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Guidance for Schools on Racial Harassment

WHY SCHOOLS AND LEAs NEED A POLICY

The effects of racism have a damaging effect on pupils in schools. It damages their self-image, undermines their efforts to learn and leads to disaffection and low achievement.

Hereford is a rural community with few minority groups. However, the LEA acknowledges and supports efforts to combat racism in all its forms. Racism in rural areas has a long history and its effects are just as damaging as in more ethnically diverse communities. Travellers are the biggest ethnic minority in Herefordshire and, nationally, are regarded as being one of the most disadvantaged and discriminated against of all groups.

Recommendations of the Macpherson Report

The Stephen Lawrence Inquiry resulting in the Macpherson Report made the following recommendations:

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

There are some recommendations specific to education.

Recommendation 68

The 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 published annually, on a school by school basis; and
- that the numbers and self-defined ethnic identity of excluded pupils are published on a school by school basis.

Herefordshire Council recognises that the publishing of such information will need to be carefully addressed with schools. The government have not accepted the recommendation that LEAs should publish tables school by school. Rather schools will need to publish figures for their own parents.

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.

DEFINITION OF RACIAL HARASSMENT

The Stephen Lawrence Inquiry chose to adopt the following definition.

“A RACIST INCIDENT IS ANY INCIDENT WHICH IS PERCEIVED TO BE RACIST BY THE VICTIM OR ANY OTHER PERSON”

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

- 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.

[Commission for Racial Equality]

THE RESPONSIBILITIES OF LEAs

Herefordshire LEA is committed to combating racism and acts of racial harassment within the Education Service, whatever their origin. It seeks to encourage a positive ethos that promotes racial justice and harmony.

If a school requires advice or support, it should, in the first instance, contact the Manager of Pupil, School and Parent Support on 01432 260816.

The Race Relations Act (1976) makes it unlawful to discriminate directly or indirectly against someone because of his/her colour, race, nationality, ethnic or national origin. (This protection extends to Gypsy and Irish Travellers.) The Race Relations (Amendment) Act 2000 extends the duties on LEAs in addition to placing a statutory duty on other bodies, including Governing Bodies in schools.

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 discriminations and;
- (b) to promote equality of opportunity and good relations between persons of different racial groups”

In summary, the Race Relations (Amendment) Act 2000 requires that public bodies, including LEAs and schools, seek to avoid unlawful discrimination **before** it happens.

CATEGORISATION OF RACIAL HARASSMENT INCIDENTS

The following categorisation of racial harassment incidents may be helpful to schools and should be used when completing the Recording Sheet (Appendix A). When completed, the form should be copied to the Manager of Pupil, School and Parent Support, Education Directorate, P.O. Box 185, Hereford HR4 9ZR, Fax: 01432 260808.

The list comprises;

- verbal abuse – insults, racist jokes, derogatory name-calling, racist comments in the course of discussion, ridicule;
- actual/threat of physical assault, jostling, pushing, kicking;
- bringing racist materials into school/wearing racist badges or insignia;
- refusal to co-operate 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;
- use of weapons.

RECOGNISING RACIAL HARASSMENT AND SUGGESTED ACTION

Staff and pupils should know the systems for reporting, so that reporting is made easy and people feel encouraged to use them. Clear procedures should be in place so that incidents of discrimination and harassment are dealt with promptly and consistently.

When investigating potentially racist harassment, it would be helpful for the member of staff to consider the following points:

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

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

- whether or not the harassment is of such importance that the whole school community needs to be informed;
- whether or not teachers should explain the circumstances to pupils so as to reduce the danger of distortion and backlash through rumour (sometimes non-racist harassment can develop a racist element);
- whether or not all parents/carers should be informed.

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 the LEA or outside agencies for help and/or to refer the victim for further support or counselling.
- In serious cases, it may be appropriate to make a referral to an external agency such as the Police or victim support.
- An appropriate 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.
- 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.
- The action taken may differ if the racial harassment has taken place outside school.

DEALING WITH PERPETRATORS

Individual schools will wish to determine their response to the perpetrators of incidents involving racial harassment.

However schools may wish to consider:

- whether or not parents/carers should be informed of action taken within the school's behaviour/disciplinary code;
- whether or not to send the perpetrator to the appropriate senior member of staff to record the harassment formally;
- reporting the matter to the police;
- arranging appropriate counselling to avoid a repeat of the harassment;
- whether or not support is needed from the LEA by reporting the incident to the Manager of Pupil, School and Parent Support, Education Directorate, P.O. Box 185, Hereford HR4 9ZR, Tel: 01432 260816.

The seriousness of the harassment will determine the course of action to be taken from among the above possibilities.

Schools may decide that a 'light touch' approach is appropriate in some cases. Perhaps a young child has used an unacceptable word and clearly does not fully, or even partly, grasp its meaning. In such cases, the school may decide that it is inappropriate to inform the parents/carers.

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

Where the alleged perpetrator is a member of staff, then the investigation, and any subsequent action, must be taken within the LEA's agreed disciplinary procedures.

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 that clear recording and monitoring procedures are in place. It is therefore suggested that schools should use the forms provided (Appendices A and B) or similar forms which they have devised for themselves.
- Whatever forms are used by schools, copies of the racial harassment form should be sent to the Manager of Pupil, School and Parent Support (Fax: 01432 260808)
- It may be appropriate to retain details of racial harassment on a pupil's file and to inform the school to which a pupil is transferring if there are issues outstanding, either as a victim or perpetrator.
- The following categories are currently used for ethnic classification.

Bangladeshi	Chinese	White
Black African	Indian	Gypsy and Irish Travellers
Black Caribbean	Irish	Any other group (please specify)
Black-Other (please specify)	Pakistani	

Reporting To Parents

The Race Relations (Amendment) Act 2000 places specific duty on schools to monitor the impact of their policies on pupils, parents and staff from different racial groups. In particular, schools should monitor their policies' impact on their pupils' attainment levels. In terms of racial harassment, schools will need to take steps to report, annually, to parents, the numbers of incidents recorded as such. Clearly, this is a delicate area and the guidelines regarding data protection must be followed.

REQUIREMENTS OF OFSTED

During Ofsted inspections, the following questions must be addressed by the Inspectors:

1. Do all pupils get a fair deal?
Inspectors must focus their enquiries on significant groups of pupils (for example, Travellers) who may not be benefiting enough from their education.
2. How well does the school recognise and overcome barriers to learning?
Inspectors must evaluate and report on the effectiveness of the school in relation to these groups. Schools must be able to show that they monitor the attainment of ethnic minority groups and take steps to improve it.
3. Do the school's values embrace inclusion and does its practice promote it?

Schools and inspectors must have regard for:

- The school's duties and obligations under existing legislation concerned with race relations (as set out in Race Relations Act, 1976 and the Race Relations (Amendment) Act 2000);
- How well teachers promote the inclusive approach demanded by the National Curriculum when interpreting the educational objectives of subjects and courses;
- Government policies aimed at raising educational standards, including: target setting by schools; promoting the inclusion of pupils with special needs or a disability; fostering better personal, community and race relations as highlighted in the Macpherson Report; and promoting social inclusion and race equality; and
- Ofsted's role in responding to the recommendations of the Macpherson Report.

For further details please refer to, 'Evaluating Educational Inclusion; Guidance for Inspectors and Schools' available on <http://www.ofsted.gov.uk>