

## Federation of Sibertswold CE Primary School and Eythorne Elvington Community Primary School

### **RACIAL INCIDENT POLICY PROCEDURE**

#### **Introduction**

The recommendation of the Macpherson Report concerning the circumstances surrounding the tragic death of Stephen Lawrence have identified a number of areas for action by LAs and school governors. In particular, the local education authorities and school governors have a duty to create and implement strategies in their schools to prevent and address racism. These strategies include:

- 1 That schools record all racist incidents.
- 2 That all recorded incidents are reported to the pupils' parents/guardians, school governors and LAs.

The DCSF considered the recommendations of the Macpherson Report and has advised that they will make it clear in "School Inclusion: Pupil Support" guidance that all racist incidents are to be recorded and that all parents and governors are informed of the nature of the incident and the action taken to deal with it. Governing Bodies will be expected to inform local education authorities, on an annual basis, of the pattern and frequency of any such incidents.

This Policy Procedure is intended to help schools meet the duties that have been set out in 1 and 2 above. Section (d) sets out a procedure to help schools deal with racist incidents and a report form for recording details of racial incidents is also included.

#### **(a) Current Legislation**

Section 71 of the Race Relations Act 1976 places a duty on 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 to eliminate unlawful racial discrimination and to promote equality of opportunity and good race relations between persons of different racial groups.

#### **(b) General**

The LA recognises the measures which education providers have taken towards combating racism and racial harassment. This document is intended to reflect the commitments of the LA to support the Council's Equal Opportunities Policy, which clearly outlines the Council's opposition to all forms of racism.

The LA recognises that in order to tackle racism in educational establishments, it should:

- Seek to ensure that education providers create an environment which accords respect for individuals, and in which young people of different ethnic and cultural backgrounds are able to develop their potential to the full.
- Produce a clear statement of opposition to any form of racism or racist behaviour which expresses the right of every child and young person to the best possible education. It should also indicate unacceptable racist practices or behaviour, and the procedures, including sanctions, to deal with any transgressions.
- Set up a reporting and monitoring system for schools to use for all incidents which may arise.
- Explain the way in which they intend to develop practices which tackle racism and create educational opportunities for all irrespective of race, colour or ethnic origin.

#### **(c) Definition of a Racial Incident**

"A racist incident is any incident which is perceived to be racist by the victim or any other person."

*Recommendation 12 of the Stephen Lawrence Inquiry*

#### **(d) Procedure of Dealing with Racial Incidents**

If an incident involves employees of the LA, then the Local Management Procedures on Harassment, Grievance or Discipline may be applicable. The following steps are to be taken in dealing with racial incidents which involve pupils.

(i) Support the Victim

The following procedure is to be followed if a pupil is the victim of a racial incident:

- To investigate the incident and to take appropriate action to offer support to the victim.
- If necessary meet with the pupil's parents/guardians to discuss the matter and explain the action taken. The service of an interpreter/translator may be needed at the meetings.
- To record the incident on a Racial Incident Monitoring Form.

(ii) Dealing with the Perpetrator

(A) Dealing with Pupils as Perpetrators

The following procedure is to be followed if a pupil is believed to be behaving in a racially discriminatory way:

- An appropriate member of staff should intervene and take immediate action, for example, separating the victim from the perpetrator.
- Any racist behaviour should be challenged immediately and openly. The perpetrator to be told that his/her behaviour is unacceptable and will not be tolerated.
- The incident should be reported to the Headteacher and she should decide whether any further action needs to be taken, including informing the parents/guardians of the relevant pupils.
- The Racial Incident Monitoring Form to be completed as soon as possible.

(B) Dealing with Members of Staff as Perpetrators

Substantiated racial discrimination by any member of staff towards a pupil may be considered as misconduct and the perpetrator may be subject to disciplinary action. In the event of such an allegation being made against a member of staff, the Executive Headteacher or her nominee to investigate the allegation in accordance with the relevant Disciplinary Procedures.

(C) Dealing with Member of the Public as Perpetrators

Racially motivated conduct by members of the public needs an immediate response. The following procedure is to be followed in cases of racially discriminatory conduct by a member of the public:

- The incident to be reported to the Headteacher as soon as possible.
- The police to be informed if the incident is of a magnitude that warrants such action eg damage or threat of damage to person or property.
- The Racial Incident Monitoring Form to be completed; the pupil's parent/guardian and Chair of the Governing Body should be informed of the incident as appropriate.

(iii) Dealing with the Impact on the School and the Community

- Racist graffiti or slogans should be reported and removed as soon as possible.
- Racist literature, badges or insignia should be confiscated. A clear explanation setting out the reasons why the property has been confiscated should be given. The confiscated property may be handed to the police in criminal proceedings or returned to the pupil or his/her parents at an early opportunity. It is not open to a teacher to deliberately destroy a confiscated item unless it is necessary in the immediate interests of safety.
- If the incident has caused damage or is seen as a threat of damage to a person or property, it may be appropriate to call a special meeting either with staff only or with pupils as well to discuss what has happened.
- It may be appropriate to develop a training programme to help pupils as well as teachers to deal with racial incidents.

(iv) Incidents Involving Violence or Criminal Behaviour

For incidents of a serious nature involving violence or criminal behaviour, it will be necessary to inform the police, irrespective of the "status" of the perpetrator ie pupil, staff or members of the public. The Local Education Officer should be informed immediately to facilitate consultation and the possible procuring of advice including legal advice. This is necessary in order to ensure the Director or a senior colleague is able to give the fullest advice and where appropriate, inform leading members of the Council, relevant community groups and liaise with the police.

(v) Legal Procedures Dealing with Children Under 16

Juveniles must not be interviewed at their place of education or asked to provide or sign a written statement in the absence of an appropriate adult except in exceptional circumstances and only where the Executive Headteacher or her nominee agrees. Every effort should be made to notify the parent/guardian that the Police want to interview the juvenile and to ensure their presence at the interview. Where waiting for the appropriate adult would cause unreasonable delay, and unless the interviewee is suspected of an offence against the school or the staff, the Executive Headteacher or her nominee can act as the appropriate adult for the purposes of the interview.

An interview is the questioning of a person regarding his/her involvement or suspected involvement in a criminal offence or offences. While a juvenile is being interviewed, the appropriate adult can be:

- A parent or guardian or if he/she is in care, the care authority or voluntary organisation.
- A social worker
- Failing either one of the above, another responsible adult aged 18 or over who is not a police officer or employed by the police. The role of the adult is to advise the juvenile and to observe whether or not the interview is being conducted properly.

A juvenile should not be arrested at his/her place of education unless this is unavoidable. In this case the Executive Headteacher or her nominee must be informed.

(e) **Monitoring of Racial Incidents**

It is necessary to monitor racial incidents in order to:

- Obtain a full picture of the level and nature of racial incidents.
- Measure the effectiveness of the LA Anti-Racist Policies and the procedures used to deal with racial incidents.
- Prioritise and focus resources to deal with racial incidents at grass root level.
- Work with other agencies to combat racial incidents in the community.

(i) Procedure for Schools

- The Racial Incident Monitoring Form should be completed as soon as possible after an incident has taken place.
- The Racial Incident Monitoring Form should be kept in a central file in each educational establishment for internal monitoring purposes.
- The Executive Headteacher should ensure that the commitments to tackling racial incidents and any anti-racist guidelines or equal opportunities statements are well publicised, and that parents and community groups are aware of them. Copies of the policy statement/procedure should be translated into minority languages where appropriate.
- In service training from an anti-racist perspective should be developed to enable staff to combat racial incidents in their day-to-day work. Advice and support to organise training are available from the LA.

(f) **Reporting Information to Parents, Governors and the LA**

Parent and governors should be informed of the nature of the incident and the action taken to deal with it. Governing Bodies will be expected to inform the LA of the pattern and frequency of any such incidents.

**(g) Conclusion**

The LA recognises its responsibility to devise effective strategies to ensure successful implementation of the anti-racist policy. In this context, it seeks the active participation and cooperation of all Headteachers and their governing bodies to adopt the procedures set out in this policy procedure.

The LA will treat all information received in strict confidence. The information will be used in accordance with the guidance from the DCFS and section (e) part (i) of this policy procedure.

**Equality of Opportunities Statement**

All policies are screened to ensure that the Federation of Sibertswold Church of England and Eythorne Elvington Primary Schools gives 'due consideration' to equality of opportunity for all, irrespective of race, gender and disability.

**RACIAL INCIDENT MONITORING SCHEME  
REPORT FORM FOR SCHOOLS**

**CONFIDENTIAL**

Name of Teacher: \_\_\_\_\_ Date: \_\_/\_\_/\_\_

**SECTION ONE: VICTIMS DETAILS**

Surname:	Address:	Telephone Numbers
Forename:	Post Code:	Home: Work:
Date of Birth:	Male/Female (delete as appropriate)	Ethnic Code:

Note: If there is more than one victim, please continue on a separate sheet.

**SECTION TWO: DETAILS OF INCIDENT**

Incident type: (please tick)

Racial Abuse	Physical	
	Verbal	
	Written/printed	
	Graffiti	
	Other (please specify)	
Attacks on property		
Threatened assault		
Other (please specify)		

Date of incident: \_\_/\_\_/\_\_ Time: \_\_\_\_\_

Address/location of incident:

\_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Give details of incident: (continue on separate sheet if necessary)

\_\_\_\_\_

\_\_\_\_\_

**PERPETRATOR'S DETAILS**

How many perpetrators were there? \_\_\_\_\_

Please complete details of each perpetrator

Name	Male/Female	Age Group	Ethnic Codes
Please continue on a separate sheet if appropriate			

Please indicate the action you have taken (tick as appropriate)

Action against perpetrators		Victim support action	
Warning letter		Repairs/cleaning	
Interview		Counselling/visits	
Fixed term exclusion		Confiscation	
Permanent exclusion		Covert Observation	
Liaison with the police		Referral – Education Support Service	
Other (please specify)		Education Psychology Service	
		Other (please specify)	

**SECTION THREE: ADDITIONAL INFORMATION**

Have there been any previous incidents of racial harassment involving the victim: \*Yes/No

How many if known \_\_\_\_\_

**SECTION FOUR: INVOLVEMENT OF THE POLICE AND OTHER GROUPS**

Was the incident reported to the police? \*Yes/No

If yes, to what police station was it reported? \_\_\_\_\_

\*Delete as appropriate.

Please say what action the Police have taken (tick as appropriate)

Arrest: Charge/Caution/Formal Warning		Record only	
Not proceeded with (delete as appropriate)		Victim decline to support allegations	
Arrest: Summons		Witness declines to provide statement	
Arrest: Insufficient Evidence – release		Advice to victim	
Classified Crime eg criminal damage		Advice to suspected perpetrator	
Classified: no crime			

Have you involved any other groups? \*Yes/No

If yes, please say which ones (tick as appropriate)

Victim Support Scheme	
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Kent Mediation	
Citizen's Advice Bureau	
Race Relations Equality Council	
Other (please specify)	

Signature: \_\_\_\_\_ Date: \_\_/\_\_/\_\_

Ethnic Origin Codes

Where the ethnicity is known, please use:

<b>1</b> White European Union (EU)	<b>2</b> White European, non EU	<b>3</b> White, non European
<b>4</b> Black African	<b>5</b> Black Caribbean	<b>6</b> Black Other
<b>7</b> Bangladeshi	<b>8</b> Indian	<b>9</b> Pakistani
<b>10</b> Chinese	<b>11</b> Gypsy Travellers	<b>12</b> Mixed Race
<b>13</b> Any other group or race:		

Where the ethnicity is unknown, please use:

<b>A</b> Asian	<b>B</b> Black	<b>W</b> White
<b>O</b> Other (please specify)		

Age Codes (for age ranges)

<b>1</b> 0-10	<b>2</b> 11-15	<b>3</b> 16-20	<b>4</b> 21-30	<b>5</b> 31+
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Appendix 1  
Form PR3 ©

School: \_\_\_\_\_

Full name of child: \_\_\_\_\_

Name child to be called in class: \_\_\_\_\_ Sex: Male/Female

Date of birth: \_\_/\_\_/\_\_\_\_ Place of birth: \_\_\_\_\_

All schools are required to seek from parents' information on their child's ethnic origin, mother tongue and religious affiliation. Please note ethnic origin questions are not about nationality, place of birth or citizenship. They are about colour and broad ethnic group, UK citizens can belong to any of the groups below.

I would describe my child as (please tick one of the boxes below):

ETHNIC GROUP (These are Commission for Racial Equality categories)			
White European union (EU)	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>
White European non EU	<input type="checkbox"/>	Indian	<input type="checkbox"/>
White, non European	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
Black African	<input type="checkbox"/>	Chinese	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Travellers	<input type="checkbox"/>
Black Other	<input type="checkbox"/>	Mixed Race	<input type="checkbox"/>
Any Other Group of Race (please specify):			

Language(s) besides English that the child has access to:

\_\_\_\_\_

Mother tongue(s) spoken at home: \_\_\_\_\_

Religion: \_\_\_\_\_

Signature of person with legal responsibility: \_\_\_\_\_

Date: \_\_/\_\_/\_\_\_\_

Thank you for your cooperation. This information will be used for statistical purposes in monitoring Equal Opportunities.

## EQUAL OPPORTUNITIES MONITORING

### Ethnic Record Keeping In Schools

Some typical questions and answers to help parents and guardians understand why this information needs to be collated.

Q.1 Why are ethnic records kept?

A Ethnic origin information about individual pupils will help raise awareness of pupils' needs amongst teachers and support staff. They help teachers and governing bodies monitor the curricular and pastoral arrangements and so identify and remedy any gaps in provision for your child.



- Q.2 Isn't the idea of ethnic records itself contrary to a commitment to a school where labels should have no part?
- A Labelling people, including children, has developed regardless of ethnic records. Ethnic record keeping should be seen as an essential tool in the attainment of racial equality.
- Q.3 Should not the school be colour blind and treat all children the same?
- A Without this information it is virtually impossible for the school to assess realistically whether or not racial discrimination is occurring. Schools need to ensure that pupils' ethnicity and backgrounds are fully taken into account to meet their individual needs.
- Q.4 How will the information on ethnic origin be used?
- A Information will be held as part of the educational record of the pupil with access restricted to those who need to know – for example, the Local Authority and the Department for Children, Schools and Families.