

Appendix 1: Equality Impact Assessment Screening

Bullying and Harassment policy

1. Context

This EIA screening is undertaken because the paper requires a decision in relation to a **policy review**

2. Relevance to the public sector Equality Duty:

The draft policy is specifically designed to impact positively across all protected characteristics. Whilst the nature of NHS commissioning organisations has changed significantly since 2011, the following extracts from NHS Bristol workforce monitoring report 2010-11 (unpublished) might indicate the potential relevance of this CCG policy to the Duty:

The proportion of BME employees who feel they have experienced harassment, bullying or abuse from patients/relatives or from other employees in the last 12 months, is low at 9% and 6% respectively, which is lower than overall workforce figures. BME employees are also less likely to report that they have experienced discrimination (3% compared to 5% of overall workforce).

The proportion of disabled employees who stated that they had experienced discrimination at work was high at 17%, compared to 3% across the whole workforce. The proportion who had experienced harassment, bullying or abuse from other staff in the previous 12 months was also of concern: at 23%, this was significantly higher than the experience of the overall workforce (14%).

Disabled employees were also more likely to work extra hours than non-disabled staff (75% compared to 61%), suffer work-related stress (43% compared to 26%) and feel pressurised to attend work when feeling unwell (37% compared to 17%).

Because the sexual orientation of 22% of the workforce is unknown, it is not possible to draw any meaningful conclusions about how representative the workforce is.

This level of underreporting would indicate that a significant proportion of the PCT's workforce did not feel confident to disclose this information, despite assurances that it will be treated in confidence. On a more positive note, 22% is a significant improvement on 2010 and 2009, when sexual orientation data were not available for 32% and 40% of the workforce respectively. Most of those who have newly-declared their sexual orientation identified as heterosexual (up from 66% to 75% of the workforce).

The following aspects of the draft policy are relevant to 2 of the 3 aims of the General Duty:

1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

Key commitments of policy are to create "...a work environment free of Harassment and Bullying for all employees, where everyone is treated with dignity and respect and protected from harassment, intimidation and other forms of bullying at work...The CCG will not tolerate victimisation of a person for making the allegations of bullying and harassment in good faith or supporting someone to make a complaint."

Commitment to effective action and self-definition of inappropriate behaviour: It is for you to define whether behaviour is inappropriate and therefore unacceptable and to take action within this policy. Your concerns will be taken seriously and dealt with promptly and effectively.

There are several ways in which the policy supports this aim of the duty, including:

- Giving clear definitions of harassment (Appendix A), including types of harassment related to the protected characteristics (eg age, disability) and providing for self-definition of inappropriate behaviour.
- Giving the person complaining or manager an option to escalate an informal complaint to formal status: for example, in order to meet the CCG's duty to safeguard the health, safety and well-being of staff.
- Including, on the confidential monitoring form, details of the gender, ethnic origin, age and department of the complainant, so that the CCG can identify which groups and departments are particularly 'at risk'.
- Providing for regular reporting by HR in order that conclusions may be reached about what further measures are required in order to tackle harassment and bullying within the CCG.
- Providing for staff to be asked annually, via the Staff Survey, about their experiences of harassment and bullying and their confidence in the CCG's ability to deal with harassment and bullying at work.

Since many incidents of bullying, harassment or victimisation will amount to "hate incidents or crimes", the potential positive impact of the draft policy is limited by not providing for multi-agency reporting of internal incidents, which would support Bristol-wide efforts to better understand and tackle hate incidents and crimes in Bristol.

2) Advance equality of opportunity between people who share a protected characteristic and those who do not

No particular relevance

3) Foster good relations between people who share a protected characteristic and those who do not

The draft policy supports this aim by providing for alleged incidents of bullying, harassment and victimisation, based on any of the protected characteristics, to be dealt with in an effective, consistent and transparent manner.

Even where a member of staff would prefer for a matter to be dealt with informally, a manager has the option to escalate it to the formal process if there is a good reason for doing so. The duty to foster good relations with reference to the protected characteristic is not stated as such a reason, although this might improve the policy's potential positive impact.

3. Impact on Protected Groups:

Age.	Yes	Disability.	Yes	Sexual Orientation.	Yes
Race.	Yes	Sex.	Yes	Religion or Belief.	Yes
Gender Reassignment.	Yes	Pregnancy & Maternity.	Yes	Marriage or Civil Partnership Status	Yes

4. Health Inequalities:

Does it relate to an area with known Health Inequalities? Yes

Bullying and harassment can impact on physical and mental health and wellbeing.

5. Where it is considered that the paper has no relevance to the General Duty or Protected Groups, this should be recorded here with reasons along with any advice received:

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6. Conclusion:

Proceed to full EIA: No
Quality Assured by: David Harris, Senior Equality Advisor
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