

# A critical race theory analysis of top-down and ground-up regulatory documents in early years practice

Juliette Wilson-Thomas<sup>1</sup>, Josephine Gabi<sup>2</sup>

**Abstract:** The ‘pervasive silence and hesitancy to address racism and its manifestations’ (The Child Safeguarding Practice Review (HM Gov., 2025a) and how this renders invisible the safeguarding needs of Black, Asian and Mixed Heritage children is troubling. In this article we utilise Gillborn’s framework for engaging Critical Race Theory in policy to analyse the priorities, outcomes and beneficiaries of the Early Years Foundation Stage (EYFS), the Office for Standards in Education’s (Ofsted) regulatory framework, and Birth to 5 Matters. The, ‘top-down’, EYFS and Ofsted regulatory guidance, lack any specific reference to race or racism, except in citing the statutory responsibility to adhere to the Equality Act 2010. Neither the EYFS (Department for Education, 2024a) framework for practice, nor The Office for Standards in Education, Children’s Services and Skills (Ofsted) Inspection Handbook (2024) or Framework (2023) which regulate practice, specifically mentions race or racism. Educational practitioners feel ill-equipped to talk about race or racism (Daniel, 2023; Gabi et al., 2022; Priest et al., 2014) and yet racism remains a salient issue that negatively impacts children’s lives from pre-birth (Glowach et al., 2023 Joseph Rowntree Foundation, 2024; Alexander et al., 2015; HM Gov., 2025a). ‘Ground-up’ (Archer, 2024) guidance document, Birth to 5 Matters (Early Years Coalition, 2021), developed ‘for the sector by the sector’, does however, directly address racism in Early Years practice. In light of our analysis, we recommend that Early Years policy and regulatory frameworks urgently incorporate more explicit guidance on anti-racist praxis, and adopt a less race-evasive approach by engaging with and learning from stakeholders within the sector.

## Article History

Received: 24 March 2025

Accepted: 20 June 2025

## Keywords

Early years; Policy; Critical race theory; Racism; Practice

## Introduction

Whether we act consciously or not, our words and our behaviours matter. Without taking the time to examine our own values and biases, we risk putting children in a box of our own making based on what or who we think they should be. We have a moral and ethical duty not only to be aware of the shadow we cast through our words, our actions, or our lack thereof, but to challenge discriminatory and prejudicial behaviour when we see it in others (Louis & Betteridge, 2024, preface).

Action, but also inaction, are important in terms of racial inequality, our actions “or the lack thereof” matter. As Apple (1999) asserts the social construction of a racial hierarchy gleams much of its power from its hiddenness, and White supremacy is supported by this hiddenness and misinterpretation of the world as equitable and meritocratic that Mills (2015) termed “white ignorance”. In this paper we critique the race evasiveness of top-down regulatory guidance in the Early Years sector (the EYFS and Ofsted inspection guidance) in England using Gillborn’s (2005) framework for policy analysis. Gillborn’s framework is attuned to the effects of the social construction of a racial hierarchy particularly in relation to education policy, and focuses the analysis on priorities, beneficiaries and outcomes of policies (2005). For comparison we examine the ground-up guidance from the sector which is more explicit on the issue of race in Early Years Education and Care. Critical Race Theory is employed as an overarching lens through which to examine this absent presence of race in Early Years regulatory documentation and we explore interest-convergence (see Bell, 1980) and how this can inhibit anti-racist action.

The context of our research is that despite ongoing structural racism which negatively impacts

<sup>1</sup> Manchester Metropolitan University, Health & Education, Manchester, United Kingdom, e-mail: [Juliette.wilson@mmu.ac.uk](mailto:Juliette.wilson@mmu.ac.uk), ORCID: <https://orcid.org/0000-0002-3722-4695>

<sup>2</sup> Manchester Metropolitan University, Health & Education, Manchester, United Kingdom, e-mail: [J.gabi@mmu.ac.uk](mailto:J.gabi@mmu.ac.uk), ORCID: <https://orcid.org/0000-0003-3629-0719>

children's lives in a multitude of ways from pre-birth onwards (Bain, 2018; Crozier, 2023; Glowach et al, 2023; HM Gov., 2025a; Joseph Rowntree Foundation, 2024; Alexander et al., 2015). As Bain (2018, p.5) argues:

The overall picture is clear: right across the educational pipeline, from primary to secondary to the university sector, black students and teachers experience systematic disadvantages compared to their white counterparts on top of the threat or presence of racist name-calling or assault.

We argue that this is also true in the Early Years education and care sector which is neglected. For example, there is a deficit of any official, top-down, guidance regulating or advising Early Years settings in England specifically on race, racism, or anti-racist practice, except in citing the statutory responsibility to adhere to the Equality Act 2010. It is significant that the Equality Act replaced the Race Relations Act which specifically articulated a stance against racism and the Equality Act diverged from this to make race part of a number of "protected characteristics". Tembo and Bateson (2024) argue that this lack of specificity in relation to race and racism was formed as part of a swathe of "colour-avoidant" attitudes, and Gillborn (2005) argues that the policy is an "act of white supremacy". Arguably a modicum of inclusion through multiculturalism served the interests of booming globalised neoliberal Britain pre-2008, and thus White interests converged with a need for a more global society, and that in a declining economic era there is now lesser interest-convergence in specific anti-racism. Thus, we examine the role of top-down regulatory guidance in the Early Years sector to analyse the social construction of racial hierarchy through silences, and how this contributes to the perpetuation of white superiority.

Neither the EYFS (Department for Education, 2024a) practice framework, nor the Ofsted Inspection documents (Ofsted 2023; Ofsted 2024a) which regulate the Early Years sector, cite race or anti-racism as an aspect of practice, thus there is no official guidance on how anti-racist practice might be achieved within an Early Years setting. At a personal level, knowledgeable practitioners, and parents are voicing the racism experienced in the Early Years which includes, lack of meeting basic care needs and overtly racist acts ignored (Akinde, 2020; Albert, 2021). For example, Albert (2021) reports that mothers of black children found their children's nappies were not being changed often enough, and whilst they felt there was no intended injury to their babies, they also felt a lack of warmth towards their children in Early Years settings. Further, a recent safeguarding review from the U.K Government (HM Gov., 2025a) recognised the "systemic silence" on race and racism which contributes to harm experienced by racially minoritised children. Yet the Department for Schools, Children & Families (2009, p.6) have long known the racial hierarchy to be an issue in the Early Years:

Black children are making less progress in the Early Years Foundation Stage and beyond. The quality of our relationships with them, the expectations that we have and the values we hold will have an impact on Black children's ability to be confident learners.

The pervasive "children do not see race" societal narrative is often used to deflect from the need to develop young children's racial consciousness (See Bonilla-Silva, 2018), which is an ongoing awareness and praxis related to racism and racial privilege. This narrative is incorrect (See Hamel, 2021; Raabe & Beelmann, 2011) thus specific guidance informing and regulating education and care practices with young children is needed because the structures, and many practitioners, lack an awareness of the social constructions of race and the ways in which it manifests. In lieu of official guidance and regulation, there is consequently very little in the sector which guards against racism, other than the knowledge, lived experiences, and training of individually motivated practitioners which enables acts of refusal and resistance against racial inequities (Gabi et al., 2023; Tembo & Bateson, 2024). Early years practitioners generally however, lack not only the lived experiences (83% of the workforce are White British (U.K Parliament, 2024)), but also the training and CPD regarding race or racism that could have a positive impact on children's lives (Priest et al., 2014).

In contrast to the top-down regulation however, there is ground-up guidance developed "for the sector by the sector"; Birth to 5 Matters (Early Years Coalition, 2021). Birth to 5 Matters directly addresses racism in early years practice and settings, citing specifically the Black Lives Matter movement and a desire to engage with contemporary social issues. This guidance however, has proven to be controversial, the

right-wing media and Conservative party have criticised it for being ‘indoctrination’ of young children (Daily Mail, 2021), and the authors of *Birth to 5 Matters* have been put under scrutiny by the Department for Education (DfE) to the point of blacklisting them from education events (The Guardian, 2024). Further, Ofsted (2021) in inspecting the setting, downgraded a London school for focussing on matters of social justice, which they felt was at the expense of “high quality education”. Therefore, there is not only a paucity of guidance and regulation for addressing racism in early years practice, but those within the sector who are advocating for this are facing negative consequences.

It is this context and that of attacks on equality, diversity and inclusion work (Andrews, 2018; BBC, 2025a; Swirling & Turner, 2022) which make it even more important to critically analyse policy and educational practice in order to prevent further harms and to effect positive change. In this paper we then employ CRT and Gillborn’s framework to critically analyse the EYFS and Ofsted inspection documentation in terms of the priorities, beneficiaries and outcomes. The ground up guidance of *Birth to 5 Matters* is used as a comparator in order to explore the differences, and to theorise the implications. Our findings suggest that ground-up guidance on race and racism in the Early Years is far more progressive and empowering than the top-down policy and regulation which is silencing and potentially harmful. As a result, we recommend that Early Years policy and practice guidance and regulation which wishes to uphold the Equality Act 2010, and to have a positive impact on children’s lives, should, rather than vilifying them, engage with ground-up initiatives and practitioners in developing anti-racist praxis.

### **The EYFS, Ofsted and Birth to 5 Matters in Early Years Settings**

In England, the education and care provision of children under 5 in “group settings” i.e. private day nurseries, school-based nurseries, and child minding, is regulated by the government and specifically, The Department for Education. The government sets the laws regarding aspects such as child to adult ratios, and directs the content and format of learning via the EYFS (Department for Education, 2024b). Ofsted is a non-ministerial body responsible for inspecting and regulating such education providers (HM Government, n.d.) Ofsted inspectors are guided by the Ofsted Inspection Framework (Ofsted, 2023) and Ofsted Inspection Handbook (Ofsted, 2024b). Ofsted will inspect a setting at least once every 6 years, but may do so at any time, particularly if concerns about a setting have been raised, and they have the power to close settings. The EYFS and Ofsted are thus powerful top-down actors regulating and directing Early Years practice across the sector. *Birth to 5 Matters* (Early Years Coalition, 2021) however, is a ‘ground-up’ guidance document for Early Years settings developed “for the sector, by the sector” in response to a perceived exclusion of practitioners from the development of the new EYFS (Archer, 2024). *Birth to 5 Matters* is not statutory guidance but it is being used widely across the Early Years sector to inform practice. It is also worth recognising that these regulatory documents function within the broader legal context of the Early Years sector, which includes the Equality Act 2010, Prevent Duty, and Fundamental British Values. The Equality Act 2010 places a statutory responsibility upon settings to not discriminate against protected characteristics such as race, Prevent Duty legally requires them to monitor and report “extremism”, and Fundamental British Values requires them to promote governmentally defined “British Values”. For example, Early Years providers who “fail to promote the Fundamental British Values”, will not receive funding for the funded Early Years places (Home Office, 2021). Prevent Duty and British Values have been critiqued for contributing to racial tensions, and as being Islamophobic (Farrell & Lander, 2019; Habib, 2018). Thus, the education context in England is a contested space that sustains asymmetrical relations of power, subject to somewhat conflicting regulatory demands particularly in relation to race, ethnicity and religion.

The EYFS is a comprehensive framework which sets the standards for the learning, development and care of children from birth to 5 (Department for Education, 2024a) which was made a statutory policy for all Early Years settings in 2008. The EYFS (Department for Education, 2024a, p.7) aims to provide:

- Quality and consistency in all Early Years settings, so that every child makes good progress, and no child gets left behind.
- A secure foundation through planning for the learning and development of each individual child

and assessing and reviewing what they have learned regularly.

- Partnership working between practitioners and with parents and/or carers.
- Equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported.

The framework then sets out their overarching principles, and 7 key areas of learning and development: “Communication and language, Physical development, Personal, social and emotional development, Literacy, Mathematics, Understanding the world, Expressive arts and design”. Since its inception in 2008 it has been amended many times, and substantially revised in 2014, 2017, 2021 and 2024 (Department for Education, 2024b). Language inferring practice related to race and racism is altered in the differing versions, and Prevent Duty is referred to in later versions, it is these changes and the implications of language on practice that we will focus on in our discussion of Birth to 5 Matters. The EYFS is not defined as a “curriculum” as such, but as Male and Palaiologou (2016, p.30) argue, “it is a detailed description of what should be done in each Early Years setting”. Therefore, the EYFS regulates and shapes the content and format of Early Years practice in a top-down manner.

Alongside the EYFS, Ofsted regulates Early Years provision from a centralised position; the inspection framework and handbook is developed and delivered by Ofsted nationally. Ofsted is a non-ministerial body responsible for inspecting and regulating education providers (HM Government, n.d.). They do this by notifying a setting of an upcoming inspection at midday the day before it begins. An inspector, guided by The Ofsted Inspection Framework and The Early Years Inspection Handbook observes and makes judgements on (National Day Nursery Association, 2024a):

- Quality of education
- Behaviour and attitudes
- Personal development
- Leadership and management
- The overall effectiveness of provision

Ofsted however, have faced criticism recently, from various Early Years organisations and academics who critique their unresponsiveness (Nursery World, 2023; Perry et al., 2023; Wilson-Thomas & Brooks, 2024). Ofsted often fail to differentiate their practice in relation to the specific context of the Early Years, and this was a cause for concern in the House of Commons Education Committee (2011) report on the “role and performance of Ofsted”. This is further evidenced by the finding that Ofsted inspectors often have “insufficient expertise to make judgements” in the Early Years. Ofsted have also come under specific criticism in relation to racial bias in their judgements (see evidence to parliament by Cushing & Snell, 2023a, 2023b), and for governing the curriculum by stealth, because what they inspect becomes what is practiced (Wilson-Thomas & Brooks, 2024). Wilson-Thomas and Brooks (2024) also argue that Ofsted impose a neocolonial judgement of culture through their definition and imposition of cultural capital. Therefore, Ofsted also regulates and shapes Early Years practice in a top-down manner, and does so in ways which may not align with, and certainly do not explicitly promote, anti-racist practice.

The non-statutory guidance, Birth to 5 Matters arose out of a coalition of Early Years practitioners and experts;

We came together because we wanted to create a resource which pooled our members’ considerable expertise and experience and kept alive multiple possibilities for the future of early childhood education (Early Years Coalition, 2021, p.5).

It is what Archer (2024) terms a “ground-up” initiative by the Early Years sector, which takes into account the experiences and knowledges of people within the sector in developing a guidance document to guide practice. This document uses the EYFS framework as a basis, because they understand the statutory need to adhere to this, but also significantly differs in, for example, addressing the anti-racist Black Lives Matter movement, and seeking to “reflect contemporary issues”. However, this guidance is also not without criticism, Tembo & Bateson (2024) for example, argue that it does not go far enough in explicitly exploring all facets of anti-racist practice. Yet in even attempting to challenge the primacy of

statutory guidance for the sector, EYFS and Ofsted, the authors of Birth to 5 Matters have come under scrutiny from the DfE, and were subjected to surveillance through the monitoring of their social media and publications by government officials, and blacklisted from events (The Guardian, 2024). This goes some way to demonstrate the difficulties non-government actors have in developing policy and practice guidance, and to show the top-down resistance to articulating practice explicitly in relation to race and racism. The EYFS, Ofsted and Birth to 5 Matters then, are different regulatory documents relevant to the Early Years sector taking very different approaches to anti-racist practice.

### **Utilising Critical Race Theory to Analyse the Racial Implications of Early Years Regulation**

CRT is based on key principles that racism is endemic, systemic and is not situated in historical practice but is an everyday reality for many racialised people. As highlighted by Cushing & Snell (2023b, online)

Black children are more likely to face disproportionate disciplinary procedures and be excluded. They face discriminatory hair policies, and, when their speech is deemed to differ from “standard” or “academic” English, they face anti-black linguistic racism.

Race is a dynamic social construct, and different racial groups experience differential racialisation, which is also changeable. CRT is also based on the importance of counter-narratives that privilege the voice of those who have experienced and continue to experience systemic oppression (Delgado & Stefancic, 2001). Therefore, CRT policy analysis allows us to centre racism and experiential knowledge whilst also disrupting regimes of truth in policy formulation and implementation in the Early Years field that legitimise the interests of the dominant group. Bell (1980) a founding scholar of CRT, proposes the concept of ‘interest-convergence’ in paying attention to how changes are enacted and if they have changed due to a convergence of interests in which a demand of racialized people supports the interests/needs of White people. CRT is thus a perspective for considering the tools of power which shape society and societal relations whilst exploring it from a racialised perspective, in similarity to the manner in which feminist theories enable an analysis of gendered power relationships, and critical theory facilitates a Marxist understanding of the economic system by paying attention to class relations. CRT is employed in an intersectional manner by activists and scholars to understand the dynamics between race, racism and power, and to change them by examining the foundations of the social order i.e. law and policy (Delgado & Stefancic, 2023). Even liberal social policies have contributed to the structural racism of society, as Andrews (2018), using the teachings of Malcom X, warns, racism can continue by stealth even within more left-leaning liberal power contexts. As Lynn and Dixson (2022) argue, CRT is a means to understand the cause and the context of racialised inequality.

CRT is therefore a useful lens through which to analyse the guidance and regulation of the Early Years sector, in order to evidence causes and contexts of racial inequality. As Tembo & Bateson (2024) argue: “[...] policy can be understood as affecting, towards the practitioners and children, and also as affected by broader societal norms and values”. Top-down regulation documents shape practice, and ultimately shape society. Further, Archer (2024, p.1000) argues that Early Years governance from within our neoliberal context means that:

Children and educators are subject to disciplinary power and technologies in preparation for the future, where success is measured as children’s academic achievement and their financial productivity as future citizens.

In this sense it is necessary to examine even seemingly progressive changes in that they may represent interest-convergence and the educational support of racially stigmatised children for economic purposes rather than for the ethically and morally just purposes of addressing racism. Policy, guidance and regulation coming from the government, such as Ofsted inspections and the EYFS, wield power over practice with young children. This paper therefore, uses CRT to pay attention to the documentation regulating Early Years practice in terms of racially marginalised peoples, and the experiences and needs of children beyond marketised and homogenised neoliberal “outcome goals”. Gillborn then, provides us with a framework of three questions, based in CRT, to use when analysing educational policy in getting beyond rhetoric.

First, the question of priorities: who or what is driving education policy? Second, the question of beneficiaries: who wins and who loses as a result of education policy priorities? And finally, the question of outcomes: what are the effects of policy? (Gillborn, 2005, p.292)

The activist aspect of CRT, as described above (Delgado & Stefancic, 2023) means that we do not seek merely to understand race in these power relations but also aim to transform the conditions of existence in order to diminish racialized inequality. Very little research focuses on racial inequality in the Early Years (Tembo & Bateson, 2024), and how policy shapes and structures Early Years practices and processes, and the myth that “children do not see race” makes focussing on race and racism in the Early Years almost taboo. Whilst recognising the critiques and difficulties of attempting to change things from within a structurally racist context (Andrews, 2023; Tembo & Bateson, 2024), our aim in analysing the regulatory documents of the Early Years sector is to facilitate change in the form of policy and/or action which will better provide for the equality of racialised peoples from the very outset of their education experience.

### **The Fallacy of Racial Innocence in Early Years**

Educational spaces are socially textured with racialised discourses and experiences of discrimination and racially aggravated bullying among children (Iannello et al., 2021). Yet, these spaces are also filled with feelings of uneasiness and discomfort in relation to conversations about race and antiracism. This is further sustained by the race-silent and race-invisible EYFS curriculum which, by default, silences and excludes children from race-conscious conversations. Not only does this mute racially minoritised children’s experiences, but also sends a message that race is a taboo subject which, in the process, relieves educators of responsibility to combat racism and safeguard children. As argued by Miller (2019, online):

Silence about race doesn’t prevent children from noticing racial and other differences; instead, silence inhibits them from asking questions and having conversations about it.

Rather, silence can contribute to the normalisation and mainstreaming of racism in schools and society and is representative of the white ignorance theorised by Mills (2015) as a means to uphold racial inequality. The ethical implications of this are that children are excluded from conversations about race and racism which violates their rights to participate in matters which concern them as enshrined in the United Nations Convention on the Rights of the Child (1989). Further, this approach perpetuates childism, a structural injustice embedded in a system that discriminates against children based on stereotypical beliefs about age-related differences and perceived immaturity. For example, the notion that referencing race will “put ideas in their heads” and corrupt their innocence and purity. Hamel (2021, p.268) however, argues that in the early years;

[...] stereotypes and prejudice are attained largely through explicit and implicit biases displayed in the environment coupled with children’s developing ability for categorizing salient attributes.

Further, research shows that children’s racial prejudices are heightened between ages 4-7 (Raabe & Beelmann, 2011). Thus, it is only white children who have the luxury of racial ignorance, and white ignorance here serves to uphold that privilege from the very earliest stages of education.

A race-evasive and childist system works to regulate and normalise problematic notions of racial inferiority and a flawed sense of racial superiority that maintains a system of White privilege (Priest et al., 2014). In the process, it sustains a flawed belief and assumption that children “do not see race and are racially innocent”. Yet, numerous research studies (Iruka et al., 2021; Raabe & Beelmann, 2011) have reaffirmed that children see and react to varying markers of racial differences and that they develop racial identity from an early age when they notice, for example, skin colour differences, hair texture, and form a connection with others who share similar cultural heritage, worldview, language, and behavioural dynamic. Although children may not immediately attribute value to skin colour differences until they are much older and have been socialised into believing the concepts attached to racialised bodies, from an early age, they can interpret racially coded messages, behaviours, interactions and responses in the setting. Children learn about racial differences from subtle, implicit and non-verbal racial cues around them, and in the process, they develop racial awareness and consciousness. This is often reinforced in books written

for children that are often shrouded in “nostalgic language” and principally subjective in the matter of whose stories are told. Anti-blackness, for example, can be seen in the omission of Black people, misrepresentation or dehumanising characterisation of Black people, or the perpetuation of myths or stereotypes’ (Spencer, 2022, p.13).

Childhood as an identity construct is produced and maintained through the rhetoric of “protection”, which justifies perceived protective practices and policies that position children as “at risk” of being corrupted by adults and “passive” subjects of an unequal social structure, which often work against their agency. Alderson and Morrow (2020) argue that whilst protection is crucial, “over-protection can lead to children being treated as passive objects of concern rather than as active moral agents in their own right”, and they further highlight the dangers of silencing children and ending their hope of influencing policy and practice. The regime of overprotection seems to emanate from the romantic discourse of childhood that also operates from a deficit orientation and as an exclusionary form of social practice. It is linked to Western ideals of childhood innocence and its intersection with developmental discourses that function as regimes of truth (Foucault, 1980) to inform the exclusion of children from conversations of race and racism due to perceived racial innocence. But childhood innocence is a racialised and contested privilege. As argued by (Bernstein, 2011):

Ever since innocence entangled with childhood, that connection has always been raced. It was not just any childhood; it was specifically white childhood that was entangled with innocence. This entanglement was a way of excluding non-white children from innocence and from childhood.

The erasure of race within the Ofsted Inspection Framework and EYFS documents can be viewed as protection for white children’s innocence and fragility which diverges from the interests, and indeed safety, of racialised children. As an embodiment of innocence, White children in Early Years are protected from feelings of discomfort, shame and guilt, and the ethics of care for racialised children is avoided (white ignorance). In an “anti-woke” statement, the then equalities minister, Kemi Badenoch, commented that the teaching of race ideology in schools is “absolutely terrifying”, insisting that teachers should not teach their “white pupils about white privilege and inherited racial guilt” (Swirling & Turner, 2022, online). This white ignorance is perpetuating harm onto Black children through avoiding acting on racism unless it converges with their interests for example, in enforcing a more homogenised and standard English in order to prepare children for the labour market. This sustenance of wilful ignorance on matters of race often results in “silenced dialogue” and cover-up of structural racism in Early Years which is a form of school sanctioned violence and gaslighting. The classroom becomes a contested, volatile and constraining environment for racially minoritised children who are not accorded the privilege of “innocence” even though they experience direct and indirect racism. As in the example from Albert (2021) where ethnically minoritised children were experiencing less care and less warmth in Early Years institutions, and in MacNevin & Berman (2017) where children internalised racism and externalised it in their choice of white dolls. Black children, therefore, often carry this “troubled knowledge” of racial injury that perpetuates feelings of racial inferiority and self-hatred.

Contrary to Badenoch, the Early Years Coalition (2021, p.38) asserts that:

Attitudes are learned early and ingrained. We may have to search deeply for the reasons why we believe what we believe or feel what we feel; and how this affects the way we think about and behave towards other people and their children, particularly those who are from a different ethnic background. The impact of racism will be experienced and acknowledged or denied by all of us in very different ways according to our background, culture, ethnicity and colour [...] The denial of institutional racism – the way schools and/or local authorities as institutions exclude or discriminate against particular groups – is the single most destructive element in the education of Black children and young people.

Educators play a key role as agents of racial socialisation that can determine the messages children are exposed to. What educators know, do and believe children are capable of learning informs their practice. Their onto-epistemological positioning, (system of knowing, being and doing) remains crucial to the possibility of exposing children to positive conceptions of race in ways that can foster children’s racial awareness. Often, conversations about race and explorations of antiracism produce feelings of discomfort and are often perceived as not developmentally appropriate, difficult and an unnecessary inconvenience

for White children. But as posed by Berlant (2022, p.8):

If there is an inconvenience drive, can the consciousness of it become a resource for building solidarity and alliance across ambivalence, rather than appearing mainly as the negative sandpaper of sociality?

Consciousness of the perceived “inconvenience” is, therefore, critical for enabling educators to attend to relational encounters in the classroom in ways that challenge perceptions of colour invisibility. This must be supported by an anti-bias education that advocates for dialogue on issues of discrimination and oppression in order to equip children with the tools to identify and challenge unfairness, stereotypical values and beliefs and the production of prejudicial understandings of race. It calls for educators to intentionally advocate for children in ways that cultivate understanding and help children find comfort in discomfort to enable productive engagement with race and difference (Walters & Jansen, 2022).

### **Critical Analysis of EYFS & Ofsted, with a Comparative Exploration of Birth to 5 Matters**

This section is divided into three parts guided by CRT examining interest-convergence and white ignorance, and Gillborn’s (2005) framework of priorities, beneficiaries and outcomes. Our analysis of the documents in relation to race is guided by these questions; who or what is driving education policy? Who are the beneficiaries? What are the outcomes?

#### **Priorities; Who or what is driving education policy?**

It is important to consider the authorship of regulatory documents for the Early Years sector because this indicates something about the priorities of such guidance. The EYFS was developed by the Department for Education in order to standardize the Early Years sector, and despite the many private provisions, to bring it more in line with the way in which schools are regulated. A number of experts were involved in the original inception of the EYFS, for example, Grenier (2013), Stewart (Early Education, 2020) and Palaiologou (2012) and whilst they have substantial expertise in different areas of Early Years education and development, it is telling that none of the authors have any expertise or publications in equalities, diversity and inclusion, let alone race and anti-racist practice. It can be argued that the (un)intentional avoidance of addressing race and racism reflects racial indifference or white ignorance. In part, this explains why policies fail to address disparities in children’s educational outcomes when the interests of racialised children do not converge with those of White people and as such are neglected (See Bell, 1980). Grenier (2013), for example, wrote a doctoral thesis on, “How Early Years practitioners, working in socially disadvantaged neighbourhoods, developed their theories about children’s learning and their role as educators during a programme of support and professional development”, but there is no mention of race, despite the fact that most racially minoritised groups are more likely than white people to live in such neighbourhoods (HM Gov., 2020). Further, Palaiologou(2012) has edited a book on ethical practice with young children, and writes about the need to understand the social context of children for example in Haringey, but does not reference the fact that this is one of the most ethnically and racially diverse areas in the country and that racism thus contributes to the disadvantage. It is thus evident that anti-racist practice with any specificity is not a priority of the EYFS, which is confirmed by its total lack of reference to race.

The Ofsted Inspection Handbook, and Inspection frameworks are written by His Majesty’s Chief Ofsted Inspector, who at the time of the latest frameworks, was Amanda Spielman. Spielman was privately educated, and moved from a finance career into education leadership. In 2018, she was criticised for supporting uniform policies described by the National Education Union as, “naked racism dressed up as liberalism” (The Guardian, 2018). Spielman also oversaw the changes to the most recent iterations of the Ofsted inspection framework and handbook which represented a neoconservative shift to the right in that “cultural capital” supplanted reference to cultural diversity (Wilson-Thomas & Brooks, 2024). Which, as previously argued, is potentially motivated by economic decline and interest divergence which means multiculturalism is no longer supporting white supremacy. This shift also demonstrates that Ofsted regulatory documents are no closer to prioritising equalities issues such as anti-racist practice in the Early Years, and indeed penalise those who specifically do so (Ofsted, 2021). As with the EYFS neither Ofsted document mentions race, and no Ofsted nursery inspection reports use the word race. Thus, race and

racism are not a priority of such inspections, in spite of the structural racism impacting young children. In fact, only one primary inspection (out of 15196) report mentions the word “race” and this is only in reference to it as ambitious vocabulary taught to children (Ofsted, 2025). Thus, the understanding of race and racism is limited in the authorship of Ofsted regulatory documents, and it is thus not a priority.

In contrast, Birth to 5 Matters was written by a coalition of Early Years practitioners, in a collaborative way. Interestingly, Birth to 5 Matters was led by Nancy Stewart who was also involved in the early iterations of the EYFS, and who argues that the EYFS should not simply be followed but should be interpreted in line with practitioner values (Early Education, 2020). Ofsted fundamentally disagree with this perspective, as inadequate Ofsted inspection reports often specifically write about the extent to which the EYFS has been followed coherently (Ofsted, n.d; Ofsted, 2024b), and practitioners complain of the lack of dialogue. Stewart (Early Education, 2020) squarely places Birth to 5 Matters as guidance for the Early Years sector in respect of the skills, expertise and experiences of those working in the sector, and expresses that the basis for this guidance is values, and continuously developing reflective practice. The coalition of authors included Liz Pemberton (The Black Nursery Manager) and Shaddai Tembo (Early Years Expert at Bath Spa University) who have practical experience, expertise, and lived experience of racism and anti-racist practice. Pemberton (Barnardos, 2024) provides guidance to the sector about how to actively and specifically enact antiracist practice in nursery settings. In Birth to 5 Matters (Early Years Coalition, 2021, p.25), amongst specific guidance on engaging with other protected characteristics, it explicitly states that, “talking about race is a first step in countering racism”. The priorities of this ground-up sector guidance are therefore starkly different from the top-down regulation, in that the authorship includes those with an understanding of anti-racist practice, and articulates the extent of the need for this in the Early Years sector.

### **Beneficiaries**

The beneficiaries of the education system in England are hierarchised, and in relation to race and ethnicity this hierarchy is particularly stubborn, as demonstrated in Gillborn’s (2005) analysis. Educational outcomes at GCSE are clearly racially differentiated on average, and taking the intersection of class into account this status only worsens the picture (Demie & McClean, 2017). There is also indication that this difference begins in the Early Years. The Early Years Foundation Stage Profile, which assesses children’s progress across six areas of learning and development, suggests that a disproportionate amount of Dual Heritage, Black African and Black Caribbean, as well as Gypsy Roma children, are doing comparatively worse than other children (HM Gov., 2024). Further, White children make up the majority of the beneficiaries of Early Years education and care simply because of the cost and access. For example, the “free funded places” implemented by successive governments in the U.K have been underfunded resulting in increasing closures. Nearly 40% of these closures were in areas deemed to be the most deprived in the country (National Day Nursery Association, 2024b), therefore lacking other Early Years provision, and the most deprived areas of the country are those in which the majority of racially minoritized families live (Office for National Statistics, 2020). Ofsted currently have 47 Early Years settings rated as “inadequate” which means they must close, and all but 7 of these are in areas in which deprivation affects more than 50% of the households (See publicly listed Ofsted reports). Yet Ofsted judgements, particularly in the Early Years can be crude, and they have faced criticism from both parents (BBC, 2025b) and practitioners (House of Commons Education Committee, 2011; Perry et al., 2023).

Ofsted, and the EYFS are part of a top-down regulatory structure which places Early Years practitioners at the bottom of a hierarchy, and they are disempowered by this positionality. The EYFS, and Ofsted, in judging settings, disempower practitioners from using their context-based experiences, their praxis, as they are positioned as vulnerable in relation to such structures; vulnerable to one-word judgements, closure and erasure. For example, Early years practitioners feel that this negatively impacts their own wellbeing (Butler, 2025; Mikuska, 2023). Further, Bradbury (2013, p.207) argues that “the EYFS is an example of the child as the subject of a political intervention”. The power in this regulation should not be ignored, and in never stating the word “race” the EYFS and Ofsted makes it a taboo subject. This taboo makes Early Years settings an unsafe context for voicing ‘race’ as there is no guidance on, nor

“permission” to do so, within this top-down dominated field. If race and racism are taboo subjects where does this leave children in terms of racial consciousness and development of identity? In MacNevin and Berman’s (2017) study, they found that preschool girls routinely rejected black dolls to play with, demonstrating the extent of the internalised racial hierarchy even at a young age. As previously argued, it is harmful, and represents a moral and ethical neglect of children in the Early Years in failing to support the development of anti-racist society, which is worsened when white children are also not educated to be racially conscious and antiracist. Racially minoritized children are not the beneficiaries of such silencing guidance which does nothing to combat the structural racism and biases which lead to an increased risk of internalising a racial hierarchy with White people at the top (see MacNevin & Berman, 2017; Ravindran & Benitez Castro, 2024). When the EYFS remains silent on specifically stating and identifying ways to combat racial discrimination, to the extent of never stating race, it represents white ignorance to this inequality and racially minoritized children will not be true beneficiaries of Early Years education and care in England.

In contrast, Birth to 5 Matters troubles the top-down approach to education (Farini & Scollan, 2022) and aims to guide Early Years practice from the ground-up by valuing both the practitioners and the children in all their diversity. As part of this, Birth to 5 Matters is more explicit and intentional in talking about race, and thus there is more opportunity for racially minoritized children to be the beneficiaries of this approach. As stated in Birth to 5 Matters, talking about race is a first step to countering racism (Early Years Coalition, 2021, p.27); naming rather than silencing goes a long way in developing antiracist practice in Early Years. This practice requires a willingness to think and act with care (Noddings, 2002, 2003).

Practitioners should share their willingness to challenge stereotypes and misunderstandings as they arise in play, conversation, books or other contexts – whether about communities, families, languages, gender, special educational needs, disabilities, race, ethnicity, faith or cultures. Settings can value the diversity they hold. Practitioners themselves carry a wealth of knowledge from their own diverse backgrounds that should be celebrated (Early Years Coalition, 2021, p. 25).

A willingness which requires both knowledge and permission from the regulatory context in order for it to be enacted. On this, Birth to 5 Matters (Early Years Coalition, 2021, p.25) is emphatic:

It is a mistaken assumption that treating all people in the same way and ignoring differences in race is a sufficient response to racism. This approach simply allows the continuation of bias in society which disadvantages people from black and minoritised groups.

In contrast, the EYFS (p.8) uses the language of “equality of opportunity” which is evasive in terms of addressing the inequalities that might make it difficult to benefit from “opportunities”. Further, Ofsted have removed “equality of opportunity” from the Inspection Handbook and replaced reference to it with reference to developing cultural capital (see Wilson-Thomas & Brooks, 2024), which diverges further from specifically addressing experienced structural racism as a barrier to being a beneficiary of the education system. Thus, Birth to 5 Matters is more progressive than Ofsted and the EYFS in terms of developing a context in which racially minoritized children can potentially be the beneficiaries of Early Years education and care. However, we are unable to evidence this as there is currently no research evaluating these practices from the perspectives of children, ultimately due to how little is currently enacted, and how little academic attention is paid to anti-racist practice in the Early Years.

## Outcomes

In terms of policy priorities, race equity has been at best a marginal concern, at worst non-existent [...] in key respects, Black students’ position is no better than it was when the whole reform movement began in the late 1980s (Gillborn, 2005, p.496).

Access to quality education and care is stated as a global priority (See UN Sustainable Development Goals) particularly for the most disadvantaged children, and yet one of the outcomes of the regulatory documents herein may be that racially minoritized children simply do not access early childhood education and care. Cultural deficit perspectives (Valencia, 1997) which pervaded much of early education research framed this disadvantage as familial and individualised, and the structural causes were neglected. Whilst policy research argues that this lack of uptake is due to lack of knowledge regarding access in ethnically minoritized groups (Mendizabal-Espinosa et al., 2024), arguably it is more about the lack of intentionality

and articulation of anti-racism in policies, and thus practice, which impacts the wellbeing and safety of children. A fear which is substantiated in recent report from the government (HM Gov., 2025a, p.4) which clearly articulates how the white wilful ignorance regarding race has led to harm for Black and dual heritage children:

This report highlights that some progress has been made in understanding how race, ethnicity and culture can inform practice responses to children and families. However, our analysis reveals too few examples of these issues being considered in any depth or specificity. This indicates that there is a need to surface and challenge why there is such systemic silence and reticence in addressing and confronting these issues. It is clear too that more work is urgently needed so that safeguarding leaders and practitioners consistently consider, understand and take account of children's identity and heritage.

There is a need to be specific, and yet the EYFS is also silent on race and anti-racist practice. Indeed, following the critical pedagogy of hooks (1994), or the "Funds of Knowledge" perspectives explored by Hogg and Volman (2020) the deficit perspective can be challenged to demonstrate that this is a structural rather than individualised issue and as such requires structural changes. The previous EYFS (Department for Education, 2022) did cite "diversity" but Tembo and Bateson (2024) have argued that this language can be a way to ignore the specific context of race and the racialised hierarchies that structure our society and impact children and actually aligns a cultural deficit perspective. However, the current EYFS does not even mention diversity once, and now makes reference to "understanding the world":

Through adult modelling and guidance, they will learn how to look after their bodies, including healthy eating, and manage personal needs independently. (Department for Education, 2024a, p.9)

Know some similarities and differences between different religious and cultural communities in this country, drawing on their experiences and what has been read in class. (Department for Education, 2024a, p.15)

Yet it is unclear how a majority white workforce, without guidance and training, will positively model this for children for whom the racial bias of the social world around them provides continually negative messaging about the value of their raced body. Unlike Birth to 5 Matters the language of the EYFS is not specific in understanding the context of disadvantage experienced by racially minoritised children, and this white ignorance creates a potentially harmful context for children which we have an ethical imperative to address.

On the 3rd of February 2025, Ofsted announced that they are in the process of drawing up new measures of inclusion to be used in the inspection framework and launched a consultation to deliver "fairer inspections" (HM Gov., 2025b). The renewed Ofsted focus on inclusion is a welcome development. That said, we argue that as long as the Ofsted Inspection Framework remains race-evasive and fails to explicitly address race, the racial trauma experienced by racially minoritised children will continue to be overlooked and sanitised. We also argue that "inclusion" as a term and concept is problematic and not innocent as it is imbued with multiple underlying ideologies and meanings that often obscure historical challenges and power relations. The "includer" assumes a position of power and authority to determine who is "included" and on what terms, which ultimately means only when interests converge with those of the powerful. This creates a hierarchy of relations by default where racially minoritised children are categorised and positioned differently regardless of efforts to make them feel welcome and "belong". The Ofsted (2023) inspection guidance 'Inspecting teaching of the protected characteristics in schools' again, does not mention race, but does identify other protected characteristics. However, despite the fact that only 22 years ago in the UK under section 28 (Law Society, 2025), it was illegal to discuss LGBTQIA+ people in an educational setting the inspection guidance does specifically address LGBTQ+ communities, as it should, but it is telling that they have once again omitted race.

The new, Ofsted Inspection Framework (Ofsted, 2023) does emphasise the provision for cultural development, "understanding and appreciation of the range of different cultures in the school and further afield as an essential element of their preparation for life in modern Britain". However, the issue is how Ofsted defines "quality of education", which is further complicated by the confusion between how Ofsted "measures as quality" and what is "experienced". "Quality" is so often entrenched in neoliberal logic with a focus on marketisation, efficiency, increased accountability and globalisation privileging the market over

citizenship, equity and social justice (Archer, 2024; Baltodano, 2017;). This is evidenced for example, in the unfavourable Ofsted judgement of a school which focussed, in their opinion, too heavily on issues of social justice (Ofsted, 2021) over what Ofsted deemed to be more important. Again, without specifically recognising and addressing the disadvantaged context within the education system for racially minoritised children it is likely that they will continue to be low on the list of beneficiaries and that a racist structure will persist (see Bell, 1992 on the permanence of racism). As argued by Biesta (2014, p.49) the challenge is whether we are indeed measuring what we value, or whether we are just measuring what can easily be measured so that we end up in a situation where we value what we can measure or what has been measured to the detriment of racially minoritised children.

Early Years Alliance (2021, p.25) however, is specific about addressing race and structural racism through Early Years practice:

Practitioner training is an important step toward opening dialogue and developing understanding about white privilege, systemic racism, and how racism affects children and families in Early Years settings. It is also time to challenge the widespread notion that “children do not see race” and are colour blind to difference. When adults are silent about race, children’s racial prejudice and misconceptions can be maintained or reinforced. Encouraging dialogue and conversation about difference can evoke children’s strong sense of fairness and break down false assumptions about everyone being able to succeed on their merits, so that children recognise racist behaviours and develop antiracist views.

Whilst Birth to 5 Matters refer to “colour blind”, in this article, following Annamma et al. (2016) we use race-evasive to highlight race but also to avoid the ableism and disability microaggression inherent in the term. This guidance is at least clear on what the issues around race are for young children, they name the problem, and indicate what can be done about it. Pemberton, one of the contributory authors to Birth to 5 Matters, actively contributes to attempting to reduce the inequities of the Early Years context for children regarding race, by offering specific training and guidance (see Barnardos, 2024). It is also clear that practitioners in the sector do welcome this, and utilise the guidance of Birth to 5 Matters (Gaywood, n.d.), in spite of the top-down backlash against it (Daily Mail, 2021; The Guardian, 2024). Whilst evaluations of the impact of anti-racist Early Years practice are currently absent from the literature, it is clear from the continual disadvantage being experienced by racially minoritized children that being silent or evasive on matters of race and racism are not having a positive impact. In this sense then, the specificity of the ground-up guidance of Birth to 5 Matters, represents a different approach from the top-down regulatory documents of the EYFS and Ofsted, where there is greater potential to address racialized inequality and to increase the number of racially minoritized children being beneficiaries of Early Years education and care.

### **Concluding Thoughts**

As we draw to the conclusion of this paper, we find it strikingly ironic that the sole reference to race in any Ofsted inspection report was to commend children’s use of the term as an indicator of linguistic proficiency rather than to engage with the social and structural significance:

The school has placed emphasis on the importance of remembering important knowledge and subject-specific vocabulary. This begins at an early stage, for example Year Two pupils are taught important vocabulary such as ‘prejudice’ and ‘race’. (Ofsted, 2024c, p.2)

This very same regulatory framework has erased the term “race” and racism from their own vocabulary. In this paper we analysed the top-down regulatory documents (Ofsted, EYFS), and ground-up guidance (Birth to 5 Matters) shaping Early Years practice in England using Gillborn’s framework for making sense of Critical Race Theory (CRT) in policy analysis to scrutinise the priorities, outcomes and beneficiaries. We undertook this work in recognition of influence that top-down regulation exerts on educational practice (Tembo & Bateson, 2024), and out of concern for the systemic and conspicuous absence of explicit references to race, racism and anti-racist practice, this absence is deeply troubling given the ways in which this contributes to perpetuation of structural racism, anti-blackness and the resulting harms inflicted on children.

Whilst protected characteristics are identified and expanded upon to some extent in advisory

documents there is the notable exception of race (Ofsted, 2023), and as such, race is being sustained as a taboo subject. Therefore, the top-down regulatory documents make the Early Years context an unsafe space for any discussion of race; there is no permission to even say it because they do not write it. As highlighted by Gillborn (2005) the approach to race in Britain under Margaret Thatcher was to ignore any specificity, and is still relevant to the regulatory context today. The lack of specificity in relation to race and racism in the top-down regulatory documents demonstrates this, therefore, in terms of priorities we can understand this as a desire to move on from any discussion of racialised disadvantage (historic or present) in favour of prioritizing a present assumed to be colour neutral, which ultimately prioritizes whiteness. This colour-evasive approach assumes a fair playing field and a level start, which, as evidence shows, is not the case, so those with advantages will continue to have advantages, a white ignorance which means prioritising white families and children in the Early Years over racialised children and families in the Early Years unless interests converge.

Andrews (2018) argues that the more explicit racism of the current context of Post-Brexit Britain, and Trump's US presidency(ies) actually offer an opportunity to make the racism visible again, in ways that may afford renewed activism against the colour-evasive approach of the recent past which white-washed the specificities of racism thus denying opportunities for anti-racist practice by hiding it in a more general diversity rhetoric. Therefore, the approach of Birth to 5 Matters, in directly addressing the need for anti-racist practice in the Early Years, and how to engage with this, is an apt and timely opposition to the silencing top-down regulations. Exclusionary practices are further perpetuated by the dominance of specific forms of knowing that form part of the canon in Early Years whilst marginalising and inferiorising discussion about race. The relegation of race and racism to "that racism thing" (Briscoe and Khalifa, 2013) creates a flawed disengagement from not only reality but also from the lived realities of racially minoritised children. It would be naive to consider privileged cognitions as removed from social norms, biases, and the unfounded value systems that have systematically prioritised white middle-class families and Ethnocentric epistemology. Myths of the "ideal learner" perpetuate majoritarian discourse and uphold normative perceptions of the "ideal child", with "ideal cognitions", and this ideal educated person is "initiated into whatever forms of knowledge exist in society at that time" (Martin, 1981, p.101). Cognitive justice is not possible within such epistemological constraints built upon the very same foundations which dispossess, oppresses and suppresses where dispossession works through violence and precarity to continually sort those who are permitted to take place and those who must take their proper place, a proper place of "non-being" (Tuck & Yang, 2014, p.13). The mystification of a post-racial and post-colonial society, white ignorance, guises the neoliberal and neo-colonial practices and processes which are built upon the very ideologies that are intended to oppress and erase. The naturalisation of "niceness" and colour-neutral approaches maintains the under-representation and marginalisation of racially minoritised children, without addressing neutralised racism or structural inequities (Liera, 2020) in ways which cannot be addressed by interest convergence alone.

In acting on the ethical need outlined herein to more directly address racism and its negative impacts on children in the Early Years here we offer recommendations for more racially just practice in the Early Years

- Create an intentional space for meaningful dialogic engagement between practitioners and top-down regulatory practices enacted by top-down regulatory documents
- Recognise the progressive nature, and value of, the ground-up guidance in the sector, created by people engaging on a day-to-day basis with the realities of inequalities.
- Make space to include the valuable knowledges of families and communities in regards to race
- Explicitly articulate the terminology of race, racism and anti-racist practice in guiding and shaping Early Years practice and the sector more widely.
- Providing quality Early Years education and care for all children includes directly addressing racism.
- Engaging a range of authors from diverse backgrounds (for example disciplinary, racial, linguistic, religious etc.) in the development of regulatory guidance for the Early Years sector

should be a priority.

We strongly affirm the progressive potential of the ground-up guidance in shaping practice. When coupled with an openness from top-down regulatory bodies to enact meaningful changes, we believe the Early Years education and care sector hold significant promise for advancing anti-racist practice and praxis. Such alignment between bottom-up and systemic reform of current top-down regulatory frameworks can create the necessary conditions for a socially and educationally just early years sector that nurtures hope and dignified futures for all children.

## Declarations

### *Authors' Declarations*

**Acknowledgements:** Thanks to Liz Pemberton for discussing her experiences of anti-racist practice in the Early Years.

**Authors' contributions:** All parts written collaboratively and equally between Juliette Wilson-Thomas and Josephine Gabi.

**Competing interests:** The authors declare that they have no competing interests.

**Funding:** No funding received for this research.

**Ethics approval and consent to participate:** Not applicable.

### *Publisher's Declarations*

**Editorial Acknowledgement:** The editorial process of this article was completed under the editorship of the thematic issue editors; Dr Sadia Habib, Dr Ümit Kemal Yıldız and Dr Mehmet Toran through a double-blind peer review with external reviewers.

**Publisher's Note:** Journal of Childhood, Education & Society remains neutral with regard to jurisdictional claims in published maps and institutional affiliation.

## References

- Akinde, A. (2020, August). I challenged my daughter's nursery on how it's tackling racism. *Huffington Post*. [https://www.huffingtonpost.co.uk/entry/challenged-my-daughters-nursery-on-anti-racism\\_uk\\_5f297630c5b68fbfc8883815](https://www.huffingtonpost.co.uk/entry/challenged-my-daughters-nursery-on-anti-racism_uk_5f297630c5b68fbfc8883815)
- Albert, A. (2021, July). Racism in nurseries: 'Black babies hardly picked up and left in dirty nappies for hours. *Day Nurseries*. <https://www.daynurseries.co.uk/news/article.cfm/id/1652649/Black-lives-matter-and-children-suffer-racism>
- Alderson, P., & Morrow, V. (2020). *The ethics of research with children and young people: A practical handbook*. Sage
- Alexander, C., Weekes-Bernard, D., & Arday, J. (Eds.). (2015). *The Runnymede school report: Race, education and inequality in contemporary Britain*. Runnymede Perspectives, London. [https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/617bccd5f0b573ea69b0b3f3\\_The%20School%20Report.pdf](https://cdn.prod.website-files.com/61488f992b58e687f1108c7c/617bccd5f0b573ea69b0b3f3_The%20School%20Report.pdf)
- Andrews, K. (2018). Beware the Northern Fox: Keeping a focus on systematic racism post Trump and Brexit. In A. Johnson, R. Joseph-Salisbury, B. Kamunge (Eds.), *The fire now: Anti-racist scholarship in times of explicit racial violence* (pp. 117-128.). Zed Books. <https://doi.org/10.5040/9781350225480.ch-011>
- Andrews, K. (2023). *The psychosis of whiteness: Surviving the insanity of a racist world*. Penguin
- Annamma, S. A., Jackson, D. D., & Morrison, D. (2016). Conceptualizing color-evasiveness: using dis/ability critical race theory to expand a color-blind racial ideology in education and society. *Race Ethnicity and Education*, 20(2), 147-162. <https://doi.org/10.1080/13613324.2016.1248837>
- Apple, M. W. (1999). The absent presence of race in educational reform. *Race Ethnicity and Education*, 2(1), 9-16. <https://doi.org/10.1080/1361332990020102>
- Archer, N. (2024). The development of Birth to 5 Matters guidance: reflections on the critical agency and collective advocacy of an English early childhood coalition. *Early Years*, 44(5), 999-1013. <https://doi.org/10.1080/09575146.2024.2387343>
- Bain, Z. (2018). Is there such a thing as 'white ignorance' in British education? *Ethics and Education*, 13(1), 4-21. <https://doi.org/10.1080/17449642.2018.1428716>
- Barnardos. (2024, December). *Building anti-racist foundations - Liz Pemberton and Barnardo's* [Video]. You Tube <https://www.youtube.com/watch?v=UMHY5AKkajg>
- BBC. (2025a, January). Trump puts all US government diversity staff on paid leave 'immediately'. BBC. <https://www.bbc.co.uk/news/articles/cgj288ywj23o>
- BBC. (2025b, February). Protest held against imminent closure of nursery. BBC. <https://www.bbc.co.uk/news/articles/c07kyzdmnn3o>

- Bell, D.A. (1980). Brown v. Board of Education and the interest-convergence dilemma. *Harvard Law Review*, 93, 518 – 33. <https://doi.org/10.2307/1340546>
- Bell, D.A. (1992). *Faces at the bottom of the well: The permanence of racism*. Basic Books
- Berlant, L. (2022). *On the inconvenience of other people*. Duke University Press. <https://doi.org/10.1215/9781478023050>
- Bernstein, R. (2011). *Racial innocence: performing American childhood and race from slavery to civil rights*. New York University Press.
- Biesta, G. (2014). Measuring what we Value or Valuing what we Measure? Globalization, Accountability and the Question of Educational Purpose. *Pensamiento Educativo. Revista de Investigación Educacional Latinoamericana*. 51(1), 46-57. <https://doi.org/10.7764/PEL.51.1.2014.5>
- Bonilla-Silva, E. (2018). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States* (5<sup>th</sup> Ed.). Rowman & Littlefield.
- Bradbury, A. (2013). *Understanding early years inequality: Policy, assessment and young children's identities*. Routledge. <https://doi.org/10.4324/9780203083185>
- Briscoe, F. M., & Khalifa, M. A. (2013). 'That racism thing': A critical race discourse analysis of a conflict over the proposed closure of a black high school. *Race Ethnicity and Education*, 18(6), 739–763. <https://doi.org/10.1080/13613324.2013.792798>
- Butler, L. (2025). *Early childhood practitioners' experiences of regulatory processes and their perceptions of how they affect their wellbeing in day nurseries: A small-scale exploratory study* [Unpublished doctoral thesis], University of East London.
- Crozier, G (2023). *Racism and education in Britain: Addressing structural oppression and the dominance of whiteness*. Palgrave. <https://doi.org/10.1007/978-3-031-18931-9>
- Cushing, I. & Snell, J. (2023a). Written evidence from Dr Ian Cushing and professor Julia Snell. [https://committees.parliament.uk/writtenevidence/122760/pdf/#:~:text=Cushing%20\(2022a%2C%202023a\)%20traces,%20\(Harford%202020\)%20and%20](https://committees.parliament.uk/writtenevidence/122760/pdf/#:~:text=Cushing%20(2022a%2C%202023a)%20traces,%20(Harford%202020)%20and%20)
- Cushing, I & Snell, J. (2023b). The (white) ears of Ofsted: a raciolinguistic perspective on the listening practices of the schools inspectorate. *Language in Society* 52(3), 363-386. <https://doi.org/10.1017/S0047404522000094>
- Daily Mail. (2021). Nursery teachers must teach toddlers about 'white privilege' so they can learn to 'develop anti-racist views', unions say. *Daily Mail*. <https://www.dailymail.co.uk/news/article-9434515/Nursery-teachers-teach-toddlers-white-privilege-unions-say.html>
- Daniel, V. (2023). *Anti-racist practice in the early years: A holistic framework for the wellbeing of all children*. Routledge. <https://doi.org/10.4324/9781003247807>
- Delgado, R., & Stefancic, J. (2023). *Critical race theory: An introduction*. NYU press. <https://doi.org/10.5040/9780567677655.0035>
- Demie, F., & McLean, C. (2017). *Black Caribbean underachievement in schools in England*. Schools Research and Statistics Unit, Lambeth, London.
- Department for Children, Schools, and Families. (2009). *Building futures: Believing in children a focus on provision for black children in the early years foundation stage*. [https://birthto5matters.org.uk/wp-content/uploads/2021/03/Believing\\_in\\_Children.pdf](https://birthto5matters.org.uk/wp-content/uploads/2021/03/Believing_in_Children.pdf)
- Department for Education. (2022). *Early years foundation stage statutory framework for group and school-based providers*. [https://content.govdelivery.com/attachments/UKCCC/2021/10/13/file\\_attachments/1964008/EYFSP\\_2022\\_Handbook\\_.pdf](https://content.govdelivery.com/attachments/UKCCC/2021/10/13/file_attachments/1964008/EYFSP_2022_Handbook_.pdf)
- Department for Education. (2024a) *Early years foundation stage statutory framework for group and school-based providers*. [https://assets.publishing.service.gov.uk/media/65aa5e42ed27ca001327b2c7/EYFS\\_statutory\\_framework\\_for\\_group\\_and\\_school\\_based\\_providers.pdf](https://assets.publishing.service.gov.uk/media/65aa5e42ed27ca001327b2c7/EYFS_statutory_framework_for_group_and_school_based_providers.pdf)
- Department for Education. (2024b). *Early years foundation stage (EYFS) statutory framework* <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2#full-publication-update-history>
- Early Education. (2020). *Birth to 5 Matters - Nancy Stewart speaks at the Childcare & Education Virtual Summit 2020*. [Youtube]. <https://www.youtube.com/watch?v=XIZBOYXRCU>
- Early Years Alliance. (2019). *Cultural capital in the EIF: What you need to know*. <https://www.eyalliance.org.uk/cultural-capital-eif-what-you-need-know>
- Early Years Coalition. (2021). *Birth to 5 matters*. <https://birthto5matters.org.uk/wp-content/uploads/2021/04/Birthto5Matters-download.pdf>
- Farini, F. & Scollan, A. (2022). The rise of the discourse on children's right of self-determination. The case study of Early Childhood Education and its construction of children as agents in education. *Language, Discourse & Society*, 10, 13-25.
- Farrell, F., & Lander, V. (2019). "We're not British values teachers are we?": Muslim teachers' subjectivity and the governmentality of unease. *Educational Review*, 71(4), 466-482. <https://doi.org/10.1080/00131911.2018.1438369>

- Foucault, M. (1980). *Language, counter-memory, practice: Selected essays and interviews*. Cornell University Press.
- Gabi, J., Olsson Rost, A., Warner, D., & Asif, U. (2023). Decolonial praxis: teacher educators' perspectives on tensions, barriers, and possibilities of anti-racist practice-based initial teacher education in England. *The Curriculum Journal*, 34(1), 83-99. <https://doi.org/10.1002/curj.174>
- Gaywood, D. (n.d.) *Why use birth to 5 matters*. <https://www.twinkl.co.uk/blog/why-use-birth-to-5-matters>
- Gillborn, D. (2005). Education policy as an act of white supremacy: whiteness, critical race theory and education reform. *Journal of Education Policy*, 20(4), 485-505. <https://doi.org/10.1080/02680930500132346>
- Glowach, T., Mitchell, R., Bennett, T., Donaldson, L., Jefferson, J., Panford, L., Saleh, A., Smee, K., Wells-Dion, B., & Hemmings, E. (2023). Making spaces for collaborative action and learning: Reflections on teacher-led decolonising initiatives from a professional learning network in England. *The Curriculum Journal*, 34, 100-117. <https://doi.org/10.1002/curj.186>
- Grenier, J. (2013). *"Helping me to notice more things in children's actions": How early years practitioners, working in socially disadvantaged neighbourhoods, developed their theories about children's learning and their role as educators during a programme of support and professional development* [Unpublished doctoral thesis], University of London.
- Habib, S. (2018). Fundamental British values: Moving towards anti-racist and multicultural education? In A. Johnson, R. Joseph-Salisbury, B. Kamunge (Eds.), *The fire now: Anti-racist scholarship in times of explicit racial violence*. (pp. 209-218). Zed Books. <https://doi.org/10.5040/9781350225480.ch-019>
- Hamel, E. E. (2021). Science starts early: A literature review examining the influence of early childhood teachers' perceptions of gender on teaching practices. *Journal of Childhood, Education & Society*, 2(3), 267-286. <https://doi.org/10.37291/2717638X.202123118>
- HM Gov. (2020). *People living in deprived neighbourhoods*. <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/people-living-in-deprived-neighbourhoods/latest/>
- HM Gov. (2024). *Early years foundation stage profile results*. <https://explore-education-statistics.service.gov.uk/find-statistics/early-years-foundation-stage-profile-results#dataBlock-6b5d8223-f9e1-4445-8e91-6c8273abb428-tables>
- HM Gov. (2025a). *It's silent": Race, racism and safeguarding children*. [https://assets.publishing.service.gov.uk/media/67cb0a9d5993d41513a45c5b/Race\\_Racism\\_Safeguarding\\_March\\_2025.pdf](https://assets.publishing.service.gov.uk/media/67cb0a9d5993d41513a45c5b/Race_Racism_Safeguarding_March_2025.pdf)
- HM Gov. (2025b). *Ofsted sets out proposals for fairer education inspections and new, more detailed report cards*. <https://www.gov.uk/government/news/ofsted-sets-out-proposals-for-fairer-education-inspections-and-new-more-detailed-report-cards>
- HM Government. (n.d). *About us*. <https://www.gov.uk/government/organisations/ofsted/about>
- Hogg, L., & Volman, M. (2020). A synthesis of funds of identity research: Purposes, tools, pedagogical approaches, and outcomes. *Review of Educational Research*, 90(6), 862-895. <https://doi.org/10.3102/0034654320964205>
- Home Office. (2021). *Revised prevent duty guidance: For England and Wales*. <https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales>
- hooks, b. (1994). *Teaching to transgress: education as the practice of freedom*. Routledge. <https://doi.org/10.3366/para.1994.17.3.270>
- House of Commons Education Committee. (2011). *The role and performance of Ofsted*. <https://publications.parliament.uk/pa/cm201011/cmselect/cmeduc/570/570i.pdf>
- Iannello, N. M., Camodeca, M., Gelati, C., & Papotti, N. (2021). Prejudice and ethnic bullying among children: The role of moral disengagement and student-teacher relationship. *Frontiers in psychology*, 12, 713081.
- Iruka, I. U., Gardner-Neblett, N., Telfer, N. A., Ibekwe-Okafor, N., Curenton, S. M., Sims, J., ... & Neblett, E. W. (2022). Effects of racism on child development: Advancing antiracist developmental science. *Annual Review of Developmental Psychology*, 4(1), 109-132.
- Joseph Rowntree Foundation. (2024). *Bangladeshi, Black African and Pakistani households at higher risk of very deep, long-term' poverty*. <https://www.jrf.org.uk/race-and-ethnicity/bangladeshi-black-african-pakistani-households-higher-risk-of-very-deep-poverty>
- Law Society. (2025). *Reflecting on the impact of section 28 and the fight for LGBTQ+ equality*. <https://www.lawsociety.org.uk/topics/lgbt-lawyers/the-impact-of-section-28-on-the-legal-profession#:~:text=Section%2028%20prevented%20local%20authorities,a%20threefold%20increase%20in%20harassment>.
- Liera, R. (2020). Moving beyond a culture of niceness in faculty hiring to advance racial equity. *American Educational Research Journal*, 57(5), 1954-1994. <https://doi.org/10.3102/0002831219888624>
- Louis, S., & Betteridge, H. (2024). *Let's talk about race in the early years*. Routledge. <https://doi.org/10.4324/9781003251149>
- Lynn, M., & Dixson, A. D. (2022). *Handbook of critical race theory in education* (2<sup>nd</sup> ed.). Routledge. <https://doi.org/10.4324/9781351032223>

- MacNevin, M., & Berman, R. (2017). The Black baby doll doesn't fit the disconnect between early childhood diversity policy, early childhood educator practice, and children's play. *Early Child Development and Care*, 187(5-6), 827-839. <https://doi.org/10.1080/03004430.2016.1223065>
- Male, T., & Palaiologou, I. (2016). *The Early Years foundation stage: Theory and practice*. Sage.
- Martin, J. R. (1981). The ideal of the educated person. *Educational Theory*, 31(2), 97-109. <https://doi.org/10.1111/j.1741-5446.1981.tb00954.x>
- Mendizabal-Espinosa, R., Bonhote, K., Ko, S. Y. J., & Dickson, K. (2024). *Increasing access to childcare for ethnic minority and disadvantaged communities*. London: EPPI Centre, UCL Social Research Institute, UCL Institute of Education, University College London. <https://doi.org/10.54454/24100105>
- Mikuska, E. (2023). Policy and governmentality of early childhood education and care in England. *Pedagoška Stvarnost*, 68(2), 123-128. <https://doi.org/10.19090/ps.2022.2.123-138>.
- Miller, C. (2019). *The importance of promoting diversity in early childhood programs*. <https://infantcrier.mi-aimh.org/the-importance-of-promoting-diversity-in-early-childhood-programs/>
- Mills, C. (2015). Global white ignorance. In M. Gross, and L. McGoey (Eds.), *Routledge international handbook of ignorance studies* (pp. 217-227). Routledge. <https://doi.org/10.4324/9781315867762-27>
- National Day Nursery Association. (2024a). *Ofsted nursery inspections guidance*. <https://ndna.org.uk/ofsted-in-early-years/#:~:text=Nursery%20Ofsted%20Inspections,an%20inspection%20at%20any%20time>.
- National Day Nursery Association. (2024b). *Nurseries continue to close as government-funded childcare expands*. <https://ndna.org.uk/news/nurseries-continue-to-close-as-government-funded-childcare-expands/>
- Noddings, N. (2002). *Starting at Home: Caring and social policy*. University of California Press. <https://doi.org/10.1525/9780520927568>
- Noddings, N. (2003). Is teaching a practice? *Journal of Philosophy of Education*, 37(2), 241-251. <https://doi.org/10.1111/1467-9752.00323>
- Nursery World. (2023). *Exclusive - nursery world Ofsted survey: Hundreds of nurseries and childminders report stress and sleepless nights before inspections*. <https://www.nurseryworld.co.uk/content/news/exclusive-nursery-world-ofsted-survey-hundreds-of-nurseries-and-childminders-report-stress-and-sleepless-nights-before-inspections>
- Office for National Statistics. (2022). *Child poverty and education outcomes by ethnicity*. <https://www.ons.gov.uk/peoplepopulationandcommunity/educationandchildcare/articles/childpovertyandeducationoutcomesbyethnicity>
- Ofsted. (2021). *Inspection of The American School in London*. <https://files.ofsted.gov.uk/v1/file/50178819>
- Ofsted. (2023). *Education inspection framework*. <https://www.gov.uk/government/publications/education-inspection-framework/education-inspection-framework-for-september-2023>
- Ofsted. (2024a). *Inspection handbook*. <https://www.gov.uk/government/publications/early-years-inspection-handbook-eif/early-years-inspection-handbook-for-ofsted-registered-provision-for-september-2023>
- Ofsted. (2024b). *Inspection of bobov primary boys school*. <https://files.ofsted.gov.uk/v1/file/50256500>
- Ofsted. (2024c). *Inspection of a school judged good for overall effectiveness before September*. 2024: Rose Wood Academy. <https://files.ofsted.gov.uk/v1/file/50266649>
- Ofsted. (2025). *Inspection of a school judged good for overall effectiveness before September*. 2024: Rose Wood Academy. <https://files.ofsted.gov.uk/v1/file/50266649>
- Ofsted. (n.d.). *Find an inspection report*. <https://reports.ofsted.gov.uk/>
- Palaiologou, I. (2012). Introduction: towards an understanding of ethical practice in early childhood. In I. Palaiologou (Ed.) *Ethical practice in early childhood* (pp. 1-12). Sage. <https://doi.org/10.4135/9781446250938>
- Perry, J., Bradbury, A., Calvert, G. & Kilian, K. (2023). *Beyond Ofsted: An inquiry into the future of school inspection*. <https://beyondofsted.org.uk/wp-content/uploads/2023/11/Beyond-Ofsted-Report.pdf>
- Priest, N., Walton, J., White, F., Kowal, E., Fox, B., & Paradies, Y. (2014). 'You are not born being racist, are you?' Discussing racism with primary aged-children. *Race Ethnicity and Education*, 19(4), 808-834. <https://doi.org/10.1080/13613324.2014.946496>
- Raabe, T., & Beelmann, A. (2011). Development of ethnic, racial, and national prejudice in childhood and adolescence: A multinational meta-analysis of age differences. *Child Development*, 82(6), 1715-1737. <https://doi.org/10.1111/j.1467-8624.2011.01668.x>
- Ravindran, T., & Benitez Castro, M. P. (2024). Possibilities and limitations of ethnoeducation: Rethinking antiracist pedagogies in a Colombian elementary school. *Pedagogy, Culture & Society*, 1-17. <https://doi.org/10.1080/14681366.2024.2438298>
- Spencer, T. (2022). Using children's literature to advance antiracist early childhood teaching and learning. *Issues in Teacher Education*, 31(2), 9-31.

- Swerling, G., & Turner, C. (2022, March 17). Teaching of race ideology in schools is 'absolutely terrifying', warns minister. *The Telegraph*. <https://www.telegraph.co.uk/politics/2022/03/17/ethnic-minority-success-stories-must-acknowledged-says-minister/>
- Tembo, S., & Bateson, S. (2024). Skin deep: A review of early childhood policy affordances for anti-racist practice in England and Scotland. *Journal of Early Childhood Research*, 22(4), 527-539. <https://doi.org/10.1177/1476718X241241140>
- The Guardian. (2018). Hijab ban attempt is 'racism dressed up as liberalism', teachers' conference told. *The Guardian*. <https://www.theguardian.com/education/2018/apr/01/attempt-to-ban-hijab-racism-dressed-up-as-liberalism-teachers-conference-told>
- The Guardian. (2024). 'It felt like a dictatorship': UK teaching experts hit out at government bid to cancel them. *The Guardian*. <https://www.theguardian.com/education/2023/sep/30/it-felt-like-a-dictatorship-uk-teaching-experts-hit-out-at-government-bid-to-cancel-them>
- Tuck, E. & Yang, K.W. (2014). Unbecoming claims: Pedagogies of refusal in qualitative research. *Qualitative Inquiry*, 20(6), 811-818. <https://doi.org/10.1177/1077800414530265>
- U.K Parliament. (2024). *Childcare workforce in England* <https://commonslibrary.parliament.uk/research-briefings/cbp-9948/#:~:text=Most%20of%20the%20workforce%20was,providers%20and%2082%25%20of%20childminders.>
- United Nations Convention on the Rights of the Child. (1989). *Convention on the Rights of the Child*. UN Treaty Series, 1577, 3-178.
- Valencia, R. R. (ed.). (1997). *The evolution of deficit thinking: Educational thought and practice*. Routledge.
- Walters, C. & Jansen, J. (2022) A Troubled Body of Knowledge: The Durability of Racial Science in Human Anatomy Research in South Africa. *Comparative Education Review*, 66(1), 1-18. <https://doi.org/10.1086/717451>
- Wilson-Thomas, J. & Brooks, R.J. (2024). Investigating Ofsted's inclusion of cultural capital in early years inspections. *British Journal of Sociology of Education*. <https://doi.org/10.1080/01425692.2024.2325542>