



Equal Opportunities Policy and Procedures

General Information

Ashley Down After School Club is committed to taking positive and proactive steps to ensure that we provide a safe and caring environment, free from discrimination, for everyone in our community.

The Club's equal opportunities procedures aim to help everyone involved in the Club to counteract and eliminate both direct and indirect discrimination in decision-making, employment practices and service provision and to ensure that our services strive to achieve equality of opportunity for all.

The Club aims to provide a welcoming and caring environment that promotes and reflects cultural and social diversity and is equally accessible to all. The Club will endeavour to challenge any offensive behaviour, language or attitudes with regards to race, ethnicity, nationality, class, religion, culture, gender, language, sexual orientation, disability and HIV.

The Club recognises that achieving the objectives of our equal opportunities policy relies on the active involvement of parents/carers. As such, the Club will both welcome and encourage parents and carers to get involved in the running and management of the Club i.e. becoming Trustees, and to comment on the effectiveness of its policies and procedures.

The Club will facilitate regular opportunities for consultation with parents/carers about the service that the Club provides, as a means of monitoring the effectiveness of the equal opportunities policy.

Equal Opportunities Procedures

To realise the Club's objective of creating an environment free from discrimination and welcoming to all, the Club will:

- Ensure that its services are open and available to all parents/carers and children in the local community.
- Ensure that issues of race, ethnicity, nationality, class, religion, culture, gender, language, sexual orientation and disability do not inhibit a child from accessing the Club's services.
- Treat all children and their parents/carers with equal concern and value.
- Have regard for promoting understanding, respect and awareness of diversity and equal opportunities issues in planning and implementing the Club's programme of activities.
- Help all children to celebrate and express their cultural and religious identity by providing a wide range of appropriate resources and activities.
- Ensure that the Club's recruitment policies and procedures are open, fair and non-discriminatory.

- Endeavour to recruit a staff team that reflects the make-up of the Club's local community.
- Ensure that all members of staff are aware of, and understand, the Equal Opportunities policy as it relates to all aspects of its work.
- Encourage and support staff to act as positive role models to children by displaying and promoting tolerant and respectful behaviour, language and attitudes and challenging any discriminatory incident, according to the provisions set out in the Staff Disciplinary Policy, and the Behaviour Management Policy,
- Treat seriously any member of staff found to be acting, or have been acting, in a discriminatory way, according to the provisions of the Staff Disciplinary Policy.
- Work to fulfil all the legal requirements of the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Human Rights Act 1998 the Race Relations (Amendment) Act 2000 and the Equality Act 2010.
- The Play Facilitator will be responsible for ensuring that the Equal Opportunities policy is implemented and that its effectiveness is regularly monitored. They will be responsible for ensuring that:
 - Staff receive appropriate training.
 - The Equal Opportunities policy is consistent with current legislation and guidance.
 - Appropriate action is taken wherever discriminatory behaviour, language or attitudes become apparent.

All the Club's policies and procedures will be regularly reviewed to ensure they do not operate in a discriminatory manner or in any way against its commitment to equal opportunities.

Admissions and Membership

Our setting aims to be open and accessible to every family in the Ashley Down Primary School community. We operate a priority system and this is outlined in the Registration policy.

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 Equality 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.

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 and Anti Bullying Policy and Procedures.

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

Specific requirements

Ashley Down After School Club is aware that some children have special educational needs and/or physical disabilities, which require particular support and assistance. We are committed to taking appropriate action to make sure that as far as possible all children are able to access our services, made to feel welcome, and that our activities promote their welfare and development.

The Club is committed to the integration of all children in its care. The Club also believes that children with special educational needs and/or physical disabilities have a right to play, learn and be able to develop to their full potential alongside other children. Reasonable adjustments will take place and children with special educational needs and/or physical impairments will have access to the same facilities, activities and play opportunities as their peers. Everybody stands to gain if all children are allowed to share the same opportunities and are helped to overcome any disadvantages that they may face.

The policies, procedures and practices of the Club in relation to children with special educational needs and/or physical disabilities are consistent with current legislation and guidance. These include the Special Educational Needs and Disability Act 2001, the Disability Discrimination Act 1995 and the Equality Act 2010.

The Club believes that by identifying individual needs and taking proactive steps alongside parents/carers and other statutory professionals or agencies, all children should be able to play a full, active and equal part in the Club's activities.

Special Educational Needs and Disability Co-ordinator

The Chair of the Trustees will appoint a member of staff as the Special Educational Needs and Disability Co-ordinator (the Play Facilitator) to manage provision for children with special educational needs and/or physical disabilities. This individual will be fully trained and experienced in the care and assessment of such children.

All members of staff will be expected to assist the Special Educational Needs and Physical Disability Co-ordinator in caring for children with special educational needs and/or physical disabilities. The Co-ordinator's responsibilities will include:

- Working to ensure that all staff are aware of all legislation, regulations and other guidance on working with children with special educational needs and/or physical disabilities.
- Working to ensure that all staff who work with children with special educational needs and/or physical disabilities have appropriate skills and training.
- Co-ordinating regular monitoring and reviews of children's progress; involving parents/carers, other members of staff, relevant representatives from statutory agencies and, if appropriate, the child themselves. Alongside the Play Facilitator, they will also be responsible for ensuring that any actions following such reviews are followed through.

- Assessing each child's specific needs and adapting the Club's facilities, procedures, practices and activities as appropriate.
- Ensuring that systems are in place to adequately plan, implement, monitor, review and evaluate the Special Needs policy.
- Ensuring that children with special educational needs and/or physical disability are fully considered when activities are being planned and prepared.
- Liaising with parents/carers about the needs of their children and the plans and actions of the Club, as well as being the point of contact for parents/carers.
- Liaising with other agencies and seeking advice, support and training for themselves and other staff as is necessary.
- Supporting other members of staff to become more skilled and experienced in the care of children with special educational needs and/or physical disabilities.
- Ensuring that all children are treated with equal concern and respect and are encouraged to take part in all activities.
- Ensuring that accurate observations and assessments of children's progress are regularly made and properly recorded.

Vulnerable Adults

Ashley Down After School Club recognises that all people are entitled to a life without exploitation or abuse.

Ashley Down After School Club is aware of the fact that some people are more vulnerable to abuse and exploitation because they are disempowered within society. Disabled people, people with learning disabilities, with mental health or emotional difficulties and frail elderly people are more at risk from abuse for these reasons.

Ashley Down After School Club is striving to provide services, which lessen the imbalance of power and encourages independence and self-advocacy for service users. Any persons making reports of allegations of abuse should be listened to, their information acted upon and, wherever possible the person making the report should be given information about the outcome.

Ashley Down After School Club minimises the risk of abuse by providing a service that is sensitive to cultural, gender and individual needs.

Staff working with vulnerable adults are in a position of status and authority in relation to the users of the services they provide. It is the Club's policy that Vulnerable Adults should be made aware of their rights, and given information, advice and support. They should be enabled and encouraged to access the protection the law and the legal processes where they wish to do so.

Ashley Down After School Club wholeheartedly accepts the national guidance and has:

- Policies and procedures for dealing with allegations of abuse
- Identified people within the organisation who will deal with this matter
- Social Services contact numbers to inform of any allegations or suspicion of abuse
- Safe recruitment practices to help protect vulnerable people from those in position to exploit them.

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, i.e. 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.

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. See Annex 1 for an example. 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.

Employment

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.

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). Appendix 1 contains an example of direct discrimination.

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. See Annex 1 for an example of discrimination by association.

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. See Appendix 1 for an example of perception discrimination.

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. Appendix 1 contains an example of indirect discrimination.

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 (see page 3). See Appendix 1 for some examples of harassment.

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 2010 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. See Appendix 1 for an example of third party harassment.

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
- The Equalities and Human Rights Commission – www.equalityhumanrights.com
- The Government Equalities Office – www.equalities.gov.uk
- Direct Gov – www.direct.gov.uk

DOCUMENT HISTORY

Reference	Author	Summary of changes	Issued
Issue 1		Original Version	
Issue 2	Emma Hallett	Updated in light of changes in local arrangements and also formatted into standard format.	
Issue 3	Raquel De Mena	Updated in light of the new EYFS and to include current named staff.	September 2012

Issue 4	Sheila Gould	SENCO at Ashley Down Primary revised Reviewed to reflect Muller Road and Brunel Field ASC sites	November 2013
Issue 5	Raquel de Mena	Update SEN Co	April 2015
Issue 6	Raquel de Mena	Update the SEN-co	November 2016
Issue 7	Lindsey Shobbrook	Update SENCO for BF site	Jan 2017
Issue 8	Rakel de Mena	Add recruitment and employment and dealing with harassment	May 2019
Issue 9	Rakel de Mena	Removed specific names of SENCOs at Club and both schools. Included harassment section	Feb 2021

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Signed:

Position: Trustee

Name: L.Shobbrook

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