



Sapientia
EDUCATION TRUST

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EQUALITY, DIVERSITY & INCLUSION

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1. Introduction

- 1.1 This policy sets out the Sapientia Education Trust **(the 'Trust')**, approach to diversity, equality, and inclusion.
- 1.2 The Trust is committed to creating a more inclusive organisation which enables everyone to benefit from a variety of perspectives and better reflect the communities we work within and create an environment which enables our pupils to flourish.
- 1.3 The Trust wants to recruit, develop and retain a talented workforce to ensure that we have the strongest candidate in a role, enabling them to perform at their best.
- 1.4 This policy is monitored to ensure that it reflects legislation and best practice.
- 1.5 The Trust works in accordance with best practice as defined in the Equality Act 2010, promoting a culture of respect and dignity and actively challenges discrimination, if it ever arises.
- 1.6 Everyone is accountable for equality, diversity, and inclusion at the Trust.
- 1.7 Behaviours which fall under this policy apply to any work-related event, including social events, social media and against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- 1.8 This policy is an overarching policy which applies to all other Trust policies and procedures, and to all persons associated with the Trust.

2. What do we mean by Equality, Diversity, and Inclusion.

- 2.1 'Equality' means ensuring everyone has the same opportunities to fulfil their potential free from discrimination (CIPD). 'Equity' also means recognising barriers and that some groups are more advantaged than others, and putting measures in place to eliminate these barriers, ensuring equal opportunities for all (CIPD).
- 2.2 'Inclusion' means ensuring everyone feels comfortable to be themselves at work and feels the worth of their contribution (CIPD).

- 2.3 'Diversity' means the celebration of individual differences amongst the workforce (CIPD).

3. Legal Framework

- 3.1 The Trust recognises its responsibilities under the Equality Act 2010 and Public Sector Equality Duty.

- 3.2 In accordance with the public sector Equality Act, the Trust will ensure that:

- Decision makers must be aware of the duty to have 'due regard' when making a decision or taking action and must assess whether it may have implications for people with particular protected characteristics.
- Equality implications are considered before, and at the time, that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.
- The Public Sector Equality Duty is integrated into the carrying out of the Academies functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind.
- Public Sector Equality Duty is not delegated responsibility to anyone else.

- 3.3 The Trust will ensure that all reasonable steps are taken to avoid direct and indirect discrimination on the grounds of any of the protected characteristics (defined by Equality Act 2010) which are:

- Age.
- Disability.
- Gender reassignment.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

- 3.4 Part time and fixed term staff should be treated the same as comparable full time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

- 3.5 The Trust will ensure that all employees have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

- 3.6 In accordance with the Public Sector Equality Duty, the Trust will publish information on its main website demonstrating how we are complying with the Duty and our equality objectives.

4. Roles and Responsibilities.

4.1 Managers and Headteachers must:

- Ensure they fully investigate and understand any needs and/or reasonable adjustments required for employees who have declared or presented with a protected characteristic and/or disability.
- Ensure the values embedded in this policy are reflected in the employee's lifecycle e.g., job descriptions, appraisals, 1-2-1's.
- Promote and foster an environment which reflects the values outlined in this policy.
- Ensure staff and students know and understand how to report any instances of discrimination, bullying and harassment without fear of victimisation.
- Be mindful of instances of gossip occurring in their teams and respond appropriately. If a manager does witness conversations that could cause concerns in relation to staff relations, a negative work environment or false information which could damage the reputation of staff and/or the Trust, they should intervene, and further action may be taken.
- Complete mandatory equality and diversity and unconscious bias training every three years.

4.2 Employees must:

- Ensure they have read and understood this policy.
- Promote equality, diversity, and inclusion, including in learning settings.
- Challenge inappropriate or discriminating behaviour.
- Report any unacceptable behaviour in accordance with Trust policy and procedure.
- Undertake mandatory equality, diversity and inclusion training every three years.
- All employees, volunteers and contractors are expected to behave appropriately and professionally at all times and should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time.
- Complete mandatory equality and diversity training.

4.3 Trade Union:

- Support and advise members in accordance with this policy.
- Report and challenge inappropriate behaviour through the appropriate procedure.
- Support and promote the values outlined in this document.

4.4 HR

- Support Managers and the Trust in ensuring that equality, diversity, and inclusion is present in all policy and procedures.
- Ensure that any reported inappropriate and/or discriminating behaviour is acted upon in accordance with Trust policy and procedure.
- Support employee life cycle in a fair and consistent manner which supports the values outlined in the policy.

4.5 Trust

- Takes responsibility for achieving the objectives of this policy and endeavours to ensure compliance with relevant legislation and codes of practice. The Trust will ensure that appropriate policies are in place, effectively implemented, monitored and reviewed to ensure they remain relevant and up to date.
- May hold employees independently and individually liable for their discriminatory action against others and in some circumstances an Employment Tribunal may order the employee to pay compensation to the person who has suffered as a result of their discriminatory action.
- The Trust is responsible for ensuring all staff, volunteers and contractors understand this policy and the expectations relating to the prevention of bullying and harassment. The Trust will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment and/or bullying.

5. Recruitment and Selection:

- 5.1 External vacancies are advertised to a diverse range of potential candidates.
- 5.2 Equality and diversity in the workforce will be regularly monitored to ensure equal opportunities throughout the Trust.
- 5.3 Where appropriate, measures will be taken to identify and remove unnecessary obstacles and to meet the special needs of disadvantaged or underrepresented groups.
- 5.4 Recruitment, promotion, and other selected exercises such as redundancy selected will be conducted on merit against the objective criteria.
- 5.5 Job applicants must not be asked pre-employment health questions except where permitted by law.
- 5.6 There are times when it is fair and lawful to state a preference for a person of a particular sex or a particular ethnic origin. This is when you can prove that it is essential for the purposes of the job to be of a particular sex or to come from a particular ethnic background. This is referred to as an occupational requirement.

5.7 Please refer to SET HR Resourcing Policy for further information.

6. Breaches

- 6.1 The Trust takes a strict approach to breaches of this policy, which may be considered severe enough to be dealt with under the Trust's disciplinary procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.
- 6.2 If an employee believes they have suffered discrimination, they can raise the matter in line with this policy or through the Trust Grievance policy. Complaints will be dealt with in confidence and investigated as appropriate.
- 6.3 Employees deserve the right not to be victimised or retaliated against for complaining about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the Trust's disciplinary procedure.

Section B: Bullying and Harassment

7. Harassment

- 7.1 Harassment can be defined as unwanted behaviour or conduct which relates to a protected characteristic. It has the purpose and/or effect of violating someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 7.2 A person may be harassed even if they were not the intended recipient of the behaviour; this includes a worker's own protected characteristic, or in connection with another person's characteristic, or the perception that a person has a protected characteristic.
- 7.3 A single, serious incident may amount to harassment.
- 7.4 Serious harassment may be a criminal offence under the Protection from Harassment Act 1997. It may also be an offence under the Criminal Justice and Public Order Act 1994.
- 7.5 Employers have a duty to take all reasonable steps to prevent harassment.
- 7.6 Appendix A outlines examples of harassment behaviour.

8. Bullying

- 8.1 Bullying can be defined as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened.
- 8.2 Power doesn't always mean being the position of authority, but it can include both personal strength and the power to coerce through fear or intimidation.
- 8.3 Legitimate, reasonable, and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.
- 8.4 Appendix A outlines examples of bullying behaviour.

9. Gossip

- 9.1 Workplace gossip can constitute a form of bullying and harassment.

- 9.2 It is recognised that staff are going to interact during the working day and have conversations that do not relate to ongoing work or projects.
- 9.3 Workplace discussions should not develop into unregulated gossip that could cause issues in staff relations, create a hostile working environment, or allow false information regarding the Trust to spread.
- 9.4 All staff are responsible for ensuring they act and behave in a manner which works prevents gossip occurring.

Section C Complaint Procedure

10. Informal Approach

- 10.1 Dependent on the nature and seriousness of the allegation an informal approach to addressing and resolving the allegation made can be taken. Examples of approaches may include but are not limited to:
- a The Headteacher or another appropriate member of staff can help broker a solution by means of a conciliation meeting between both parties. This should only be done with agreement from both parties.
 - b Mediation is a voluntary and confidential form of alternative dispute resolution. It involves an independent and impartial person helping two or more individuals or groups reach a solution that is acceptable to everyone. The overriding aim of workplace mediation is to restore and maintain the professional relationship of the employees wherever possible. This means the focus is on working together to move forward.
- 10.2 The method of informal resolution may be determined by factors such as timing, availability and cost but the most important thing is that both parties are prepared to engage in the process and work together on resolution.

11. Formal Approach

- 11.1 Where an informal remedy has been unsuccessful or dependent on the seriousness and nature of the Trust's Grievance Procedure will be used when dealing with complaints of bullying and harassment.
- 11.2 This procedure enables complaints to be dealt with sensitively and efficiently and allows employees to raise their complaint with someone other than their line manager, where this is necessary.
- 11.3 Following an investigation where the outcome is upheld, management within the Trust will ensure that all harassment has ceased, no victimisation as a result of bringing a complaint is experienced and that any necessary changes to policies, practices and procedures are made.
- 11.4 Where a complaint has not been upheld but is deemed to have been raised in good faith (i.e., is not a vexatious allegation), the Trust will ensure that no victimisation of the complainant takes place.

12. Malicious Complaints

- 12.1 Malicious or unfounded complaints of harassment and bullying can have a devastating effect on health, confidence, morale, and motivation of those

falsely accused. The Trust will take all steps to ensure this policy is utilised in the spirit it is intended.

- 12.2 In the unlikely event that malicious or unfounded allegations are made against a member of staff or volunteer, the Trust will take appropriate action to redress. If it is found that complaints of harassment or bullying are intentionally frivolous, vexatious, or unreasonable, these may be investigated under the Trust Disciplinary Policy.

13. Concerns procedure for volunteers/3rd party harassment

- 13.1 Where an employee raises a complaint against a 3rd party (e.g., a contractor) the Trust should take all reasonable steps to address the concerns raised.

14 Declaration

- 14.1 Equality and diversity and inclusion declaration:

I have read and understood Equality, Diversity and Inclusion Policy and agree to work to the expected standards. Regardless of my background and circumstances, I agree to treat all colleagues and visitors with respect and dignity while carrying out the duties and responsibilities of my role.

Print Name	
Signature	
Date	

Appendix A – Glossary

Discrimination is treatment or consideration of, or making a distinction towards, a person based on the group, class, or category to which the person belongs or is perceived to belong. These include age, caste, colour, criminal record (do we need to put something in somewhere about how the Trust will sometimes take criminal record / DBS into account due to KCSIE / vetting standards?), height, disability, ethnicity, family status, gender identity, generation, genetic characteristics, marital status, nationality, race, religion, sex, and sexual orientation.

Direct Discrimination is where a person is treated less favourably or more favourably than others would be on grounds that are not justifiable, such as race, gender, disability or any other protected characteristic or perceived group to which the person belongs.

Indirect Discrimination consists of treatment, which appears to be fair and applied to everyone equally but has an unjustifiable impact upon a particular group of people with a protected characteristic.

Institutional Discrimination is the collective failure of an organisation to provide an effective and professional service to people because of their colour, culture or ethnic origin, nationality, religion/belief, gender, disability, sexuality, age or other status or protected characteristic. It can be seen or detected in process, attitudes and behaviour which amounts to discrimination. Through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantages people.

Association Discrimination occurs when a person is treated less favourably because of their association with another person who has a protected characteristic.

Perceptive Discrimination occurs when a person directly discriminates against another person because the person thinks they possess a particular protected characteristic. This applies even if the person being discriminated against does not have the protected characteristic.

Racism is the belief in the superiority of one race over another, which often results in discrimination and prejudice towards people based on their race or ethnicity. Racism can also occur where false assumptions are held regarding people from ethnic backgrounds.

Disability Discrimination will be deemed to have occurred where all reasonable possibilities which would enable the retention of a person with a disability have not been explored. This could include modifications to equipment, the use of special employment aids, job re-structuring or redeployment where appropriate.

Victimisation is unlawful and occurs where a person is treated less favourably because they have asserted their rights under the Equality Act or would not be considered for a post because they have made a claim at an Employment Tribunal.

Harassment is unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment can include but is not limited to, the following unwanted physical, verbal or no verbal behaviours:

- Physical conduct including touching, pinching, pushing or grabbing.
- Sexual advances or suggestive behaviour.
- Spoken or written words or abuse, including mocking, mimicking or belittling.
- Offensive emails, tweets or comments on social networking sites (whether public or private).
- Images or graffiti; or
- Physical gestures.

A person may experience harassment even if not the intended 'target' of the behaviour in question. For example, racist jokes create an offensive environment. People do not need to belong to an ethnic group for racist jokes to be harassment.

A person need not possess a relevant protected characteristic themselves. They may experience harassment due to their association with another person who has a protected characteristic.

A perception that they have a protected characteristic, even if that perception is wrong.

Bullying can be defined as intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, denigrate or injure the recipient (ACAS).

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

- a) Physical or psychological threats;
- b) Overbearing or intimidating levels of supervision;
- c) Inappropriate derogatory remarks about someone's performance; and/or
- d) Bullying or harassment on the internet and in other digital spaces, particularly on social media sites, include posting rumours, threats, sexual remarks, a victim's personal information, or derogatory comments.

Bullying is usually persistent and repetitive behaviour but can in some circumstances can be serious enough to be recognised as a one-off incident.

Gossip Workplace gossip is the informal interaction or communication that doesn't relate to work activities among work colleagues. Instead, it typically focuses on personal, private, or sensitive information (INDEED: What is workplace gossip?).

Gossiping can be present in the following circumstances (CIPD):

- discussing the personal life of a colleague whilst they are not present
- negative conversations that serve to criticise colleagues
- repeating unsubstantiated information that could potentially harm a colleague's reputation, both professionally and personally
- spreading or repeating rumours about a colleague
- repeating information about a colleague which has been told in confidence
- Maybe a line in here about gossiping about the Trust / school / organisation itself?

Mediation is a process where the mediator works with people who have a disagreement to help them find their own solution and reach an agreement to improve the situation or sort out their problem. Mediation is voluntary and has aim to maintain the employment relationship (ACAS Mediation explained).

Appendix B: Related documents and Support

Occupational health		
Trade Union		
Your Manager/Headteacher		
Employee Assistance	Validium	0800 3 58 48 58. www.validium.com username: Sapientia password: EAPsupport
Samaritans	Offers emotional support to anyone suffering from emotional distress, struggling to cope or at risk of suicide.	Contact Us Samaritans Tele: 116123 Email: jo@samaritans.org
SET Stress Management policy		
SET Grievance Policy		
SET Disciplinary Policy		
SET HR Resourcing Policy		

Sources:

ACAS		Understanding discrimination: Discrimination and the Equality Act 2010 - Acas
ACAS		What bullying is: Bullying at work - Acas
ACAS	Mediation explained	
CIPD Inform	Gossiping policy	
Indeed	What is workplace gossip	What Is Workplace Gossip? (With Tips and How to Handle It) Indeed.com Canada
Eversheds	Equality, Diversity and Inclusion: current developments and emerging trends for the sector	
WithyouWithme	Are we there yet? The state of workplace Equality, Diversity & Inclusion in the United Kingdom	