

EQUAL OPPORTUNITIES AND DIGNITY AT WORK POLICY

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1. Introduction

St Edward's School is committed to promoting equality of opportunity for everyone. The School values of Integrity, Kindness and Courage aim to ensure that everyone is treated with dignity and respect, at work and across the whole community. St Edward's seeks to create a working environment in which all individuals can achieve their potential and in which decisions are based on merit.

The School recognises that harassment and bullying behaviours are unlawful and will not tolerate behaviours contradicting its Dignity at Work principles outlined below.

This policy applies to all employees irrespective of their length of service, including those working from home, traveling for work, or working away from the School site for any other reason.

This policy does not form part of any employee's contract of employment and may be amended at any time. It will be regularly reviewed and updated in accordance with changes in legislation.

2. The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment (including transgender status), 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 (e.g. refusing to give a reference for a reason related to one of the protected characteristics).

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a job applicant or employee who is disabled at a substantial disadvantage. Employers are also under a duty to take reasonable steps to provide any necessary auxiliary aids.

When providing services or facilities, it is unlawful to discriminate directly or indirectly, harass or victimise the external stakeholders because of any of the protected characteristics. The School is under a duty to make reasonable adjustments to overcome barriers to using services caused by disability (including the removal, adaptation or alteration of physical features). In addition, we need to think ahead and make reasonable adjustments to address any barriers that may impede disabled people from accessing a service.

Discrimination can be in person or online. Harassment and bullying online can be via email, instant messaging, text, video calls, and posting comments on social media (including personal social media accounts).

3. Dignity at Work

The School is committed to ensuring that in its working environment everyone is treated with dignity and respect and is free of harassment, bullying and victimisation.

Bullying, harassment and victimisation at work, if reasonably found, will not be tolerated by the School and will be treated as disciplinary offences and in accordance with the School's Disciplinary Policy. If such behaviours occur, the employee should promptly bring them to the attention of their line manager or the HR Department. Any allegations of a breach of this policy will be dealt with seriously, fairly and swiftly. The School reserves the right to investigate any behaviour which reasonably causes concern even if a formal complaint has not been made.

Definitions:

- **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end. Examples of unacceptable bullying behaviour include (but are not limited to):
 - spreading malicious rumours, or insulting someone by word or behaviour
 - shouting or swearing at someone
 - public humiliation and/or insults
 - aggressive communications
 - intimidating or threatening behaviour
 - exclusion or constant ignoring of opinions

- withholding necessary information without good reason which causes difficulty or embarrassment to an individual
 - criticising someone to others unnecessarily or inappropriately
 - ridiculing or demeaning someone
 - overbearing supervision or other misuse of power or position
 - persistent devaluing of a person's effort
 - preventing individuals progressing by intentionally blocking promotion or training opportunities
- **Harassment** is unwanted conduct related to protected characteristics, which are sex, gender reassignment (i.e. transgender status), race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, and age, that:
 - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Harassment can take many forms and may involve action, behaviour, exclusion, comment or physical contact which causes offence and can result in the recipient feeling threatened, humiliated, intimidated, patronised, demoralised or undermined, or falsely lacking confidence in their ability.

Conduct may be harassment whether or not the person behaving in that way intends to achieve any of those outcomes. It is for the person on the receiving end of any behaviour to decide whether they find it unacceptable. In deciding whether conduct has had an intimidating, hostile, degrading, humiliating or offensive effect, the perceptions of the recipient will be taken into account along with the other circumstances of the case and whether it is reasonable for the conduct to have had that effect.

Examples of harassment include (but are not limited to):

- physical conduct ranging from unwelcome touching or sexual advances to serious assault;
- sending unwanted messages of a sexual nature ("sexting") or sending or posting inappropriate images of themselves or others;
- comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about a person's age, or online sharing of such jokes or comments;
- treating a person differently because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, their spouse is black, or their parent has a disability;
- name calling related to a person's religion or belief;
- ignoring a person because they are perceived to have a protected characteristic (whether or not they do, in fact, have that protected characteristic) (e.g. an employee is thought to be Jewish, or is perceived to be transgender);
- asking questions or making comments that may indicate a bias (often referred to as micro-aggressions) (e.g. persistent questions about where a colleague comes from, or commenting that a colleague of a particular ethnicity should be good at maths);
- the use of offensive gestures or sending or posting inappropriate images of themselves or others;

- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person or relating to their actual or perceived protected characteristic (e.g., magazines or calendars); or
- posting or sharing of images or videos with sexual or racial overtones, on social media accounts, including personal social media accounts if shared with colleagues.
- **Victimisation** is defined as subjecting someone to a detriment because they complained about discrimination or helped someone who has been the victim of discrimination. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

4. Dignity at Work Principles

The School will strive to uphold the following principles:

- Living the School's values of Integrity, Kindness and Courage.
- Raising awareness of the effect of difficult, unreasonable or unacceptable behaviour on others.
- Supporting staff to find effective ways to deal with behaviour they find difficult, unreasonable or unacceptable.
- Having zero tolerance towards discriminatory practices and upholding equal treatment and opportunity irrespective of sex, gender reassignment (i.e. transgender status), race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, and age.
- Dealing seriously and swiftly with behaviours that undermine an individual's self-esteem, confidence or mental health.
- Providing working conditions that respect each employee's health and safety at work.
- Being honest in communications with employees and transparent in sharing information, as far as reasonably practicable.
- Providing appropriate channels for employees' ideas and requests and ensuring that employee feedback is considered in decision making.
- Engaging in fair procedures in dealing with complaints from or against members of staff, treating all complaints in full confidence.
- Engaging in negotiations and discussions in good faith, if conflicts arise.

All staff are expected to:

- Uphold and promote the School's values of Integrity, Kindness and Courage.
- Promote dignity and respect at St. Edward's School.
- Treat colleagues, managers, pupils and other stakeholders with dignity and respect and to be aware of the effect which their behaviour and activities may have on others.
- Monitor their own behaviour to ensure that others do not feel bullied or harassed by their words or actions.
- Dress appropriately for the workplace and wear the provided uniform (if applicable).
- Set a positive example to colleagues.
- Consider language, attitudes and culture of colleagues and other stakeholders when interacting with them or talking about them to others.
- Consider whether it is appropriate before making personal comments to or about others and, where in any doubt about how such comments might be received, refrain from making them.
- Challenge harassing or bullying behaviours even if they are not aimed at them personally and prevent them from taking place.

- Inform colleagues and management if certain conduct or behaviour is causing concern or offence to themselves or others.

The School's managers and supervisors have a particular responsibility to uphold the Dignity at Work principles and prevent bullying and harassment by:

- being alert to the possibility that harassment or bullying may be happening in their departments/ areas of work
- using their judgement to correct behaviour that could be considered offensive, and reminding employees of the School's policy on this matter
- protecting staff from victimisation
- investigating complaints in accordance with the School's policies and procedures
- taking prompt action to stop bullying or harassment as soon as it is identified
- dealing with all complaints or incidents quickly, fairly, seriously, sensitively and in full confidence.

Managers investigating allegations of bullying and/or harassment will consider all the circumstances before reaching a conclusion, and particularly the perception of harassment is often felt differently by different people.

Without detracting from the seriousness of bullying and harassment at work, it is accepted that managers have to make decisions, communicate information and give instructions that may not be popular. This does not amount to bullying or harassment. It should also be noted that the management of conduct or underperformance issues cannot be regarded as bullying or harassment, provided it is undertaken appropriately by managers in a reasonable manner, and in accordance with the School's policies and procedures.

5. Reporting Concerning Behaviours

The School encourages anyone who believes that they have been subject to or have witnessed harassment, bullying or victimisation to come forward and share their experiences and concerns. To facilitate this, the School has robust procedures designed to assist our staff to have open conversations, engage in dispute resolution and, where appropriate, commence a disciplinary process.

Employees are encouraged to report their concerns under either the Informal or the Formal process as outlined below.

Employees have the right to not be victimised for making a complaint. However, complainants are expected to hold a genuine belief that concerning behaviours have occurred. Unfounded allegations made for malicious reasons will not be tolerated and will be investigated, fairly and objectively, under the School's Disciplinary Policy.

Informal Action

It may sometimes be the case that people are unaware that their behaviour or activities are unwelcome, and an informal discussion can lead to a greater understanding and an agreement that the unwanted behaviour will cease.

An individual who feels they are the subject of bullying or harassment should, if possible, keep a record of the incident(s) of bullying or harassment (i.e. the dates, times, nature of incident(s) and the names of any witnesses).

Where an individual feels able to do so, they could decide to deal with the inappropriate behaviour informally, for example if the act concerned is relatively minor, isolated or unintentional. They should raise the problem with the person concerned directly.

The individual should:

- Explain that the behaviour in question is offensive and unwelcome, and ask for it to stop
- Explain how the behaviour makes them feel
- Explain how it is interfering with their work

In some circumstances, it may be inappropriate for an individual to approach the subject of the complaint directly. In such cases, they may seek the support of their line manager or another manager within the School or seek advice from the HR Department prior to deciding on the most appropriate course of action.

If the complaint is about the complainant's line manager, the individual should raise their concerns with the line manager's manager or contact the HR Department.

The line manager should seek to resolve the matter without delay, speaking to the person concerned or the manager of the person concerned, explaining the problem, and asking for the behaviour to stop.

If it is not possible to resolve the complaint informally or if it is not appropriate, for example when a complaint is one of persistent bullying, harassment, or physical assault, or if informal methods have not succeeded, the formal procedure should be invoked. Formal complaints should be raised in writing to the complainant's line manager (or the line manager's manager/ HR Department if the complaint is about their line manager). This will enable investigations to begin into the points of concern.

Formal Action

The School treats all complaints seriously. All cases where it can be reasonably concluded that bullying, harassment, victimisation or discrimination against colleagues or any other stakeholders took place will be dealt with under the School's Disciplinary Policy. Discriminatory conduct may constitute gross misconduct which may lead to summary dismissal (dismissal without notice).

If the complaint is raised about an external stakeholder (e.g. a contractor working on School site), this procedure will be adapted as appropriate, but the complaint will be treated with equal seriousness and the complainant will be notified of the outcome of their complaint as promptly as practicable.

On receipt of a formal written complaint the manager should consult with the HR Department who will assess the individual circumstances of the case and decide whether the complaint is sufficient to be investigated. If that is the case, an Investigating Manager will be appointed by HR. The Investigating Manager will contact the employee in writing and arrange to meet with them to take their statement.

The employee making the complaint and the employee about whom the complaint has been made will have the right to be accompanied by a colleague or trade union official of their choice at any formal meeting. They will be updated on the general progress of the process of investigation and, subject to data protection and confidentiality requirements, the outcome of any disciplinary proceedings.

Confidentiality will be maintained to the maximum extent possible by all the parties involved. Breach of confidentiality by any party may in itself be a disciplinary offence and will be treated under the School's Disciplinary Policy.

6. Appeals

Recourse to the School's Grievance or Disciplinary Appeals procedures is available if the employee is not satisfied with the outcome of the process.

7. Data Protection

The School processes personal data collected during the investigation stage and any subsequent stages of disciplinary action in accordance with its Data Protection policy.