# Sticky Fish Pre-school Equal Opportunities Policy

## Admissions and Membership

We recognise that many different types of family successfully love and care for children. The setting is open to every family in the community. The setting operates a system based on a waiting list.

## Recruitment and Employment

We will recruit and employ people on an equal basis and aim to ensure that no applicant or employee is excluded or unfairly treated on the grounds of age, sex, sexuality, family status, means, disability, race, ethnic origin, culture, religion or belief.

We will recruit and employ people on the basis of their skills, experience and knowledge. We aim to ensure that no applicant or employee is subject to discrimination of any kind, on the grounds of having, or being perceived as having, or being associated with someone who has, a protected characteristic, as defined by the Equality Act 2010 (see appendix 2).

We will advertise for staff and management using a mix of methods. We will always follow the procedures outlined in our Recruitment Procedure. Training, development and progression opportunities will also be available to all staff.

**Staff Awareness and Training**

All staff will be made aware of this policy through the induction procedure. Staff and management will be offered training in all relevant aspects of Equal Opportunities, in particular through the Bristol City Council Early Years programme of CPD.

## Management

We recognise that the board of trustees should reflect the make up of the community that it serves and every effort will be made to redress any imbalance or exclusion. The time and place of meetings of the board of trustees will ensure that all members will have the opportunity to contribute and be involved in the running of the setting. It is a condition of membership of the board of trustees and employees (both paid and voluntary) to follow the principles outlined in this policy.

## Information

## We will give general information on our activities to all potential users and interested parties. We will endeavour to provide translations where required into relevant languages, large print or Braille as appropriate. We will use jargon-free, clear and understandable language. We will endeavour to use a translator where appropriate. We will provide regular newsletters to parents, usually via email, and a hard copy will be available for any parent/carer without email access. The newsletter will also be displayed on the parent/carer notice board. An information sheet is available to potential users.

We aim to provide play opportunities and activities that are inclusive and accessible for all children and for all children to feel welcomed and valued. We will do this by:

* Recognising children’s individual needs through observation, reflective practice and working in partnership with parents and other professionals.
* Providing appropriate support and making reasonable adjustments to meet each child’s needs, including those with a Statement of Educational Needs.
* Challenging inappropriate attitudes and practices.
* Identifying a member of staff who will take on the role of Special Educational Needs Co-ordinator (SENCO), who will lead on and take responsibility for inclusive practice. Currently, this is Jo Ball.

We will provide a multi-cultural programme of activities for children which reflects the broad diversity of cultures, languages and celebrations of people in our society and which is relevant to the diversity within the setting. We will make use of resources and materials which reflect this diversity and we will provide positive images of all people and life styles. All children will be encouraged to take part in all activities on offer.

## Harassment

We will not tolerate incidents of harassment or abuse and will address any complaint or occurrence of harassment or abuse promptly. This includes harassment by third party and harassment directed at others, as defined by the Equalities Act 2010.

We will deal with incidents sensitively, with a view to supporting both parties involved in the incident, that is the person who has been harassed and the perpetrator. We will work with the perpetrator with the aim of helping them to overcome their prejudice and understand the effect of their behaviour.

We will not tolerate any persistence in harassment through behaviour or language and will invoke disciplinary measures for staff, management and children. In the case of parents – persistent behaviour of this nature will result in the individuals concerned being removed from the premises and prevented from returning until the board of trustees has received written assurance that they will comply with this policy. All staff will be familiar with the policy and this will be included in their induction training. All incidents of harassment or abuse of this nature will be recorded as an incident.

Cases of harassment will invoke disciplinary measures for the perpetrator. For staff and management this will be in line with our Disciplinary and Grievance Procedures. In the case of parents exhibiting discriminatory behaviour, we will remind them of their need to comply with this policy. If further incidents occur, this will result in them being asked to leave the premises and prevented from returning until written assurance has been received stating that they will comply with it.

Parents with concerns over staff behaviour should follow our general complaints policy.

Where the perpetrator is a child, we will follow our Behaviour Management/Anti Bullying Policy and Procedures.

All incidents of harassment or abuse will be recorded as an incident on the appropriate form (or in the incident book) and, if necessary, Ofsted will be informed.

## Disability

We accept the social model of disability and will strive to redress the disabling elements within our society and within its own organisation and practice. We will make every effort to meet the needs of children who have a disability and/or SEND, and their parents and to ensure they are welcomed and valued. We recognise that this will be achieved, not only through the provision of physical access, but by the attitude of management, staff and users of the service.

**Monitoring**

Through reflective practice and self evaluation, we will implement monitoring systems to highlight shortcomings and review our procedures and practice accordingly on a regular basis. This policy itself will be reviewed annually.

Date Agreed: August 2023 Review Date; August 2024

Signed by: L. Tomlinson Signature: Liz Tomlinson

Role of signatory: Pre-school Manager

**Appendix 1**

**Equality Act 2010**

The Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. It affects equality law at work and in delivering all sorts of services. It replaces all the existing equality law including:

* The Equal Pay Act 1970
* The Sex Discrimination Act 1975
* The Race Relations Act 1976
* The Disability Discrimination Act 1995

**Appendix 2**

The Protected Characteristics: key points

The Act protects individuals and groups from discrimination based on their “protected characteristics”. There are nine protected characteristics and they vary slightly in their bearing according to whether a person is using a service or at \*work:

• Age

• Disability

• Gender Reassignment

• Marriage and Civil Partnership

• Pregnancy and Maternity

• Race

• Religion or Belief

• Sex

• Sexual Orientation

**Age**

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, ie if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

**Disability**

The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

THE EQUALITY ACT – WHAT’S NEW FOR EMPLOYERS?

As before, the Act puts a duty on you as an employer to make reasonable adjustments for your staff to help them overcome disadvantage resulting from an impairment (eg by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (eg a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate’s health before offering them work. See page 8.

**Gender Reassignment**

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

**Marriage and Civil Partnership**

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

**Pregnancy and Maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not take into account an employee’s period of absence due to pregnancy-related illness when making a decision about her employment.

**Race**

For the purposes of the Act ‘race’ includes colour, nationality and ethnic or national origins.

**Religion or belief**

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

**Sex**

Both men and women are protected under the Act.

**Sexual orientation**

The Act protects bisexual, gay, heterosexual and lesbian people.

**Appendix 3**

**Types of discrimination:**

**Definitions**

**Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

**Discrimination by association**

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perception discrimination**

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Indirect discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is ‘a proportionate means of achieving a legitimate aim’. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

**Harassment**

Harassment is “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”. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Third party harassment**

Already applies to sex. Now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

**Victimisation**

Victimisation occurs 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. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

**Appendix 4**

**Further Information**

* ACAS website – [www.acas.org.uk](http://www.acas.org.uk/)
* The Equalities and Human Rights Commission – [www.equalityhumanrights.com](http://www.equalityhumanrights.com/)
* The Government Equalities Office – [www.equalities.gov.uk](http://www.equalities.gov.uk/)
* Business Link – [www.businesslink.gov.uk](http://www.businesslink.gov.uk/)
* Direct Gov – [www.direct.gov.uk](http://www.direct.gov.uk/)