




Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council		 NHS Somerset		 NHS Somerset NHS Foundation Trust	
Version	1		Date Completed	28 th March 2025		
Description of what is being impact assessed						
<p>Neonatal Care Leave Policy for use at Somerset Council. The policy has been created ahead of the legislative changes due to come into force on April 6th 2025, wherein all UK employers must offer Neonatal Care Leave of up to 12 weeks with statutory pay where eligibility is met. The legislation outlining this includes Neonatal Care (Leave and Pay) Act 2023, Neonatal Care Leave and Miscellaneous Amendments Regulations 2025, and the Statutory Neonatal Care Pay (General) Regulations 2025. The policy clearly defines what is meant by neonatal care leave, who is eligible for this, how the leave can be taken, its interaction with other forms of family leave, employee rights during leave and on return from leave, and links to support.</p>						
Evidence						
<p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset's Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles, should be detailed here</p>						
<p>Bliss – The UK charity for babies born premature or sick have data that states 90,000 babies a year are cared for in neonatal units, that means that 1 in every 7 babies born in the UK require neonatal care, on average a baby will spend 7 days in a neonatal unit.</p>						

On average there are 291 instances of maternity or paternity leave each year (adoption has been left out of this calculation as the average age of a child at adoption is 3 years and 4 months), if 1 in 7 of these instances involves a child that requires neonatal care there is a probable number of 42 instances of neonatal care leave at Somerset Council per annum.

The [National Maternity and Perinatal Audit](#) of the NHS in 2018 found that cases of babies being born small or early – and therefore more likely to require neonatal care, were significantly more likely if the birthing parent is Black or South Asian, or if they have a low income.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

In creating this policy, the Brightmine draft policy was used as a basis, Devon County Council’s policy was also considered. A discussion group of employees with lived experience in having a child in neonatal care was formed. This group considered the policy providing personal insight with changes made to simplify wording and consider the additional support that could be provided.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Age as a protected characteristic considered, and no impact found. 	□	⊗	□
Disability	<ul style="list-style-type: none"> Disability as a protected characteristic considered, and no impact found. 	□	⊗	□

Gender reassignment	<ul style="list-style-type: none"> Gender Reassignment as a protected characteristic considered, and no impact found. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none"> Marriage and civil partnership as a protected characteristic considered, and no impact found. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> Two tiers of leave have been created in the legislation to best support the employees and the employer. Tier 1 is likely to be taken by an employee who are also taking paternity leave whereas Tier 2 is likely to be taken by those employees who are also taking maternity/adoption leave. This is because maternity/adoption leave starts when the child is born/placed with the adopter whereas paternity leave can be started at any time within the first 52 weeks of the birth/placement – there is more flexibility. As maternity/adoption leave cannot be put on hold the neonatal care leave (as taken in tier 2) is added to the end of the maternity/adoption leave. In cases where the baby passes away or the adoption is disrupted the employee that takes paternity leave will likely have taken neonatal care leave as tier 1 (at the time of the child being in neonatal care) and will then be able to take paternity leave and then parental bereavement leave. It therefore seems appropriate that in the situation of the child’s death/placement disruption that the employee taking maternity/adoption leave should be able to take the neonatal care leave after their maternity even though the child is no longer with them as they were unable to take it earlier without disrupting and therefore ending their maternity/adoption leave. This has been written into the policy. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Race and ethnicity	<ul style="list-style-type: none"> Race as a protected characteristic considered, and no impact found. 	☐	⊗	☐
Religion or belief	<ul style="list-style-type: none"> Religion or belief as a protected characteristic considered, and no impact found. 	☐	⊗	☐
Sex	<ul style="list-style-type: none"> Sex as a protected characteristic considered, and no impact found. 	☐	⊗	☐
Sexual orientation	<ul style="list-style-type: none"> Sexual orientation as a protected characteristic considered, and no impact found. 	☐	⊗	☐
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> Armed Forces as a protected characteristic considered, and no impact found. 	☐	⊗	☐
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Carers and rurality/isolation considered, and no impact found. Those with low income have been noted in the evidence section as being more likely to have a baby who require neonatal care. The legislative requirements are to pay statutory minimum during any period of Neonatal Care Leave – this may be off-putting for those who already have a low income as they will have their pay further reduced and may therefore choose to return to work rather than take this leave. Options for enhanced pay are to be considered. 	⊗	☐	☐

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Pregnancy & Maternity - writing into the policy - Employees taking tier 2 leave whose child passes away or the placement is disrupted (in cases of adoption) are able to take the neonatal care leave after their maternity/adoption leave as they did not have the opportunity to do so at the time. This provides equity between employees taking tier 1 and tier 2 leave.	11/03/2025	Policy Team	N/A	<input checked="" type="checkbox"/>
Low Income – full pay offered to those with 1 years service – this will support employees to take leave without financial concern.	28/03/2025	Policy Team	N/A	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

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Completed by:	Mollie Puttock-Jones
Date	28/03/2025
Signed off by:	
Date	
Equality Lead sign off name:	
Equality Lead sign off date:	
To be reviewed by: (officer name)	
Review date:	