



Scalliwags Pre-School CIO

www.scalliwags.org

Secondary Legislative Obligations

Explanation

In this document, Scalliwags Pre-School CIO sets out and recognises its obligations under the Human Rights Act 1998, the Equality Act 2010, and the Female Genital Mutilation Act 2003. These have been labelled 'secondary' because the Children Act 1989 is the most important piece of legislation for the Setting. The Setting also provides a specific document to staff explaining their obligations under the Children Act 1989.

The Human Rights Act 1998

The Human Rights Act ensures protection of rights which we have by just being human. Whilst the Setting recognises and supports all the rights held within the Act, the following rights are particularly relevant:

1. Article 8 - Right to Respect for Private and Family Life
 - The Setting recognises that families, employees and children have a right to privacy. This is of course subject to its safeguarding obligations and duty to protect the welfare of the child.
2. Article 9 - Freedom of thought, conscience and religion
 - The Setting recognises and celebrates families, children and employees that may choose to practice a religion. It does so, for example, considering religious choices when it comes to snack, as well as recognising different holidays of religious importance.
3. Article 10 - Freedom of Expression
 - The Setting acknowledges that everyone has a right to express themselves. It encourages children to voice their opinion and in line with its policy, thinks children's opinions are important when making decisions. Employees are also encouraged to express themselves, within the reasonable limits placed on them in our Social Media policy.
4. Article 11 - Freedom of Assembly and Association

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- The Setting acknowledges the employees' right to assembly and political association. It places no judgment on employees or families for their association with any groups, within their confines of duty to safeguard, and act appropriately in line with their profession.
5. Article 14 - Prohibition of discrimination
- The Setting absolutely supports the forbidding of discrimination, as is laid out in more detail under the Equality Act section.

Therefore, in accordance with Article 17, we do not engage in any activity or an act aimed at the destruction of rights, and support our children, staff and families in resisting such activities.

The Equality Act 2010

Scalliwags Pre-School believes in equality and tries to follow its obligations under the Equality Act 2010 to the highest degree. It understands that in line with chapter 1, the protected characteristics include age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. It avoids discrimination, and only discriminates when permitted to do so under the Act. For example, our recruitment only requires that someone is physically fit, which although connected to age, is not policy against elderly workers.

It recognises its duty to make reasonable adjustments when required to do so. It absolutely condemns any behaviour which amounts to harassment and victimisation and takes any behaviour which can amount to discrimination very seriously. We encourage an environment where diversity is celebrated and valued. Agism, ablism, transphobia, sexism,

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homophobia, and any other expression which makes those with protected characteristic uncomfortable, is not tolerated in the Setting, and will be investigated appropriately. This of course is repeated within the recruitment process and when dealing with staff.

Femal Genital Mutilation Act 2003

The Setting is absolutely against female genital mutilation. Although not within the current definition of "regulated professional", the Setting understands its duty to assist in the reporting of FGM. A duty to report is usually engaged where they have been informed by a girl under 18 that an act of FGM has been carried out on her or, that physical signs have become apparent and there is no reason to believe that this was necessary for the physical or mental health of that girl (s.5B FGM Act 2003). The duty does *not* apply to a girl who is at risk or suspected cases, however, as guidance suggests, the relevant safeguarding procedure must be followed. We ensure compliance with these duties by encouraging an open environment where women and girls can speak freely about anything of concern. Further, we ensure to take appropriate action should a concern arise following intimate care of a child at our Setting.

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