

# Equality of Opportunity

## Statement of intent

Ashworth View Nursery takes great care to treat each individual, adult or a child, as a person in their own right, with equal rights and responsibilities.

Discrimination on the grounds of gender, sexual orientation, race, religion or belief, age, pregnancy or maternity, marital or civil partnership status, disability or gender reassignment (known as the nine protected characteristics) has no place within Ashworth View Nursery.

This principle of non-discrimination and equality of opportunity applies equally to the treatment of visitors, children at the nursery, parents, clients, customers, suppliers and anyone else who comes into contact with Ashworth View Nursery.

All staff have a duty to act in accordance with this policy, and therefore all staff should treat their colleagues and third parties with dignity at all times, and must not discriminate against or harass other members of staff, whether junior or senior to them. This policy also applies to the treatment of our staff by third parties.

The nursery manager will retain overall responsibility for the implementation and updating this policy.

The nursery is committed to fully complying with any current and future legislation and requirements from regulators on equal opportunities, diversity and inclusion. Should any person believe that this policy is not being complied with they must bring the matter to the attention of their Manager or the *Ashworth View Practice Manager* and/or owner at the earliest opportunity.

## Who is covered by the policy?

The policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, part-time and fixed-term employees, casual or agency staff (collectively referred to as "staff").

The law on equality is as follows:

### Forms of discrimination

**Direct discrimination** – treating someone less favourably than another because of a protected characteristic, e.g. refusing to employ someone because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement to do so. This occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Discrimination by association** – is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Discrimination by perception** - is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (does not cover marriage and civil partnership, and pregnancy and maternity).

**Indirect discrimination** - is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic, compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** – is defined 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.’*

Employees can complain about harassment even if this is not directed at them in person, and they do not need to have the protected characteristics themselves, e.g. if a colleague is being harassed because of their age, another colleague can complain about this behaviour provided they can demonstrate that such conduct does amount to harassment under the Equality Act 2010.

**Third party harassment** – this is harassment of one of your employees by a third party not employed by your nursery, e.g. a parent. This covers age, sex, disability, gender reassignment, race, religion or belief and sexual orientation. For an employer to be liable:

- The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- The nursery must be aware that the previous harassment has taken place;
- The nursery must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** – this occurs when an employee is treated badly or put to a detriment because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or have been suspected of doing so. A person is not protected under this heading if they have made a malicious complaint or supported an untrue complaint.

### **Recruitment and selection**

Ashworth View Nursery aims to ensure that no job applicant receives less favourable treatment than another applicant. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and we will always strive to ensure that the staffing levels reflect the community it serves. Job selection criteria are also regularly reviewed to ensure that they are essential for the effective performance of the job and therefore justified on non-discriminatory grounds.

All vacancies will be advertised as widely as budgets allow. Adverts will include an appropriate short statement on our equal opportunities policy.

Every effort will be made to ensure that there is a representative balance on the selection panel and all members of the panel will be committed to equal opportunities and will have received appropriate training.

Application forms will not include questions which may potentially discriminate unless there is a justifiable reason. At interview, no questions will be posed which are potentially discriminatory unless there is a justifiable reason. At interview all candidates will be asked the same questions, and members of the selection panel will not introduce nor use any personal knowledge of candidates acquired outside the selection process.

Personal relationships with any candidate will be disclosed by the panel member prior to any selection or interview process commencing.

Candidates will be given the opportunity to discuss the reasons why they were not successful.

No questions will be asked or raised relating to an applicant's health prior to a candidate being offered work unless it falls into one of the following:

- Establishing whether the applicant will be able to comply with a requirement to undergo an assessment or establishing whether there will be a need for us to consider making reasonable adjustments for the applicant to undertake the assessment
- Establishing whether the applicant will be able to carry out a function that is intrinsic to the work involved
- To monitor diversity in the range of people applying to us for work; and
- If it is a requirement of the role for the applicant to have a particular disability and establishing whether the applicant has that disability.

### **Staff training and promotion**

Ashworth View Nursery recognises the importance of training as a key factor in the implementation of an effective Equal Opportunities policy, Ashworth View Nursery will strive towards the provision of equal opportunity training for all staff, and training needs will be identified through regular staff appraisals.

All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

### **Service provision**

In addition to employment equality, the nursery and staff are also committed to promoting equal opportunities by:

- Encouraging positive role models, displayed through toys, imaginary play etc. that promote non-stereotyped images
- Encouraging children to join in all activities, i.e. dressing up, shop, home corner, dolls, climbing on large apparatus, bikes etc.
- Regularly reviewing our childcare practice to ensure practices do not discriminate.

Ashworth View Nursery will strive to ensure that all services and projects are accessible and relevant to all groups and individuals in the community within targeted age groups. We will strive to promote equal access to services and projects by taking practical steps such as ensuring access to disabled people (with reasonable adjustments) and producing material in relevant languages and media.

### **Procedure for dealing with alleged harassment or bullying**

If you think you are being bullied or harassed by another member of staff, you may prefer to resolve matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of your manager. If you wish to do this you should:

- Arrange to speak to them privately
- Tell the person what behaviour of his or hers you find offensive and unwelcome, and say that you would like it to stop immediately.

If an informal approach does not resolve matters, or you do not wish the situation to be dealt with informally, you can make a formal complaint through the nursery's grievance procedure. All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The nursery will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

If you believe you have been subject to any bullying or harassment by customers, suppliers, visitors or others, you must report this to the Nursery Manager who will take appropriate action.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint which you know to be untrue may lead to disciplinary action being taken against you. Vexatious complaints will be dealt with according to the disciplinary policy.

The nursery will retain a duty of care to the individual who a complaint is made against, and will ensure that the individual is supported through the process.

### **Breaches of this policy**

Any breach of this policy by any staff member will be treated as a serious disciplinary offence. In the case of employees, Ashworth View Nursery will take appropriate disciplinary action in accordance with its Disciplinary Rules and Procedure.

### **Review and monitoring of this policy**

This policy is reviewed annually by all staff.

We will continue to review the effectiveness of this policy to ensure it is achieving its objectives by monitoring the composition of job applicants and the benefits and career progression of our staff.