



Equal Opportunities Policy

This policy has been formulated in consultation with Professional Associations NUT, NASUWT, ATL, ASCL, NAHT, UNISON and GMB and it has been agreed by all Trade Unions.

November 2016

Adopted by Wren's Nest Primary

Governors February 2017

© All rights reserved to YourHR, Dudley MBC



1	Introduction	Page 3
2	Scope	Page 3
3	Principles	Page 3
4	Legal Context	Page 4
5	Selection Processes	Page 4
6	Dignity at Work	Page 4
7	Individual Responsibilities	Page 5

1 Introduction

The School is committed to achieving equality of opportunity both as an employer of staff and as a provider of education.

The School believes in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that it does. It recognises the rich diversity of the local population as a strength and aims to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the School's diverse community and workforce.

This School aims to ensure that all groups and individuals within the community and the workforce are given the full opportunity to benefit from the services and employment opportunities it provides. No pupil or potential pupil, employee or potential employee will be unlawfully discriminated against because of any protected characteristic as detailed in the Equality Act 2010.

All individuals have a duty to support the School's equal equality and diversity policy and to promote equal opportunities within their area of responsibility.

2 Scope

This policy applies to all staff employed by the School. Agency staff, volunteers and those on student / work experience placements working on behalf of the School are expected to work within this policy.

The Policy supports, underpins and should be read in conjunction with all other **School** policies and guidelines.

3 Principles

The principles/aims of this policy are to;

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity;
- Foster good relations between people from different backgrounds;
- Ensure that decisions are made on the basis of merit regardless of individual background; and
- Ensure that the standards and reputation of the School is maintained.

The School will not tolerate behaviour that is contrary to the spirit of this equal opportunities policy.

4 Legal Context

Throughout the application of this policy the School will comply with the legal framework of relevant employment legislation that affects all employees and includes:

- Equality Act 2010;
- Special Educational Needs and Disability Act 2001
- Protection from Harassment Act 1997
- Employment Rights Act 1996
- Employment Relations Act 1999
- The Health & Safety at Work Act 1974; and
- Data Protection Act 1998;

The Governing Body recognises the requirement to comply with legislative requirements and aims to follow good practice wherever possible. 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, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

5 Selection Processes

All selection processes will be judged on pre determined criteria and the applicant's abilities and individual merit. A protected characteristic will not of itself justify the non-selection of an applicant.

Reasonable adjustments to the selection process may be made as required to ensure that no applicant is disadvantaged because of a protected characteristic.

6 Dignity at Work

The School is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting him/her up to fail or making threats or comments about someone's job security without good reason.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, 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 his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Examples of harassment would include: physical conduct ranging from unwelcome touching to serious assault; unwelcome sexual advances; demeaning comments about a person's appearance; unwelcome jokes or comments of a sexual or racial nature or about an individual's age; excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled; repeated name calling related to an individual's religion or belief, ignoring an individual because he/she is perceived to have a protected characteristic (whether or not he/she does, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual; the use of obscene gestures; and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

A single incident can be harassment if it is sufficiently serious.

7 Individual responsibilities

If an individual feels they are being bullied or harassed, they may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. The individual may feel able to approach the person themselves, or with the help of someone else at the School. They should tell the person what behaviour is found offensive and unwelcome, and say that they would like it to stop immediately.

If an informal approach does not resolve matters, or if the situation is thought to be too serious to be dealt with informally, a formal complaint can be made by using the School's grievance policy.

If behavior is observed that causes concern and you do not feel able to intervene or raise the matter through the grievance policy then the Whistle blowing/ Confidential reporting procedures may be used.

The School will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

Individuals have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that a person knows to be untrue may lead to disciplinary action being taken.

Every employee is required to assist the School to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the School, for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or pupils are disciplinary offences and will be dealt with under the School's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.