

Out There Kindergarten

Equality and Diversity Policy and Procedures

Mission Statement

Out There Forest School and Kindergarten is committed to eliminating discrimination of all kinds and encouraging and celebrating diversity.

We will strive to make our service accessible to all who wish to use it and we will ensure that no child, individual or family will be unlawfully discriminated against on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy & maternity, race, religion or belief, sex or sexual orientation.

We are committed to creating an environment in which individual differences and everyone's contributions are recognised and valued, and we believe in promoting dignity and respect to all.

Aims of our Equal Opportunities Policy

Equality of opportunity at Out There Kindergarten is about providing equality and excellence for all. Equality of opportunity applies to all members of the kindergarten community; children, staff, parents/carers and others in the wider community. We aim to ensure that the setting meets the needs of all, taking account of ethnicity, culture, gender, sexual orientation, religion, language, age, ability, disability and social circumstances. It is important that in this setting we meet the diverse needs of adults and children to ensure inclusion for all and that all children are prepared for full participation in a diverse, multi-ethnic and multilingual society.

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Our Equality Duties

We take our legal duties on equality seriously. We welcome our general duty under the Equality Act 2010 to eliminate discrimination, to advance equality of opportunity and to foster good relations.

Our equality information and objectives will be published on our website at; www.outtherekindergartens.co.uk

Legislation and Requirement

The policy has been written with regard to:

Code of Practice for Special Educational Needs 2014

The Equality Act 2010

The Statutory Framework for Early Years Foundation Stage 2017

'Equality means recognizing and responding fairly to the individual needs and identities of all others. It provides everyone with an opportunity to reach their full potential and have an equal chance to live their life as they choose'

(EY Alliance (2019) Equality and Inclusive Practice

(<https://www.eyalliance.org.uk/equality-and-inclusive-practice>)

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Ethos

The kindergarten opposes all forms of racism, harassment, prejudice and discrimination and publicly supports diversity. The kindergarten also actively promotes good personal community relations. Diversity is recognised as having a positive role to play within the setting.

Each member of staff fosters a positive atmosphere of mutual respect and trust among staff, children, and adults in the community from all ethnic groups. The kindergarten also caters for the dietary and dress requirements of different religious groups and enables children and staff to celebrate festivals and other events relevant to their particular faith and actively encourages all children to understand these.

Clear procedures are in place to ensure that staff deal with all forms of bullying and harassment promptly, firmly and consistently.

Actions taken are in line with relevant local authority policies and guidance such as those for anti-bullying and dealing with racist incidents.

All forms of harassment are recorded, monitored and dealt with in line with relevant policies. Children, staff and parents are also aware of the procedures for dealing with intolerant behaviour and that such behaviour is always

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unacceptable. The staff are trained to deal effectively with bullying, racist incidents, racial harassment and prejudice.

Please refer to our zero tolerance policy.

Leadership and Management

- All the Kindergarten's policies reflect a commitment to equal opportunities.
- A clear ethos is also set by management, which reflects the commitment to equality for all members of the community. The Kindergarten promotes positive and proactive approaches to valuing and respecting diversity.
- The Kindergarten leadership will work in partnership with others to promote equality of opportunity and oppose all forms of oppressive behaviour, prejudice and discrimination.
- Each member of staff contributes to the development and review of policy documents.
- The Kindergarten takes necessary steps to enable the contribution of parents/carers.
- The evaluations of policies are used to identify specific actions to address equality issues.
- The development of teaching, learning and the curriculum are monitored to ensure high expectations of all children and appropriate breadth of content in relation to the setting and wider community.

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Admissions

Our setting aims to be open and accessible to every family in the community. We operate a priority system and this is outlined in the admissions policy and procedure. The admissions process is managed by the kindergarten management and is monitored to ensure that it is administered fairly and consistently for all children, so that children from particular groups are not disadvantaged.

Comprehensive information about pupils' ethnicity, first language(s), religion, physical needs, diet etc. is included in all admission forms. There is a Programme for admitting and inducting new children.

Should a parent/carer apply for a place that has a child with a disability, medical or educational need, and their needs will be discussed with parents, SENCO and management.

This will be the first point of establishing a positive partnership with parents, sharing information, entering into an agreement of needs, and making any reasonable adjustments.

Recruitment and Employment

The kindergarten adheres to recruitment and selection procedures, which are fair, equal and in line with statutory duties and local authority guidelines. We recruit and employ people on the basis of skills, experience and knowledge. We aim to ensure that no applicant or employee is subject to discrimination of any kind (see appendix 3) on the grounds of having, or being perceived as having, or being associated with someone who has, a

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protected characteristic, as defined by the Equality Act 2010 (see appendix 2). We advertise for staff and management using a mix of methods and using a mixture of minority and mainstream press. We will always follow the procedures outlined in our Recruitment Procedure.

Training, development and progression opportunities will also be available to all staff.

The skills of all staff, including students and volunteers are recognised and valued.

All staff are given status and support and are encouraged to share their professional knowledge.

Kindergarten staff will be provided with training, support and supervision that will extend their knowledge and understanding of different cultural groups and disabilities and ensure it is up to date so that they are able to implement this policy appropriately.

Staff and visitors provide a range of role models and reflect the diversity of the local community and wider community.

Information

We aim to make information on our setting as accessible as possible to all users, potential users and interested parties, seeking appropriate additional support to do so where necessary. Where appropriate, we will provide translations into relevant languages, large print or Braille and will use jargon free, clear and understandable language. We will also use a translator where appropriate.

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Inclusive Practice

We aim to provide an environment, play opportunities and activities that are inclusive and accessible for all children and for all children to feel welcomed and valued. We do this by:

- Recognising children's individual needs through observation, reflective practice and working in partnership with parents and other professionals.
- Providing positive resources, displays and activities that reflect different cultures, races, abilities, sexual orientation, gender, families etc.
- Providing appropriate support and making reasonable adjustments to meet each child's needs.
- Challenging inappropriate attitudes and practices.
- Identifying a member of staff who will take on the role of Special Educational Needs Co-ordinator (SENCO), who will lead on and take responsibility for SEND inclusive practice.

Curriculum

Curriculum planning takes account of the backgrounds and needs of all children. Our responsive and emergent curriculum is based on the needs and interests of individual children, builds on children's' starting points and is differentiated appropriately to ensure the inclusion of:

- Children with SEN
- Children with Disabilities

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(for more information see our SEND Policy)

- Children with English as an Additional Language
- Looked After Children
- All Ethnic backgrounds
- All Genders
- All Religious backgrounds
- All Socio-Economic backgrounds (including children in receipt of Early Years Pupil Premium)

The kindergarten monitors and evaluates its effectiveness in providing an appropriate curriculum for children of all backgrounds. Each area of the curriculum is planned to incorporate the principles of equality and to promote positive attitudes to diversity.

Responsibilities of staff

Staff should ensure that the learning environments are inclusive in which all pupils feel their contributions are valued. We aim to develop a culture of success and positive attitudes.

Teaching staff should, both in their words and actions encourage all children to show respect for each other, to be aware of the needs of others and to be supportive of each other

Teaching staff should make it clear to all children that discrimination on the grounds of gender, race, ability, disability or cultural/religious background is unacceptable and members of the kindergarten community should be

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encouraged to understand the needs of and to develop positive attitudes towards all members of society.

Kindergarten staff should ensure all children have the opportunity to access kindergarten facilities and provision, in order to reach their full potential through:

- the implementation of the Special Educational Needs Policy
- working in partnership with parents
- providing appropriate support
- supporting children to make friends
- working with other professionals, such as teachers and outside agencies, to ensure a smooth transition to school
- Meeting the needs of individual children and working with parents to ensure their child receives specialist services or additional support where needed
- Making reasonable adjustments in order to overcome any barriers to accessing facilities/provision

Language

Out There Kindergarten values linguistic diversity and we are aware of the language and dialects spoken by the children and their families. All linguistic backgrounds are welcomed, encouraged and celebrated within the setting through:

- Sharing stories, songs and rhymes in different languages

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- Inviting family members in to share a story or song in their home language
- Staff and children sharing their knowledge of diverse languages with the group
- Providing support for children with English as an Additional Language in the form of visual aids, Makaton, bilingual resources, specific teaching strategies, parent partnership, and help from outside agencies.

(For more information see our Strategies for Supporting Children with EAL)

Culture and Religion

Ethnicity

Gender

Socio-Economic background

Assessment, Achievement and Progress

All children have opportunity to achieve their full potential. Baseline assessments are used appropriately for all children in partnership with parents and previous educational settings. The kindergarten ensures that

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assessments are free of gender, cultural and social bias and that assessment methods are valid.

The monitoring and analysis of performance by gender, ethnicity and background enables identification of children where there are patterns of

underachievement. The kindergarten ensures that action is taken to counter this.

All staff have high expectations of all pupils and they continually challenge them to extend their learning and achieve their full potential. The setting values and recognises all forms of achievement. All children have full opportunities to demonstrate what they know, understand and can do and are able to benefit from assessment, which summaries their learning journey so far. Information from assessment is used to inform future learning and staff uses a range of methods and strategies to assess children's progress.

Behaviour Management

The nursery expects high standards of behaviour from all members of the kindergarten community. A specific behaviour policy supports this aim. The setting's procedures for managing behaviour are fair and applied equally to all. It is recognised that cultural background and other factors may affect behaviour. The kindergarten takes this into account when dealing with incidents of unacceptable behaviour and all staff operate consistent responses.

Harassment

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We will not tolerate incidents of harassment or abuse and will address any complaint or occurrence of harassment or abuse promptly. This includes

harassment by third party and harassment directed at others, as defined by the Equalities Act 2010.

We will deal with incidents sensitively, with a view to supporting both parties involved in the incident, that is the person who has been harassed and the perpetrator. We will work with the perpetrator with the aim of helping them to overcome their prejudice and understand the effect of their behaviour.

Cases of harassment will invoke disciplinary measures for the perpetrator. For staff and management this will be in line with our Disciplinary and Grievance Procedures. In the case of parents exhibiting discriminatory behaviour, we will remind them of their need to comply with this policy. If further incidents occur, this will result in them being asked to leave the premises and prevented from returning until written assurance has been received stating that they will comply with it.

Parents with concerns over staff behaviour should follow our general complaints policy.

Where the perpetrator is a child, we will follow our Behaviour Management/Anti Bullying Policy and Procedures.

All incidents of harassment or abuse will be recorded as an incident on the appropriate form and if necessary Ofsted will be informed.

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Partnership with Parents/Carers and the community

Progress reports and children's learning journeys are accessible to parents/carers online to ensure that all have the opportunity to participate in their child's learning and development. They are also encouraged to participate at all levels in the full life of the kindergarten. The setting works in partnership with parents/carers and the community to develop positive attitudes to diversity and to address specific incidents and takes steps to encourage the involvement and participation of under-represented groups of parents/carers and sections of the community. Meetings for parents/carers are made accessible for all. Parent/carer involvement is monitored to ensure the participation of all groups. Informal events are designed to involve all involved with the kindergarten.

Staff Awareness and Training

All staff will be made aware of this policy through the induction procedure. Staff and management will be offered training in all relevant aspects of Equalities.

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Monitoring

Through reflective practice and self-evaluation, we will implement monitoring systems to highlight shortcomings and review our procedures and practice accordingly on a regular basis. This policy itself will be reviewed annually.

This policy was adopted by: Out There Forest School and Kindergarten	Date: November June 2021
Reviewed: July 2022 To be reviewed: July 2023	Signed: Jenny Brough

Appendix 1

Equality Act 2010

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The Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. It affects equality law at work and in delivering all sorts of services. It replaces all the existing equality law including:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995

Appendix 2

The Protected Characteristics: key points

The Act protects individuals and groups from discrimination based on their “protected characteristics”. There are nine protected characteristics and they vary slightly in their bearing according to whether a person is using a service or at *work:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

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Disability

The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

Employment

As before, the Act puts a duty on you as an employer to make reasonable adjustments for your staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work. See page 8.

Gender Reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and Maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot

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be treated as sex discrimination. See Annex 1 for an example. You must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

Race

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.

Religion or belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Sex

Both men and women are protected under the Act.

Sexual orientation

The Act protects bisexual, gay, heterosexual and lesbian people.

Appendix 3

Types of discrimination:

Definitions

Direct discrimination

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Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below). Annex 1 contains an example of direct discrimination.

Discrimination by association

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. See Annex 1 for an example of discrimination by association.

Perception discrimination

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. See Annex 1 for an example of perception discrimination.

Indirect discrimination

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make. Annex 1 contains an example of indirect discrimination.

Harassment

Harassment is "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". Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association (see page 3). See Annex 1 for some examples of harassment.

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Third party harassment

Already applies to sex. Now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again. See Annex 1 for an example of third party harassment.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Appendix 4

Further Information

- ACAS website – www.acas.org.uk
- The Equalities and Human Rights Commission – www.equalityhumanrights.com
- The Government Equalities Office – www.equalities.gov.uk
- Direct Gov – www.direct.gov.uk