons for requesting this leave should be recorded on the application for special/carers leave form (Appendix 1). A discussion around the employees wellbeing and potential requirement of further support should also be held.

The use of special/carers leave will be monitored and regularly reviewed by the manager, with consideration of the number of applications submitted and any evidence of potential abuse of the Trust Policy.

3.9 Special Leave for Medical Appointments

For ante natal and postnatal appointments please refer to the provisions within the maternity and paternity policies.

The majority of routine dental appointments or GP appointments should be arranged outside of working hours. Where possible, employees should request the appointment that gives the least disruption to service provision i.e. as close as possible to the end or the beginning of their working day.

A reasonable amount of paid special leave may be granted where an employee is required to attend a medical appointment at the discretion of their line manager. The employee will be expected to produce an appointment letter or card and complete their shift prior to and after any such appointment, as long as it is reasonably practicable to do so. Where the request for time off impacts on service provision the employee may be asked to make up time lost, annual leave or take unpaid leave. Employees should make the request in advance and give as much notice to their manager as possible.

In cases of disability related hospital appointments please refer to the **Management of Sickness Absence Policy (Disability Leave 3.8)**.

3.10 In Vitro Fertilization (IVF) Treatment

Time off for medical appointments in connection with infertility investigations and treatment should be dealt with in the same way as for any other medical appointments. For more specific detail in relation to IVF please refer to the Trust's Maternity and Adoption Policy.

3.11 Religious Festivals

All employees who need time off for religious or cultural observance will be entitled to request the following, subject to the needs of the service:

- a) General flexibility in arrangement of working hours, and/or
- b) Annual leave, or unpaid leave.

All managers should be considerate to requests and should accommodate them wherever it is reasonably practicable to do so.

3.12 Special Leave for Civil or Public Duties

Paid special leave will be granted and/or time off for employees who are required to be absent from duty in order to perform the following types of essential civil and public duties:

- Magistrate and Justice of Peace
- Members of a local authority
- Members of any statutory tribunal
- In England and Wales, members of the managing or governing body of an educational establishment maintained by a local education authority or a further or higher education corporation
- Members of the General Teaching Councils for England and Wales
- Members of the Environment Agency
- In England and Wales, members of the boards of prison visitors

In determining what is reasonable managers should take account of:

- How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question
- How much time off the employee has already been permitted for this purpose
- The needs of the service and the effects of the individual's absence

As the extent of responsibilities placed upon the different public roles will vary considerably in each case any request should be considered individually taking account of the factors in the above paragraph. The following paragraphs identify maximum periods of leave which may be authorised in a 12 month period:

Justices of the Peace and Magistrates	Up to a maximum of
Members of Local Authorities	18 days paid leave
Members of the Governing Body of Educational Establishments	Up to a maximum of 5 days paid leave
Other categories outlined above	Up to a maximum of of 10 days paid leave

Additional unpaid leave may be granted to supplement the paid leave granted in accordance with the above paragraph subject to the needs of the service. As an alternative, managers may authorise employees to take time off within a working day on the basis that the time is made up at a mutually convenient time.

3.13 Jury Service

Paid special leave must be granted to enable employees to attend jury service. Jury service is a public duty. Unless someone is disqualified, has the right to be excused or has a valid reason for discretionary excusal then they must serve. Certain people have the right to be excused from Jury Service, such as those over 65, anyone who has served on a jury within the last two years and members of the medical and clinical profession. Anyone else may apply for discretionary excusal. Courts pay for travel costs and a subsistence allowance.

3.14 Attendance at Court or Tribunal as a Witness

Paid special leave will be granted to employees if the Trust is supporting the individual to attend a hearing for example, at Coroner's Court. Paid special leave may also be granted;

- To attend court as a witness on behalf of the Trust
- To attend an Employment Tribunal as a witness on behalf of the Trust

Paid leave will be granted for:

- To attend court as the accused / claimant / defendant
- For Family law cases

This also applies to medical staff with the exception of them attending court as a medical witness. These provisions are set out in their respective terms and conditions.

3.15 Volunteer Reserve Forces

Reservists are part-time members of the Armed Forces, or ex-members of the Regular Forces with a reserve liability, who are able to boost the capability of Regular Units during military operations or when it is necessary to fulfil humanitarian and peacekeeping duties. There are several different types of reservists. The Trust has legal obligations to any staff who are members of such forces.

A total of 7 days special leave with pay shall be granted to reservists to enable them to attend their annual training. This may be supplemented by either paid annual leave or special leave without pay up to a maximum leave of absence of 16 continuous days.

Reservists may be mobilised for service on a voluntary or compulsory basis. The Trust must give its consent before an employee who is a reservist can be released from their employment for service.

The Trust will release employees from duty, who are either voluntary reservist's for 'call-out' or on active service or ex-regular forces members for recall to service.

The Trust will re-instate these employees to their existing or an equivalent post on return from service.

- High Readiness Reserve (HRR) liability.
- Reservists may apply for permission to be accepted for HRR liability for call-out by making a request in writing to the appropriate Associate or Corporate Director.
- No reservist shall accept HRR liability without the prior agreement of the Trust.
- Decisions on whether or not to agree to HRR liability will take account of the needs of the service.

The following special conditions will apply during call-out or recall to active service:

- The reservist will be on special unpaid leave until their return to work.
- Annual leave entitlement will not accrue during unpaid leave
- Periods of 'call-out' will count towards superannuable service. Employee's contributions will be paid on return to work. This will be deducted from their pay by negotiation. If applicable the Ministry of Defence will pay the employer's contributions to the pension scheme. The period of special leave will count towards incremental credit and other terms and conditions linked to length of service e.g. occupational sick pay, long service awards.

3.16 Leave for Attendance at interview Panels

Paid leave will be granted for an employee to attend for recruitment and selection interviews and or tests within the NHS. The amount of leave given will take into account travelling time. Once the interview is over the employee will return to their base and complete their shift/working day. It is at the manager's discretion as to whether additional paid time off is given for interview preparation.

If an employee requests time off to attend a recruitment interview with an external employer they should use annual leave, take time off in lieu or take unpaid leave. It is not appropriate to use paid special leave in such circumstances. However, paid leave will be given when an employee is attending interviews as part of the redeployment process under the **Organisational Change Policy**.

3.17 Severe Weather or Transport Difficulties

The following section applies where employees face difficulties in travelling to and from work due to severe conditions including inclement weather e.g. heavy snow or major transport difficulties e.g. major disruption to public transport facilities.

It is accepted that during times of severe weather and/or disruption to the public transport service it may be difficult to report to duty at the required commencement time.

Line managers will authorise full payment of employees who report for duty late, where it can be shown that they have made every effort to arrive for work on time taking into account the weather conditions/availability of transport services and any other relevant factors.

Where managers are satisfied that all essential work has been completed and adequate cover provided they have discretion to allow employees to leave work early and to authorise payment up to the normal finishing time.

Where employees are unable to attend for work in these conditions they should follow normal procedures for reporting their absence and inform line managers of their absence by telephone as soon as practicably possible. Employees in this position may be given the option to use annual leave, lieu days or alternatively unpaid leave. Employees who fail to notify their manager of their absence will not be paid and the relevant absence period will be classified as unauthorised.

Where employees are unable to attend their normal work base due to severe conditions, following liaison with the relevant manager, they may where appropriate, be requested to work at another location within the Trust if accessible.

Should the disruption caused by severe weather/failure of public transport facilities continue for lengthy periods, consideration will be given to the provision of special transport or other suitable alternative arrangements. These will normally be made by the appropriate Associate / Corporate Director after the identification of essential employee's i.e. Employee's whose absence would seriously affect the level or safety of service provided.

3.18 Short-term Unpaid Leave

There may be circumstances in which a member of staff requests to take a period of unpaid leave for a purpose other than those outlined above and less than 3 months. Where possible, unpaid leave requests should be submitted in advance, giving sufficient notice.

If the period of leave requested is greater than 3 months, the employee should apply for time off using the **Employment Break Policy**.

The employee must complete the unpaid Leave form (Appendix 2) which will be considered and where feasible approved by their Manager. All granted unpaid leave should be recorded by the manager on ESR via manager's self-service.

In making a decision the manager should have a discussion with the employee taking into account their outstanding annual leave entitlement and also consider service needs. If authorised, the leave should be made up of a combination of annual leave and unpaid leave to ensure that the employee is not left with a disproportionate amount of annual leave at the end of the leave year.

NHS pension contributions will be affected during long periods of unpaid leave and employees are advised to contact SBS Pensions Department to confirm how their pension will be affected and the options available to them for mitigating this.

4 RESPONSIBILITIES

Post(s)	Responsibilities	Ref
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All Staff	<p>The responsibilities of employees in accordance with this policy are:</p> <ul style="list-style-type: none"> • To ensure that leave is requested appropriately and in accordance with the procedure, giving managers as much notice as is reasonably practicable. • To keep managers fully informed of the length of leave requirements where these may be predicted. 	
	<ul style="list-style-type: none"> • To provide evidence or further information as requested to support an application, or retrospective application for special leave. 	
Management Responsibilities	<p>The responsibilities of Managers in accordance with this policy are:</p> <ul style="list-style-type: none"> • To fairly and consistently authorise paid or unpaid leave in accordance with the policy. • To ensure that records are kept for all periods of special leave using the application form. • To ensure that employees are aware of the policy and their rights within it. • To respond to all requests in a supportive and compassionate manner. 	
Associate Directors	Ensure that managers within the defined service area of responsibility apply the policy and procedures fairly, consistently and in a timely manner.	
Policy Lead	Ensure that the policy and procedure is maintained, is up to date, is consistent with any relevant employment legislation and utilised correctly.	
Executive Director	To ensure any concerns regards the policy are considered as appropriate and it is reviewed in line with any legislative changes.	

5 DEVELOPMENT AND CONSULTATION PROCESS

Consultation summary		
Date policy issued for consultation		October 2017
Number of versions produced for consultation		1
Committees or meetings where this policy was formally discussed		
Workforce Committee		July 2015
Where else presented	Summary of feedback	Actions / Response
Trade Unions	Completed	

6 REFERENCE DOCUMENTS

Parental Leave and Employment Break Policies.

7 BIBLIOGRAPHY

HR Policies (HR 08 – HR 15) Employment Rights Act 1996, Employment Relations Act 1999
Employment Act 2002
Work and Families Act 2006
Agenda for Change
Reserve Forces Act 1996

8 GLOSSARY

9 AUDIT AND ASSURANCE

The Trust will monitor requests for Special and Carers leave and the implementation of this policy and take necessary action to ensure the procedure is applied fairly and consistently. In instances where abuse of the policy is determined, relevant action will accordingly be taken in line with the appropriate Trust policies.

Element to be monitored	Lead	Tool	Freq	Reporting Arrangements	Acting on Recommendations and Lead(S)	Change in Practice and Lessons to be shared
Consistency of authorisation of applications	CSM's and HR		12 monthly review	Associate Director of HR		
Level and type of application to determine hot spots and / or patterns	CSM's and HR		12 monthly review	Employee relations Team		
Managerial capability in considering applications	CSM's		Six Monthly	Employee relations Team		

10 APPENDICES

Appendix 1 – Application for Special / Carer Leave

Appendix 2 – Application for Unpaid Leave

Appendix 3 – Equality Impact Assessment

Appendix 1

APPLICATION FOR SPECIAL / CARER LEAVE

PART 1. To be completed by Employee.

Name: Employee No:

Home Address:.....

.....

.

..... Tel Number:.....

Position..... Department:

Work Location:

I wish to request the following periods of Special Leave:-

Paid Leave from..... to.....

Total Number of working days.....

Please indicate type of leave requested: e.g. *public duties*

.....

Documentary Evidence (if applicable) please give/attach details:

.....

.

.....

Details of any previous periods of special/carers leave taken in the last 12 months.

No of days

Over how many periods.....

Any Additional Comments:

.....

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.....

.....

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Signed:.....Date:.....

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PART 2. **To be completed by Manager / CSM/CNM**

Managers Name:.....

TitleDepartment:

Application Approved / Not Approved. (*please delete*)

Period of Paid Leave agreed: from.....to.....

Total Number of Working Days:

Comments:.....

.....

.

.....

Signature:Date:

Action Check - Return copy to Employee

- Return copy to Personal File

Appendix 2

APPLICATION FOR UNPAID LEAVE

PART 1. To be completed by Employee.

Name: Employee No:

Home Address:.....

.....
.

..... Tel Number:.....

Position..... Department:

Work Location:

I wish to request the following periods of Unpaid Leave:-

from..... to.....

Total Number of working days.....

Please indicate type of leave requested:

.....

Documentary Evidence (if applicable) please give/attach details:

.....
.

.....
Details of any previous periods of unpaid leave taken in the last 12 months;

No of days Over how many periods.....

Any Additional Comments:

.....
.

.....

.....
.

Signed:.....Date:.....

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PART 2. **To be completed by Manager / CSM/CNM**

Managers Name:.....

TitleDepartment:

Application Approved / Not Approved. (*please delete*)

Period of unpaid Leave agreed: from.....to.....

Total Number of Working Days:

Comments:.....

.....

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.....

Signature:Date:

Action Check - Return copy to Employee

- Return copy to Personal File
- Update ESR

Appendix 3

Equality Analysis Screening Form

Title of Proposal	Special and Carer's Leave Policy		
Person Completing this proposal	XXXX	Role or title	HR Advisor
Division	HR	Service Area	HR Operations
Date Started	13 June 2017	Date completed	9 August 2017
<p>Main purpose and aims of the proposal and how it fits in with the wider strategic aims and objectives of the organisation.</p> <p>This policy aims to inform managers and staff of the different types of “special leave” which may be used in a variety of circumstances. This policy is developed in accordance with legislation, Agenda for Change terms and conditions and the Trust's desire to create a workplace where employees are supported in balancing their working lives with their commitments outside of work.</p> <p>As a result this policy aims to provide a clear framework for decision making to ensure fair and equitable approach in the consideration of leave requests balanced with the needs of the service.</p>			
<p>Who will benefit from the proposal?</p> <p>The Trust is committed to helping all staff, balance the demands of both their work and personal needs and recognises the importance of supporting staff to achieve a work-life balance, in order to maintain an effective performance and the continued provision of high quality service.</p>			

It is intended that all staff will benefit as a result of this policy irrespective of their personal protected characteristics.

Impacts on different Personal Protected Characteristics – Helpful Questions:

*Does this proposal promote equality of opportunity?
Eliminate discrimination?
Eliminate harassment?
Eliminate victimisation?*

*Promote good community relations?
Promote positive attitudes towards disabled people?
Consider more favourable treatment of disabled people?
Promote involvement and consultation?
Protect and promote human rights?*

Please click in the relevant impact box or leave blank if you feel there is no particular impact.

Personal Protected Characteristic	No/Minimum Impact	Negative Impact	Positive Impact	Please list details or evidence of why there might be a positive, negative or no impact on protected characteristics.
Age	X			There is no evidence that staff can be disproportionately affected as a result of their age.
Including children and people over 65 Is it easy for someone of any age to find out about your service or access your proposal? Are you able to justify the legal or lawful reasons when your service excludes certain age groups				
Disability	X			There is no evidence that staff can be disproportionately affected as a result of their disability.
Including those with physical or sensory impairments, those with learning disabilities and those with mental health issues Do you currently monitor who has a disability so that you know how well your service is being used by people with a disability? Are you making reasonable adjustment to meet the needs of the staff, service users, carers and families?				
Gender	X			There is no evidence that staff can be disproportionately affected as a result of their gender.
This can include any gender including those who may be going through a transition. Do you have flexible working arrangements for either sex? Is it easier for either men or women to access your proposal?				

Marriage or Civil Partnerships	X			There is no evidence that staff can be disproportionately affected as a result of them being married or in a civil partnership.
Are the documents and information provided for your service reflecting the appropriate terminology for marriage and civil partnerships?				
Pregnancy or Maternity	X			There is no evidence that staff can be disproportionately affected as a result of pregnancy/maternity.
This includes employees who are having a baby or those returning to work Does your service accommodate for expectant and post – natal employees or service users? Does your service treat staff and patients with dignity and respect during pregnancy and maternity?				
Race or Ethnicity	X			There is no evidence that staff can be disproportionately affected as a result of their race or ethnicity.
Including Gypsy or Roma people, Irish people, those of mixed heritage, asylum seekers and refugees What training does staff have to respond to the cultural needs of different ethnic groups? What arrangements are in place to communicate with people who do not have English as a first language?				
Religion or Belief	X			There is no evidence that staff can be disproportionately affected as a result of their religion or belief.
Including humanists and non-believers Is there easy access to a prayer or quiet room to your service delivery area? When organising events – Do you take necessary steps to make sure that spiritual requirements are met?				
Sexual Orientation	X			There is no evidence that staff can be disproportionately affected as a result of their sexual orientation.
Including people of all sexual orientation, including gay, bi sexual and lesbian people. Does your service use visual images that could be people from any background or are the images mainly heterosexual couples? Does staff in your workplace feel comfortable about being 'out' or would office culture make them feel this might not be a good idea?				
Transgender or Gender Reassignment	X			There is no evidence that staff can be disproportionately affected as a result of gender reassignment.
This will include people who are in the process of transitioning. Have you considered the possible needs of trans staff and service users in the development of your proposal or service?				

Human Rights	X			The policy aims to treat all staff equitably and in accordance with their Human Rights. Managers are encouraged and expected to implement this policy in a fair and consistent manner.	
Affecting someone's right to Life, Dignity and Respect? Caring for other people or protecting them from danger? The detention of an individual inadvertently or placing someone in a humiliating situation or position?					
If a negative or disproportionate impact has been identified in any of the key areas would this difference be illegal / unlawful? I.e. Would it be discriminatory under anti-discrimination legislation. (The Equality Act 2010, Human Rights Act 1998)					
	Yes	No			
What do you consider the level of negative impact to be?	High Impact	Medium Impact	Low Impact	No Impact	
				X	
If the impact could be discriminatory in law, please contact the Equality and Diversity Lead immediately to determine the next course of action. If the negative impact is high a Full Equality Analysis will be required.					
If you are unsure how to answer the above questions, or if you have assessed the impact as medium, please seek further guidance from the Equality and Diversity Lead before proceeding.					
If the proposal does not have a negative impact or the impact is considered low, reasonable or justifiable, then please complete the rest of the form below with any required redial actions, and forward to the Equality and Diversity Lead .					
Action Planning:					
How could you minimise or remove any negative impact identified even if this is of low significance?					
Full considerations have been made to ensure there is no negative impact to staff.					
How will any impact or planned actions be monitored and reviewed?					

Monitoring of the issues which are managed under this policy through recording mechanisms and a regular multidisciplinary coordinated review of cases.
How will you promote equal opportunity and advance equality by sharing good practice to have a positive impact other people as a result of their personal protected characteristic.
This policy will be implemented in a fair and consistent manner that will allow staff to be treated effectively in accordance with our statutory obligations irrespective of their personal protected characteristics.
Please save and keep one copy and then send a copy with a copy of the proposal to the Senior Equality and Diversity Lead at hr.support@bsmhft.nhs.uk . The results will then be published on the Trust's website. Please ensure that any resulting actions are incorporated into Divisional or Service planning and monitored on a regular basis.