

## Impact Assessment Tool

### Incorporating:

### Equality and Diversity; Human Rights and Environmental Issues

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

			Comments
1	<b>Briefly describe the policy/decision?</b>		The Managing Sickness Absence policy was due to be updated in January 2008.
1.1	<b>Briefly describe the purpose or objective of the policy/decision?</b>		The purpose is to ensure the consistent application of the policy across the Trust. The previous policy left a lot of scope for management discretion which resulted in different standards within and between Directorates
1.2	<b>Does the policy/decision have a legitimate aim?</b>	<b>Yes</b>	It outlines the policy and that should be adhered to when managing short and long term sickness absence
1.3	<b>Is the policy/decision necessary, proportionate and lawful?</b>	<b>Yes</b>	The policy is necessary, proportionate and lawful as the Trust recognises the need to balance the well being of the employee with the need to provide first class care to our service users. Sickness absence not managed effectively can have an adverse impact on the department and the service provided
2	<b>Will the policy/decision affect one group or a combination of groups less or more favourably than others on the basis of:</b> Race, Colour, Nationality, Gender, Age, Sexual orientation, Disability, Religion, Language  (Disability includes: learning disabilities, physical disability, sensory impairment and mental illness)	<b>No</b>	The policy does not adversely affect staff regardless of their race, colour, nationality, gender, age, sexual orientation, disability, religion or language. The policy has enhanced the section on the need to make reasonable adjustments.
2.1	<b>List or describe the evidence that some groups will be affected differently?</b>		There is no evidence to suggest that some groups will be affected differently. There was a thorough consultation process when updating this policy
3	<b>Will the policy/decision affect or restrict</b>	<b>No</b>	This policy will have no

			<b>Comments</b>
	<b>anyone's human rights? (see attached list)</b>		adverse effects on anyone's human rights, if Line Managers comply with the policy. Training is available on the management of sickness absence.
3.1	<b>If the answer to Q3 is yes, which rights will be affected or restricted?</b> <b>a) absolute right</b> e.g. the right to protection from inhuman & degrading treatment <b>b) limited right</b> e.g. the right to liberty <b>c) qualified right</b> e.g. the right to respect for private and family life; freedom of expression; peaceful enjoyment of property etc;	<b>Yes/No</b>  <b>Yes/No</b>  <b>Yes/No</b>	N/A
3.2	<b>Can the policy/decision be achieved without the infringement of human rights?</b>	<b>Yes</b>	
4	<b>Will this policy/decision:</b> <ul style="list-style-type: none"> <li>• <b>Reduce or increase waste</b></li> <li>• <b>reduce or increase use of energy</b></li> <li>• <b>Have an impact on the use of transport</b></li> <li>• <b>Create community employment opportunities</b></li> </ul>	<b>Yes/No</b>  <b>Yes/No</b>  <b>Yes/No</b>  <b>Yes/No</b>	If the policy is implemented it will reduce the cost of sickness absence and reduce the workload and stress of other employees who have to cover.
5	<b>What action is to be taken to minimise the impact that the policy/decision will have on equality and diversity and human rights.</b>		There is the potential to have an impact if the policy and procedure is not adhered to and if managers are not trained to use the policy effectively
5.1	<b>What action is to be taken to minimise the impact that the policy/decision will have on the environment</b>		N/A
6	<b>Have you consulted with relevant groups around this policy/decision?</b> <ul style="list-style-type: none"> <li>- <b>Staff members</b></li> <li>- <b>Service Users</b></li> <li>- <b>Carers</b></li> </ul>	<b>Yes</b>  <b>Yes</b>  <b>No</b>	The respective union bodies have been consulted with in developing this policy. A forum was arranged and a representative from each locality attended  The Service User Involvement Group member was consulted and a service user was

			<b>Comments</b>
	- <b>Other agencies</b>	<b>Yes</b>	involved in drafting it Members of the LGBT and BME Network Groups.
6.1	<b>Do you have further plans to consult with the relevant groups</b>	<b>No</b>	There has been extensive consultation on this policy,
7	<b>Will the policy/decision be monitored?</b>	<b>Yes</b>	The Trust will monitor that the processes and procedures are being followed. There is a quarterly report to the Trust Board on the management of sickness absence.
7.1	<b>Will the policy/decision be reviewed? If yes, when?</b>	<b>Yes/No</b>	Two years after ratification
7.2	<b>Will this policy/decision and this Impact assessment be published?</b>  <b>If yes, list when and where this information will be available.</b>	<b>Yes</b>	On the Trust's Intranet and Internet. An email will go out informing staff of the new policy

This Impact Assessment Form must accompany the policy to the relevant committee and copied to: Robert Jones, Associate Director of Equality and Diversity, 4<sup>th</sup> Floor, EastONE, 22 Commercial Street, London E1 6LP

## **HUMAN RIGHTS ACT 1998**

### **Convention Rights**

- ❖ Right to life
- ❖ Right not to be tortured or treated in a inhuman or degrading treatment
- ❖ Right to be free from slavery or forced labour
- ❖ Right to no punishment without law
- ❖ Right to Liberty
- ❖ Right to fair trial
- ❖ Right to respect for private and family life, home and correspondence
- ❖ Right to freedom of thought, conscience and religion
- ❖ Right to freedom of expression

- ❖ Right to freedom of assembly and association
- ❖ Right to marry and found a family
- ❖ Right not to be discriminated against
- ❖ Right to peaceful enjoyment of possessions
- ❖ Right to education
- ❖ Right to free elections

### **Types of rights**

**Absolute rights** such as the right to protection from torture, inhuman and degrading treatment and punishment, the prohibition of slavery and enforced labour and protection from retrospective criminal penalties – **can never be interfered with.**

**Limited rights** such as the right to liberty which are limited under explicit and finite circumstances set out European Commission for Human Rights (ECHR) itself, which provides exceptions to the general right – can be restricted in some tightly defined circumstances.

**Qualified rights** which include the right to respect for private and family life, religion and belief, freedom of expression, assembly and association, the right to peaceful enjoyment of property and to some extent the right to education. Interference with them is permissible only if what is done:

- A. has its basis in law, and
- B. Is done to secure a permissible aim set out in the relevant Article, for example for the prevention of crime, or for the protection of public order or health, and
- C. Is necessary in a democratic society, which means it must fulfil a pressing social need, pursue a legitimate aim and be proportionate to the aims being pursued.