

Section One: Recognising Equality Principles

The *Statutory Framework for the Early Years Foundation Stage* (EYFS) outlines the legal responsibilities of early years providers with regard to the learning, development, safeguarding and welfare requirements of young children in their care. Effective implementation of the EYFS helps children to learn and develop, and keeps them healthy and safe. Inclusion is an important element of the framework, with equality of opportunity and anti-discriminatory practice as underpinning objectives which ensure that all children are included and supported.

In order to be both effective and lawful, settings must meet specific legal duties including those arising from the Equality Act and other relevant legislation. Fulfilment of these duties will be checked by Ofsted when they carry out inspections and report on the quality of early years provision. This means that settings must demonstrate a good standard of inclusive practice. If a setting is found not to be: applying equality measures, responding to children's needs or meeting relevant legal duties adequately, then this will affect their overall inspection grade. In addition, as part of the government's Prevent agenda, early years settings are also being asked to actively promote 'British values' which are implicitly embedded within the EYFS.

British values

In 2011 the government set out the need for 'British values' to help everyone live in safe and welcoming communities where they feel they belong. These British values are defined as:

- democracy
- the rule of law
- individual liberty and mutual respect
- tolerance of those with different faiths and beliefs

These values are not unique to Britain but are universal aspirations for equality. As such they are fundamental to helping all children become compassionate, considerate adults who form part of a fair and equal society. Early years settings must demonstrate these values through the management and implementation of the EYFS and ensure that they share these values, and that they are understood and applied. Failure to do so may result in funding being withdrawn by the local authority.

More recently, the government has reinforced the need '*to create and enforce a clear and rigorous expectation to promote fundamental British values*' within education, as part of their strategy to overcome radicalisation and terrorism. The Counter Terrorism and Security Act 2015 places a duty (Prevent duty) on early years settings '*to have due regard to the need to prevent people from being drawn into terrorism*' with effect from the summer of 2015.

As such, settings need to follow guidance on the best way to demonstrate conformity.

Proactive approach to the Equality Act

Equality duties for early years provision do not only apply to the young children in their care but also to any other users and employees who are at risk of discrimination. Therefore settings must actively foster a proactive approach through attitudinal and structural changes to their planning and provision of service at all levels of delivery.

This means that settings need to actively engage with all service users and employees in order to gather their views and consider how changes can be incorporated to make their services fairer and more accessible. Although discrimination is usually unintentional, this reason is not a valid defence in law. It is therefore essential that anyone working for, or delivering on behalf of, a public service such as an early years setting understands the law and its implications for their own practice.

The Equality Act brings together the legal requirements on equality that the public and voluntary sectors need to follow. (Settings in receipt of government funding also have public sector duties.) The Equality Act applies to non-maintained early years settings as employers (part 5 of the Act) and as service providers (part 3 of the Act) whether the service is for payment or not. Vocational training

for early years employees is covered by part 5 of the Act; however, other types of relevant training may fall within the remit of part 6, which covers higher education. This publication will mainly focus on the duties for parts 3 and 5 of the Act. Part 6 of the Act applies to schools and early years settings regarded as schools.

The fundamental principles of being an equal citizen

Our society is comprised of people from a rich mix of backgrounds, cultures and experiences. Understanding and valuing our similarities and differences, our shared rights and responsibilities, helps us to live and work harmoniously together. These shared rights and responsibilities are underpinned by a range of European charters, conventions and British legislation, such as the Human Rights Act (1998), which relate to standards for how we are treated, the way we treat other people, and how we would wish and expect others to treat us.

Inclusion is a right for every person, yet despite the moral and legal obligation to be included, many people face the misery of exclusion and inequality from early on in life. Even from birth, many will experience or witness the injustice of discrimination because of the prejudiced attitudes and discriminatory behaviour of others.

Learning and valuing our individual differences and similarities and how we like to be treated and treat others, begins when young children first start to explore and interact with people around them.