

## **Equal Opportunities and Dignity at Work Policy**

This policy applies to all members of staff, whether permanent, temporary, casual, part-time or on fixed-term contracts, volunteers and to job applicants.

This policy does not form part of any employee's contract of employment and may be amended at any time.

### **1. The School's Commitment**

The School is an equal opportunities employer and is committed to using its best endeavours to ensure that all of its activities in recruitment, selection, employment and in relation to its provision of services are governed by the principles of equality of opportunity, whilst ensuring compliance with the relevant legislation and Codes of Practice.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff and volunteers must treat fellow colleagues, pupils, and former members of staff.

Royal Russell School welcomes diversity among its staff, volunteers and pupils, recognising the particular contributions to the achievement of the School's strategic priorities and mission which can be made by individuals from a wide range of backgrounds and experiences. Royal Russell aims to provide an inclusive environment which promotes equality, values diversity and maintains a working, learning, social and public environment in which the rights and dignity of all its staff, volunteers and anyone in contact with the School are respected. We are committed to achieving and maintaining a workforce which represents the population within our recruitment area in terms of race or colour, nationality or national or ethnic origins, religion or belief, sex, sexual orientation, pregnancy or maternity, marital or civil partnership status, gender reassignment, age, and disability (together known as "Protected Characteristics").

To this end, we shall regularly review the operation of our recruitment, promotion, training and development policies to ensure that no applicant for employment or member of staff is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

For ease of reading, a summary of the employment law on equality and some definitions have been included in sections 8 and 9 of this policy.

### **2. Principles**

No employee or prospective employee will receive unfair or unlawful treatment on the grounds of a Protected Characteristic, because they are perceived to have a Protected Characteristic or because they are associated with someone who has a Protected Characteristic, in particular but not only, in relation to:

- Recruitment and selection
- Promotion, transfer and training opportunities
- Benefits, terms and conditions of employment
- Grievance and disciplinary procedures

- Termination of employment including redundancies
- Conduct at work

In order to support its commitment as an equal opportunities employer, the School will gather personal information about job applicants in order to ensure our recruitment processes are being carried out fairly and without discrimination. The information gathered will be treated in the strictest confidence and recorded and retained in the HR department in line with data protection principles and in accordance with Appendix C Privacy Notice (Recruitment) of the School's Recruitment, Selection and Disclosures Policy. Information provided by applicants on equal opportunities monitoring forms will not be seen by staff directly involved in any recruitment.

### **3. Implementation**

The School with the assistance of the staff will:

- Break down any barriers to equality of opportunity which may prevent staff members realising their full potential or accessing benefit.
- Advertise vacancies and ensure job selection criteria are appropriate for the job.
- Promptly and fully investigate all complaints of discrimination and harassment, taking appropriate action where necessary (See section 5 of this Policy).
- Ensure that all members of staff are fully informed and trained on this Policy.
- Monitor the composition of the School and the effects of its recruitment practices.
- Examine and review existing procedures to ensure they are not discriminatory in their operation.
- Ensure that the language used in official communication reflects the letter and spirit of the policy.
- Challenge stereotyping and prejudice wherever it occurs.
- Celebrate the cultural diversity of our community and show respect for all minority groups.
- Carry out an annual Gender Pay Gap analysis, publish the results on the school website which can be accessed via the following link and implement an action plan to address any issues highlighted by the report

### **4. Recruitment and Selection**

The staffing process is governed by the School's principles of non-discrimination and is designed to achieve the best match between, on the one hand, the individual's knowledge and skills, experience and character and, on the other hand, the requirements of the vacant post, recognising the need for flexibility to respond to changing conditions.

- The capability of the individual to perform in the position will be the major selection criterion but the ability both to work with others and to be trained, coupled with individual potential will be taken into account.
- All applicants will be dealt with courteously and as expeditiously as possible.

- Carefully selected and validated skills and/or psychometric tests may be used as part of the selection process and will be administered by a trained tester.
- Appointments will be confirmed on receipt of satisfactory references, DBS checks (and, where applicable, a check of the prohibition order), evidence of medical fitness (including a satisfactory medical report) and satisfactory completion of a probationary period. Applicants will not be asked health-related questions before any job offer is made unless specifically related for the job role

## 5. Dignity at Work-Our Anti-Harassment and Bullying Policy

The School is committed to providing a working environment free from harassment and bullying and ensuring that all staff are treated, and treat others, with dignity and respect. You should not engage in any behaviour or conduct which may amount to harassment of another person at work. Harassment of any kind is regarded as a disciplinary offence and in serious instances may lead to instant dismissal.

This policy covers 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. It covers bullying and harassment by staff (which may include volunteers, consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises.

**Harassment** may be broadly understood as consisting of unwarranted or unwanted behaviour or conduct whether physical, verbal or non-verbal, 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.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to 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. Harassment is unacceptable even if it does not fall within any of these categories.

It may also include the form of unwanted conduct towards someone based on their appearance or other personal characteristics which they perceive as affecting their dignity at work and which may be impacting on their mental or physical health. Examples of harassment include:-

- unwanted physical contact or "horseplay", including touching, pinching, pushing and grabbing, assault or propositions;
- sexual advances, suggestive remarks, gestures or behaviour (which the harasser may perceive as harmless),
- pin-ups, graffiti, offensive comments, jokes and banter, offensive e-mails, text messages or social media content, or
- mocking, mimicking or belittling a person's disability.

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.

**Bullying** may be directed towards one individual or a group and is often based on 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. It includes physical, mental,

verbal or non-verbal behaviours which may be passive, obvious and public or subtle and hidden, face to face or via telephone, email, text or social networking and includes cyberbullying/trolling).

Examples of bullying include:-

- offensive, malicious, insulting or intimidatory behaviour,
- physical or psychological threats,
- persistent teasing or constant unfounded criticism of the performance of work tasks,
- overbearing and intimidating levels of supervision,
- inappropriate derogatory remarks about someone's performance,
- unfair allocation of work and responsibilities, or
- exclusion from normal work place conversation.

A single incident can amount to harassment if sufficiently grave.

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.

### **Procedure**

If you are being harassed or 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 not appropriate or has not been successful, you should speak to your line manager or a member of HR, who can provide confidential advice and assistance in resolving the issue formally or informally. You may seek support during this process from colleagues, HR, the Health and Wellbeing Team, the Chaplain or from the confidential EAP.

If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Staff Grievance Procedure. We recognise that for some staff it may be difficult to raise an issue at the time because of fear of victimisation but we will nevertheless attempt to deal with any such concerns raised.

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 between you and the person accused during the investigation.

Once the investigation is complete, we will inform you of our decision, the steps we will be taking to address the complaint and any measures to prevent a similar event re-occurring in the future. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a parent or visitor, we will consider what action would be appropriate to deal with the problem. 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 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. The School will seek to ensure that you are not in any way penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.

We offer access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. The details are available in confidence from HR.

### **False or malicious allegations**

Making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

### **Record keeping**

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy and Staff Privacy Notice.

## **6. The School's Responsibilities**

### **6.1 Governing Body**

The Board of Governors of Royal Russell School has overall responsibility for setting strategic direction and for taking all reasonable steps to ensure equality of opportunity and dignity at work and the prevention of discrimination, harassment and victimisation of staff, job applicants, pupils and volunteers in their relationship with the School.

### **6.2 Line managers' responsibilities**

The Headmasters, Director of Operations, School Leadership Team and Heads of Department (Academic and Operational) are responsible for setting the School's strategic objectives for equality and diversity and for the day to day implementation and delivery of these.

The School Leadership Team is responsible for the development, implementation and review of policies and practices to support this Policy including ensuring that the principles of equality of opportunity are promoted within the curriculum, that respect for other people is embedded in all aspects of School life, and that any incidents of unfair treatment, or cases of harassment are promptly responded to and dealt with.

### **6.3 Responsibilities of staff and volunteers**

All members of staff and volunteers should support the School to meet its commitment to provide equal opportunities in employment and to avoid unlawful discrimination.

The School expects all staff to take personal responsibility for familiarising themselves with this policy and to conduct themselves in an appropriate manner towards other staff, pupils volunteers and users of its services. Staff should adhere to the standards and expectations of conduct and behaviour as set out in the Staff Code of Conduct.

Members of staff should not engage in any behaviour or conduct which may amount to harassment of another person at work, and should take an active stance to create an environment that is free of discrimination, bullying and harassment. Specifically staff should:-

- promote an inclusive and collaborative ethos in their classroom, ensuring that all pupils are treated fairly, equally and with respect,
- challenge any incidents of discrimination, prejudice or racism that may occur
- select classroom material with positive images of minority groups and challenges stereotypical images,
- plan and deliver curricula and lessons that reflect the principles in this policy
- support pupils in their class for whom English is an additional language
- keep up-to-date with equalities legislation relevant to their work.

Individual staff can be held personally liable as well as, or instead of, the School, for any act of unlawful discrimination. Members of staff who commit serious acts of harassment may be guilty of a criminal offence.

## **7. Disability**

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

A disability will not of itself justify the non-recruitment of an applicant for a position at the School. Such reasonable adjustments to the application procedures shall be made as are required to ensure that applicants are not disadvantaged because of their disability. For example, where written tests are used, alternative arrangements will be made for visually impaired applicants.

If you experience difficulties at work because of your disability, you may wish to contact your Head of Department to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your Head of Department may wish to consult with you, your medical adviser and the School's Occupational Health Adviser about possible adjustments and you may be required to give your consent to a report being produced about your state of health and ability to perform your duties. 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. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness.

The School will make such adjustments to work arrangements or School premises as are reasonable to enable a disabled staff member to carry out his or her duties. This will include, but is not limited to, consideration of the provision of specialist equipment, adaptations to physical environment or work requirements, job redesign and/or flexible hours.

Where during the course of their employment a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or School premises, he or she should discuss this requirement with the Director of Operations.

## **8. The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, eg refusing to give a reference for a reason related to one of the protected characteristics.

It is generally unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services (such as education provision) or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## 9. Definitions

**Disability:** Under the Equality Act, a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

**Victimisation:** Victimisation is defined in the Equality Act as treating someone badly because they have committed a 'protected act' (or because the institution believes that a person has or is going to do a protected act). A 'protected act' is making a claim or complaint of discrimination (under the Equality Act) helping someone else to make a claim by giving evidence or information, making an allegation that the further or higher education institution or someone else has breached the Act, or doing anything else in connection with the Act.

**Harassment:** There are three types of harassment that are unlawful under the Equality Act: unwanted conduct related to a relevant protected characteristic, unwanted conduct of a sexual nature or that is related to gender reassignment or sex, and less favourable treatment because the person concerned submits to or rejects the unwanted conduct which has the purpose or effect of either violating the recipient's dignity or creates and intimidating, hostile, degrading, humiliating or offensive environment for them. 'Of a sexual nature' can cover verbal, nonverbal or physical conduct including unwelcome sexual advances, inappropriate or unwanted touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

**By Association:** The Act includes discrimination by association ie being related to, or friendly with, someone with a protected characteristic, or perceiving someone to have a protected characteristic.

## 10. Breaches of this policy

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 been the subject of discrimination you can raise the matter informally in accordance with Section 5 of this Policy, or formally through our Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

## 11. Associated Policies

In order for this policy to be applied effectively it must be read and understood in conjunction with other School policies, most particularly:

Staff Code of Conduct  
Staff Privacy Notice  
Recruitment, Selection and Disclosures Policy including the Privacy Notice (Recruitment)  
Grievance Procedure  
Disciplinary Procedure  
Capability Procedure  
Staff Health, Wellbeing and Absence Management Policy  
Safeguarding (including Child Protection) Policy and Procedures

<b>Reviewed by and approved by EWC</b>	February 2020
<b>Reviewed and approved by Board</b>	March 2020
<b>Next review due</b>	February 2022