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**The Pennine Trust**

Employee Equality,

# Diversity and Inclusion

Policy and Prevention of Sexual Harassment

**Document Control:**

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| **Name of Responsible Committee/Individual:** | CEO |
| **Version** | New |
| **First Consultation Date:** | January 2025 |
| **Review Date** | September 2026 |
| **Target Audience:** | All employees |
| **Related Policies** | Grievance & Bullying and Harassment Policy & Procedure  Disciplinary and Dismissal Policy  Code of Conduct  Pay Policy  Recrutiment and Selection Policy  Staff Attendance at Work Policy  Flexible Working Policy  Teacher/Support Staff Performance Management Policies |

**Important:** *This document is only valid when viewed on the Trust online area (currently The School Bus). If this document has been printed or saved to another location, you must check that the version on your copy matches that of the document online.*

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# **Scope**

**The Pennine Trust** is committed to promoting equality of opportunity for all staff and job applicants. In line with our trust values of ***Ambition, Respect and Collaboration*** and our mission statement: ***Creating opportunity. Inspiring excellence. Shaping tomorrow.*** We aim to create a working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We are committed to supporting our staff and applicants to be their authentic selves without judgement to support an inclusive environment and diverse workforce. Through policy and practice, the Trust aims to provide equal access and rights to all employees within the Trust schools. This policy applies to all employees within the Trust whether they are permanent, temporary, full-time, part-time, casual or contracted.

# **Aims**

Through this policy, we aim to:

* Develop a culture of diversity and inclusion where all employees feel valued and supported in an inclusive working environment, with equal access to opportunities and a recognition that people from different backgrounds and experiences bring valuable insights, diverse thoughts and a wealth of abilities.
* Provide equality, fairness and respect for all in our employment, whether temporary, permanent, part-time or full-time.
* In line with the desired culture across the Trust and the provisions of the Equality Act 2010, we will not unlawfully discriminate against any of the protected characteristics(age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation).
* Actively take steps to remove all forms of unlawful discrimination, harassment and victimisation including through our policies, such as pay and benefits, terms and conditions of employment, grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

# **Legal framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

* Human Rights Act 1998
* Equality Act 2010
* The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018
* the Worker Protection (Amendment of Equality Act 2010) Act 2023
* Protection from Harassment Act 1997

This policy operates in conjunction with the following trust policies, that can be accessed on the School Bus:

* Whole Trust Pay Policy
* Recruitment and Selection Policy
* Code of Conduct
* Grievance, Bullying and Harassment Policy
* Disciplinary Policy and Procedure
* Flexible Working Policy
* Teacher/Support Staff Performance Management Policies

# **Public Sector Equality Duty (PSED)**

As a public body, the Trust will have due regard for the need to:

* Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
* Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
* Foster good relations between people who share a protected characteristic and people who do not.

# **Equality Act**

The Equality Act 2010 details a list of ‘protected characteristics’ which are grounds upon which it is unlawful to discriminate against people. The protected characteristics are given below, and detailed descriptions are at Appendix a.

* Age
* Disability
* Gender identity and/or reassignment
* Marriage and civil partnership
* Pregnancy and maternity
* Race
* Religion or belief
* Sex
* Sexual orientation

# **Commitment**

**The trust commits to:**

* Actively preventing unlawful discrimination of any form and creating working environments free of bullying, harassment and victimisation.
* Actively explore and challenge our unconscious biases, which if unchallenged, will limit our decisions, behaviour and actions to what we are primed to do or how we normally see things.
* Promoting a culture of dignity, acceptance and respect where individual differences and the contributions of all staff are recognised and valued.
* Promoting an inclusive culture where staff feel comfortable and confident to be themselves.
* Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the Trust’s activities.
* Creating an environment where people have the freedom to express opinions that do not discriminate, harass or are defamatory and / or unlawful.
* Providing equal opportunities, training and development available to all staff regardless of their who will be helped and encouraged to develop their full potential so their talents and resources can be fully utilised to maximise the efficiency of the Trust.
* The recruitment of staff whether internally and externally will be based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)
* Review employment practices and procedures when necessary to ensure fairness, taking into account the impact on individuals and groups.
* Monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion and in meeting the aims and commitments set out in this policy.

# **Recruitment and selection**

The trust will ensure that no job applicant suffers discrimination because of any of the protected characteristics. The trust’s recruitment procedures are reviewed regularly to ensure that individuals are treated based on their relevant merits and abilities. Job selection criteria will be regularly reviewed to ensure that it is relevant to the job and not disproportionate. The shortlisting of applicants and interview process will be undertaken by more than one person.

Job applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which will only be used with HR’s approval, such as:

* Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
* Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
* Positive action to recruit disabled persons.
* Equal opportunities monitoring (which will not form part of the decision-making process).

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, the trust will monitor applicants’ ethnicity, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. The Trust is currently underrepresented in certain groups and has implemented automatic interview for individuals in these groups.

# **Disciplinary/Dismissal/Redundancy**

The trust will ensure that redundancy criteria and procedures are fair and objective and are not discriminatory. The trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action, in line with the trust’s Disciplinary Policy and Procedure.

# **Equality Impact Assessment (EIA)**

When leaders are considering policies, implementing new initiatives or making decisions that may impact on people with the relevant protected characteristics, then they should undertake an Equality Impact Assessment (template is available from Trust HR). If any unfairness is highlighted, the EIA will help to identify what changes can be made, what cannot be changed and how improvements can be made. This document should be kept to provide evidence that the Trust had due regard to PSED.

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# **Responsibilities**

**Trustees**

Trustees delegate responsibility for this policy to the CEO.

**CEO**

* Responsible for ensuring schools comply with equality-related legislation and that the policy and its procedures are implemented by the headteacher.
* Responsible for ensuring that the central team comply with the policy and promote equality, diversity and inclusion and undertake EIA where necessary.
* Ensure all other establishment policies promote equality.

**Headteachers will be responsible for:**

* The day-to-day operation of this policy in their establishment.
* Setting an appropriate standard of behaviour and leading by example.
* Ensuring that those they manage adhere to this policy and promote the trust’s equal opportunity objectives.
* Ensuring opportunities for training, development and progress are available to all staff.
* Ensuring staff are helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
* Making staff progression decisions based on merit (in line with any necessary and limited exemptions and exceptions allowed under the Equality Act 2010).
* Ensuring the culture in the school is aligned with this policy and the equality objectives and organise training where appropriate.

**HR is responsible for:**

* Monitoring the composition of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability.
* Monitoring how the composition of the workforce encourages equality, equity, diversity and inclusion, and meets the aims and commitments set out in this policy.
* Sharing workforce data with recognised trade unions.
* Reviewing this policy regularly with recognised trade union representatives.
* Organising equal opportunities training, including for those involved in management and recruitment.
* Answering queries on the content or application of this policy.

**Leaders and line managers should:**

* Lead by example by demonstrating behaviour that is inclusive of diversity and mindful of unconscious biases and promote a culture that is aligned to this policy.
* Encourage open dialogue regarding discrimination, diversity and unconscious biases and how these influence the effectiveness of our work.
* Ensure that all reports are taken seriously and dealt with in an appropriate and timely manner.
* Attend training and organise appropriate training for members of their team.

**Employees responsibilities:**

* All staff are expected to actively prevent and report any form of unlawful discrimination.
* All staff should always consider diversity in their daily duties, be mindful of unconscious biases, be open to feedback about their own biases, ensure they are aware of this policy and support their colleagues in being inclusive.
* All staff should understand they, as well as the Trust, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, pupils, parents, visitors, suppliers and the public.
* Staff should recognise that if not acted upon a continuous lack of inclusion (exclusion) can become discrimination. Therefore, staff should also be familiar with the Trust’s Grievance, Bullying and Harassment Policy, which is available on The School Bus, as this outlines the Trust’s approach to preventing and managing behaviour such as harassment, bullying, victimisation or discrimination.
* Where staff experience attitudes, behaviour, structures or processes that are inconsistent with this policy, they are encouraged to discuss this within the situation it has arisen, if possible, or bring it to the attention of their line manager, Headteacher or HR.

# **Prevention of Sexual Harassment**

The Trust is committed to taking steps to prevent staff from experiencing sexual harassment in the course of their employment as set out in the Worker Protection (Amendment of Equality Act 2010) Bill 2024.

**What is sexual harassment**

The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended. Under the Equality Act 2010 employers have a positive legal duty to take reasonable steps to prevent sexual harassment of their workers.

A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

* + - sexual comments or jokes;
    - sexual images displayed or shared;
    - offensive words or comments;
    - demeaning or humiliating behaviour or language;
    - references to someone’s body;
    - intrusive questions about someone’s private life;
    - stalking, including online stalking;
    - sexual gestures, such as simulating sexual acts;
    - unwelcomed touching, such as putting a hand on someone’s knee or hugging them;
    - unwanted sexual attention whether verbal or physical;
    - coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
    - sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.

An individual can experience unwanted conduct from someone of the same or a different sex.

Although, statistically, women are more likely to experience or report sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in person, online, and outside of as well as during working hours. Regardless of when and how it occurs, The Trust will consider any sexual harassment involving employees as a workplace issue and will take action in line with our Disciplinary Policy.

**Preventing Sexual Harassment - Leaders**

Senior leaders and line managers must foster a culture built on mutual respect where employees feel safe to share their views and raise concerns. The Trust expects leaders and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

In addition to self-awareness The Trust expects and encourages leaders and line managers to regularly seek and act on feedback from their teams and peers in regard to an inclusive culture, promoting the prevention of sexual harassment and any other form of harassment and/or any form of discrimination.

Preventing sexual harassment requires leaders and line managers to communicate that any form of unfair treatment such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even when they may face criticism for doing so.

The Trust will provide appropriate awareness training and guidance to leaders and line managers to ensure they have the confidence and capability to be proactive in dealing with unacceptable behaviour at the earliest possible stage.

Leaders and line managers are well placed to pick up on any underlying tensions that could indicate potentially inappropriate behaviours or attitudes. These may include employees unwilling or reluctant to work together, heated exchanges or perceived favouritism.

The Trust will support leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.

**Preventing Sexual Harassment – all employees:**

We all have a shared responsibility to help create and maintain an environment free of sexual harassment. Employees can do this by:

* Considering how your own behaviour may affect others, and amending it accordingly;
* Being receptive, rather than defensive, if asked to modify your behaviour;
* Treating your colleagues with dignity and respect;
* Taking a stand if you think inappropriate comments, jokes or behaviour is occurring;
* Making it clear to others if you find their behaviour unacceptable;
* Intervening if possible to stop sexual harassment and giving support to others;
* Reporting sexual harassment or potential sexual harassment in the appropriate manner to either your Headteacher, line manager, CEO or a member of the HR Team.

All employees will receive training on equality, diversity and inclusion, how to recognise discrimination, harassment and victimisation and the importance of taking action and reporting inappropriate behaviour.

# **Reporting Sexual Harassment or any other behaviour under this policy**

* All reports will be taken seriously and appropriately investigated.
* If you see any form of harassment or discrimination, it should be reported to a member of the leadership team immediately.
* If you are being or have been sexually harassed, you can speak with your line manager, Headteacher and / or Human Resources ("HR") who can provide confidential advice and assistance to prevent the unwanted behaviour happening either informally or formally.
* Where informal options are not appropriate, a staff member may wish to make a formal grievance. They should contact their line manager or Headteacher as soon as possible. In the interests of natural justice, the alleged will be notified of the nature of the grievance and the grievance procedure will be followed.
* We will investigate grievances in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the grievance, where possible.
* Details of the investigation and the names of the person making the grievance, and the person accused will only be disclosed on a "need to know" basis.
* If necessary, the matter may be dealt with under the disciplinary procedure.

# **Additional Support**

Any staff member who has been sexually harassed will be given reasonable paid time off to get help with any resulting physical or mental health problems.

Confidential support is available from our EAP or a referral to Occupational Health for any employee involved in an allegation / investigation at <https://penninetrust.vivup.co.uk> or by speaking to the Headteacher.

If you are over the age of 16, living in England & Wales, and have been affected by any form of sexual violence or abuse, specialist and confidential support is available 24/7. Call 0808 500 2222 or visit [https://247sexualabusesupport.org.uk](https://247sexualabusesupport.org.uk/) to chat online or find out more.

## Monitoring and review

This policy will be reviewed **every two years** by HR in consultation with recognised trade unions through the JCNC. The next scheduled review for this policy is **September 2026**.

# **Appendix a**

# **Forms of Discrimination**

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are or would be treated in the same or similar circumstances on the grounds of a protected characteristic. This may occur intentionally or unintentionally:

**Direct discrimination**

Direct discrimination is where someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (perceptive discrimination), or because they associate with someone who has a protected characteristic (associative discrimination).

**Indirect discrimination**

Indirect discrimination can happen when there’s a condition, rule, policy or a practice in the organisation that applies to everyone but particularly disadvantages people who share a protected characteristic.

**Association discrimination**

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

**Perceptive discrimination**

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.

**Victimisation**

Victimisation is when an employee 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.

**Harassment**

Harassment is defined in law as 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.

**Protected Charactertistics**

**The nine protected characteristics explained**

Each of the nine protected characteristics addresses an aspect of a person's identity that could be the reason for unfair treatment, discrimination or harassment. Employers need to ensure all employees are treated equally and not discriminated against based on these protected characteristics.

**Age**

This characteristic protects individuals of all ages from discrimination. Age bias can occur at any stage of employment, from recruitment to retirement. Employers can mitigate age discrimination by using inclusive language in job postings and ensuring equal access to training and development opportunities.  
**Example**: A job advertisement specifying a preference for "recent graduates" may indirectly exclude older candidates, constituting indirect discrimination.

**Disability**

Disability protection covers physical, mental, and sensory impairments that have a substantial, long-term impact on daily activities. Employers are legally required to make reasonable adjustments for disabled employees.

**Example**: Providing ergonomic office equipment or allowing flexible hours to attend medical appointments would demonstrate reasonable adjustments being made.

**Gender reassignment**

This characteristic protects individuals who are transitioning, have transitioned, or are planning to transition. It also applies to non-binary and gender-diverse individuals.

**Example**: Refusing to allow an employee to use facilities aligned with their gender identity could constitute discrimination.

**Marriage or civil partnership**

This characteristic protects employees who are married or in a civil partnership from unfair treatment in the workplace.

**Example**: Denying spousal benefits to employees in a civil partnership would breach this protection.

**Pregnancy and maternity**

Pregnancy and maternity protection ensures that women are not treated unfairly due to their pregnancy, childbirth, or maternity leave. This protection extends to recruitment, promotion, and redundancy. Supportive policies, such as enhanced parental leave and return-to-work programs, can help foster loyalty and trust.

**Example**: Selecting a pregnant employee for redundancy due to their temporary absence is unlawful.

**Race**

Race protection covers colour, nationality, ethnic origin, and national origin. Employers must ensure that their policies and practices promote racial equality. Organisations should regularly review hiring practices to identify and eliminate unconscious bias.

**Example**: Requiring a specific accent for customer-facing roles without valid justification could amount to indirect discrimination.

**Religion or belief**

This characteristic protects individuals with religious beliefs, philosophical beliefs, or lack of belief. Employers are expected to make reasonable accommodations where possible. Clear policies around inclusivity and respect can help avoid misunderstandings.

**Example**: Allowing flexible schedules for religious holidays or prayer times shows respect for employees' beliefs.

**Sex**

This characteristic protects individuals from discrimination based on their gender. It includes issues such as unequal pay, sexual harassment, or gender stereotypes. Employers should conduct regular pay audits and create transparent promotion criteria to ensure fairness.

**Example**: Offering leadership training exclusively to male employees creates an unfair barrier for female employees.

**Sexual orientation**

Sexual orientation protections cover all orientations, ensuring no one faces discrimination for who they are or whom they love. Workplaces should promote acceptance by supporting LGBTQ+ initiatives and fostering open dialogue.

**Example**: Ignoring homophobic comments in the workplace could contribute to a hostile environment, breaching the Equality Act.