

EQUALITY IMPACT ASSESSMENT

SCREENING DOCUMENT

Name of Proposal

Parental Bereavement Leave & Pay Policy

Lead Department/Service

Human Resources

What is the aim of the proposal?

To introduce a council policy which meets the requirements of the Parental Bereavement (Leave and Pay) Act 2018 which comes into force on 6 April 2020.

Is this a new or a review of an existing policy, procedure, function or report?

New

Screening Process

1. Has the proposal already been assessed for its impact on age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? **If yes, go to 1 a. If no, go to 1 b.**

1 a. Unless there have been significant changes, no further action is required. **Please add your name, position and date below at 3.**

1 b. Does the proposal involve or have consequences for the people the council serves or employs? **yes** **If yes, go to 2. If no, go to 1 c.**

1 c. Please state why not

The proposal is not relevant and no further action is required. Sign and date below at 3.

2. Is the proposal relevant to one or more of the protected characteristics? **If yes, go to 2 a. If no, go to 2 b.**

2 a. **Proceed to Step 1 of the Full Equality Impact Assessment on page 2.**

2 b. Please state why not

The proposal not relevant and no further action is required. Add your name, position and date below at 3.

3. Name: _____

Position:

Date: _____

FULL EQUALITY IMPACT ASSESSMENT

Step 1

Are there any statutory legal requirements affecting this proposal? If so please describe.

The Parental Bereavement Leave and Pay Act 2018 (in force 6 April 2020) gives employed, bereaved parents a day-one right to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. The leave is to be taken within 56 weeks of the death.

A statutory payment for the period of leave can be recovered, subject to the employee meeting eligibility criteria.

Step 2

What data/research is available to assess the likely impact of the proposal?

The government carried out national public consultation for developing regulations to fulfil certain provisions of the legislation. Responses were received from 1448 individuals and organisations. As a result of the responses received, the government has amended and refined regulations to support the Act.

As this is a new policy, impact within the council can only be assessed in the future if employees exercise a right to apply for parental bereavement leave/pay, they are satisfied with the process and the council avoids any legal challenges in connection with the legislation.

Step 3

Is there any reason to believe the proposal could affect people differently due to their protected characteristic ie age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? Please **place a cross** in each box that applies, and give details alongside.

Age	<input type="checkbox"/>	_____
Disability	<input type="checkbox"/>	_____
Gender	<input type="checkbox"/>	_____
Gender Re-assignment	<input type="checkbox"/>	_____
Pregnancy/maternity	<input checked="" type="checkbox"/>	Provisions applicable from 24 weeks of pregnancy
Marriage and civil Partnership	<input type="checkbox"/>	_____
Race	<input type="checkbox"/>	_____
Religion and belief	<input type="checkbox"/>	_____
Sexual orientation	<input type="checkbox"/>	_____

Step 4

Is there evidence to suggest that any part of the proposal could unlawfully discriminate against people? If so, how?

There is a potential risk that an individual claims that they meet the definition of a 'bereaved parent' and the manager disagrees that the relationship triggers the statutory right. A claim could be made by the individual that this decision is connected to a protected characteristic.

The risk is minimised by the content of the proposed policy which provides managers with clear guidance to highlight the fact that there is an extended definition of 'parent'. Examples are provided within the policy and managers are directed to seek advice from Human Resources if necessary.

Step 5

Can the proposal be seen to favour one section of the community

Yes No

or deny opportunities to another?

Yes No

If yes, please give details.

The provisions apply in the event of a still birth from the 24th week of pregnancy.

However, in such cases the entitlement to Statutory Parental Bereavement Leave and Pay would still apply to both parents from the date of the still birth.

Step 6

Does the proposal advance or restrict equality?

Yes No

If yes, give details

The new provisions advance equality. The definition of a 'bereaved parent; is defined widely as a "primary carer" who had a relationship with the deceased child which was "parental" in nature.

The window for taking leave of 56 weeks from the date of the death offers bereaved parents flexibility to take leave at an appropriate time, for example the anniversary of the death.

Where eligibility criteria is met, leave will be paid at full, an enhancement on the statutory minimum payment to reflect the council's commitment to supporting bereaved parents in the workplace.

Step 7

Are there any other actions which could have been taken to enhance equality of opportunity?

If so please state

Step 8

Based on the work you have done, rate the level of relevance being allocated to this proposal.

High Medium Low Unknown

Step 9

If during **Steps 3 - 6** there has been an adverse impact identified, consider whether this can be justified.

Yes No N/A

Content meets and exceeds statutory provisions and therefore compliant with legislation

If no, consider alternative ways of delivering the proposal to minimise negative impact or eliminate unlawful discrimination. Give details of the changes to be made to the proposal.

Step 10

Do you need to carry out a further impact assessment?

Yes No

If yes, what actions do you need to take?

Step 11

Make arrangements to monitor and review the impact assessment.

Reviewed in line with case law or legislative changes as they occur and periodically in line with the council's programme of policy review every 2-3 years as required.

Step 12

Publish impact assessment.

Where will the Equality Impact Assessment be published?

Employee Matters Intranet
Committee Report

Please state your name, position and date, and forward this pro forma either to your designated Equality Impact Assessment Co-ordinator, or if it refers to a committee report, it should be forwarded with the report to committee services.

Name: Pauline McKay

Position: HR Adviser, Human Resources

Date: 13/02/19

For additional information and advice please contact:
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