



Department of  
**Education**

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**DEPARTMENT OF EDUCATION**

**EQUALITY AND HUMAN RIGHTS POLICY SCREENING**

**FOR REVISED MATERNITY, PATERNITY, ADOPTION AND**

**PARENTAL LEAVE SCHEMES**

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Revised March 2014

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# 1. POLICY SCOPING

- 1.1 **TEACHERS' MATERNITY LEAVE SCHEME TNC 2014/**
- TEACHERS' ADOPTION LEAVE SCHEME TNC 2014/**
- TEACHERS' PATERNITY LEAVE SCHEME TNC 2014/**
- TEACHERS' PARENTAL LEAVE SCHEME TNC 2014/**

This equality screening will consider a suite of four policies which are linked and focus on the provision of leave for parents.

## 1.2 Type of Policy Development

These are revised policies.

## 1.3 Description of policy

To provide leave and pay arrangements for teachers as a consequence of: pregnancy, the birth or adoption of a child and for parental responsibilities to care for a child.

The policies have been revised to reflect statutory provisions that extend the provision of leave on a more equitable basis.

## 1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy?

None	✓
Legislative	
Financial	
Others please specify)	

## 1.5 Main stakeholders affected

Pupils (Actual or Potential)	
Parents	
Teaching Staff	
Trade Unions or Professional Organisations	
Other Public Sector Organisations	
Departmental Staff	
Others (please specify)	

## 1.6 Who is responsible for :

### (a) Devising the policy

The Teachers' Salaries and Conditions of Service Committee (Schools) (TNC)

### (b) Implementing it

TNC, DE, Employing Authorities and Employers

### (c) Explain the relationship?

TNC sets the policy through negotiations and Employing Authorities/Employers implement it.

## 1.7 Other policies or objectives with a bearing on this policy

Not applicable

## 2. EVIDENCE

### 2.1 What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?

Section 75 Category	Details of Evidence/Information															
Religious Belief	This information is not available for the teaching population as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the community background of their teaching staff during the recruitment process.															
Political Opinion	This information is not available for the teaching population as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the political opinion of their teaching staff during the recruitment process.															
Racial Group	<p>Information has not been collected on the racial ethnic origin of employees.</p> <p>Since 2001 the racial ethnic origin of job applicants has been monitored in line with statutory monitoring requirements. This information which is incomplete would indicate that less than 1% belong to minority ethnic groups.</p> <p>We have not been able to identify any single source of information on the workforce in relation to this measure. However there is no indication that these policies will disproportionately impact on the basis of racial group. The Department is considering whether this information could in future be collated and included in the DE digest of statistics on the Education Workforce which is published on an annual basis.</p>															
Age	<p>The table below shows the age and gender profile of the teaching workforce in grant-aided schools only at March 2012:-</p> <table border="1" data-bbox="363 1827 1538 2056"> <thead> <tr> <th data-bbox="363 1827 657 1899">Age Range</th> <th data-bbox="657 1827 951 1899">% Female</th> <th data-bbox="951 1827 1235 1899">% Male</th> <th data-bbox="1235 1827 1538 1899">% Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 1899 657 1973">24 and under</td> <td data-bbox="657 1899 951 1973">1.04</td> <td data-bbox="951 1899 1235 1973">0.27</td> <td data-bbox="1235 1899 1538 1973">1.31</td> </tr> <tr> <td data-bbox="363 1973 657 2056">25 – 29</td> <td data-bbox="657 1973 951 2056">8.61</td> <td data-bbox="951 1973 1235 2056">2.04</td> <td data-bbox="1235 1973 1538 2056">10.65</td> </tr> </tbody> </table>				Age Range	% Female	% Male	% Total	24 and under	1.04	0.27	1.31	25 – 29	8.61	2.04	10.65
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24 and under	1.04	0.27	1.31													
25 – 29	8.61	2.04	10.65													

30 – 34	13.50	3.56	17.07
35 – 39	13.09	3.73	16.83
40 – 44	12.21	3.71	15.92
45 – 49	8.85	3.30	12.14
50 – 54	8.53	3.32	11.85
55 – 59	8.07	3.50	11.57
60 – 64	1.49	0.93	2.42
65 and over	0.14	0.12	0.25
<b>Totals:</b>	<b>75.53</b>	<b>24.47</b>	<b>100.00</b>

The outcome of the policies is to improve outcomes for:

- new born children in the a case of Maternity and Paternity leave;
- children under 5 years in the case of Parental leave or 18 years if the child has a disability;
- all children who are being adopted.

#### Marital Status

At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. It reflects marital status at the time of appointment which may change during the period of employment. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that these policies will disproportionately impact on the basis of marital status. The Department is considering whether this information could in future be collated and included in the DE digest of statistics on the Education Workforce which is published on an annual basis.

#### Sexual Orientation

This information is not currently collected by employing authorities. However the shout Report stated that, “analysis of the 2001 Census indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.”.

The Rainbow Project’s research into LGB peoples’ experiences in employment indicates that almost one in four lesbian, gay and bisexual respondents from the public sector conceal their sexual

	<p>orientation in the workplace.</p> <p>There is no indication that these policies will disproportionately impact on the basis of sexual orientation as these policies will be applied irrespective of one's sexual orientation.</p>
Men And Women Generally	<p>These policies will affect both men and women.</p> <p>At March 2012 the makeup of the teaching workforce was 75.53% female and 24.47% male. There is no indication that these policies will impact disproportionately on men or on women.</p> <p>In respect of transgender men and women, a UK wide study for the Gender Identity Research and Education Society (GIRES) <a href="http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUK-report.pdf">http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUK-report.pdf</a>. suggests that the prevalence rate for Northern Ireland is 8/100,000 (16 and over) population or approximately .0008% of the population (16 and over, 1,432,501 people in 2011), i.e. approximately 115 people.</p>
Disability	<p>At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. A single system has not been used by employing authorities to monitor employees/job applicants on grounds of disability therefore workforce data is unreliable and incomplete. We have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of disability. The Department is considering whether this information could in future be collated and included in the DE digest of statistics on the Education Workforce which is published on an annual basis.</p> <p>The Northern Ireland 2011 Census data recorded that just over one in five of the usually resident population (21%) had a long-term health problem or disability which limited their day-to-day activities.</p>
Dependants	<p>Information is not collected by employing authorities from employees in relation to their responsibilities as a 'carer'. All persons these policies apply to will have caring responsibilities</p> <p>The Northern Ireland 2011 Census data recorded that on-third (34%) of households in Northern Ireland contained dependent children.</p>

**2.2 Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?**

<b>Section 75 category</b>	<b>Needs/Experiences/Uptake/Priorities</b>
Religious Belief	Policies applicable to all sub categories
Political Opinion	Policies applicable to all sub categories
Racial Group	Policies applicable to all sub categories
Age	Children are vulnerable and in need of additional care. Policies applicable to all teachers.
Marital Status	Policies applicable to all teachers.
Sexual Orientation	Policies applicable to all sub categories.
Men And Women Generally	Women who are pregnant or have just given birth are particularly vulnerable, as recognised in Health and Safety legislation. These policies extend provision and allow for leave to be shared on a more equitable basis between men and women.
Disability	Children with a disability will be more vulnerable and may require additional care. Policies applicable to all teachers.
Dependants	The purpose of these policies is to provide support to teachers who have dependent children. Policies applicable to all teachers.



### 3. SCREENING QUESTIO8.07NS

#### 3.1 What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief				
Political opinion				
Racial group				
Age				Minor Positive impact for children of teachers as the revised policies will extend provision.
Marital status				These policies extend the provision for teachers beyond marital status on a more equitable basis.
Sexual Orientation				These policies have been revised to reflect statutory provisions and as a result positively promote equality by extending the provision of paternity and adoption leave to same sex and civil partners
Men and women generally				These policies have been revised to reflect statutory Regulations and as a result positively promote equality of opportunity through the provision for mothers and partners to share leave entitlements on a more equitable basis.

Disability				
Dependants				These policies have been reviewed to reflect statutory Regulations and as a result provisions in relation to employees with parental responsibilities have been extended.

**3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?**

Section 75 category	NO*	Yes*	Provide Details
Religious belief			
Political opinion			
Racial group			
Age			
Marital status			
Sexual Orientation			
Men and women generally			
Disability			
Dependants			

**3.3 To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group?**

<b>Good relations category</b>	<b>No impact*</b>	<b>Minor impact*</b>	<b>Major impact*</b>	<b>Details of policy impact</b>
Religious belief				
Political opinion				
Racial group				

**3.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

<b>Good relations category</b>	<b>NO*</b>	<b>YES*</b>	<b>Provide Details</b>
Religious belief			
Political opinion			
Racial group			

### **3.5 Additional considerations - Multiple identities**

**Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.**

There is no collated data on teachers with multiple identities. However the revisions extend provisions on a more equitable basis and therefore the impact on people with multiple identities will be positive.

#### 4. SCREENING DECISION

**Not to conduct an equality impact assessment because no equality issues have been identified.**

Please provide details which support the decision

The decision is not to conduct an equality impact assessment because:

- This set of policies only apply to teachers registered with the GTCNI in the North of Ireland They have been reviewed and revised in consultation and agreement with the teachers representative bodies i.e. the recognised trade unions and reflect best practice in terms of leave arrangements for teachers who are expectant mothers, parents or have parental responsibilities..
- The policies have been revised to reflect statutory provisions of the:

Additional paternity leave Regulations (NI) 2010;  
Additional Statutory Paternity Pay (General) Regulations (NI) 2010;  
Additional Paternity Leave (Adoptions from Overseas) Regulations (NI) 2010;  
Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (NI) 2010;  
Parental Leave (EU Directive) (Maternity and Parental Leave) Regulations (NI) 2013.

As a result the current provision is extended on a more equitable basis and this will have a positive impact for all teachers who are pregnant or become parents and those who have parental responsibilities and consequently their children.

**5. TIMETABLING AND PRIORITISING**

**5.1 If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

<b>Criterion</b>	<b>Priority Rating</b>
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	
<b>Total</b>	

Details of the Department’s Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

**5.2 If the policy is affected by timetables established by other relevant Public Authorities please provide details**

**6. MITIGATION**

If you conclude that the likely impact is ‘**minor**’ and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

**Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?**

Only positive impacts have been identified.



## **7. MONITORING**

**Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.**

**Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.**

Data will continue to be collected and used to monitor the effect of the policies.

**8. DISABILITY DISCRIMINATION**

**8.1 Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.**

No

**8.2 Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.**

Not applicable

**8.3 Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.**

Not applicable

**9. CONSIDERATION OF HUMAN RIGHTS ISSUES**

**9.1 How does the policy/decision affect anyone’s Human Rights?**

I.E.

[The Human Rights Act \(1998\)](#)

[The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

[The United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#)

[The United Nations Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	

**9.2 If you have identified a negative impact who is affected and how?**

Not applicable

*At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:*

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

**9.3 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/decision.**

Not applicable

## 10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Jill Aicken (DE ESAIT)	HR Project Officer	27/03/14
Approved BY:	Position	Date
Geraldine Quinn	Teachers' Negotiating Team	28/03/14

**Note:** A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

<u>FOR COMPLETION BY EQUALITY TEAM</u>		
Quality Assured by:	Richard Magowan	Date:28-03-14
Screening Decision	Agreed	
Comments:	_____	
	_____	
	_____	
Date Directorate/Team Informed:	28-03-14	

If your decision was to "Screen Out":

1 As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: Janet Leslie Date: 08 April 2014

2 You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by \_\_\_\_\_ Date: \_\_\_\_\_

3 You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of....."