

WORCESTERSHIRE LEA

GUIDANCE FOR SCHOOLS ON RACIAL HARASSMENT - SUMMARY

- KEY BACKGROUND INFORMATION
- STEPHEN LAWRENCE INQUIRY REPORT
- “THAT LEAS AND SCHOOL GOVERNORS HAVE THE DUTYTO PREVENT AND ADDRESS RACISM”
- **Whilst not all schools will have significant numbers of ethnic minority pupils, it is important that all schools ensure that their ethos communicates positive messages to all pupils, all members of the wider society and to all potential visitors to school, including Travellers.**
- DEFINITION OF A RACIAL INCIDENT
 - a) “any incident in which it appears to the person reporting the incident and/or any other person that the incident involves an element of racial motivation”.
 - b) “any incident which includes an allegation of racial motivation made by any person”.
- GUIDANCE INCLUDES CATEGORISATION OF INCIDENTS
- A FRAMEWORK FOR A SCHOOL POLICY:
 - The Organisation of the School
 - The Curriculum
 - The Day to Day Behaviour of Staff and Pupils
 - Recognising Incidents and Suggested Actions
 - Supporting Victims
 - Dealing with Perpetrators
- The guidance includes :
 - An initial Investigation Sheet for school use only during investigation stage.
 - A Recording Form for confirmed instances of racial harassment for the school and the LEA.

WORCESTERSHIRE LEA GUIDANCE TO SCHOOLS ON RACIAL HARASSMENT

INTRODUCTION

Racial harassment is one form of racial discrimination.

Many Local Education authorities have issued in recent years guidance to schools on combating racial harassment, following publication of recommendations of the Home Affairs Racial Attack Groups and Lord Elton's report on discipline in schools.

Worcestershire LEA recognises the importance of providing guidance to schools on racial harassment. The Stephen Lawrence Inquiry Report included a number of references to education and some specific recommendations on education. The Inquiry is reported to have been informed of an enlightened development of anti-racist policies but "the evidence we had earlier heard about the racist attitudes of very young children was often confirmed during our public hearings".

The Inquiry Report recommended:

- codes of practice to create a comprehensive system of reporting and recording racist crimes and incidents to be adopted by the police, local authorities and others.
- steps to be taken to encourage the reporting of such incidents.

Particularly, in regard to education:

Recommendation 68: That LEAs and school Governors have the duty to create and implement strategies in their schools to prevent and address racism. Such strategies to include:

- that schools record all racist incidents;
- * that all recorded incidents are reported to the pupils' parents/guardians, school governors and LEAs;
- ** that the numbers of racist incidents are published annually, on a school by school basis; and
- that the numbers and self-defined ethnic identity of excluded pupils are published annually on a school by school basis.

* It is recognised that schools may determine that it is not necessary to report what it considers to be very minor incidents to parents.

** The Home Office has confirmed that there is no longer a duty on schools or LEAs to publish annually the numbers of racist incidents.

Recommendation 69:

That OFSTED inspections include examination of the implementation of such strategies.

Schools need to have procedures in place for being alert to, and dealing with, racially motivated incidents. These new guidelines are intended to offer schools, governors and staff, advice on developing and implementing a school policy on combating racial harassment as well as providing a means of recording any incidents of racial harassment.

GUIDANCE

Worcestershire LEA is committed to combating racism and acts of racial harassment and seeks to encourage a positive ethos that promotes racial justice and harmony.

The Race Relations Act (1976) makes it unlawful to discriminate on racial grounds in relation to education and training.

Section 71 of the Race Relations Act states that:

“It shall be the duty of every local authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need;

- a) to eliminate unlawful racial discrimination;
- and
- b) to promote equality of opportunity and good relations between persons of different racial groups”

Multi-agency groups in Worcestershire have adopted the definition of a racial incident which is in line with the McPherson report.

- a) any incident in which it appears to the person reporting the incident and/or any other person that the incident involves an element of racial motivation.
- b) any incident which includes an allegation of racial motivation made by any person.

“Racial” means of any race, nationality, colour, or ethnicity.

This definition is designed to ensure that not only is a full account taken of what the victim says, but also account is taken of the perceptions of those who may have witnessed the incident or reported it on behalf of another person.

It may also be helpful to consider racial harassment as having two elements:

[Commission for Racial Equality]

- “Violence which may be verbal or physical, and which includes attacks on persons as well as on property, suffered by individuals or groups because of their race, nationality, colour or ethnicity, when a victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism.”
- “Interference with the peace or comfort or safety of any person on the grounds of their race, nationality, colour or ethnicity. This includes incidents of racist graffiti and the use of offensive gestures.”

The following checklist of incidents may be helpful to schools and should be used in the return to the Education Services Directorate.

- use of weapons (this may include, for example, laser pens or other articles capable of causing injury);
- actual/threat of physical assault, jostling, punching, hitting;
- verbal abuse – insults, racist jokes, derogatory name-calling, racist comments in the course of discussion, ridicule;
- bringing racist materials into schools/wearing racist badges or insignia;
- refusal to cooperate with other people because of their race, ethnicity, colour or nationality;
- offensive gestures;
- written derogatory remarks, including graffiti;
- abuse of personal property;
- attempts to recruit for racist organisations or groups;
- incitement of others to behave in a racist way.

Schools may consider that this list is not exhaustive in which case it will be helpful if for recording purposes details are provided in the box marked “other”.

The Ethos of the School

Whilst not all schools will have significant numbers of ethnic minority pupils, it is important that all schools ensure that their ethos communicates positive messages to all pupils, all members of the wider society and all potential visitors to the school, including Travellers.

For racial harassment to exist within the school context, it is not necessary for the school or its staff to be racist.

However, the messages that the school communicates through its policies, the composition of its staff and governing body, or the composition of displays in corridors and classrooms, may not reflect the multiracial nature of its local community or wider society. Because of this, the school may appear unwelcoming to children of ethnic and other minority groups.

If the ethos of the school encourages a feeling of separateness in any child or parent, it is more likely that the child or parent will perceive themselves to be harassed than if they had been made to feel a full member of the school community.

There is a variety of ways in which a school can be made more welcoming, and less threatening to ethnic minority pupils, parents and other members of minority groups. Such strategies can be grouped in three broad, but not necessarily discrete, areas:

- the organisation of the school
- the school curriculum and its implementation
- the day to day behaviour of staff and pupils

Below are some practical suggestions in relation to these three areas which schools might wish to consider.

1. The organisation of the school

- i) The school must have a written racial equality policy (either a separate policy or a distinct section within a broader equal opportunities policy).
- ii) All school policies and actions should reflect the need to eliminate racial harassment.
- iii) Racial equality should be included as an explicit aim in all of the school's policies so, for example:
 - (a) Signs and displays in the school should reflect the diversity of the pupils' communities eg. multilingual signs.
 - (b) Parents from all communities should be encouraged to be involved in the curriculum and social life of the school.
 - (c) The policy of the school should continually encourage recruitment from communities representative of the pupil population onto the staff and onto the Governing Body.
 - (d) All school staff should seek to foster individual self-esteem and sense of identity recognising and respecting each person's identity.

- iv) The school must have a policy for dealing with racial harassment which clearly sets out procedures for handling complaints and incidents.

2. The Curriculum

The General statement on Inclusion for the National Curriculum confirms that to ensure that the full range of pupils' needs are met, teachers should be aware of the requirements of equal opportunities legislation that covers race (as well as gender and disability).

- (a) All curricular and extra curricular activities should be available to all pupils regardless of their racial group;
- (b) All schools should ensure that curriculum resources reflect wider society as well as their local community.
- (c) Planning for pupils for whom English is an additional language should take account of factors such as pupil's length of stay in this country, previous educational experiences and their skills in other languages.
- (d) Achievement should be monitored across ethnic origin to avoid "setting" or "banding" mechanisms producing imbalances with respect to ethnic origin;
- (e) The curriculum should enable identification of the various forms of stereotyping, racial prejudice and bias, it should acknowledge that racism devalues society and that it can affect everyone in the school community;
- (f) Ethnic equality and ethnic diversity should be promoted and racism and discrimination challenged in all areas of the curriculum;
- (g) The curriculum should aid recognition of pupils having first languages other than English and the value that this contributes towards the learning of language in general;
- (h) The school environment should provide positive images and role-models in resources and displays which reflect the experiences and backgrounds of all children in our multicultural society;
- (i) Staff should critically examine existing resources in the school to ensure that stereotyped and outdated images and viewpoints of groups of people are not being perpetuated;
- (j) The curriculum should develop global dimensions which value black contributions to world culture and critically address issues of world development and interdependence; it is also important to ensure that, where possible, curriculum planning builds on pupils' interests and cultural experiences.
- (k) Children should feel confident to explore with teachers, issues of racism, harassment and equality in a range of personal, community and global contexts, and be involved in the development of strategies for promoting justice and challenging injustice; pupils should also be taught to take responsibility for their actions and behaviour both in school and the wider community.

- (l) Teachers should encourage co-operative and collaborative approaches to learning which ensure that children's religious, cultural and linguistic experiences are reflected upon and reflected positively in classroom work;
- (m) Schools should build positive links with community groups and use support agencies to the full to ensure that the multicultural dimensions to the curriculum are fully developed;
- (n) Teachers should have high expectations of all children and make known to them their confidence in their ability to achieve, ensuring that the contributions of all pupils are valued and ensuring that each child's individual learning and social needs are met.

The Day to Day Behaviour of Staff and Pupils

To be effective, a school policy on racial harassment must be developed within, and be supported by, the broader framework of school policies, particularly those on equal opportunities, the curriculum, behaviour and parental involvement.

The following principles of good practice are intended to help schools in developing their own procedures:

- Governors, staff, pupils and parents will need to be supported in understanding the underlying causes of racial harassment such as ignorance and fear and the ways in which it can be prevented.
- The school's policy on racial harassment is endorsed and adopted by the school's governing body.
- The school's governing body should ensure that:
 - ◆ it receives regular reports on the implementation of the policies and procedures;
 - ◆ it is kept informed of all racist incidents;
 - ◆ the LEA is informed of individual racist incidents and the number of allegations on an annual basis.
- The headteacher takes overall responsibility for the implementation of the policy on racial harassment.
- School development planning should provide for the regular review of its application of the racial harassment policy at senior management team meetings and governors meetings.
- It is important that a member of the school's senior management team is given responsibility for monitoring instances of racial harassment and for reviewing the effectiveness of the school's policies.

The school policy could include:

- **the school's basic principles and ethos, with a clear expression of each pupil's right to the best possible education, a statement of opposition to all forms of racism and racist behaviour and the intent to investigate all racist incidents and to take all investigations seriously;**
- how the school will develop practices to counteract racism and create educational opportunities for all pupils;
- the specific kinds of behaviour that are not acceptable and the procedures and sanctions that will be used to deal with their occurrence;
- the roles and responsibilities of all staff, for reporting and, where appropriate, dealing with racial harassment of staff who are responsible for monitoring and recording incidents, and of Governors in overseeing and monitoring the overall working of the systems;
- the arrangements for supporting and guiding both victims and perpetrators;
- sources of advice and support available to staff and the arrangements for providing them with information and training;
- arrangements for informing the whole school community of the relevant policies and for encouraging pupils, parents, governors and staff to contribute to their development and enactment;
- induction of all new staff – teaching and non-teaching - should include reference to policies and procedures and the identification of appropriate training for all staff;
- confirming the presence of anti-racism into relevant curriculum areas such as PHSE within the Citizenship framework.

Recognising Incidents and Suggested Actions

In instances where a member of staff is the alleged perpetrator, issues of confidentiality must be carefully considered. It is recognised that an investigation may need to take place within the anti-harassment and bullying or disciplinary procedures and could therefore potentially have serious implications for the member of staff.

Schools should make reporting easy so that staff and pupils know the systems and feel encouraged to use them. Clear procedures should be in place to ensure that racist incidents, racial discrimination and racial harassment are dealt with promptly, firmly and consistently.

- All staff should report incidents involving racism (including prejudice and stereotyping), racial harassment, and racist name-calling whenever they occur.
- Pupils should be encouraged to report all incidents involving racism, racial discrimination and racial harassment.
- A named teacher should have overall responsibility for dealing with such incidents and this teacher's role is widely publicised.

- All racist incidents and complaints against staff and against pupils are formally recorded.
- All reported incidents and complaints are investigated within a specified time period.

When investigating a potentially racist incident, it would be helpful for the member of staff to consider:

Do any of the participants perceive this as being racist?
 Do any of the witnesses perceive this as being racist?
 Is there any reason for considering this to be a racist incident?
 Was the incident intentional or unintentional?

In the case of serious incidents, schools will need to assess:

- whether the incident is of such importance that the whole school community needs to be informed
- whether teachers should explain the circumstances to pupils so as to reduce the danger of distortion and backlash through rumour
- whether all parents/carers should be informed.

Clearly where a member of staff is the alleged perpetrator, headteachers will need to consider, as above, the timing and content of information to be given.

Schools can contact the Anti-Bullying Coordinator to discuss potentially serious incidents. It is recognised that on occasions non-racial incidents can develop into having a racial element. Such incidents should be recorded.

Supporting Victims

Victims of racial harassment may well need immediate help from a member of staff. It may also be appropriate for the school to approach outside agencies for help and advice and/or to refer the victim for further support or counselling to, for example, Victim Support or the Worcestershire Race Equality Council or, in the case of victims who are members of staff, to the staff counselling scheme through Education Human Resources or their trade union representative. It may also be appropriate to make a referral to the police.

- A member of staff needs to explain the action taken and to express the attitude of the school towards such behaviour, giving the opportunity to the pupils to express their own concerns and feelings. The action taken may differ if the racial harassment appears to have taken place outside school.
- In serious cases, the Headteacher or deputy should meet the parents/carers of victims to explain the action taken and to discuss the matter with them and the appropriateness of action to be taken.

Again, when a member of staff is the alleged perpetrator, care will need to be taken to follow anti-harassment and bullying or disciplinary procedures as appropriate and that the details of any action to be taken against a member of staff cannot be shared with parents/carers.

Dealing with perpetrators

The school should have clear procedures for dealing with perpetrators or racist incidents and such procedures should be set out in any home – school agreement.

Of course it will be a matter for the individual school to determine its response to the perpetrators of instances of racial harassment.

Schools will need to consider:

- whether parents/carers should be informed of action taken within the school's behaviour/disciplinary code. As above, careful consideration of the interests of staff members need to be given at all times. This means that the details of any action taken against a member of staff cannot be shared with parents/carers.
- the perpetrator being sent to the appropriate senior member of staff to record the incident formally and to respond to the gravity of the incident
- reporting the matter to the police if necessary
- if the incident is of a particularly serious nature which could have repercussions outside the school, reporting the matter to the Education Services Directorate (PPSM)
- arrange appropriate counselling.

Schools may decide in the case of minor incidents that a 'light touch' response is appropriate. If, for example, a very young child uses an unacceptable word, but clearly does not have a full grasp of its meaning, the school may determine that it would be inappropriate for parents to be informed.

Schools will need to carefully consider what information, if any, needs to be placed on the child's file. Consideration should include the seriousness of the behaviour and the age and awareness of the child.

Where the alleged perpetrator is a parent and the alleged incident has taken place within school, the allegation should be discussed with the parent and if substantiated, it should be confirmed that such behaviour will not be tolerated.

Where the alleged perpetrator is a parent and the alleged incident has taken place away from school premises, it is recognised that this is likely to present the school with a potentially sensitive issue. The school will need to consider whether the matter can be discussed with the parent or whether it may be appropriate to refer the matter to the Police. Schools can contact the Anti-Bullying Coordinator to discuss such issues if that is considered helpful.

Recording and Monitoring

Recording and monitoring will help to establish a reliable school-wide picture and to assist the school in reviewing its range of responses. It is essential therefore that clear recording and monitoring procedures are in place. It may be appropriate to retain details of an incident on a pupil's file and to inform the school to which a pupil is transferring if there are issues outstanding either in regard to the victim or perpetrator.

The following categories are currently used for ethnic background.

- Black or Black British
- Black-African
- Black-Caribbean
- Black- Other (please specify)
- Asian or Asian British
- Bangladeshi
- Indian
- Pakistani
- Any other Asian
- White
- White-British
- White-Irish
- White - Gypsy
- Any other White
- Mixed
- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed
- Chinese
- Any other ethnic group (please specify)

A racial harassment investigation form for school use is attached as Appendix A. This sheet is to be used during an investigation into an alleged incident of racial harassment and is not to be returned to the Anti-Bullying Coordinator.

A racial harassment recording form for school use is attached as Appendix B. (to be copied to the LEA). This form is to be used when the investigation of an alleged incident of racial harassment has determined that such an incident did take place. A copy of the form must be returned to the Anti-Bullying Coordinator and should be signed by the Headteacher or other appropriate member of the school's senior management team.

The recording form is for use in regard to instances of racial harassment where the perpetrator is a pupil or member of staff.

