


<b>MEETING DATE:</b>	8 October 2015	 <b>North Lincolnshire Clinical Commissioning Group</b>  <b>REPORT TO THE CLINICAL COMMISSIONING GROUP GOVERNING BODY</b>
<b>AGENDA ITEM NUMBER:</b>	Item 7.8.7	
<b>AUTHOR:</b>	Liz Beecroft	
<b>JOB TITLE:</b>	Human Resources Advisor	
<b>DEPARTMENT:</b>	Yorkshire and Humber Commissioning Support	

## BULLYING AND HARASSMENT POLICY

<b>PURPOSE/ACTION REQUIRED:</b>	Decisions for Approval
<b>CONSULTATION AND/OR INVOLVEMENT PROCESS:</b>	All staff have had an opportunity to contribute to the development of the policy. The policy has been approved by the Joint Trade Union Partnership Forum (JTUPF) on Wednesday 26 August 2015.
<b>FREEDOM OF INFORMATION:</b>	<b>Public</b>

<b>1. PURPOSE OF THE REPORT:</b>					
<p>To present the following new and/or revised Workforce policy for the approval of the Governing Body;</p> <p>Bullying and Harassment Policy - The CCG recognises that all employees have the right to be treated with consideration, dignity and respect and seeks to support all staff in their professional development and aims to provide a happy and fulfilling environment in which to work. The policy is used to promote 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. This policy has been approved following the JTUPF meeting held on 26<sup>th</sup> August 2015.</p>					
<b>2. STRATEGIC OBJECTIVES SUPPORTED BY THIS REPORT:</b>					
<b>Continue to improve the quality of services</b>	n/a				
<b>Reduce unwarranted variations in services</b>	n/a				
<b>Deliver the best outcomes for every patient</b>	n/a				
<b>Improve patient experience</b>	n/a				
<b>Reduce the inequalities gap in North Lincolnshire</b>	n/a				
<b>3. IMPACT ON RISK ASSURANCE FRAMEWORK:</b>					
<table border="1" style="display: inline-table;"> <tr> <td style="width: 20px;">Yes</td> <td style="width: 20px;"></td> <td style="width: 20px;">No</td> <td style="width: 20px;">x</td> </tr> </table>	Yes		No	x	
Yes		No	x		

**4. IMPACT ON THE ENVIRONMENT – SUSTAINABILITY:**

Yes		No	x
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A sustainability assessment has been included within the policy and no specific impacts have been identified.

**5. LEGAL IMPLICATIONS:**

Yes		No	x
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The policy is consistent with the principles set out under Agenda for Change Terms and Conditions.

**6. RESOURCE IMPLICATIONS:**

Yes		No	x
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The North Lincolnshire Clinical Commissioning Groups is committed to ensure that all employees have recourse to a publicised and well defined bullying and harassment policy.

**7. EQUALITY IMPACT ASSESSMENT:**

Yes	x	No	
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As a result of performing the analysis, the policy does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage.

**8. PROPOSED PUBLIC & PATIENT INVOLVEMENT AND COMMUNICATIONS:**

Yes		No	x
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Patient and/ or public involvement would not be required for the development of Workforce policies. It should be noted that all CCG staff have had the opportunity to be involved in and contribute to the development of the policy.

**9. RECOMMENDATIONS:**

The CCG is asked to review and approve the following policies which accompany this report:

1. Bullying and Harassment Policy

**Appendices:**

1. Bullying and Harassment Policy

# **BULLYING AND HARASSMENT POLICY**

## **October 2015**

**Authorship:** *Yorkshire and Humber CS Workforce Team  
adapted locally for use by North Lincolnshire CCG*

**Committee Approved:**

**Approved date:**

**Review Date:**

**Equality Impact Assessment**                      **Completed - Full**

**Sustainability Impact Assessment:**    **Completed**

**Target Audience:**

**Policy Reference No:**                      ***Request from CCG Business Manager***

**Version Number:**

**The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.**

## POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

<b>New Version Number</b>	<b>Issued by</b>	<b>Nature of Amendment</b>	<b>Approved by &amp; Date</b>	<b>Date on Intranet</b>
1.0	North Lincolnshire Clinical Commissioning Group	New Policy for CCG		

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## 1 INTRODUCTION

NHS North Lincolnshire CCG (the CCG) recognises that all employees have the right to be treated with consideration, dignity and respect. The CCG seeks to support all staff in their professional development and aims to provide a happy and fulfilling environment in which to work. 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. The relevant employment legislation governing this is as follows:-

- Equality Act 2010
- Health and Safety at Work Act 1974
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Employment Act 2002

## 2 ENGAGEMENT

- Joint Trade Union Partnership Forum/Policy Development Group
- NLCCG staff via team meetings/team brief/internet

## 3 IMPACT ANALYSES

### 3.1 Equality

All policies require an assessment for their impact on people with protected characteristics (defined in the guidance document). An Equality Impact Analysis Toolkit is available for this purpose and is attached at Appendix 4.

As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage.

### 3.2 Sustainability

Anyone developing a policy or procedural document is required to complete a Sustainability Impact Assessment. The purpose is to record any positive or negative impacts that the policy is likely to have on each of the CCG's sustainability themes. The Sustainability Impact Assessment form is attached at Appendix 5.

### 3.3 Bribery Act 2010

Under the Bribery Act 2010, it is a criminal offence to:

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or

activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

It is therefore, extremely important that staff adhere to this and other related policies and documentation (as detailed on the CCG's intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

If fraud, bribery and corruption are particularly relevant to a policy, the section should be headed Anti-fraud, Bribery and Corruption and should include a cross reference to the Local Anti-fraud, Bribery & Corruption Policy. The following wording should also be included:

To raise any suspicions of fraud and/or corruption please contact the Local Counter Fraud Specialist (LCFS) or the Counter Fraud Manager at (for East Riding and North Lincolnshire – East Coast Audit Consortium, 01482 866800 email [fraud@humber.nhs.uk](mailto:fraud@humber.nhs.uk)

The LCFS will inform the Chief Financial Officer if the suspicion seems well founded and will conduct a thorough investigation. Concerns may also be discussed with the Chief Financial Officer or the Audit Committee Chair.

If staff prefer, they may call the NHS Fraud & Corruption Reporting Line on 0800 028 40 60 between 8am-6pm Monday-Friday or report online at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk). This would be the suggested contact if there is a concern that the LCFS or the Chief Financial Officer themselves may be implicated in suspected fraud, bribery or corruption.

Further information on the Bribery Act can be found at [www.opsi.gov.uk/acts](http://www.opsi.gov.uk/acts). A list of frequently asked questions is available from the Corporate Strategy and Policy Manager.

#### **4 SCOPE**

The policy applies to all employees of the CCG.

#### **5 POLICY PURPOSE & AIMS**

- 5.1 The CCG recognises that all employees have the right to be treated with consideration, dignity and respect. The CCG seeks to support all staff in their professional development and aims to provide a happy and fulfilling environment in which to work.
- 5.2 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.

- 5.3 Each member of staff carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is in line with the standards set out in this policy.
- 5.4 Any employee who wishes to make a complaint of bullying or harassment should firstly discuss this with their line manager providing they feel able to do so. If not then they should discuss their complaint with a more senior manager who may be from a different function.
- 5.5 Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially.
- 5.6 The CCG gives an assurance that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint.
- 5.7 Anyone who is found to have victimised a member of staff for making such a complaint, may be subject to disciplinary action.
- 5.8 Bullying and harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.
- 5.9 If it is considered one of the parties concerned in a bullying or harassment case should be removed from the workplace, as a matter of principle the CCG will remove the alleged harasser on full pay. In no way does this imply any guilt nor does it have any detriment on the investigation.

## **6 DEFINITIONS**

### **What is bullying and harassment?**

- 6.1 Harassment, in general terms is unwanted conduct affecting the dignity of employees in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

All employees are responsible for their own behaviour and should act at all times in a professional manner. Please note that people's behaviour in the workplace can vary on a daily basis. This policy is not intended to deal with occasional lapses of good manners unless a pattern of behaviour emerges which is perceived to be offensive or intimidating.

- 6.2 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.



Harassment may be an isolated occurrence or repetitive, it may occur against one or more individuals. It may be but is not limited to:-

**Physical contact** – ranging from touching to serious assault, gestures, intimidation and aggressive behaviour

**Verbal** – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language

**Non-verbal** – offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusions or isolation from workplace social activities

**Bullying** – persistent, offensive, abusive, intimidating or insulating behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable. Deliberately undermining a competent employee by imposing unreasonable workloads or frequent unjustified criticism.

Further examples of unacceptable behaviours that can be considered to constitute bullying and harassment are found in Appendix 1.

## **7 SUPPORT AND ADVICE**

The CCG is committed to achieving informal resolution of complaints relating to bullying and harassment wherever possible.

In line with this approach, a series of options have been put into place to enable staff to be supported. This support will be provided to complainants, alleged perpetrators and any witnesses.

### **Occupational health service**

Any member of staff who is involved in an allegation of bullying and harassment may find it helpful to talk to the occupational health service. All employees have a right to self-refer to occupational health.

### **Counselling**

Counselling services are confidential and can be accessed through the Occupational Health Service.

### **Trade unions**

The CCG recognises the important role trade unions and staff organisations play in addressing bullying and harassment and members are encouraged to seek advice from these representatives regarding their concerns. The CCG will work in conjunction with the trade unions and staff organisations in addressing unacceptable and inappropriate behaviours.

Employees may be accompanied by a work colleague not otherwise involved in the case, or a trade union or staff organisation representative at all formal stages of the procedure.

## **8 INFORMAL RESOLUTION**

8.1 Every consideration should be given to achieving an informal resolution. Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to a greater understanding that the behaviour will cease.

8.2 If you feel able you should try to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. If you do not feel able to raise your concerns with the person directly, you could write to them stating how you feel, state where and when the incident(s) occurred and how you wish to be treated. You are encouraged to seek advice from your trade union or staff organisation representative, or from a workforce representative when raising your concerns in writing. A note of the action taken should be kept. If you feel unable to approach the alleged harasser, you could speak to your line manager (if appropriate), a workforce representative, a trade union or staff organisation representative or occupational health. A note should be made of the action taken.

8.3 An individual who is made aware that their behaviour is unacceptable should:-

- Listen carefully to the complaints and the particular concerns raised
- Respect the other person's point of view
- Agree the aspects of their behaviour that they will change
- Review their general conduct/behaviour at work and with colleagues

## **9 FORMAL RESOLUTION**

9.1 If the alleged bullying or harassment continues and the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally. This should initially be raised with your line manager, or if you feel unable to do so then you should discuss the complaint with a more senior manager or a workforce representative.

9.2 If possible, employees should keep notes of the incident(s)/harassment so that the written complaint can include:-

- The date and times of the incident(s)
- The nature of the alleged harassment or bullying
- The names of any witnesses
- Any action already taken to stop the alleged harassment or bullying
- And any other relevant information

9.3 A decision to conduct a formal investigation should be made by the line manager/senior manager after consultation with the workforce representative.

- 9.4 Where an investigation is deemed appropriate, a suitable investigating officer and a workforce representative will be appointed. They will be expected to:
- Take full details of the incidents in writing from the complainant and their representative (if appropriate)
  - Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
  - Make the alleged harasser aware of the formal complaint, he/she should be notified by his/her own Line Manager
  - Advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them
  - Keep all parties informed of expected timescales
  - Inform all parties in writing of the outcome and any action that may be required
  - Allow the appropriate involvement of representation for the individuals involved.
- 9.5 Please refer to the Code of Good Practice for Investigations (Appendix 2 of the Disciplinary Policy and Procedure) for further information. This investigation and any action arising from it will be carried out in line with the CCG disciplinary procedure.
- 9.6 If, following investigation, it appears that bullying/harassment/misconduct has occurred; the investigating workforce representative and investigating officer will recommend the appropriate course of action in line with the CCG's disciplinary procedure. A detailed response will be given to both parties outlining the details of the investigation and what action, if any, is being taken in respect of the complaint. This may result in a meeting being convened under the CCG disciplinary policy and the behaviour being viewed as serious misconduct.
- 9.7 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation or transferred temporarily pending the outcome of the inquiry to another business area.
- 9.8 The investigating officer and workforce representative will propose a time frame within which the investigation could reasonably be expected to be completed. However, given the complexities of some issues, this may not always be achievable. Timescales will be discussed in more detail with the individual concerned.
- 9.9 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-
- Dismissal
  - A formal warning
  - A recommendation of redeployment of the harasser either on a temporary or permanent basis. This will not be on any less favourable terms and conditions of employment
  - Making arrangements for both parties to work as separately as possible
  - Training for the harasser as deemed necessary

- 9.10 The claimant may wish to move departments/sections depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.
- 9.11 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence supports that the allegation has been made maliciously then the individual making the complaint may be subject to disciplinary proceedings.

## **10 RECORD KEEPING**

Following resolution of both formal and informal bullying and harassment complaints, a record should be kept of the incident. Where bullying or harassment did occur, it is important to check that this has stopped and that there has been no subsequent victimisation. Monitoring will be carried out on a regular basis with both parties.

## **11 CONFIDENTIALITY**

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

All complaints, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action.

However it must be remembered that legislation requires the accused to be made aware of the allegations against them and the names of those making the allegations and the name of any witnesses.

## **12 APPEAL**

If the matter is not resolved to the employee's satisfaction they may appeal the decision to the Chief Officer.

The appeal must be addressed to the Chief Officer with a copy to the Workforce Team. The appeal must be lodged within 15 working days of the date of receipt of the letter giving the decision.

An appeal can be made on any of the following points:-

- The person investigating the case at any stage misinterpreted some material fact
- The correct procedure was not followed
- New information has come to light that has a material effect on the case.
- The decision was biased or unfair

Should the reason be because new information has come to light, the investigating officer will first be asked to consider if this would have altered the decision made. If so, then a revised letter will be sent to the employee and they will be asked if they wish to continue with their appeal.

The Chief Officer or nominated representative shall arrange to deal with the appeal within 15 working days.

The Chief Officer or nominated representative will consider the grounds for the appeal and review the evidence undertaking any further investigation deemed necessary.

A panel comprising of a Lay/GP Member of the Governing Body, a member of the Senior Management Team and Workforce Representative will hear the appeal. No member of the panel shall have been previously involved in the case.

At the Appeal Hearing the Chair will explore what steps have been taken to resolve the bullying and harassment allegation. The Chief Officer or nominated representative will recall the employee involved to a meeting to provide a response to the employee and their representative (if applicable) within 15 working days. If there is any delay the employee and their representative (where applicable) will be advised of the reasons for this. The findings of the Chief Officer or nominated representative will be confirmed in writing within 5 working days of the meeting taking place.

The conclusion of the Chair of the Appeal Hearing will be final and will represent the decision of the CCG.

## **13 ROLES / RESPONSIBILITIES / DUTIES**

### **13.1 Responsibility of staff**

All staff have personal responsibility for their own behaviour and for ensuring that they comply with the policy. There are a number of things that staff can do to help prevent harassment, such as:

- Set a positive example by treating others with respect
- Be aware of the CCG's policy and comply with it
- Do not accept behaviour that is offensive or unwanted when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- Be supportive of colleagues who may be subject to bullying and/or harassment

If you are subject to bullying and/or harassment but do not feel able to talk about it yet, you should keep a record of the incidents including dates and times. You can also contact a workforce representative or Trade Union representative for advice and support.

### **13.2 Responsibility of managers**

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of bullying or harassment. They must:

1. treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator support during the process
2. set a positive example by treating others with respect and setting standards of acceptable behaviour; also, promote a working environment where bullying and harassment is unacceptable and not tolerated
3. tackle, and where possible, resolve incidents of bullying and harassment
4. consult with a workforce representative at any time for advice and support.

### **13.3 Role of the Workforce Team**

The Workforce Team is responsible for advising on the application and interpretation of the policy to ensure that it is followed, fairly and consistently. They will:

1. advise managers on the application of the policy
2. advise managers and staff where individuals feel that they are being harassed or bullied in the course of their employment
3. advise on the effective implementation of the policy
4. monitor incidence of bullying and harassment and initiating appropriate action
5. review and amend the policy as necessary

## **14 IMPLEMENTATION**

- 14.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.
- 14.2 Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCGs disciplinary procedure.

## **15 TRAINING & AWARENESS**

- 15.1 A copy of the policy will be available on the CCG intranet. Training needs will be identified via the appraisal process and training needs analysis.

## **16 MONITORING & AUDIT**

- 16.1 The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

## **17 POLICY REVIEW**

- 17.1 The policy and procedure will be reviewed after 3 years for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

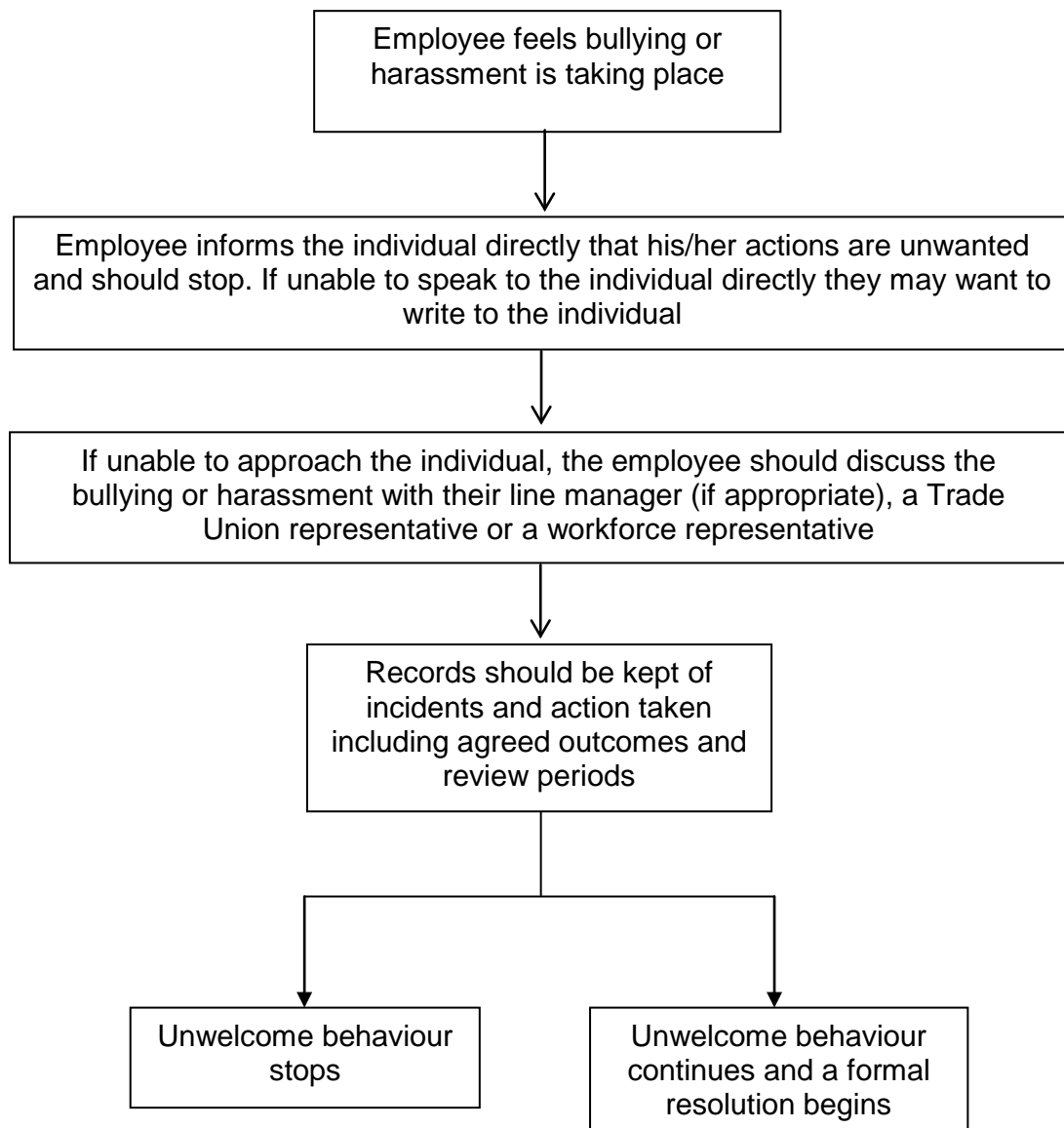
## Appendix 1

Examples of unacceptable behaviour that can be considered to constitute bullying and harassment:

- Bullying by exclusion - this may take the form of social isolation and/or exclusion from meetings
- The deliberate withholding of information with the intention of affecting a colleague's performance
- Unfair and destructive criticism
- Intimidating behaviour
- Verbal abuse and spreading of unfounded rumours
- Humiliation or ridicule
- Setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
- Copying information that is critical about someone to others who do not need to know

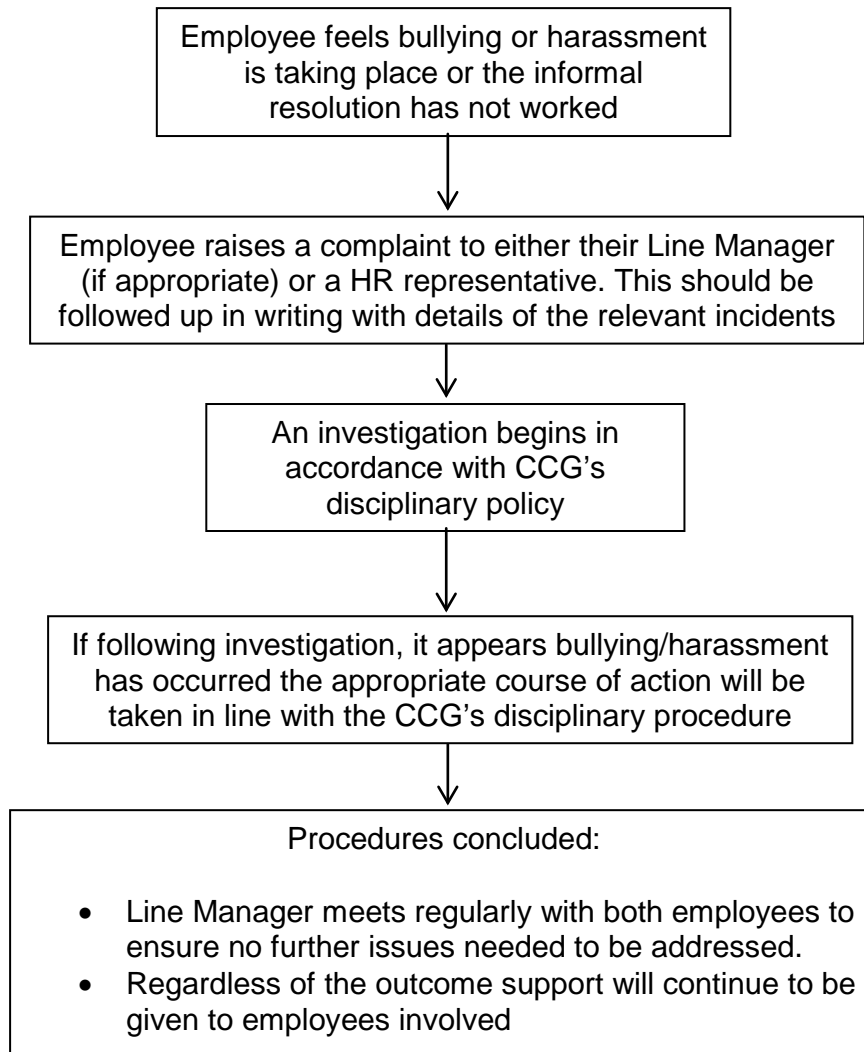
Please note this list is not exhaustive.

## Appendix 2 - INFORMAL RESOLUTION





### Appendix 3 - FORMAL RESOLUTION



## Appendix 4

# Equality Impact Analysis: Form

For support with completion of this documentation, please see the accompanying guidance and/or contact the Equality Lead in Yorkshire and Humber Commissioning Support

## 5. Equality Impact Analysis

<b>Policy / Project / Function:</b>	Bullying and Harassment Policy								
<b>Date of Analysis:</b>	10/3/14								
<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>  Please Tick ✓	<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"/>								

## 6. 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>	✓		<input type="checkbox"/>	✓	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>	✓		<input type="checkbox"/>	✓	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>Sexual Orientation</b>	✓		<input type="checkbox"/>	✓	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>Disabled People</b>	✓		<input type="checkbox"/>	✓	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 ' <i>a well-designed policy is essential to tackle harassment</i> '
<b>Gender</b>	✓		<input type="checkbox"/>	✓	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>Transgender People</b>	✓		<input type="checkbox"/>	✓	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-</i>

					<i>designed policy is essential to tackle harassment'</i>
<b>Pregnancy and Maternity</b>	✓		<input type="checkbox"/>	✓	See assessment test
<b>Marital Status</b>	✓		<input type="checkbox"/>	✓	See assessment test
<b>Religion and Belief</b>	✓		<input type="checkbox"/>	✓	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>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>					

## 7. 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 North Lincolnshire CCG 25
<b>Age</b>	76% of staff are aged 30-55 20% of staff are over 55 4%staff employed are under 30
<b>Race</b>	88% of staff employed in the CCG are White 8% staff have not stated or defined their ethnicity 4% of staff are Black
<b>Sex</b>	56% staff employed are female 44% staff employed are male
<b>Gender reassignment</b>	No information at this stage
<b>Disability</b>	92% did not declare /undefined 8% of staff employed declared themselves as having no disability No staff declared a disability
<b>Sexual Orientation</b>	All staff are recorded as did not wish to respond /undefined
<b>Religion, faith and belief</b>	96% of staff are recorded as did not wish to respond /undefined 4% of staff declared themselves as Christian
<b>Marriage and civil partnership</b>	84% of employees are married. 16% are single/divorced No employees are in a civil partnership
<b>Pregnancy and maternity</b>	No information yet as the CCG has not been established long enough to build meaningful data

## 8. 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 style="text-align: center;">✓ Yes</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>Consultation 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>

## 9. 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> ’



**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>Pregnancy and Maternity</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. 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>
<b>Transgender</b>		✓		<p>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>

**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>
<b>Age</b>		✓		<p>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>

## 10. 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:

## 11. Equality Impact Analysis Findings

<b>Analysis Rating:</b>	• Red	• Red/Amber	• Amber	✓ 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></p> <p><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></p> <p><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>	In accordance with good practice, this policy should be monitored to ensure it being effectively implemented managed.
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<b>Approved By</b>		
Job Title:	Name:	Date:

### SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

<b>Title of the document</b>	Bullying and Harassment Policy
<b>What is the main purpose of the document</b>	This policy promotes the respectful treatment of staff within the CCG and the protection of employees from bullying and harassment at work.
<b>Date completed</b>	25/04/14
<b>Completed by</b>	Workforce

<b>Domain</b>	<b>Objectives</b>	<b>Impact of activity</b> Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = n/a	<b>Brief description of impact</b>	<b>If negative, how can it be mitigated? If positive, how can it be enhanced?</b>
<b>Travel</b>	Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups?	n/a		
<b>Procurement</b>	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery? Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?	n/a		

	<p>Will it promote ethical purchasing of goods or services?</p> <p>Will it promote greater efficiency of resource use?</p> <p>Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?</p> <p>Will it support local or regional supply chains?</p> <p>Will it promote access to local services (care closer to home)?</p> <p>Will it make current activities more efficient or alter service delivery models</p>			
<b>Facilities Management</b>	<p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>Will it reduce water consumption?</p>	n/a		
<b>Workforce</b>	<p>Will it provide employment opportunities for local people?</p> <p>Will it promote or support equal employment opportunities?</p> <p><u>Will it promote healthy working lives</u> (including health and safety at work, work-life/home-life balance and family friendly policies)?</p> <p>Will it offer employment opportunities to disadvantaged groups?</p>	0	<p>The policy should have a positive impact on all staff.</p> <p>In the national NHS staff survey 21% of men and 22% of women 21% of white staff and 26% of staff from BME backgrounds reported having experienced bullying or harassment from other staff.</p>	<p>Any impact should be carefully monitored through the local annual staff survey and the annual monitoring data to assess whether any particular protected groups are positively or negatively affected in terms of outcomes and accessibility.</p> <p>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.</p>
<b>Community Engagement</b>	<p>Will it promote health and sustainable development?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p>	n/a		
<b>Buildings</b>	<p>Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer</p>	n/a		



	<p>lifespan)?</p> <p>Will it increase safety and security in new buildings and developments?</p> <p>Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?</p> <p>Will it provide sympathetic and appropriate landscaping around new development?</p> <p>Will it improve access to the built environment?</p>			
<b>Adaptation to Climate Change</b>	<p>Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?</p>	n/a		
<b>Models of Care</b>	<p>Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?</p> <p>Will it promote prevention and self-management?</p> <p>Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?</p> <p>Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?</p>	n/a		