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Report on Equality and Human Rights Impact Assessment – Wales Audit Office’s extract from the Staff Handbook on shared parental leave and shared parental pay

- 1 In accordance with Regulation 8 of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, the Auditor General and the Wales Audit Office have made arrangements for assessing the likely impact of their proposed policies and practices on their ability to comply with the general equality duty, monitoring such impacts and publishing reports on such assessments. This report is made in accordance with those arrangements.
- 2 Our impact assessment arrangements also consider whether our proposed policies or practices infringe human rights and whether they take appropriate opportunities to promote human rights.

The purpose of the policy

- 3 The primary aim of the Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) section of the Wales Audit Office Staff Handbook (the policy) is to help staff make notifications regarding SPL and aid consistency in the Wales Audit Office in responding to such notifications in line with the Shared Parental Leave Regulations 2014. Those regulations provide a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015, so as to provide both parents with the opportunity to consider the best arrangement to care for their child during the child’s first year.
- 4 The policy also recognises the connection between SPL and the general equality duty, particularly to having due regard to the need to eliminate discrimination and helps us to promote equality of opportunity.
- 5 The policy is relevant to all eligible Wales Audit Office staff that are considering taking SPL and ShPP.

Summary of the steps taken to carry out the assessment, including information taken into account

- 6 The main steps taken to carry out the assessment are:
- engagement with persons representing the interests of persons with protected characteristics so as to inform the following steps;
 - consideration of relevance of the policy to the general equality duty and, where relevant, of the likely impact of the policy on the Wales Audit Office's ability to comply with that duty;
 - consideration of the relevance of the revisions of the staff handbook to human rights; whether there is any infringement and whether appropriate opportunities for supporting human rights been taken;
 - consideration of the known or likely impact of the policy on groups of persons with protected characteristics;
 - consideration of what further information should be collected to inform the impact assessment and to allow ongoing monitoring; and
 - consideration of what action or decision should be taken as a result of the assessment, in particular modification or cessation of implementation of the policy.

Results of the assessment and decisions taken in relation to the results

Engagement

- 7 Management has engaged with the Wales Audit Office Equality Interest Group (a panel of staff representing the interests of staff sharing protected characteristics) by seeking comments on the proposed insertions to the Staff Handbook. The Equality Interest Group supports the insertions.

Relevance of the policy to the general equality duty and human rights

- 8 The policy should help to provide clarity to Wales Audit Office staff as to eligibility and procedures for applying SPL. This is conducive to implementation of the regulations, such as by helping men to exercise the option of taking or sharing the main caring role of their child in their first year within the family. This is important in terms of addressing gender stereotyping, particularly the assumption that women will take time out of the workplace to bring up children, which appears to retard women's careers.
- 9 The policy is also conducive to advancing equality of opportunity in terms of other protected characteristics. This is because the regulations apply in respect of all types of family arrangements, including same-sex couples.
- 10 The policy, by helping compliance with the regulations, also has the potential to foster good relations in terms of altering the perception of gender roles both in the workplace and at home. Allowing both parents the option of playing an active and equal role in a child's first year in the family may assist in creating a better understanding between men and women of the challenges involved in caring for children and tackling any prejudice associated with that.
- 11 The policy does not infringe human rights. It helps support Article 12 (Right to marry and to found a family).

Likely impact

- 12 The policy is relevant to certain protected characteristics, including gender, sexual orientation, and pregnancy and maternity. The intended impacts are take-up of greater sharing of caring responsibilities, so helping to eliminate discrimination, advancing equality of opportunity and fostering good relations, as noted above. We consider that the policy is likely to have some effect along the intended lines.
- 13 We do not see the policy as having any discriminatory effect or as infringing human rights.

Further information and monitoring

- 14 If staff choose to exercise their shared parental leave and pay rights, the Wales Audit Office must ensure that in the handling of all eligible SPL requests that it applies the policy fairly and consistently. In order to facilitate monitoring, HR will be required to record all requests for SPL, including reasons for not approving a request for a discontinuous block of shared leave (see Chapter 4 of the Staff Handbook, paragraph 89).

Action or decisions to be taken as a result of the assessment

- 15 The Wales Audit Office must comply with the Shared Parental Leave Regulations 2014, and the Wales Audit Office's policy to support that in the form of insertions to the Staff Handbook is conducive to such compliance. It is therefore appropriate to proceed with the policy.
- 16 The assessment we have undertaken identified the need for the following modifications, which have now been made to the Staff Handbook:
 - an 'other considerations' section has been added, which sets out details of SPL and discrimination in line with ACAS guidance.
 - inclusion of a requirement for HR to keep a record of all requests for SPL, including any reasons for not approving a request for a discontinuous block of shared leave. This is needed to facilitate Wales Audit Office monitoring of the implementation and impact of the policy.

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