

Appendix 2

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's	Title of the Lead Officer responsible for EIA	Chief Executive
Name of the policy or function to be assessed:		Neonatal Care Leave	
Title of the Officer undertaking the assessment:		HR Manager	
Is this a new or an existing policy or function?		New	
<p>1. What are the aims and objectives of the policy or function?</p> <p>To reflect legislative changes for the new Neonatal Care (Leave and Pay) Act 2023 which received Royal Assent on 24 May 2023 and will come into force in April 2025.</p> <p>The Policy aims to make clear to employees what they are entitled to should their newborn child require medical or palliative care for seven or more consecutive days before the child reaches 28 days of life.</p> <p>To enable parents to be away from work to deal with the immediate challenges of having a baby in neonatal care; to support the other parent and care for other children; to provide time to care for and bond with the child outside of a medical environment which will provide a sure foundation for the future.</p> <p>To provide a societal benefit associated with a more engaged, productive and healthy workforce, allowing parents to maintain a continued attachment to the labour market.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To provide further wellbeing support to employees.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Parents of newborns who require palliative or medical care.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Employees who are new parents.</p>			

Directorate:	Chief Executive's	Title of the Lead Officer responsible for EIA	Chief Executive
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Quantitative data can be found in the Government's Impact Assessment found here: https://publications.parliament.uk/pa/bills/cbill/58-03/0014/NeonatalCareLeaveandPayIA_Final.pdf</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>In the UK, an estimated 100,000 babies are admitted to neonatal care each year following their birth. Many of these babies spend prolonged periods of time in neonatal care as a result of being born prematurely, with congenital conditions, complications at birth, or experiencing serious health conditions shortly after birth. During this time parents face significant practical considerations in order to spend time with their new baby (or babies). Currently, parents in these circumstances rely on their statutory leave entitlements which means a considerable proportion of their leave may be used while the baby is still hospital. The Government proposes a Neonatal Care Leave and Pay entitlement to replace the number of weeks their child spends in neonatal care (up to a maximum of 12) so parents can spend time caring for their child outside of a medical environment.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>N/A</p>			
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>			
<p><input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</p> <p>Yes – the Policy/legislation specifically targets parents of newborn babies.</p>			
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p> <p>No – but justified as legislation.</p>			

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

Yes – the legislation only applies to parents.

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

N/A

What further evidence is needed to understand the impact on equality?

None

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: The Policy is aimed at parents whose children spend a prolonged period in neonatal care so will benefit those employees falling into this group, who are more likely to be between 25 and 39 brackets based on demographics of new parents. However, there is no age-related criterion for this Policy and all employee parents of neonatal children (with a stay of seven or more days) would be able to access the new entitlement.

Disability: The Policy is designed to have a positive impact on all parents which find themselves in the position of tending to their child in neonatal care. The Policy is unlikely to create any barriers to equality in terms of an employee's disability. Furthermore, we do not expect employers employing individuals with disabilities will be unduly affected by the proposals.

Gender: Both fathers/partners, mothers and potentially parents in a surrogacy arrangement (this will be decided in the regulations) will benefit from having access to the entitlement, subject to meeting the other eligible criterion. In addition to this, mothers already have access to extensive leave (52 weeks of Statutory Maternity Leave) while fathers/partners only have two weeks of paternity leave so we anticipate take-up will be higher among fathers/partners.

Gender Reassignment: The proposed changes are unlikely to create any barriers to equality as a result, nor will they disproportionately negatively affect any group because of their sexual orientation or gender reassignment. Furthermore, the policy is consistent with existing parental rights whereby biological parents, partners (including same-sex partners), adopters and intended parents (in surrogacy arrangements) are eligible for the leave and pay.

Marriage and Civil Partnership: Not applicable.– Parents of newborns do not have to be in a marriage or civil partnership to qualify.

Pregnancy and Maternity:

The design of the Policy is to give parents an entitlement to replace the leave, where their child has spent time in neonatal care. As this will be provided in addition to existing leave, affected mothers will benefit from the entitlement. This also applies to any individual who would have the main responsibility for the child. The Policy directly supports pregnant women and new mothers. The policy also runs alongside Paternity leave.

Race:

It is important to assess how the Policy impacts different ethnic groups. Exploration into the proxy population group (parents with a child under 1) reveals that ethnic groups make up a larger share of parents with young children relative to their overall employee share. This suggests that the proposal will benefit ethnic minority groups. Furthermore, analysis conducted by Bliss, highlights that ethnic minority groups are more likely to benefit from the entitlement as, neonatal mortality rates in babies whose mothers are of white ethnicity have decreased between 2015-2017, whereas babies born to mothers of Asian/Asian British, Black/Black British ethnicity have increased between 2015-2017.

Religion and Belief: Not applicable

Sexual Orientation: Not applicable

Care Experience: Not applicable

Executive Director:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature: 