

Equal Opportunities and Discrimination Policy & Procedure

Person responsible for this policy:

Michelle Sandys
Human Resources Manager

Date of Policy Review:

November 2023

Next Review Date:

November 2024



EQUAL OPPORTUNITIES POLICY

The Dulwich School Cranbrook is an equal opportunities employer. In order to promote an environment within which the school can call upon the widest possible range of knowledge, skill and experience, as well as ensuring compliance with the relevant legislation and codes of practice, the School is committed to achieving and maintaining a workforce which represents the population within our recruitment area in terms of race or colour, nationality or national or ethnic origins, religion or belief, sex, sexual orientation, pregnancy or maternity, marital or civil partnership status, gender reassignment, age, and disability (together known as "Protected Characteristics").

To this end, we shall regularly review the operation of our recruitment, promotion, training and development practices to ensure that no applicant for employment or member of staff is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

No employee or prospective employee will receive unfair or unlawful treatment on the grounds of a Protected Characteristic, because they are perceived to have a Protected Characteristic or because they are associated with someone who has a Protected Characteristic, in particular but not only, in relation to:

- Recruitment and selection
- Promotion, transfer & training opportunities
- Benefits, terms and conditions of employment
- Grievance, Capability and Disciplinary procedures
- Termination of employment including redundancies
- Conduct at work

Procedures ensure fair and equitable treatment in relation to admission and assessment of students.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff must treat visitors, pupils, parents, suppliers and current or former members of staff.

Implementation

The School with the assistance of the staff will:

- Break down any barriers to equality of opportunity which may prevent staff members realising their full potential or accessing benefit
- Advertise vacancies and ensure job selection criteria are appropriate for the job.
- Promptly and fully investigate all complaints of discrimination and harassment, taking appropriate action where necessary.
- Ensure that all members of staff are fully informed of this Policy.
- Monitor the composition of the School and the effects of its recruitment practices.
- Review and examine existing procedures are to ensure they are not discriminatory in their operation
- Ensure that the language used in official communication reflects the letter and spirit of the policy

Recruitment and Selection

The staffing process is governed by the school's principles of non-discrimination and is designed to achieve the best match between, on the one hand, the individual's knowledge and skills, experience and character and, on the other hand, the requirements of the vacant post, recognising the need for flexibility to respond to changing conditions.

- The capability of the individual to perform in the position will be the major selection criterion but the ability both to work with others and to be trained, coupled with individual potential will be considered.
- All applicants will be dealt with courteously and as expeditiously as possible.

- Carefully selected and validated skills and/or psychometric tests may be used as part of the selection process and will be administered by a trained tester.
- Appointments will be confirmed on receipt of satisfactory references and DBS checks (and where applicable, a check of the prohibition orders), evidence of medical fitness and satisfactory completion of a probationary period.

Training and Promotion

Training needs will be identified through the appraisal process. Staff will be given appropriate access to training to enable them to progress within the School and all promotion decisions will be made based on merit.

Termination of Employment

The School will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The School will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability

If you are disabled or become disabled, the School encourages you to tell the School about your condition so that the School can support you as appropriate.

A disability will not in itself justify the non-recruitment of an applicant for a position at the School. Such reasonable adjustments to the application procedures shall be made as are required to ensure that applicants are not disadvantaged because of their disability. For example, where written tests are used, alternative arrangements will be made for visually impaired applicants.

If you experience difficulties at work because of your disability, you may wish to contact your Head of Department to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Head of Department may wish to consult with you and your medical adviser about possible adjustments and you may be required to give your consent to a report being produced about your state of health and ability to perform your duties. The School will consider the matter carefully and try to accommodate your needs within reason. If the School considers a particular adjustment would not be reasonable, the School will explain its reasons and try to find an alternative solution where possible. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness.

The School will make such adjustments to work arrangements or School premises as are reasonable to enable a disabled member of staff to carry out his or her duties. This will include, but is not limited to, consideration of the provision of specialist equipment, job redesign or flexible hours.

Where during the course of their employment a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or School premises, he or she should discuss this requirement with the Head of Department.

Breaches of this policy

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have been the subject of discrimination you can raise the matter informally in accordance with the Anti-Harassment and Bullying Policy, or formally through our Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

ANTI-HARASSMENT AND BULLYING POLICY

The School is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect. You should not engage in any behaviour or conduct which may amount to harassment of another person at work. Harassment of any kind is regarded as a disciplinary offence and in serious instances may lead to instant dismissal.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on School trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include volunteers, consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian
- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

What to do if you are being harassed or bullied

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is not appropriate or has not been successful, you should speak to your Head of Department, who can provide confidential advice and assistance in resolving the issue formally or informally.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact [your line manager or [position]] informally for confidential advice.

If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure, a copy of which is available from the iNet or from the Human Resources Manager.

We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any continuing relationship between you and the person accused during the investigation.

Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a parent or visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any continuing working relationship between you and the person concerned.

Protection and support for those involved

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure. The School will seek to ensure that you are not in any way penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

If you believe you have suffered any such treatment you should inform Head of Department or the Human Resources Manager if you feel unable to speak to your Head of Department. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

We offer access to a confidential counselling service which is available for anyone affected by, or accused of, bullying or harassment. You may contact the DAS Counselling Service in confidence on 0117 933 0687 24 hours a day, 7 days a week

False or malicious allegations

Making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

Record keeping

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Staff Privacy Notice and Data Retention Policies.

Further Questions

If you would like further information about this policy, please contact the Human Resources Manager.