

Equality, Good Relations and Human Rights Screening Template

*****Completed Screening Templates are public documents and will be posted on the Trust's website*****

(1) Information about the Policy/Proposal

(1.1) Name of the policy/proposal

Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement

(1.2) Is this a new, existing or revised policy/proposal?

New

(1.3) What is it trying to achieve (intended aims/outcomes)?

The Southern Trust is committed to ensuring the health, safety and well-being of its staff. We understand that annual leave and rest away from the pressures of work is necessary for everyone. Thankfully, there are many staff who have been able to use their 2020/21 leave entitlement and we would encourage those to continue to do so during February and March 2021. Some staff however, we know, have not been able to do so given the service pressures in their particular areas.

The pressures on staff in the HSC have been like no other. The hard work, dedication and commitment of our staff has been outstanding. We know that in the efforts of all staff to assist and respond to the Covid-19 pandemic, there are staff who will not have been able to use their annual leave this year, as otherwise ordinarily would be the case. We want to thank those staff sincerely for their ongoing flexibility and understanding in helping us to deal with the pandemic pressures.

As we are in the last quarter of the annual leave year the ability of some staff to take their full leave entitlement will prove difficult. The vast majority of staff are still responding to Surge 3 and work demands continue.

In light of this, in partnership, and following engagement with regional Trade Union colleagues, we are offering a Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement which is available as a **one off response** given the pressures of the pandemic.

The scheme:

- Is voluntary and open to all employees of the Southern Health & Social Care Trust.
- payment of leave applies only to contractual leave accrued during the 2020/2021 financial year.
- no staff member will have a contractual right to receive any future payment in respect of contractual leave.
- all requests for payment of contractual leave must be agreed no later than 31 March 2021. The scheme will close for any new requests on 31 March 2021.
- payment will only be considered for leave in excess of the statutory 210 hours required

under Working Time Regulations i.e. 4 weeks of your leave plus 8 statutory days on a pro-rata basis.

- if annual leave has already been requested and approved by line management between now and the end of March 2021, this cannot be included in this extraordinary arrangement. Leave should be taken as approved.

Process:

- staff members should speak to their line manager in the first instance about their outstanding leave and how they may be facilitated to take their leave.
- a clear record of accrued leave entitlement, used leave and outstanding leave must be kept in each department by the relevant manager.
- where a request for payment is being made, it must be agreed with line managers and completed in Appendix 2 to the scheme document.
- Each Departmental manager should send the request forms to HR so they can collate the payment of leave for their staff members.
- Where leave is paid – the manager must deduct the hours paid from the staff member's 2020/21 leave entitlement to ensure this is not credited to the staff member twice.

There is no impact on established carried forward of leave for staff on Long Term Sick Leave or Maternity related Leave.

(1.4) Are there any Section 75 categories which might be expected to benefit from the intended policy/proposal?

All S75 categories - the proposal is to ensure that no loss of Annual Leave to those staff affected by COVID.

(1.5) Who owns and who implements the policy/proposal - where does it originate, for example DoH, HSCB, the Trust?

DoH, DoF and Regional HSC Bodies

(1.6) Are there any factors that could contribute to/detract from the intended aim/outcome of the policy/proposal/decision? (Financial, legislative or other constraints?)

No – this is a time limited unique proposal intended to meet the legislative Directive 'The Working Time (Coronavirus) (Amendment) Regulations 2020'.

(1.7) Who are the internal and external stakeholders (actual or potential) that the policy/proposal/decision could impact upon?

All Staff

Regional and Local Trade Union Side and BMA

DoH

DoF

DoC

(1.8) Other policies with a bearing on this policy/proposal (for example regional policies) - what are they and who owns them?

AfC Terms and Conditions Handbook
 Medical Terms and Conditions Handbook
 Normal carry forward of Annual Leave custom and practice provision
 The Trust established Practice of Annual Leave
 The HR Directive on Non-Payment of Annual Leave
 Work Life Balance Policy
 Medical Staff Annual Leave Guidelines
 Time Off Work Policy

(2) Available evidence

Evidence to help inform the screening process may take many forms. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? *NB: Specify the details for each of the Section 75 categories for any staff affected, the Trust Workforce, any patients/clients affected and the Trust general population in the following tables **if appropriate**.*

2.1 Staff Affected by this Policy/Proposal

* The proposal is to ensure that no loss of Annual Leave to those staff affected by COVID.

2.2 Composition of Southern Trust Workforce

Section 75 Group	Southern Trust Workforce Profile as at 1 January 2021	Percentage
Gender	Female	85.1%
	Male	14.9%
Religion	Protestant	35.6%
	Roman Catholic	56.7%
	Neither	7.7%
Political Opinion	Broadly Unionist	9.7%
	Broadly Nationalist	10.1%
	Other	7.8%
	Do Not Wish To Answer/Not Known	72.4%
Age	16-24	6.5%
	25-34	25.0%
	35-44	25.3%
	45-54	21.8%
	55-64	18.4%
	65+	3.0%
Marital Status	Single	31.6%
	Married	59.1%
	Not Known	9.3%
Dependent Status	Caring for a Child/Children / Dependant Older Person / Person With a Disability	19.0%
	None	31.1%
	Not Known	49.9%
Disability	Yes	2.5%
	No	78.7%
	Not Known	18.8%

Ethnicity	Bangladeshi	0.02%
	Black African	0.21%
	Black Caribbean	0.02%
	Black Other	0.02%
	Chinese	0.1%
	Filipino	0.4%
	Indian	0.72%
	Irish Traveller	0.02%
	Mixed Ethnic	0.12%
	Pakistani	0.15%
	White	80.1%
	Not Known	18.1%
Sexual Orientation towards:	Opposite Sex	57.3%
	Same Sex	1.0%
	Same and Opposite Sex	0.1%
	Do Not Wish To Answer/Not Known	41.6%

2.3 Patients / Clients Affected

(complete as far as possible with information available to you)

Section 75 Group	Make up of Patients/Clients Affected	Percentage
Gender	Female Male	N/A
Religion	Protestant Roman Catholic Other	N/A
Political Opinion	Broadly Unionist Broadly Nationalist Other Do Not Wish To Answer/Not Known	N/A
Age	0-15 16-24 25-44 45-64 65-84 85+	N/A
Marital Status	Single Married/Civil Partnership Other/Not Known	N/A
Caring Responsibility	Caring for a Child/Children/Dependant Older Person/Person(s) With a Disability None Not Known	N/A
Disability	Yes No Not Known	N/A
Ethnicity	Bangladeshi Black African Black Caribbean Black Other Chinese Filipino Indian Irish Traveller Mixed Ethnic Pakistani White Not Known	N/A
Sexual Orientation towards:	Opposite Sex Same Sex Same and Opposite Sex Do Not Wish To Answer/Not Known	N/A

2.4 Southern Trust's Area Population Profile – Census 2011

Section 75 Group	Trust's Area Population Profile (Population of 358,034)	Percentage
Gender	Female	50.36
	Male	49.64
Religion	Protestant	39.15
	Roman Catholic	56.69
	Other	4.16
Political Opinion	Not collected	
Age	0-15	22.73
	16-24	12.25
	25-44	28.45
	45-64	23.40
	65-84	11.69
	85+	1.48
Marital Status (aged 16+ years)	Single	34.99
	Married/Civil Partnership	50.24
	Other	14.77
Dependent Status	Caring for a Child/Children/Dependant Older Person/Person(s) With a Disability	11.34% of usually resident population provide unpaid care
Disability	Yes	19.64
	No	80.36
Ethnicity	Asian Other	0.20
	Bangladeshi	0.01
	Black African	0.11
	Black Caribbean	0.01
	Black Other	0.10
	Chinese	0.22
	Indian	0.17
	Irish Traveller	0.15
	Mixed Ethnic Group	0.29
	Other	0.16
	Pakistani	0.07
	White	98.51
Sexual Orientation	Estimated 6-10% of persons identify as lesbian, gay, bisexual – <i>Source: 2012 report by Disability Action & Rainbow Project</i>	

(3) Needs, experiences and priorities

- (3.1) Taking into account the information above what are the different needs, experiences and priorities of each of the Section 75 categories and for both service users and staff.
(NB: Use relevant statistical and qualitative data to complete the table below)

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
Gender	The proposal will affect all S75 categories. It has been agreed in partnership, and following engagement with regional Trade Union colleagues, that we offer a Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement which is available as a <u>one off response</u> given the pressures of the pandemic.	N/A
Age	As above	N/A
Religion	As above	N/A
Political Opinion	As above	N/A
Marital Status	As above	N/A
Dependent Status	As above	N/A
Disability	As above	N/A
Ethnicity	As above	N/A
Sexual Orientation	As above	N/A

- (3.2) Provide details of how you have involved stakeholders, views of colleagues, service users and staff etc when screening this policy/proposal.

HSC Body Regional HR Groups have developed a paper which was approved by DoH and DoF in response to updated legislation 'The Working Time (Coronavirus) (Amendment) Regulations 2020' and through agreement with Regional Staff Side Leads agreed with Trade Union Side and HSC Organisations.

(4) Screening Questions

You now have to assess whether the impact of the policy/proposal is major, minor or none. You will need to make an informed judgement based on the information you have gathered.

(4.1) What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?

Section 75 category	Details of policy/proposal impact		Level of impact? Minor/major/none
	Staff **	Service Users	
Gender	The proposal will affect all S75 categories. It has been agreed in partnership, and following engagement with regional Trade Union colleagues, that we offer a Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement which is available as a <u>one off response</u> given the pressures of the pandemic		None
Age	As above		None
Religion	As above		None
Political Opinion	As above		None
Marital Status	As above		None
Dependent Status	As above		None
Disability	As above		None
Ethnicity	As above		None
Sexual Orientation	As above		None

** There is no impact on established carried forward of leave for staff on Long Term Sick Leave or Maternity related Leave.

(4.2) Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?	
Section 75 category	Please provide details
Gender	N/A
Age	N/A
Religion	N/A
Political Opinion	N/A
Marital Status	N/A
Dependent Status	N/A
Disability	N/A
Ethnicity	N/A
Sexual Orientation	N/A

(4.3) To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy/proposal impact	Level of impact Minor/major/none
Religious belief		None
Political opinion		None
Racial group		None

(4.4) Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?	
Good relations category	Please provide details
Religious belief	N/A
Political opinion	N/A
Racial group	N/A

(5) Consideration of Disability Duties

(5.1) How does the policy/proposal encourage disabled people to participate in public life and promote positive attitudes towards disabled people?

N/A

(6) Consideration of Human Rights

The Trust has a duty to act compatibly and must take Human Rights considerations into account in its day-to-day functions/activities.

(6.1) How does the policy/proposal impact on Human Rights? Complete for each of the articles

Article	Positive impact	Negative impact = human right interfered with or restricted	Neutral impact
Article 2 – Right to life			X
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			X
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			X
Article 5 – Right to liberty & security of person			X
Article 6 – Right to a fair & public trial within a reasonable time			X
Article 7 – Right to freedom from retrospective criminal law & no punishment without law			X
Article 8 – Right to respect for private & family life, home and correspondence.			X
Article 9 – Right to freedom of thought, conscience & religion			X
Article 10 – Right to freedom of expression			X
Article 11 – Right to freedom of assembly & association			X
Article 12 – Right to marry & found a family			X
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights			X
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1 st protocol Article 2 – Right of access to education			X

(6.2) Please outline any actions you will take to promote awareness of human rights and evidence that human rights have been taken into consideration in decision making processes.

N/A

(7) Screening Decision

(7.1) Given the answers in Section 4 of this template, how would you categorise the impacts of this decision or policy/proposal? *(Please tick one option below and list your reasons for the decision in 7.2 below)*

Major impact		EQIA Required? <i>(Delete as appropriate)</i>	
		Yes	No
Minor impact		Mitigation Required	Alternative Policy Required
		Yes/No	Yes/No
No impact	X	Screened Out	

(7.2) Please give reasons for your decision and detail any mitigation or alternative policies considered.

The proposal is to ensure that no loss of Annual Leave to those staff affected by COVID. There is no impact on established carried forward of leave for staff on Long Term Sick Leave or Maternity related Leave.

(7.3) Do you consider the policy/proposal needs to be subjected to ongoing screening? NB: for strategies/policies that are to be put in place through a series of stages – screen at various stages during implementation.

Yes	
No	X

(8) Monitoring

(8.1) Please detail how you will monitor the effect of the policy/proposal for equality of opportunity and good relations, disability duties and human rights?
N/A – this is a voluntary scheme.

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Date: 15 February 2021

Policy/proposal screened by: Siobhan Hynds, Deputy HR Director, HROD

Please forward completed screening template to
equality.unit@[southerntrust.hscni.net](mailto:equality.unit@southerntrust.hscni.net) for inclusion in the Trust's Policy Screening
Reports which are uploaded to the Trust's website.