

## Form 1: Preparation

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To complete this form, refer to Guidance set out on Page 20 of the Toolkit

|    |  |  |
|----|--|--|
| 1. | What are you equality impact assessing?                | NHS Wales Dignity at Work Policy   |
| 2. | Policy Aims and Brief Description                      | To promote positive working relationships between all staff including enabling staff to work together effectively and to treat each other with dignity and respect.                      |
| 3. | Who is responsible for the Policy/work?                | NHS organisations  |
| 4. | Who is Involved in undertaking this EqIA?              | Welsh Partnership Forum Business Committee (Sub Group)   |
| 5. | Is the Policy related to other Policies/areas of work? | All employment policies particularly equality, health and safety, grievance and disciplinary policies, professional codes of conduct, staff charters and NHS Wales Healthcare Standards. |
| 6. | Stakeholders   | Staff (employees, students, volunteers and contractors), patients, relatives and clients.  |

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| 7. | <p><b>What might help/hinder the success of the Policy?</b></p> | <p><b>Factors that may hinder:</b></p> <ul style="list-style-type: none"> <li>Lack of leadership and commitment at Board level</li> <li>Lack of leadership and commitment to develop positive behaviours through awareness training and development</li> <li>Lack of confidence of staff to report inappropriate behaviours</li> <li>Lack of development of skills in conflict management</li> <li>Lack of financial and human resources to offer mediation service</li> <li>Difficult financial climate and reductions to budgets</li> <li>Organisational change</li> </ul> <p><b>Factors that may help:</b></p> <ul style="list-style-type: none"> <li>Introduction of stronger public sector duty</li> <li>Integration of conflict management training in management development</li> <li>Development of mediation services</li> <li>Healthcare Standards</li> <li>All Wales implementation plan to support consistent delivery of policy objectives</li> </ul> |
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## Form 2 : Information Gathering (✓)

To complete this form, refer to guidance set out on Page 22 of the Toolkit

|  | Race | Disability | Gender | Gender Reassignment | Sexual Orientation | Age | Maternity and pregnancy | Religion Belief | Marriage and Civil Partnership | Welsh Language |
|--|------|------------|--------|---------------------|--------------------|-----|-------------------------|-----------------|--------------------------------|----------------|
| Is the policy relevant to the public specific duties relating to each equality strand? Tick as appropriate (for a definition of Relevance, refer to Page 22) | ✓    | ✓          | ✓      | ✓                   | ✓                  | ✓   | ✓                       | ✓               | ✓                              | ✓              |
| In other words, should the Policy:   | ✓    | ✓          | ✓      | ✓                   | ✓                  | ✓   | ✓                       | ✓               | ✓                              | ✓              |
| • eliminate discrimination and eliminate harassment in relation to:  | ✓    | ✓          | ✓      | ✓                   | ✓                  | ✓   | ✓                       | ✓               | ✓                              | ✓              |
| • promote equality of opportunity in relation to:  | ✓    | ✓          | ✓      | ✓                   | ✓                  | ✓   | ✓                       | ✓               | ✓                              | ✓              |
| • promote good relationships and positive attitudes in relation to:  | ✓    | ✓          | ✓      | ✓                   | ✓                  | ✓   | ✓                       | ✓               | ✓                              | ✓              |
| • encourage participation in public life in relation to:   | N/A  | N/A        | N/A    | N/A                 | N/A                | N/A | N/A                     | N/A             | N/A                            | N/A            |
| In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?                 | N    | ✓          |        |                     |                    |     |                         |                 |                                |                |

The Human Rights Act contains 15 rights, all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

|   | Yes  | No  |
|---|--|-----|
| <b>Consider, is the Policy relevant to:</b>   |  |     |
| <b>Article 2 : The right to life</b><br><br><b>Examples:</b> The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control  | Staff and patient health and safety issues   |     |
| <b>Article 3 : The right not be tortured or treated in an inhuman or degrading way</b><br><br><b>Examples:</b> Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control | Issues of dignity and respect and impact of inappropriate behaviours in the workplace.<br><br>Recognise threshold is high. |     |
| <b>Article 5 : The right to liberty</b><br><br><b>Examples:</b> Issues of patient choice, control, empowerment and independence; issues of patient restraint and control  |  | N/A |

|  |   |  |
|--|---|--|
| <p><b>Article 6 : The right to a fair trial</b></p> <p><b>Example:</b> issues of patient choice, control, empowerment and independence</p>   | <p>Issue of fair decision making processes</p>  |  |
| <p><b>Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control</b></p> <p><b>Examples:</b> Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life</p> | <p>Issues may be relevant to flexible working and caring responsibilities.</p> <p>Issues of dignity and respect and privacy in relation to all of the protected characteristics</p> |  |
| <p><b>Article 11 : The right to freedom of thought, conscience and religion</b></p> <p><b>Examples:</b> The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers</p>   | <p>Issues of respect for different religious beliefs and cultural values.</p>   |  |

| Equality Strand                       | Information Gathered   |
|---------------------------------------|--|
| <b>Race</b>                           | National research highlights issues of racial harassment and discrimination inside the workplace. For example, 'Experiences of bullying and racial harassment among minority ethnic staff in the NHS' (Race Equality Foundation – November 2009).<br>Limited disaggregated workforce data available to provide evidence of local issues.   |
| <b>Disability</b>                     | National research highlights issues of bullying and harassment on the grounds of disability. For example, Insight: Work fit for all – disability, health and the experience of negative treatment in the British workplace' (EHRC 2008). Formal Inquiry into disability hate crime being undertaken by EHRC. Workplace harassment is not part of the Inquiry's terms of reference. Limited disaggregated workforce data available to provide evidence of local issues. No local evidence available to assess whether reasonable adjustment duty is relevant. |
| <b>Gender</b>                         | National research and case law highlights issues of bullying and sexual harassment and discrimination. For example, CIPD Research 2010, EOC Research 2007 and Unison Bullying Survey 2009. Limited disaggregated workforce data available to provide evidence of local issues.   |
| <b>Sexual Orientation</b>             | National research and case law highlights issues of homophobic bullying and harassment and discrimination in the workplace. For example, Bullying: Preventing the bullying and harassment of gay employees Stonewall 2007. No disaggregated workforce data to provide evidence of local issues.  |
| <b>Age</b>                            | National research and case law highlights issues of bullying and harassment and discrimination on the grounds of age inside the workplace. Case law and anecdotal information to suggest that unfair recruitment decisions and limited development opportunities may be relevant. Limited disaggregated workforce data to provide evidence of local issues.  |
| <b>Maternity and Pregnancy</b>        | Little national research on this issue found. Interesting recent Guardian article entitled "When a pregnant cause becomes more long term". No disaggregated workforce data to provide evidence of local issues.  |
| <b>Religion or Belief</b>             | Some national research highlights issues of bullying and harassment and discrimination on the grounds of religion/belief. No disaggregated workforce data to provide evidence of local issues.   |
| <b>Marriage and Civil Partnership</b> | Little national research to highlight issues of bullying and harassment and discrimination on the grounds of marriage and civil partnership. No disaggregated workforce data to provide evidence of local issues.  |

|                       |  |
|-----------------------|--|
| <b>Welsh Language</b> | No national research to highlight issues of bullying and harassment and discrimination on the grounds of the Welsh Language. No disaggregated workforce data to provide evidence of local issues.  |
| <b>Human Rights</b>   | <p>Case law and anecdotal evidence to suggest local issues in relation to investigation and complaints processes such as unreasonable delays in concluding formal processes and issues of concern in relation to impartiality and independence of decision making process.</p> <p><b>General</b></p> <p>Staff complaints and grievances are generally not monitored from an equality and human rights perspective. NHS Wales Staff survey has limited data on experiences of staff in relation to dignity at work. Mediation monitoring data is limited.</p> |

### Form 3 : Assessment of Relevance and Priority

| Equality Strand                | Evidence:<br>Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A) | Potential Impact:<br>Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B) | Decision:<br>Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C) |
|--------------------------------|--|---|---|
| Race                           | 3  | +3  | 9   |
| Disability                     | 3  | +3  | 9   |
| Gender                         | 3  | +3  | 9   |
| Gender reassignment            | 3  | +3  | 9   |
| Sexual Orientation             | 3  | +3  | 9   |
| Age                            | 3  | +3  | 9   |
| Religion or Belief             | 2  | +3  | 6   |
| Maternity and Pregnancy        | 2  | +2  | 4   |
| Marriage and Civil Partnership | 1  | +1  | 1   |
| Welsh Language                 | 1  | +1  | 1   |
|                                |  |   | 66/10 = 6.6   |

Scoring Chart A: Evidence Available  
Decision

Scoring Chart B: Potential Impact

Scoring Chart C: Impact



|   |                               |
|---|-------------------------------|
| 3 | Existing data/research        |
| 2 | Anecdotal/awareness data only |
| 1 | No evidence or suggestion     |
|   |                               |
|   |                               |
|   |                               |
|   |                               |

|    |                 |
|----|-----------------|
| -3 | High negative   |
| -2 | Medium negative |
| -1 | Low negative    |
| 0  | No impact       |
| +1 | Low positive    |
| +2 | Medium positive |
| +3 | High positive   |

|          |                     |
|----------|---------------------|
| -6 to -9 | High Impact (H)     |
| -3 to -5 | Medium Impact (M)   |
| -1 to -2 | Low Impact (L)      |
| 0        | No Impact (N)       |
| 1 to 9   | Positive Impact (P) |
|          |                     |
|          |                     |

## Form 7: Outcome Report

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To complete this form, refer to guidance at Page 41 of the Toolkit

|                      |   |  |
|----------------------|---|--|
| <b>Organisation:</b> | Welsh Assembly Government/Wales Partnership Board |  |
|----------------------|---|--|

  

|                               |                    |                         |
|-------------------------------|--------------------|-------------------------|
| <b>Proposal Sponsored by:</b> | <b>Name:</b>       | Peter Finch/Jo Davies   |
|                               | <b>Title:</b>      | Joint Chairs            |
|                               | <b>Department:</b> | Wales Partnership Board |

  

|                      |                                  |
|----------------------|----------------------------------|
| <b>Policy Title:</b> | NHS Wales Dignity at Work Policy |
|----------------------|----------------------------------|

  

|   |  |
|---|--|
| <b>Brief Aims and Objectives of Policy:</b> | To promote positive behaviours inside the workplace and enable members of staff to work together effectively and to treat each other with dignity and respect. |
|---|--|

  

|   |   |  |
|---|---|--|
| <b>Was the decision reached to proceed to full Equality Impact Assessment?:</b> | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
|   | <b>Record Reasons for Decision:</b><br>The principles and values of the policy are grounded in the promotion of fair and equal treatment. A number of issues highlighted during the review were implemented including ensuring a more simple process; and effective dovetailing with the disciplinary policy. |  |
| <b>If no, are there any</b>   | Yes <input checked="" type="checkbox"/>   | No <input type="checkbox"/>            |

|                                |  |
|--------------------------------|--|
| <b>issues to be addressed?</b> | <b>Record Details:</b> Lack of robust workforce monitoring data to be addressed through implementation plan and local arrangements. Action will be taken to ensure data gaps are addressed through Workforce Information Systems Programme and Electronic Staff Record (ESR). Also, it is recommended that qualitative research is undertaken within each NHS organisation to explore the experiences of staff using mediation and formal processes to resolve conflict inside the workplace. This should also be addressed within the policy implementation plan. |
|--------------------------------|--|

|                              |              |                                    |
|------------------------------|--------------|------------------------------------|
| <b>Is the Policy Lawful?</b> | <b>Yes</b> ✓ | <b>No</b> <input type="checkbox"/> |
|------------------------------|--------------|------------------------------------|

|                                    |   |                                    |
|------------------------------------|---|------------------------------------|
| <b>Will the Policy be adopted?</b> | <b>Yes</b> ✓  | <b>No</b> <input type="checkbox"/> |
|                                    | <b>If no, please record the reason and any further action required:</b> |                                    |

|  |  |                                    |
|--|--|------------------------------------|
| <b>Are monitoring arrangements in place?</b> | <b>Yes</b> ✓   | <b>No</b> <input type="checkbox"/> |
|  | <b>Refer to Action Plan (Form 8)</b> Monitoring arrangements will be addressed through local application of all Wales implementation plan. . |                                    |

|                                 |                    |                                  |
|---------------------------------|--------------------|----------------------------------|
| <b>Who is the Lead Officer?</b> | <b>Name:</b>       | <b>Julie Rogers</b>              |
|                                 | <b>Title:</b>      |                                  |
|                                 | <b>Department:</b> | <b>Welsh Assembly Government</b> |

|                               |  |
|-------------------------------|--|
| <b>Review Date of Policy:</b> |  |
|-------------------------------|--|

| <b>Signature of all parties</b> | <b>Name</b>      | <b>Title</b> | <b>Signature</b> |
|---------------------------------|------------------|--------------|------------------|
|                                 | Andrew Davies    |              |                  |
|                                 | David Long       |              |                  |
|                                 | Sioned Eurig     |              |                  |
|                                 | Richard Tompkins |              |                  |
|                                 |                  |              |                  |

|   |
|---|
| <b>Action Plan: Dignity at Work Policy Implementation Plan is attached.</b> |
|---|

### Form 8: Action Plan for Dignity at Work process

|   | ACTION   | WHO  | HOW/<br>WHEN                                  |
|---|--|--|---|
| <b>Monitoring Arrangements</b>                                      |  |  |   |
| How will the Policy be monitored?                                   | <p>Monitoring arrangements will be determined locally.</p> <p>Monitoring outcomes will be reported to Health Boards</p> <p>At a national level, monitoring outcomes will be reported to Wales Partnership Forum.</p> | <p>Workforce and OD Directors</p> <p>Joint Chairs, Wales Partnership Board</p> | <p>Every 6 months</p> <p>Annual reporting</p> |
| What monitoring data will be collected?                             | Local application of disciplinary procedure disaggregated against each protected equality characteristic, workplace/directorate and staff group.   | Workforce and OD Directors   | Ongoing                                       |
| <b>Other Actions</b>  |  |  |   |
| Describe any other actions highlighted through the policy screening | Policy training for managers to include scope and application of duty to consider reasonable adjustments for disabled employees  | OD Group   | To be confirmed                               |