Northgate Pre School and Toddlers Ltd
Policy Name: Equality and Diversity
Date issued/last updated: 1.1.13-20.09.21

1.0: Introduction:

Northgate Pre-School and Toddlers (NGPS) is committed to providing equality of opportunity in all aspects of employment and to the children and families we serve.

Therefore, NGPS aims to be an equal opportunities employer and believes that all people have value and recognises that there are many people in society that have been denied equal opportunities or for whom equal opportunities have not been made available.

Equal opportunities are pivotal to all we do at NGPS, and action will be taken in the following areas:

- **Internal Organisational needs**
- **Recruitment and Selection**
- **Service Provision**
- **Monitoring.**

NGPS commits itself to promoting a culture of equality and diversity by actively improving work practices to combat stereotyping.

2: The Law and Legal requirements:

The Equality Act 2010 protects individuals against discrimination because of nine 'protected characteristics'. These are detailed below:

- **Age**
- **Disability**
- **Gender Reassignment**
- **Marriage and Civil Partnership**
- **Pregnancy and Maternity**
- **Race**
- **Religion and belief**
- **Sex**
- **Sexual Orientation**

Throughout our practice we have regards to the EYFS (2021) legal requirements. We teach children to be respectful of each other, understand differences between ourselves, which includes language and culture. We have regard for our fundamental British values, which runs through all practice and teaching. We are also aware if an area of our curriculum conflicts with a parent beliefs they have a choice of asking for an exemption to the learning. This has to be in writing to the manager and committee and explains why/how this is a conflict to their beliefs and /or religion. The committee

and management team have the right to decline is we feel it is inappropriate and /or conflicts who our British Values.

NGPS has a legal responsibility to eliminate discrimination in all of their working practices and procedures and this policy is intended to assist the organisation to put this commitment into practice.

Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

Equality in the workplace is about ensuring fair and equal treatment for everyone and tackling discrimination where it exists in our society. The fundamental principle is that employment opportunities and service provision should be free from discrimination and equally available to all.

2.1: The Definitions of Equality and Diversity:

Equality is about the elimination of discrimination; maximising the potential of individuals; taking positive action, implementing change, looking at better ways of working and effective practice.

Diversity is about difference and inclusion of everyone as a whole and recognition that the differences between people, and the different perspective this brings to the workplace, is something of value within the workplace.

2.2: Types of Unlawful Discrimination:

Direct Discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect Discrimination

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

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that

has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Perceptive discrimination

Perceptive discrimination 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 (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. 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);**
- **it must be aware that the previous harassment has taken place; and**
- **it must have failed to take reasonable steps to prevent harassment from happening again.**

Victimisation

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

3.0: Disability and Making Reasonable Adjustments:

NGPS recognises the importance of taking pro-active measures to remove barriers from the working environment for disabled people.

It is recognised that this will benefit not only disable employees and prospective employees but also in many cases service users and visitors. It will ensure that NGPS is able to recruit and retain the best employees on the basis of their abilities and individual merit.

The duty to make reasonable adjustments arises only where an employer knows, or reasonably ought to know, that an individual is disabled.

Where an individual requires or may require an adjustment to the working arrangements or environment, they should bring this to the attention of their line manager.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who

does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

3.1: Implementation:

Training will be provided to promote equality and diversity across the organisation with the aim of eradicating discrimination in services, which are offered.

Efforts will be made to ensure that staff are fully aware of their responsibilities towards the promotion of the policy.

The Grievance and Disciplinary procedures are in place and available to any member of staff who believes that they have suffered unfair discrimination. Such activities, if established against any member of staff will be dealt with as misconduct under the Disciplinary Procedure.

4.0: Recruitment & Selection:

NGPS endeavours to be an employer that offers genuine equal opportunities to people looking for work, and does not discriminate against any sections of society in its recruitment, selection and promotion practices. The recruitment process follows all legal requirements regarding equality and diversity. There will be regular reviews of the relevant legislation, to ensure it is reflected in working practice. Management and staff involved in the recruitment and selection process will be kept informed of any changes, which are to be made. Please refer to our Recruitment and Retention Policy.

5.0: Training:

NGPS will provide and/or seek out training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

NGPS will provide training to all existing and new employees and others engaged to work at the organisation to help them understand their rights and responsibilities under the Equality and Diversity policy and what they can do to help create a working environment free of bullying and harassment. The organisation will seek out or provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

6.0: Responsibilities:

At NGPS, the initial responsibility on a daily basis for the observance of this policy lies with each member of staff, final responsibility lies with management and Management Committee.

Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the organisation's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Any racist comments will be dealt with immediately and fairly and if they continue the Manager will fill in a Major Incident form and inform the appropriate authorities.

7.0: Grievances:

If any employee feels that they may have been unlawfully discriminated against, they may use the organisation's grievance procedure to make a complaint.

NGPS will take any complaint seriously and will seek to resolve any grievance. Employee will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Use of the organisation's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

8.0: Monitoring and review:

NGPS will regularly review the Equality and Diversity policy and working procedures to ensure this adheres to current legislation and best practice.

Any complaints under the policy will be addressed by NGPS.

Linking legislations:
Equality and diversity 2010

9.0: Signatures:

Date to be reviewed: 06.10.22

Signed on behalf of the provider:

Name of signatory: **Role: Chairperson**