



Crookhey Hall School

Equal Opportunities and Dignity at Work Policy

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1. Policy Statement of Commitment

Crookhey Hall School part of Acorn Care and Education group strives towards achieving equality of opportunity in all of its service provision and employment practices. This is especially important for us given the discrimination and difficulties that the majority of the children, young people and their families will have experienced. Crookhey Hall School and Acorn Care and Education are committed to ensure that everyone that comes into contact with us is treated fairly and consistently.

- Aims to provide an appropriate, professional and non-discriminatory service and working environment regardless of colour, race, national origins, religion or belief, ethnic origin, sexual orientation, gender reassignment, disability, age, gender or marital status
- Aims to eliminate inadvertent and unlawful discrimination practices in order to enable all our employees to have access to opportunities to realise their own potential. The School aims to build a diverse and socially inclusive workforce that is responsive and appropriate to all our service users and customers
- Supports the need to implement flexible working practices and family fair policies where operationally practical
- Recognises the need to combat unlawful direct and indirect discrimination
- Recognises the benefits that can be gained by the broadening of the skills base through the adoption of a diverse workforce
- Any child, young person, family member, advocate or other person who has grounds to believe that they have been the victim of unlawful direct or indirect discrimination may submit a complaint in accordance with the relevant School Complaints Procedure

1.1 The Law

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.

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

1.2 Dignity at Work

Crookhey Hall 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.

2. Policy Application

- 2.1 This Policy applies to all staff of Crookhey Hall School
- 2.2 Proven unlawful discrimination against children, their families, other employees, job applicants, staff from other agencies and visitors will be considered an act of gross misconduct
- 2.3 The policy applies to all areas including:
- Provision of education and care services
 - Job advertising
 - Treatment during the recruitment and selection process
 - Terms and conditions of employment
 - Training and development
 - Promotion and transfers
 - Treatment during disciplinary, grievance and redundancy procedures
- 2.4 The policy does not form part of the contract of employment.

3. Responsibilities

- 3.1 Overall responsibility for implementing this Policy rests with the Headteacher for the School and the Chief Executive of Acorn Care and Education for Acorn
- 3.2 Managers and supervisory staff are responsible for ensuring the Policy is upheld
- 3.3 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 customers 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.

4. Policy Implementation

The School is committed to ensuring equality is achieved by:

- 4.1 Seeking to identify practices and systems, which may inadvertently restrict equality of opportunity for particular individuals or groups
- 4.2 Taking remedial action to eliminate direct and indirect discrimination on unlawful or unjustifiable grounds
- 4.3 Encouraging managers to take a positive approach towards equality of opportunity in employment
- 4.4 Ensuring staff respect and operate within the principle of equal opportunity and do not impede implementation of the Policy
- 4.5 Introducing an effective equal opportunities monitoring system.

5. Formal Remedy

If you think you are being bullied or harassed, you may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of someone else at the School. You should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the School's grievance procedure. If the complaint is against your immediate superior, confidential application should be made to the Headteacher or if the complaint is against the Headteacher, to a Director of Acorn Care and Education who may authorise immediate reference to the next tier of management, if this seems appropriate in the circumstances.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.

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

Complaints of any form of discrimination, unfair treatment or victimisation should provide in writing:

- Details of what, when, and where the occurrence took place
- Any witness names or statements
- Names of any others who have been treated in a similar way
- Details of any former complaint made about the incident (informal or otherwise), date, where and to whom made

- Where appropriate, a preference for a solution to the complaint.

Until the grievance is heard, complainants should keep the matter confidential other possibly than arranging for details of witnesses to be given to the persons involved in the investigation. Breach of confidentiality by any party involved in both the investigation and subsequent hearing will be considered a disciplinary offence.

Appeals against any decision will follow the relevant Complaints or Grievance Procedure accordingly.

You 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 you know to be untrue may lead to disciplinary action being taken against you.