

## NASUWT Anti-Racism Policy

### 1. Policy statement

This Anti-Racism policy document sits alongside the NASUWT Anti-Racism Action Plan adopted in 2022. The Action Plan commits the Union to a series of specific actions for securing racial justice in the workplace as well as within the NASUWT through its systems, processes and policies

This policy reaffirms the Union's statement of commitment to anti-racism as follows:

- a. The NASUWT is committed to anti-racism and to rooting out racial prejudice, inequality, discrimination, injustice and hatred at all levels within our Union.*
- b. We are committed to anti-racist action that will consciously and pro-actively challenge, oppose and seek to eradicate institutional and systemic racial injustice and inequality.*
- c. We are committed to anti-racist action that ensures we have a working environment where racism is not tolerated, where staff and members from all backgrounds are confident and committed to tackling racial prejudice, discrimination, harassment and exclusion, and where diversity is welcomed, celebrated and promoted.*
- d. We are committed to anti-racist action that is rooted in transparent use of data about the treatment, experiences and viewpoints of Black staff and members.*

- e. We are committed to anti-racist action that is focused on campaigning for racial justice within the Union and across wider society, both nationally and internationally.***
- f. We are committed to anti-racist action that involves training and developing our people to challenge and confront racism.***
- g. We are committed to reviewing, evaluating and improving our actions as an anti-racist union, in consultation with our staff and our members.***
- h. We expect to be judged by our intent and by our actions.***

1.1 The NASUWT's Rules seek to positively regulate relations between members through actively opposing all forms of harassment, prejudice and unfair discrimination whether on grounds of sex, race, ethnic or national origin, caring responsibilities, marital status, religion or belief, sexuality, disability, gender reassignment, age or other status or personal characteristic and to protect and promote the interests of members.

1.2 NASUWT members and agents of the Union, including all lay officials, National Executive Members [NEMs] and National Officers are expected to comply with this policy and any protocols, bylaws or other relevant procedures adopted by Conference or by the National Executive.

1.3 NASUWT staff must also be safe to work in an environment free from offensive, aggressive, intimidatory or disrespectful behaviour. Please refer to the NASUWT staff Anti-bullying and harassment policies and procedures that apply to staff of the Union with respect to racism and other forms of harassment.

## **2. TUC Anti-Racism Action Plan and Manifesto**

Through the work of the TUC Anti-Racism Task Force (ARTF), NASUWT has been fully engaged and committed to the development of the Action Plan and Manifesto. Through the TUC Implementation and Oversight Group (IOG), NASUWT will continue to play a key role in the delivery of racial justice and

monitoring progress and implementation of the ARTF recommendations for the trade union movement.

### **3. About this policy**

3.1 This policy is relevant to Rule 27 of the Rules of the NASUWT and any Codes of Conduct or procedures issued by the Union. The Union will ensure that all proceedings in respect of racial harassment or discrimination are progressed in accordance with this policy. In the event of any conflict, the procedure within this policy for progressing complaints on matters relating to racial harassment shall take precedence.

3.2 The National Executive may amend this policy at any time subject to the consideration of any legal or other expert advice.

### **4. Who does this policy apply to?**

4.1 This policy applies to all members of the Union, including elected lay representatives.

### **5. Who is responsible for this policy?**

5.1 The General Secretary, on behalf of the National Executive, has overall responsibility for the effective operation of this policy and can delegate responsibility for overseeing its implementation. You should refer any questions about this policy to the General Secretary.

5.2 The National Executive will review this policy when necessary and at least every two years.

### **6. What is anti-racism**

6.1 The Union recognises that a commitment to anti-racism is more than just being 'non-racist' and involves taking action wherever and whenever racial injustice exists. The Anti-Racism Action plan sets out the Union's commitment for actively identifying and challenging all forms of racial inequalities and creating the conditions of greater inclusion, diversity and equality for all NASUWT members and staff.

6.2 As an anti-racist Union we are committed to actively challenging practices and beliefs that perpetrate racist behaviours, policies and practices. Anti-racism is firmly rooted in eliminating racial injustices, whether these are at individual, institutional or structural levels.

## **7. The Law**

7.1 Racist abuse and harassment are unlawful under the Equality Act 2010 and the Race Relations (Northern Ireland) Order 1997. 'Race' includes colour, nationality, citizenship and ethnic or national origins. Race discrimination can be direct or indirect and may also take the form of harassment or victimisation.

7.2 For the purposes of the law Jewish people, Gypsy, Romany and members of the Irish Traveller community are all considered a racial group and thus protected under the Equality Act 2010 and the Race Relations (Northern Ireland) Order, 1997.

7.3 Whilst not afforded specific legal protections under the law, this policy will also cover minoritised groups not directly listed in equalities legislation, such as 'Showboat' and 'Showmen' communities.

### **7.4 Direct race discrimination**

Direct race discrimination occurs when someone is treated less favourable than someone else would be treated in the same circumstances.

Examples of direct race discrimination could be denying someone of a particular racial group or national origin access to training or to an elected position on the grounds that they 'would not fit'. Or the use of racist or xenophobic language in meetings that goes unchallenged would be considered racial harassment and unwanted conduct.

### **7.5 Indirect race discrimination**

Indirect race discrimination occurs where there is a policy, criterion or practice which people of a particular racial, ethnic or national identity are less likely to meet than other groups, and which would place them at a disadvantage.

An example of Indirect race discrimination could be where a Local Association adopts a practice where all meetings are held in a place that serves alcohol. This has the potential to indirectly discriminate against particular racial groups that cannot meet in places where alcohol is being served and where this intersects with their religion or belief.

7.6 Racial harassment and victimisation is covered under UK legislation.

Racist abuse or harassment does not need to be deliberate to be unlawful. It would still be considered discriminatory, regardless of the intent.

7.7 In deciding whether a racist incident has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading or offensive environment for that person, each of the following will be taken into account:

- a) the perception of that person;
- b) the other circumstances of the case;
- c) whether the conduct may reasonably be considered to have that effect.

7.8 A single incident can amount to racial harassment or abuse.

7.9 It is also unlawful and in breach of this policy to instruct, cause or induce and/or knowingly help another person to do anything, which constitutes harassment or discrimination.

7.10 A complaint of harassment may be considered unlawful or in breach of this policy even if the behaviour is not directed at the complainant.

7.11 Racial harassment and abuse may include acts perpetrated by third parties. A third party in this context means anyone who is not either an NASUWT member or employee. The NASUWT does not tolerate racist abuse or harassment by any third party, encourages anyone who experiences it to report it, and will be proactive in taking action to protect members from racist harassment and abuse perpetrated by third parties.

## **8. Intersectional racism**

8.1 The NASUWT recognises that racial harassment and abuse also intersects with other forms of discrimination. Any reported racial harassment/abuse incident will also consider whether there is an intersecting factor connected to this conduct.

8.2 Racial harassment may also include conduct related to sex or sexual orientation, religion or belief, age, disability or gender reassignment. This policy is also relevant to unwanted conduct more widely, including harassment on the grounds of marital or civil partner status, pregnancy or maternity. Racial harassment or abuse is unacceptable even if it does not fall within any of these categories.

## **9. Unwanted racist conduct**

9.1 NASUWT members who have engaged in unwanted conduct of a racist nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them in any situation outside of their NASUWT activity, are liable to be subjected to disciplinary procedures under this policy even if the person affected by the racial harassment was not protected by law. In particular, members who hold office are placed in a position of trust and authority, bringing them into contact with others who may be particularly at risk of racial harassment, abuse or victimisation. The NASUWT has a duty to protect people who are likely to be targeted by known harassers. This might entail prohibiting membership of the Union or denying a member the right to hold office within the Union.

9.2 A person may be harassed even if they were not the intended target. Harassment is also considered unlawful or in breach of this policy and unwanted if a person witnesses an act of harassment, language or behaviour that creates an intimidating, hostile, degrading or offensive environment.

## **10. If you are a victim of racist abuse or harassment**

- 10.1 The NASUWT does not tolerate racist abuse of its members, staff or third parties. Racial discrimination is unacceptable and unlawful and has no place in this organisation.
- 10.2 If you are being racially harassed, witness it, or subject to other forms of harassment by another member or other members, you should report it to the Union. You may speak to an NASUWT designated officer who can provide confidential advice and assistance in resolving the issue.
- 10.3 Under this policy, there is no time limit to you reporting an incident of racial harassment or abuse. Often the impact of racial discrimination is not felt or witnessed immediately. It is recognised that those who experience or witness racial harassment or violence, or who provide support or assistance, may also experience trauma well after the incident taking place.
- 10.4 If you experience or witness a serious incident of racial harassment or discrimination you may choose to report the matter to the police and, if you suffered an assault, you may also choose to seek medical assistance, including specialist counselling support.
- 10.5 In some circumstances, the Union may decide to tell the police where there is likely to be an ongoing risk to your safety or the safety of others. Before the Union reports a matter to the police, we will talk with you first and let you know when we have reported the matter to the police.

## **11. Making a formal complaint**

- 11.1 Allegations of racial harassment or other forms of racist abuse will be dealt with seriously and confidentially. Members should not fear victimisation when raising complaints.
- 11.2 If you wish to make a formal complaint about racial harassment or abuse about another member or other members, you should submit it in

writing to the General Secretary (or to the President where a complaint relates to the General Secretary).

11.3 If your complaint is against the General Secretary or National President, you should raise this with a Designated Support Officer who will advise on how your complaint can be progressed.

11.4 You may wish to talk through with a trusted person who may be willing to record your complaint/statement on your behalf.

11.5 Your complaint should, where you feel able, set out details of the unacceptable conduct in question, including:

(a) the name(s) of the harasser(s) (if known). If you are unable to provide this, any identifying details that may assist the Union;

(b) the nature of the harassment;

(c) the date(s) and time(s) at which it occurred;

(d) the names of any witnesses (if known/applicable);

(e) any actions that have been taken following the incident(s), and by whom;

(f) Whether the incident has been reported to an external agent such as the police.

11.6 As a general principle, the decision whether to report a matter is up to you. However, the NASUWT has a duty to protect all members, staff and third parties, and may also pursue matters if the Union considers it appropriate to do so, and whilst respecting your right to confidentiality.



## **12. Formal investigations**

- 12.1 Upon receipt of a complaint, the General Secretary will consult with the National President (or alternate) to appoint an investigating officer to commence the formal investigations as set out below. If you would prefer to talk to an investigator of the same sex or 'race' this will be respected.
- 12.2 Your complaint will be investigated in a timely, respectful, sensitive and confidential manner. The process for investigating complaints is outlined below.
- 12.3 The Union reserves the right to consider delegating the investigation to trained external investigators in cases involving particularly serious misconduct, or where the President and/or General Secretary (or alternate) consider this warranted.
- 12.4 Where the allegation[s] has been reported to the police, the Union will cooperate with their investigation.

### **The Process**

- (a) The investigating officer will be appointed to review all the information and documents provided by you, arrange a meeting with you as soon as reasonably practicable, so that you can give your account of events. You will be afforded the right to be accompanied by a colleague of your choice, who will be reminded of the confidentiality of the investigation. If you prefer, the Union can provide someone to support you at the meeting. If the investigating officer considers that further information is required they will make a request to obtain this from you.
- (b) Where your complaint is about another member or other members, the President (or an alternate) will commission an investigating team who will consider whether there are sufficient grounds for suspending from membership the alleged perpetrator and may impose such interim suspension measures as they may deem necessary pending the outcome of the investigation.

- (c) The investigator will meet with the alleged harasser who will also be afforded the right to be accompanied by a colleague of their choice, in order to hear their account of events. They have a right to be informed of the details of the allegations against them in advance of this meeting.
- (d) If the alleged harasser resigns their membership of the Union during the course of an investigation, the Union may continue to investigate the complaint. The alleged harasser will be requested to continue to cooperate fully.
- (e) The alleged harasser will be instructed not to make contact with you or your witnesses. Support will be provided to you, (as far as practicably possible) to ensure there is no contact between both parties.
- (f) It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If there are witnesses, the importance of maintaining confidentiality will be emphasised to them.
- (g) At the end of the investigation, the investigator will submit a written report to the General Secretary or their appointed Complaints Secretary.
- (h) A Designated Officer<sup>1</sup> will be appointed by the General Secretary to meet with you at each stage of the process and also update you on progress and next steps.
- (i) The Designated Officer will meet with you, to discuss the report of the investigation and what action, if any, will be taken. You will be given the right to be accompanied by a colleague of your choice to the meeting. A copy of the report of the investigation will be given to you and to the alleged harasser.

---

<sup>1</sup> Fully trained on racial harassment and related discrimination matters

### **13. Action following the investigation**

13.1 If the investigation concludes that there is a case to answer, the Designated Officer will discuss with you the next steps.

13.2 On completion of the investigation, we will discuss with you how the Union will support you.

### **14. The Disciplinary Process**

#### **14.1.1 Racial Harassment/Discrimination (Rule 27) Disciplinary Committee**

(a) Complaints relevant to Internal Union Discipline may be made against any member of the Union by:

- i. any member of the Union;
- ii. resolution of the National Officers.

(b) When a racial harassment/discrimination disciplinary committee is required, the President will, with advice from the General Secretary, select its membership from those National Executive Members elected to serve on the Union's Disciplinary Committees [and Appeals Panel], subject to availability and where those members have successfully completed the designated programme of training on equalities, unconscious bias and anti-discrimination.

(c) The members of the Disciplinary Committee shall elect a Chair from amongst their number. However, an external decision-making Chair may be appointed to the Committee, in cases involving serious misconduct, or where the accused member is a senior member of the Union.

(d) Disciplinary Committee members will be required to have participated in regular training on anti-racism and other forms of harassment and discrimination in order to serve on a Disciplinary Committee; such training will continue on a regular basis during their tenure and will also include training on equality

opportunities awareness and the questioning of witnesses on racist incidents, as well as on other forms of harassment.

## **14.2 Disciplinary Hearings**

- (a) The Committee will convene a disciplinary hearing at such time and date as it shall determine and normally within one calendar month following the date the disciplinary complaint is received.
- (b) The date of the hearing will be notified to the relevant parties at least seven calendar days prior to the hearing.
- (c) The Complainant and the Respondent will have the right to bring a NASUWT member with them to the hearing to support or represent them. If you prefer, the Union may appoint someone to attend the hearing with you.
- (d) If, in the opinion of the Complaint Secretary, the Respondent or the Complainant submits written good cause no less than twenty-four hours before the time of any hearing why they cannot attend, the hearing shall be adjourned to a future date and as soon as practicably possible.
- (e) No more than one adjournment will be permitted.
- (f) If the Respondent or the Complainant does not attend the hearing, then the hearing may proceed in absentia. Your case may still be heard if either you or the respondent chooses not to attend the hearing.
- (g) The Disciplinary Committee may agree, upon receipt of a request from the Complainant, to permit the Complainant (and/or their representative) to be heard by the Committee in the absence of the Respondent. The Committee may agree to put such questions as appropriate to the Complainant on behalf of the Respondent in the absence of the Respondent.

### **14.3 Decisions and Penalties**

14.3.1 The Disciplinary Committee, after the disciplinary hearing, may resolve to:

- i. dismiss the complaint;
- ii. uphold or partially uphold the complaint.

14.3.2 If the Disciplinary Committee were to find the complaint of race discrimination or any other forms of harassment upheld, the Disciplinary Committee shall resolve to penalise the respondent, taking into account any aggravating factors, including (but not limited to): seniority and abuse of power; violence; exploitation; malice; threat and coercion; victimisation; bullying; retaliation; breach of privacy; intimidation; frequency; discrimination or combined (intersectional) discrimination; breach of confidentiality; refusal to engage in the process; or acting in bad faith.

14.3.3 The penalties available to the Disciplinary Committee shall include, but not restricted to, the following:

- (a) to expel the Respondent from membership of the Union;
- (b) to debar the Respondent from holding office in the Union;
- (c) to suspend the Respondent from membership of the Union;
- (d) to issue a reprimand the Respondent.

14.3.4 As soon as is practicable, and within 10 calendar days, the Complaint Secretary shall notify both parties in writing of the resolutions of the Disciplinary Committee and of their right of appeal.

14.3.5 Any penalties imposed shall take effect from the date of decision, save that of expulsion where a suspension from membership will apply pending any Appeal.

14.3.6 Where a complaint is upheld, the victim/survivor may be provided with such remedies as considered appropriate, including financial compensation or access to counselling.

## **15. Appeals**

### **15.1 Appeals Panel**

- (a) There shall be a right of appeal from the Disciplinary Committee to the Appeals Committee;
- (b) The Appeals Committee shall be constituted in the same manner as the Disciplinary Committee above;
- (c) No member of the Disciplinary Committee against whose resolution(s) the appeal has been made shall be a member of the Appeals Committee considering that appeal.

### **15.2 The Appeal**

- (i) The Appellant shall submit the appeal in writing (Notice of Appeal) specifying the grounds of the appeal to the Complaint Secretary.
- (ii) All appeal hearings shall consider only grounds in relation to the decision made by the Disciplinary Committee, and will not be a full re-hearing.  
The grounds of appeal must clearly and concisely identify any:
  - I. part of the policy which the panel has interpreted wrongly and applied erroneously; and
  - II. breach of procedure by the panel.
- (iii) The time limit for an appeal shall be ten calendar days from the date the written notice of the resolution(s) against which the appeal lies was sent to the Complainant and Respondent.

(iv) Upon receipt of a Notice of Appeal the General Secretary (or alternate) shall within seven calendar days convene a meeting of the Appeals Committee to consider the appeal.

(vi) The Appeal hearing will be convened at such time and date as the Appeals Committee shall determine and normally within 21 calendar days of receipt of the appeal.

(vii) The Appeals Committee may resolve to dismiss, uphold, increase or reduce the penalty imposed by the Disciplinary Committee.

(viii) Any decision of the Appeals Committee shall be final.

(ix) As soon as is practicable, and within 10 calendar days, the Complaint Secretary shall notify the relevant parties in writing of the resolutions of the Appeals Committee.

## **16. Support for those involved**

- (a) Members who make complaints under this policy or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way might be subject to the Disciplinary Process.
- (b) If a complainant or witness believes they have suffered any retaliation or victimisation as a result of their involvement in such proceedings, they should inform the Complaint Secretary immediately, who will advise on what action to take.
- (c) The NASUWT offer access to confidential counselling, which is available on request for anyone affected by, or accused of, racial or other forms of harassment. A designated support officer is available to assist in accessing support.
- (d) Where a member has been accused of racial harassment or discrimination and the complaint has been upheld and where the member subsequently faces criminal charges, casework support and legal assistance may not be provided by the Union.

## **17. Confidentiality**

- (a) Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of person making the complaint and the person accused must only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action under this policy.

### **17 The NASUWT as an employer**

The Staff Review Committee has adopted an NASUWT Black Staff Anti-Racism Action plan which is available on the Union’s website. The Staff Review Committee is responsible for reviewing and developing the actions relevant to NASUWT staff.

### **Equality Impact Statement**

The NASUWT Anti-Racism Policy re-affirms the Union’s commitment to the comprehensive work programme on anti-racism, as set out in the Anti-Racism Action Plan.

The NASUWT strongly believes that the full implementation, development and monitoring of this Policy will deliver tangible benefits for the working life, life chances of its Black members as well as increase their participation and engagement as lay representatives.

It will contribute to ensuring that the NASUWT at all levels reflects the profile of its membership and that the Union is better able to recruit and retain Black members in membership and in the NASUWT workforce.

The NASUWT recognises that racism and racial injustices intersect with other forms of oppression and disadvantage such as sexism, misogynoir, homophobia, transphobia, biphobia, ableism and also on the grounds of religion and belief. The Union will therefore ensure that these factors are taken into account as part of the Union’s plans and when reviewing impact and outcomes.