



**EQUALITY IMPACT ASSESSMENT  
PRELIMINARY SCREENING**

School/ Department	Human Resources
Date	13 <sup>th</sup> March 2013

<b>Name of Policy*</b>
Leave and Staff Cover Arrangements – Guidelines for Line Managers

**What are the aims, objectives & projected outcomes?**

These guidelines are intended to outline line managers' responsibilities regarding leave for their staff members and to provide a guide of how and when staff members should be requesting leave, as well as assisting line managers to think about what cover arrangements may be required for their staff whilst on annual leave or absent from work for another reason (e.g. sick leave).

This is a <b>new</b> policy	<b>N</b>
This is a <b>change</b> to an existing policy <i>(Check whether original policy was equality impact assessed. If so, review and update Action Plan).</i>	<b>N</b>
This is an <b>existing</b> policy	<b>Y</b>

Will the policy have an impact on students, staff or members of the public?	<b>N</b>
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy?	<b>Y</b>
Are there any aspects of the policy that could contribute to equality or inequality?	<b>N</b>

If you answer **YES** to any of these questions, go on to the full EIA.  
If you answer **NO** to all of these questions, please provide appropriate evidence and sign off.

\* The term 'policy' incorporates all Conservatoire procedures, processes and guidance documents

<b>This policy was screened for impact on equalities. The following evidence has been considered. No full equality impact assessment is required.</b>	
<i>[Insert evidence]</i>	
<b>Senior Manager sign-off</b>	N/A
<b>Date</b>	

Please return the completed form to Roz Caplan, Conservatoire Equality and Diversity Officer either by internal mail or by email to: [r.caplan@rcs.ac.uk](mailto:r.caplan@rcs.ac.uk)

**FULL EQUALITY IMPACT ASSESSMENT  
TEMPLATE**

School/ Department	Human Resources
Date	13 <sup>th</sup> March 2013

**Name of Policy**

Leave and Staff Cover Guidelines for Managers

**What are the aims, objectives & projected outcomes?**

These guidelines are intended to outline line managers' responsibilities regarding leave for their staff members and to provide a guide of how and when staff members should be requesting leave, as well as assisting line managers to think about what cover arrangements may be required for their staff whilst on annual leave or absent from work for another reason (eg sick leave).

## **1 SCOPING THE EIA**

### **1.1 Scope of the EIA work**

These guidelines are intended to provide greater clarity regarding the procedures to follow regarding cover arrangements when staff members are on sick leave and annual leave. A definition of 'special leave' is also included in the policy and the procedures to follow when taking leave of this nature.

It was important to put this policy in place as previous feedback from line managers suggested that clarity and understanding was needed regarding the procedures to follow when a staff member's work needs to be covered due to absence.

The policy covers staff members of all equality strands and was circulated to the (then named) Academy Consultative Forum for approval.

An EIA was carried out on this policy in March 2011.

## 2 COLLECTING DATA

### 2.1 What relevant quantitative and qualitative data do you have?

**This may include national research, surveys or reports, or research done by colleagues in similar areas of work.**

Please list any evidence in the boxes below (complaints, satisfaction surveys, focus groups, questionnaires, meetings, email, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy/guidance/operational activity.

<b>Race</b>	There is no evidence available to suggest that in relation to race there are any different needs, experiences or attitudes in relation to this
<b>Religion or belief &amp; non-belief</b>	These guidelines may impact on staff who require leave for religious dates. There have been no reports of staff experiencing different treatment to date.
<b>Disability</b>	There is no evidence available to suggest that in relation to disability there are any different needs, experiences or attitudes in relation to this
<b>Gender</b>	There is no evidence available to suggest that in relation to gender there are any different needs, experiences or attitudes in relation to this. It is important to recognise that women on Maternity leave will continue to accrue leave.
<b>Gender Identity</b>	There is no evidence available to suggest that in relation to gender identity there are any different needs, experiences or attitudes in relation to this
<b>Sexual Orientation</b>	There is no evidence available to suggest that in relation to sexual orientation there are any different needs, experiences or attitudes in relation to this
<b>Age</b>	There is no evidence available to suggest that in relation to race there are any different needs, experiences or attitudes in relation to this

### 2.2 What are the overall trends/patterns in this data?

The initial EIA did not identify any equality issues arising from this policy, however it is recommended to pay closer attention to the area of religion/belief given recent case law in this area.

**2.3 Please list the specific equality issues and data gaps that may need to be addressed through consultation and/or further research?**

Further attention needs to be paid to the issue of time off religious purposes.

This will be aided by research on external sources of information and examination on whether any issues have arisen related to time off for religious purposes since the implementation of the Guidelines.

### **3 INVOLVING AND CONSULTING STAKEHOLDERS**

In this section, describe the data you have gathered through stakeholder involvement and engagement.

**3.1 Internal consultation and Involvement:**

(e.g. with other Departments, Staff (including support groups), Students etc

This policy went to the Consultative Forum on October 2010 further to feedback from line managers about queries they had had related to leave.

Consultation with the HR Department has indicated that there have been no issues arising regarding requests for time off and religious holiday since the implementation of the Guidelines

***Feedback what you plan to do as a result of this internal consultation and use it as a basis for work on external consultation.***

### 3.2 External consultation and involvement:

(Strand-specific organisations e.g. charities, local community groups, third sector)

There are two key publications in this area from the Equality and Human Rights Commission:

*Religion or belief in the workplace:*

*A guide for employers following recent European Court of Human Rights judgments* recognises time off work for religion or belief reasons as a type of request based on religion or belief that employees might experience and suggests the following:

To reach a fully considered, balanced, and reasonable conclusion, an employer should consider, amongst other factors:

- the cost, disruption and wider impact on business or work if the request is accommodated
- whether there are health and safety implications for the proposed change
- the disadvantage to the affected employee if the request is refused
- the impact of any change on other employees, including on those who have a different religion or belief, or no religion or belief
- the impact of any change on customers or service users, and
- whether work policies and practices to ensure uniformity and consistency are justifiable.

In *Religion or belief in the workplace:*

*An explanation of recent European Court of Human Rights judgments* the Commission considers the judgment of the European Court of Human Rights in

*Eweida and Chaplin v. the United Kingdom and Ladele and McFarlane v. the United Kingdom.*

The new judgment confirms that a practice or manifestation motivated, influenced or inspired by religion or belief, and which is sufficiently linked to the religion or belief will be protected, regardless of whether it is a mandatory requirement of the religion or belief giving additional support to requests for time off for religious reasons. However, this does make it harder to balance general religious requests against requests for annual leave for non-religious reasons – for an example, where two employees request time off and one is granted their request for religious reasons – can the non-believer claim to have been discriminated against on the grounds of non-belief?

In their *Employment Law FAQ* the CIPD recommend that

“Employers should carefully consider their criteria for granting leave where sufficient holiday leave is available and whether a refusal would indirectly discriminate; discussion and flexibility are crucial when considering such

requests”

In the case of *Fugler v Macmillan-London Hair Studios Ltd* the employer had not been justified in refusing Mr Fugler’s request for holiday as it had failed to consider whether its staffing needs could have been met in some other way on that particular *occasion*, however the compensation was limited due to limited notice provided by the employee of his intention to take this time off.

The above suggests that while due regard needs to be given to requests for time off for religious reasons, they can be limited by organisational requirements and there is an onus on the employee to provide sufficient notice.

## 4 ASSESSING IMPACT

In this section please record your assessment and analysis of the evidence. This is a key element of the EIA process as it explains how you reached your conclusions, decided on priorities, identified actions and any necessary mitigation.

### 4.1 Assessment of the impact

There is a potential for indirect discrimination where requests for leave for religious reasons are denied. It is proposed that the best way to address this is to embed importance of requesting annual leave in good time. Holiday cards should be issued to all staff within a department at the same time, and line managers should consider carefully whether to deny any request for leave.

A suggestion is made that this needs to be discussed at the Consultative Forum at the time holiday cards are allocated to embed importance of requesting holidays in good time.

**Now complete the EIA Action Plan.**



## 5 ACTION PLANNING AND SIGN OFF

### 5.1 Sign-off

Now submit your EIA and related evidence for clearance.

<b>Date of completion of EIA</b>	April 2013
<b>Compiled by</b>	Julia Murphy, HR Advisor
<b>Senior Manager sign-off</b>	Jackie Russell, Director of HR
<b>Date to Equality + Diversity Officer</b>	April 2013
<b>Date of publication of EIA Report</b>	April 2013
<b>Review date</b>	April 2014

### 5.3 Publication and Review

Ensure that the EIA including the Action Plan are published alongside your policy/guidance/operational activity.

**IMPORTANT - Review, revise and update annually!**

### Action Plan further to EIA – Leave and Staff Cover Guidelines

ACTION / ACTIVITY	OWNER AND INTERESTED STAKEHOLDERS	DEPENDENCIES / RISKS / CONSTRAINTS	COMPLETION DATE	PROGRESS UPDATE
Embedding importance of providing adequate notice of intention to take leave	HR Line Managers Staff	To be embedded via Consultative Forum	Last Consultative Forum Meeting of 12/13 session. First Consultative Forum Meeting of 13/14 session	
Holiday cards to be issued at the beginning of the leave year	HR Line Managers Staff	HR to remind Line Managers/Staff of importance of returning completed holiday cards in July 2013 at end of Summer Term. Line Managers and Staff to take ownership of returning old leave cards in good time	August 2013.	