

BRACKNELL FOREST COUNCIL

EQUALITY AND DIGNITY AT WORK POLICY

FOR SCHOOLS



Adopted by Resources Committee
at its meeting on:

22nd October 2024

Signed:



Name:

S. Kemp

Position:

Chair Governors

Date:

23.10.2024

Review Date:

In line with B-F September 2025

Growing together with Jesus in our hearts, heads and hands.

Version	V3
Review Date	September 2025
Changes	<ul style="list-style-type: none"> • Makes reference to the new Bullying & Harassment Policy and outlines when this policy is relevant. • Outlines the Public Sector Equality Duty. • Reference to freedom of speech and duty of school to balance this right with that of equal opportunity, dignity and fair treatment.

BRACKNELL FOREST COUNCIL'S EQUALITY & DIGNITY AT WORK POLICY FOR SCHOOLS

1 Policy statement

The school is committed to encouraging equality, diversity, and inclusion among our workforce, and eliminating unlawful discrimination. We would like all colleagues that work for us to feel that their individuality is respected, and their unique contributions are valued. We believe in treating all colleagues whatever their status, whatever hours they may work, fairly and equitably and improving the working lives of all our colleagues regardless of gender, race, sex, disability, sexual orientation and gender identity/gender expression, age, or personal circumstances.

The aim is for our workforce to be truly representative of all sections of society and our school community, creating the conditions where each colleague feels respected, can perform at their best and are treated as individuals and celebrated for their uniqueness.

We are committed to ensuring that all colleagues work in an environment where dignity, courtesy, and respect are consistently upheld. The school will not tolerate any behaviour that is unwelcome, unwarranted, or detrimental to colleagues.

This policy aims to promote good practices in maintaining dignity at work, ensuring that everyone is treated with justice and equality. It also provides guidelines for addressing misconduct and unfair treatment, including victimisation, or discrimination, with fairness and sensitivity. There is a separate specific policy to deal with bullying and harassment, including sexual harassment.

2 Purpose

- The school's Equality and Dignity at Work Policy aims to ensure that unfair treatment of any nature is always unacceptable as such behaviour could result in high levels of stress, reduced job performance and increased staff turnover.
- Heighten awareness of the need for fair treatment and dignity at work, for individuals to be able to raise their concerns about victimisation or discrimination and have these concerns dealt with fairly and empathetically.
- Provide equality, fairness, and respect for everyone who works for the school in any capacity.
- To avoid unlawful discrimination based on the protected characteristics outlined in the Equality Act 2010, which include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, and sexual orientation.
- Oppose and avoid all forms of unlawful discrimination. This includes pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, carers, requests for flexible working, and selection for employment, promotion, training, or other developmental opportunities.
- Outline a zero-tolerance approach to unacceptable language and behaviour.

- Enable staff to be able to report such forms of unacceptable behaviour without fear of reprisal and embed a culture of values and behaviour that underpin dignity, respect and inclusion.

3 Principles

3.1 Fair treatment and dignity

At the school we recognise that the key to a healthy high performing workforce and working environment is trust, quality relationships and open, honest communication between colleagues, the senior leadership team and the governing body. Every interaction should be based on mutual respect and professionalism. We work hard to ensure that everyone feels they have the support, conditions, and tools to do their best work. However, we recognise that there are occasions where colleagues feel they have been treated disrespectfully and/or in an undignified manner. This policy is in place to deal with those instances either informally or through a formal process.

Every colleague has the right to determine what behaviour they find unacceptable. A colleague who feels that they have been unfairly treated or have their dignity compromised has the right to have the incident(s) investigated and resolved in the most appropriate manner. The school will take seriously all complaints of unacceptable behaviour by fellow colleagues, parents, suppliers, visitors, the public and any others during the school's work activities.

The school recognises that colleagues may sometimes be reluctant to report unfair or unequal treatment, but the school is committed to taking breaches of this policy seriously and ensuring they are dealt with sensitively, fairly, and where appropriate, confidentially. Appropriate action will be taken against those who victimise a colleague who brings a complaint under this policy.

If a colleague makes a formal complaint that they are being treated unfairly the incident will be formally investigated regardless of whether other parties may view it as serious or harmless, intentional, or innocent. Irrespective of whether the complaint results in grievance proceedings, a manager may initiate a disciplinary hearing in accordance with the formal procedure contained within this policy.

Cases of unfair treatment or undignified behaviour may be dealt with through the school's disciplinary procedure, depending on the outcome of the investigation; serious cases may be considered as gross misconduct and could result in suspension or dismissal.

Types of discrimination:

a. Direct discrimination

Direct discrimination is when someone is put at a disadvantage or treated less favourably because of a 'protected characteristic'.

There are 3 types of direct discrimination. These are when it happens to a person who:

- has a protected characteristic – sometimes called 'ordinary' direct discrimination.
- has a connection with someone with a protected characteristic – called 'discrimination by association'.

- is thought to have a protected characteristic when they do not – called 'discrimination by perception'.

b. Indirect discrimination

Indirect discrimination is when a working practice, policy or rule is the same for everyone but has a worse effect on someone because of a 'protected characteristic'.

By law, indirect discrimination is when a working practice, policy or rule is the same for everyone in a group, and:

- it would put people who share a protected characteristic at a disadvantage.
- it puts someone personally at a disadvantage.
- the employer cannot justify the course of action.

3.2 Bullying & harassment

Where there are concerns about behaviour that may be perceived as being bullying and harassment (including sexual harassment), then the school's Bullying & Harassment Policy should be referred to. The policy provides details about what constitutes as bullying and harassment, and how to report these types of behaviours.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997, which is not limited to circumstances where harassment relates to a protected characteristic, is a criminal offence.

All parties are subject to fair treatment and dignity at work under this policy. Any party initiating a false complaint for malicious reasons will be dealt with under the school's disciplinary procedure.

It should be noted that if tribunal proceedings are initiated by any harassed colleague, such proceedings may be taken against both the employer and the alleged 'harasser;' any award may be significant and may be made against both the employer and the 'harasser' personally.

4 Scope

This policy applies to all colleagues working for the school in any capacity.

Any complaint involving a Governor (s) should be addressed in writing to the Clerk to the Governing Body via the school office / email. Please mark them as Private and Confidential.

The process would be where the complaint is made against the Chair of Governors, then it could be passed to the Vice-Chair or another suitably skilled governor.

5 Public Sector Equality Duty

The Public Sector Equality Duty (PSED) is a legal obligation imposed on public authorities (including schools) by the Equality Act 2010. It requires schools to consider how their policies, decisions, and practices can eliminate discrimination, advance equality of opportunity, and foster good relations among people who share a protected characteristic and those who do not.

Key Aspects of the Public Sector Equality Duty:

1. **Eliminating Discrimination:** schools must work actively to prevent and eliminate unlawful discrimination, harassment, and victimization within their organizations and in the services they provide.
2. **Advancing Equality of Opportunity:** This involves ensuring that everyone has the same opportunities and access to services, particularly for groups that are disadvantaged or underrepresented.
3. **Fostering Good Relations:** schools must encourage good relationships between different groups, which includes tackling prejudice and promoting understanding.

6 Roles and Responsibilities

6.1 Senior Leaders and Governing Bodies

It is the responsibility of the school's senior leadership team and governing body to set the expectations and strategy for equality and diversity.

They should role model the principles set out in this policy and ensure that it is clear what is expected of others.

They must ensure that pay, support, recognition, reward, and opportunities at work are fair, transparent, and consistent.

6.2 Line Managers

Line managers are responsible for providing the conditions and support for team members to do their best work regardless of their individuality.

They must ensure that they take all the necessary steps to ensure that every team member understands their responsibilities in respect of equality, diversity, and dignity at work.

Where an issue arises, they must seek to deal with it at the earliest opportunity, taking a mediation approach if applicable, although this depends on the specific conflict and parties involved. In instances where this requires a formal approach, line managers must ensure that they follow the appropriate steps and actions as set out below.

Line managers should regularly communicate and role model the expected behaviours to ensure that everyone understands equality, diversity, and dignity in the workplace.

6.3 Colleagues

In line with this policy, every colleague and governor regardless of their level and position must act in accordance with the values and behaviours agreed. We expect the highest level of professionalism from every member of staff together with behaviour that is mindful and compassionate.

We understand, however, that there are occasions where a person's intention is not to cause offense or upset, but the perceived or actual impact is negative and detrimental towards another individual. Where appropriate, the recipient of the alleged behaviour is encouraged to discuss this directly with the colleague but, should this not be appropriate, this may be addressed to the line manager.

Colleagues must also take positive steps and action to treat everyone with respect, dignity, and professionalism regardless of their individuality.

7 Procedure for Dealing with Issues

7.1 Informal Procedure

In the first instance, if the colleague feels able to, they should attempt to resolve the problem informally.

Suggestions to resolve informally are:

- If you feel able to, talk to the person causing offence and explain how it is making you feel. Make it clear that you consider that the person's behaviour is unacceptable and that you wish it to stop.
- If you feel unable to do this yourself, you could consider asking someone you trust to raise the issue on your behalf. The offending behaviour may be unintentional, and the person may be unaware of the effect of their behaviour on you.
- You may feel that it would be helpful to talk the incident/situation over with someone else first. This could be with a work colleague, your line manager or Trade Union Representative who can act either as a "listening ear" or give advice on measures which can be taken to resolve the situation.
- The actions required of a manager may vary depending on both how the situation is brought to their attention and what actions the colleague wishes to take. An incident may be raised by the colleague themselves, or by a fellow colleague or the manager may witness an incident themselves.
- In all cases the manager should speak to their colleague to ensure they are aware of this policy and understand the steps to take.
- If a colleague does not wish to make a formal complaint, the matter must be kept confidential, but it is advisable that the manager monitors the situation to ensure there is no repetition.
- This is not limited to other colleagues but sexual harassment by any perpetrator, including third parties like customers and clients.

If you do not feel that you can resolve the issue informally, or attempts to do so have not been successful, then you can talk to the headteacher about progressing to the formal procedure without delay.

If you feel you have been the victim of any sort of harassment or bullying it is important that you make a written record of what was said and/or what happened as soon as possible after the incident. This can then be referred to if there is a subsequent repetition or you decide to raise the matter formally.

7.2 Formal Procedure

If attempts to resolve an allegation of unfair treatment have been unsuccessful or if the allegation may constitute misconduct, then the colleague (complainant) should proceed to the formal procedure by following the school's grievance procedures.

Where a manager believes that an incident constitutes a potential disciplinary offence, the manager may initiate an investigation in accordance with the disciplinary procedures.

Where disciplinary action results from a grievance hearing, the disciplinary procedure may commence at Stage 1, or Stage 2 as appropriate as investigations will already have been carried out as part of the grievance procedure. The process in accordance with the disciplinary procedure should be followed from this stage.

During any stage of a formal disciplinary/grievance procedure it may be necessary to minimise contact between the parties. Where possible, changing duties, work patterns, line management or location for either the perpetrator or the complainant should be considered.

8 Employee Support

We recognise that being the victim of what we will refer to as unfair treatment, such as bullying, harassment and sexual harassment can be difficult for the recipient. In addition to the support provided by the school there is the additional option of contacting the employee assistance/counselling service. This is a confidential service which can be accessed 24/7. Further information can be accessed here: <https://www.bracknell-forest.gov.uk/jobs/staff-benefits/staff-counselling>.

Support can also be accessed through Education Support: www.educationsupport.org.uk

9. Freedom of Speech

The Human Rights Act 1998 (HRA) Article 10 ensures that individuals have the right to freedom of expression. Whilst the school recognises the right to freedom of speech, all employees are expected to treat others with respect and be aware that some opinions are not appropriate to be aired in a work environment and may not be shared by others.

The following will not be tolerated:

- Hate speech
- Offensive comments directed towards another employee
- Offensive and derogatory language

Even personal opinions that may not amount to hate speech can be deemed inappropriate in a professional setting if they disrupt harmony, offend colleagues, or lead to an environment where individuals feel disrespected.

The school must balance the right of freedom of speech with the protections under the Employment Equality Regulations and Equality Act 2010 which provides protection for individuals against unfair treatment.