## Dealing with Discriminatory Behaviour

This may form part of your Inclusion and Equality policy rather than a standalone policy.

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| EYFS: 3.1, 3.2, 3.52 |

At Millwood House Nursery 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 relating to discrimination on any grounds and report these 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.
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- 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 Sharon Avery, 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 Sharon Avery, 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 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.

| **This policy was reviewed** | **Signed on behalf of the nursery** | **Date for review** |
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| *June 2026* |  | *May 2027* |