

EQUAL OPPORTUNITIES, DIVERSITY & INCLUSION

Breaches of this section.

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure or Bullying and Harassment Procedure. Complaints will be treated in confidence and investigated as appropriate.

You must not be victimised or retaliated against for complaining about discrimination. However, making a false allegation deliberately will be treated as misconduct and dealt with under our Disciplinary Procedure.

Equal Opportunities Statement

We are committed to encouraging equality, diversity and inclusion among our workforce. The aim is for our workforce to be truly representative of all sections of society and our pupils and parents, and for each employee to feel respected and able to give their best.

We are fully committed to:

1. Treating all of our employees and job applicants equally in all aspects of employment including: recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.
2. Creating a working environment that is free of bullying, harassment, victimisation, and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
3. Employing, training and promoting employees on the basis of their experience, abilities and qualifications, without regard to race, religion or belief, sex, sexual orientation, pregnancy or maternity, gender reassignment, age, marriage and civil partnership or disability. In this policy these are known as the "Protected Characteristics".
4. Making opportunities for training, development and progress available to all employees, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the Trust.
5. Complying with our obligations under the Equality Act 2010 in respect of our Public Sector Equality Duties to:

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- Have 'due regard' to the need to eliminate discrimination, harassment and victimisation
- Have 'due regard' to the need to advance equality of opportunity
- Have 'due regard' to the need to foster good relations
- Publish equality information
- Publish equality objectives.

We will not condone any form of bullying, harassment, or unlawful discrimination whether engaged in by employees or by outside third parties who do business with us, such as pupils, parents/guardians, contractors and suppliers.

Employees have a duty to co-operate with us to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under our Disciplinary Procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

All employees should understand they, as well as the Trust, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, other staff/colleagues, governors, trustees, pupils, parents/guardians, contractors, suppliers, visitors, the public or other third parties.

You should draw to the attention of your line manager any suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct. Employees should support colleagues who suffer such treatment and are making a complaint.

Discrimination

You must not unlawfully discriminate against or harass other people, including current and former employees, job applicants, other staff/colleagues, governors, trustees, pupils, parents/guardians, contractors, suppliers, visitors, the public or other third parties. This applies in the workplace, outside the workplace (when dealing with pupils, parents/guardians, suppliers or other work-related contacts or when wearing a work uniform), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

- Direct discrimination – when someone is treated less favourably than another person because of a Protected Characteristic.
- Indirect discrimination - occurs where an individual's employment is subject to an unjustified provision criterion or practice which e.g. one sex or race or nationality

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or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.

- Associative discrimination or discrimination by association – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.
- Discrimination by perception – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.
- Harassment – unwanted conduct related to a relevant Protected Characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. You may complain of such offensive behaviour even if it is not directed towards you personally.
- Victimisation – when an employee is treated less favourably because they have made or supported a complaint or raised a grievance about unlawful discrimination or are suspected of doing so.
- Disability discrimination: this includes direct and indirect discrimination, any unjustified unfavourable treatment because of something arising in consequence of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Our Commitment

Recruitment

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant abilities and qualifications. We are committed to applying our equal opportunities policy statement at all stages of recruitment and selection.

Recruitment publicity will aim to positively encourage applications from all suitably qualified people when advertising job vacancies, in order to attract applications from all sections of the community.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular Protected Characteristics. However, where having regard to the nature and context of the work, having a particular Protected Characteristics is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, we will apply that requirement to the job role and this may therefore be specified in the advertisement.

The selection process will be carried out consistently for all jobs at all levels. We will ensure that this equal opportunities policy is available to all staff, and in particular is given to all staff with responsibility for recruitment, selection and promotion.

The selection of new staff will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question. Person specification and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or transfer will be assessed objectively against the requirements of the job.

With disabled job applicants, we will have regard to our duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

All applications will be processed consistently. The staff responsible for short listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. All questions that are put to the applicants will relate to the requirements of the job.

Training, transfer and promotion

All persons responsible for selecting new employees, employees for training or employees for transfer or promotion to other jobs will be instructed not to discriminate because of one or more of the Protected Characteristics. Where a promotional system is in operation, the assessment criteria will be examined to ensure that they are not discriminatory. The promotional system will be checked from time to time in order to assess how it is working in practice.

When a group of workers who predominantly have a particular Protected Characteristic appear to be excluded from access to promotion, transfer and training and to other benefits, our systems and procedures will be reviewed to ensure there is no unlawful discrimination.

Terms of employment, benefits, facilities and services

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of one or more of the Protected Characteristics.

Equal pay and equality of terms

We are committed to equal pay in employment. We believe our male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, we will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

Disabilities

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical

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adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

Harassment and Bullying

We are committed to providing a working environment free from harassment and bullying, which includes sexual harassment, and ensuring all staff are treated, and treat others, with dignity and respect. This includes harassment or bullying which occurs at work and out of the workplace, such as on school trips or at work-related events or social functions or on social media.

It covers harassment and bullying by staff (which may include governors, trustees, consultants, contractors and agency workers) and also by third parties such as pupils, parents/guardians, suppliers or visitors to our premises.

What is harassment?

Harassment is any unwanted physical, verbal or non-verbal **conduct** that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

Unlawful harassment may involve **conduct**:

- **related to a protected characteristic** of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation;
- of a sexual nature (**sexual harassment**); or
- of **treating someone less favourably because they have submitted, or refused to submit to, sexual harassment or harassment related to sex or gender reassignment** e.g. where a manager gives a junior employee a poor performance review because they rejected the manager's sexual advances.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include (this is a non-exhaustive list), for example:

- a. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;

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- b. disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;
- c. offensive e-mails, text messages or social media content; or
- d. mocking, mimicking or belittling a person's disability.

Sexual harassment does not need to be sexually motivated; it only needs to be sexual in nature and may include (this is a non-exhaustive list), for example:

- a. unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- b. continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- c. sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- d. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- e. intrusive questions about a person's private or sex life or a person discussing their own sex life; or
- f. sending sexually explicit e-mails or text messages or sexual posts/contact on social media.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment; or sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

What is victimisation?

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- a. Bringing proceedings under the Equality Act 2010.
- b. Giving evidence or information in connection with proceedings under the Equality Act 2010.
- c. Doing any other thing for the purposes of or in connection with the Equality Act 2010.
- d. Alleging that a person has contravened the Equality Act 2010.

Victimisation may include (this is a non-exhaustive list), for example:

- a. Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment/sexual harassment.
- b. Excluding someone because they have raised a grievance about harassment/sexual harassment.
- c. Failing to promote someone because they accompanied another staff member to a grievance meeting.

- d. Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

Harassment/sexual harassment and victimisation are unlawful and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment. All staff are encouraged to report any harassment/sexual harassment or victimisation they are a victim of, or witness, in accordance with this policy. Workers are also entitled to raise concerns about sexual harassment through the whistleblowing procedure instead if they reasonably believe the matter is in the public interest. Harassment/sexual harassment or victimisation may lead to disciplinary action up to and including dismissal without notice if they are committed:

- a. In a work situation.
- b. During any situation related to work, such as at a social event with colleagues.
- c. Against a colleague or other person connected to us outside of a work situation, including on social media.
- d. Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

If any harassment/sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

What is third-party harassment?

Third-party harassment occurs where a person is harassed/sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, or unwelcome sexual advances, from a pupil, parent/guardian, or supplier visiting the employer's premises, or where a person is visiting a supplier's premises or other location in the course of their employment.

While an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim and will not be tolerated. The law requires employers to take reasonable steps to prevent sexual harassment by third parties. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy. Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

We will take active steps to try to prevent third-party harassment of staff. Action may include: warning notices to parents/visitors or recorded messages at the beginning of telephone calls; code of conduct for parents and visitors (which includes contractors, suppliers etc) published on the school's website and displayed on the premises and communicated to those third parties; addressing all forms of third party harassment and

abuse by pupils against staff in our behaviour policies which are communicated with relevant parties; take steps to minimise occasions where staff work alone; where possible ensure that lone workers have additional support; carry out a risk assessment when planning events attended by parents/clients and/or suppliers. If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises/excluding them from the School, reporting any criminal acts to the police, and sharing information with other schools.

What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include (this is a non-exhaustive list), for example:

- a. physical or psychological threats;
- b. overbearing and intimidating levels of supervision;
- c. inappropriate derogatory remarks about someone's performance.

However, legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

If you are being harassed/sexually harassed/victimised/bullied

If you are being harassed/sexually harassed/victimised/bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or another manager/member of the senior team where it concerns your line manager) who can provide confidential advice and assistance in resolving the issue informally or formally. If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our **Grievance Procedure** and it will be dealt with under that procedure, taking into account the below.

We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship and/or to provide protection between you and between other staff and the person accused during the investigation.

If the harasser or bully is a third party such as a pupil/parent/guardian/supplier/visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and

the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

Once the investigation is complete, we will inform you of our decision. If we consider that there is a case to answer and the harasser or bully is an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. The outcome of our investigation may be put on hold while disciplinary action is taken. Where the disciplinary outcome is that harassment/sexual harassment/victimisation/bullying occurred, prompt action will be taken to address it. We will also consider what additional measures need to be taken to prevent future sexual harassment of staff.

Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

Protection and support for those involved

Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

Any disclosure that sexual harassment has occurred, is occurring, or is likely to occur may amount to a protected disclosure under the rules on whistleblowing if you reasonably believe the matter is in the public interest. Workers may raise concerns about sexual harassment under this policy or under our Whistleblowing Policy.

We will review this policy regularly and monitor its effectiveness. This will include monitoring the treatment and outcomes of any complaints of harassment, sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.

[We offer access to confidential employee support/counselling, which is available on request for anyone affected by, or accused of, harassment/sexual harassment or bullying. The helpline number is 01623 287840 and email address is learnmore@educationmutual.co.uk or you can request access to services via the contact forms at www.educationmutual.co.uk/contact-us/

Support and guidance can also be obtained from the following external services:

- a. The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
- b. Protect (www.protect-advice.org.uk).
- c. Victim support (www.victimsupport.org.uk).
- d. Rights of women (England and Wales) (www.rightsofwomen.org.uk)

Record-keeping

Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents

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compiled during the process. These will be processed in accordance with our Data Protection Policy.