

<b>Latest version issued</b>	September 2021	
<b>Review cycle</b>	2 years	
<b>Issue control</b>		
<b>Date</b>	<b>Comment</b>	<b>Updated by</b>
September 2021		Chief Operating Officer

## SECTION 5.2 - EQUAL OPPORTUNITIES AND DIGNITY AT WORK POLICY

### Introduction

The School is a co-educational organisation that believes strongly in equal opportunity for all. This Section sets out the School's policy taking into account the appropriate legislation; in particular the Equality Act 2010.

### General Statement

This School is fully co-educational and is committed to securing equality of opportunity through the creation of an environment in which individuals, both students and staff, are treated on the sole basis of their relevant merits and abilities. This commitment is shared by students, staff, parents and governors.

The School opposes all forms of unfair and unlawful discrimination. There is no intention to restrict access to any suitable academic course or job at the School. Similarly the School would wish to ensure that all students have equal access to all non-academic activities, in accordance with their age and maturity. Lessons such as Personal, Social and Moral Education will deal with the topic specifically, but teachers in all subjects should seek to promote an attitude of equal opportunities. Tutors and tutor-groups are also areas where the issue can be addressed.

The School aims to promote an atmosphere of positive recognition of each other's achievements and contributions through the academic curriculum, Extra Curricular Activity and through Frensham's ethos.

### Discrimination

The term discrimination has a specific meaning under the Equality Act 2010. Discrimination occurs when an individual is treated less favourably than another individual because of a protected characteristic that they possess or are thought to possess. There are nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

At school all students, staff, parents and governors have the right not to be treated less favourably, on account of one of these protected characteristics, than their contemporaries who do not possess the characteristic. This right also extends to job applicants in respect of recruitment, application and interview procedures.

### **Types of Discrimination**

Direct discrimination occurs when an individual is treated less favourably than another individual because of a protected characteristic they possess.

Indirect discrimination can occur when a condition, rule, policy or practice applies to everyone, but can put people who share a protected characteristic at a disadvantage. Indirect discrimination applies to 8 of the 9 protected characteristics (pregnancy and maternity being the exception). An exception to this is when indirect discrimination is a proportionate means of achieving a legitimate aim.

Associative discrimination occurs when someone is directly discriminated against because they associate with another person who possesses a protected characteristic. Associative discrimination applies to 7 of the 9 protected characteristics (marriage and civil partnership and pregnancy and maternity being the exceptions).

Perceptive discrimination occurs when someone is directly discriminated against because others believe they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Perceptive discrimination applies to 7 of the 9 protected characteristics (marriage and civil partnership and pregnancy and maternity being the exceptions).

### **Key Equality Areas for the School**

The School amplifies examples of these four protected characteristics

**Age.** Age discrimination occurs when someone treats a person less favourably because of that person's age, and uses this as a basis for prejudice against and unfair treatment of that person. The School regards such attitudes as unacceptable (please refer to Section 5.20).

**Disability.** The School regards as unacceptable attitudes held by a person or group towards an individual with a physical disability which are offensive, discriminatory or hostile towards the individual. The School regards as unacceptable behaviour acts or expressions which reflect such attitudes; or any incitement to make others adopt such attitudes.

Examples of unacceptable behaviour would be, but not exhaustively:

- (a) physical assault against an individual because of his/her disability;
- (b) verbal abuse, intimidation, insults, threats;
- (c) reference to an individual's disability inside or outside lessons;
- (d) refusing to cooperate with an individual because of his/her disability.

The School has a rolling Special Educational Needs and Disability Accessibility Plan which describes how the School is actively improving accessibility to facilities, the curriculum and

information. The School will make reasonable adjustments for pupils with a disability to ensure they do not suffer a substantial disadvantage in comparison with other pupils. The School will consult and carefully consider any proposals for auxiliary aids and services in light of a pupil's disability and the resources available to the School. The School's Accessibility Plan is on the website and a hard copy can be made available upon request.

**Sex.** The School considers sexism to be any attitude held by a person or group of one sex towards an individual or group of the other sex, which is offensive, discriminatory or hostile towards the individual, or group. The School considers sexual harassment to be behaviour, acts or expressions that reflect such attitudes; or an incitement to behaviour of that kind.

Sexual harassment would be, for example, but not exhaustively:

- (a) physical abuse against a person or group because of their gender;
- (b) verbal abuse, intimidation insults, threats;
- (c) using lewd or suggestive vocabulary to cause offence or humiliation;
- (d) reference to an individual's or group's sexuality;
- (e) making sexist comments or suggestions in the course of discussion in lessons;
- (f) refusing to cooperate with others because of their gender.

**Race.** The School regards as racism any attitude held by a person or group of one ethnic origin towards an individual or group of a different ethnic origin which is offensive, discriminatory or hostile towards the individual or group. The School also considers racism to be behaviour, language, acts or expressions that reflect such attitude, or any incitement to behaviour of that kind.

Unacceptable behaviour would be, for example, but not exhaustively:

- (a) physical assault against a person or group because of colour or ethnicity;
- (b) verbal abuse, derogatory name-calling, insults, threats and racist jokes;
- (c) inciting others to behave in a racist manner;
- (d) making racist comments or suggestions in the course of discussions or lessons;
- (e) refusing to cooperate with others because of colour or ethnic origin.

### **Bullying and Harassment**

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment, in general terms is unwanted conduct affecting the dignity of people in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a teacher or line manager) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

**Examples of bullying/harassing behaviour include:**

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying emails that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face, they may also occur in IT and written communications. Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to insecurity, illness, absence, and even resignation. Almost always work performance is affected and relations at School suffer.

**Victimisation**

Victimisation is defined in the Equality Act 2010 as treating someone badly because they have done a 'protected act' (or because that person believes that a person has done or is going to do a protected act). A 'protected act' is not the same as a protected characteristic, it is:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

**Mechanisms for Dealing with Any Incident of Discrimination or Harassment:**

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. With cases of harassment the School encourages individuals who believe they are being harassed to notify the offender that his or her behaviour is unwelcome. However, the School recognises that this may not be practical.

If you wish to make a complaint of discrimination or harassment you should:

- Report the incident to your Head of Department/Line Manager. If the complaint relates to them then report the matter to the appropriate Head of School, Deputy Head or Chief Operating Officer.
- Any such incident will be recorded.

- A senior member of staff will interview the individual or group against whom it was committed. Written statement(s) will be taken.
- A senior member of staff will then interview the individual(s) who has (have) caused the offence. Written statement(s) will be taken.
- If appropriate, parents/guardians of all students involved in the incident will be informed.
- You will be invited to discuss the complaint and possible outcomes.
- You will be informed of the School's decision. If you are not content with the outcome, then you would have the right of appeal.
- Victims of harassment/discrimination will receive appropriate support and, if necessary, counselling.

**Sanctions**

If a student or group of students is found guilty (by word or action) of discrimination or harassment, then the School will apply an appropriate sanction which will be recorded in the incident book and in the student's personal file. Members of staff will be informed as appropriate.

**Information and Awareness**

The Head will ensure that all members of staff (teaching and non teaching) are kept fully aware of their responsibilities in respect of equal opportunities, harassment and discrimination on grounds of race, gender or disability.

**Monitoring/Evaluation**

Monitoring is formally undertaken for staff recruitment and the information presented to the Governors' Human Resources Committee. Other equal opportunities issues are monitored by SMT, both within the curriculum and in the overall environment of the school. This policy will be kept under review.

**Recruitment**

The School has revised its recruitment procedures to comply with the Equality Act 2010. In particular:

- During the selection process questions which could be regarded as contrary to the Equality Act 2010 will not be asked.
- Information regarding sex, age and nationality will be requested as part of the School's equal opportunities monitoring but will not be seen by members of the appointment selection panel.
- Other information (such as medical and personal information related to the right to work in the UK) required by law prior to an individual starting a specific job at the School will not be requested until the offer of appointment.