

# **BULLYING AND HARASSMENT POLICY**

## **May 2016**

HR Policy:	HR12
Date Issued:	March 2016
Date to be reviewed:	3 years or if statutory changes are required

<b>Policy Title:</b>	Bullying and Harassment Policy	
<b>Supersedes:</b>	All previous Bullying and Harassment Policies	
<b>Description of Amendment(s):</b>	New Policy for CCG employees	
<b>This policy will impact on:</b>	All staff	
<b>Financial Implications:</b>	No change	
<b>Policy Area:</b>	HR	
<b>Version No:</b>	1	
<b>Issued By:</b>		
<b>Author:</b>	HR Policy Lead - adapted for local on behalf of Hull CCG	
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	JTUPF Sub Group	9 September 2015
	JTUPF	25 November 2015
	Governing Body GDPR Amendments	23 March 2018
<b>Consultation:</b>	All Staff via intranet	1 July 2015
	Consultation: SLT Members	19 June 2015

## Contents

1	<b>POLICY STATEMENT</b>	4
2	<b>PRINCIPLES</b>	4
3	<b>IMPACT ANALYSES</b>	4
3.1	<b>Equality</b>	4
3.2	<b>Bribery Act 2010</b>	5
4	<b>POLICY PURPOSE &amp; AIMS</b>	5
5	<b>DEFINITIONS</b>	6
6	<b>SUPPORT AND ADVICE</b>	7
7	<b>INFORMAL RESOLUTION</b>	7
8	<b>FORMAL RESOLUTION</b>	8
9	<b>RECORD KEEPING</b>	10
10	<b>CONFIDENTIALITY</b>	10
11	<b>APPEAL</b>	10
12	<b>ROLES / RESPONSIBILITIES / DUTIES</b>	11
13	<b>IMPLEMENTATION</b>	12
14	<b>TRAINING &amp; AWARENESS</b>	12
15	<b>MONITORING &amp; AUDIT</b>	12
16	<b>POLICY REVIEW</b>	12
<b>Appendix 1</b>	<b>Examples of Unacceptable Behaviours which may constitute bullying and harassment</b>	<b>13</b>
<b>Appendix 2</b>	<b>Informal Resolution</b>	<b>14</b>
<b>Appendix 3</b>	<b>Formal Resolution</b>	<b>15</b>
<b>Appendix 4</b>	<b>Equality Impact Assessment</b>	<b>16</b>

## **1. POLICY STATEMENT**

1.1 NHS Hull CCG (the CCG) recognises 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
- Whistleblowing

1.2 This policy will apply to all employees with agenda for change terms and conditions of employment.

## **2. PRINCIPLES**

2.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the Hull CCG Internet page.

2.2 Training and support will be available to all Line Managers in the implementation and application of this policy

## **3. IMPACT ANALYSES**

### **3.1 Equality**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 1. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application.

### 3.2 Bribery Act 2010

The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery.

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.

Due consideration has been given to the Bribery Act 2010 in the development of this policy document and consistent application of this policy will mitigate bribery in relation to this policy.

## 4. POLICY PURPOSE & AIMS

- 4.1 The CCG recognises 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.

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.

Any employee who wishes to make a complaint of bullying or harassment are to firstly discuss this with their line manager in confidence, providing they feel able to do so. If not then they are to discuss their complaint with a more senior manager who may be from a different function, advice can also be sought from Mental Health First Aid Representative or Union Representative

Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially.

The CCG gives an assurance 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.

Anyone who is found to have victimised a member of staff for making such a complaint, may be subject to disciplinary action.

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.

If it is considered one of the parties concerned in a bullying or harassment case should be removed from the workplace, due to potentially serious circumstances or where it is considered that allowing either party to continue working could place the safety/well-being of patients, staff or the employee themselves at risk or where it is felt that the continued presence of the employee may impair the investigation. This will be on full pay for as long as is necessary, but would not exceed the conclusion of the hearing (if it was to reach that stage). In no way does this imply any guilt nor does it have any detriment on the investigation.

## 5. DEFINITIONS

### What is bullying and harassment?

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 are to act at all times in a professional manner. Please note; 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.

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 insulting behaviour, abuse

of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable. Deliberate undermining of a competent employee by imposing unreasonable workloads on them or by frequently criticising them unjustifiably.

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

For the purposes of this policy 'the harasser' refers to any person who is alleged to have bullied or harassed another.

## **6. 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.

## **7. INFORMAL RESOLUTION**

Every consideration is to be given to achieving an informal resolution. Very often people are not aware their behaviour is unwelcome or misunderstood and an

informal discussion can lead to a greater understanding of their behaviour and identify the potential causes of this. Support/training may be put into place if needed. If you feel able, you are to try and resolve the problem informally by, making it clear to the alleged harasser that, his/her actions are unwanted and are not to be repeated.

If you do not feel able to raise your concerns with the person directly, discuss any concerns with your line manager, HR, work colleague or trade union representative, it may be beneficial to write a letter to the harasser stating how you feel, state where and when the incident(s) occurred and how you wish to be treated. This allows you opportunity to document your feelings. You are encouraged to seek advice from your trade union or staff organisation representative, or from a HR representative when raising your concerns in writing. A note of the action taken is to be kept.

If you feel unable to approach the alleged harasser, you could speak to your line manager (if appropriate), a HR representative, a trade union or staff organisation representative or occupational health. A note is to be made of the action taken.

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

## **8. FORMAL RESOLUTION**

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 is then to be raised formally.

This is initially to be raised with your line manager, or if you feel unable to do so then you are to discuss the complaint with a more senior manager or a HR representative.

Employees are to keep notes of the incident(s)/harassment so that a written complaint of bullying and harassment 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

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

Where an investigation is deemed appropriate, a suitable investigating officer and a HR 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.

Please refer to the Code of Good Practice for Investigations (Appendix 2 of the Disciplinary Policy and Procedure) for further information. The investigation and any action arising from it will be carried out in line with the CCG disciplinary procedure.

If, following investigation, it appears that bullying/harassment/misconduct has occurred; the investigating HR 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.

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.

The investigating officer and HR 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.

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

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.

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.

## **9. 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.

## **10. 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.

The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

## **11. 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 HR 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 but not exclusive of ??:-

- 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 HR 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 call 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.

## **12. ROLES / RESPONSIBILITIES / DUTIES**

### **12.1 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 at the time, you should keep a record of the incidents including dates and times. You can also contact a HR representative or Trade Union representative for advice and support.

## **12.2 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 HR representative at any time for advice and support

## **12.3 Role of the HR Team**

The HR 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

## **13. IMPLEMENTATION**

13.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the Hull CCG internet page.

13.2 Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCGs disciplinary procedure.

## **14. TRAINING & AWARENESS**

14.1 A copy of the policy will be available on the Hull CCG internet page. Training needs will be identified via the appraisal process and any training needs analysis conducted within the CCG.

## **15. MONITORING & AUDIT**

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

## 16. POLICY REVIEW

- 16.1 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.

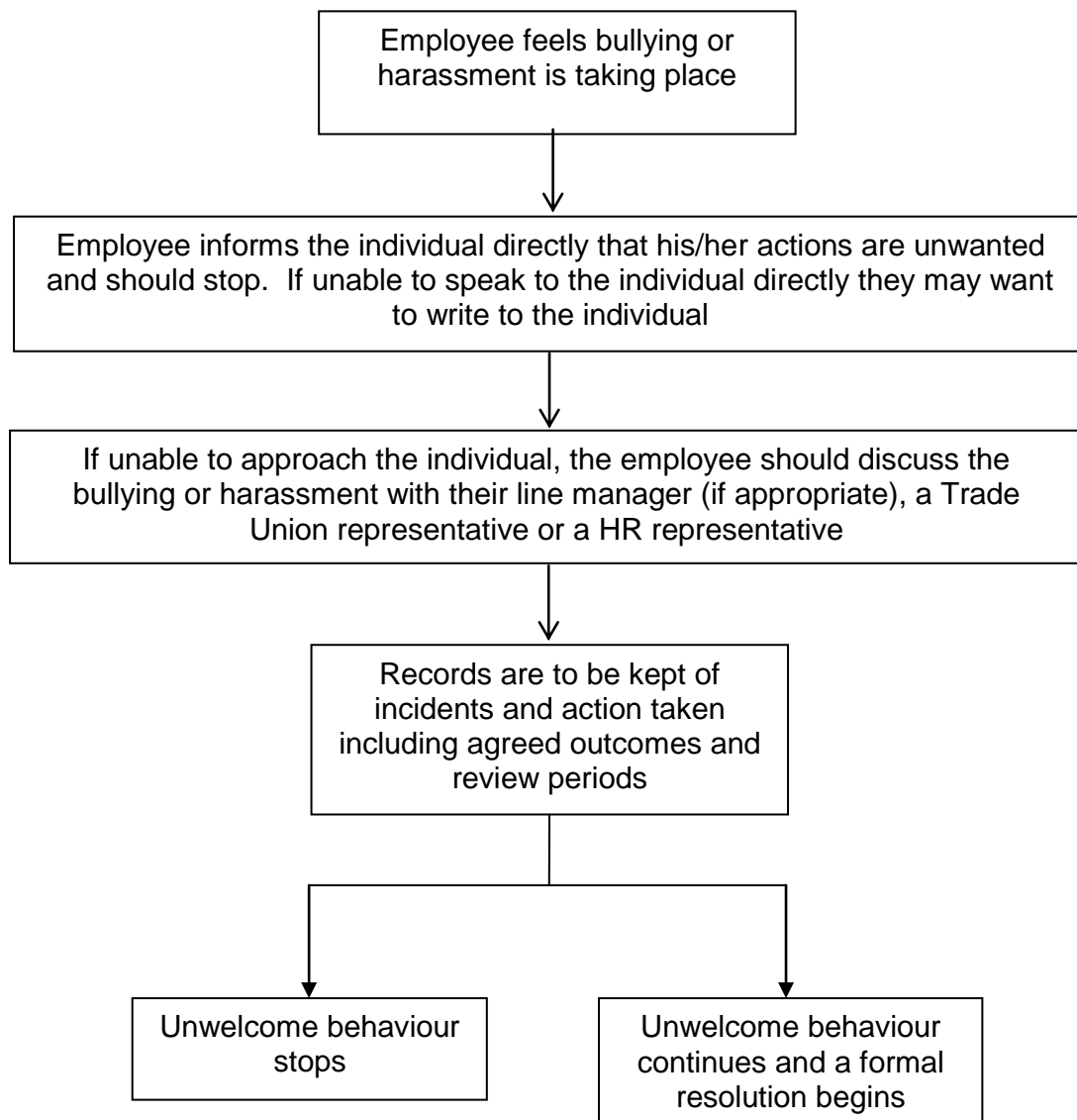
### Appendix 1

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

Employee feels bullying or harassment is taking place or the informal resolution has not worked

Employee raises a complaint to either their Line Manager (if appropriate) or a HR representative. This should be followed up in writing with details of the relevant incidents

An investigation begins in accordance with CCG's disciplinary policy, if appropriate either parties could be removed from the workplace whilst an investigation is undertaken



If following investigation, it appears bullying/harassment has occurred the appropriate course of action will be taken in line with the CCG's disciplinary procedure



**Procedures concluded:**

- Line Manager meets regularly with both employees to ensure no further issues needed to be addressed.
- Regardless of the outcome support will continue to be given to employees involved



**Appeal**

Employee appeals decision if feels unresolved. Made in writing to Chief Officer within 15 working days of the date of receipt of the letter giving the decision



Chief Officer / nominated representative deals with the appeal within 15 working days, considering 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 HR Representative will hear the appeal. The employee will be recalled to a meeting to provide a response within 15 working days



The findings will be confirmed in writing within 5 working days of the meeting and will be final and will represent the decision of the CCG.

# Equality Impact Assessment:

# Bullying and Harassment



### Equality Impact Analysis:

<b>Policy / Project / Function:</b>	Bullying and Harassment Policy								
<b>Date of Analysis:</b>	1 June 2015								
<b>This Equality Impact Analysis was completed by: (Name and Department)</b>	Christine Brown - 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="padding-right: 20px;">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"/>
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Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								

## Equality Impact Analysis:

**Local Profile/Demography of the Groups affected (population figures) Relevant data can be found in the attached Knowledge Management Toolkit (Employee data as at Oct 14)**

**General**

There are 57 GP practices in the Hull area which spans 7,154 hectares and, as a city, has relatively tight geographical boundaries with most of the 'leafy suburb' areas outside Hull's boundaries in East Riding of Yorkshire. As a result, Hull has a relatively high deprivation score, as measured by the Index of Multiple Deprivation 2010, with Hull ranked as the 10th most deprived local authority out of 326 (bottom 4%).

The resident population of Hull is 256,406 based on the 2011 Census data and 265,369 residents based on estimates from the local GP registration file as at October 2011. This equates to approximately 37 residents per hectare. The Joint Strategic Needs Assessment (JSNA) identifies considerable inequalities in health between Hull and England, and between populations within Hull.

**Age**

Age Group	Hull (256,406)	England (53,012,456)
0-15	~18%	~18%
16-34	~28%	~25%
35-44	~12%	~12%
45-54	~12%	~12%
55-64	~10%	~10%
65+	~10%	~10%

Compared to England, Hull has lower percentages of residents aged 10-19 years and 55+ years, but slightly higher percentages aged under 5, 20-34 years and 45-54 years. There is a relatively large difference between Hull and England for the age group 20-34 years, due to Hull's colleges and Universities.

There were 2,869 live births occurring to Hull residents in 2001, but this has increased steadily to 3,771 for 2010. The number of deaths occurring to Hull residents has decreased from 2,571 to 2,310 between 2001 and 2010. ONS estimated the resident population to be 243,596 in 2001 compared to 260,424 residents based on the GP registration file, with the difference between these estimates

	<p>narrowing over time. So, whilst it is difficult to quantify the exact increase in Hull's population, it has increased over recent years. Between 2010 and 2030, ONS estimate that Hull's population will increase from 266,100 to 311,900 residents, an increase of 17%.</p> <p>The figure above shows the population of Hull (2011 Census Data).</p>														
<b>Race</b>	<p>The percentage of the population from Black and Minority Ethnic (BME) groups has increased substantially since 2001. For the 2001 Census, it was estimated that 3.3% of Hull's population was not White British or White Irish, whereas Census data shows that this figure increased to 10.2% for 2011. There is no single BME group in Hull with much higher percentages compared to other groups. The 2011 census data shows:</p> <p>White British- 89.7%  White Other - 4.4%  Mixed – 1.3%  Asian - 2.5%  Black - 1.2%  Other – 0.8%</p>														
<b>Sex</b>	<p>The gender split in Hull is approximately 50.1% men and 49.9% women. For 2008-2010, life expectancy in Hull was 75.7 years for men and 80.2 years for women compared to 78.6 years and 82.6 years for men and women respectively in England.</p>														
<b>Gender reassignment</b>	<p>No local information provided.</p>														
<b>Disability</b>	<p>According to the 2011 Census, it is estimated that approximately 19.7% of the Hull population lives with a long term health problem or disability compared with 17.6% for England. This information can be broken down further (Source: Projecting Older People Population Information System and Projecting Adult Needs and Service Information) to include learning disabilities, physical disabilities, hearing impairments and visual impairments, as follows:</p> <table border="1" data-bbox="507 1585 1401 2011"> <thead> <tr> <th>2012 Estimates</th> <th>Hull</th> </tr> </thead> <tbody> <tr> <td>Learning Disability (Age 18 – 64)</td> <td>4,078</td> </tr> <tr> <td>Learning Disability (Age 65 and over)</td> <td>762</td> </tr> <tr> <td>Physical Disability – Moderate (Age 18 – 64)</td> <td>12,222</td> </tr> <tr> <td>Physical Disability – Serious (Age 18 – 64)</td> <td>3,491</td> </tr> <tr> <td>Visual Impairment (Age 18 – 64)</td> <td>108</td> </tr> <tr> <td>Visual Impairment (Age 65 and over)</td> <td>3,263</td> </tr> </tbody> </table>	2012 Estimates	Hull	Learning Disability (Age 18 – 64)	4,078	Learning Disability (Age 65 and over)	762	Physical Disability – Moderate (Age 18 – 64)	12,222	Physical Disability – Serious (Age 18 – 64)	3,491	Visual Impairment (Age 18 – 64)	108	Visual Impairment (Age 65 and over)	3,263
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	Hearing Impairment – Moderate or Severe (Age 18 – 64)	5,765																				
	Hearing Impairment – Moderate or Severe (Age 65 and over)	15,707																				
	Hearing Impairment – Profound (Age 18 – 64)	49																				
	Hearing Impairment – Profound (Age 65 and over)	402																				
<b>Sexual Orientation</b>	There are no local statistics for how many Lesbian, Gay or Bisexual (LGB) people live within Hull however, nationally, the Government estimates that 5% of the population are lesbian, gay, bi and transgender communities.																					
<b>Religion, faith and belief</b>	<p>According to the 2011 Census, 54.9% of the population have identified themselves as Christian and 3.1% of the population is made up of other religions. The remainder of the population did not state anything (7.2%) or stated 'no religion' (34.8%).</p> <table border="1"> <thead> <tr> <th>Religion</th> <th>2011</th> </tr> </thead> <tbody> <tr> <td>Christian</td> <td>54.9%</td> </tr> <tr> <td>Buddhist</td> <td>0.3%</td> </tr> <tr> <td>Hindu</td> <td>0.2%</td> </tr> <tr> <td>Jewish</td> <td>0.1%</td> </tr> <tr> <td>Muslim</td> <td>2.1%</td> </tr> <tr> <td>Sikh</td> <td>0.1%</td> </tr> <tr> <td>Other Religion</td> <td>0.3%</td> </tr> <tr> <td>No Religion</td> <td>34.8%</td> </tr> <tr> <td>Religion Not Stated</td> <td>7.2%</td> </tr> </tbody> </table>		Religion	2011	Christian	54.9%	Buddhist	0.3%	Hindu	0.2%	Jewish	0.1%	Muslim	2.1%	Sikh	0.1%	Other Religion	0.3%	No Religion	34.8%	Religion Not Stated	7.2%
Religion	2011																					
Christian	54.9%																					
Buddhist	0.3%																					
Hindu	0.2%																					
Jewish	0.1%																					
Muslim	2.1%																					
Sikh	0.1%																					
Other Religion	0.3%																					
No Religion	34.8%																					
Religion Not Stated	7.2%																					
<b>Marriage and civil partnership</b>	This protected characteristic generally only applies in the workplace. Data from the Office of National Statistics covering the period 2008-2010 indicates that there were 18,049 Civil Partnerships in England and Wales during this three-year period – 52% men and 48% women.																					
<b>Pregnancy and maternity</b>	There were 2,869 live births occurring to Hull residents in 2001, but this has increased steadily to 3,771 for 2010.																					

## Equality Impact Analysis:

<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function ?</b>          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)          1: Application success rates  <i>Equality Groups</i>          2: Complaints by <i>Equality Groups</i>          3: Service usage and withdrawal of services by <i>Equality Groups</i>          4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i></p>	<p>Yes - employee data has been used to support the monitoring of the impact of this policy in the future The employee data is not included due to the low number of CCG employees and concern around anonymity</p> <p style="text-align: center;">No <span style="float: right; border: 1px solid black; width: 60px; height: 30px; display: inline-block; vertical-align: middle;"></span></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 both locally and nationally with Trade Unions and staff</p> <ul style="list-style-type: none"> <li>• SLT</li> <li>• CCG Employees</li> <li>• JTUPF Sub group</li> <li>• JTUPF</li> <li>• Governing Body (approval)</li> </ul>
<p><b>Promoting Inclusivity</b>          How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</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 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 2014 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’. This policy will be applied consistently regardless of gender and therefore should have no impact on this protected characteristic.
<b>Race</b> (All Racial Groups)			✓	As the policy is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy. However this potential impact is minimised due to the development of the ‘portal’ facilities detailed in the action plan.  It is recognised by the Chartered Institute of Personnel and Development that ‘a well-designed policy is essential to tackle harassment’.
<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. This policy will be applied consistently regardless of disability and therefore should have no impact on this protected characteristic.
<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 ‘a well-designed policy is essential to tackle harassment’ This policy will be applied consistently regardless of religion or belief and therefore should have no impact on this protected characteristic.

<b>Sexual Orientation (Heterosexual, Homosexual and Bisexual)</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' This policy will be applied consistently regardless of sexual orientation and therefore should have no impact on this protected characteristic.
<b>Pregnancy and Maternity</b>	✓			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 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> '. 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'  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> )
<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 'a well-designed policy is essential to tackle harassment'. This policy will be applied consistently to all employees and therefore should have no impact on this protected characteristic.
<b>Marital Status</b>	✓			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 an all protected groups It is recognised by the Chartered Institute of Personnel and Development that ' <i>a well-designed policy is essential</i>

				<p><i>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 :</p> <p>'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:</p> <p>'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 'a well-designed policy is essential to tackle harassment'.</p> <p>This policy will be applied consistently regardless of age and therefore should have no impact on this protected characteristic.</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* ?**

<b>Identified Risk:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
As the policy is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy.	The CCGs Communication Team is developing the 'portal' to signpost individuals to alternative formats.	CCG Communications	June 2015	Next policy review
Equal application of the policy is essential; this should be monitored on a regular basis to provide this assurance.	Monitoring the use of the policy	HR Lead	To form part of the quarterly Workforce monitoring reports to SLT	1 year from implementation

Equality Impact Findings:	
<b>Analysis Rating:</b>	Green
<b>Red – Stop and remove the policy</b>	<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.
<b>Red Amber – Continue the policy</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> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.
<b>Amber – Adjust the Policy</b>	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.
<b>Green – No major change</b>	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.

<b>Brief Summary/Further comments</b>	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.
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<b>Signatures</b>	
Other Comments	
Confirmed by (manager): (Name and Title)	
Date:	20 June 2015