

Equality Impact Assessment Procedure

1. Initial Screening Process

1.1 Title of the policy/procedure/function/service	
A policy against Harassment & Bullying in the Workplace (formerly known as Dignity at Work policy)	
1.2 Directorate/Department	
Human Resources department	
1.2 Name of the person responsible for this Equality Impact Assessment	
Priti Bhatt and Jane Collier	
1.3 Date of Completion	
November 2008	
1.4 Aims and Purpose of this policy/procedure/function/service	
The purpose of this policy is to: <ul style="list-style-type: none"> encourage a proactive approach to the early recognition of behaviour that may amount to bullying or harassment; establish acceptable standards of behaviour resolve conflicts quickly and efficiently using the procedure outlined in this policy. 	
1.5 Is this a new or existing policy/procedure/function/service	
Existing policy	
1.7 Examination of Available Evidence – Tick evidence used	
<i>Census Data for UK</i>	<input type="checkbox"/>
<i>Census Data for London</i>	<input type="checkbox"/>
<i>Census Data for Local Authority Area</i>	<input type="checkbox"/>
<i>Trust Workforce Data</i>	<input checked="" type="checkbox"/>
<i>Trust Patient Data</i>	<input type="checkbox"/>
<i>National Patients Survey</i>	<input type="checkbox"/>
<i>Trust Patients Survey</i>	<input type="checkbox"/>
<i>Complaints Summaries</i>	<input type="checkbox"/>
<i>Other Internal Research/Survey/Consultation/Audit (please list)</i>	
<i>Other External Research/Survey/Consultation/Audit (please list)</i>	

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What is the summary of the available evidence?

- While staff from across the organisation have used the policy, the most common identifiable user profile is white female admin and clerical staff who are older than the average member of Trust staff.
- Over 65% of staff using the procedure are **older** than the average age for Trust staff.
- 80% of cases that are **not upheld** are women who are **older** than the average for Trust staff, however there is no ethnicity trend.
- 55% of staff using the procedure are from admin and clerical staff groups
- 27% of staff using the procedure are from nursing and midwifery
- Men and women generally use the procedure proportionally to Trust demographics
- A disproportionately high (54.5%) number of staff using the procedure are from a BME background. (This may be as the policy explicitly addresses race issues) however there are no other similarities or themes among BME users of the policy.
- No staff using the policy declared a disability

1.8 Does the evidence indicate that there is, or is the potential to be any significant impact on anyone or any group in relation to the following equality strands?

Strand	Yes/No/Insufficient Data	Justified Yes/No
Ethnicity/Race	Y	N
Disability	-	-
Gender/Sex	Y	N
Religion/Belief	-	-
Sexual Orientation	-	-
Age	Y	N
Human Rights	-	-

If further evidence is required to complete this section, take steps to obtain to **before** proceeding with the assessment. If the review of evidence indicates that there is a significant unjustified impact, a Full Equality Impact Assessment must be carried out.

1.9 No further evidence Required. Skip to Section 5.

1.10 Full Equality Impact Assessment required. Continue to Section 2 below.

2. Full Equality Impact Assessment

2.1 Describe the aims of the parts of the policy causing concern?

Concern around genuine cases of harassment and bullying are not lodged in line with this policy. The concerns that are raised could be resolved outside of the policy. It is unclear whether staff understand the definition of harassment and bullying

2.2 Who is intended to be affected by the policy?

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Any employee that believes they have been harassed or bullied at work by a work colleague
2.3 How does this policy fit with the Trust's wider aims?
The Trust has a zero tolerance stance on harassment and bullying in the workplace, which is reinforced by the current equality legislation. The Trust also has a duty of care for the well-being of staff under the health and safety legislation.
2.4 Describe how is this policy, service or function put into practice?
An employee can put a formal complaint in writing or can deal with the matter themselves on an informal basis. There are also a number of resources in place that an employee can take advantage of to assist them in resolving their issue.
2.5 Age: Testing of disproportionate or adverse impact
2.5a How are younger and older people reflected in the take-up of the service or in benefiting from the policy?
A high proportion of older staff (older than the Trust average) have used this policy but the majority of these complaints were not upheld. On closer inspection, the issues raised focussed around communication and not bullying or harassment.
2.5b Describe how the policy has a significant impact on younger and older people
The data suggests that more older employees use this policy.
2.5c Do any of the differences amount to an adverse impact or unlawful discrimination?
No the complaints were not upheld, due to the fact that no grounds for bullying or harassment were found.
2.6 Race: Testing of disproportionate or adverse impact
2.6a How are people reflected in the take-up of the service or in benefiting from the policy in relation to ethnicity, race nationality or national origin?
54% of BME staff use this policy (disproportionately high)
2.6b Describe how the policy has a significant impact on people in relation to ethnicity, race nationality or national origin?
There are no identifiable trends other than complaints not upheld
2.6c Do any of the differences amount to an adverse impact or unlawful discrimination?
Complaints do relate to communication problems but it does not appear to have an adverse impact.
2.7 Religion or Belief: Testing of disproportionate or adverse impact
2.7a How are people reflected in the take-up of the service or in benefiting from the policy or function in religion or belief? (including other philosophies, or those with no religious belief)
-
2.7b Describe how the policy has a significant impact on people in relation to religion or belief? (including other philosophies, or those with no religious belief)
-
2.7c Do any of the differences amount to an adverse impact or unlawful discrimination?
-

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2.8 Disability: Testing of disproportionate or adverse impact
2.8a How are disabled people reflected in the take-up of the service or in benefiting from the policy or function?
-
2.8b Describe how the policy has a significant impact on disabled people?
-
2.8c Do any of the differences amount to an adverse impact or unlawful discrimination?
-
2.9 Gender: Testing of disproportionate or adverse impact
2.9a How are women/men/transgender people reflected in the take-up of the service or in benefiting from the policy or function?
Men and women use this policy proportionately
2.9b Describe how the policy has a significant impact on people because of their gender, sex (including gender reassignment) or because they are married or civil partners?
-
2.9c Do any of the differences amount to an adverse impact or unlawful discrimination?
The Trust employs a significant number of females therefore there is no adverse impact – it is proportionate.
2.10 Sexual Orientation: Testing of disproportionate or adverse impact
2.10a How are Lesbian, Gay and Bisexual people reflected in the take-up of the service or in benefiting from the policy or function?
-
2.10b Describe how the policy has a significant impact on Lesbian, Gay and Bisexual people
-
2.10c Do any of the differences amount to an adverse impact or unlawful discrimination?
-
2.11 Human Rights: testing of disproportionate or adverse impact
2.11a Describe how the policy has a significant impact on Human Rights?
-
2.11b Do any of the differences amount to an adverse impact or unlawful discrimination?
-
2.12 Equality of Opportunity

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Describe how the policy will promote equality of opportunity between different groups; including taking account of disabled people’s disabilities, even where that involves treating disabled people more favourably than other persons.
This policy explicitly gives examples of what could constitute bullying and harassment across all equality strands giving everyone a clear message about the Trust’s expectations and the avenues for available for making a complaint.
2.13 Eliminating Discrimination
Describe how the policy will eliminate unlawful discrimination – both direct and indirect.
Policy clearly sets out the equality and diversity legislation and what is regarded as unlawful. Complaints that are raised will be investigated and an assessment of what action should be taken to remedy behaviour will be considered.
2.14 Eliminating Harassment
Describe how the policy will eliminate harassment of people for any reason.
Again examples highlight unacceptable behaviour if this persists, it may be appropriate to take action.
2.15 Promoting Positive Attitudes
Describe how the policy will promote positive attitudes towards others.
Individual expectations are noted for all staff to heed.
2.16 Promoting Participation
Describe how the policy will encourage participation in public life.
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3. Action Plan

3.1 Summary of recommendations for improvement (<i>Recommendations should be SMART – specific, measurable, achievable, realistic and timely</i>).
The policy should clearly state roles and responsibilities of all parties concerned to avoid confusion, or dealing with issues that are not deemed as harassment or bullying and acceptable behaviour standards. The policy should also been renamed to ensure that all parties are clear what the policy relates to. The proforma (attached as an appendix) should be redrafted to guide staff through the different options that are available. This should empower staff to deal with their issues informally if appropriate as opposed to submitting a formal complaint. Continual promotion of this policy should be maintained.

4. Stakeholder Involvement and Consultation

<i>4.1 Describe stakeholder involvement and consultation in the Equality Impact Assessment.</i>
A new policy has been implemented with the changes noted above. The policy was discussed widely with HR, Trade Unions and the Equality and Diversity Steering Group.

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5. Monitoring Arrangements

5.1 Describe how the actions put into place to eliminate or reduce any unjustified negative impact will be monitored, including timeframes and accountability.

Annual review and more work needs to be undertaken to understand why more BME staff use this policy.

6. Completion

You should now:

- Undertake formal consultation on your findings
- Make any amendments in response to the results of the consultation
- Publish your results (see guidance) and submit a copy to the Equality and Diversity Manager.