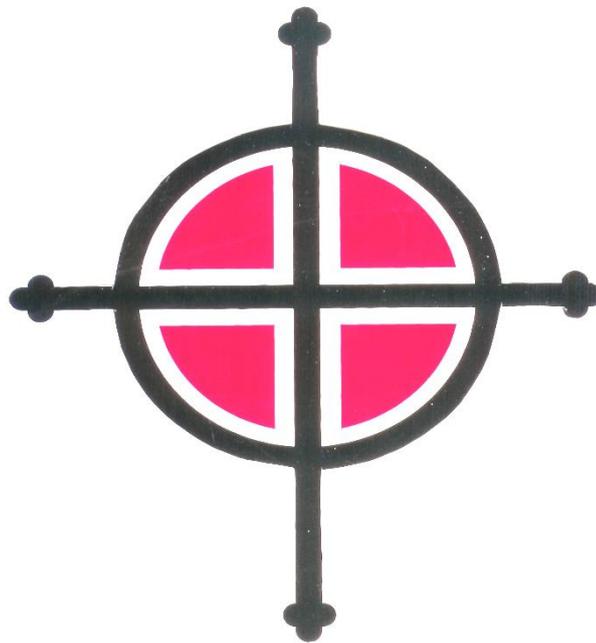


EQUAL OPPORTUNITIES AND DIGNITY AT WORK POLICY



St Philip Westbrook C of E Aided Primary School

Date of Review	Action
MAY 2014	Updated
MAY 2017	

EQUAL OPPORTUNITIES AND DIGNITY AT WORK

Policy statement

The School is an equal opportunity employer and is fully committed to a policy of treating all of our members of staff and job applicants equally. The School will avoid unlawful discrimination 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.

The School will take all reasonable steps to employ and promote members of staff on the basis of their abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation. In this policy, these are known as the 'protected characteristics'. The School will appoint, train, develop and promote on the basis of merit and ability alone.

The School will also take all reasonable steps to provide a work environment in which all members of staff are treated with respect and dignity and that is free of harassment and bullying based upon age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation. In this policy, these are known as the 'anti-harassment protected characteristics'. All members of staff are responsible for conducting themselves in accordance with this policy and the School will not condone or tolerate any form of harassment, whether engaged in by our members of staff or by outside third parties of the School, such as parents, contractors and suppliers.

You have a duty to co-operate with the School to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the School's disciplinary procedure if you are found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work policy statement will be treated as gross misconduct and could result in your summary dismissal. You should also bear in mind that you can be held personally liable for any act of unlawful discrimination or harassment. If you commit a serious act of harassment, you may additionally be guilty of a criminal offence.

The School will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against our members of staff.

You should draw the attention of your line manager to suspected discriminatory acts or practices or suspected cases of bullying or harassment. You must not victimise or retaliate against a member of staff 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 gross misconduct under the School's disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

Direct discrimination

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or a member of staff is treated less favourably than other job applicants or members of staff are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant's or employee's own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or a member of staff has a particular protected characteristic when in fact they do not.

The School will take all reasonable steps to eliminate direct discrimination in all aspects of employment.

Indirect discrimination

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or members of staff but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criterion or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant's or employee's. A PCP is discriminatory in relation to a protected characteristic of the job applicant's or employee's if:

- It is applied, or would be applied, to persons with whom the job applicant or employee does not share the protected characteristic,
- The PCP puts, or would put, persons with whom the job applicant or employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or employee does not share it,
- It puts, or would put, the job applicant or employee at that disadvantage, and

- It cannot be shown by the School to be a proportionate means of achieving a legitimate aim.

The School will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

Recruitment, advertising and selection

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 experience, abilities and qualifications. The School is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements 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, the School will, as far as reasonably practicable:

- Ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic;
- Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of people with a particular protected characteristic.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible members of staff in such a way that they do not restrict applications from members of staff with a particular protected characteristic.

However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, the School 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. All applications will be processed in the same way. 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. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled job applicants, the School will have regard to its duty to make reasonable adjustments to work provisions, criteria or 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.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

Training and promotion

The School will train all line managers in the School's policy on equal opportunities and in helping them identify and deal effectively with discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensure they actively promote equal opportunity within the departments for which they are responsible.

The School will also provide training to you to help you understand your rights and responsibilities in relation to equal opportunities and dignity at work and what you can do to create a work environment that is free of discrimination, bullying and harassment.

Where a promotional system is in operation, it will not be discriminatory and it will be checked from time to time 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, the promotional system 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 direct or indirect discrimination because of one or more of the protected characteristics.

Equal pay and equality of terms

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

Bullying and harassment

This policy covers bullying and harassment both in the workplace and in any work-related setting outside the workplace, for example, during school trips and at work-related social events.

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates you.

A member of staff harasses you if they engage in unwanted conduct related to an anti-harassment protected characteristic, and the conduct has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you.

A member of staff also harasses you if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you.

Finally, a member of staff harasses you if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you, and because of your rejection of or submission to the conduct, they treat you less favourably than they would treat you if you had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the anti-harassment protected characteristic of a third party with whom you are associated and not on your own anti-harassment protected characteristic, or if it was directed at someone other than you, or even at nobody in particular, but you witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that you have a particular anti-harassment protected characteristic, when in fact you do not.

Conduct may be harassment whether or not the person intended to offend you. Something intended as a joke or as banter may offend you. This is because different members of staff find different levels of behaviour acceptable and you have the right to decide for yourself what behaviour you find acceptable to you.

Behaviour which a reasonable person would realise would be likely to offend you will always constitute harassment without the need for you having to make it clear that such behaviour is unacceptable, for example, someone touching you in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend you, for example, banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after you have made it clear, by your words or your conduct, that such behaviour is unacceptable to you. A single incident can amount to harassment if it is sufficiently serious.

Examples

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- Unwelcome sexual advances, requests for sexual favours and other conduct of a sexual nature.
- Subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic.
- The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
- Jokes or pictures of a sexual, sexist or racist nature or which are otherwise derogatory in relation to an anti-harassment protected characteristic.
- Demeaning comments about a member of staff's appearance.
- Questions about a member of staff's sex life.
- The use of nicknames related to an anti-harassment protected characteristic.
- Picking on or ridiculing a member of staff because of an anti-harassment protected characteristic.
- Isolating a member of staff or excluding them from social activities or relevant work-related matters because of an anti-harassment protected characteristic.

Reporting complaints

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The School will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of staff.

If you wish to make a complaint of discrimination, you should use the School's grievance procedure (see the ***Grievance Procedure*** section).

With cases of harassment, while the School encourages you to notify the offender (by words or by conduct) that their behaviour is unwelcome, the School also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal, direct communication is either ineffective or impractical or the situation is too serious to be dealt with informally, you should follow the procedure set out below.

If you wish to make a complaint of harassment, you should follow the following steps, whether that complaint is against a fellow employee or against a third party, such as a client, customer, contractor or supplier:

1. First of all, report the incident of harassment to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager or to the LA HR Department.
2. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All allegations of harassment or bullying will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory

process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of the incident or complaint and the basis for it. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the School must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, your identity and the nature of the allegations must be revealed to the alleged bully or harasser so that they are able to fairly respond to the allegations. The School reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.

4. Once the investigation has been completed, you will be informed in writing of the outcome and the School's conclusions and decision as soon as possible. The School is committed to taking appropriate action with respect to all complaints of harassment or bullying which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged bully or harasser (see below).
5. If your complaint is upheld and the bully or harasser remains in the School's employment, the School will take all reasonable steps to ensure that you do not have to continue to work alongside the bully or harasser if you do not wish to do so. The School will discuss the options with you.
6. If your complaint is not upheld, arrangements will be made for you and the alleged bully or harasser to continue or resume working and to repair working relationships.

Alternatively, you may if you wish use the School's grievance procedure to make a complaint of harassment (see the **Grievance Procedure** section).

You will not be penalised or victimised for raising a complaint of discrimination or harassment, even if it is not upheld, unless your complaint was both untrue and made in bad faith.

Disciplinary action

If you are found to have discriminated against or harassed another employee in violation of these rules, you will be subject to disciplinary action under the School's disciplinary procedure. Such behaviour may be treated as gross misconduct and could result in your summary dismissal.

In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it may also be subject to disciplinary action under the School's disciplinary procedure.

Monitoring equal opportunity and dignity at work

The School will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of our working practices. If changes are required, the School will implement them. The School will also make reasonable adjustments to our standard working practices to overcome substantial disadvantages caused by disability.