



Delivering the right care, at the right time, in the right place

Adoption Leave Procedure

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Author:	HR Advisor	Version:	3.0
Date of Approval:	20 May 2015	Status:	FINAL
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Recommended by	Executive Management Team
Approved by	Executive Management Team
Approval date	20 May 2015
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Responsible Director	Director of Organisational Development
Responsible Manager (Sponsor)	Strategic HR Manager
For use by	All Trust employees

This procedure is available in alternative formats on request.
 Please contact the Corporate Governance Assistant
 on 01204 498379

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Change record form

Version	Date of change	Date of release	Changed by	Reason for change
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1.0	October 2009	October 2009	L Wynne	Approval by EMT
1.1	20 January 2012	20 January 2012	C Binns	Amendment of existing document
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1. Introduction

- 1.1 This document outlines the Adoption Leave Procedure for the North West Ambulance Service NHS Trust (the Trust). The Trust acknowledges that adoptive parents should qualify for similar support and time off as biological parents and, as such, affords them rights as detailed below in line with Agenda for Change National Terms and Conditions Handbook, Employment Act 2002 and the Works and Families Act 2006, Paternity and Adoption Leave (Amendment) Regulations 2014 and the Children and Families Act 2014.
- 1.2 The Trust also operates an enhanced NHS contractual scheme, which is open to employees who become adoptive parents, subject to additional criteria not required under statutory arrangements.
- 1.3 A glossary of commonly used terms within the Adoption Leave Procedure can be found in Appendix 1

2 Purpose

- 2.1 The purpose of this procedure is to ensure statutory and contractual requirements are met in respect of Adoption Leave. It also aims to provide a consistent and equitable approach to the management of Adoption Leave, in the context of the guidance already provided within the national Agenda for Change Terms and Conditions Handbook.
- 2.2 It also aims to inform employees who become adoptive parents of their entitlements when on Adoption Leave.

3 Scope

- 3.1 The procedure applies to all Trust staff who become adoptive parents.
- 3.2 This procedure should be read in conjunction with NWAS Policies and Procedures which provide opportunities for flexible working and special leave, in particular:
- Special Leave Procedure
 - Flexible Working Procedure
 - Paternity Leave Procedure
 - Career Break Procedure
 - Shared Parental Leave Procedure

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4. Roles and Responsibilities

4.1 Employees

- 4.1.1 To read the Procedure and meeting the requirements in respect of applications and timescales. Ensure that they are aware of the implications on their terms and conditions, including their pay, arising from Adoption Leave.
- 4.1.2 To notify the Trust of a potential adoption match at the earliest opportunity, in order for decisions to be made regarding their health, safety and wellbeing.
- 4.1.3 To provide the required documentation at the appropriate time in order to secure their statutory and contractual entitlements.
- 4.1.4 To maintain agreed and professional contact with their line manager during the Adoption Leave and notifying them of any changes to personal circumstances which could affect their planned return to work, if applicable.

4.2 Line Manager

- 4.2.1 To be aware of the statutory and contractual entitlements for employees who become adoptive parents as set out within this procedure.
- 4.2.2 To have an open and constructive discussion with the employee following receipt of their application for Adoption Leave.
- 4.2.3 To maintain contact with the employee during their Adoption Leave at agreed times and providing agreed Keep In Touch information.
- 4.2.4 To arrange appropriate induction or retraining to enable return to work following Adoption Leave.
- 4.2.5 To complete appropriate documentation to ensure that the Adoption Leave is effectively managed through ESR and payroll.

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4.3 Human Resources

- 4.3.1 To advise managers and staff on the content of the procedure and to support a consistent approach to decision making.
- 4.3.2 To monitor application of the Procedure.
- 4.3.4 To ensure the Procedure is in line with employment legislation, best practice and NHS guidelines.

5 Eligibility

- 5.1 To be eligible for adoption leave you must:
 - Be newly-matched with a child for adoption by an approved adoption agency
 - Have worked continuously for the NHS for 26 weeks leading into the week in which you are notified of being matched with a child for adoption (the 'matching' week)
 - Be the only partner taking adoption leave
- 5.2 There may be circumstances where there is an established relationship between the child and the parent who is going through the adoption process; such if a child has already been with a foster parent for a length of time or where a step parent is adopting a partner's child. In these circumstances, there is no statutory requirement to give adoption leave. However, you may be eligible for other leave.
- 5.3 If both parents are employed by the Trust, the primary care giver will be eligible for Adoption Leave and the other may be able to take ordinary and/or additional paternity leave and/or parental leave if they satisfy the qualifying criteria.

6. Statutory and Contractual Entitlements

6.1 Adoption Leave

- 6.1.1 All adoptive parents who have **26 weeks continuous NHS service** at the beginning of the matching week, regardless of hours worked, are entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL) which immediately follows the period of OAL. For information of the pay these periods of leave attract, see Section 6.2 and 6.3.

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- 6.1.2 Ordinary Adoption Leave can commence on any day of the week and be either:
- From the date of the child’s placement (whether this is earlier or later than expected)
 - From a pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement
- 6.1.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 6.1.4 If, for any reason, the placement is unsuccessful and ends during the adoption leave period, the employee will be allowed to continue the leave for a maximum of 8 weeks after the placement ends.

6.2 Adoption Pay (NHS Contractual)

6.2.1 An adoptive parent will be entitled to NHS Contractual Adoption Pay during their Adoption Leave is they satisfy all of the following conditions:

- They have **12 months continuous** NHS service prior to the ‘matching’ week.
- They have met the notification requirements as outlined in Section 7 including notification of the date they wish to commence Adoption Leave.
- They intend to return to work with the same or another NHS employer for a minimum of 3 months after their Adoption Leave has ended.

6.2.2 The rate of NHS Contractual Adoption Pay is as follows:

- *For the first 8 weeks of OAL - full pay* less any SAP or adoption payment payable. Full pay is calculated by using the average earnings in the 8 weeks prior to the last pay day before the notification week.
 - *For the next 18 weeks of OAL - half pay* (based on the calculation of full pay outlined above) plus any SAP or adoption payment payable providing this amount does not exceed full pay.
 - *For the first 13 weeks of AAL - SAP or adoption payment.*
 - *13 weeks unpaid leave*
- 6.2.3 It is possible for NHS Contractual Adoption Pay to be paid differently, such as averaged over the 39 weeks. If an employee wishes to do this, it must be indicated in the

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appropriate section on the Adoption Leave Notification Form (Appendix 2). Please note that if an employee has decided to average their adoption pay over a defined period and then decides to bring their adoption leave to an end earlier than expected, they cannot change how it has been calculated retrospectively.

6.3 Adoption Pay (Statutory)

6.3.1 To qualify for Statutory adoption pay adoptive parent employee must have at least **26 weeks continuous NHS serious** prior at the beginning of the matching week. In addition their weekly earnings must be at least equal to the lower earnings limit (the amount you need to earn before paying National Insurance Contributions). If they meet these criteria they will be eligible for 39 weeks Statutory Adoption Pay (SAP). This consists of 26 weeks of Ordinary Adoption Leave and the first 13 weeks of their Additional Adoption Leave.

6.3.2 The rate of Statutory Adoption Pay is as follows:

If an adoptive parent has been employed for 26 weeks, the entitlement is:

- 39 weeks paid is a weekly payment paid at the lower rate of SAP or 90% of average weekly earnings
- 13 weeks unpaid leave

6.3.3 In the event of an employee who is not entitled to SAP, he/she will be entitled to 52 weeks Adoption leave. No payments will be made during the adoption leave period. The Trust will provide them with an SAP1 Form which they must take to a social security office as they may be entitled to other financial support.

6.4 Contractual Rights

6.4.1 During both Ordinary Adoption Leave and Additional Adoption Leave, an employee retains all of their contractual rights, except remuneration.

6.4.2 Absence on Ordinary Adoption Leave and Additional Adoption Leave up to 52 weeks shall not constitute a break in service.

6.4.3 Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

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6.5 Annual Leave

- 6.5.1 Annual leave will continue to accrue during the entire period of adoption leave (both Ordinary Adoption Leave and Additional Adoption Leave).
- 6.5.2 The amount of annual leave to be taken before and/or after the period of adoption leave should be agreed between the employee and their manager.
- 6.5.3 The amount of annual leave which will be permitted to be carried over from one annual leave year to the next will be at the discretion of the Trust in discussion with the Human Resources Department.

6.6 Shared Parental Leave

- 6.6.1 As of 1 April 2015, the adoptive parent can elect to bring their adoption leave to an end and opt-in to a period of shared parental leave and pay instead. Further information on Shared Parental Leave and Shared Parental Pay can be found in the Trust's Shared parental Leave Procedure.

7. Notification Requirements

- 7.1 Employees are encouraged to notify the Trust of their intention to become adoptive parents at the earliest opportunity. This enables managers to be sympathetic to regarding requests for time off during the process.
- 7.2 In order to receive their entitlements, an adoptive parent is required to formally notify the Trust of their intention to take Adoption Leave. This must be done within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.
- 7.3 The employee must inform the Trust when the child is expected to be placed with them and also when they wish to commence their Adoption Leave. In order to do this, they must complete the Adoption Leave Notification form (Appendix 2) and also provide the Matching Certificate which formally confirms when the placement is due to begin.
- 7.4 The employee can request to change the start date of their Adoption Leave. However, they must provide their manager with at least 28 days' notice before the intended new

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start date of their Adoption Leave, unless this is not reasonable practicable. In order to do this, the employee must complete the Change of Adoption Leave Notification form (Appendix 3).

7.5 Once the manager receives this notification, they will contact the employee to discuss the arrangements for the Adoption leave and also invite the employee to a meeting, if required, to inform them of the provisions contained within this Procedure. This is an informal meeting and attendance is voluntary.

7.6 Once the Trust receives the employee's Adoption Leave Notification form and Matching Certificate, they will respond in writing within 28 days. This letter will provide the following details:

- The employee's paid and unpaid leave entitlements
- Their expected date of return to work (this will automatically be 52 weeks after the commencement of the Adoption Leave unless the employee has notified the Trust that they wish to return on a date prior to this).
- The requirement for the employee to provide 28 days' notice if they wish to return to work before the date as outlined above.
- Any agreed annual leave arrangements before and after Adoption Leave.

8 Fixed-Term Contracts

8.1.1 Employees who are employed on fixed-term contracts will be eligible for NHS Contractual Adoption Pay if they meet the qualifying service as outlined in Section 6.2.

8.1.2 If their contract is due to expire after 11th week before their Expected Placement Week, their contract will be extended and subsequently expire after 26 weeks of Ordinary Adoption Leave and 13 weeks of Additional Adoption Leave to allow them to receive 39 weeks paid NHS Contractual Adoption Pay.

8.1.3 Employees who are employed on fixed-term contract who are not eligible for NHS Contractual Adoption Pay may be eligible for SAP. Employees must contact the HR department in this instance.

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9 Keeping In Touch

9.1 Before commencing on adoption leave, the Trust and the employee should discuss and agree any arrangements for keeping in touch during the employee's period of adoption leave. Examples include:

- Any voluntary arrangements that the employee may find useful to help them keep in touch with developments at work and to facilitate their return.
- The employee keeping the Trust informed of any developments that may affect their intended date of return.

9.2 Keeping In Touch (KIT) days

9.2.1 The employee may also request to carry out up to 10 days' work during their adoption leave. This will not bring their adoption leave to an end or affect their adoption pay.

9.2.2 These days can be taken as either individual days or a number of days together. Where an employee chooses to work less hours than a normal day, this is classed as using one of their 10 KIT days.

9.2.3 Any arrangements for KIT days are voluntary and subject to the agreement of the Trust.

9.2.4 Employees will be paid the equivalent to full pay for the actual hours they worked on a KIT day. Any applicable SAP paid for that day will be off-set against this figure so the employee is not paid more than equivalent to full pay for those hours.

10 Return to Work

10.1 Return to work

10.1.1 An employee who intends to return to work at the end of their full adoption leave will not be required to give any further notification to the employer.

10.1.2 If an employee wishes to return to work before the expected date of return (as outlined in the Trust's letter detailed in Section 7.6), they must give at least 28 days' notice using the Change of Return Date Notification Form (Appendix 4)

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10.1.3 If an employee returns during or immediately after their period of Ordinary Adoption Leave, they have the right to return to the same role under their original contract and on no less favourable terms and conditions.

10.1.4 If an employee returns during or after their period of Additional Adoption Leave, they should be able to return to their original job. If this is not reasonably practicable, then they must return to a suitable alternative job.

10.2 Flexible working

10.2.1 Following a period of adoption leave, if an employee wishes to return to work on flexible working arrangements, the Trust has a duty to consider the requests.

10.2.2. If an employee wishes to apply for flexible working arrangements, they must follow the procedure within the Trust's Flexible Working Procedure.

10.2.3 If a flexible working request is refused by the Trust under the provisions within the Trust's Flexible Working Procedure, this will not affect the employee's return to their original job as outlined in Sections 10.1.3 and 10.1.4.

10.3 Failure to Return to Work

10.3.1 An employee must return to work for a minimum period of three months' work for the same or a different NHS employer within 15 months of the commencement of their adoption leave, they will be liable to repay all the NHS Contractual Adoption Pay, less any SAP, they received.

10.3.2 In exceptional circumstances the Trust may, at its discretion, waive their rights to recover NHS Contractual Adoption Pay, where doing so would cause extreme hardship or distress. Authorisation to do this would require the agreement of 2 Trust Directors.

10.3.3 For employees who are on fixed-term contracts which would have expired if the adoption had not occurred, the repayment provisions outlined above do not apply.

11 Official Adoption Leave Meetings

11.1 Reasonable paid time off will be permitted to allow employees to attend official meetings in the adoption process.

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12 Monitoring of Compliance

- 12.1 The Director of Organisational Development is responsible for monitoring overall compliance with this procedure.
- 12.2 Individual Heads of Human Resources will monitor compliance with the procedure through review of individual applications and appeals. Any concerns noted by the Heads of HR will be reported to the Director of Organisational Development.
- 12.3 The Procedure will be available to all staff on the intranet and will also be retained in Human Resources.

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Appendix 1: Glossary

AAL – Additional Adoption Leave

OAL – Ordinary Adoption Leave

SAP – Statutory Adoption Pay

MA – Maternity Allowance

‘Matching’ week – the week that the employee is informed that they have been matched with a child/children for adoption.

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Appendix 2: Adoption Leave Notification Form

Please note that to qualify for adoption leave, this form must be completed and returned to your Manager within 7 days of you being informed that you have been matched with a child/children for adoption.

Name	
Post Held	
Department / Station	
Location	
Assignment Number	
NHS Continuous Service Start Date	
Home Address	
Telephone Number	
E-mail address	
<p>Tick one option below as appropriate:</p> <p><input type="checkbox"/> I wish to inform you that I am adopting a child/children and it is my intention to return to work for at least 3 months after my adoption leave.</p> <p><input type="checkbox"/> I wish to inform you that I am adopting a child/children and do not intend to return to work after my adoption leave and therefore will leave the Trust's employment following the completion of my Adoption Leave.</p>	
Expected date of placement	
Date of commencement of Adoption Leave	
<p><i>(Delete as appropriate)</i></p> <p><input type="checkbox"/> I have attached/I will forward the Matching Certificate issued by the Adoption Agency</p>	

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confirming the date the placement will commence as soon as it is issued to me.	
Tick as appropriate:	
Whilst on adoption leave, I wish to receive the following NWAS communications (if selected, these will be e-mailed to you):	
<input type="checkbox"/> NWAS Vacancy Bulletin <input type="checkbox"/> NWAS Weekly Regional Bulletin	
Tick if appropriate:	
<input type="checkbox"/> I would like my NHS Contractual Adoption Pay to be paid as an average over the period of OAL and AAL (see Section 6.2.3).	
<i>If you wish to opt for this, it is recommended that you contact your HR department for further information regarding the implications to your pay for the period of your Adoption Leave</i>	
Date of Return to Work (please note that this is optional – if not completed, it will be assumed that your adoption leave will extend for 12 months)	
Signed	
Name (Printed)	
Date	
<i>For Line Manager's use only (please complete Manager's checklist):</i>	
Signature of Line Manager:	_____
Date Received:	_____
<i>For HR Department's use only:</i>	
Signature received by HR Dept.:	_____
Date Received:	_____

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Appendix 3: Change of Adoption Leave Notification Form

Please note that if you wish to alter the start date of your adoption leave, you should provide at least 28 days' notice, as long as it is reasonably practicable to do so.

Name	
Post Held	
Department / Station	
Location	
Assignment Number	
NHS Continuous Service Start Date	
Home Address	
Telephone Number	
E-mail address	
Expected date of placement	
Original date of commencement of Adoption Leave	
New date of commencement of Adoption Leave	
<p><i>(Delete as appropriate)</i></p> <p><input type="checkbox"/> I have already forwarded/attached/I will forward my Matching Certificate, issued by the Adoption Agency, confirming the date the placement will commence as soon as it is issued to me.</p>	
Date of Return to Work (please note that this is optional – if not completed, it will be assumed that your maternity leave will extend for 12 months)	

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Signed	
Name (Printed)	
Date	
<i>For Line Manager's use only (please complete Manager's checklist):</i>	
Signature of Line Manager:	_____
Date Received:	_____
<i>For HR Department's use only:</i>	
Signature received by HR Dept.:	_____
Date Received:	_____

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Appendix 4: Change of Return Date Notification Form

Please note that if you wish to alter the date you return to work following adoption leave, you should provide at least 28 days' notice, as long as it is reasonably practicable to do so.

Name	
Post Held	
Department / Station	
Location	
Assignment Number	
NHS Continuous Service Start Date	
Home Address	
Telephone Number	
E-mail address	
Date of commencement of adoption leave	
Date of child's placement	
Original return date from adoption leave (this will be on the letter sent by the Trust to confirm the details of your adoption leave)	
New return date from adoption leave	

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Signed	
Name (Printed)	
Date	
<i>For Line Manager's use only (please complete Manager's checklist):</i>	
Signature of Line Manager:	_____
Date Received:	_____
<i>For HR Department's use only:</i>	
Signature received by HR Dept.:	_____
Date Received:	_____

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Appendix 5: Equality Impact Assessment Report

<p>Name of Policy, Service or Function</p> <p>Adoption Leave Procedure</p>
<p>Equality Impact Assessment carried out by</p> <p>Vickie Camfield, Strategic HR Manager</p>
<p>Date of Equality Impact Assessment</p> <p>13 May 2015</p>

Step 1: Description and Aims of Policy, Service or Function

<p>Overall Aims</p> <p>To ensure that the Trust meets its statutory and contractual requirements with respect of Adoption Leave. It also aims to provide a consistent and equitable approach to the management of Adoption Leave and also to inform all staff of their entitlements when on Adoption Leave.</p> <p>Key elements of Policy, Service, Process</p> <ul style="list-style-type: none"> ▪ To provide information to employees regarding both statutory and contractual entitlements, including pay and leave, whilst on Adoption Leave. ▪ To provide information to employees regarding their entitlements on their subsequent return to work if applicable ▪ To outline the responsibilities of management, employees and HR in the administration and management of Adoption Leave <p>Who does the policy, service or function affect?</p> <ul style="list-style-type: none"> • Employees of the Trust • Managers <p>How do you intend to implement the policy or service change (if applicable?)</p> <ul style="list-style-type: none"> ▪ To be approved by the Board of Directors ▪ Available on Trust Intranet/Internet ▪ Copy available on all sites ▪ Disseminated to all Managers ▪ Communicated in NWAS Bulletin/Management Brief ▪ Supported by Management Guidance and 'Frequently Asked Questions'
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Step 2: Data Gathering

Summary of data available and considered

Agenda for Change National Terms and Conditions Handbook
 Employment Act 2002
 Works and Families Act 2006, Paternity
 Adoption Leave (Amendment) Regulations 2014]
 The Children and Families Act 2014

Outcomes of Data Analysis

Equality Group	Evidence of Impact
Gender	Available irrespective of gender but data suggests likely to be used more frequently by women
Race/Ethnicity	Impact on persons who do not have English as their first language
Disability	As the procedure is a written document, there may be an impact on those with visual impairment or those with conditions such as dyslexia.
Sexual Orientation	Available for same sex couples
Religion or belief	No Impact
Age	No Impact
General (Human Rights)	No Impact

Step 3: Consultation

Summary of Consultation Methods

The revised policy and procedure has been consulted on with HR and Trade Union representatives through the Policy Group. The policy has also been through a management approval process.

Outcomes of Consultation

Equality Group	Evidence of Impact
Gender	No Impact
Race/Ethnicity	May be required in alternative language formats
Disability	May impact on the visually impaired and persons with learning difficulties or mobility problems
Sexual Orientation	No Impact
Religion or belief	No Impact
Age	No Impact
General (Human Rights)	No Impact

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Steps 4 & 5: Impact Grid

Relevant Equality Area	Areas of impact identified	Is the impact positive or negative?	Key issues for action [Will form basis of action plan]
Gender	Likely to have greater impact on women as data shows more likely to access policy as primary care giver	Positive	
Race/Ethnicity	May impact on persons who do not have English as their first language	Negative	meeting with managers will ensure full understanding of content of procedure
Disability	Impacts on visually impaired persons / persons with learning difficulties / those with limited mobility	Negative	Available in other formats where requested
Sexual Orientation	Applies equally to all groups	Positive	
Religion or belief	No adverse impact		
Age	No adverse impact		
General (Human Rights)	None		

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Step 6: Action Plan

Name of Policy or Service: Adoption Leave Policy					
Issue identified and equalities group or communities affected	Action to be taken	By When	Who By	Expected outcome	Progress
Language barrier	Managers to check understanding and meet to explain procedure content if issues with reading language	As requested	Manager	Employee has an understanding of procedure	
Disability	Managers to check understanding and meet to explain procedure content if issues with reading	As requested As requested	Local Manager	Large print version produced Alternative format provided / explanation given	

Summary of Decisions and Recommendations

Production in alternative formats / one to one explanation given for persons who require it on request.

Step 7: Monitoring Arrangements

- Continued support, training and communication to ensure that the diversity issues identified are highlighted, and managed appropriately
- Continued improvements in the monitoring of data to capture any emerging issues and to inform the review and next EIA.

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Step 8: Date of Next Equality Impact Assessment

At next review of procedure.

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