



Aldenham
Foundation

**EQUAL OPPORTUNITIES AND
DIGNITY AT WORK POLICY**

**Reviewed December 2020
by Human Resources**

Policy statement

The Foundation is an equal opportunity employer and is fully committed to treating all of its employees and job applicants equally. The Foundation will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

The Foundation will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. In this policy, these are known as the “protected characteristics”.

The Foundation will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free from harassment and bullying based upon the protected characteristics.

All employees are responsible for conducting themselves in accordance with this policy. The Foundation will not condone or tolerate any form of harassment, whether engaged in by employees or by outside third parties who do business with The Foundation, such as visitors, parents, customers, contractors and suppliers.

Employees have a duty to co-operate with The Foundation to make sure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under The Foundation’s disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination or harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

You should draw the attention of your Line Manager to suspected discriminatory acts or practices or suspected cases of harassment or bullying. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with The Foundation’s disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

The Foundation will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.

The following forms of discrimination are prohibited under this policy and are unlawful:

Direct discrimination

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees are treated or would be treated. For example, rejecting a job applicant because of their religious views or because they might be gay.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant’s or employee’s own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.

Indirect discrimination

Indirect discrimination is a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it could be justified.

Harassment

Harassment includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-harassment and Bullying Policy (see below).

Victimisation

Victimisation is retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

Disability discrimination

Disability Discrimination this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

The Foundation will take all steps to eliminate all forms of unlawful discrimination in all aspects of its employment.

Recruitment, advertising and selection

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Foundation is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements will aim to positively encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community,

The Foundation will, as far as reasonably practicable:

- Ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic.
- Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of applicants with a particular protected characteristic.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic.

However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim as provided for under the Equality Act 2010, The Foundation may apply that requirement to the job role and this may therefore be specified in the advertisement.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly

informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled job applicants, The Foundation will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

The Foundation is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation.

Training and promotion

The Foundation will train all Line Managers in The Foundation's policy on equal opportunities and in helping them identify and deal effectively with discriminatory acts or practices or acts of harassment or bullying. Line Managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.

The Foundation will also provide training to all employees to help them understand their rights and responsibilities in relation to equal opportunities and dignity at work and what they can do to create a work environment that is free from discrimination, bullying and harassment.

Terms of employment, benefits, facilities and services

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

Equal pay

The Foundation is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, The Foundation will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

Bullying and Anti-Harassment Policy

This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, for example, during business trips and at work-related social events.

Bullying

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 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;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- 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; or
- 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.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Reporting complaints

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Foundation will not ignore or treat lightly grievances or complaints of discrimination or harassment from employees.

If you wish to make a complaint of discrimination, you should use The Foundation's grievance procedure.

With cases of harassment, while The Foundation encourages employees who believe they are being harassed or bullied to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, The Foundation also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective or impractical, or the situation is too serious to be dealt with informally, you should follow the procedure set out below.

If you wish to make a complaint of harassment, whether against a fellow employee or a third party, such as a client, customer, contractor or supplier, you should follow the following steps:

- First of all, report the incident of harassment to your Line Manager. If you do not wish to speak to your Line Manager, you can instead speak to an alternative manager or to the Human Resources Manager.
- Such reports should be made promptly so that investigation may proceed, and any action taken expeditiously.
- All allegations of harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, The Foundation must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser so that he or she is able to fairly respond to the allegations. The Foundation reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter. If the matter becomes subject to disciplinary or other legal action, witness statements may have to be disclosed as part of that process.

- Once the investigation has been completed, you will be informed in writing of the outcome and The Foundation's conclusions and decision as soon as possible. The Foundation is committed to taking appropriate action with respect to all complaints of harassment which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged harasser.
- You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
- If your complaint is upheld and the harasser remains in The Foundation's employment, The Foundation will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Foundation will discuss the options with you.
- If your complaint is not upheld, arrangements will be made for you and the alleged harasser to continue or resume working and to repair working relationships.

Alternatively, you may, if you wish, use The Foundation's grievance procedure to make a complaint of harassment.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under The Foundation's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, Line Managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under The Foundation's disciplinary procedure.

Monitoring equal opportunity and dignity at work

The Foundation will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, The Foundation will implement them. The Foundation will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.