

## Dealing with Discriminatory Behaviour

Aston University Nursery has a duty to create and implement strategies in the nursery to prevent and address all discriminatory behaviour. Such strategies include:

- Recording of all incidents relating to discrimination on any grounds
- All recorded incidents will be discussed with the children's parents, and when appropriate to the registering authority.
- Staff will also undertake mandatory online training through Aston University.

### What is Discrimination?

The law defines four behaviours which constitute unlawful discrimination:

- Direct Discrimination - treating someone less favourably on the basis of a protected characteristic.
- Indirect Discrimination - the application of a provision, criterion or practice which is applied equally to persons of all groups but which puts a person of a particular group at a disadvantage or which cannot be shown to be a proportionate means of achieving a legitimate aim and that there is no less discriminatory alternative.
- Associative Discrimination - when an individual is treated less favourably because they are associated with an individual of a particular age group.
- Perceptive Discrimination - when an individual is treated less favourably because they are perceived, correctly or incorrectly, to belong to a particular age group.
- Victimisation - treating someone less favourably or retaliating against someone because they have made a complaint or allegation of discrimination.
- Harassment - defined as unwanted conduct (including unwanted conduct of a sexual nature) related to a protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or humiliating environment.

Parents have a right to know if discrimination occurs and what actions the nursery will take to tackle it. This includes all types of discrimination as detailed below:

- Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic
- Discrimination by association occurs when there is a direct discrimination against a person because they associate with a person who has a protected characteristic
- Discrimination by perception occurs when there is a direct discrimination against a person because they are perceived to have a protected characteristic

- Indirect discrimination can occur where a provision or criterion is in place which applies to everyone in the organisation but particularly disadvantages people who share a protected characteristic
- 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'*
- Third party harassment is the harassment of an employee by a third party who is not employed by Aston University
- Victimisation occurs when an employee is treated badly or put to detriment because they have made or supported a complaint or raised grievance or been suspected of doing so.

### *Protected characteristics*

The nine protected characteristics as detailed under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy or maternity

Incidents may involve a small or large number of persons, they may vary in their degree of offence and may not even recognise the incident has discriminatory implications; or at the other extreme behaviour may be deliberate

Examples of discriminatory behaviour are:

- Physical assault against a person or group of people
- Derogatory name calling, insults and discriminatory jokes
- Graffiti and other written insults
- Provocative behaviour such as wearing badges and insignia and the distribution of discriminatory literature
- Threats against a person or group of people because of one or more of the protected characteristics
- Discriminatory comments including ridicule made in the course of discussions
- Patronising words or actions

Please also refer to Aston University's Equality and Diversity Policies.

Internal use only

<b>This policy was adopted on</b>	May 22
<b>Signed on behalf of the nursery</b>	
<b>Date disseminated to staff</b>	
<b>Date for review</b>	May 23