

Equality and Human Rights Screening Template

Attendance at Work Policy and Procedure

The NIGALA is required to address the 4 questions below in relation to all its policies. This template sets out a proforma to document consideration of each question.

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?
(minor/major/none)
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
3. To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group?
(minor/major/none)
4. Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

1. INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

Northern Ireland Guardian ad Litem Agency (hereafter NIGALA) Attendance at Work Policy and Procedure

1.2 Description of policy or decision:

- **What is it trying to achieve (aims and objectives)?**
- **How will this be achieved (key elements)?**
- **What the key constraints (for example financial, legislation or other)?**

The purpose of this Policy and Procedure is to set out how absence will be dealt with in a fair, consistent and proactive manner by providing clear and effective guidelines on the management and monitoring of absenteeism. It sets out roles, responsibilities and expectations for employees and managers and focuses on supporting managers and employees during periods of absence by providing a clear framework for progress.

This Guidance has been approved by NIGALA's SMT and will go through a consultation process with staff and trade union.

There are legislative constraints as NIGALA has a legal duty of care to employees and must operate under the auspices of numerous pieces of legislation, including the Disability Discrimination Act (1995).

1.3 Main stakeholders affected (internal and external)

- Current NIGALA employees
- NIGALA line managers
- BSO Human Resources Department
- Trade union
- Occupational Health

1.4 Other policies or decisions with a bearing on this policy or decision.

- **What are they?**
- **Who owns them?**

- Regional and local HR policies (NIGALA Disciplinary Procedure, NIGALA Leave Pack, NIGALA Family Pack, NIGALA Capability Procedure)
- Range of legislation including discrimination legislation.

2. CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

2.1 Data Gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, services users, staff side or other stakeholders.

Baseline staff in post report for NIGALA across the nine categories from March 2019.

2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both.

Category	What is the makeup of the affected group (%)? Are there any issues or problems? For example, a lower update that needs to be addressed or greater involvement of a particular group?
Gender	NIGALA staff data at March 2019:

	<table border="1"> <tr> <td>Male</td> <td>15.38%</td> </tr> <tr> <td>Female</td> <td>84.62%</td> </tr> </table> <p>Census 2011 figures for NI report just over 50% of the 16-64 age group is female whilst 49.52% is male.</p>	Male	15.38%	Female	84.62%																																																	
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	Perceived Roman Catholic	4.62%	
	Protestant	26.15%	
	Roman Catholic	56.92%	
	Population - Census 2011 figures on religion:		
	Catholic	738,033	40.76%
	Presbyterian Church in Ireland	345,101	19.06%
	Church of Ireland	248,821	13.74%
	Methodist Church in Ireland	54,253	3%
	Other Christian (including Christian related)	104,380	5.76%
	Other Religions	183,164	10.11%
Religion not stated	122,252	6.75%	
Political Opinion	NIGALA staff data at March 2018:		
	Broadly Nationalist	1.54%	
	Other	0%	
	Broadly Unionist	1.54%	
	Not assigned	90.77%	
	Do not wish to answer	6.15%	
	NI Population Statistics * (Census 2011)		
	British only	722,379	39.89%
	Irish only	457,482	25.26%
	Northern Irish only	379,267	20.94%
British and Irish only	11,877	0.66%	
British and Northern Irish only	111,748	6.17%	
Irish and Northern Irish only	19,132	1.06%	
British, Irish and Northern Irish only	18,406	1.02%	
Other	90,572	5.00%	
Marital Status	NIGALA staff data at March 2019:		
	Divorced	0%	
	Married/Civil Partnership	58.46%	
	Other	4.62%	

Separated	0%
Single	21.54%
Unknown	15.38%
Widow/er	0%
Not Assigned	0%

NI Population Statistics * (2011)

- 47.56% (680,840) of those aged 16 or over were married
- 36.14% (517,359) were single
- 0.09% (1288) were registered in same-sex civil partnerships
- 9.43% (134,994) were either divorced, separated or formerly in a same-sex partnership
- 6.78% (97,058) were either widowed or a surviving partner

Dependent Status

NIGALA staff data at March 2019:

Yes	4.62%
Not assigned	92.31%
No	3.08%

NI Census Statistics

- 11.81% (213,863) of the usually resident population provide unpaid care to family members, friends, neighbours or others because of long-term physical or mental ill-health/disabilities or problems related to old age.
- 3.11% (56,318) provided 50 hours care or more.
- 33.86% (238,129) of households contained dependent children.
- 40.29% (283,350) contained a least one person with a long – term health problem or a disability

Carers NI Statistics:

- 1 in every 8 adults is a carer
- There are approximately 207,000 carers in Northern Ireland
- Any one of us has a 6.6% chance of becoming a carer in any year
- One quarter of all carers provide over 50 hours of care per week
- People providing high levels of care are twice as likely to be permanently sick or disabled than the average person
- 64% of carers are women; 36% are men.

Disability

NIGALA staff data at March 2019:

Yes	1.54%
Not assigned	16.92%
No	81.54%

NI Population Statistics*

More than one person in five (300,000) people in Northern Ireland has a disability.

Census 2011 data for the population as a whole highlights a wide range of disabilities and long-term conditions, taking on board, however, that some of these will be less prevalent amongst younger age brackets. The data is not yet available broken down by age group.

Long-term health problem or disability			
	All usual residents		Number
Northern Ireland	1,810,863	Day-to-day activities limited a lot	215,232
		Day-to-day activities limited a little	159,414
		Day-to-day activities not limited	1,436,217

Type of long-term condition	% of population
Deafness or partial hearing loss	5.14
Blindness or partial sight loss	1.7
Communication Difficulty	1.65
Mobility of Dexterity Difficulty	11.44
A learning, intellectual, social or behavioural difficulty.	2.22
An emotional, psychological or mental health condition	5.83
Long – term pain or discomfort	10.10
Shortness of breath or difficulty breathing	8.72
Frequent confusion or memory loss	1.97
A chronic illness (such as cancer, HIV, diabetes, heart disease or epilepsy).	6.55
Other condition	5.22
No Condition	68.57

Ethnicity	NIGALA staff data at March 2019:	
	Not assigned	89.23%
	White	10.77%
	Other	
	Black African	
	Indian	
	Chinese	
	NI Population Statistics* (Census 2011)	
	N	%
	White	1778449 98.21%
	Chinese	6303 0.35%
	Irish Traveller	1301 0.07%
	Indian	6198 0.34%
	Pakistani	1091 0.06%

	Bangladeshi	540	0.03%
	Other Asian	4998	0.28%
	Black Caribbean	372	0.02%
	Black African	2345	0.13%
	Black other	899	0.05%
	Mixed	6014	0.33%
	Other	2353	0.13%
Sexual Orientation	NIGALA staff data at March 2019:		
	Do not wish to answer	1.54%	
	Not assigned	90.77%	
	Opposite sex	7.69%	
	Both Sexes		
	Same sex		
	<p>There is disputed data relating to the estimated size of the LGBT population in Northern Ireland. For the purposes of costing the Civil Partnership Act the UK Government estimate between 5-7% LGBT people in the population. The Office of National Statistics estimates 1.5-2% of the adult population are LGBT, however this document is disputed by numerous LGBT organisations.</p>		

2.3 Qualitative Data

What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both.

Category	Needs and Experiences
Gender	According to the ONS Report on Sickness Absence in the Labour Market (2016), females are more likely to take sickness absence than men. Moreover, female sickness absence can be pregnancy-related.

	<p>Additionally, the ONS (2013) report that females are more likely to be carers than males.</p> <p>See Martial Status & Dependents sections</p>
Age	<p>According to the ONS Report on Sickness Absence in the Labour Market (2016), sickness absence rates are higher among older workers than young workers as they are more likely to develop health problems.</p>
Religion	<p>There are no known issues.</p>
Political Opinion	<p>There are no known issues.</p>
Marital Status	<p>Issues for females or those with dependents may be further exacerbated for single parents.</p> <p>See Gender & Dependents sections</p>
Dependent Status	<p>A report by Carers UK, 'In Sickness and in Health' (2012) indicates a significant proportion of carers physical and mental health is affected by caring. This can impact on a person's ability to attend and/ or remain in work.</p> <p>See Martial Status & Gender sections</p>
Disability	<p>According to the ONS Report on Sickness Absence in the Labour Market (2016), workers with long-term health conditions are more likely to have higher rates of sickness absence.</p>
Ethnicity	<p>There are no known issues.</p>
Sexual Orientation	<p>There are no known issues.</p>

2.4 Multiple Identities

Are there any potential impacts of the policy or decision on people with multiple identities? For example: disability minority ethnic people; young Protestant men; and young lesbians, gay and bisexual people.

N/A

2.5 Making Changes

Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to policy or decision in order to promote equality of opportunity?

In developing the policy or decision what did you do or change to address the equality issues you identified?

What do you intend to do in future to address the quality issues you identified?

Gender

NIGALA will not take into account any periods of pregnancy-related sickness absence when making a decision about employment i.e. when calculating employment rights to do with length of service or for taking action for poor attendance record.

Age

Managers will use return to work interviews to explore flexible working arrangements with employees, including reduction in hours. This will take into

<p>consideration the needs of individuals.</p> <p>Disability</p> <p>NIGALA’s management is committed to supporting employees who have a disability and ensuring reasonable adjustments are in place. The particular needs of the individual being taken into account.</p> <p>Gender, Martial & Dependent Status</p> <p>Managers need to be cognisant of the hidden reasons for absence which may include caring responsibility. Return to work interviews are designed to tease out both work and non-work related reasons for absence, with managers exploring other options with employees i.e. reduction in hours, flexible working.</p>	
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<p>2.6 Good Relations</p> <p>What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (Refer to guidance notes for guidance on impact.)</p>		
Group	Impact	Suggestions
Religion	None	None
Political Opinion	None	None
Ethnicity	None	None

3. SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity.

How would you categorise the impacts of this decision or policy? (Refer to guidance notes for guidance on impact.)

Please tick:

Major impact	
Minor impact	x
No further impact	

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Yes	
No	x

Please give reasons for your decisions:

Any equality issues that have been raised through screening have been addressed by the mitigating actions as outlined in 2.5. The quantitative and qualitative data shows there are no issues of major concern raised.

4. CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?	
How does the policy or decision currently encourage disabled people to participate in public life?	What else could you do to encourage disabled people to participate in public life?

4.2 In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?	
How does the policy or decision currently promote positive attitudes towards disabled people?	What else could you do to promote attitudes towards disabled people?

5. CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles.	
Article	Yes/No
Article 2: Right to Life	No
Article 3: Right to freedom from torture, inhuman or degrading treatment or punishment.	No
Article 4: Right to freedom from slavery, servitude and forced or compulsory labour.	No
Article 5: Right to liberty and security of person.	No
Article 6: Right to a fair and public trial within a reasonable time.	No
Article 7: Right to freedom from retrospective criminal law and no punishment without law.	No
Article 8: Right to respect for private and family life, home and correspondence.	No
Article 9: Right to freedom of thought, conscience and religion.	No
Article 10: Right to freedom of expression.	No

Article	Yes/No
Article 11: Right to freedom of assembly and association.	No
Article 12: Right to marry and found a family.	No
Article 14: Prohibition of discrimination in the enjoyment of the convention rights.	No
1 st protocol Article 1: Right to a peaceful enjoyment of possessions and protection of property.	No
1 st protocol Article 2: Right of access to education.	No

If you have answered no to all of the above please move on to Question 6 on Monitoring.

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?			
List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise legal issues?* Yes/No

*It is important to speak to your line management on this and if necessary seek legal opinion to clarify this.

5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy or decision.

6. MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity or good relations, disability duties and human rights)?		
Equality & Good Relations	Disability Duties	Human Rights

Approved Lead Officer: Sean Brown

Position: Head of Corporate Services

Date: 17 September 2019

Policy/Decisions Screened by: Sinéad Casey

Any request for this document in another format or language will be considered.