

**At Bordesley Green East Nursery School we adopt the Birmingham City Councils guidelines and policies on Equalities Legislation.**

**VISION**

Birmingham’s vision for diversity and equality is that all aspects of strategy development and service delivery must be promoted through the creation of flourishing neighbourhoods. Services must be provided in ways that recognise different needs, and that respond appropriately and equitably to these.

**OBJECTIVES**

Key priorities for Birmingham City Council in taking forward the Race Equality Scheme (RES) are:

- improving the accountability of service providers;
- improving access to services by socially excluded groups;
- supporting activities which directly empower communities;
- developing employment opportunities for disadvantaged groups;
- improving the quality of life of all citizens, with an emphasis on socially excluded groups;
- improving opportunities for personal fulfilment and development amongst citizens.

**KEY VALUES**

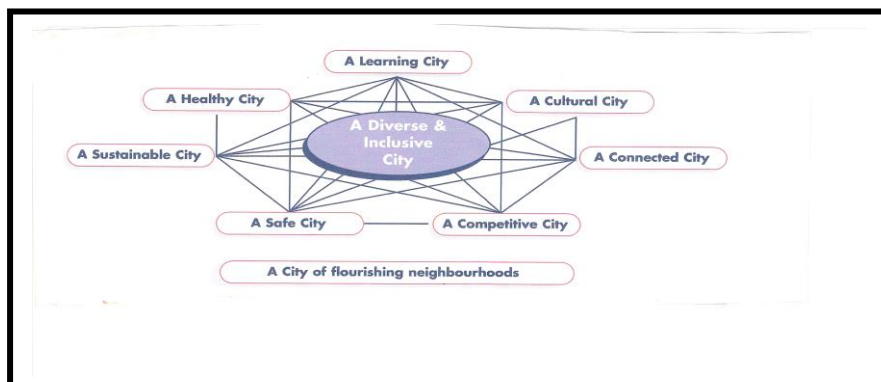
- human rights,
- social values (equality, rights and responsibilities)
- globalisation.

**COMMUNITY COHESION**

Values and principles drawn from the flourishing neighbourhoods and integrated communities agenda will also underpin the Race Equality Scheme. These will include:

- integration (cultural, economic and social)
- quality of life
- connecting communities
- cultural diversity
- integration
- citizenship.

Birmingham City Council wants to ensure that local neighbourhoods are flourishing, safe and healthy places adding to the prosperity of the city and benefiting from it. The diagram below captures these elements;



Statutory instruments:

Sex Discrimination Act 1975  
Race Relations Act 1976  
Equal Pay Act 1970 (as amended by Equal Pay (amendment) Regulations 1983)  
Disability Discrimination Act 1995  
Employment Rights Act 1996  
Protection from Harassment Act 1997  
Human Rights Act 2000  
Equality Act 2010

**The Sex Discrimination Act 1975 (SDA)** protects people from discrimination on the grounds of sex, and marital status. Exceptions to the Act include **genuine occupational requirements**. Employers will be able to recruit staff on the basis of a genuine occupational requirement if it can be shown that it is a genuine and determining requirement of the job to be of a particular gender.

**The Race Relations Act 1976 (RRA)** protects people from discrimination on the grounds of race, colour, nationality, and ethnic or national origins. Exceptions to the act include **genuine occupational requirements**. Employers will be able to recruit staff on the basis of a genuine occupational requirement if it can be shown that it is a genuine and determining requirement of the job to be of a particular, race or of particular ethnic or national origin. In cases involving colour or nationality the existing provisions in section 5 of the 1976 Race Relations Act will continue to apply.

Both Acts cover discrimination in employment, education, goods, facilities, services and premises.

### **The European Race and Employment Directives 2000.**

ALL EU member states must agree to tackle discrimination due to:

Age  
Disability  
Race  
Religion  
Sex  
Sexual orientation.

**The Race Directive** - prohibits discrimination and promotes race equality. It covers race, ethnic or national origin. It also covers employment, training, provision of goods and services including housing, education and social protection.

**The Employment Directive** prohibits discrimination in the context of sexual orientation, religion or belief, and age.

### **Definition of Terms**

#### **Direct Discrimination**

Occurs when a person receives less favourable treatment because of their sex, sexual orientation, marital status, disability, ethnic group, age, religion, colour, social background or trade union activity. It should be noted that sexual or racial harassment can amount to direct discrimination.

#### **Indirect Discrimination**

Occurs where a person is disadvantaged because they cannot comply with an unjustifiable requirement, which, on the face of it, applies to all, but in practice can only be met by a considerably smaller proportion of one sex or group.



## **Victimisation**

Victimisation occurs if an individual or group is given less favourable treatment than others because they have:

- exercised their rights within Birmingham City Council's employment policies and/or employment legislation.
- where a man or woman is treated less favourably than other persons because they have brought proceedings, or given evidence in proceedings under the Sex Discrimination Act, Race Relations Act, or Equal Pay Act 1970 or made allegations regarding breaches of these Acts.

## **Harassment**

Harassment is behaviour, deliberate or otherwise, directed at an individual or group, that is found to be offensive or objectionable to the recipient(s) and might threaten a member of staff's employment security or create an intimidating environment.

## **Disability**

The Disability Discrimination Act 1995 makes discrimination on the grounds of disability

illegal. It defines disability as 'any type of physical or mental impairment which has a substantial or long term adverse effect on his/her abilities to cope with normal day to day

activities'. Long term is taken to mean lasting or expected to last for 12 months or more. A person will only receive the protection of the legislation if they advise their potential

employer that they have a disability. This Act does not recognise indirect discrimination.

Employers must make 'reasonable adjustment' to work arrangements and working environment where people are disabled.

## **Positive Action**

Positive Action is an aspect of the Disability Discrimination Act and Employment Tribunals are empowered to order employers to take positive steps to alleviate the effects of discriminatory behaviour. Positive measures are allowed by law to encourage employees who are members of groups, which have been under-represented, in particular work areas to receive special training programmes.

**This policy will be issued to all staff on induction and staff will be informed of their responsibilities under this policy through induction.**

## **Codes of Practice**

The following Codes of Practice set out practices, which employers should follow to ensure equality of opportunity:

Commission for Racial Equality  
Equal Opportunities Commission  
Disability Discrimination Code of Practice  
European Council Code of Practice of Harassment

(Please see also our Equal Opportunities Policy, Race Equality Policy, Safeguarding policy, Parent Partnership Policy, Child Protection Policy.

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Amend the Equality Act 2010 to improve access to public buildings; and to introduce six and twelve inch rules for step-free access.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment to the Equality Act 2010**

- (1) Section 20 of the Equality Act 2010 (adjustments for disabled persons: duty to make adjustments) is amended as follows.
- (2) After subsection (9) insert the following new subsection—

“(9A) Reasonable steps taken under subsection (4) shall require buildings to<sup>5</sup> introduce a ramp, suitable for wheelchair access, in substitution for a single access step if the single access step is of less than six inches.”
- (3) After subsection (9) insert the following new subsection—

“(9B) Reasonable steps taken under subsection (4) shall require buildings to introduce a ramp, suitable for wheelchair access, in substitution for a<sup>10</sup> single access step if the single access step is of less than twelve inches.”
- (4) After subsection (9) insert the following new subsection—

“(9C) Reasonable steps which require a building to introduce a ramp, as referred to in subsections (9A) and (9B), do not apply to buildings which have more than one step in order to gain access.”

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**2 Extent, commencement and short title**

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on the day on which it is passed, save for the provisions in subsections (3) and (4).
- (3) Section 1(2) and (4) come into force at the end of the period of twelve months<sup>20</sup> beginning with the day on which this Act is passed.



Section 1(3) comes into force at the end of the period of two years beginning with the day on which this Act is passed.

(4) This Act may be cited as the Equality Act 2010 (Amendment) Act 2014.

# Equalities legislation Statement

## Equality Act 2010 (Amendment) Bill [HL]

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**B I L L**

To amend the Equality Act 2010 to improve access to public buildings; and to introduce six and twelve inch rules for step-free access.

*Lord Blencathra*

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HL Bill 11

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# Equalities legislation Statement

Signed Chair of Governors	
Policy Approved on:	