

**Plymouth Nursery Schools Federation:
Not Protectively Marked.**



**Ham Drive Nursery School
and
Day Care**

EQUAL OPPORTUNITIES POLICY AND CODE OF PRACTICE

Introduction

This Code of Practice establishes particular rules and procedures designed to eliminate unlawful discrimination in our employment, staffing and training practices.

Plymouth Nursery Schools Federation's managers, staff and partners are therefore responsible for the development and implementation of these policies.

Plymouth Nursery Schools Federation is committed to monitor existing practices and establish new ones, in order to prevent those working and training with us and those who would want to work or train with us from suffering sexist or racist treatment or attitudes. Much of what is laid down in the Code of Practice also has the force of the law, (as outlined in Section 1.2) but whether or not this is so, all staff should be aware that the Code is Ham Drive Policy and therefore must be adhered to in all cases.

Discrimination, whether or not it occurs at Plymouth Nursery Schools Federation or any other institution, is often lack of understanding or consideration for a particular person or group. This passive rather than active discrimination, which often manifests itself in a lack of encouragement for particular groups or a reluctance to accept changes designed towards Equal Opportunities, is just as unacceptable as the cruder, more overt forms. Our code of practice aims to combat this by providing everyone in the organisation with a framework into which fit all employment, staffing and training practices from job description and advertising through career prospects and training. It is intended that Equal Opportunities criteria are given a high priority in these areas.

The Law

The Equality Act 2010:

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone. The Act relates to the following Protected Characteristics

1. Age
2. Disability

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3. Gender reassignment
4. <https://www.legislation.gov.uk/ukpga/2010/15/section/8> Marriage and civil partnership
5. Race
6. Religion or belief
7. Sex
8. Sexual orientation

Equal Opportunities Policy Statement

Plymouth Nursery Schools Federation recognises the need for an Equal Opportunities Policy and accepts the statutory requirements laid down in the Equality Act 2010 which make it unlawful for an employer or an employee (trainee) to discriminate or to treat an individual differently on the grounds of any of the Protected Characteristics set out above.

Plymouth Nursery Schools Federation recognises that whilst much can be achieved through developing procedures to meet our legal obligations, real progress requires a programme of actions which involves the participation of all members of staff/trainees. Genuine Equal Opportunities in every workplace and training area require a commitment to the policy from everyone, staff and trainees alike.

Equal Opportunities in Recruitment and Staff Advancement

Recruitment and selection procedures and practices throughout Plymouth Nursery Schools Federation will be regularly reviewed to ensure that no group is put to disadvantage either directly or indirectly.

It is our policy that staff involved in interviewing and selection will be given training to avoid discrimination in these processes.

It is our policy that employees will be given an equal opportunity to progress within Plymouth Nursery Schools Federation and where appropriate may be offered training to do so in accordance with their true potential.

Equal Opportunities within Plymouth Nursery Schools Federation

It is our policy that training will be given to our staff to overcome discrimination in the way in which we offer our training. This includes ensuring all staff are fully aware of their responsibilities towards the promotion of equal opportunities, racial and sexual equality and that they will be properly equipped to take account of the different and special needs of particular groups and thus make provision for those needs.

Recruitment

When recruiting staff/trainees, it is unlawful to discriminate either in favour of one or against a particular racial group, to members of one sex, or the disabled. It would be unusual for any post within Plymouth Nursery Schools Federation to carry such a restriction, permission to advertise such a post would be required in advance from the Head/Board of Governors.

It is permissible to encourage applications from a group historically under represented in such posts e.g. to encourage women to apply for the post of tutor (or trainee) in the building

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trade, but after advertising such a post, all applicants must be treated on merit. There must be no discrimination based on race or sex at shortlisting, interview or selection stage.

To avoid racist, sexist or other discriminatory practices in staff recruitment, attention must be given in the following areas:

a) **Advertising**

Notice of all vacancies in Plymouth Nursery Schools Federation must be advertised both internally and externally.

Efforts must be made to ensure vacancies are not advertised in such a way that any particular group is unlikely to see the advertisement. The wording of advertisements must not exclude, or imply the exclusion or discouragement of particular groups. They should be designed to appeal to as wide a spectrum as possible.

b) **Job Description**

It is not permissible to use a job title which implies the exclusion of a particular group, e.g. (“dinnerlady”, “Headmaster”) and titles should be modified if they carry connotations traditionally related to one sex or the other.

The skills and experience required must be strictly relevant to the requirements of the job. These should not be unnecessarily restrictive so as to exclude particular groups (e.g. by stipulating a robust physique) since this may be indirect discrimination and therefore unlawful. Wherever possible, do not restrict the range of applicants by stipulating a very narrow band of experience.

All job descriptions must stipulate a commitment to Plymouth Nursery Schools Federation’s Equal Opportunities Policy and specify any particular responsibilities for the post holder in implementing it.

c) **Short Listing**

Short listing must be based only on the information provided in the application form, including any references available at that stage, using stipulation of the job description as the criteria.

The practice of short listing by means of informal or unstructured interview or asking candidates to “meet the staff” should be avoided since it can lead to highly subjective and possibly discriminatory selection. The criteria for any initial selection must be objective and consistently applied to all applicants.

The application form will not be used as a test of proficiency in written English unless a high standard is required for the job. No attempts should be made to discern the ethnic group or the sex of an applicant from the application form. Any attempt to adopt quota or token representation of any group on a short list is both unlawful and unnecessary.

Reasons for rejection or short listing should be recorded in a file maintained for each post. These files must be kept for a period of twelve months since they may be needed to ascertain that a particular appointment has been fair and non-discriminatory.

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- d) **Selection Tests**
Such tests must be specifically tailored to the job requirement and must measure an individual's actual or potential ability to do the work required.

- e) **Interviewing**
The composition of interview must reflect the need to ensure selection takes place in accordance with Plymouth Nursery Schools Federation's Equal Opportunities Policy as well as other criteria. The person responsible for the composition of the panel will need to be prepared to illustrate how it meets this stipulation. The person chairing the interviews must be experienced in staff selection and be fully aware of the obligations of the Equal Opportunities Policy and Code of Practice.

- f) **Appointments**
Every person appointed to Plymouth Nursery Schools Federation must be aware as part of an induction process the detail of the Equal Opportunities Policy, the application of such policy and the role incurred by themselves in implementing such a policy.

Grievance and Disciplinary Procedures Relating to Equal Opportunities

No one in Plymouth Nursery Schools Federation's employment should have to suffer racist or sexist treatment from other members of the staff or from bodies of individuals with which Plymouth Nursery Schools Federation has contact. All complaints of discrimination, abuse, harassment etc, will be treated seriously and investigated with all possible speed, confidentiality and sensitivity. Such activities, if established against Plymouth Nursery Schools Federation's staff, will be dealt with as misconduct.

Anyone feeling that a complaint has not been properly acted upon is entitled to and should initiate the Grievance Procedure.

- a) **Dismissals**
Members of one sex, a particular ethnic minority group or a disabled person, may not be dismissed for behaviour which might be overlooked or condoned in the other sex, group or in a non-disabled person. Dismissal of a person because he or she has been the victim of racial or sexual harassment is unlawful.

- b) **Child Care etc, Responsibilities**
Employees, whether women or men, with responsibility for children or other dependants must not face discriminatory treatment from Plymouth Nursery Schools Federation because of those responsibilities.

It follows that request for some flexibility in working hours, for a temporary or permanent conversion to a part-time contract or for participation in a job share arrangement should be acceded to wherever possible. Short notice requests for annual leave, or requests for unpaid leave because of unforeseen domestic circumstances should also be treated sympathetically.

- c) **People with Disabilities**
Every effort will be made to ensure that discrimination is not carried out against people with disabilities in Plymouth Nursery Schools Federation's employment

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and training practices. All sections of the Code of Practice should be taken to apply to people with disabilities as well as to other groups.

It is sometimes suggested that employment for people with disabilities cannot be contemplated because of the unsuitability of the premises. It must be realised that it is often possible to secure grants (via the Disability Employment Advisor) for the conversion of premises to make them accessible for people with disabilities. Any otherwise potentially suitable applicant for a job (placement or training) who is disabled, must be interviewed, irrespective of any apparent requirement to adapt premises or facilities for the acquisition of premises should bear in mind whether the building(s) suitable for use by people with disabilities. The Disability Employment Advisory (DEAS) and Placement and Counselling Teams (PACT) usually based at local job centres, can give advice and assistance in such matters.

Plymouth Nursery Schools Federation would be required under the Disability Discrimination Act 1995 to make reasonable disadvantage a disabled employee or prospective employee, compared to a non-disabled person.

d) **Ex-Offenders**

No discrimination shall be made against ex-offenders in recruitment. Discretion should be exercised where it is felt that a recent and/or serious conviction may mean that a person might present a risk to members of the public with which the post holder/trainee would have contact. A person's criminal record in itself should not debar that person from being in Plymouth Nursery Schools Federation's employment who have a criminal record is not permissible, and all information relating to such matters should be strictly confidential.

e) **Sexual Harassment**

Sexual Harassment includes unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminating remarks made by someone in the workplace which are offensive to the employee involved, which cause the employee to feel threatened, humiliated, patronised or harassed, or which interfere with the employee's job performance, undermine job security or create a threatening or intimidating work environment.

Sexual harassment can take many forms, from leering, ridicule, embarrassing remarks or jokes, unwelcome comments about dress or appearance, deliberate abuse, the display of pornographic pictures, unwanted physical contact, demands for sexual favours or physical assaults on employees.

Under the terms of the Equality Act 2010, Sexual Harassment is an unlawful form of Sex Discrimination.

f) **Racial Harassment**

Racial harassment is contrary to Plymouth Nursery Schools Federation Policy that all staff and trainees should be treated equally irrespective of their sex, race, ethnic origins, colour, nationality, marital status, creed or social class. Racial harassment can take different forms. It can involve relations between workers, or unfair decisions and procedures by the employer or management, repeat and unwelcome comments, name calling, racist abuse and jokes, the

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display of racially offensive written material and images, racist attack, threatened assault, shunning workers on grounds of race and insulting or abusive behaviour and gestures.

Examples include:

- offensive jokes
- patronising remarks
- excluding someone from conversation
- racist graffiti/offensive posters
- denying access to benefits such as training
- refusal to investigate complaints

Victimisation

Victimisation occurs where a person is treated less favourably than other persons are or would be treated because she or he has done something; purely on the basis of their being a member of one of groups outlined in the Protected Characteristics as set out above.

Victimisation also consists of action against a person for asserting her or his rights under the Act.

Responsibilities for the Equal Opportunities policy

Overall responsibilities for the implementation of this Equal Opportunities Policy lies with the Management of Plymouth Nursery Schools Federation. All staff with Management duties carry this responsibility. The Headteacher and Chair of Governors have a particular responsibility to oversee the Equal Opportunities in employment and training practices and to provide guidance and to develop good practice.

Signed: Chair of Governors.

Name:

Date: 19.4.18

Review cycle: Three Yearly. Next review April 2021.