



dialogue

Talking about EDI in Children's services

Chris Freestone .
Dialogue

working together...

confidentiality

respect

diversity of opinion can be enriching

look for the benefits of an alternative opinion

positive challenge

naïve questions are valuable

enjoy ourselves

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Equality and Diversity

- The overarching approach today in respect of EDI, is to take an overview of how it is present across the service provision.



Focus



Equality means that everyone is treated fairly and has the same opportunities, regardless of their differences. Diversity is about recognising and celebrating differences, including race, gender, religion, disability, and sexual orientation.

Inclusion means creating an environment where every individual feels valued and respected, and where everyone has a sense of belonging

IS THIS TRUE ACROSS ALL OF THE ORGANISATION?



Focus

“ Arnfield Independent School believes that all young people, regardless of their circumstance, are entitled to quality education that enables them to thrive and reach their potential. ”



Starting from the basics.

- Are you inclusive by design across all aspects of the organisation?
- does this include the approach to safer recruitment?
- policies and procedures?
- operational and strategic approaches and practice?



How is EDI enshrined in law?

- In the UK, EDI (Equality, Diversity, and Inclusion) is primarily governed by the **Equality Act 2010**, which legally protects individuals from discrimination in the workplace and society based on nine characteristics.
- Employers must prevent harassment and discrimination, with duties under the **Worker Protection Act 2023** also the **Workers Rights Bill 2025**



Protected characteristics .

- These are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex
 - sexual orientation.



Types - e.g.

- direct and indirect discrimination
- harassment
- victimisation.
- associative discrimination
- perceptive discrimination
- discrimination arising from disability
- Failure to make reasonable adjustments



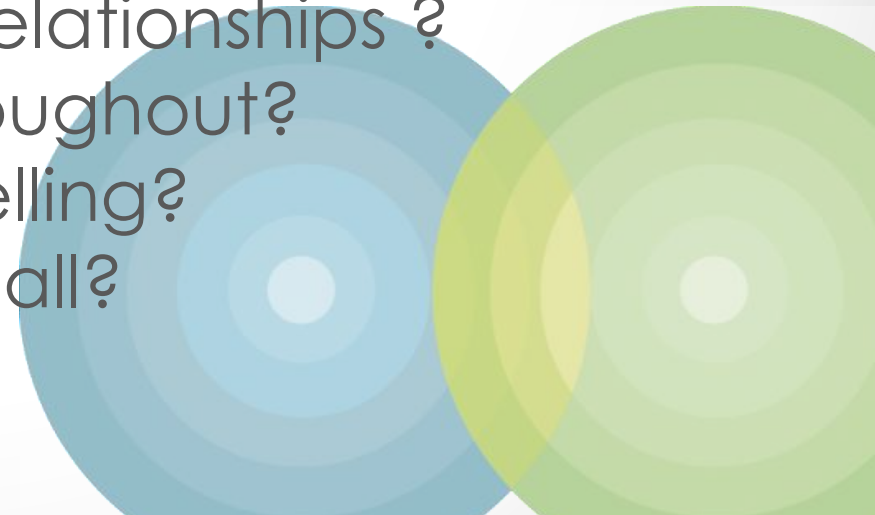


Being inclusive by design....

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Starting with the culture.....

- Do you have an inclusive culture characterised by the following:-
 - are you inclusive by design from recruitment onwards ?
 - do you recognise that there will be a core culture which may be differently represented within each smaller “system” within the organisation . e.g the school , staff team , residential provision, activities, maintenance
 - are you seeing positive relationships ?
 - active engagement throughout?
 - positive behaviour modelling?
 - a sense of belonging for all?



Potential barriers for staff.....

- lack of recognition of protected characteristics
- Issues re. progression
- issues re. being employed- non-inclusive recruitment
- tick box approach to EDI
- Barriers to doing a job- inflexible hours , lack of accessibility, support not offered in respect of an issue such as dyslexia



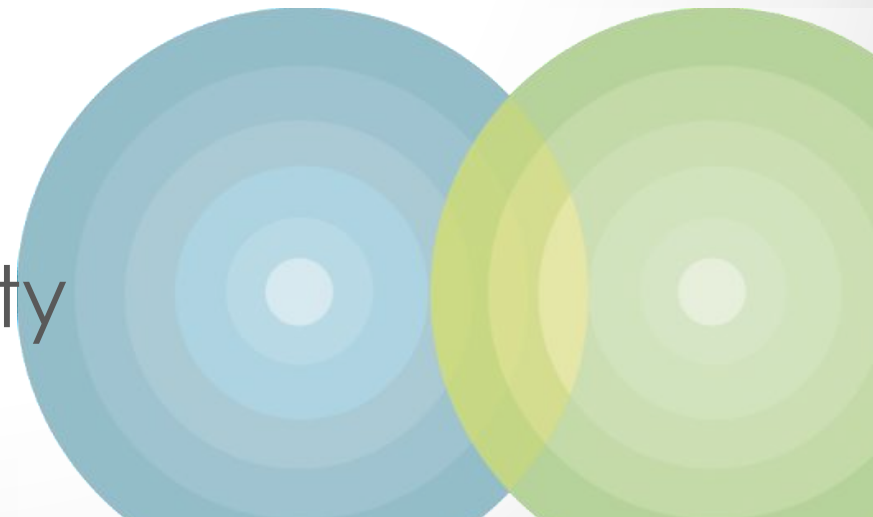
Potential barriers for children.....

- socioeconomically disadvantaged children- more likely in some families especially as we enter another difficult financial period for many families
- children with SEND
- children with an EHCP
- other barriers to well being
- children who may have a protected characteristic
- looked after/ previously looked after children
- children with poor or intermittent attendance
- safeguarding / well being issues



Potential barriers and influences across the board

- Confirmation bias
- Assumptive behaviour
- Stereotyping
- Labelling
- Stigmatisation
- Harassment
- Bullying
- Lack of accountability
-



Potential barriers and influences across the board

- Low aspiration
- Low expectation
- Power imbalance in relationships
- Barriers to leadership
- Unintentional exclusion- is there such as thing ?

- WHAT ARE YOUR THOUGHTS?

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Inclusion continued.....

- do ALL children and young people feel safe , seen , understood and heard?
- are potential barriers seen and addressed?
- is there a culture of celebrating success- however that is represented?
- does “inclusion “ extend to families , community ?



Inclusion

- Do all staff feel safe , seen and heard/
understood?
- Are policies and procedures:
 - known
 - embedded
 - supported with training
 - referred to



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Thinking about Arnfield.....

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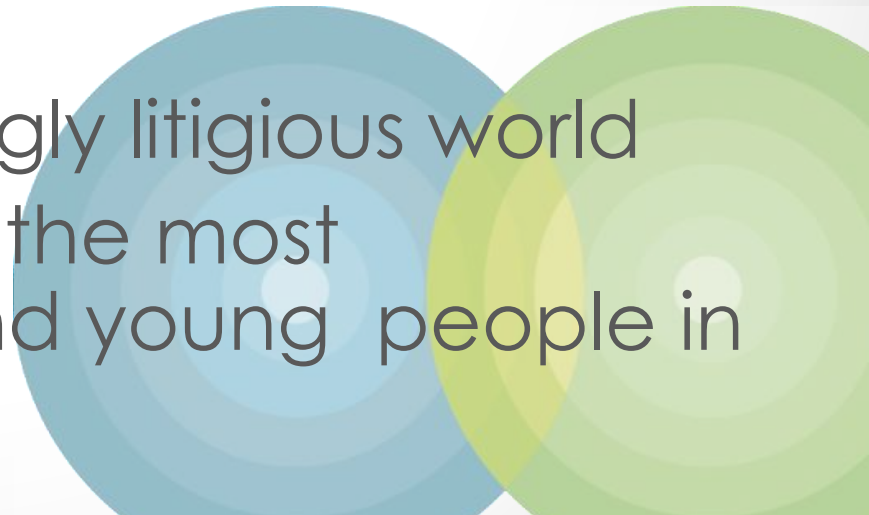
What is included in your whole organisation approach ?

- OPEN DISCUSSION



Thinking about an approach.....

- We live in a world in which equity , inclusion and diversity can be sometimes only reluctantly acknowledged (sometimes not at all)
- We live in an increasingly polarised world
- We live in a world in which an organisation can be inspected , assessed.
- We live in an increasingly litigious world
- We work with some of the most vulnerable children and young people in society



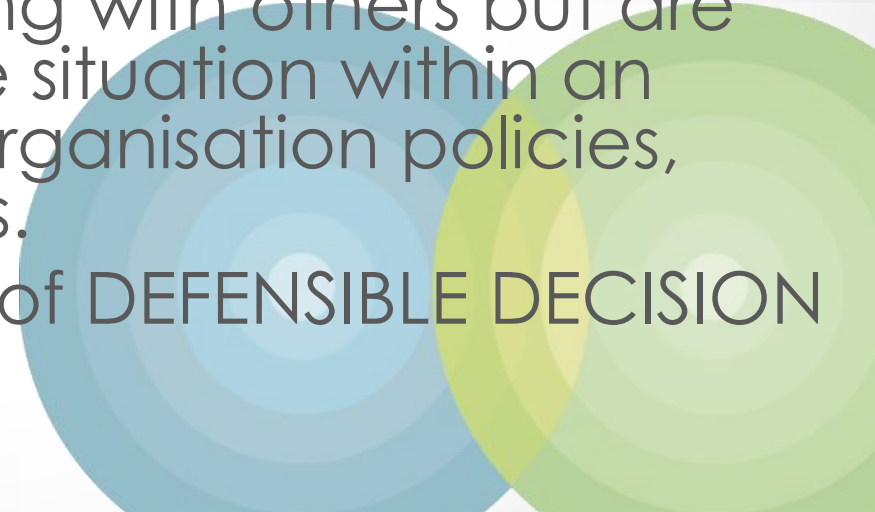
Defensible decision making in EDI and practice.....

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This model can also be used for care planning , risk assessments and safeguarding

Overview

- EDI is becoming ever more complex within societal settings which are also demanding far greater accountability and are increasingly litigious.
- EDI worries staff in terms of “getting it wrong”
- In the role as the senior leader, you are the key point for initial responses re. EDI for staff and children.
- You may then be medium to longer term involved in decision making with others but are more often managing the situation within an ongoing plan within the organisation policies, protocols and procedures.
- This is where the practice of DEFENSIBLE DECISION MAKING is key.



What is defensible decision making?

Team / personal exercise: -

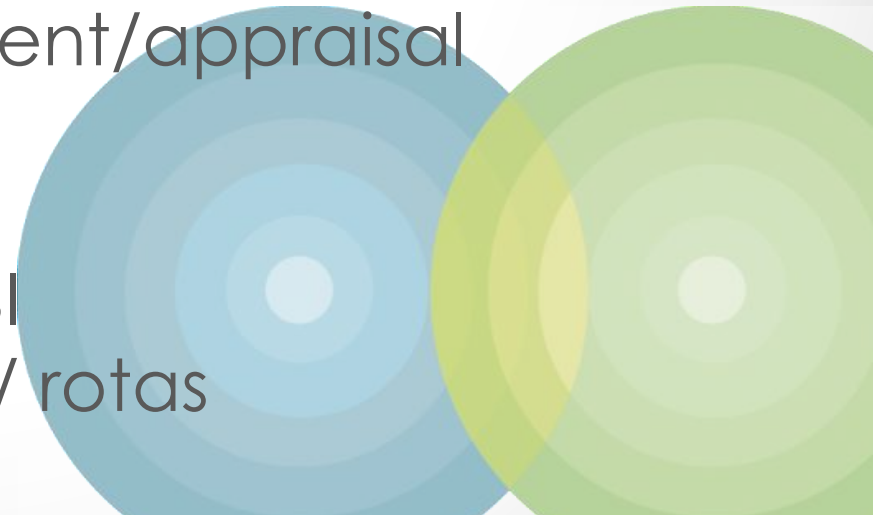
- Note down your understanding of the meaning of “defensible decision making”.
- A good point to start the discussion as individual’s understanding will vary.
- Open discussion / feedback
-



When can it be used?

Anytime a decision has to be made:

- HR processes
- recruitment
- strategic planning
- operational planning
- placement
- inclusion report card
- supervision
- performance management/appraisal
- reasonable adjustments
- investigation
- information to Ofsted / ISI
- managing annual leave/rotas
-



Where does the model sit?

Defensible decision-making sits within the constructs of: -

- the organisation
- law-civil and criminal
- guidance and regulatory frameworks
- local frameworks
- supporting the police/legal (if required) in the process of achieving best evidence (ABE)
- Useful with the framework of a Tribunal

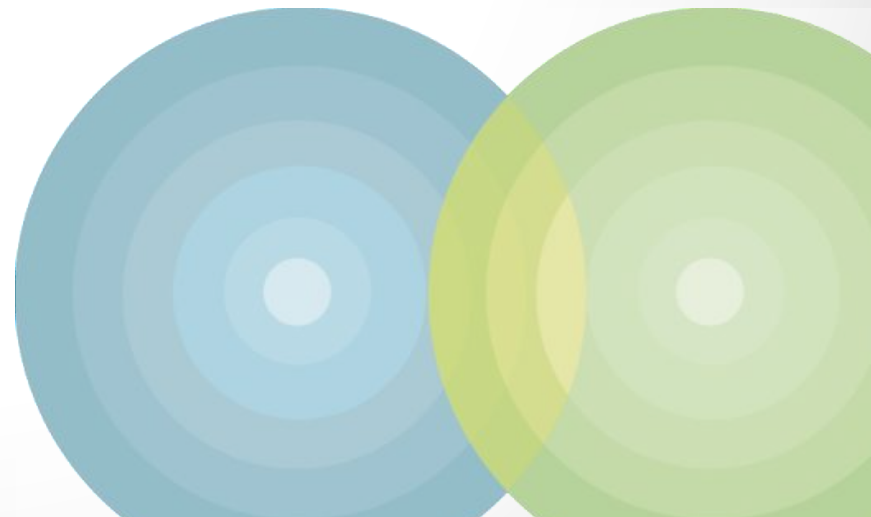
A secure safeguarding and EDI knowledge /legal framework underpinned by:

- **professional curiosity, vigilance, forensic analysis, non assumptive and non-biased behaviours / responses.**



Range of decisions involved

- Self-contained and whether to disclose information to a third party.
- Larger decisions, with potentially multiple decisions required.
- What may seem not to be decisions such as decided upon a process of “no further action”.

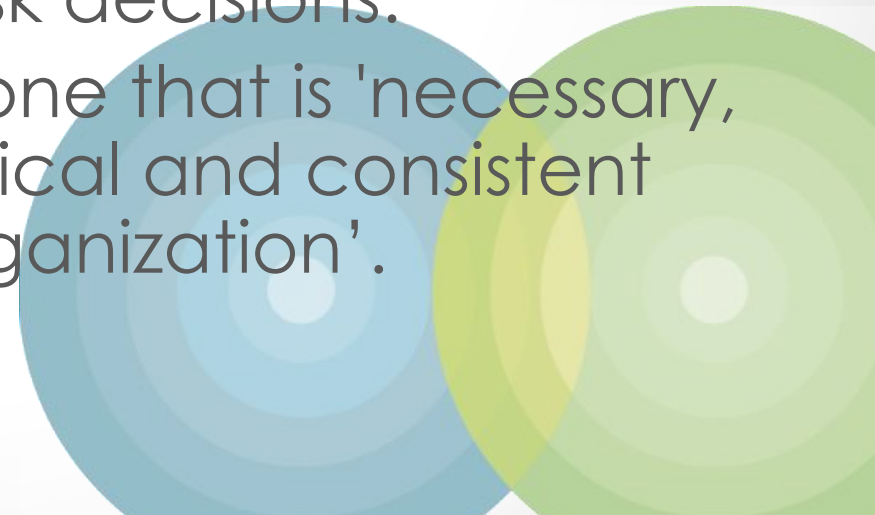


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Potential definitions

- **Cooper, 2011:** 'Critical, reflexive and careful judgements...with the fully considered evidence of incomplete knowledge so that you can defend and justify your assessments, plans and interventions.'
- **Kemshall, 2009:** Decisions that will withstand the harsh scrutiny of hindsight bias in the event of a risk failure....informed, balanced, proportionate and just risk decisions.
- A defensible decision is one that is 'necessary, proportionate, legal, ethical and consistent with the values of the organization'.

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A defensible decision is: -

- One that is evidence based, which uses all the information available / discoverable to you at the time (while being aware that we rarely have all the information);
- Where the information has been thoroughly evaluated and analysed;
- Which has weighed up different outcomes and options before deciding;
- Which evidences the rationale for the decision, including anyone consulted (e.g. your manager);
- Follows policy and legislative responsibilities / duties;
- Is recorded in a way which evidences all the above.

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It is not: -

- About making “**a correct**” decision as when we make a decision, we don’t have the benefit of hindsight. We don’t know what will happen. We may, in the light of later events or evidence, have made a decision that had an untoward outcome. However, if we can justify our decision making, it should be a defensible decision.
- A defensive practice - or shouldn’t be. e.g., referring to the LADO when we know the event does not meet threshold but want a LADO referral on record.

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Munro Decision Tree

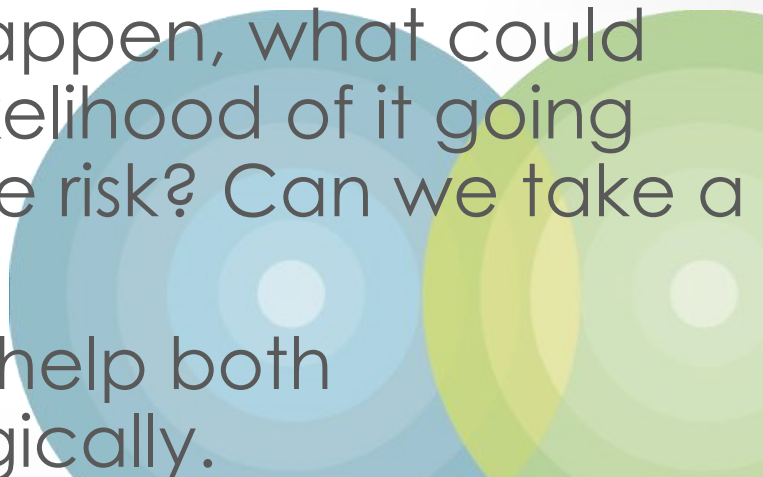
The 7-Stage Munro Decision Tree

Based on Munro (2008), the decision-making process involves these key steps: -

1. **What is the decision?:** Clearly define the specific decision that needs to be made.
2. **What options are there?:** Identify all possible courses of action.
3. **What information is needed?:** Identify what information is necessary to make an informed decision.
4. **What is the evidence?:** Gather evidence on the likelihood of different outcomes.
5. **What is the importance?:** Weigh the evidence, assessing the costs and benefits of each option.
6. **What is the best option?:** Select the best course of action based on the analysis.
7. **Review the decision:** Assess the consequences and learn from the outcome.



Decision making

- We often look to a balance in our decision making.
 - Do you look at a situation and note the options available to you? Do you review those options?
 - How do you record this? Do you record this?
 - Do you look at the decision and reflect upon it using **failure mode effect analysis (FMEA)** – if we do this what could happen, what could go wrong? What is the likelihood of it going wrong? Does this raise the risk? Can we take a higher level of risk?
 - This final stage is a great help both
 - operationally and strategically.
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Bias

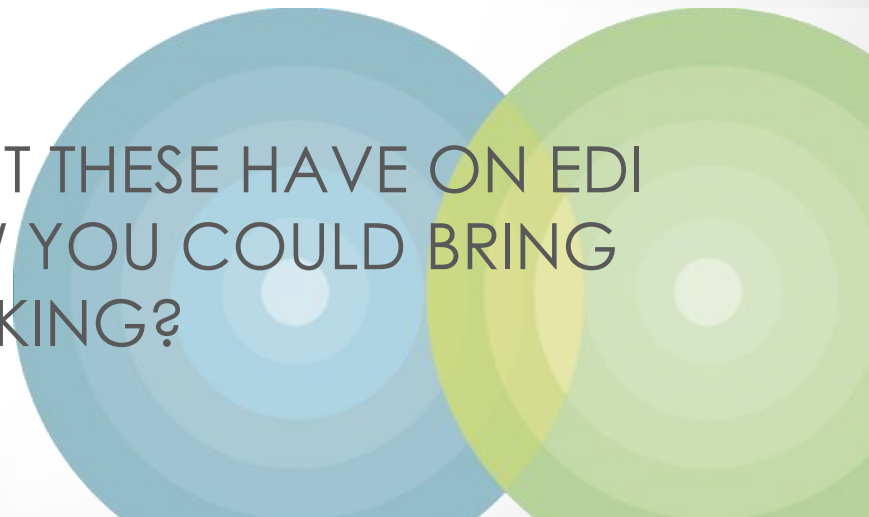
Hindsight, confirmation and other bias

What can impact / influence the process of defensible decision making?

- Assumption
- Bias
- Availability of information
- Professional experience “gap filling” where information is lacking
- Weighing up options and our own knowledge base or available research to support decision making
- Intuition
- Using stereotypes
- Confirmation bias

ARE YOU AWARE OF THE IMPACT THESE HAVE ON EDI DECISIONS? CAN YOU SEE HOW YOU COULD BRING THESE INTO YOUR DECISION MAKING?

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Bias is powerful.....

- OPEN DISCUSSION
 - Do we acknowledge our bias?
 - Do we challenge others ?
 - Does our inclusive culture include being able to challenge ?
 - Do we understand the impact of bias for staff, children and young people , others ?



It has an impact.....

- Bias and assumptive practice are two of the most common factors presented at Tribunals
- The following are the most common present in education , health and social care



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Unconscious bias

- **Unconscious biases** are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Everyone holds **unconscious** beliefs about various social and identity groups, and these **biases** stem from one's tendency to organise social worlds by categorising.
- **Affinity bias** refers to when you unconsciously prefer people who share qualities with you or someone you like. It occurs because your brain sees them as familiar and relatable, and we all want to be around people we can relate to.
- **Attribution bias** refers to how you perceive your actions and those of others. It stems from our brain's flawed ability to assess the reasons for certain behaviours – particularly those that lead to success and failure. We generally attribute our own accomplishments to our skill and personality, and our failures to external factors – to hindrances that we believe are beyond our control. We are less likely to blame and find fault in ourselves



Unconscious bias

- **Conformity bias** happens when your views are swayed too much by those of other people. It occurs because we all seek acceptance from others – we want to hold opinions and views that our community accepts.
- **Confirmation bias** refers to how people primarily search for bits of evidence that back up their opinions, rather than looking at the whole picture. It leads to selective observation, meaning you overlook other information and instead focus on things that fit your view. You may even reject new information that contradicts your initial evidence.
- **Contrast effect**
- This type of bias occurs when you assess two or more similar things and compare them with one another, rather than looking at each based on their own merits.
- **Gender bias** is simply a preference for one gender over the other. It often stems from our deep-seated beliefs about gender roles and stereotypes.
- **Halo and horns** affects you focus on either a positive or negative feature to the exclusion of all else

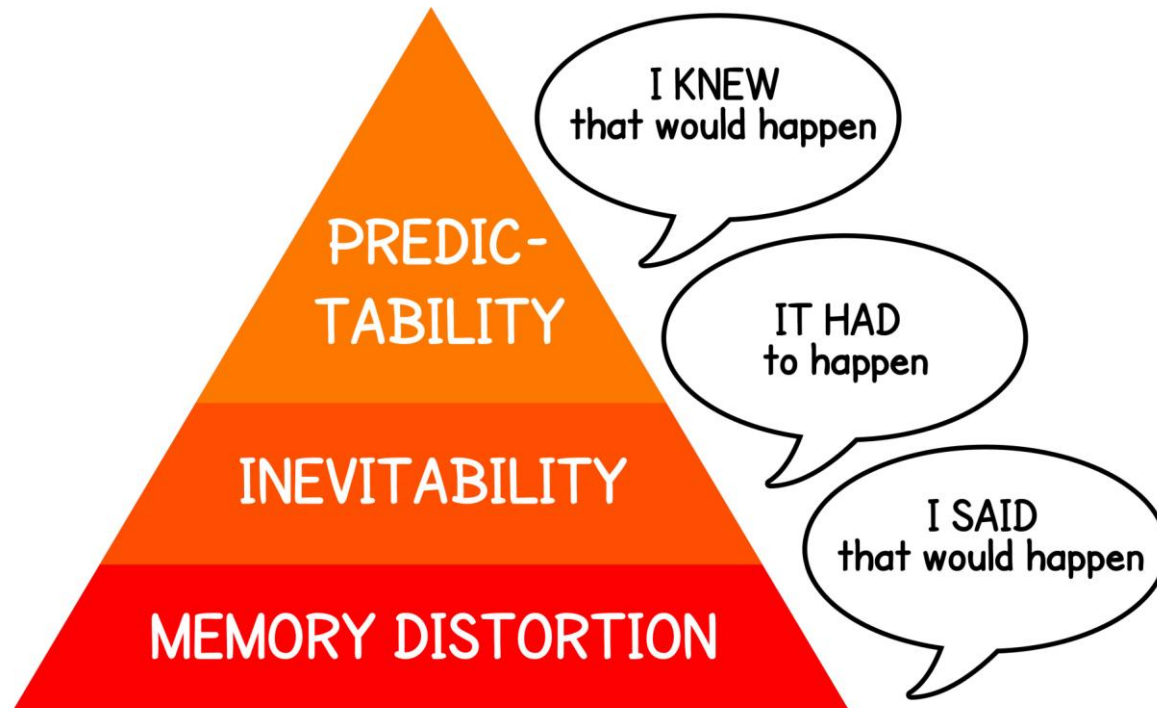
Hindsight bias

- Hindsight bias describes the tendency that people have – once an outcome is known – to believe that they predicted (or could have predicted) an outcome that they did not (or could not) predict.
- Sometimes referred to as the “knew-it-all-along” effect, it describes times when people conflate an outcome with what they knew at the time.
- This can be particularly troubling in reviews of safeguarding (serious case reviews etc.)



Hindsight bias

Three Levels of Hindsight Bias



Why?

- **Cognitive:** People tend to distort or even misremember their earlier predictions about an event. It may be easier to recall information that is consistent with their current knowledge.
- **Metacognitive:** When people can easily understand how or why an event happened, that event can seem like it was easily foreseeable.
- **Motivational:** People like to think of the world as a predictable place. Believing an outcome was inevitable can be comforting for some people.





Recording

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Recording

- Increasingly under scrutiny.
- Recording within your organisation's records system is a vital part of defensible decision making.

If you are later asked to justify your decision making (e.g. in a court or in a Tribunal) the absence of a written record will weaken your evidence considerably.

A quote about doctors which is equally valid for EDI/ social work / safeguarding etc.

'Courts have a tendency to believe the memory of a patient, for whom it is a once in a lifetime experience, rather than the memory of a doctor, recalling many years later one of many similar procedures.' (Medical Protection Society)

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Recording

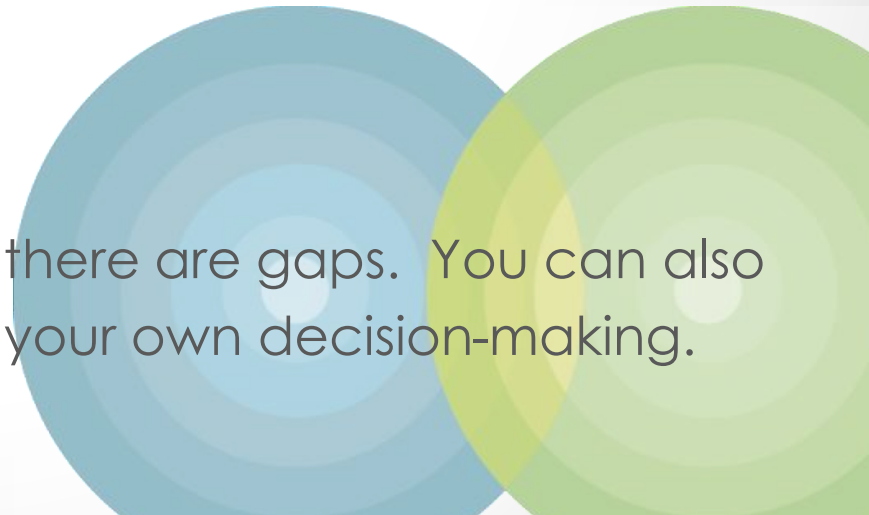
- Compliance with your organisation's recording systems is important as is alignment with EDI and other policies.
- Ensure that you consider, for example, writing up as soon as possible after events, including who has been consulted etc.



Using the “barrister’s clerk” check

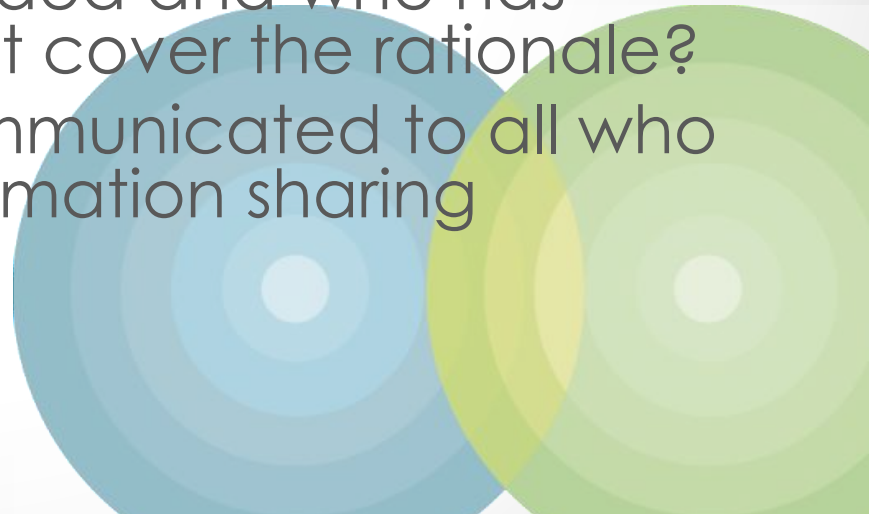
- This is a really good exercise to undertake with the team in order for them to analyse a record and find the gaps.
- Consistently asked the question “so what.”
- Look at the detail in the records and challenge the narrative and the content with the following: -
 - who
 - what
 - why
 - when
 - where
 - how

If you can ask any of those questions, there are gaps. You can also use this as a reflective mechanism for your own decision-making.



Recording - cont'd

- Cover what has been decided, but also why: the rationale for the decision.
- How have you come to this decision?
- What information have you used in making this decision?
- What other options are there, and why do you evaluate they are not viable?
- Increasingly email trails are used as evidence of decision making. Be careful though: they may cover what has been decided and who has been consulted, but does it cover the rationale?
- Has the decision been communicated to all who need this information (information sharing guidance).



Ensuring defensibility

- **Effective Recording:** Records should be detailed, accurate, and created as soon as possible after events to explain decisions to inspectors, courts, or the individuals themselves.
- **Reflective Supervision:** Regularly using supervision to analyze decisions, identify biases, and evaluate the impact of actions.
- **Professional Curiosity:** Actively investigating and questioning situations to avoid complacency or false assumptions.
- **Accountability:** Decisions are made by trained, competent staff, with appropriate escalation when risks escalate.



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EDI and the intersectional approach with children and young people

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Supporting EDI with children and young people everyday

EDI in practice

- Referral considerations
- Placing considerations
- Day to day support education and care
- Risk assessments ;behaviour support plans
- Culture
- Role of training and supervision
- Safeguarding
- Inclusion, learning and progress
- Independence skills
-



What approach do you take ? An intersectional approach?

Children with difference , trauma, SEND, like all children, have diverse identities.

As well as experiencing prejudice or bias related to their needs or disabilities, they might experience challenges relating to other parts of their identity, such as:

- ethnicity
- sexuality
- gender
- mental health
- having been in care
- where they live, how much money they have and how much access they have to education.
- **The way these challenges interact is known as intersectionality**
- **Is this how you work in terms of an integrated / holistic baseline approach? Or are these elements fragmented? How can you make sure that this model is known , understood by staff , children , the community , governors / Trustees ?**



Would staff and children use words like these? Is this what you see and hear?

- respect
- understanding
- acceptance
- belonging
- valued
- included
- “take me as I am.....”
- Trust
- staff understand differences and behave respectfully to each





Case study

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Case discussion

- You have received an allegation in your setting from a 21-year-old adult.
- The adult is of traveller origin and alleges that when they were 11 years old a group of students put them through a “hazing “ process because of their ethnic origin.
- They claim that teachers at the school were aware of this and did nothing about it.
- The police have been informed / involved, and you have provided the information / records that the school still holds. You have been working with the SLT and HR, as well as legal in order to pull together everything that is needed by the police.

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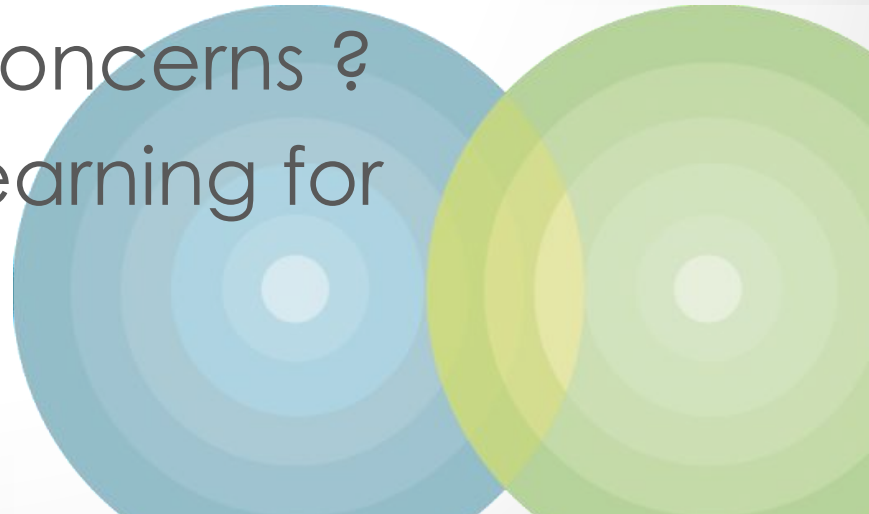
Hazing

Hazing refers to any activity that is condition upon recruitment, admission, affiliation, or continued participation in a group that humiliates, degrades, abuses, or endangers someone, regardless of consent or a person's willingness to participate.



Case discussion

- As a part of your lessons learned culture you are going to review the event based on the information you have in order to reflect upon the harm which may have occurred, the school role in respect of the teachers – where does the EDI policy/culture/ practice sit within this?
- What would be your concerns ?
- What would be your learning for change?



Reflection- can you say.....



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Any questions or queries?

- My thanks Chris Freestone

