

**BULLYING AND HARASSMENT POLICY  
 HaRD 068**

**EQUALITY IMPACT ANALYSIS**

Equality Impact Analysis									
<b>Policy / Project / Function:</b>	Bullying and Harassment Policy								
<b>Date of Analysis:</b>	10 March 2014								
<b>This Equality Impact Analysis was completed by: (Name and Department)</b>	Workforce service								
<b>What are the aims and intended effects of this policy, project or function ?</b>	This policy promotes the respectful treatment of staff within the CCG and the protection of employees from bullying and harassment at work. Bullying and harassment will not be tolerated by the CCG in any form.								
<b>Please list any other policies that are related to or referred to as part of this analysis?</b>	<ul style="list-style-type: none"> <li>• Disciplinary Policy</li> </ul>								
<b>Who does the policy, project or function affect ?</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Employees</td> <td style="text-align: right;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Service Users</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Other (List Below)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								
Please Tick ✓									

Equality Impact Analysis: Screening					
	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
<b>Race</b>	✓			✓	It is recognised by the Chartered Institute of Personnel and Development that ' a well-designed policy is essential to tackle harassment'
<b>Age</b>	✓			✓	The policy should have a positive impact an all protected groups It is recognised by the Chartered Institute of Personnel and Development that ' a well-designed policy is essential to tackle harassment'
<b>Sexual Orientation</b>	✓			✓	The policy should have a positive impact an all staff It is recognised by the Chartered Institute of Personnel and Development that ' a well-designed policy is essential to tackle harassment'
<b>Disabled People</b>	✓			✓	In the national NHS staff survey 32% of disabled staff and 20% of non-disabled staff reported having experienced bullying or harassment from other staff. Whilst there are currently no staff recorded as disabled, the CCG recognises it should prepare its policies to ensure it meets the requirements of staff who become disabled or staff with disabilities who are recruited in the future. It is recognised by the Chartered Institute of Personnel and Development that ' a well-designed policy is essential to tackle harassment'
<b>Gender</b>	✓			✓	In the national NHS staff survey 21% of men and 22% of women reported having experienced bullying or harassment from other staff. It is recognised by the Chartered Institute of Personnel and Development that ' a well-designed policy is essential to tackle harassment'

<b>Transgender People</b>	✓			✓	The policy should have a positive impact on all protected groups. It is recognised by the Chartered Institute of Personnel and Development that 'a well-designed policy is essential to tackle harassment'
<b>Pregnancy and Maternity</b>	✓			✓	See assessment test
<b>Marital Status</b>	✓			✓	See assessment test
<b>Religion and Belief</b>	✓			✓	The policy should have a positive impact on all protected groups. It is recognised by the Chartered Institute of Personnel and Development that 'a well-designed policy is essential to tackle harassment'
<b>Reasoning</b>	As this is a new policy it should be carefully monitored following implementation through the local annual staff survey and the annual monitoring data and to assess whether any particular protected groups are positively or negatively affected in terms of outcomes and accessibility. The policy meets all requirements to encourage staff to report and resolve problems –positive impact on all protected groups setting out examples of unacceptable behaviours.				
<b>If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7</b>					

## Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected as at Jan 2015	
<b>General</b>	Total number of employees in the CCG is 28
<b>Age</b>	75% are aged 30-55 21.43% of staff are over 55 3.57% of staff are under 30
<b>Race</b>	89.29% staff employed in the CCG are White 3.57% staff are Black 3.57% staff are Asian 3.57% of staff have not stated/undefined their ethnicity
<b>Sex</b>	46.43% staff employed are male 53.57% staff employed are female
<b>Gender reassignment</b>	No information at this stage
<b>Disability</b>	89.29% of staff employed declared themselves as having no disability 10.71% did not declare /undefined No staff have declared a disability
<b>Sexual Orientation</b>	89.29% of staff described themselves as heterosexual 10.71% did not wish to respond /undefined
<b>Religion, faith and belief</b>	Christianity is the largest religious group declared by staff in the CCG (50%) 25% declared themselves Atheist 17.87% were undefined or did not wish to declare 3.57% of staff have other beliefs/religious beliefs 3.57% of staff declared themselves Buddhist
<b>Marriage and civil partnership</b>	78.58% of employees are married. No employees are in a civil partnership. 3.57% of staff did not wish to declare. The remainder (17.85%) are single/divorced/legally separated or widowed
<b>Pregnancy and maternity</b>	No information yet as the CCG has not been established long enough to build meaningful data

## Equality Impact Analysis: Equality Data Available

<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ul style="list-style-type: none"> <li>• Application success rates <i>Equality Groups</i></li> <li>• Complaints by <i>Equality Groups</i></li> <li>• Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>• Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> <li>• <i>Previous EIAs</i></li> </ul>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p><b>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</b></p>	<p>Consutation has taken place locally and nationally with Trade Union Representatives</p>
<p><b>Promoting Inclusivity</b>  <b>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</b></p>	<p>This Policy does not directly promote inclusivity, but can contribute to the aims of eliminating discrimination and promoting equality and diversity in the CCG</p>

### Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Gender</b> (Men and Women)		✓		In the national NHS staff survey 21% of men and 22% of women reported having experienced bullying or harassment from other staff. It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Race</b> (All Racial Groups)		✓		It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Disability</b> (Mental and Physical)		✓		In the national NHS staff survey 32% of disabled staff and 20% of non-disabled staff reported having experienced bullying or harassment from other staff. The policy should support disabled staff.
<b>Religion or Belief</b>		✓		The policy should have a positive impact on all protected groups It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Sexual Orientation</b> (Heterosexual, Homosexual and Bisexual)		✓		The policy should have a positive impact an all staff It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Transgender</b>		✓		The policy should have a positive impact an all protected groups It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Age</b>		✓		The policy should have a positive impact an all protected groups It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential to tackle harassment</i> '

**What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Pregnancy and Maternity		✓		<p>In all cases where complaints arise, the CCG will investigate in accordance with the policy to ensure that cases are dealt with appropriately. The policy should have a positive impact on all protected groups. It is recognised by the Chartered Institute of Personnel and Development that ‘<i>a well-designed policy is essential to tackle harassment</i>’</p> <p>In terms of the legal context the Equality Act Code of Practice produced by the CEHR states the following :  ‘Pregnancy and maternity and marriage and civil partnership are not protected directly under the harassment provisions. Pregnancy and maternity harassment would amount to harassment related to sex’</p> <p>In addition the ACAS advice guide sets out the following:  ‘Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that it is needed’ (Link - <a href="http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf">http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf</a>)</p>

**What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Marital Status</b>		✓		<p>In all cases where complaints arise, the CCG will investigate in accordance with the policy to ensure that cases are dealt with appropriately. The policy should have a positive impact on all protected groups. It is recognised by the Chartered Institute of Personnel and Development that ‘<i>a well-designed policy is essential to tackle harassment</i>’</p> <p>In terms of the legal context the Equality Act Code of Practice produced by the CEHR states the following :  ‘Pregnancy and maternity and marriage and civil partnership are not protected directly under the harassment provisions...  harassment related to civil partnership would amount to harassment related to sexual orientation.’</p> <p>In addition the ACAS advice guide sets out the following:  ‘Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that it is needed’ (Link - <a href="http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf">http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf</a>)</p>

### Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

## Equality Impact Analysis Findings

<b>Analysis Rating:</b>	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input checked="" type="checkbox"/> Green
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		Actions	Wording for Policy / Project / Function
<p><b>Red</b></p> <p><b>Stop and remove the policy</b></p>	<p><b>Red:</b> As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is recommended that the use of the policy be suspended until further work or analysis is performed.</p>	<p><b>Remove the policy</b></p> <p>Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.</p>	<p>No wording needed as policy is being removed</p>
<p><b>Red Amber</b></p> <p><b>Continue the policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.</p>	<p><b>The policy can be published with the EIA</b></p> <p>List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE).</p> <p>Consider if there are any potential actions which would reduce the risk of discrimination.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason exists which justifies the use of this policy and further professional advice.</p> <p><b><i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i></b></p>

**Equality Impact Findings (continued):**

		Actions	Wording for Policy / Project / Function
<p><b>Amber</b> <b>Adjust the Policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p><b>The policy can be published with the EIA</b></p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><b><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></b></p>
<p><b>Green</b> <b>No major change</b></p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p><b>The policy can be published with the EIA</b></p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

<b>Brief Summary/Further comments</b>	
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<b>Approved By :</b>		
Job Title:	Name:	Date: