

**Equality Impact Assessment (EIA) Recording Form**

Please refer to the notes and examples in the EIA Guidelines to help complete this record.

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| Title of Activity/Proposal/Policy/Practice | Flexible Working Policy & Procedure | | EIA Team and Lead Member of Staff (names of all people involved in this EIA) | Sue Clyne / Irene Michie | Date | 18/03/24 |
| Type of Policy/Practice/ (tick box) | New |  |
| Existing |  |
| Revised | x |

**Step 1 – Plan your process**

Considering the aims of the policy/proposal and the people will be involved.

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| What are the aims and purposes of the activity/ decision/ new or revised policy or procedure?  See Note 1 | The aim of updating the existing Edinburgh College Flexible Working Policy & Procedure was to ensure it complies with current employment legislation, uses up to date terminology and provides a transparent, supportive framework, which supports employees to manage their work life balance. |
| Who will be affected?  See Note 2 | All employees and managers will benefit from a consistent, supportive approach being taken across the College to managing Flexible Working Requests. |
| Who will be consulted?  See Note 3 | Both EIS-FELA & Unison were members of the original Joint Management and Union Group who put forward, reviewed, provided feedback and reached agreement on previous changes to the Flexible Working policy & procedure. Both EIS and Unison have also been consulted/informed on the recent legislative changes (as joint policy group disbanded in 2023). This is not a new policy & procedure but one which has been embedded and utilised across the College for some time but required recent updating to comply with legislative changes effective from 6 April 2024. |

**Step 2 – Consider the Evidence**

What are the evidence we need and how we can gather them?

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| What evidence is available of how the policy/decision, etc. affects, or may affect, protected groups?  Evidence could be quantitative, qualitative or anecdotal.  Do we have enough evidence to judge what the impact may be?  See note 4 | We report in the Quarterly and Annual Casework Dashboards on the outcomes of Flexible Working Cases/Requests – e.g. approved, denied, trialled. We analyse these numbers and can identify quarterly or annual variations in the numbers of Flexible Working cases and the types of outcomes being reached, and can analyse 5-year trends etc where there is sufficient data.  Overall, there has been a significant increase in the number of Flexible Working Requests being raised in the last couple of years (post lockdown and full-time working from home).  We may see further requests going forward with the forthcoming legislative changes - day 1 right to request, more frequent requests being possible (2 in any 12 month period), the removal of the requirement for the employee to present a business case, more onus on employer to consult with employee if intending to reject a request and to put forward alternatives and a reduced turn around time to address request (3 to 2 months).  HR Partner team regularly review and feedback on Flexible Working Requests within their business areas so as to ensure consistency of practice across the College, bearing in mind the individual operational requirements of different departments/teams.  Ongoing review and discussion with both EIS-FELA and Unison on the implementation of the updated policy and procedure may provide evidence going forward, where feedback has been received on the processing and management of Flexible Working Requests.  Ensure updated policy & procedure is available on the intranet and circulated to all employees so they are aware of the new rights which come into effect on 6 April 2024 in regard to Flexible Working Requests. |

**Step 3 – Assessing the impact**

This involves:

* Considering relevant evidence relating to people who share a protected characteristic
* Assessing the impact of applying a decision of a new or revised policy or practice against the needs of the Public Sector Equality Duty (PSED) and each protected characteristic.

How will the policy / decision help the College to comply with the Public Sector Equality Duty?

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| **Eliminating discrimination, harassment, and victimisation** | **Advancing equality-**   * **Removing disadvantage** * **Meeting different needs** * **Encouraging participation** | **Fostering good relations**   * **Tackling prejudice** * **Promoting understanding** |
| It provides a framework for Flexible Working Requests from ALL employees to be considered through the Flexible Working procedure. | Allows employees the flexibility to continue in their role while also enabling them to:   * manage their family commitments, * other caring responsibilities, * undertake cultural or religious practices or beliefs * supporting disabled employees to work around their condition/disability OR * enabling employees to undertake study/further qualification to advance their careers/change career etc. | P&P will be well publicised to all employees and outlines what needs to be considered when dealing with Flexible Working requests.  Removes potential barriers which could put off employees from requesting flexible working. P&P supported by enhanced legislation which is designed to support and enable more flexible working practices to be embraced by employers. |

See Note 5

Key Questions to ask:

1. What potential positive/neutral/negative impacts can be identified?
2. What does evidence demonstrate about positive/neutral/negative impacts for different protected characteristic groups? E.g. statistics on participation, progression or outcomes, feedback or complaints
3. Does the policy/procedure/practice/decision take account of the needs of people with different protected characteristics? How is this demonstrated?
4. Does it affect some groups differently? Is this proportionate?

See Note 6

| Protected characteristic | Potential  Positive Impact Y/N | Details of Expected Positive Impact | Potential Negative Impact Y/N | Details of Expected Negative Impact |
| --- | --- | --- | --- | --- |
| Age | Yes | The updated P&P provides all employees, regardless of age, the opportunity to request flexible working to fit in with their own particular circumstances. Enhanced legislation makes it easier for all employees to request flexible working and puts more of an onus on employers to consider alternatives. It is most likely to benefit parents who are looking to manage family commitments, but also younger and older workers who wish to adjust their working arrangements to fit with their lifestyle or other caring responsibilities. | Yes | Younger workers may be less aware of their rights and are perhaps less likely to apply as they may feel Flexible Working is more for older employees with families. |
| Disability | Yes | The enhanced legislation should benefit disabled employees as they can submit a request from day 1 and are no limited to one request a year – should their circumstances or disability change throughout the year. | Yes | Employees with disabilities may not take up this right as they may feel they do not wish to be treated differently from others and do not want to ask for help/support/change in working conditions. |
| Gender reassignment | Yes | Employee could request an informal/formal Flexible Working arrangement during their transition process if this is needed. | Yes | Transitioning employees may be reluctant to request any temporary change to their working conditions. |
| Marriage/civil partnership (relevant in employment law) | Yes | Employees in a civil partnership have the same rights as married employees and can request Flexible Working to support their own work life balance. | Yes | Employees in civil partnerships may not be aware they have the same rights as married employees. Stereotypes may mean employees in civil partnerships are assumed not to have children/families and so would be unlikely to request Flexible Working. |
| Pregnancy and Maternity | Yes | Enhanced rights should make it easier for those employees returning from maternity leave to request flexible working, removes the burden on them to present a business case and makes the employer put forward alternatives, so giving the employee the potential for a flexible working arrangement that supports their family commitments. It also means that they can make a further request in a 12 month period if they require further flexibility to their working arrangements. | Yes | Employees returning from maternity leave may be reluctant to request Flexible Working due to concerns about how this may be viewed and the impact it may have on their future career progression. |
| Race | Yes | BME employees may wish flexibility in their working arrangements to meet their ethnic/cultural needs. Enhanced legislation enables them to submit more requests in a 12 month period and removes the need to present a business case as to the benefits. | Yes | BME employees may have less awareness of their rights to request Flexible Working. BME employees may have wider family responsibilities across their extended families but may not feel they would be able to request Flexible Working to support them with managing their work life commitments. |
| Religion or belief | Yes | All employees will be able to request flexible working which may fit in more with their religion or beliefs, in that they can request to change their working arrangements to perhaps fit around worship or beliefs etc. | Yes | Employees wishing to observe religious practices such as perhaps Ramadan may not be aware that they could request an informal/formal Flexible Working arrangement to enable them to do this. |
| Sex | Yes | Both male and female employees have the enhanced rights so flexible working can be requested by all. In general, more flexible working requests are made by women, but men have equal rights to also request flexible working. | Yes | Statistics show that in general less men request Flexible Working compared to women. Men may have concerns over how a request for Flexible Working would be viewed and the future implications on their career progression. |
| Sexual orientation | Yes | Employees who are not heterosexual have the same right to request Flexible Working to support their work life commitments. | Yes | Stereotypes may mean employees who are not heterosexual are assumed not to have children/families and so would be unlikely to request Flexible Working. |

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| Other  characteristic  See Note 7 | Potential  Positive Impact Y/N | Details of Expected Positive Impact | Potential Negative Impact Y/N | Details of Expected Negative Impact |
| Social deprivation | Yes | Enhanced rights for all may enable those with less income to access Flexible Working arrangements which support their work life commitments. | Yes | Those employees with less income may be less likely to request Flexible Working. They may not be aware of the full range of Flexible Working arrangements possible such as condensed working. |
| Care Experienced people | Neutral | Enhanced rights for all may enable those who are care experienced to access Flexible Working arrangements which support their work life commitments. | Yes | Care experienced employees may be less likely to be aware of their rights and so less likely to request Flexible Working. |
| People with caring responsibilities | Yes | Enhanced rights will help all those with caring responsibilities to feel more comfortable in requesting flexible working arrangements and puts an onus on the employer not to simply reject a request but to put forward alternatives. This should enable employees more opportunity to secure a flexible working arrangement that meets, or partially meets, their caring commitments. | Yes | Employees with caring responsibilities may not be aware that Flexible Working is available for them and covers not only caring for children, but for others too such as parents, spouses etc. |
| Any other groups that need to be taken in consideration? | No |  | No |  |

**Step 4 – Acting on the results of the assessment.**

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| What actions can be taken or amendments made to policy to reduce the negative impact?  See note 8 | Communication to all employees (perhaps in College newsletter) outlining the enhanced Flexible Working rights available to all employees to increase awareness in all the protected characteristic groups. |
| Is there a need to address any gaps in evidence? | We could undertake more analysis on flexible working requests to identify the profile of those employees requesting and being approved/rejected for flexible working e.g. are men making requests, are some departments/teams rejecting requests, are disabled employees requesting flexible working, are older/younger employees making requests.  Are all requests being processed in the new reduced 2-month timeline. Are employees taking up the right to submit more than one request in 12 months (it will take time for us to be able to evidence this).  Undertake regular requests for general feedback on the implementation of this policy/procedure from the Unions at local JNC meetings |
| How will equality be advanced/ good relations be fostered? | This updated policy and procedure enables and supports employees to more easily and more frequently request flexible working to support their work life balance etc. It also puts more of an onus on the employer to fully consider each request before rejecting and to put forward alternatives if this is the case. |
| Who has been involved in carrying out this assessment? | HR team and circulated to union colleagues for input/feedback |
| If you cannot fully review the impact now, what else must be done, by/with whom and why? | See above comments about undertaking further analysis of the flexible working statistics. |

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| **Recommended decision:** (place an x against relevant outcome)  See note 9 | Outcome 1: Proceed – no potential identified for discrimination or adverse impact, and all opportunities to promote equality have been taken | **X** |
| Outcome 2: Proceed with adjustments to remove barriers identified or to better promote equality |  |
| Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to promote equality |  |
| Outcome 4: Stop and rethink as actual or potential unlawful discrimination has been identified |  |
| Any other recommendations? | | |
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**Step 5: The monitoring and review stage**

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| **Plan actions to reduce negative impact, advance equality and monitor the impact of the policy, proposal or decision**   * Please indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed. * Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the policy, etc. * How will the impact of the policy/procedure/decision be monitored?   See Note 10 | | |
| **Action to be Taken:** | **Person Responsible:** | **Completion/Review Date:** |
| Draft news article outlining the enhanced Flexible Working rights available to all employees and send to comms to include in College newsletter (we could tie this in with other recent legislation and policy updates) | Sue Clyne/Irene Michie | End May 2024 |
| Undertake further analysis (based on protected characteristics) to identify who is requesting and who is being approved/rejected for flexible working. | Systems Team (Irene) | Ongoing – quarterly/annually |
| Regular reviews at JNC meetings to be undertaken with Unions to request any appropriate general feedback on the impact of the implementation of the policy & procedure. | Sue Clyne | Ongoing - quarterly |
| Undertake a 3-yearly review of the policy and procedure, or sooner if legislative changes require it, to ensure it remains in line with current legislation, terminology etc. | Sue Clyne/Irene Michie | 3 yearly (or more frequently if required) |
| **Signature of Lead:**   **Date: 25 March 2024** | | |

**Step 6 – Review and Publication**

See Note 11

Please send the completed EIA record to [equality@edinburghcollege.ac.uk](mailto:equality@edinburghcollege.ac.uk) for

* review by Quality and Improvement;
* publication in whole or in part on the College website.

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| **Date of Review** | **25 March 2024** |
| **Date of Publication** |  |