



Equality Impact Assessment

Freedom of Information Act Document

Protective Marking: Not Protectively Marked

Publication (Y/N): Y

Title: Work/Life Balance Policy incorporating Flexible Working Standard Operating Procedure (SOP), Maternity Leave and Pay Standard Operating Procedure, Carer's Standard Operating Procedure, Career Break Standard Operating Procedure, Special Leave Standard Operating Procedure, the Keep in Touch Scheme, the Business Interests, Secondary Employment and Political Activities Standard Operating Procedure and the Armed Forces Reservists Standard Operating Procedure.

Summary: This is a new policy which consolidates the following existing policies: Flexible Working, Maternity Leave and Pay, Carer's, Career Break, Special Leave, the Keep in Touch Scheme, Business Interests, Secondary Employment and Political Activities and the Armed Forces Reservists and will ensure that any applications and the management of those applications is managed effectively through planning, consultation and communication in accordance with good practice and employment legislation. The Maternity Leave and Pay Standard Operating Procedure provides the qualifying criteria for statutory and occupational maternity leave and pay. It also provides associated advice in areas of risk assessment and the general management of the pregnant woman.

The policy and Standard Operating Procedures will be applied fairly and consistently to all police staff and officers applying and at all times in accordance with the aims set out in the MPS Equality Policy.

Branch / OCU: The Work/Life Balance Team, HR Services

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Version: 1

Author: Work/Life Balance Team, HR Services

Directorate/Department/Borough/OCU: Work/Life Balance Team, HR Services

Name, type or title of proposal (If a corporate policy, a policy workbook must also be completed): Work/Life Balance Policy. This is the overarching Policy which now incorporates the following previous policies as Standard Operating Procedures: Flexible Working, Maternity Leave, Carer's, Career Break, Special Leave, the Keep in Touch Scheme, the Business Interests, Secondary Employment and Political Activities and the Armed Forces Reservists.

1. Aims and Purpose of Proposal - see Step 1 of the Guidance

The purpose of this policy and its associated Standard Operating Procedures is to ensure that any applications are managed in a corporate manner. It will also provide the necessary framework to manage applications through proper planning, consultation and communication, in accordance with good practice and employment legislation. It will ensure that individuals are dealt with fairly with due regard to both the needs of the individual and those of the Metropolitan Police Service as a whole.

The policy and its associated Standard Operating Procedures will be implemented by publishing them in Notices, on Corporate News, on Ask HR and on the Corporate Policy Database.

The key stakeholders, in respect of the policy and its associated Standard Operating Procedures, are all members of the Metropolitan Police Service who may wish to avail themselves of the opportunities or benefits afforded by the Policy and its associated Standard Operating Procedures.

The Maternity Leave and Pay Standard Operating Procedure required a review in light of the Work

and Families Act (WAF) 2006, and the 3-year review as required by the Race Relations (Amendment) Act 2000. This changed the entitlement to Statutory Maternity Pay (SMP) and its administration, as well as giving all police staff an entitlement to Ordinary Maternity Leave and Additional Maternity Leave regardless of the length of their employment. In addition, it changed notice periods and introduced Keep in Touch Days. With the exception of SMP, *all other changes relate to police staff only*. The Maternity Leave and Pay Standard Operating Procedure was also due for its 3-year review under the Work-life balance group of Standard Operating Procedures, and under the Policy Rationalisation Process which is part of the Transforming HR Programme. The Standard Operating Procedure also seeks to cover the common questions that occur as part of the daily management of a pregnant woman whilst keeping in mind the provisions of the Sex Discrimination Act.

2. Examination of Available Information – see Step 2 of the Guidance.

This is a new policy incorporating previously published policies as shown above which have all been in existence in the MPS since 2004 and, in accord with current equalities legislation, they are due for a review. The existing policies have all been monitored on a regular basis and there has been nothing to indicate an impact on any particular group. In light of future organisational changes such as Transforming HR it was felt that the existing policies and Standard Operating Procedures, that cover a range of Work/Life Balance options, should be brought together under one overarching policy to ensure that the information is easier to find and that applications would be managed fairly and effectively through proper planning, consultation and communication, in accordance with good practice and employment legislation.

Consultation was conducted across the Metropolitan Police Service with Business Managers, Senior HR Managers, HR Managers, the Police Federation, the Trade Unions, Superintendent's Association, Metropolitan Police Authority, Health and Safety, Employment Tribunals Unit, Staff Associations, Diversity and Citizen Focus Directorate and the Directorate of Legal Services.

This consultation was undertaken by way of emails. For the Carer's Standard Operating Procedure, a meeting with stakeholders such as the MPS Carer's Association, the Police Federation and the Trade Unions was held to discuss changes. All those consulted were sent copies of the draft Policy and associated Standard Operating Procedures for comment. All comments received as a result of the consultation process were duly considered and appropriate changes were made to the Policy or its associated Standard Operating Procedures.

The standard operating procedures for Flexible Working, Special Leave and Carer's and the Work/Life Balance policy have been sent out to other forces/constabularies to assist with the development of their policies and, although not part of this particular consultation process, the comments received on the MPS policy and Standard Operating Procedures have been noted.

In respect of the Business Interests, Secondary Employment and Political Activities Standard Operating Procedure consultation meetings have been held with the Trade Unions and, in addition, the matter was fully discussed at the Professional Standards Committee of the Metropolitan Police Authority.

The Standard Operating Procedure for Maternity Leave and Pay is based upon legal advice received on the changes in the WAF Act 2006. Minor alterations have taken place throughout the Standard Operating Procedure and annexes, which bring it up to date with current advice in respect of pay, pension and other conditions of service during pregnancy and maternity leave. Expert advice from Health & Safety Branch was received in respect of risk assessments and Occupational Health in respect of medical matters.

3. Consultation/Involvement - see Step 3 of the Guidance

a. Who is responsible for managing this consultation/involvement?

Work/Life Balance Team

b. Why is this consultation/involvement taking place?

The consultation has taken place as a result of the need for a new policy and its associated Standard Operating Procedures to ensure that individuals are dealt with in an equitable and fair manner and that applications are managed with care and sensitivity with due regard to the individual's needs and that of the Organisation.

The consultation is also part of the 3-year review and the Policy Rationalisation Process, which is part of the Transforming Human Resources Programme. The provisions of the WAF Act 2006 are statutory and not part of the consultation.

c. Who is included within the consultation/involvement, including which group(s)? Consider beneficiaries, stakeholders, service users or providers and those who may be affected.

Business Managers
Senior HR Managers
HR Managers
Police Federation
Superintendent's Association
Trade Unions
Metropolitan Police Authority
Health and Safety Branch
Employment Tribunals Unit
Staff Support Associations
Diversity and Citizen Focus Directorate – strand leads
Directorate of Legal Services
Employee Relations Unit
Diversity Advisor HR

In addition to the above, e-mails and telephone calls to the Work/Life Balance Team, questions raised at various seminars and forums ie Gender Agenda Seminars and the Carer's Forum, and questions to HR Forum are monitored and, where applicable, have lead to the changes made. Some of the Standard Operating Procedures, in particular flexible working and carer's, have been sent to other Police Services/Forces to assist them with their own policy writing and only positive feedback has been received.

The following have been sent out as requested to the Forces/Constabularies or Government Departments shown and any feedback has been noted:

Work/Life Balance sent to Dyfed Powys and Gwent Police

Flexible Working sent to Dyfed Powys, North Wales, Lancashire, Strathclyde, PS Northern Ireland and Grampian Police

Special Leave sent to Thames Valley, Merseyside and Dyfed Powys Police and London Development Agency (LDA)

Carer's sent to Hampshire, Kent and Greater Manchester Police, DEFRA and London Development Agency (LDA)

d. What methods of consultation/involvement are employed to ensure full information sharing and participation, e.g. surveys, interviews, community meetings?

The consultation process included the following:

- Meetings held with Carer's Association, Trade Unions, The Federation regarding the Carer's Standard Operating Procedure
- An email to all the other parties consulted which included a copy of the draft Policy and the associated Standard Operating Procedures
- Further meetings with stakeholders as and when required
- Review of any questions posed to either the Strategy Unit intranet site or HR Forum
- Review of comments made by those who have been involved in any personal application or with the management of any application

e. What are the results of the consultation/involvement? How are these fed back into the process?

All parties consulted were asked to feedback their comments, including if they are satisfied with the contents of the draft Policy and its associated Standard Operating Procedures, and whether the procedures would have a positive or adverse effect on any particular group. The comments were then assessed and many were incorporated into the documents. We have received only positive feedback from the Police Forces/Constabularies and Government Departments that have seen our Policy and associated Standard Operating Procedures. Most have used these to further develop or initiate their own policies.

Legal Services have viewed all of the documents and have advised on the Organisation's requirements under employment law, such as the Employment Rights Act 1996. The policy and associated Standard Operating Procedures now meet those requirements and take into account any comments made by the Employment Tribunal Unit.

SPECIFIC POINTS

Work/Life Balance Policy

The Trade Unions did not want Annual Leave included under this policy and this has now been removed.

Flexible Working

The Gender Equality Duty places a requirement on the MPS to ensure that there is no disproportionality on the grounds of gender in respect of policies and Standard Operating Procedures. The take up of flexible working and carer's leave, in particular, have been investigated:

Flexible Working – Part-time working was the largest group of flexible workers for Officers, Staff, PCSOs and Traffic Wardens overall. For females part-time working was the largest form of flexible working for all groups and also the majority for staff and traffic wardens for men. Figures for October 2007 show that, out of a total of 16,352 women in the MPS, 2,837 work part-time (17.35%) and of the total number working part-time (3,158) 90% are female. For Officers and PCSOs compressed hours was the largest form of flexible working for men.

The figures for officers and staff working term-time only show that 76% are female and 24% male.

Overall 3,538 women and 1,510 men work some form of flexible working and, whilst it would appear that there is disproportionality between female and male members of the Service, this is not surprising. The MPS currently has 50,419 Officers and Staff of which 31,593 are Officers (25,067 are male and 6,526 are female) and 18,826 are Staff (9,000 male and 9,826 female). Women still make up the majority of carers in the UK, either for childcare or elder, disabled care and therefore more women will have a need to work more flexibly in order to manage their home and work commitments. The Standard Operating Procedure does not require individuals to give reasons for wishing to work flexibly so official figures of reasons for wishing to change working patterns are not known. However, monitoring of e-mails and telephone calls to the Work/Life Balance Team indicate that many women do work flexibly because of childcare/caring responsibilities.

The Trade Unions made comments on the review period and extending the minimum time before a review is conducted and also that managers need reminding that those with caring responsibilities need a reasonable amount of notice of changes. The review period has not been changed as no other comments were received on this subject but ongoing monitoring of any problems will be conducted. The comments regarding caring issues have been included in the Standard Operating Procedure.

Monitoring of e-mails and telephone calls have indicated that the annual leave section of the flexible working Standard Operating Procedure was complicated. This has been simplified.

Carer's Standard Operating Procedure

In the case of the Carer's Standard Operating Procedure, meetings were held with the Carer's Association, the Police Federation, the Trade Unions and a representative from HR to discuss the changes that were necessary. All views were duly considered and incorporated into the document. This has resulted in amendments to the Standard Operating Procedure.

The Diversity and Citizen Focus Directorate strand leads in respect of Age, Gender, Disability, Race and Lesbian, Gay, Bisexual and Transgender found that the Standard Operating Procedure had no adverse effect in respect of those particular strands of diversity.

The Trade Unions wanted the booked days to be confirmed in writing by the Line Manager to the individual. This has now been added.

The Trade Unions and the Carer's Association have raised the same issue over whether the leave can be taken as a whole or half day. After consultation it was decided that individuals can take the leave as half and whole days.

Carer's Leave – at the latest count, we have 367 official carers in the MPS, 53% are female and 47% are male.

Maternity Leave Standard Operating Procedure

Of those that provided a reply, most comments/suggestions were included in the draft with the exception of:

- The Federation wished the draft amended to allow for the splitting of maternity leave after the birth *for any reason*. Home Office guidance in 2002 (which allows this for operational reasons only) was not incorporated into the 2003 Regulations, therefore the matter has been referred back to the Police Negotiating Board;
- The Unions made some minor suggestions around including more information about pay,

allowances and service related pay. As this information is found in the Pay & Allowance Manual, the draft was amended to refer to that document rather than repeat the information twice;

- The Unions accepted that advice about sickness and Statutory Sick Pay during pregnancy and maternity leave could be complex. The SOP will necessarily be kept brief and supplemented by specific advice on a case by case basis;
- The Employee Relations Unit was not able to guarantee that managers will not contact women who have had a miscarriage or a stillbirth. Managers must retain the right to contact an individual where necessary – for legal and administrative reasons. The SOP was amended to state that intrusion should be kept to a minimum;
- The SOP was amended to ensure that managers resume police staff to any accrued bank holiday leave prior to resuming them to duty to ensure that such leave is not lost (or excessively delayed) due to pressure of work;
- More detailed advice has been added in respect of women who are breastfeeding as a result of Union comment.

All respondents were responded to in writing to ensure they knew of the steps that had been taken.

Career Breaks

No comments were received.

Figures for Career Breaks during the period August 04 – July 07 show that a total of 482 individuals have taken a career break. Of those 313 were female and 169 were male. Although there appears to be some disproportionality two categories for taking a career break are used more by females than males because of caring responsibilities. Females taking a career break for caring/childcare reasons or following maternity leave totalled 186 and males taking a career break for caring/childcare reasons totalled just 39. These figures show that 127 females and 147 males took a career break for the remaining categories ie Studying, Travelling Abroad or Worthwhile Voluntary Services Overseas, over the period given.

Special Leave

The Lesbian, Gay, Bisexual and Transgender Strand within the Diversity and Citizen Focus Directorate required the term 'civil partners' to be used. This has been included as requested. An issue raised by a Human Resources Manager has been the donation of Stem Cells. Occupational Health has been consulted and recommended that Stem Cell Donation should be treated the same as Bone Marrow Donation,.

Keep in Touch Scheme (KIT)

The Trade Unions commented on the timescales for introducing the scheme and, after further consultation, this has been changed, with their approval. They also commented that the Keep in Touch Scheme may not be suitable for all those on long term sick leave. Again, after further consultation the Standard Operating Procedure has been changed to include the line 'whilst on sick leave participation in the KIT scheme is not optional unless medical opinion advises against this'.

Armed Forces Reservists

No comments were received.

4. Screening Process for relevance to Diversity or Equality issues - see Step 4 of the Guidance

- (i) Will the proposal have significantly higher impact on a particular group, community or person the MPS serves or employs?

Explain:

Yes. Having undertaken a consultation process in respect of the Policy and its associated Standard Operating Procedures a higher impact on a particular group, community or person the Metropolitan Police Service serves or employs has been identified through consultation. This has been borne out by the monitoring of the Standard Operating Procedures over the last three years.

Maternity Leave and Pay - This will impact on pregnant women, women on maternity leave and women who have returned to work who are still breastfeeding. The latter will predominantly fall under MPS obligations around risk assessments – which, for the most part, sit outside the maternity Standard Operating Procedures.

Carer's – This will have a positive impact on those Officers and Staff who have caring responsibilities as this will assist with the responsibilities. The MPS currently has 367 official carers in the MPS, 53% are female and 47% are male.

Flexible Working – Flexible Working is available to all Officers and Staff in the MPS although evidence suggests that this Standard Operating Procedure may be used by and have a positive impact on those who have certain responsibilities or requirements such as caring/childcare responsibilities, Faith or Disability needs. It will assist individuals to work more flexibly in order to manage their home and work commitments and requirements.

- (ii) Will any part of the proposal be directly or indirectly discriminatory?

Explain:

Yes for the Maternity Leave and Pay SOP. The Maternity and Leave SOP complies with legal requirements and necessarily positively discriminates in favour of women who are pregnant or on maternity leave and who are breastfeeding.

No for the Policy and other Standard Operating Procedures. In view of the fact that all members of police staff and all officers can access and apply for any of the Work/Life Balance Standard Operating Procedures (apart from Maternity Leave and Pay which is currently only available to women) the policy will not be directly or indirectly discriminatory in terms of their accessibility providing individuals meet the qualifying criteria. These criteria meet legal requirements and ensure that the ethos around fairness and the MPS values are adhered to. This has been borne out by the responses received from those consulted, and in particular the Diversity and Citizen Focus Directorate (Age, Gender, Disability, Race and Lesbian, Gay, Bisexual and Transgender), who have not identified any direct or indirect discrimination.

- (iii) Is the proposal likely to negatively affect equality of opportunity?

Explain:

No. The Standard Operating Procedures prohibit unfair treatment and that provision promotes equality of opportunity. The consultation process has not highlighted a negative impact on equality of opportunity.

(iv) Is the proposal likely to adversely affect relations between any particular groups or between the MPS and those groups? Explain: No. During the consultation process no adverse affect upon relations between any particular groups or between the Metropolitan Police Service and those groups has been identified by any of those consulted. Provisions prohibit unfair treatment and that provision seeks to eliminate unfair or unlawful discrimination. There is fair accessibility and qualifying criteria to these provisions. Such measures assist in the promotion of good relations between people.
(v) Are there any other community concerns, opportunities or risks to communities arising from the proposal? Explain: No. The consultation process has not identified any community concerns, opportunities or risks to communities arising from the Policy and its associated Standard Operating Procedures. The Policy and its associated Standard Operating Procedures set out clear guidelines in respect of the processes to be followed and therefore it is considered there are no concerns or risks to communities. However, we do recognise that there are proposals from the Government to change Maternity provisions and this Standard Operating Procedure will be revisited.
(vi) Is the proposal likely to harm positive attitudes towards others and discourage their participation in public life? Explain: No. The consultation process has not revealed that there will be any harm to positive attitudes towards others or to discourage their participation in public life. The Policy and its associated Standard Operating Procedures therefore do not discourage positive attitudes towards others or discourage them from partaking in public life. The Policy and the Standard Operating Procedures assist in attracting and retaining experienced and skilled individuals.
(vii) Is the proposal a major one in terms of scale or significance? Explain: No. Although the Work/Life Balance Policy is new, the Associated Standard Operating Procedures are not a new concept; the previous policies have been in place since April 2004 and all underwent full consultation at that time. The results of that consultation are still relevant. In respect of the Maternity Leave and Pay Standard Operating Procedure, it necessarily is restricted to women during their pregnancy and maternity leave. It provides further advice for women who are breastfeeding but the bulk of the specific advice around this area falls to Health & Safety (Risk Management Team) rather than the maternity Standard Operating Procedure

From the answers supplied, you must decide if the proposal impacts upon diversity or equality issues. If yes, a full impact assessment is required. If no, complete the following box and enter a review date at the end of the form.

Full Impact Assessment Required	Yes	<i>(delete as applicable)</i>
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5. Full Impact Assessment – see Step 5 of the Guidance

a)	Explain the likely differential impact (whether intended or unintended, positive or negative) of the proposal on individual service users or citizens on account of:
	Age: older people, children and young people.
	Details: It is considered that there will be a positive differential impact in respect of the Flexible Working Standard Operating Procedure for those who have specific requirements under the new Pension reform ie the introduction of partial retirement for those aged 60+ which enables staff, who reduce their pensionable earnings by at least 20% (by reshaping their job through a reduction in working hours and/or level of responsibility), to take some or all of the pension they have built up, while continuing to work. Partial retirement is intended to facilitate a gradual move from work to retirement and can potentially have considerable business benefits.
	Disability in line with the Social Model.
	Details: It is considered that there will be a positive differential impact in respect of the Flexible Working Standard Operating Procedure for those who have specific requirements or who require reasonable adjustments to the working environment. The Flexible Working Standard Operating Procedure can often be a tool to help in the management of those who require reasonable adjustments ie starting work later in the day
	Faith, religion or belief: those with a recognised belief system or no belief.
	Details: There is no differential impact
	Gender or marital status: women and men.
	Details: There is no undue differential impact
	Race, ethnicity, colour, nationality or national origins.
	Details: There is no differential impact
	Sexual orientation, transgender or transsexual issues.
	Details: There is no differential impact
	Other issues, e.g. public transportation users, homeless people, asylum seekers, the economically disadvantaged, or other community groups not covered above.
	Details: Not applicable
b)	Is the proposal directly or indirectly discriminatory? Is there a genuine occupational requirement?
	Details: The proposal is not considered to be directly or indirectly discriminatory and those who took part in the consultation process did not find it so. There is no genuine occupational requirement.

c)	Explain how the proposal is intended to increase equality of opportunity by permitting positive action.
	Details: Monitoring and promotion of the Work/Life Balance provisions ensure positive outcomes by widespread use of the provisions.
d)	Explain how the proposal is likely to promote good relations between different groups.
	Details: During the consultation process no adverse affect upon relations between any particular groups or between the Metropolitan Police Service and those groups has been identified by any of those consulted. Provisions prohibit unfair treatment and that provision seeks to eliminate unfair or unlawful discrimination. There is fair accessibility and qualifying criteria to these provisions. Such measures assist in the promotion of good relations between people.
e)	Explain how the proposal is likely to promote positive attitudes towards others and encourage their participation in public life.
	Details: The Work/Life Balance Policy and associated Standard Operating Procedures will assist the MPS in encouraging people who have been away from work for a period of time to start or return to work. It also assists individuals with the difficult task of balancing their home and work lives and will therefore help them to remain at work. The Standard Operating Procedures prohibit unfair treatment and that provision will encourage all to have a positive attitude when dealing with others who have specific needs.
f)	Explain how the proposal enables decisions and practices to adequately reflect the service users perspective.
	Details: Feedback, review processes, monitoring processes and discretion to change the Policy for specific need or legislative requirements and allow the provisions to become user focused and responsive.

6. Modifications – see Step 6 of the Guidance

Could the proposal be modified to reduce or eliminate any identified negative impacts, or create or increase positive impacts? What improvements have been made?

All modifications have been made in line with consultation. Further modifications will be in line with user feedback or legislative changes.

7. Further Research - see Step 7 of the Guidance

Given the analysis so far, what additional research or consultation is required to investigate the impacts of the proposal on the diversity strands?

It is considered that additional research or consultation is not required at this time. However, monitoring will be undertaken to ensure that, where issues of proportionality where there is evidence of unfairness or discrimination arise, steps are taken to identify and deal with those adverse impacts.

8. Decision-making - see Step 8 of the Guidance

a.	Name, rank or grade of decision maker	
b.	What is the Decision?	
	Reject the proposal	Yes / No (delete as applicable)
	Introduce the proposal	Yes / No (delete as applicable)
	Amend the proposal (an impact assessment should be made of any amendments)	Yes / No (delete as applicable)

9. Monitoring - see Step 9 of the Guidance

a.	How will the implementation of the proposal be monitored and by whom? Maternity Leave and Pay entitlements are monitored locally as this is where entitlement is checked and administered. Local HR Units liaise with Logica Pay Services in this respect. Management of the pregnant woman on a daily basis rests with local line managers. Local Duties Offices and local H&S experts also have an impact on rosters and adjustments to duties/hours where necessary. Corporate HR Units will offer an advisory role. The Work/Life Balance Team, HR Services, will undertake monitoring of the policy and its associated standard operating procedures. Monitoring will consist of evaluating the statistical data around those affected by the policy and associated Standard Operating Procedures in particular around the diversity strands to ensure that there is no disproportionality.
b.	How will the results of monitoring be used to develop this proposal and its practices? The Work/Life Balance Team and the ERU will continue to monitor legal developments that impact on the Policy and Standard Operating Procedures, and in particular for maternity leave and pay. They will also update the Standard Operating Procedure in relation to changes that take place under pay awards/PNB Agreements. The results of monitoring will inform any amendments to the policy and its associated standard operating procedures should it be found that there is a need to do so.
c.	What is the timetable for monitoring, with dates? The policy and its associated standard operating procedures will be subject to a formal annual review in line with all policies. However, less formal monitoring will be undertaken on a 6 monthly basis and as and when necessary

10. Public Availability of Report/Results - see Step 10 of the Guidance

What are the arrangements for publishing, where and by whom?	
Publication of the Policy and Standard Operating Procedures will be arranged by the Strategy Unit on the MPS Publication Scheme.	
Date Review Due:	July 2011