

**HERTFORDSHIRE COUNTY COUNCIL  
CABINET  
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**REVISION OF THE EDUCATION POLICY AND GUIDELINES “DEALING WITH RACIAL HARASSMENT” – A GUIDE FOR SCHOOLS**

*Report of the Director of Education*

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**1 Purpose of the report**

To seek agreement to proposed revisions to the guidelines.

**2. Summary**

2.1 The County Guidelines 'Dealing with Racial Harassment. A Guide for Schools' were launched in April 1996. The guidelines had been developed through extensive consultation procedures involving schools and minority ethnic communities and agreed by Education Committee.

2.2 Surveys conducted since the launch of the policy and guidelines suggest that approximately 70% schools have specific policies on dealing with racism. In support of the guidelines since 1996 over 1000 teachers from nearly 400 schools have been trained and casework support has been given for over 50 incidents in schools. A recent survey circulated to schools to support the LEA new bullying policy established that over the last school year schools recorded 356 incidents of racial harassment.

2.3 Since publication of the LEA guidelines the following developments have taken place which lead to the need to revise the Guidelines:

- New Legislation on Racial Harassment.
- The Stephen Lawrence Report and its recommendations.
- Publication of the DfEE circular 'Social Inclusion, Pupil Support' which contains new guidelines for schools and LEAs.
- Publication of Commission for Racial Equality (CRE) Race Equality Standards for Schools.
- New Audit Commission requirements to report on Indicators for Dealing with Racial Incidents.

2.4 Consultation has taken place with schools and community groups to revise the guidelines.

### **3. Conclusion**

3.1 The Authority guidelines on Racial Harassment have been consistently praised by external bodies, including HMI, as high quality and effective in providing support for schools. Recent developments in legislation and policy make it appropriate that the guidelines are revised to ensure their continued effectiveness.

3.2 Support for schools in implementing the new guidelines will be provided within existing resources.

## 4. Background

4.1 Incidents of racial harassment are unfortunately common in schools. A recent survey circulated to schools to support the new LEA bullying policy established that over the last school year (1998 - 99) schools recorded 356 incidents of racial harassment. School pupils are often reluctant to report such incidents and actual numbers of incidents are likely to be substantially higher.

4.2 Education Committee first agreed a policy 'Statement on Racial Harassment' in 1988. The current guidelines based on that policy were launched in April 1996. The guidelines include:

- Information on legislation and on government and the Authority's policy.
- Advice for schools on the development of school policy and dealing with incidents.
- Advice for schools on the monitoring and recording of racist incidents.
- Examples of school policies and practice.
- A sample school policy.

4.3 The guidelines have been supported by a substantial training programme and by school consultancy. Since 1996 over 1000 teachers from over 400 schools have been trained on the guidelines. A survey in 1998 showed that 70% of Hertfordshire schools had explicit policies on dealing with racial harassment. Casework support has been provided, as appropriate, when schools or parents report incidents to the Authority or where requested by schools. Over 50 incidents have been supported in this way.

### 4.4 New Legislation.

Since the publication of the existing guidelines new legislation has been passed which schools should be aware of. Since the enactment of this legislation and particularly since the publication of the Stephen Lawrence inquiry report the Police have been increasingly active in dealing with incidents including, on occasions, approaching schools.

The Protection from Harassment Act (1997) makes it an offence to commit more than once acts that 'amount to harassment' of another person and which the perpetrator knows, or ought to know, amount to harassment.

The Crime and Disorder Act (1998) introduces new racially aggravated offences of assault, grievous bodily harm and criminal damage. An offence is racially aggravated if:

- at the time it is committed, or just before or after, the offender demonstrates hostility towards the victim based on the victim's membership of a racial group
- the offence is motivated by hostility based on membership of a racial group.

#### 4.5 Recording and Reporting of Incident

The Stephen Lawrence Inquiry report into the murder of Stephen Lawrence, while concerned primarily with the Police, places a substantial emphasis on the role of education in preventing and dealing with racism.

Recommendation 68 of the report states:

"That Local Education Authorities 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 .....

##### 4.5.1 The DfEE in the circular 'Social Inclusion Pupil Support' (1999) advises that:

"All schools' behaviour policies must make it clear that racial harassment will not be tolerated and say how staff and pupils should deal with it. The school should record all racial incidents, and parents and governors should be informed of such incidents and the action taken to deal with them. Governing bodies should inform LEAs annually of the pattern and frequency of any incidents. Pupils who have suffered racial harassment, at or outside school, may need support".

The Authority's current guidelines advise schools to record all incidents of racial harassment and to report to the LEA incidents involving:

- physical violence
- repeated or orchestrated harassment
- links with outside agencies (e.g. extremist groups)
- exclusion related to a racist incident.

##### 4.5.2 The Audit Commission has introduced a new performance indicator which requires that the Authority reports on numbers of racial incidents and action taken.

#### 4.6 Defining Racial Harassment

The existing guidelines define racial harassment as "Any act or expression which causes harm or offence, directed by a member of one racial or ethnic group to others, where the motivation or effect is to create racial dislike or hatred".

The guidelines also advise that "the perception of the person who has experienced harassment should be given particular attention".

4.6.1 The Stephen Lawrence Inquiry report proposes that a racist incident be defined as:

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

This definition of racial harassment has also been recommended in the newly published Commission for Racial Equality (CRE) 'Learning for All - Standards for Racial Equality in Schools' (2000), which have been endorsed by the Secretary of State and circulated to all schools in England and Wales.

4.6.2 In February 2000 a report was taken to the County Council's Equality Panel on the implications of the Stephen Lawrence Inquiry. The Panel endorsed the principle that the definition in the Stephen Lawrence report be used to report and record racial incidents and as a starting point for investigating complaints of this nature. It is proposed that the definition in the existing guidelines be revised accordingly.

#### 4.7 Updating the Current Guidelines

The CRE 'Standards for Racial Equality in Schools: Learning for All' provide detailed guidance on dealing with incidents of racial harassment. This guidance is largely consistent with the Authority's existing guidelines. The revisions to the guidelines will include:

- Cross reference to the new CRE standards.
- Support available from the LEA, including 'casework'.
- An emphasis on the need to communicate the policy to all members of the school community, including parents.
- An encouragement for schools to form links with other agencies, for example through Community Safety Initiatives, in dealing with these issues.

4.8 A paper was taken to the Pupil Achievement and School Improvement Panel on June 7<sup>th</sup> 2000 where it was agreed that the guidelines be revised, that consultation take place and that a report be brought to the Children School and Families Committee.

### 5. **Consultation - Focus**

5.1 The consultation focused on aspects of the current guidelines where revision and updating is needed and on schools' and minority ethnic communities' perceptions of the current guidelines and existing practice.

5.2 Consultation is taking place with representatives of Headteachers' organisations and with minority ethnic communities.

### 5.3 Section A1 of the Current Guidelines. The Authority's Policy

#### 5.3.1 Definitions

The LEA has welcomed the definitions in the Report of the Stephen Lawrence Inquiry. The Home Office Code of Practice is clear that 'the definition of a racist incident that should be used by all agencies is that recommended by the Stephen Lawrence Inquiry'. This definition is that a racist incident is

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

The Code of Practice clarifies, "The purpose of the definition... is to ensure that investigations take full account of the possibility of a racist dimension to the incident and that statistics of such incidents are collected on a uniform basis". This definition will be included in the revised guidelines.

The previous definition would remain, to assist teachers in making judgements as a result of their investigations.

#### 5.3.2 The Stephen Lawrence Inquiry also provides a definition of 'institutional racism' as being,

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.'

This will also be incorporated into this section and its relevance in the school context made clear.

### 5.4 Section A2 of the Current Guidelines. Government Policy

#### 5.4.1 This section of the current guidelines advises schools of their responsibilities under the Race Relations Act (1976). The new guidelines will brief governing bodies on proposed changes to the Race Relations Act, which will make the promotion of race equality a statutory duty on public authorities.

The new guidelines will also advise schools of new legislation - 'The Protection from Harassment Act' and 'The Crime and Disorder Act' which relates to racial harassment.

The current section also sets out Home Office Advice for schools and LEAs from reports in 1989 and 1991. It is proposed that this be replaced by the guidelines contained in the CRE publication 'Learning for All. Standards for Racial Equality in Schools' which is being sent to all schools.

This section of the new guidelines will also refer substantially to the Stephen Lawrence report and to the Government's response - particularly in relation to the educational recommendations in the report. This includes advice from the DfEE in the circular 'Social Inclusion Pupil Support' that school behaviour policies must make it clear that racial harassment will not be tolerated and say how staff and pupils should deal with it.

## 5.5 Section A3 of the Current Guidelines. OFSTED Requirements

- 5.5.1 There is little that has changed explicitly in the revised OFSTED requirements in relation to racial harassment. However, the DfEE's new emphasis on the inspector's role in focusing on this aspect of school life will be reflected.

Reference will be made to Hertfordshire County Council's 1999 Equal Opportunities policy, 'Putting People First', and to the School Self-Evaluation Framework which is being developed to support schools in evaluating their effectiveness and includes a strong equality dimension, including racial harassment.

## 5.6 Section B of the Current Guidelines. The School Response

This section will include additionally the following points:

- that all incidents must be recorded, 'including the date, the names of perpetrators and victims, the nature of the incident, and action taken in response'.
- that it may be the victim's expressed preference that incidents should not be investigated. In such cases the consequences should be explained fully, but the victim's preference should be upheld.
- greater clarity will be given to the need to keep victims/targets and parents informed at each stage of the process.
- that schools should ensure that they have a strong prevention strategy.
- that schools need to promote a climate in which pupils are encouraged to report behaviour that is of concern, including bullying and harassment.
- that schools should always advise the Police of any criminal activity, this includes racist incidents that are categorised as crimes.

## 5.7 Section B3 of the Current Guidelines. Monitoring and Reporting

Requirements have significantly altered in this aspect. This revised section will explain new requirements that 'Governing bodies should inform LEAs annually of the pattern and frequency of any incidents and to indicate under set categories 'action taken' as detailed in the Audit Commission Equality Performance Indicators. The reporting framework and timeframe will be clearly detailed, as will the various responsibilities of Headteachers, Governors and LEA personnel.

- 5.7.1 Clarification of the purpose of recording and monitoring will be given from The Home Office Code of Practice. "Racist incidents are not recorded only to provide statistics at a national level, nor even to provide statistics at a local level, although these are obviously useful outcomes of recording. But recording incidents also allows the victim to be offered support and enables intelligence to be gathered, which will help appropriate preventative measures to be put in place and information to be collected that may help in dealing with the perpetrator/s, and focus resources on areas of need".
- 5.7.2 Schools will be encouraged to set targets to reduce repeat offences. However, it will stress that effective strategies may lead to a rise in the reporting of incidents in the short-medium term.

## 5.8 Section D of the Current Guidelines. Support for Schools and Families

The LEA's support strategy has developed considerably since the 1996 guidelines were produced. This section will be reworked in detail, in particular to describe the casework support for schools and families.

The Authority are considering the establishment of advocacy support for minority-ethnic parents. The need for this support has been strongly proposed by community groups.

- 5.9 A new section will be added to inform schools of the role of other groups in relation to racial harassment. This section will indicate how and when schools should inform/involve other agencies. Such groups will include:

- Multi-agency Panels and Forums including Community Safety Forums
- Police
- Contacts for counselling and mentoring support
- Cultural and community support groups

## 5.10 Sections E & F of the Current Guidelines. Appendices and References

Appendices and references will be updated and will additionally include:

- A sample integrated bullying and harassment reporting format
- Sample detailed procedures which are consistent with the County policy

## **6. Outcomes from Consultation**

- 6.1 Consultation will be completed during September 2000.
- 6.2 Minority ethnic community groups will wish to support the changes in the guidelines on LEA support which seek to ensure:
- That all schools adopt policies and practices which seek to prevent racism and to deal effectively with racist incidents should they occur.
  - That appropriate support is available to minority ethnic parents and young people should such incidents occur. This to include the availability of an advocacy service.
- 6.3 Schools have been positive about the guidelines and support from the LEA in policy development and casework around specific incidents. They will wish to see a continuation of such support and in particular for the implementation of the new guidelines.
- 6.4 Schools wish the LEA to develop the required reporting systems in a way that minimises bureaucracy while maintaining proper and useful monitoring procedures.

## **7. Financial Implications**

- 7.1 The development of and support for the new guidelines will be resourced from existing service budgets.
- 7.2 The development of additional support through advocacy for parents and young people can be resourced from existing MECSS support service budgets.

*Background information referred to by the author for this report:-*

- Dealing with Racial Harassment. A guide for schools. HCC Education Department, March 1996.
- The Stephen Lawrence Inquiry Report, Home Office, February 1999.
- Social Inclusion: Pupil Support. DfEE 1999.
- Learning For All. Standards For Racial Equality in Schools. Commission for Racial Equality, 2000.
- Code of Practice on Reporting and Recording Racist Incidents in response to recommendation 15 of
- the Stephen Lawrence Inquiry Report, Home Office, April 2000.

If you would like to know more about the issues referred to in this report please contact Jan Hardy, Head of Service, Minority Ethnic Curriculum Support Service (MECSS). (01582 830202)