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## Staff Equality Statement

### 1. Purpose

The purpose of this document is to set out the commitment of the Governing Body to promote equality and diversity and to tackle discrimination in all areas of employment. This commitment includes complying with current employment legislation: the Equality Act 2010.

The Ashington Learning Partnership (ALP) are firmly committed to equality of opportunity for all our current and prospective employees, regardless of gender, ethnicity or disability.

We aim to ensure that no pupil, parent, job applicant or employee receives less favourable treatment than another on grounds of sex, race, colour, ethnic origin, marital status, sexual orientation, disability, age (within the context of the normal retirement age) or any other factors unrelated to the requirements of the job and which are not restricted by legislation.

### 2. Legal Considerations

Employers must not discriminate against people on the basis of any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex or sexual orientation, unless this can be objectively justified. There are some specific circumstances, known as “occupational requirements”, where an employer is allowed to discriminate on the basis of a protected characteristics, which are set out in more detail in the Recruitment and Selection Code of Practice.

Type of treatment which can be unlawful are:

- **Direct discrimination:** someone is treated less favourably than another person because of a protected characteristic. Two forms of direct discrimination are:
  - **Associated discrimination:** discrimination against a person because that person has an association with someone with a protected characteristic (for example, the parent of a disabled child);
  - **Perceptive discrimination:** discrimination against a person because the discriminator thinks the person possesses a protected characteristic (even if that person does not in fact do so).
- **Indirect discrimination:** can occur when a rule, policy, practice, or criterion, which is applied to everyone, disadvantages a particular protected characteristic.
- **Harassment:** behaviour an individual may find otherwise, even if it is not directed to them.
- **Victimisation:** someone is treated badly because they have made or supported a complaint or grievance under the Act.
- **Harassment by a third party:** employers are potentially liable for harassment of their staff by people they do not employ, such as a contractor.

Every employee has a responsibility and duty to behave appropriately at all times in accordance this document. See also the Staff Code of Conduct. Any employee who commits an act of discrimination or personal harassment will be liable to disciplinary action, and ultimately the possibility of dismissal.

### **3. Statement**

All staff play a key role in providing quality services to the various groups served by the ALP e.g. pupils, parents, governors, the local community etc. To make the best use of their talents and to protect their wellbeing, the ALP Governing Body strives to provide a working environment where staff are treated with dignity, courtesy and respect.

We will have due regard to the need to:

- Eliminate unlawful discrimination, harassments and victimisation;
- Advance equality of opportunity between different groups; and
- Foster good relations between different groups.

Advancing equality involves:

- Removing or minimising disadvantages experienced by individuals due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to work in our school, where their participation is disproportionately low.

We oppose all forms of unlawful and unfair discrimination. For employees, whether part-time, full-time or temporary. For staff:

- To have equal opportunities for employment or training which will be based on aptitude and ability;
- To have the equal opportunities rights with regard to appointments, terms of employment and any other benefit;
- To have the opportunity to contribute to the development of Ashington Learning Partnership;
- To work in an atmosphere of tolerance and professional respect.

All employees will be helped to develop their full potential within our school. Developing the talents and resources of our workforce will enhance the effectiveness of our school.

### **4. In Practice**

This document applies to every aspect of employment, from recruitment through pay, access to facilities and employment benefits, promotion, training, discipline and grievance procedures and so on up to the end of the contractual relationship and beyond, for example, when references are provided.

Each stage of the employment relationship is covered by an individual employment policy or procedure. The full suite of employment policies and procedures will be consistent with the aims and principles of this document and will take into account the specific equalities considerations that arise in that particular context.

### **5. Publicising**

All prospective job applicants will receive a copy of this document with the application form for the vacancy and all current staff will have access to this document.

We will ensure that awareness and understanding of equality and diversity in all areas of employment is included in the induction of new staff and volunteers.

## **6. Complaints or Concerns**

Complaints from external job applicants under this document should be sent to the Chair of Governors, who will consider how to proceed under the school's Complaints Procedure.

An employee who believes he/she has been subject to unwelcome or objectionable behaviour at work and has a concern or complaint under this document should raise the matter with their line manager in the first instance.

If the matter is not dealt with to the employee's satisfaction an employee may use the school's Grievance Procedure.

## **7. Dignity at Work**

For behaviour to count as harassment in equality law, it has to be one of three types:

- Unwanted behaviour related to age, disability race, sex, gender reassignment, religion or belief or sexual orientation that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment;
- Sexual harassment, which takes place when a person does something of a sexual nature (which might be verbal, non-verbal or physical) that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment for that person; or
- An employee is treated less favourably than others because he or she either submits to or rejects sexual harassment or harassment to sex or gender reassignment.

Employers, in certain circumstances, may also be held responsible for harassment of their employees by a third party, such as a member of the public, service user or contractor. This includes pupils and their parents in a school context. An employer may be held liable if they fail to take reasonable steps to protect the worker from harassment. To protect themselves employers should take discriminatory acts seriously and be seen to implement proactive measures which make members of the public, service users or contractors aware of their obligations not to harass employees.

Some forms of harassment, such as racially motivated incidents, can be a criminal offence and the police should investigate such complaints.

Harassment at work is sometimes linked to bullying. Bullying behaviour may or may not amount to harassment in equality law, depending on whether it is linked to any of the above protected characteristics.

The Executive Principal is responsible for helping staff to resolve their differences wherever possible and, in particular, encouraging reporting and ensuring that serious matters are appropriately dealt with using the relevant formal procedures. He will also need to take reasonable steps to prevent harassment by a third party.

Every employee is under a duty to behave appropriately at all times and to actively seek to prevent harassment, discrimination, bullying and all other forms of unwarranted or improper behaviour in the workplace. Failure to do so, or inciting someone else to act inappropriately, may result in disciplinary action.

## **8. Bullying**

Bullying at work can take many forms. It can involve ignoring or excluding someone, spreading malicious rumours or gossip, humiliating someone in public, giving someone unachievable or meaningless tasks or constantly undervaluing someone's work performance. There is no legal definition of workplace bullying.

## **9. Effects and Implications**

Harassment and bullying cause distress and can harm the health of the person suffering the harassment.

It may lead to anxiety, stress, increased sickness absence and, ultimately, to an individual resigning from their post. Ignoring or condoning harassment can therefore reduce efficiency, damage morale, increase staff costs and leave individual managers and the organisations at risk of legal claims.

Breaches of this document are serious offences and could leave offenders open to disciplinary action including dismissal. However, the prime objective is to draw attention to and thereby prevent improper behaviour in the workplace. All allegations will receive serious and confidential consideration.

## **10. Examples of Behaviour the Procedures Seeks to Prevent**

Although not exhaustive, these are some examples of inappropriate behaviour:

- Unwelcome comments such as innuendo, teasing, jokes or verbal abuse relating to age, disability, race, sex, gender reassignment, religion or belief of sexual orientation;
- Offensive comments about a person's dress or appearance;
- Display of graphic pictures or other sexually offensive material;
- Unwelcome touching or other physical contact;
- Demands for sexual favours;
- Behaviour that ridicules others;
- Graffiti or the display of offensive material;
- Insults, threats, malicious rumours or physical assault;
- Deliberate isolation or non-cooperation;
- Intimidation, victimisation or belittling or through the misuse of power or position;
- Deliberate undermining, overloading and constant unfair criticism;
- Exclusion from usual work social communication; and
- Persecution or unfavourable treatment given in reprisal against someone who has complained or given evidence under this document.

## **11. What can an employee do if they think they are being harassed?**

An employee can:

- Ask the person to stop; and
- Ask for help.

Staff suffering harassment can raise their concerns through a number of different channels, either informally or formally. Wherever possible staff are encouraged to raise any concerns with their line manager but it is understood that, sometimes, individuals may not feel able to use this approach. Any employee unsure about how to make a harassment complaint can contact their trade union representative or the School Support Advisors within the Children's Services Group for advice about how to access the procedure.

## **12. Advice**

Informal and confidential advice is available from Trade Union Representatives.

Teachers and support staff can also access free, confidential emotional support by telephone from the national Teachers' Support Network on 0800 0562561.

## **13. Informal Action**

Some individuals will feel confident enough to face their harasser directly. If so, employees could try the following steps but should avoid putting themselves in any difficult, frightening or dangerous situations:

- Tell the harasser that the behaviour must stop;
- Say that if it does not further action will be taken;
- Be firm, assertive and polite;
- If the behaviour does not stop, put it in writing and keep a copy;
- Keep written notes of dates, places, times, incidents and any witnesses.

An employee will need specific details if they decide to pursue a formal complaint. They will need an accurate diary of events and should monitor any changes in the work pattern or attitude of the harasser.

If an employee is unsure about facing their harasser alone they could ask someone to accompany them or to act on their behalf. The Listening Officers and Trade Union representatives can provide help and advice.

## **14. Formal Action**

Formal complaints are made through the ALP's Grievance Procedure which, if upheld, may result in proceedings under the Capability and Disciplinary Procedure. Grievances should be initially made to an employee's line manager or to the next level in the management structure where the immediate line manager is the subject of the complaint.

The ALP will instigate a discreet and impartial investigation into each complaint. All matters relating to this will be treated confidentially. Victimisation or retaliation against a complainant or a witness is a disciplinary offence.

## **15. Problems with Third Parties**

The ALP Governing Body's commitment to protect its staff does not only extend to improper or inappropriate behaviour by other employees. The ALP will take all reasonable steps to protect staff from the foreseeable risks of improper behaviour from any third party that they come into contact with during their normal day to day duties. If an employee is harassed or suffers ill-treatment by member of the public, a service user or any other third party, they should notify the Executive Principal or School Business Manager immediately or seek other help and advice.

## **16. Malicious and Unfounded Allegations**

Allegations made purely out of malice will constitute a disciplinary offence. The ALP will not engage in a process which results in favouring one set of beliefs over another. The document aims to protect all employees and is not a charter to advance personal crusades or ideology.

## 17. Transgender

### Terminology and Language

The correct terminology and language should be used (see Appendix 1). For the matter of fairness and inclusion it is extremely important that the correct gender, name and pronouns are used correctly to address transgender pupils.

### Name and Pronoun Change

Respecting a request to change name and pronoun is crucial in supporting and validating identity. Some transgender people may wish to change their name to make it in line with their gender identity. Although they may not have changed their name legally, individuals have the right to choose the name by which they are known. More information on changing names on birth certificates can be found at [www.deedpoll.org.uk/CanABirthCertificateBeChanged.html](http://www.deedpoll.org.uk/CanABirthCertificateBeChanged.html)

### Confidentiality

Information about a person's Transgender status is considered 'sensitive personal data' and is subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

| Created <input checked="" type="checkbox"/> Reviewed <input type="checkbox"/> |                     |
|-------------------------------------------------------------------------------|---------------------|
| Signed:                                                                       | Name: Nikki Lumley  |
| Role: Schools Business Manager                                                | Date: December 2018 |
| Adopted                                                                       |                     |
| Signed:                                                                       | Name: Andy Roberts  |
| Role: Executive Principal                                                     | Date: January 2019  |

## Glossary of Terms - Transgender

**Asexual (or ace)** - someone who does not experience sexual attraction.

**Bi** – refers to an emotional and/or sexual orientation towards more than one gender.

**Biphobia** – the fear of dislike of someone who identifies as bi.

**Cisgender or Cis** – someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

**Coming out** – when a person first tells someone/others about their identity as lesbian, gay, bi or trans.

**Gay** – refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality – some women define themselves as gay rather than lesbian.

**Gender** – often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

**Gender dysphoria** – used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.

**Gender expression** – how a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not confirm to societal expectations of gender may not, however, identify as trans.

**Gender identity** – a person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

**Gender reassignment** – another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.

**Gender Recognition Certificate (GRC)** – this enables trans people to be legally recognized in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

**Heterosexual / straight** – refers to a person who has an emotional, romantic and/or sexual orientation towards people of the opposite gender.

**Homosexual** – this might be considered a more medical term used to describe someone who has an emotional romantic and/or sexual orientation towards someone of the same gender. The term 'gay' is now more generally used.

**Homophobia** – the fear or dislike of someone who identifies as lesbian or gay.

**Intersex** – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

**LGBT** – the acronym for lesbian, gay, bi and trans.

**Lesbian** – refers to a woman who has an emotional, romantic and/or sexual orientation towards women.

**Neurodiverse** – a concept where neurological differences are recognized and respected in the same way as any other human difference.

**Non-binary** – an umbrella term for a person who does not identify as only male or only female, or who may identify as both.

**Outed** – when a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

**Person with a trans history** – someone who identifies as male or female or a man or women, but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.

**Pansexual** – refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity.

**Questioning** – the process of exploring your own sexual orientation and/or gender identity/

**Sex** – assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

**Sexual orientation** – a person's emotional, romantic and/or sexual attraction to another person.

**Trans** – an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) Transgender, Transsexual, Gender-queer (GQ), Gender-fluid, Non-binary, Gender-variant, Crossdresser, Genderless, Agender, Non-gender, Third gender, Two-spirit, Bi-gender, Transman, Transwomen, Trans masculine, Trans feminine and Neutrois.

**Transgender man** – a term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

**Transgender woman** – a term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

**Transitioning** – the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

**Transphobia** – the fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.

**Transsexual** – this was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.