



Barrowby Church of England Primary School

Safeguarding Staff Policy

This Policy covers: Harassment, Victimisation, Discrimination and Violence

1. Overview

This section covers the important area of equal opportunities; incorporating the subjects of Harassment, Discrimination and violence at work.

2. The Law

2.1 Legislation

Several Acts of Parliament have established a variety of rights for individuals in employment. Most of these rights are contained in the Employment Rights Act 1996, the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Employment (Part-time Employees) Regulations 1995, and the Disability Discrimination Act 1995.

All of the Acts distinguish between direct and indirect discrimination. Direct discrimination means treating a person less favourably than others simply because of sex, marital status, race or disability.

Indirect discrimination is a more complex concept. It involves a requirement or condition which applies, in principle, equally to everyone but which, in practice, detrimentally affects a particular group because the proportion of that group which can comply with it is considerably smaller than other groups. An example of indirect discrimination might be an unjustifiable requirement for ten years' continuous teaching experience. Although this condition in theory affects all candidates, in practice it may discriminate against women because more women than men have a career break for childcare.

2.2 Employers Liability

In relation to discrimination law employers are made directly liable by statute for unlawful discrimination by their employees.

For purposes of race, ethnic or national origins, sex, marital status or disability, anything which a person does in the course of his employment is treated as having been done by his employer as well as by the employee, i.e. the employer is made independently liable for anything the employee does in the course of his/her employment. This liability applies regardless of whether or not the employer previously knew about what the employee did, or was going to do; and regardless of whether or not the employer approved of it.

3. Lincolnshire County Council Policy

Lincolnshire County Council is an equal opportunities employer. The equal opportunities policy aims to ensure that no employee or job applicant receives less favourable treatment on the grounds of race, colour, nationality, ethnic or national origins, sex or sexual orientation, marital status, disability or age, or is disadvantaged by requirements which cannot be shown to be justifiable.

Additionally the County Council intends its policy to apply in principle to areas currently not covered by legislation (for example, in relation to religious beliefs or age).

The County Council aims:

To remove employment practices which are restrictive because they are based on perceived attributes which are irrelevant, or on assumptions which are unjustifiable in terms of an individual's ability to do a job.

To promote equality of opportunity in employment in Lincolnshire County Council.

All employees and candidates for appointment must be given equal opportunity regardless of race, colour, nationality, ethnic or national origins, sex or sexual orientation, marital status, disability or age.

Terms and Conditions of employment and the criteria for appointment, promotion, training and termination must be non-discriminatory and relevant to actual job requirements.

As part of its policy for dealing with harassment at work, the County Council is committed to creating an environment at work where positive action is taken to eradicate discrimination.

To ensure that equal opportunities are promoted for all people, particularly those who are seeking and using the County Council's services and through contractors who supply goods and services to the Council.

4. Barrowby School Governors and Equal Opportunities

4.1 Governing Bodies Responsibilities

As the governing body will have the effective power of appointment, it will also have the responsibility for making sure that it does not breach sex, race or disability discrimination legislation in relation to appointments. Governors should have their own Equal Opportunities policy or adopt the County Council's policy.

The provisions of the Commission for Racial Equality and the Equal Opportunities Commission Codes of Practice will apply to the actions of the governing body, and the Codes' obligations may best be met by continuing to apply the LEA's equal opportunities policy. The Codes' provisions will be taken into account by industrial tribunals. The Employment Service has also produced "The Code of Practice on the Employment of Disabled People", which gives detailed guidance on good practice in the employment of disabled persons. Personnel Services are available to assist Heads on any equal opportunity issues.

5. Equal Opportunities Policy at Barrowby School

5.1 The school wholeheartedly supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of colour, race, nationality, ethnic or national origin, sex, or sexual orientation, age, being married or disabled. We believe it is in the school's best interests, and those of all who work in it, to ensure that the human resources, talents and skills available throughout the community are considered when employment opportunities arise. To this end, within the framework of the law, we are committed, wherever practicable, to achieving and maintaining a staff which broadly reflects the local community which we serve.'

5.2 Targets

When setting equality targets it is important to aim for realistic and achievable results.

Any targets set should take account of the availability of the targeted group within the recruitment area, the representation in the various levels of the existing staff, any expected growth or decline in the size of the school and estimated staffing needs in relation to both recruitment and promotion.

5.3 Provide Training for All

All staff and Governors can benefit from training so that they may better understand the reasons for and consequences of discrimination, the benefits which equal opportunities can bring, what the school expects from its staff in their treatment of others, and their personal obligations under the law, and this will be addressed through staff meetings, governors' meetings and external training, where appropriate.

Those involved in making decisions in recruitment, selection, promotion and training will receive training at the appropriate level.

5.4 Monitoring the Present Position

The governors will, where appropriate, monitor the composition of staff within the school to:

- identify whether particular groups of people are under-represented and whether action on this may be appropriate/possible;
- help to evaluate the fairness and effectiveness of the recruitment and advertising policies and increase the professionalism of the recruitment process;
- support those with responsibility for equal opportunity matters
- help to show a commitment to equal opportunities.

5.5 Recruitment, Selection, Promotion and Training Procedures

Processes will be reviewed to ensure that unlawful or unfair practices are not introduced inadvertently.

5.6 Clear and Justifiable Job Criteria

Job criteria are provided by a job description and a person specification. The job description sets out the specific duties of the post. The person specification sets out the specific skills, qualifications, knowledge and personal qualities which are necessary to perform the duties effectively. There should be no requirements which are not clearly related to the duties of the post. The skills, qualifications, knowledge and personal qualities of the candidates can be compared with the person specification and the one who fits it best can be identified. Careful use of this approach avoids the risk of inadvertently discriminating against any particular group.

5.7 Flexible Working

Introducing flexible working patterns may be appropriate as a means of attracting and retaining a wider range of potential employees.

Examples of flexible working patterns are:

part-time working;
job sharing;
term-time working;
flexible working hours;
career breaks;
voluntary reduced time

5.8 Links

Partnerships with the local community can be a fruitful investment of time and resources, since sources can be cultivated from which to meet some of the present and future staffing needs.

6. Recruitment & Selection

In order to avoid the risk of inadvertently discriminating against any particular group of people, governors will take account of the following procedures for recruitment, selection and promotion

6.1 Advertising

Proper advertising of all posts is recommended. Wording should not be discriminatory and should contain only those criteria specifically related to the essential criteria of the post. The use of the County Council's advertising facilities will ensure that checks against possible discriminatory statements are made.

6.2 Job Criteria

Clear and justifiable job criteria will be drawn up. Selection for interviews and posts must be based solely on merit. Clear reference to the school's commitment to Safeguarding will be made.

6.3 Application Forms

The County Council's standard application forms will be used in all cases. These forms have been designed to avoid questions which could indicate intended sex-bias. The County Council's application form asks applicant to supply information as to whether they consider themselves to have a disability and if so to supply any information they feel will enable the employer to offer them a fair selection interview. Monitoring forms will be removed from the application forms prior to short listing and interviews. Information on the forms will be used for monitoring purposes only and will not be used for the purpose of selection. Age is included on the application form because the monitoring form is removed, but appointing officers need to know for example if someone is over 65 years.

6.4 Invitation to Interview Letter

Information will be provided about the interview, including a timetable for the day (where appropriate) and details of any other tests/activities for candidates. Candidates will be requested to advise on any special requirements they may have

6.5 The Interview

Any questions which are asked to ascertain whether the individual can meet the needs of the job should be asked equally of all candidates.

The Chair of the interviewing panel should if, in spite of contrary advice, a member of the panel asks discriminatory questions, not allow the line of questioning to continue.

6.6 Appointment Procedures

Appointments will be made on merit and following assessment at interview at the same time as the other candidates. In the case of a person with a declared disability, If the person can perform the duties of the post (with a reasonable adjustment) then, if that candidate is the best, they should be offered the post.

6.7 Medical Clearance

The County Council's Medical Adviser will offer advice on whether a candidate is fit for a particular post and whether adjustments may be required on receipt of:

- ◆ a completed health questionnaire (it is essential that this is not opened by anyone other than the Medical Adviser)
- ◆ a copy of the job description
- ◆ a note of any views the candidate may have in relation to adjustments required, following agreement with the appointing officer.

6.8 Post-Offer Stage

Where the Medical Adviser has recommended adjustments, it is the responsibility of the appointing officer to decide what is reasonable. Advice in relation to this and other issues such as access and health and safety may be sought from the County Council's Access Officer and/or the School's Safety Adviser.

6.9 Training and Promotion

In addition to the recruitment and selection process, equal opportunities apply to training and promotion.

7 Equal Pay

7.1 The Legal Context

The concept of Equal Pay in the UK relates to the following areas of legislation.

The Equal Pay Act 1970 (as amended by the Sex Discrimination Act 1975).

The Equal Pay Amendment Regulations 1983

The Sex Discrimination Act 1986

EC Equal Pay Directive 75/117

7.2 Application of The Legislation

Staff at Barrowby School are employed under the terms and conditions of Lincolnshire County Council.

8 Employment of Disabled Persons

8.1 Disability Discrimination Act

This act creates the following “rights” for anyone defined as a “disabled person” not to be discriminated against in employment;

8.2 Reasonable Adjustments

The act requires the employer to consider “reasonable adjustments” for employees and job applicants who have or develop a disability. This is to ensure that they are not discriminated against or put at a disadvantage because of their disability. This requirement covers policies and procedures in the areas of recruitment and selection, training and promotion, and the retention of disabled employees.

“Reasonable adjustments” can take a variety of forms, including:

- modifying procedures for testing or assessment;
- assigning to a different place of work;
- providing a teacher, interpreter or signer;
- provision of materials in an alternative format such as large print or Braille;
- acquiring or modifying equipment;
- making adjustments to premises;
- modifying instructions or reference manuals.
- a phased return to full responsibilities
- a temporary or permanent reduction in hours (with the employees agreement)
- In deciding what is “reasonable” the employer should take into account:
 - the extent to which taking the action would prevent the disabling effect in question;
 - the practicability of the adjustment;
 - the financial and other costs and degree of disruption;
 - the availability to the employer of financial and other assistance.

8.3 Employees who Become Disabled Whilst Employed by The County Council

Where an existing member of staff becomes disabled, the individual will be retained in their existing post if appropriate. Where this is not possible redeployment will be considered. The Medical Review Procedure will be followed to determine the medical implications and assess the type of work suitable, and what reasonable adjustments may be required to retain that person in employment. The advice of the school’s Personnel Services Adviser will be sought.

8.4 Development and Training

The DDA places a duty on employers to make reasonable adjustments in the accessibility and provision of training.

8.5 Disability Symbol - Positive Action About Disabled People

The Department of Employment has published a 'two ticks' symbol which may only be used by Employers who meet specific criteria on positive action about disabled people. The County Council uses the symbol on all recruitment literature. Barrowby School uses this symbol on its application forms for posts in school.

9. Pregnant Employees

Staff will not be discriminated against because of pregnancy or for any reason connected with pregnancy.

10. Trade Union Discrimination

Staff will not be discriminated against because of their membership, or non-membership of a Trade Union.

11. Harassment and Victimisation

11.1 What Constitutes Harassment?

It is difficult to give a single, simple definition of harassment because it may take many forms. It may also be directed at either an individual member of staff or a group of staff. The question to be asked is "Has there been treatment of a detrimental or improper kind?" Essentially, harassment is unwanted, unreasonable, unwelcome and offensive treatment.

Harassment at work can be a very distressing experience leaving the victim threatened, humiliated and degraded. The stress caused by harassment can have a direct effect on a person's mental and physical well-being, confidence and ability to do their job and can lead to absenteeism.

11.2 Types of Harassment

Employees may suffer harassment because of their:

- race, ethnic or national origins or skin colour;
- sex or sexual orientation;
- religious or political beliefs;
- disability;
- age;
- their willingness to challenge harassment, leading to victimisation;
- membership or non-membership of a Trade Union.
- Harassment may show itself in different ways including:
 - physical contact, from touching through to serious assault;
 - bullying, which might be physically threatening behaviour or, for example, constant unwarranted criticism or belittling of a particular employee;
 - isolation or non-co-operation at work, exclusion from social activities;
 - through jokes, letters, offensive language, suggestive remarks or gossip;
 - visual displays of, for example, pictures or posters which could cause offence;

- coercion, which might be pressure to give sexual favours or take part in the work of political or religious groups; indecent, suggestive or over-familiar or obscene gestures.

Harassment may entail overt abuse of power, coercion or even violence, and can also appear in far more subtle guises and may even be unintended by the perpetrator.

Harassment can lead to illness, increased absenteeism, an apparent lack of commitment, poor performance and even resignation. The results of harassment might therefore be not only poor morale by higher labour turnover, reduced productivity, lower efficiency and divided teams.

11.3 Harassment and The Law

Harassment has been held to constitute discrimination under the Sex Discrimination Act 1975 and the Race Relations Act 1976 and the Disability Discrimination Act 1995. It may also lead to claims of victimisation under these Acts.

In addition, the Criminal Justice and Public Order Act 1994 introduced the offence of intentionally causing a person harassment, alarm or distress. In employment, this becomes relevant because employees alleging harassment at work can now complain to the Police. A person is guilty of this offence if, with intent to cause a person harassment, alarm or distress, they

- use threatening, abusive or insulting words or behaviour or disorderly behaviour, or
- display any writing, sign or other visible representation which is threatening, abusive or insulting.

11.4 Dealing with Harassment

All claims of harassment will be treated seriously and investigated in confidence.

School and governors responsibilities for dealing with harassment at work are as follows:

- to play a positive role in its prevention;
- to provide employees with the necessary information about what action to take should they wish to make a complaint about harassment;
- to be clear about their role in dealing with complaints of harassment.
- to ensure that employees understand what harassment is, that it is unacceptable, that it may be unlawful and that, where appropriate, disciplinary action will be taken against its perpetrators.
- to set an example through their own behaviour.

A copy of the County Council's information leaflet "Harassment at Work" [PO/EL 15], is available to all employees and new starters. The leaflet gives details of the procedure for complaints and of various kinds of help and advice available.

Information is available to employees seeking help and advice connected with harassment of the names and contact numbers of "Advisers," who are available for this purpose. Details of Advisers is accessible by employees without their having to ask for the information.

All allegations/incidents of harassment should be reported to a line manager, to take the appropriate action in line with departmental and County Council policy. This applies if the harasser is a fellow employee, service user or a member of the public.

In the event of an employee wishing to make a formal complaint of harassment, it should be established whether the informal route has been fully explored; if it has not, and is accepted by the employee as a suitable course of action, the means of resolving the complaint ought to be tested first.

When members of staff make a formal complaint, this will generally bring into action the Grievance Procedure. The outcomes will vary from case to case, but there are three main principles which should underpin the Head's/Governing Body's role in dealing with the complaints of harassment.

11.5 Treat Complaints Seriously

All complaints of harassment will be treated seriously.

11.6 Complaints will be thoroughly investigated

The school's Grievance Procedure commits the Head/Governing Body to begin an investigation immediately where complaints of harassment are concerned.

The general principles of good practice in any grievance or disciplinary investigation, as far as standards of evidence and proof are concerned apply to incidents of harassment. Inquiries will be conducted within a clear procedural framework which involves:

- prompt, thorough, impartial investigation with due regard to the rights of both the complainant and the person alleged to be committing the harassment;
- investigators who are not connected with the allegation and, ideally who have had appropriate equalities training;
- the right for both parties to be represented and accompanied;
- clear details of the complaint and the right of, and time for, the alleged perpetrator to respond;
- commitment to time scales for resolution;
- skilled investigations based on objectivity - "What happened?" is better than "Wasn't it only a joke?";
- confidentiality for everyone involved, including witnesses.

A record will be kept of complaints made and investigations arising including names of the parties to the complaint, dates, nature and frequency of incidents, action taken, follow-up and monitoring.

11.7 Further Action

After a thorough investigation has been carried out, which may include a management interview with the alleged harasser, the investigating officer will make a recommendation. If it is felt that the complaint is valid, the next step may be to put into effect the school's Disciplinary Procedure.

The investigating officer may also conclude that the complaint has no validity and recommend that no action be taken. In such cases, managers should consider the effects of the staff involved following the complaint and investigation. Measures such as revised

working arrangements may need to be considered, therefore, even in cases where no action has resulted from a complaint. Where changes in working arrangements are considered because of a valid complaint, the interests and concerns of the complainant must always be paramount.

Making the right decision about appropriate action, whether formal or informal, is crucial. Advice will be sought from Personnel Services at the appropriate stages of the investigation and decision-making process.

11.8 After the Procedure

After the investigation and resulting action, it is important to check that the harassment has stopped and that there is no victimisation of the employees concerned.

12. Complaints of Discrimination

A person who is treated less favourably than others on grounds of colour, race, ethnic or national origins, sex or sexual orientation, disability, marital status, religious belief or political opinion may take a complaint to the relevant tribunal. It should be noted that an employee does not require two years continuous service to make such a claim. In relation to most types of harassment, if the employee has suffered a detriment because of the treatment which was received, the claim will succeed.

13. Violence in the Work Place

13.1 Introduction

Violence at work is defined as any incident in which employees are physically or verbally abused, threatened or intimidated or where their property or personal belongings, or both, are damaged in circumstances arising out of the course of employment. Violent and abusive behaviour takes many different forms, can occur in a variety of situations and can be extremely distressing for those who experience it. These guidelines are based on the County Council's Violence at Work Policy.

The following guidance is divided into sections which cover:

- the identification of areas of risk;
- measures to avoid or minimise the risk;
- providing assistance to employees who have been subjected to violence at work;
- procedures for dealing with absence, legal assistance and disciplinary matters.

13.2 Identifying the Areas of Risk from Violence at Work

All workplaces have a potential for violence, some more than others and therefore all workplaces should be subject to a preliminary risk assessment.

The following list identifies where violence at work may be expected to occur due to the nature of the work and where a more detailed risk assessment is required under the Management of Health and Safety at Work Regulations 1992.

This list is not intended by any means to be exhaustive, as verbal or physical violence or aggression can occur at any time and in any place. Asking employees or their representatives if they know of any incident may help to identify other areas of risk.

- cash handling;

- receptionists and other front-line employees dealing with members of the public either face to face or on the telephone;
- meeting members of the public/clients in premises other than those of the School;
- working with disturbed individuals;
- providing teaching, training or advice;
- carrying out inspection or enforcement duties;
- travelling alone and/or on unaccompanied visits;
- working unsociable hours;
- working as or from minority groups, for e.g. disability, age, race, religion and sexual orientation;
- other vulnerable employees such as inexperienced employees and employees with disabilities or medical conditions.

Particular note should be taken of the fact that violent incidents may take place outside normal working hours, but which may be connected with employees' duties.

13.3 Measures to Avoid or Minimise the Risk of Violence at Work

The way jobs are designed can reduce the risk of violence, but there are no ready-made remedies.

13.4 Design of Premises

- Reception area counter forms a physical barrier
- Door entry system/monitor allows staff to identify visitors before admitting them
- Intercom on phones allows staff to summon assistance if necessary
- Good lighting to car park and front entrance

13.5 Organisational Arrangements

- private security company (Static Security) employed to attend premises if alarm is activated.
- two members of staff are present at any meeting where verbal or physical aggression is thought to be a risk
- discuss with employees whose names will be known to potentially difficult persons, the need for their personal telephone numbers to be ex-directory;
- make clear to public/clients that violent behaviour in all its forms is unacceptable to the County Council and may give rise to legal action.
- Employees must be encouraged to report all incidents, including bullying and harassment and line managers must record and ensure relevant action is taken.

Learning from experience is a useful way of reducing the risks. The keeping of detailed records of all incidents enables a picture to be built up of the problem, if one exists. Information gathered from these incidents should be circulated to managers and employees who may face the same problem. The reports of injuries, incidents and near misses (Form PO3) should be completed and distributed as detailed on the cover of the forms. A summary of the circumstances of an incident circulated to other employees will alert them to potential problems and provide an opportunity for avoidance/minimisation measures to be planned into any dealings.

All complaints must be reported, be taken seriously and be investigated by the appropriate line manager. Employees should be encouraged to report near misses in order that these incidents can be included in the monitoring and review processes. The depth and detail of the investigation will depend on each individual case. Note should always be taken of the nature of the incident itself and the views of the complainant, fellow employees, trade union representatives and supervisors/ managers. Always be prepared for the fact that enquiries can uncover other problems not directly related to individual incidents. In all cases Form PO3 must be completed at an early stage, to enable the County Council to monitor incidents and review policy.

Procedure to be followed after an incident has occurred:

- the complainant will be interviewed as soon after the incident as possible; distressed employees should be allowed to recover before being questioned and should be invited to have a friend or trade union representative present. If a Trade Union representative is present and is an employee of the county council, he/she will qualify for paid time off. Form PO3 must be completed;
- all parties including witnesses should be identified at this time. If those involved are work colleagues, temporary separation or suspension from duty should be considered;
- where possible/practicable talk to the individual(s) who provoked the incident(s), and if it is an employee he/she must be interviewed;
- consider a police report, particularly if an injury has been sustained or if the aggressor has a history of violence. If the victim does not wish to involve the police, then he/she should be advised of his/her rights and the final outcome recorded;
- consider speaking to the Legal Division with a view to them sending a formal letter to difficult persons warning them of possible legal action if violent or threatening behaviour is continued;
- if the aggressor is a member of the public or an external client and may use the services of the County Council, the relevant Directorate/Division should be informed;
- if trade union representatives have not been involved at this stage, consider advising them.

13.3.3 Training

Principles

- It is essential that training is matched to the needs because overtraining can cause undue concern for employees;
- Personnel Services Division provides three levels of training (see below). Employees should only attend level 3 training if they have already attended levels 1 and 2, or similar;
- Where the risk assessment indicates that conflict management training is required, this will be provided, together with follow-up training as required.

Provision

Three associated training courses have been developed. These are either to assist with customer care or to match the varying levels of aggressive or violent behaviour that may be encountered by employees.

- **Level 1 - Customer Care**

This one day course covers the basic interpersonal skills for meeting customer expectations and dealing with normal types of complaint.

- **Level 2 - Customer Handling**

This two day course is to increase competence and understanding of employees who may have to deal with angry and aggressive persons.

- **Level 3 - Conflict Handling**

This two day course is for employees who work in areas of potential conflict where there is a significant risk of physical aggression. It covers dealing with aggression and includes practical breakaway techniques.

Where training needs have been identified, managers will contact the Development and Training Section of Personnel Services Division.

13.4 Providing Assistance to Employees Who Have Been Subjected to Violence at Work

Employees who are subjected to physical or verbal abuse at work should be able to seek advice, support and counselling in total confidence.

Provisions for aftercare and counselling should be openly discussed in order that employees know exactly what is available to them.

The Employee Support and Counselling Service is available in all cases.

If an employee requests support or counselling, or there is obvious distress (including distress caused to other members of the victim's family or colleagues), then the Employee Support and Counselling Service should be contacted on the employee's behalf and with their agreement.

If a physical injury is sustained whilst on duty, employees may be entitled to an award/allowance under the County Council Scheme for Injury Awards, and in the circumstances must be made aware of their eligibility. Personnel Services are able to supply further details of this.

Advice should be taken from the Chief Finance Officer if loss or damage occurs to the personal effects of an employee.

Employees sustaining an injury as a result of a violent attack may also be able to claim compensation from the Criminal Injuries Compensation Board (CICB). To do this, the applicant must take all reasonable steps to inform the police. The CICB may also consider cases where another body or person has been informed, subject to this being appropriate. Medical expenses relating to a claim from the Board may be reimbursed, at the discretion of the County Council. Application forms and full details of the scope, conditions and administrative process of this scheme are available from:

Criminal Injuries Compensation Board,
Tay House, 300 Bath Street, Glasgow, G2 4JR
Tel. 0141 331 2726.

Employees who are trade union members may also be entitled to assistance from their union.

14. Safeguarding Staff Policy Review

This policy is reviewed by the Head teacher, staff and Governors in accordance with Barrowby School's Policy and Review Cycle for approval by the Full Governing Body, annually.

Last reviewed: September 2025

Next review: September 2026