

EQUALITY IMPACT ASSESSMENT

Department	HR
Policy	Medical Records Policy

Description

The Academy's Human Resources (HR) department has updated the Academy's Medical Records Policy. As part of its duty of care to its employees, the Academy reserves the right to request relevant information relating to health of employees (and prospective employees). This is to ensure that duties and responsibilities assigned to individuals are reasonable and may be carried out safely and without risk of harm or detriment. To support this approach, the Academy reserves the right to request a medical report if it is felt that there is reason to believe that the employee may have a medical condition that would affect their ability to safely and effectively carry out the duties required of their post. If the Academy feels that there is a need to obtain a medical report, HR will contact the employee concerned and explain the reason/s it is felt a report is needed and ask for permission to approach the employee's GP/medical practitioner. The full details of employee's rights under the Access to Medical Reports Act 1988 are included in the policy.

This Equality Impact Assessment (EIA) evaluates how the policy affects different groups, particularly those with protected characteristics under the Equality Act 2010. This assessment examines the implications of the Academy's right to access employees' medical records, ensuring compliance with legal and ethical standards while promoting fairness and equality. Whilst the Academy may seek access to employees' medical records for various reasons, including occupational health assessments, workplace reasonable adjustments and insurance purposes, this must be balanced against employees' rights to privacy and non-discrimination.

Could the policy have an adverse impact on equality in relation to the following protected characteristics as defined by the Equality Act 2010?

- Age
- Disability
- Gender re-assignment
- Marriage or civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

No, the policy is well defined and does not have a negative impact on the above protected characteristics. However, it is necessary to take the following potential impacts into consideration:

1. Privacy concerns: employees may feel their personal health information is being unfairly scrutinised, leading to concern and possible reluctance to disclose medical conditions.
2. Discrimination risks: if medical records reveal conditions related to protected characteristics (e.g. disability, pregnancy/maternity), it is essential that these are not used to unfairly discriminate in recruitment, career progression or in any disciplinary measures.
3. Data security: improper handling of medical records could lead to breaches, disproportionately affecting vulnerable employees.

Does this policy provide opportunities to make a positive impact on equality?

Yes, the policy includes the following provisions:

1. Information is requested in the format of an expert medical opinion within the context of occupational health advice. This may include advice on reasonable adjustments that may be required to the workplace, the role, or to facilitate a return to work.
2. Under the General Data Protection Regulation Act 2018 employees are within their rights to withhold their consent to obtain a medical report. As such, medical records will only be requested by the Academy with the written consent of an employee. However, the inability to obtain relevant information may limit the extent of discussion and implementation of suitable support measures. For example, it may affect the suitability or extent of reasonable adjustments the Academy is able to implement, in the case of a long-term health condition or disability.
3. HR will inform employees of any decisions, for example, whether any temporary or permanent adjustments to the job or workplace are appropriate, based on the medical report.

Access to medical records can help the Academy provide modifications made to a work environment, process, or role to ensure employees can perform their duties effectively, particularly those with disabilities or other protected characteristics under the Equality Act 2010. Adjustments could include modifications to office spaces, ergonomic furniture, flexible working arrangements including adjusted hours, remote work options, modified duties and the use of assistive technology. These work place adjustments can enhance accessibility by helping to ensure that employees with disabilities, and other health related conditions, can work without unnecessary barriers. They also supported well-being by accommodating health conditions to helping to promote job satisfaction and encourage inclusion by creating an equitable workplace for all employees. Access to medical records also allow health & safety advisors to make informed decisions to protect employees' well-being.

What evidence has been considered? What consultation has been undertaken?

The policy was developed in consultation with the following Academy staff, groups, departments:

1. The Policy Review Group, which includes the Registrar and Director of Student Operations, Director of Finance and the Executive Assistant and Secretary to the Governing Body
2. The HR Team
3. The Equality Impact Assessment Sub-Committee

What actions have been agreed as a result of this EIA?

Whilst the Academy's right to medical records can support workplace health and safety, it must be exercised with caution to prevent discrimination and uphold privacy rights. This policy outlines a transparent, consent-driven approach, which ensures fairness and compliance with equality principles.

However the following actions should be considered and progress/completion reported to the Belonging Committee.

Action	Who	Timescale	Progress
Ensure privacy is maintained and that the process is accurately recorded in the Academy's Record of Processing Activities (ROPA).	HR/DP/BS	May 2025	
Review and adapt the policy based on employee feedback to ensure ongoing compliance with equality legislation.	HR	May 2028	

Approval of EIA

Date: 27/6/25