



7.3 Discriminative Behaviour

Dealing with Discriminatory Behaviour

Policy

At Little Gillies 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, perceived or actual relating to discrimination on any grounds and report these where relevant to children's parents and the 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 direct discrimination against a person because they associate with a person who has a protected characteristic
- **Discrimination by perception** occurs when there is 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:



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1. Age
2. Disability
3. Gender reassignment
4. Race
5. Religion or belief
6. Sex
7. Sexual orientation
8. Marriage and civil partnership
9. 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.

Our procedures

We tackle discrimination by:

- Providing inclusive early years practice where all staff can 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 family's identity reflected in the setting



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- 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 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
- 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

We record any incidents of 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 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.



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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.

All policies and procedures are implemented, reviewed, and updated on an annual basis or in line with any changes to local and national guidance/legislation in conjunction with the registered person.

This policy was adopted at a meeting of Little Gillies

Held on.....

Date to reviewed

Signed on behalf of the provider.....

Name of signatory.....

Role of signatory.....

Reviewed by Sarah Beresford

Date August 2024