

# Inclusion, Equality & discriminatory behaviour

*Inclusion is a process of identifying, understanding and breaking down barriers to participation and belonging. Inclusive early years practice is about anticipating, paying attention, responding to and reflecting on the needs and interests of all children. A commitment to inclusion should permeate all aspects of the design of educational programmes and the structuring of environments, as well as shaping every interaction with children, parents and other professionals (Birth to 5 Matters, 2021).*

## **Statement of intent**

At the Nest we take great care to treat each individual 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 staff, children and families according to their individual needs. Discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation 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 *nursery manager* at the earliest opportunity.

Appropriate steps will then be taken to investigate the matter and if such concerns are well-founded, the nursery's disciplinary policy will be followed.

## **The legal framework for 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 on the basis of occupational skills requirements. In this respect, the nursery will ensure that no job applicant or employee will receive less favourable treatment because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- Creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued
- Providing a childcare place, wherever possible, for children who may have special educational needs and/or disabilities or are deemed disadvantaged according to their individual circumstances
- Making reasonable adjustments for children with special educational needs and disabilities to remove barriers and improve access for all
- 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 families are listened to, 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 and training all staff about their rights and responsibilities under the inclusion and equality policy.
- 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 through the use of toys, imaginary play and activities, promoting non-stereotypical images and language and challenging all discriminatory behaviour (see dealing with discriminatory behaviour policy).

## 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:

- Providing inclusive early years practice where all staff are able to identify, understand and break down barriers to participation and belonging and create an ethos of equality
- Consistently promoting the British Values of democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs to all practitioners, children and families in the setting. We value diversity and celebrate differences in children and families
- Providing training and support around this subject to support staffs understanding and confidence in challenging discriminatory practice
- Challenging any observed instances of inequalities, discrimination and prejudice as they arise in play, conversation, books or other contexts from practitioners, children and families and follow this policy, as outlines below, to ensure that discriminatory behaviours against the protected characteristics are not tolerated within our setting
- Ensuring all children and families have a sense of belonging and they can see themselves and their families identity reflected in the setting
- Expecting all staff in the nursery to be aware of and alert to any discriminatory behaviour, stereotyping, bias 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 nursery 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 Safeguarding and child protection and Prevent Duty and Radicalisation Policies in order to safeguard children and families concerned.

### **Recruitment**

Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoids discrimination. Redundancy selection will take account of the legal protections from redundancy, as described below.<sup>1</sup>

All members of the selection group are committed to the inclusive practice set out in this policy and will have received appropriate training in this regard.

Application forms are sent out along with a copy of the equal opportunities monitoring form. Application forms do not include questions that potentially discriminate on the grounds specified in the statement of intent.

Vacancies are generally advertised to a diverse section of the labour market. Advertisements avoid stereotyping or using wording that may discourage particular groups from applying.

At interview, no questions are posed which potentially discriminate on the grounds specified in the statement of intent. All candidates are 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 are given the opportunity to receive feedback on the reasons why they were not successful.

We may ask questions (Under the Equality Act 2010) prior to offering someone employment in the following circumstances:

- To establish whether the applicant will be able to comply with a requirement to undergo an assessment (i.e. an interview or selection test)
- To establish whether the applicant will be able to carry out a function that is intrinsic to the work concerned
- To monitor diversity in the range of people applying for work

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#### <sup>1</sup> **Protection from redundancy**

*We recognise that employees on maternity leave, adoption leave and shared parental leave must be given priority over other employees in being offered any suitable alternative employment should their existing role be made redundant. While these do not prevent the employee being selected for redundancy, it ensures that they have priority under these circumstances.*

*Under maternity leave regulations, the protection against redundancy is from the point the employer is made aware of the pregnancy and up to 18 months after the birth of the child.*

*For those on adoption leave, the redundancy protection is extended to 18 months from the date of the placement of the adopted child(ren).*

*For employees taking less than 6 weeks shared parental leave, they are protected during their period of leave. Employees taking more than 6 continuous weeks of shared parental leave are protected for 18 months from the birth of the child or placement of the adopted child/ren.*

*If the pregnancy ends and the employee is not entitled to statutory maternity leave then the protected period will end two weeks after the pregnancy.*

- To take positive action towards a particular group – for example offering a guaranteed interview scheme
- You 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, which we follow:

*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 the Nest 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. They 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**

The nursery 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 strives towards the provision of inclusion, equality and diversity training for all staff on an annual basis.

### **Early learning framework**

We follow the Early Years Foundation Stage statutory requirements and ensure that all learning opportunities offered in the nursery encourage children to develop positive attitudes to people who are different from them. Our curriculum encourages children to empathise with others and to begin to develop the skills of critical thinking.

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

- Identifying a key person to each child who will ensure that each child's care is tailored to meet their individual needs and continuously observe, assess and plan for their learning and development


- Listening to children’s verbally and non-verbal communication and making children feel included, valued and good about themselves
- Ensuring that we know what each child knows and “can do” and has equal access to tailored 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
- Supporting children to talk about their feelings and those of others, manage emotions and develop empathy
- Helping children to understand that discriminatory behaviour and remarks are unacceptable
- Knowing children well, being able to meet their needs and know when they require further support
- Ensuring that all early learning opportunities offered are inclusive of children with special educational needs and/or disabilities and children from disadvantaged backgrounds
- Ensuring that children whose first language is not English have full access to our 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 all children are met and help children to learn about a range of food and cultural approaches to mealtimes and to respect the differences among them.

#### **Parent Information and meetings**

Information about the nursery, its activities, experiences are shared with parents as well as information about their child’s development. This is 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 are arranged to give all families opportunities to attend and share information about their child.

We also consult with parents regularly about the running of the nursery and ask them to contribute their ideas.

<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>	<b>Date for review</b>
19/08/2024		19/08/2024