



2d. Dealing with Discriminatory Behaviour

England: EYFS
3.66

We have a duty to create and implement strategies in the nursery to prevent and address all discriminatory behaviour. Such strategies include:

- The nursery records all incidents relating to discrimination on any grounds
- All recorded incidents are reported to the children's parents, and when appropriate to the registering authority.

Parents have a right to know if discrimination occurs and what actions the nursery will take to tackle it.

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 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'
- **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
- Provocative behaviour such as wearing badges and insignia and the distribution of discriminatory literature
- Threats against a person or group of people because the nine protected characteristics listed above
- Discriminatory comments including ridicule made in the course of discussions
- Patronising words or actions.

Procedure

- All staff in the nursery should be aware of and alert to any discriminatory behaviour or bullying taking place
- They must intervene firmly and quickly to prevent any discriminatory behaviour or bullying, this may include behaviour from parents. Any allegation should be taken seriously and reported to the nursery manager
- Each incident should be investigated and recorded in detail as accurately as possible. This record should be 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
- Where an allegation is substantiated following an investigation, the parents of the child (ren) who are perpetrators and/or victims should be informed of the incident and of the outcome
- Continued discriminatory behaviour or bullying may lead to exclusion and dismissal but such steps will only be taken when other strategies have failed to modify behaviour
- Adults found to be perpetrators must be reported immediately to the manager and where such adults are employees and such allegations are substantiated after investigation, appropriate disciplinary action shall be taken which can include dismissal.

Discriminatory behaviour or bullying needs to be recorded 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.

Nursery staff

All staff should 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.

An atmosphere must be created 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. Nor must staff appear to endorse such views by failing to counter behaviour, which is prejudicial in a direct manner. A sensitive and informed approach must be used to counter any harassment perpetrated out of ignorance.

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>01.09.2020</i>		<i>31.08.2021</i>