

Equality Impact Assessment (EIA) (v4.0)

Legislation requires that our policy documents consider the potential to affect groups differently and eliminate or minimise this where possible. This process helps to address inequalities by identifying steps that can be taken to ensure equal access, experience and outcomes for all groups of people.

Step One – Policy Definition

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| Function/policy name and number: | Anti Bullying, Anti Discrimination Policy |
| Main aims and intended outcomes of the function/policy: | The Trust has an ambition to create a culture where individuals feel safe and empowered to speak up about any concern they have and to feel confident they will be listened to and action taken. The Trust will deal with all concerns fairly and will consider cultural and systemic issues (such as flaws in processes) that have contributed to behaviours and actions that we would not expect to see within the Trust. Where action needs to be taken to address behaviours, this will be taken with a view to repair and restore the harm that has been caused, rather than seek to punish as a first consideration (you may hear this referred to as Restorative Just and Learning Culture). |
| How will the function/policy be put into practice? | Policy soft launch, detailed 12 month communications plan and resources, in depth training for managers, FTSU, Unions, Staff Networks and Wellbeing Champions. Additional training around being an active bystander and training on facilitated conversations. |
| Who will be affected/benefit from the policy? | Staff Employed by the Trust – excludes contractors, Agency and Bank Workers |
| State type of document | Policy |
| Is an EA required? NB :Most policies/functions will require an EA with few exceptions such as routine procedures-see guidance attached | Yes |
| Accountable Director: (Job Title) | Chief People Officer |
| Assessment Carried out by: | Head of People |
| Date Completed: | 26 February 2025 |

To help you to determine the impact of a strategy or policy, think about how it relates to the Public Sector Equality Duty, the key questions as listed below and prompts for each protected characteristic are included Step 3:

- Eliminate unlawful discrimination, victimisation, and harassment
- Advancing equality of opportunity
- Fostering good community relations

KEY QUESTIONS

- Are people with protected characteristics likely to be affected differently even though the policy is the same for everyone?
- Could there be issues around access, differences in how a policy is experienced and whether outcomes vary across groups?
- What information /data or experience can you draw on to indicate either positive or negative impact on different groups of people in relation to implementing this function policy?

Step Two – Evidence & Engagement

| <p>What evidence have you identified and considered? This can include research ((national, regional ,local) surveys, reports, NICE guidelines, focus groups, pilot activity evaluations, clinical experts or working groups, information about Dudley’s demographics, The Dudley Group equality and diversity reports, Joint Strategic Needs Assessment (JSNA) or other equality analyses, Workforce Race and Disability Equality data, anecdotal evidence.</p> | | |
|--|---|--------------------------------|
| <u>Research/Publications</u> | <u>Working Groups</u> | <u>Clinical Experts</u> |
| <p>Legislation.gov.uk Employment Act 2008 https://www.legislation.gov.uk/ukpga/2008/24/contents</p> <p>Legislation.gov.uk Equality Act 2010 Equality Act 2010</p> <p>Legislation.gov.uk Data Protection Act 2018 Data protection: The Data Protection Act - GOV.UK</p> <p>NHS England (2020) NHS England » Our NHS People Promise</p> <p>Advisory, Conciliation and Arbitration Service (ACAS) (2024) https://www.acas.org.uk/grievance-procedure-step-by-step</p> <p>Advisory, Conciliation and Arbitration Service (ACAS) (2015) Acas Code of Practice on disciplinary and grievance procedures Acas</p> <p>Internal WRES, WDES, EDS, PSED and other EDI publications Equality, Diversity, and Inclusion - The Dudley Group NHS Foundation Trust</p> | <p>Staff Representative Committee</p> <p>Joint Local Negotiating Committee</p> <p>Joint Negotiating Committee</p> <p>EDI Steering Group</p> <p>Sexual Safety Steering Group</p> | <p>n/a</p> |

| <p>Engagement, Involvement and Consultation:</p> <p>If relevant, please state what engagement activity has been undertaken and the date and with which protected groups:</p> | | |
|---|--|--------------|
| Engagement Activity | Protected Characteristic/ Group/ Community | Date |
| Staff Networks – EMBRACE, LGBTQ+, Women’s, Disability | Ethnicity, Gender, Gender Reassignment, Sexuality, Religion or Beliefs, Maternity and Pregnancy, Marital Status Disability | January 2025 |
| <p>For each engagement activity, please state the key feedback you have received and then use this in step 3. List a summary of the Feedback in the ‘list of feedback received’ column, then add your mitigation and then your action to address.</p> | | |

Summary of the feedback:

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| <p>I think it is important to include examples of potential consequences to the person that has been proven to have bullied/harassed staff.</p> <p>This will help manage the expectations of the person raising the grievance, so that in the event that their grievance is upheld they know what the consequence will be.</p> <p>Examples might also help deter people from bullying and harassment of others, as it is a reminder of the consequences of their actions.</p> <p>It is a huge step to formally raise a grievance and people need assurance that the outcome will be proportionate to what they have experienced.</p> |
| <ol style="list-style-type: none"> 1. Is it possible to add a link of the grievance form to the grievance policy? 2. It is quite good that training and support is added to the policies. 3. Separating the policies has helped in streamlining and better understanding. |
| <p>The formatting on all of these seems very good and easy to navigate. It’s easy to understand with any technical terms I noticed explained. I liked the way it was broken down. It made it feel undaunting and easy to read.</p> <p>I don’t really have any changes I would make except a couple of typos I noticed:</p> <p>Anti Bullying Anti Discrimination:</p> |

- "In sexual misconduct cases where there is no time limit." -> "In sexual misconduct cases there is no time limit."

Guidance:

- The header "Informing an employee, they are under investigation" -> "Informing an employee they are under investigation"

These look great, thank you. I particularly like the one on conducting an investigation, this would have been most helpful when I led one last year!!

Step Three – Assessment of Impact

Complete **relevant** boxes below to help you record your assessment

Consider information and evidence from previous section covering:

- Engagement activities
- Equalities monitoring data
- Wider research

Also, consider due regard under the general equality duty, NHS Constitution and Human Rights.

| Positive Impact HIGH MEDIUM LOW | Negative Impact HIGH MEDIUM LOW | Neutral Impact Cross in the box if no impact is identified | <ul style="list-style-type: none"> • List concerns raised for possible negative impact OR • List beneficial impact (utilise information gathered during assessment) | Mitigation List actions to redress concerns raised if a negative impact has been identified in the previous column | Lead [Job title] | Time-scale | How are actions going to be monitored/reviewed/ reported? (incl. after implementation) |
|---|--|---|--|--|-----------------------------|------------|---|
| Positive OR Negative Impact (not both) | | | | | | | |
| 1) Age Describe age related impact and evidence. This can include safeguarding, consent and welfare issues: | | | | | | | |
| X | | | Nationally people of certain age groups are on balance, at a greater risk of experiencing Age discrimination. Currently there is no specific local data to identify which age groups are more likely to experience discrimination or bullying and harassment. | This Policy associated toolkit, resources and training is expected to have a positive effect in eliminating unlawful discrimination, harassment and victimisation. The policy stipulates diverse decision-making panels | Head of People, Head of EDI | Completed | Data collected via case tracker & report published annually to monitor performance |

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| | | | | The training will raise awareness of inequality data for the protected characteristics | | Throughout 2025 | |
| 2) Disability | | | | | | | |
| Describe disability related impact and evidence. This can include attitudinal, physical, communication and social barriers as well as mental health/ learning disabilities, cognitive impairments: | | | | | | | |
| X | | | <p>Our casework, staff survey and WDES data shows us that disabled staff are more likely to experience bullying and/or discriminatory behaviour.</p> <p>The Trust's recent WDES data highlights that the percentage of staff who experienced harassment, bullying or abuse from patients, relatives or the public in the last 12 months was significantly higher for Disabled staff, 29.4%, than for non-disabled staff, 22.8%.</p> <p>The percentage of staff who experienced harassment, bullying or abuse from managers in the last 12 months was significantly higher for disabled staff, 15.9%, than for non-disabled staff, 8.6%. Both disabled men and women were more likely to experience experienced harassment,</p> | <p>New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution. Reasonable adjustments specifically mentioned for disabled employees.</p> <p>The policy stipulates diverse decision-making panels</p> <p>The training on the policy will raise awareness of inequality data for the protected characteristics</p> | Head of People, Head of EDI | Completed | Data collected via case tracker & report published annually to monitor performance |
| | | | | | | Throughout 2025 | |

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| | | | bullying or abuse from managers. | | | | |
| 3) Gender re-assignment Describe any impact and evidence on transgender people. This can include issues such as privacy of data and harassment: | | | | | | | |
| x | | | Whilst metrics are limited, it is widely accepted that individuals who have undergone gender re-assignment are more likely to experience bullying and discrimination. | New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution. This Policy associated toolkit, resources and training is expected to have a positive effect in eliminating unlawful discrimination, harassment and victimisation. | Head of People, Head of EDI | Completed | Data collected via case tracker & report published annually to monitor performance |
| 4) Marriage and civil partnership Describe any impact and evidence in relation to marriage and civil partnership. This can include working arrangements, part-time working, and caring responsibilities: | | | | | | | |
| | | X | | | | | |
| 5) Pregnancy & Maternity Describe any impact and evidence on pregnancy and maternity. This can include working arrangements, part-time working, and caring responsibilities: | | | | | | | |
| | | X | | | | | |
| 6) Race Describe race related impact and evidence. This can include information on different ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers: | | | | | | | |

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| <p>X</p> | | | <p>In March 2024, 28% of the workforce across Dudley Group were from a BME (Black and Minority Ethnic) background. This is an increase from 25%.</p> <p>Our casework, staff survey and WRES data shows us that Global Majority staff are more likely to experience bullying and/or discriminatory behaviour.</p> <p>The Trust's recent WRES data highlights that the percentage of staff who experienced harassment, bullying or abuse from other staff in the last 12 months was significantly higher for BME staff, 29.9%, than for White staff, 20.6%. BME female staff are more likely to experience harassment, bullying or abuse from other staff compared to BME males and White females and males.</p> <p>The percentage of staff who personally experienced discrimination from other staff in the last 12 months was significantly higher for BME</p> | <p>New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution.</p> <p>This Policy associated toolkit, resources and training is expected to have a positive effect in eliminating unlawful discrimination, harassment and victimisation</p> <p>The policy stipulates diverse decision-making panels</p> <p>The training on the policy will raise awareness of inequality data for the protected characteristics</p> | <p>Head of People, Head of EDI</p> | <p>Completed</p> <p>Throughout 2025</p> | <p>Data collected via case tracker & report published annually to monitor performance</p> |
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| | | | staff, 18.8%, than for White staff, 6.3%. | | | | |
| 7) Religion or Belief | | | | | | | |
| Describe any religion, belief or no belief impact and evidence. This can include dietary needs, consent and end of life issues: | | | | | | | |
| X | | | We have limited data on formal casework with regards to Religion or Belief. However, we do know that some faiths are subject to discrimination more than others, for example during the summer riots in 2024, places of worship were targeted by extremist groups. | New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution. The training on the policy will raise awareness of inequality data for the protected characteristics | Head of People, Head of EDI | Completed Throughout 2025 | Data collected via case tracker & report published annually to monitor performance |
| 8) Sex | | | | | | | |
| Describe any impact and evidence on men and women. This could include access to services and employment: | | | | | | | |
| X | | | The 2023 national staff survey results have revealed that 58,000 staff reported unwarranted sexual approaches from patients and other members of the public last year, equating to 1 in every 12 NHS workers. Furthermore, 1 in 26 NHS workers reported experiencing similar harassment from work colleagues. | New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution This Policy associated toolkit, resources and training is expected to have a positive effect in eliminating unlawful | Head of People, Head of EDI | Completed | Data collected via case tracker & report published annually to monitor performance |

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| | | | Our casework data shows us that males are more likely to be accused of bullying behaviour disproportionately to the representative workforce. Furthermore, a recent sexual harassment survey highlighted that There were more male harassers than female. Male 78.9% and female 17.1% | discrimination, harassment and victimisation. This policy is to be implemented alongside the sexual misconduct policy if a concern of sexual harassment has been reported. | | Sexual Misconduct policy to be launched in March / April 2025 | |
| 9) Sexual Orientation | | | | | | | |
| Describe any impact and evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers: | | | | | | | |
| X | | | Fearing or experiencing homophobic or biphobia bullying, or harassment are major barriers to lesbian, gay and bisexual (LGBTQ+) equality in the workplace. Bullying or harassment because of sexual orientation is likely to be intimidating, humiliating, threatening or degrading for the recipient and creates an unpleasant workplace for the employee and their colleagues. Whilst local metrics are limited, it is widely accepted that individuals from a non heterosexual background are | New policy framework allows for easier access to the policy, clear mechanisms to seek support and raise reports and a clear framework for both informal and formal resolution This Policy associated toolkit, resources and training is expected to have a positive effect in eliminating unlawful discrimination, harassment and victimisation The policy stipulates diverse decision-making panels The training on the policy will raise awareness of inequality | Head of People, Head of EDI | Completed Throughout 2025 | Data collected via case tracker & report published annually to monitor performance |

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| | | | <p>more likely to experience bullying and discrimination.</p> <p>Evidence from a number of national studies shows that LGBTQ+ people suffer much higher levels of bullying and harassment at work than heterosexual people: twice as high for gay and bisexual men or four times as high for LGBTQ+ people as a whole.</p> | <p>data for the protected characteristics</p> | | | |
| <p>10)Other marginalised groups e.g. Homeless people Describe any impact and evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include lower socio-economic status, resident status (migrants, asylum seekers), homeless, looked after children, single parent households, victims of domestic abuse, victims of drugs / alcohol abuse: (This list is not exhaustive)</p> | | | | | | | |
| | | X | | | | | |
| <p>11)Privacy, dignity, respect, fairness etc.</p> | | | | | | | |
| | | X | | | | | |

EQUALITY IMPACT ASSESSMENT (EIA) - GUIDANCE NOTES

An equality impact assessment (EIA) ensures that issues of equality, diversity, and inclusion are considered when developing or revising strategies, policies, or proposals that affect the delivery of services and the employment practice of the Trust.

Why should we carry out an EIA?

We are required to carry out equality impact assessments because:

- There is a legal requirement to do so in relation to the protected characteristics
- They help identify gaps and making improvements to services
- They help avoid continuing or adopting harmful policies or procedures
- They help you to make better decisions
- They will help you to identify how you can make your services more accessible and appropriate
- They enable the Trust to become a better employer

Equality Impact Assessments help us to:

- Determine how Trust strategy, policies and practice, or new proposals, will impact or affect different community groups, especially those groups or communities who experience inequality, discrimination, social exclusion or disadvantage.
- Measure whether strategies, policies or proposals will have a negative, neutral, or positive effect on different communities.
- Make decisions about current and future services and practice in fuller knowledge and understanding of the possible outcomes for different communities or customer groups.

What do we need to assess?

Trust policies are subject to a 3-year review. Alongside the reviews, new policies will emerge. Most policies, strategies, and business plans will need an EIA.

However, EIAs are not required for changes in routine procedures, administrative processes, or initiatives that will not have a material impact on staff, patients, carers, and the wider community. Examples include checking the temperature of fridges, highly technical clinical procedures, office moves, etc.

DGFT Process for EIAs

The revised EIA process is a single-stage process carried out in three steps

Step One: Policy Definition

This involves a description of the policy details. This is the fact-finding stage where you gather as much information about the strategy, policy or function you intend to

assess. Who will be using the service, policy or function and the outcomes you want to achieve. It is important to make sure that your service, policy or function has clear aims and objectives.

Step Two: Evidence and Engagement

EIAs should be underpinned by sound data and information. This should be sought from various sources:

- The knowledge and experience of the people assisting in the service.
- ONS local demography/ Census data: [Census Maps - Census 2021 data interactive, ONS](#)
- Service monitoring reports / Divisional reports
- Patient satisfaction surveys
- Workforce monitoring reports
- Complaints and comments
- Outcome of consultation exercises
- Feedback from focus groups
- Feedback from organisations representing the interests of key target groups
- National and local statistics and audits [Joint Strategic Needs Assessment - All About Dudley Borough](#)
- Academic, qualitative and quantitative research
- Ward/ Divisional reviews
- Anecdotal data

This stage allows you to identify whether your strategy, policy or function has a positive or negative or potential negative impact on the protected characteristics. In some cases, an initial EIA is all you will need to establish whether you are providing equal outcomes for staff or patients. If you receive no feedback or concerns, you can mark each characteristic in section 3 as a neutral impact.

Step Three: Assessment of Impact

This is the main and the most important part of the EIA.

To help you determine the impact of the strategy or policy, consider how it relates to the Public Sector Equality Duty. The key questions and prompts for each protected characteristic are listed below.

- Eliminate unlawful discrimination, victimisation, and harassment
- Advancing equality of opportunity
- Fostering good community relations

The real value of completing an EIA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment. To ensure that the action plan is more than just a list of proposals and good intentions, the following should be included:

- Each action be attributed to a key person who is responsible for its completion

- An achievable timescale that is also at the same time reasonable
- Relevant and appropriate activities and progress milestones
- How the action will be monitored/reviewed

KEY QUESTIONS

- What information /data or experience can you draw on to indicate either a positive or negative impact on different groups of people with implementing this function policy
- Are people with protected characteristics likely to be affected differently even though the policy is the same for everyone?
- Could there be issues around access, differences in how a service or policy is experienced and produces outcomes that vary across different groups
- Does the policy relate to the Trust's equality objectives?

NB It is important that mitigation measures be identified and acted upon where an adverse impact is known or likely.

Step Four: Assurance

This section enables the EIA to be signed off by a head of or director for the area. This will provide assurance to the equalities team that the EIA has been thoroughly and thoughtfully conducted.

Help & Support:

The equalities team will provide advice and support throughout the EIA process. Once you have completed your EIA, you must submit these documents to the procedural documents team, who will then ask the equalities team to sign off on the final version of the form.

For training, guidance and resources, including completed example forms, please visit the equality, diversity and inclusion hub pages: [Equality, Diversity & Inclusion - Policies and Guidelines](#).

Copies of the EIA:

The manager who completed the strategy or policy review should keep copies of the form to be monitored/revisited at the following policy review. Procedural documents will also keep a copy on file. All EIA will then be published on our external web pages to demonstrate due regard for the Public Sector Equality Duty.