



**The
Three
Rivers**
Learning Trust

Name of Policy	Equal Opportunities & Dignity at Work
Policy Number	NS32
The Three Rivers	
Named Person(s)	Mark Tait
Review Committee	Board
Last review date	Spring 2020
Next review date	Spring 2023

Key Changes	<ul style="list-style-type: none">• School Bus, NCC and NHS sources• minimal updates
Sources	School Bus, NCC
Statutory/Non-Statutory	Non-Statutory

1 Scope

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. Please refer to the Flexible Working Policy.

2 Purpose

The purpose of this policy is to set out the behaviour and conduct expected of all staff to ensure that everyone is treated with dignity and respect. It provides a range of options to help staff deal with a situation where they consider the behaviour of someone else to be inappropriate.

3 Legal considerations

For behaviour to count as harassment in equality law, it has to be one of three types:

- unwanted behaviour related to age, disability, race, sex, gender reassignment, religion or belief or sexual orientation that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment;
- sexual harassment, which takes place when a person does something of a sexual nature (which might be verbal, non-verbal or physical) that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment for that person; or
- an employee is treated less favourably than others because he or she either submits to or rejects sexual harassment or harassment related to sex or gender reassignment.

A complaint can be made against the employer and the specific individual(s) responsible for the harassment.

Employers, in certain circumstances, may also be held responsible for harassment of their employees by a third party, such as a member of the public, service user or contractor. This includes pupils and their parents in a school context. An employer may be held liable if they fail to take reasonable steps to protect the worker from harassment. To protect themselves employers should take discriminatory acts seriously and be seen to implement proactive measures which make members of the public, service users or contractors aware of their obligations not to harass employees.

Some forms of harassment, such as racially motivated incidents, can be a criminal offence and the police would investigate such complaints.

Harassment at work is sometimes linked to bullying. Bullying behaviour may or may not amount to harassment in equality law, depending on whether it is linked to any of the above protected characteristics.

4 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, associate 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).

5 Roles and Responsibilities

Board of trustees: The Board of Trustees has a role in ensuring that a suitable working environment is provided for staff, including the establishment of appropriate policies and encouraging appropriate reporting.

Headteacher/managers: The headteacher and other managers are responsible for helping staff to resolve their differences wherever possible and, in particular, encouraging reporting and ensuring that serious matters are appropriately dealt with using the relevant formal procedure. They also need to take reasonable steps to prevent harassment by a third party.

Employees: Every employee is under a duty to behave appropriately at all times and to actively seek to prevent harassment, discrimination, bullying and all other forms of unwarranted or improper behaviour in the workplace. Failure to do so, or inciting someone else to act inappropriately, may result in disciplinary action.

6 Policy statement

The 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.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, 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.

7 Publicising the policy

All staff will have access to this policy electronically via the HR Google Site.

Schools will ensure that awareness and understanding of harassment in both employment and service delivery is included in the induction of new staff and volunteers.

8 Harassment

Harassment is defined as unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. It is the impact of the action upon the recipient, rather than the intention of the perpetrator, that principally (though not exclusively) defines acceptable or unacceptable behaviour. Harassment on the grounds of a protected characteristic is unlawful. (refer to paragraphs 19 and 20)

9 Bullying

Bullying at work can take many forms. It can involve ignoring or excluding someone, spreading malicious rumours or gossip, humiliating someone in public, giving someone unachievable or meaningless tasks or constantly undervaluing someone's work performance. There is no legal

definition of workplace bullying. "Bullies" are often – but not always – more senior than the person they are bullying. "Bullies" sometimes target groups as well as individuals. (refer to paragraphs 19 and 20)

10 Effects and implications

Harassment and bullying cause distress and can harm the health of the person suffering the harassment. It may lead to anxiety, stress, increased sickness absence and, ultimately, to an individual resigning from their post. Ignoring or condoning harassment can therefore reduce efficiency, damage morale, increase staff costs and leave individual managers and the organisation at risk of legal claims.

Breaches of this policy are serious offences that could leave offenders open to disciplinary action including dismissal. However, the prime objective is to draw attention to and thereby prevent improper behaviour in the workplace. All allegations will receive serious and confidential consideration.

11 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.

12 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 COO approval. For example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
- Positive action to recruit disabled persons
- 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 an HR specialist (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.

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.

13 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.

14 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.

15 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 appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or the HR team 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 students at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and students.

16 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

17 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.

18 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.

19 What can an employee do if they think they are being harassed?

An employee can:

- ask the person to stop; and
- ask for help.

Staff suffering harassment can raise their concerns through a number of different channels, either informally or formally. Wherever possible staff are encouraged to raise any concerns with their line manager but it is understood that, sometimes, individuals may not feel able to use this approach. Any employee unsure about how to make a harassment complaint can contact their trade union representative or the HR team for advice about how to access the procedure.

20 Advice and support

Informal and confidential advice is available from a number of sources including;

Internal -

Line Manager

- Confidential discussion with your line manager, any senior leader or our Human Resources team, Sarah Hall or Paula Reeves.
- They may be able to provide support within the Learning Trust or refer you to the Learning Trust occupational health service to provide professional medical advice and support.

Counselling Helpline

- 0800 027 7844 or 0300 555 0120
- This service is available via the Learning Trust staff absence insurer, Class Insurance

School Counselling Service

- Confidential self referral to the school counsellors is available for all staff
- Sarah Watson (sarah.watson@the3rivers.net 01670 501539)
- Sarah Railton (sarah.railton@the3rivers.net)

External -

Talking Matters

- 0300 30 30 700
- Fax 80300 30 30 900
- Email info@tmnorthumberland.org.uk
- Website: <http://www.tmnorthumberland.org.uk/>
- Facebook: <https://www.facebook.com/Talking-Matters-Northumberland-1685309065040995/>

GP

- Consider getting help from your GP if difficult feelings are:
- Stopping you getting on with your life
- Having an impact on the people you live or work with
- Affecting your mood over several weeks

Counselling Service

- British Association for Counselling and Psychotherapy
- Tel: 01455 883 316
- www.bacp.co.uk
- Offers an information service providing contacts for counselling in England

Trade Unions

- Most trade unions provide confidential self-referral services to support staff emotional health and wellbeing.
- NUT: <https://www.teachers.org.uk/help-and-advice/self-help>
- NASUWT: <https://www.nasuwat.org.uk/advice.html>
- ATL: <https://www.atl.org.uk/advice-and-resources>

Working through issues on your own

- If you would prefer to do this, why not try:
- <http://www.mind.org.uk/>
- <http://www.moodjuice.scot.nhs.uk/>
- <https://www.mentalhealth.org.uk/search/?query=relaxation&op=Search>

Teachers and associate staff can also access free, confidential emotional support by telephone from the national Teachers' Support Network on 0800 0562561.

The Learning Trust's Training section provides assertiveness training and a range of other relevant training opportunities which employees may find useful. Details are available via headteachers or the Training section.

Advice and support is available for both the employee who feels they are being harassed and the person who it is alleged has behaved inappropriately.

21 Informal action

Some individuals will feel confident enough to face their harasser directly. If so, employees could try the following steps but should avoid putting themselves in any difficult, frightening or dangerous situations:

- tell the harasser that the behaviour must stop;
- say that if it does not further action will be taken;
- be firm, assertive and polite;
- if the behaviour does not stop, put it in writing and keep a copy;
- keep written notes of dates, places, times, incidents and any witnesses.

An employee will need specific details if they decide to pursue a formal complaint. They will need an accurate diary of events and should monitor any changes in the work pattern or attitude of the harasser.

If an employee is unsure about facing their harasser alone they could ask someone to accompany them or to act on their behalf. The Line Manager or a Senior Leader and trades union representatives can provide help and advice.

22 Formal action

Formal complaints are made through the school's Grievance Procedure which, if upheld, may result in proceedings under the Capability and Disciplinary Procedure. Grievances should be initially made to an employee's line manager or to the next level in the management structure where the immediate line manager is the subject of the complaint.

The school will instigate a discreet and impartial investigation into each complaint under the Dignity at Work Policy. All matters relating to this procedure will be treated confidentially. Victimisation or retaliation against a complainant or a witness is a disciplinary offence.

23 Problems with third parties

The Trust's commitment to protect its staff does not only extend to improper or inappropriate behaviour by other employees. The Trust will take all reasonable steps to protect staff from the foreseeable risks of

improper behaviour from any third party that they come into contact with during their normal day to day duties. If an employee is harassed or suffers ill-treatment by a member of the public, a service user or any other third party, they should notify their headteacher immediately or seek other help and advice.

24 Malicious and unfounded allegations

Allegations made purely out of malice will constitute a disciplinary offence. The Learning Trust will not engage in a process which results in favouring one set of beliefs over another. The policy aims to protect all employees and is not a charter to advance personal crusades or ideology.

25 Review process

If someone complains of harassment, the school will review the effectiveness of this policy in dealing with the matter and make appropriate changes.