



Houlton
CofE Academy Trust

Equal Opportunities and Dignity at Work

Communicating Love; Inspiring
Communities to Flourish

2021

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1. Equal Opportunities Policy statement

Houlton Church of England Multi Academy Trust is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

We do not discriminate against staff on the basis 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 (**protected characteristics**). Amended in line with the Equality Act 2010.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents, governors, third party organisations and former staff members.

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status.

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

2. Who is covered by the policy?

This policy covers all individuals working at all levels and grades, including members of the senior leadership team, teachers, teaching assistants, learning mentors, support staff, trainees, home workers, part-time and fixed-term employees, volunteers, interns, casual workers and agency staff (collectively referred to as **staff** in this policy).

3. Who is responsible for this policy?

Our Board of Trustees (the Board) has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the Trust Business Manager and Trust Executive Officer working with the Trust HR, Pay and Remuneration Committee.

All members of the senior leadership team within the Academy must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. The Trust Business Manager has overall responsibility for equal opportunities training.

If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact the Trust Business Manager.

4. Scope and purpose of the policy

This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

We will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

5. Forms of discrimination

Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.

6. Recruitment and selection

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. Short listing of applicants will be done by more than one person wherever possible.

Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. We take steps to ensure that our vacancies are advertised to a diverse labour market.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which will only be used with the HR's approval. For example:

- o Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).

- o Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- o Positive action to recruit disabled persons.
- o Equal opportunities monitoring (which will not form part of the decision-making process).

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of a HR Advisor (who will first consider whether such matters are relevant and may lawfully be taken into account).

We are required by law to ensure that all staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, will be expected to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an applicant's chances of recruitment or any other decision related to their employment. The information is removed from applications before short listing, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

7. Staff training and promotion and conditions of service

Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify

and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they equal opportunities for all.

8. Termination of employment

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

9. Disability discrimination

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

If you experience difficulties at work because of your disability, you may wish to contact your line manager or Human Resources to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or a member of the HR team may wish to consult with you and a medical adviser(s) 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 place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

10. Zero hours, Fixed-term employees and agency workers

We monitor our use of zero hours and fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11. Part-time work

We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

12. Breaches of this policy

If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter with your line manager and / or a member of the HR team.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.

Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

13. Monitoring and review of the policy

This policy is reviewed by the Trust Business Manager, Chief Executive Officer and HR, Pay and Remuneration Committee at least annually.

We will continue to review the effectiveness of this policy to ensure it is achieving its objectives. As part of this process we monitor the composition of job applicants and the benefits and career progression of our staff.

Staffs are invited to comment on this policy and suggest ways in which it might be improved by contacting the Trust Business Manager.

Dignity at work

1. Dignity at Work Statement of principles

- All members of the school workforce (as defined in section 2) have a right to be treated with dignity and respect in the workplace
- Workplace harassment, bullying and victimisation are totally unacceptable
- No member of the school workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public or other individuals they may encounter at work, or on school trips
- The school recognises that any member of the school workforce can be subjected to these forms of behaviour
- The school will assess whether harassment, bullying or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator
- The school will not base decisions about handling harassment, bullying or victimisation on whether someone submitted to or rejected a particular instance of harassment, bullying or victimisation

The school strives for a workplace that's free of harassment, bullying and victimisation through:

- Raising awareness of the issues of harassment, bullying and victimisation, and refusing to tolerate these behaviours
- Supporting any member of the school workforce who is harassed, bullied or victimised
- Dealing with any issues through agreed processes when they are raised
- Ensuring that senior leaders demonstrate and uphold high standards of conduct

2. Legislation and guidance

This policy is based on the Acas guidance 'Bullying and harassment at work: a guide for managers and employers' (2014).

This policy follows the principles of the:

- Equality Act 2010
- Protection from Harassment Act 1997 (which makes provision for protecting individuals from harassment and similar conduct)
- Employment Rights Act 1996 (which is particularly relevant if the school is considering a dismissal)
- Employment Relations Act 1999 (where a dispute progresses to an employment tribunal)

Where it becomes necessary to bar an individual from school premises, we will refer to the Department for Education's guidance on controlling access to school premises.

This policy is designed to protect all current and former members of the school workforce.

For the purposes of this policy, the term 'school workforce' includes:

- Agency workers
- Consultants
- Casual workers
- Interns
- Apprentices
- Volunteers, including governors
- Job seekers and job applicants

This policy does not form part of any employee's contract of employment and we may amend it at any time.

3. Definitions

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the school workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

4. Harassment

Harassment, as defined in the Equality Act 2010, is:

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.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature which has the same purpose or effect on the individual as described at the beginning of this section (3.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex, this conduct has the same purpose or effect described at the beginning of this section (3.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable, and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

5. Bullying

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct.

The words 'bullying' and 'harassment' are often used interchangeably in the workplace. The impact on the individual can be the same as harassment.

6. Victimisation

Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

7. Examples of unacceptable behaviour

Unacceptable behaviour in this school may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker

- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities

This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communications
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

8. Reasonable management

The school differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation.

Legitimate, justifiable, appropriately conducted monitoring of a member of the school workforce's behaviour or job performance does not therefore constitute bullying, harassment or victimisation.

9. Roles and responsibilities

The Trust board

The Trust board:

- Ensures complaints and allegations are handled according to agreed procedures
- Holds the CEO to account for the implementation of this policy
- Ensures that this policy is periodically reviewed and kept up to date
- Deals with complaints raised by or about the CEO

The CEO/HT

The CEO/HT:

- Works to ensure that the working environment is free from harassment, bullying and victimisation
- Works to check that complaints and allegations are handled according to agreed procedures

All members of the Trust workforce

All members of the Trust workforce:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Support colleagues who experience unacceptable behaviour and who are considering making a complaint, or have made a complaint
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

Line managers

Line managers, and those fulfilling this role when a complaint is about the line manager:

- Will listen to and take seriously any member of the school workforce who comes to them with a concern or complaint regarding harassment, bullying or victimisation

10. What to do if you're being harassed, bullied or victimised

If you are being harassed, bullied or victimised by an employee (as defined in 8.1, below), stakeholder (as defined in 8.2, below) or pupil, speak to your line manager within the school. They can provide confidential advice and assistance in resolving the issue.

If your line manager is the subject of your complaint, speak to the Headteacher/CEO.

In the case of members of the Trust board, 'line manager' in this policy means the chair of the Trust board. If the chair is the subject of your complaint, speak to a Member of the Trust.

For job applicants, job seekers and former members of the school workforce, 'line manager' in this policy means the Headteacher.

Consider whether you feel able to raise the issue informally with the person responsible.

Your line manager (or the headteacher if your complaint is about your line manager, or chair of the governing board) can support you with this.

If you do raise the issue with the individual, you should explain clearly that their behaviour is not welcome or makes you uncomfortable. It may be that they are not aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect.

If you feel uncomfortable raising the matter with the individual informally, or you have tried to do so without a successful resolution, the school will decide whether your complaint should be dealt with formally under this policy or under the school's grievance procedures. It is for the school to determine the appropriate procedure, based on the facts of the case.

If the complaint is dealt with under this dignity at work policy, the school will follow the procedure set out below.

If the complaint is dealt with under the school's grievance procedures, you should refer to those.

11. Formal procedure for managing complaints

How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee, a stakeholder or a pupil. Each option, and who it relates to, is set out below.

For all allegations of members of the school workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.

Where a complaint has been raised and is being investigated under this procedure, the school will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

Alleged harassment, bullying or victimisation by employees

The school will use this process if the complaint relates to someone employed directly by the school, or where the school has the power to take professional or disciplinary action.

Submitting a formal complaint

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the complainant should submit their complaint in writing to their line manager. If the complaint relates to their line manager, it should be sent to the Headteacher or Chair of Governors.

The written complaint should set out the nature of the complaint with reference to specific incidents where possible, including times, dates and witnesses. It is important that it contains sufficient detail to enable the nature of the complaint to be determined.

Formal investigation

Once a written complaint is received, an investigating officer will be appointed to carry out an investigation into the complaint. This will be an independent individual with no prior knowledge of the complaint.

Both the complainant and the subject of the complaint should be advised that a formal complaint has been made and that an investigation will take place.

An interview will usually be arranged with the complainant within one week of receipt of the complaint. The subject of the complaint will then be interviewed, and will be allowed the opportunity to respond to the complaint. There is no entitlement for the subject of the complaint to see the written complaint, but they should be provided with information as to the nature of it.

Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker, or a friend.

If any other witnesses are deemed pertinent to the investigation, the investigating officer will arrange to speak with them and will review relevant information and documentation.

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation.

The Headteacher, supported by a panel of Governors and advised by the Trust HR provider will decide on the action to be taken.

Action following the investigation

If the investigating officer upholds the complaint against the employee, possible outcomes may be:

- Disciplinary action
- Mediation
- Mandatory training

If the investigating officer does not uphold the complaint, possible outcomes may be:

- No action
- Mediation

These lists are not intended to be exhaustive.

Alleged harassment, bullying or victimisation by stakeholders

The school will use this process if the complaint relates to someone not employed directly by the school, or when the school doesn't have the power to take any professional or disciplinary action against the person in question.

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint. This may involve:

- Mediation
- Putting up signs setting out acceptable and unacceptable behaviour

- A verbal warning
- A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the school will consider further action. This may involve a meeting to discuss a ban from the school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises (see section 2 of this policy).

If the individual is a parent of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

Alleged harassment, bullying or victimisation by pupils

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the school will then refer to the behaviour policy, and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.

Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

Continued working relationships

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action, and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

Appeals

If the complainant is not satisfied, they should write to the Chair of Governors within 10 working days of being informed of the outcome of the procedure.

An appeal hearing will then be arranged within a reasonable period of time, and will be dealt with by an appropriate level of senior management with no prior involvement with the complaint and/or investigations and with a panel of Governors not previously involved.

The complainant may be accompanied at the hearing by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker, or a friend.

The appeal outcome will be confirmed in writing within 5 working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision or may uphold the appeal and overturn the original decision.

12. Confidentiality

The school will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

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.

A complaint about a pupil may be stored on their educational record.

Information will be processed in line with data protection law. It will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

13. Further information

An employee can seek further information on harassment, bullying and victimisation from their:

- Line manager
- Trade union representative
- Headteacher
- Governing Body Chair

14. Monitoring arrangements

This policy is reviewed by the Trust Business Manager, Chief Executive Officer and HR, Pay and Remuneration Committee at least annually.

15. Links to other policies

This policy is linked to the following policies:

- Staff grievance procedures
- Staff disciplinary procedures
- Whistle-blowing policy
- Staff code of conduct
- Behaviour policy
- Safeguarding policy