

Egerton out of School Club

Dealing with Discriminatory Behaviour Policy

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Egerton Nursery and Out of School Club

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List of Abbreviations Used

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Dealing with Discriminatory Behaviour

This policy also links to safeguarding, prevent and whistleblowing policies.

At ***Egerton Nursery & out of School Club*** 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.

At ***Egerton Nursery & out of School Club*** we recognise that Bullying and harassment is a behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010.

Examples of bullying or harassing behaviour include:

- spreading malicious rumours
- unfair treatment
- picking on or regularly undermining someone
- denying someone's training or promotion opportunities

Bullying and harassment can happen:

- face-to-face
- by letter
- by email
- by phone


Intent

Our anti-bullying policy sets out our expectations, and through its implementation we aim to ensure:

- All members of the setting community feel valued, respected and treated fairly.
- All members of the setting community feel safe.
- Early identification of recurring patterns of behaviour, that may be indicators of bullying, will be investigated.
- Any incidents of bullying are dealt with quickly and effectively.

What is bullying?

Bullying can happen to anyone at any age and while it often happens at school, bullying can also take place at home or online. The Department for Education Defines bullying as 'behaviour by an



individual or group, repeated over time, that intentionally hurts another individual or group physically or emotionally’.

At ***Egerton Nursery & out of School Club*** we believe that... bullying is when a person or group of people with the premeditated or repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another.

Bullying can often leave someone feeling upset, anxious, depressed, worthless or scared and if it has gone on for a long time, it can feel as though nothing can make it stop. One defining feature of bullying is that the bully, or bullies, are more powerful than their victim(s).

The Childline Charity asked young people to describe acts of bullying and they created the following list of actions to describe bullying:

- Being called names
- Being put down or humiliated
- Being teased
- Being pushed or pulled about
- Having money and other possessions taken or messed about with
- Having rumours spread about you
- Being ignored and left out
- Being hit, kicked or physically hurt
- Being threatened or intimidated

At ***Egerton Nursery & out of School Club***, we are a kind setting; we do not tolerate bullying of any kind. As a setting we stick to our values (kindness, respect, integrity, selflessness and trust). If we stick to all our rules we will all be happy.

What is not bullying?

All bullying is aggression, physical, verbal or psychological but not all aggression is necessarily bullying. All children fall out, argue and fight but this is not always bullying. Bullying is not necessarily, but not limited to the list below:

- Being called a name on a few occasions
- Being pushed on a few occasions
- Being hurt on a few occasions
- Being ignored on a few occasions

Although these incidences might not be bullying, they will be recorded according to the school behaviour policy and monitored for patterns.

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.

Bullying itself is not against the law, but **harassment** is. This is when the unwanted behaviour is related to one of the following;

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.

These are protected under the Equality Act 2010

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.

Anti-bullying

Bullying takes many forms. It can be physical, verbal or emotional, but it is always a repeated behaviour that makes other people feel uncomfortable or threatened. We acknowledge that any form of bullying is unacceptable and will be dealt with immediately while recognising that physical aggression is part of children's development in their early years.

We recognise that children need their own time and space and that it is not always appropriate to expect a child to share. We believe it is important to acknowledge each child's feelings and to help them understand how others might be feeling.

We encourage children to recognise that bullying, fighting, hurting and discriminatory comments are not acceptable behaviour. We want children to recognise that certain actions are right and that others are wrong.

At our setting, staff follow the procedure below to enable them to deal with behaviour that challenges:

- Staff are encouraged to ensure that all children feel safe, happy and secure
- Staff are encouraged to recognise that active physical aggression in the early years is part of the child's development and that it should be channelled in a positive way
- Children are helped to understand that using aggression to get things, is inappropriate and they will be encouraged to resolve problems in other ways
- Our staff will intervene when they think a child is being bullied, however mild or harmless it may seem
- Staff will initiate games and activities with children when they feel play has become aggressive, both indoors or out
- Staff will sensitively discuss any instance of bullying with the parents of all involved to look for a consistent resolution to the behaviour
- We will ensure that this policy is available for staff and parents and it will be actively publicised at least once a year to parents and staff
- If any parent has a concern about their child, a member of staff will be available to discuss those concerns. It is only through co-operation that we can ensure our children feel confident and secure in their environment, both at home and in the nursery
- All concerns will be treated in the strictest confidence.

By positively promoting good behaviour, valuing co-operation and a caring attitude, we hope to ensure that children will develop as responsible members of society.

Responsibility

At *Egerton Nursery & out of School Club*, we believe that all within our community are responsible for preventing and tackling bullying in any form. The setting follows ways in which children, adults and parents can be responsible for ensuring our community remains safe for everyone.


Responsibility of Children	Responsibility of Adults	Responsibility of Parents
<i>Children must show all of our values.</i>	<i>Adults must be caring, well-mannered role models.</i>	<i>Parents should monitor their child's use of technology.</i>
<i>Children should always show kindness.</i>	<i>Adults should be prepared for any situations and take children's concerns seriously.</i>	<i>Parents should make sure their child is safe online.</i>
<i>Children should help other children that are hurt – if it is safe to do so.</i>	<i>Adults understand that children need to be in a safe environment.</i>	<i>Parents should have conversations with their children and educate them on their appropriate use of technology.</i>
<i>Children should report any problems to do with bullying that is witnessed to a responsible adult.</i>	<i>Adults should follow-up and investigate any conversations they have had with parents, other adults about incidences of bullying and report back any actions that they have taken.</i>	<i>Parents should check that their children are happy both in and out of the setting.</i>
<i>Children should make sure that they look after each other and be there for anyone who has been bullied.</i>	<i>Adults must deal with incidences they see effectively and use the setting's policies for anti-bullying and behaviour.</i>	<i>Parents should be aware of setting policy.</i>
	<i>Staff must discuss bullying and the effects it has on children in the curriculum. Staff should inform children of how to report incidences of bullying. All adults should be aware of how to report incidences of bullying.</i>	<i>Parents should show respect to all children, staff, the setting and setting policies and to each other.</i>

What Employees should do if they're bullied or harassed;

Employees should see if they can sort out the problem informally first. If they cannot, they should talk to their:

- manager
- human resources (HR) department-CITATION
- trade union representative

If this does not work, they can make a formal complaint using their employer's grievance procedure. If this does not work and they're still being harassed, they can take legal action at an [employment tribunal](#).



They could also call the Acas (Advisory, Conciliation and Arbitration Service) helpline for advice:

Acas helpline

Telephone: 0300 123 1100

Textphone: 18001 0300 123 1100

Monday to Friday, 8am to 6pm

[Find out about call charges](#)

Acas has also produced a guidance leaflet on bullying and harassment.

<https://www.acas.org.uk/media/306/Advice-leaflet---Bullying-and-harassment-at-work-a-guide-for-employees/pdf/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

Employers Responsibilities;

Employers are responsible for preventing bullying and harassment - they're liable for any harassment suffered by their employees.

Anti-bullying and harassment policies can help prevent problems. Acas has produced a booklet for employers, including advice on setting up a policy as well as how to recognise, deal with and prevent bullying and harassment.

<https://www.acas.org.uk/media/304/Advice-leaflet---Bullying-and-harassment-at-work-a-guide-for-managers-and-employers/pdf/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

Our procedures

We tackle discrimination by:

- 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
- Challenging any observed instances of discrimination from practitioners, children and families and following this policy, as outlines below, to ensure that discriminatory behaviours are not tolerated within our setting
- 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
- 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 Incident 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 Prevent Policy in order to safeguard children and families concerned.

Nursery & Out of school club 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 adopted on	Signed on behalf of the nursery	Date for review
<i>25.06.2020</i>		<i>September 2023</i>