



# HEARTWOOD HOUSE

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## **1. Purpose**

- 1.1. Provide equality and fairness for all in our employment and not to discriminate on grounds of gender; marital status; race; ethnic origin; colour; nationality; national origin; disability; sexual orientation; religion/belief; or age.
- 1.2. Encourage all staff to take an active role against any form of harassment or discriminatory behaviour.
- 1.3. Deter all staff from participating in any form of harassing or discriminatory behaviour.
- 1.4. Demonstrate to all staff that they can rely upon Heartwood House's support in claims of harassment and discrimination at work.

## **2. Scope**

- 2.1. The rights and obligations set out in this policy apply equally to all staff, whether part time or full time on a substantive or fixed-term contract, and also to associated persons such as secondees, agency staff, contractors and others employed under a contract of service.
- 2.2. You have personal responsibility for the application of this policy. As part of your staff induction, you are expected to read and familiarise yourself with this policy, ensure that this policy is properly observed and fully complied with.
- 2.3. This policy is also of particular relevance to directors, line managers and other staff concerned with recruitment, training and promotion procedures and employment decisions which affect others.

## **3. Our commitment**

- 3.1. Ensure equality and diversity for all at Heartwood House.
- 3.2. Create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- 3.3. Ensure that Heartwood House accesses the widest labour market and secures the best staff for its needs.
- 3.4. Create and manage a working environment that promotes dignity and respect to all and where no form of intimidation, bullying or harassment is tolerated.
- 3.5. Ensure that no applicant or member of staff receives less favourable

treatment than anyone else and that, wherever possible, they are given the help they need to attain their full potential to the benefit of Heartwood House and themselves.

- 3.6. Achieve an ability-based staff group which is in line with the working population mix in the relevant labour market areas
- 3.7. Ensure training, development and progression opportunities are available to all staff.
- 3.8. The cooperation of all staff is essential for the success of this policy. However, ultimate responsibility for achieving the policy's objectives, and for ensuring compliance with the relevant Acts of Parliament as well as the various Codes of Practice, lies with the Trustees of individual Heartwood House Learner Centres. Behaviour or actions against the spirit and/or the letter of the laws on which this policy is based will be considered grounds for serious disciplinary matters, and can in some cases, lead to dismissal.
- 3.9. Equality in the workplace is good management practice and makes sound business sense.
- 3.10. Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- 3.11. This policy is fully supported by senior management.
- 3.12. The policy will be monitored and reviewed annually
- 3.13. All staff members have the right to be given equal opportunity in all aspects of employment and should be treated fairly with dignity and respect in all matters and not subjected to discrimination or harassment on the grounds of gender, race, colour, ethnic origin, nationality, sexual orientation, gender reassignment, age, part time working, fixed term working, marital status, disability, trade union activity, religious and political belief and Heartwood House expect you to behave in such a manner towards your colleagues.
- 3.14. Every member of staff has an obligation to act in accordance with this policy, both in the workplace and at times and places associated with the workplace including work related social gatherings, and you must behave in a way that does not discriminate towards colleagues, customers or suppliers. This policy applies to all Heartwood House's working practices in relation to employment and vocational training including recruitment and selection, terms and conditions of employment, salary, promotion, transfer and termination of employment etc. This policy also applies to staff working abroad or who are required to travel abroad as part of their job.
- 3.15. Any breaches of this policy will be considered wholly unacceptable behaviour, and subject to a thorough investigation and could lead to disciplinary action up to and including dismissal, including summary dismissal.
- 3.16. The effectiveness of this policy will be monitored.

#### **4. Policy statement**

- 4.1. Heartwood House is committed to eliminating discrimination and encouraging diversity amongst our workforce. Heartwood House's aim is that staff will be truly representative of all sections of the community and indeed society and that each member of staff feels respected and able to give of their best. Heartwood House oppose all

forms of unlawful and unfair discrimination.

- 4.2. All staff, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be based on aptitude and ability. All staff will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of Heartwood House.
- 4.3. Heartwood House believes that any behaviour in Heartwood House that results in treating individuals or groups without respect or dignity, or in a way that is degrading or humiliating, whether it breaks the law or not, must stop. All cases of such behaviour will be investigated and Heartwood House will treat all complaints fairly, quickly, and with confidentiality.

## **5. Vacancies**

- 5.1. Wherever possible, all vacancies will be advertised simultaneously both internally and externally. Steps will be taken to ensure that knowledge of vacancies reaches under-represented groups.

## **6. Selection and recruitment**

- 6.1. Selection criteria (job descriptions and employee specifications) will be kept under constant review to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.
- 6.2. At all times, the shortlisting and interview panel will consist of at least two, but ideally three people. Wherever possible, the line manager to the post being recruited will be included as part of these two processes. Anyone applying for a role who declares a disability will automatically be selected for interview.
- 6.3. The shortlisting panel will be clear about the shortlisting criteria and ensure candidates applications are considered in line with the person specification for the role. All candidates will be scored on a shortlisting grid against the relevant criteria. Whilst feedback for unsuccessful candidates is not routinely given, it will be if asked for by the candidate.
- 6.4. The interview panel will have a pre-agreed set of questions to ask candidates and will score objectively and fairly. For every interview, regardless of seniority or type of role being recruited to, at least one member of the panel will be suitably trained in safeguarding.
- 6.5. Reasons for selection and rejection of applicants for vacancies will be recorded. Wherever possible, if requested, feedback to unsuccessful applicants will be offered.

## **7. Positive action - training, promotion and conditions of service**

- 7.1. People in under-represented groups will be encouraged to apply for training and employment opportunities with Heartwood House.
- 7.2. Wherever possible, efforts will be made to identify and remove unnecessary or unjustifiable barriers and provide appropriate

facilities and conditions of service to meet the special needs of disadvantaged and/or under-represented groups.

## 8. Protected characteristics

8.1. Under the Equality Act 2010 the following characteristics are protected from discrimination, i.e. '*protected characteristics*':

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race or ethnic origin
- Religion of belief
- Gender
- Sexual orientation

### 8.2. Age

8.2.1. An "age group" is defined as "a group of persons defined by reference to age, whether by reference to a particular age or a range of ages". Age discrimination can also occur in relation to someone's apparent age. It is not unlawful however, to impose an age restriction if it is a proportionate means of achieving a legitimate aim and can be justified

### 8.3. Disability

8.3.1. A disability is a physical or mental impairment that has a substantial and long-term adverse effect on normal day-to-day activities which would include things like using a telephone, reading a book or using public transport. Heartwood House will provide equal opportunities for disabled people in all areas of employment including recruitment, training, promotion, transfer, redeployment and in terms and conditions of employment.

8.3.2. Heartwood House recognises its duty under the Equality Act 2010 to make reasonable adjustments to working arrangements or premises where these discriminate against disabled staff. If you have a disability, you should ensure that Heartwood House are aware of this so that Heartwood House may make reasonable adjustments. Reasonable adjustments are things like altering the working hours, adjusting a person's duties or buying equipment to assist them carry out their work.

### 8.4. Gender reassignment

8.4.1. The expression "gender reassignment" applies to either a man or woman who decides to live permanently as the opposite sex regardless of whether or not they decide to undergo any medical procedures.

### 8.5. Marriage and civil partnership

8.5.1. This applies to persons who are married or who have entered into a civil partnership.

### 8.6. Pregnancy and maternity

8.6.1. This applies to a woman who suffers less favourable treatment either as a direct or indirect result of her being pregnant or on

- maternity leave.
- 8.7. Race or ethnic origin
- 8.7.1. This applies to persons who are treated less favourably on the grounds of their race, colour, creed or ethnic origin. The law has recently been extended to cover Caste.
- 8.8. Religion or belief
- 8.8.1. Religion or belief includes any religion, religious belief or similar philosophical belief. It also includes a lack of religion, in other words, staff or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief.
- 8.9. Gender
- 8.9.1. This applies to men and women who are treated less favourably because of their gender.
- 8.10. Sexual orientation
- 8.10.1. Sexual orientation is defined as:
- orientation towards persons of the same sex (homosexual)
  - orientation towards persons of the opposite sex (heterosexual)
  - orientation towards persons of the same sex and opposite sex (bisexual)
- In addition, there are a number of Codes of Practice which although are not legally binding, Heartwood House support as far as possible, and recognise that Employment Tribunals will refer to them when determining the reasonableness of an employer's actions. These codes include the Code of Practice on Age Diversity 1999, Code of Practice on the Protection of the Dignity of Women and Men at Work as well as the Codes of Practice supplied by the Commission for Racial Equality (CRE) and the Equal Opportunities Commission.

## 9. Types of discrimination

- 9.1. There are many types of discrimination both direct and indirect. The responsibility for avoiding acts of discrimination lies with both you and Heartwood House. All forms of discriminatory behaviour will be treated as a disciplinary offence.
- 9.2. The main types of discrimination are as identified below.
- 9.3. Direct discrimination
- 9.3.1. Where a person or group are treated less favourably than another person because of a 'Protected Characteristics' they have or are thought to have, or because they associate with someone who has a protected characteristic.
- 9.4. Associative discrimination
- 9.4.1. This applies to race, religion or belief, sexual orientation age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- 9.5. Perceptive discrimination

- 9.5.1. This applies to age, race, religion or belief, sexual orientation disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- 9.6. Indirect discrimination
  - 9.6.1. This applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.
  - 9.6.2. Indirect Discrimination can occur when there is a rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.
- 9.7. Harassment
  - 9.7.1. This is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. This applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnerships. You will now be able to complain of behaviour that you find offensive, even if it is not directed at you, and the complainant needs not possess the relevant characteristic themselves. You are also protected from harassment because of perception and association.
- 9.8. Victimisation
  - 9.8.1. Victimisation occurs when a member of staff is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. Staff are not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no need to compare the treatment of a complainant with that of a person who has not made or supported a complaint under the Act.
- 9.9. Post employment
  - 9.9.1. Where someone is discriminated against, victimised or harassed, in certain circumstances, after the working relationship has ended.

## **10. Equal pay**

- 10.1. Heartwood House is committed to ensuring equality of pay between men and women and will strive to ensure that staff receive equal pay for work of equal value. Pay and benefits will be regularly reviewed and monitored to ensure pay parity. Decisions regarding pay and benefits and salary reviews will be made with equal pay in mind.

## **11. Pre-employment checks**

- 11.1. Heartwood House may request medical information from you in order to determine if reasonable adjustments are needed for the selection process and in order to determine if the applicant can carry out a function that is essential to the job.

## 12. Positive action

- 12.1. Heartwood House may take positive action to encourage staff or job applicants, with a protected characteristic, to apply for a post within Heartwood House. Positive action may include guaranteeing an interview for applicants who apply and who come under one of the protected characteristics, or by offering development or training to equip those with a protected characteristic with the necessary skills or knowledge to become proficient in that job.
- 12.2. Where necessary, special steps, as permitted by the relevant Acts of Parliament, will be taken to help disadvantaged and/or under-represented groups to compete for jobs on a genuine basis of equality. Furthermore, it is committed to ensuring that no one group of people is treated more or less favourably than any other on the grounds of their sex, race, nationality, ethnicity, marital status, disability, sexual orientation, age or religious or other beliefs.

## 13. Types of action

### 13.1. Informal action

- 13.1.1. If you have reason to make a complaint you may want to take one or more of the following steps:
  - Inform the harasser to stop
  - Seek help or guidance from a colleague, supervisor, line manager etc.
- 13.2. If you are too upset or embarrassed to speak directly to the harasser, you may write a letter to them stating what behaviour is causing offence, how it affects you and asking them to stop. Keep a copy of this letter, and any notes of incidents and occurrences with dates and times
- 13.3. Any of the above people may speak to the harasser, requesting them to stop. Most problems will cease once the harasser knows their behaviour is unacceptable and in breach of the equal opportunities policy.

### 13.4. Formal action

- 13.4.1. If the informal action does not result in the harassment ceasing, or where it is considered that more serious harassment has taken place, then you should report the facts in writing to your line manager which can be processed through a representative if preferred. This should detail the:
  - Name of the alleged harasser
  - Nature of the alleged harassment
  - Dates and times when the alleged harassment occurred
  - Names of any witnesses
  - Action already taken, if any, by you to stop the alleged harasser.

### 13.5. Investigation of the complaint

- 13.5.1. In all instances, allegations will be treated seriously and with the utmost confidentiality for all concerned.
- 13.5.2. On receipt of the formal complaint action will be taken to separate you from the alleged harasser to enable an



uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another area of work or suspension with pay until the matter is resolved.

- 13.5.3. The complaint will be thoroughly investigated by your line manager normally within 5 working days of receiving a complaint. In the absence of one of these people, and in the case of extenuating circumstances, a substitute of an appropriate staff member would be acceptable. No person who has been involved in the complaint being investigated will be responsible for the investigation.
  - 13.5.4. During the investigation your line manager will interview both the complainant and accused, interview witnesses, if any, and ascertain all the relevant facts. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.
  - 13.5.5. During an investigation, all parties involved may be accompanied by a colleague or TU representative of their choice.
- 13.6. Reports
- 13.6.1. When the investigation has been concluded a draft report of the findings and your line manager's proposed decision will be sent in writing to you and the alleged harasser.
  - 13.6.2. If you or the alleged harasser is dissatisfied with the draft report or the proposed decision, this should be raised with your line manager within 5 working days of receiving the draft. Any points will be considered by your line manager before the final report is sent, in writing, to you and the alleged harasser.
- 13.7. Further action
- 13.7.1. If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with the disciplinary procedure, and as such may also appeal against any action taken against them. The resulting disciplinary action will also consider whether it is necessary to transfer the offender to avoid further conflict within the working environment.
  - 13.7.2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint was both untrue and was brought with malicious intent, disciplinary action may be taken against you.
  - 13.7.3. If the complaint is not upheld but your line manager believes that the current working relationship cannot be maintained, then either party may be asked to relocate.
  - 13.7.4. Your line manager may recommend mediation to help both parties to find a course of action that is acceptable to them and allows each to retain their dignity. This is only possible with the agreement of both parties.
  - 13.7.5. The Executive Headteacher is responsible for the effective operation and monitoring of our Equal Opportunities Employment Policy.

## **14. Records management**

- 14.1. The Executive Headteacher is responsible for the safekeeping of this policy. This policy will be available for all staff on the staff drive.

## **15. Related legislation and documents**

- 15.1. External Documents
  - 15.1.1. Equality Act 2010
- 15.2. Internal Documents
  - 15.2.1. Code of Conduct for all staff
  - 15.2.2. Selection and recruitment policy
  - 15.2.3. Complaints policy
  - 15.2.4. Disciplinary policy