



## LITTLE FIRS DAY NURSERY



### **22. Equality and Inclusion Policy and Procedure Incorporates -Dealing with Discriminatory Behaviour**

**This policy and procedure links to the following:**

**Legal Framework: Childcare Act 2004, 2006. Care Standards Act 2002. Equality Act 2010. Special Education Needs and Disabilities Code of Practice 2015. Children and Families Act 2014. Special Educational Needs and Disability Act 2001. Statutory Framework for the Early Years Foundation Stage 2021.**

**Little Firs Day Nursery's Statements: Supporting Emotional and Well-being, Safeguarding.**

**Little Firs Policy and Procedure: Admissions, Child Protection, Disciplinary Policy, Special Educational Needs and Disability and Whistle Blowing.**

At Little Firs we take great care to treat everyone as a person in their own right, with equal rights and responsibilities to any other individual, whether they are an adult or a child. We are committed to providing equality of opportunity and anti-discriminatory practice for all children and families according to their individual needs. Discrimination on the grounds of gender, age, race, religion or belief, marriage or civil partnership, disability, sexual orientation, gender reassignment, pregnancy or maternity, ethnic or national origin, or political belief has no place within our nursery.

A commitment to implementing our inclusion and equality policy will form part of each employee's job description. Should anyone believe that this policy is not being upheld, it is their duty to report the matter to the attention of the manager at the earliest opportunity. Appropriate steps will then be taken to investigate the matter and if such concerns are well-founded, disciplinary action will be invoked under the nursery's disciplinary policy.

**Legal Framework this policy is based on:**

- Special Education Needs and Disabilities Code of Practice 2015
- Children and Families Act 2014
- Equality Act 2010
- Childcare Act 2006
- Children Act 2004
- Care Standards Act 2002
- Special Educational Needs and Disability Act 2001.

**The Nursery and Staff are committed to:**

- Recruiting, selecting, training and promoting individuals based on occupational skills requirements. In this respect, the nursery will ensure that no job applicant or employee will receive less favourable treatment because of age, sex, gender reassignment,

disability, marriage or civil partnership, race, religion or belief, sexual orientation, pregnancy or maternity/paternity

- Providing a childcare place, wherever possible, for children who may have learning difficulties and/or disabilities or are deemed disadvantaged according to their individual circumstances, and the nursery's ability to provide the necessary standard of care
- Making reasonable adjustments for children with special educational needs and disabilities
- Striving to promote equal access to services and projects by taking practical steps (wherever possible and reasonable), such as ensuring access to people with additional needs and by producing materials in relevant languages and media for all children and their families
- Providing a secure environment in which all our children can flourish, and all contributions are valued
- Including and valuing the contribution of all families to our understanding of equality, inclusion and diversity
- Providing positive non-stereotypical information
- Continually improving our knowledge and understanding of issues of equality, inclusion and diversity
- Regularly reviewing, monitoring and evaluating the effectiveness of inclusive practices to ensure they promote, and value diversity and difference and that the policy is effective, and practices are non-discriminatory
- Making inclusion a thread which runs through the entirety of the nursery, for example, by encouraging positive role models using toys, imaginary play and activities, promoting non-stereotypical images and language and challenging all discriminatory behaviour (Please see dealing with discriminatory behaviour policy).

### **Admissions.**

- The nursery is accessible to all children and families in the local community and further afield through a comprehensive and inclusive admissions policy.
- The nursery will strive to ensure that all services and projects are accessible and relevant to all groups and individuals in the community within targeted age groups.

### **Recruitment.**

- Recruitment, promotion and other selection exercises such as redundancy selection will be conducted based on merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person if possible.
- All members of the selection group will be committed to the inclusive practice set out in this policy and will have received appropriate training in this regard.
- Application forms will be sent out along with a copy of the equal opportunities monitoring form. Application forms will not include questions that potentially discriminate on the grounds specified in the policy.
- Vacancies are advertised to a diverse section of the labour market.
- Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.
- At interview, no questions will be posed which potentially discriminate on the grounds specified in the statement of intent. All candidates will be asked the same questions and members of the selection group will not introduce nor use any personal knowledge of candidates acquired outside the selection process. Candidates will be given the opportunity to receive feedback on the reasons why they were not successful.

Under the Equality Act 2010 we can only ask questions prior to offering someone employment in the following circumstances:

- We need to establish whether the applicant will be able to comply with a requirement to undergo an assessment (i.e. an interview or selection test)
- We need to establish whether the applicant will be able to carry out a function that is intrinsic to the work concerned
- We want to monitor diversity in the range of people applying for work
- We want to take positive action towards a particular group – for example offering a guaranteed interview scheme
- We require someone with a particular disability because of an occupational requirement for the job.

The national College for Teaching and Leadership provides further guidance specific to working with children:

Providers have a responsibility to ensure that practitioners have the health and physical capacity to teach and will not put children and young people at risk of harm. The activities that a practitioner must be able to perform are set out in the Education (Health Standards England) Regulations 2003. Providers are responsible for ensuring that only practitioners who have the capacity to teach remain on the staff team.

People with disabilities or chronic illnesses may have the capacity to teach, just as those without disabilities or medical conditions may be unsuitable to teach. Further information on training to teach with a disability is available from the DfE website.

Successful applicants offered a position may be asked to complete a fitness questionnaire prior to commencing the programme. Providers should not ask all-encompassing health questions, but should ensure that they only ask targeted and relevant health-related questions, which are necessary to ensure that a person is able to teach.

### **Staff**

It is the policy of Little Firs not to discriminate in the treatment of individuals. All staff are expected to co-operate with the implementation, monitoring and improvement of this and other policies. All staff are expected to challenge language, actions, behaviours and attitudes which are oppressive or discriminatory on the grounds specified in this policy and recognise and celebrate other cultures and traditions. All staff are expected to participate in equality and inclusion training.

Staff will follow the 'Dealing with Discriminatory Behaviour' Policy where applicable to report any discriminatory behaviours observed.

### **Training**

Little Firs recognises the importance of training as a key factor in the implementation of an effective inclusion and equality policy. All new staff receive induction training including specific reference to the inclusion and equality policy. The nursery will strive towards the provision of inclusion, equality and diversity training for all staff on a regular basis.

### **Early Learning Framework**

Early learning opportunities offered in the nursery encourage children to develop positive attitudes to people who are different from them. It encourages children to empathise with others and to begin to develop the skills of critical thinking.

### **We do this by:**

- Making children feel valued and good about themselves
- Ensuring that all children have equal access to early learning and play opportunities
- Reflecting the widest possible range of communities in the choice of resources
- Avoiding stereotypical or derogatory images in the selection of materials
- Acknowledging and celebrating a wide range of religions, beliefs and festivals
- Creating an environment of mutual respect and empathy
- Helping children to understand that discriminatory behaviour and remarks are unacceptable
- Ensuring that all early learning opportunities offered are inclusive of children with learning difficulties and/or disabilities and children from disadvantaged backgrounds
- Ensuring that children whose first language is not English have full access to early learning opportunities and are supported in their learning
- Working in partnership with all families to ensure they understand the policy and challenge any discriminatory comments made
- Ensuring the medical, cultural and dietary needs of children are met
- Identifying a key-person to each child who will continuously observe, assess and plan for children's learning and development
- Helping children to learn about a range of food and cultural approaches to meal times and to respect the differences among them.

### **Information and Meetings**

Information about the nursery, its activities and their children's development will be given in a variety of ways according to individual needs (written, verbal and translated), to ensure that all parents can access the information they need.

Wherever possible, meetings will be arranged to give all families options to attend and contribute their ideas about the running of the nursery.

### **Dealing with Discriminatory Behaviour.**

At Little Firs we do not tolerate discriminatory behaviour and take action to tackle discrimination. We believe that parents have a right to know if discrimination occurs and what actions the nursery will take to tackle it. We follow our legal duties in relation to discrimination and record all incidents. Any perceived or actual incidents relating to discrimination on any grounds will be reported where relevant to children's parents and the registering authority.

### **Definition and Legal Framework**

#### **Types of discrimination:**

- **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, criterion or practice is in place which applies to everyone in the organisation but particularly disadvantages people who share a protected characteristic and that provision, criterion or practice cannot be justified as a proportionate means of achieving a legitimate aim

- **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’
- **Victimisation** occurs when an employee is treated badly or put to detriment because they have made or supported a complaint or raised grievance under the Equality Act 2010 or have been suspected of doing so.

### **Protected Characteristics**

The Nine Protected Characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and 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 their behaviour may be quite deliberate and blatant.

### **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 (depending on the nature of what is written)
- Provocative behaviour such as wearing badges and insignia and the distribution of discriminatory literature
- Threats against a person or group of people pertaining to the nine protected characteristics listed above
- Discriminatory comments including ridicule made in the course of discussions
- Patronising words or actions.

### **Our Procedures**

#### **We Tackle Discrimination By:**

- Expecting all staff in the nursery to be aware of and alert to any discriminatory behaviour or bullying taking place in person or via an online arena
- Expecting all staff to intervene firmly and quickly to prevent any discriminatory behaviour or bullying, this may include behaviour from parents and other staff members
- Expecting all staff to treat any allegation seriously and report it to the nursery manager. Investigating and recording each incident in detail as accurately as possible and making this record available for inspection by staff, inspectors and parents where appropriate, on request. The manager is responsible for ensuring that incidents are handled appropriately and sensitively and entered in the record book. Any pattern of behaviour should be indicated. Perpetrator/victim’s initials may be used in the record book as information on individuals is confidential to the nursery
- Ensuring any online bullying or discriminatory behaviour is tackled immediately

- Informing: the parents of the child(ren) who are perpetrators and/or victims should be informed of the incident and of the outcome, where an allegation is substantiated following an investigation
- Excluding or dismissing any individuals who display continued discriminatory behaviour or bullying, but such steps will only be taken when other strategies have failed to modify behaviour. This includes any employees where any substantiated allegation after investigation will incur our disciplinary procedures (please see the policy on disciplinary procedures).

**We record any incidents of discriminatory behaviour or bullying to ensure that:**

- Strategies are developed to prevent future incidents
- Patterns of behaviour are identified
- Persistent offenders are identified
- Effectiveness of nursery policies are monitored
- A secure information base is provided to enable the nursery to respond to any discriminatory behaviour or bullying.

If the behaviour shown by an individual is deemed to be radicalised, we will follow our procedure as detailed in our Child Protection Policy in order to safeguard children and families concerned.

**Nursery staff**

We expect all staff to be alert and seek to overcome any ignorant or offensive behaviour based on fear or dislike of distinctions that children, staff or parents may express in nursery.

We aim to create an atmosphere where the victims of any form of discrimination have confidence to report such behaviour, and that subsequently they feel positively supported by the staff and management of the nursery.

It is incumbent upon all members of staff to ensure that they do not express any views or comments that are discriminatory; or appear to endorse such views by failing to counter behaviour, which is prejudicial in a direct manner. We expect all staff to use a sensitive and informed approach to counter any harassment perpetrated out of ignorance.

<b>Date of Review</b>	<b>This Policy was adopted on</b>	<b>Signed on behalf of the Nursery</b>	<b>Date for review</b>
<b>July 2021.</b>	16 <sup>th</sup> July 2021	<i>P.Goodrick Electronically signed due to covid restrictions.</i>	<b>July 2022.</b>