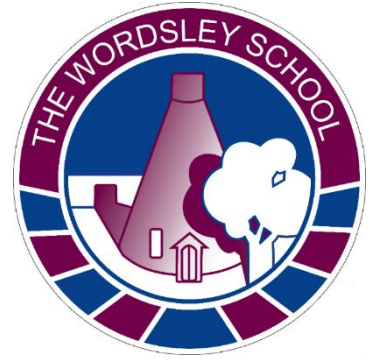


REPORTING AND RECORDING RACIST INCIDENTS IN SCHOOL GUIDELINES

Policy adopted by the Governing Body of The Wordsley School	
Date adopted by the Governing Body	
Signed by the Chair of Governors	



Standing Operating Procedures for:
Safeguarding – Reporting and Recording Racist Incidents and Complaints in Schools

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CONTENTS

No.		Page
1.	Purpose	4
2.	Background	4
3.	Definitions of a Racist Incident	4
4.	Types of Racist Behaviour	5
5.	Process	6
6.	Support	7
7.	Report form and Community Tension	7
8.	Responses to Racist Behaviour	7
9.	Data / Information	8
10.	How Data is used	8
11.	Data Protection and Processing of Racist Incidents Reports	9
	APPENDIX 1	
	Part (a) - Incident Report Form	12
	Part (b) - Additional Information	13
	Part (c) - Personal Details of Victim	14
	Part (d) - Consent Form (Victim)	15
	Part (d) - Consent Form (Perpetrator)	16
	Part (a) - Completed Example	17

1. Purpose

This procedure is intended to:

- Support and contribute to our overall activities to keep all children and young people safe
- Provide staff (whoever receives the complaint or allegation) within schools with a procedure for reporting and recording racist incidents and / or complaints involving young people and their families (i.e. service users)

NOTE:

- Racist incidents and / or complaints that are perpetrated by **employees** will be managed through the appropriate HR procedures (Dudley MBC or as adopted by schools).
- **Separate procedures exist for the Directorate:** "Safeguarding – Reporting and Recording Racist Incidents and Complaints in Directorate of Children's Services, Alternative Provision and Other Settings".

2. Background

Although there is no statutory requirement to record and report, many Local Authorities and Schools, including Academies, agree with the Equality & Human Rights Commission (EHRC) findings of March 2011 that recording and reporting all racist incidents is good practice and are continuing with the systems that have been put in place and developed since the Stephen Lawrence Inquiry report in 1999.

Moreover in relation to education settings inspected by Foisted, the new inspection framework that came into effect on 1 January 2012, and was then slightly revised for September 2012, is wholly clear that inspectors expect schools to keep detailed records not only of racist incidents but also of all prejudice related incidents. This expectation is underpinned legally by Section 149 of the Equality Act 2010. Ultimately the approach directly contributes to and underpins the safeguarding agenda.

3. Definition of a Racist Incident

The definition of a racist incident that should be used by all Schools / Settings / Agencies is that recommended by the report of the Stephen Lawrence Inquiry:

"A racist incident is any incident which is perceived to be racist by the victim of any other person" which "in general terms, consists of conduct of words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin".

The term “Racist Incident” includes crimes and non-crimes in policing terms. Both must be reported, recorded and investigated with equal commitment.

The use of the above definition ensures that all possible racist incidents are investigated and appropriate action taken. It does not mean that every incident perceived racist by the victim, or any other person, is adjudged to be racist, only that it is investigated objectively as if it were.

Recording racist incidents under this definition should capture all incidents with a racist element, including low-level harassment and those incidents that are not identifiable offences. The rationale for this is that recording all such incidents allows the Police and other agencies to identify tension indicators early on which can be used to prevent further incidents or crimes or can provide useful information if the incident later escalates to the level of crime. The aim is to identify underlying trends and build up a picture of racism in the local area.

4. Types of Racist Behaviour

Given the far reaching implications of racist behaviour and the broad scope of the revised definition, it is important that underlying attitudes and values are confronted, as well as actual incidents. It should be made clear to all involved that racist incidents are considered both criminal law and through statutory guidance far more serious than similar incidents where there is no racial motivation.

Find below an initial categorisation of racist behaviour:

- Derogatory name calling, insults, racist jokes and language
- Racist graffiti
- Incitement of others to behave in a racist way
- Physical assault against a person or group because of colour, race and / or ethnicity
- Provocative behaviour such as wearing racist badges or insignia#
- Bringing racist materials such as leaflets, comics, magazines or computer software into school or the workplace
- Using Directorate / school computer systems to access and / or distribute racist material
- Verbal abuse and threats
- Racist comments in the course of discussions in formal and informal settings
- Attempting to recruit people to racist organisations and groups
- Ridicule of an individual for cultural or religious differences e.g. food, music, dress, worship patterns etc.
- Refusal to cooperate with others because of their racial or ethnic origins

5. Process

5.1 Reasons for Recording Racist Incidents

Every racist incident should be recorded, however minor. This is to enable the school and Dudley MBC to:

- Monitor the frequency of such incidents
- Offer support to ensure that the Local Authority is fulfilling its legal obligations under Race Relations legislation
- Promote good relations for all
- Identify indicators of community tension

5.2 When to record the Incident

The procedures apply to incidents that are alleged to have happened or were observed on or off the premises (include trips and visits that take place while children and young people are under the supervision of the school) that involve:

- Child / young person to child / young person
- Child / young person to any other adult (except for member of staff) or vice versa
- Child / young person to a member of staff

NOTE:

The complainant may report the incident to another member of staff not directly connected to the school in which the incident was alleged to have taken place. Where this occurs the **receiver** of the complaint should complete the appropriate report forms and on to the responsible setting.

5.3 Where and how to record the Incident

Incidents should be recorded as soon as possible after the event or observed behavior. For the majority of incidents the **single sheet** report form at **Appendix 1 Part (a)** will be sufficient; this is considered to be the minimum information required.

The form should be completed by a member of staff. They may be a person to whom the incident has been reported (this could be a person who does not work at the school where the alleged incident occurred); a person with designated responsibility for recording racist incidents; an observer of the incident, or the victim / complainant.

Appendix 1 Part B & C is a format for schools to use for to record more detail of the incident, any investigation, the response to it and outcome (for example in a school the incident may result in a fixed term or permanent exclusion).

6. Support

Incidents may occur where additional guidance and / or support to investigate or manage the issue is seen as necessary.

- Contact HR for incidents and / or complaints that are perpetrated by employees
- Contact the Assistant Director, Quality & Partnerships, initially for all other cases

7. Report Form and Community Tension

Local Authorities are required to monitor the communities they serve for signs of unrest that could lead to tensions within or between different communities. It is expected that as a result of this monitoring early interventions can be initiated giving communities the support they need to avoid minor tensions developing into serious unrest.

Early recognition of tension indicators is crucial to building capacity of Local Authority led Community Partnerships to deliver this support. Schools may sometimes be aware of early indications of increased local tension. Through the process of reporting possible tensions arising out of racist incidents or, perhaps, causing them, schools can contribute to this endeavour which will be of benefit to the whole of the community.

The reporting form (**Appendix 1 Part (a)**) allows schools to note concerns they may have about the effect the incident (and in some cases the reporting of) which may have on community relations or to report whether the incident may result from existing community tensions.

If you have any concerns about heightened community tension you should contact the Assistant Director for Quality and Partnerships or the Director of Children's Services without delay so that your concerns can be considered in the wider community context by the Council and its partners and statutory reports about community tension can be submitted as required.

8. Responses to Racist Behaviour

All relevant policies within schools should make it absolutely clear that racist behavior is unacceptable. The policies should be explicit and widely known to staff, parents and pupils in schools.

It should be understood what incidents are covered by the policies and the options (consequences / sanctions) available to support managing behavior. It should be recognised that victims and perpetrators may need pastoral support and counselling. Any approach to addressing racist incidents must begin from the perspective of the protecting the safety of the victim as the highest priority.

9. Data / Information (suggested format)

9.1

The minimum recording requirements are set out in Appendix 1 (a); this form should be retained by the school.

9.2

Schools are asked to report on a termly basis, to the Directorate of Children's Services, the **numbers** of incidents that have been reported. **Nil returns are required.**

9.3

Returns should be made by email to EandD.CS@dudley.gov.uk providing the following information:

- Name of the school
- Term e.g. Summer Term
- Number of incidents
- Number of incidents referred for support, police etc.

9.4

Appendix 1 (b) provides for more detail to be recorded about the incident, for example if an investigation is seen as necessary, the action taken as a result and the outcome. All completed forms should be appropriately retained in the school.

10. How is Data used

(i) By the Local Authority

Racist incidents are not recorded only to provide statistics at a local level and beyond. The intelligence that is gathered supports the Local Authority in developing and improving its approach to safety and safeguarding by:

- Identifying areas of concern
 - Developing preventative measures
 - Contributing to multi-agency monitoring
 - Providing a geographical context
 - Contributing to future Equalities Strategy and Policy
 - Focussing resources on greatest area of need
- The information is collated to provide a holistic picture and will not name individual schools. It will be available in the annual review of the Directorate's Equality and Diversity Policy.

(ii) By the school for example in providing evidence related to:

- Assessment of behaviour and respect for others
 - Safety and Safeguarding
 - Effectiveness of actions to prevent such incidents / behaviour
- This list is not exhaustive

11. Data Protection and Processing of Racist Incidents Reports

11.1 Statistical Information

Information provided to the Local Authority on a termly basis (section 7) is purely statistical information and therefore there are no data protection implications.

11.2 Sharing Information Personal Information

Where the school decide that further support / guidance is needed from another Organisation e.g. Directorate of Children's Services, Police; this will involve the sharing of sensitive personal information as defined by the Data Protection Act 1998.

When sharing sensitive personal information at least one criteria of schedule 2 and 3 of the Data Protection Act needs to be met. This means that you either need to have:

- **Explicit** consent of the data subject **OR**
- be able to demonstrate on a **lawful basis** to share information

There are a number of different legislation and guidance which support the sharing of information across organisations which are detailed below. However, it is always good practice to obtain explicit consent before sharing any information. Refer to appendices (b) / (c) / (d) if there is a need to seek further support with the incident.

- Section 10 of the Children Act 2004 provides statutory guidance for agencies covered by the duty to cooperate to improve wellbeing of children

- Section 11 of the Children Act 2004 provides statutory guidance on the duty to safeguard and promote welfare of children
- Working Together to Safeguard Children sets out how organisations and individuals should work together to safeguard and promote the welfare of children
- The Education and Inspections Act 2006 sets out the duty to promote the wellbeing of pupils to Governing Bodies of maintained schools
- The Crime and Disorder Act 1998 sets out the power of any organisation to share information with relevant authorities for the purposes of preventing crime and disorder

Further guidance on information sharing is available on the [Dudley Safeguarding Children Board](#) website.

Guidance from the Government for services on sharing information relating to children is available on the [Department of Education](#) website.

11.3 Consent

A young person aged 12 or above is generally considered mature enough to make a decision regarding providing consent.

However, considering the type of organisations information will be shared with, and the potential consequences, then for young people between the ages of 12 and 16, **both the young person and parental consent** must be obtained, refer to **appendices (c) / (d) / (e)**.

There will be some circumstances where you should not seek consent, for example where to do so would:

- Place a child or young person at increased risk of significant harm
- Place an adult at risk of serious harm, or
- Prejudice the prevention or detection of a serious crime, or
- Lead to unjustified delay in making enquiries about allegations of serious harm

APPENDIX 1 Part (a): INCIDENT REPORT FORM

Reporting Centre (e.g. Youth Centre / School / Children's Centre etc)											
Date / Time											
Location / Activity (where incident occurred)											
Victim / Complainant				Alleged Perpetrator							
Pupil / Service User				Pupil / Service User							
Outside person(s) incl. Parents				Outside person(s) incl. Parents							
Employee including school staff				Employee including school staff							
Unknown				Unknown							
Ethnic Group (Victim / Complainant)				Ethnic Group (Alleged Perpetrator)							
White		Mixed / Multiple Ethnic Groups		Asian / Asian British		White		Mixed / Multiple Ethnic Groups		Asian / Asian British	
British		White & Black Caribbean		Indian		British		White & Black Caribbean		Indian	
Irish		White & Black African		Pakistani		Irish		White & Black African		Pakistani	
Gypsy / Traveller		White & Asian		Bangladeshi		Gypsy / Traveller		White & Asian		Bangladeshi	
Any other white background please state		Any other multiple ethnic background please state		Chinese		Any other white background please state		Any other multiple ethnic background please state		Chinese	
				Any other Asian background please state						Any other Asian background please state	
Black / African / Caribbean / Black Caribbean		Other Ethnic Groups		Prefer not to say		Black / African / Caribbean / Black Caribbean		Other Ethnic Groups		Prefer not to say	
African		Arab				African		Arab			
Caribbean		Yemeni				Caribbean		Yemeni			
Any other Black / Caribbean / African background please state		Any other ethnic group please state				Any other Black / Caribbean / African background please state		Any other ethnic group please state			
Male		Female		Age		Male		Female		Age	

APPENDIX 1 Part (a): INCIDENT REPORT

Nature of Incident		Action Taken	
Use of racist language		Response led by senior staff member	
Ridicule / name calling / ostracism		Parent / Carer involved (of victim)	
Racist Graffiti		Parent / Carer involved (of alleged perpetrator)	
Verbal abuse and / or threats		Police or other agency notified	
Violent behaviour and / or assault		The victim has made previous complaints	
Possession / distribution of racist material		Repeated allegation against perpetrator	

Community tension monitoring indicators

If you think this incident could lead to or result from increased tension in the community please give brief details and follow the procedure outlined in paragraph 7 of the procedures

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Further Comments if appropriate

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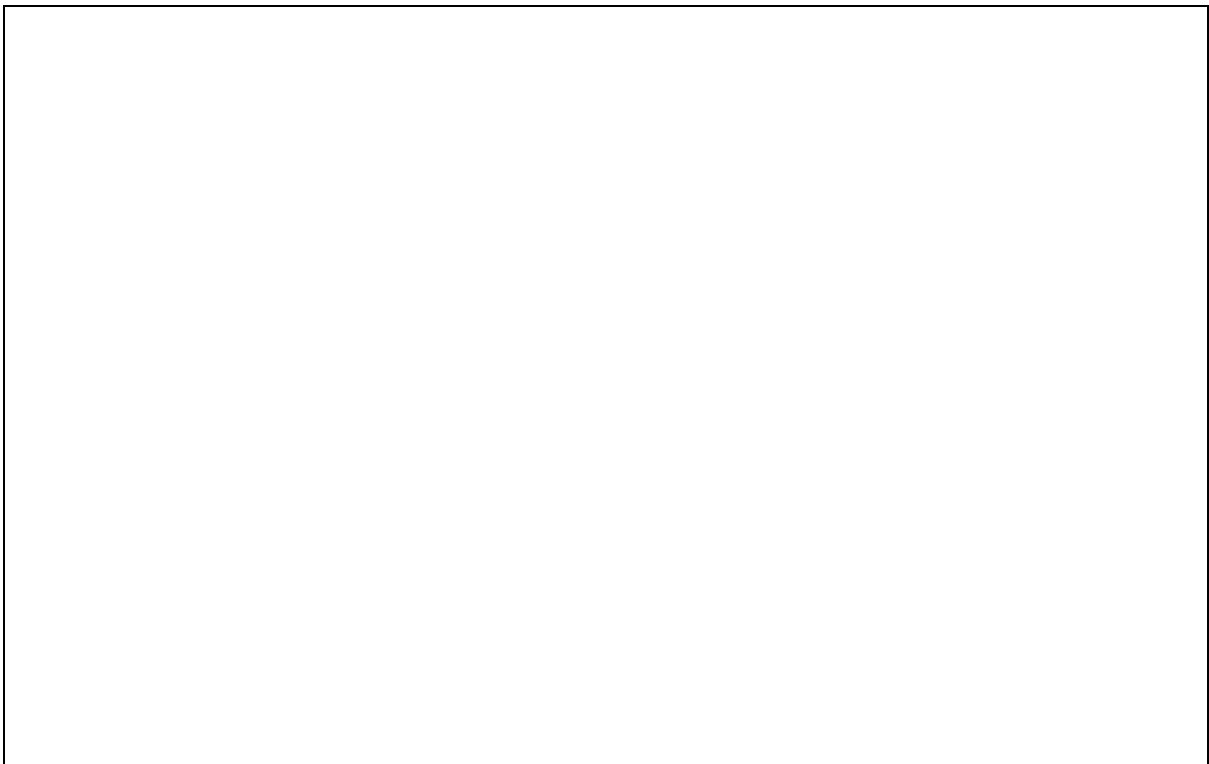
Signed:	Date:
Job Title:	

APPENDIX 1 Part (b): ADDITIONAL INFORMATION

Further details about the incident, including results of investigations



Action taken in response to the incident and final outcome



APPENDIX 1 Part (b): ADDITIONAL INFORMATION

Personal Details of Victim

Name: (School / Workplace or Address)

Language Spoken:
Religion:
Occupation:

External Agency Involvement: (e.g. Police / Social Services / Race Equality Council / Housing Associations)
Contact Name / Telephone No:

Name: (School / Workplace or Address)

Language Spoken:
Religion:
Occupation:

Details of previous racial incidents involving either of the person(s) named above:
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To completed by the staff member filing report

School:

Name:
Position Held:

Signature:
Date of Report:

APPENDIX 1 Part (d): CONSENT FORM (VICTIM)

This page needs to be completed only if personal details about the victim are to be shared with other agencies

Name:
Address:

This section should be read by or to the victim, and for children / young people 16 years and under, with the person(s) Parent / Guardian / Carer consent before a signature is requested

Information will be shared with Dudley Metropolitan Borough Council Directorates and if appropriate its Partners Including West Midlands Police, Dudley Centre for Equality and Diversity, Dudley Victim Support and other Agencies deemed appropriate.

Information will be shared in order to:

- Preventing and detecting racist incidents and crimes
- Provision of specialist support to victim and or perpetrator

DECLARATION

I give permission for my personal details to be shared, if necessary, with the following Agencies for the sole purpose of preventing and detecting racist incidents and crimes; Dudley Council Departments; West Midlands Police; Dudley Centre for Equality and Diversity; Victim Support; Other Partnership Agencies

Victim's Signature:	Print Name:
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*Parent / Guardian / Carer Signature:	Print Name:
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*Delete as appropriate

APPENDIX 1 Part (d): CONSENT FORM (PERPETRATOR)

This page needs to be completed only if personal details about the perpetrator are to be shared with other agencies

Name:
Address:

This section should be read by or to the perpetrator, and for children / young people 16 years and under, with the person(s) Parent / Guardian / Carer consent before a signature is requested

Information will be shared with Dudley Metropolitan Borough Council Directorates and if appropriate its Partners Including West Midlands Police, Dudley Centre for Equality and Diversity, Dudley Victim Support and other Agencies deemed appropriate.

Information will be shared in order to:

- Preventing and detecting racist incidents and crimes
- Provision of specialist support to victim and or perpetrator

DECLARATION

I give permission for my personal details to be shared, if necessary, with the following Agencies for the sole purpose of preventing and detecting racist incidents and crimes; Dudley Council Departments; West Midlands Police; Dudley Centre for Equality and Diversity; Victim Support; Other Partnership Agencies

Perpetrators Signature:	Print Name:
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*Parent / Guardian / Carer Signature:	Print Name:
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*Delete as appropriate

APPENDIX 1 Part (a): COMPLETED EXAMPLE

Reporting Centre (e.g. Youth Centre / School / Children's Centre etc)				Xxxx School							
Date / Time				Friday 3 rd November 2012 between 12.30 – 12.45							
Location / Activity (where incident occurred)				School playground during lunchtime							
Victim / Complainant				Alleged Perpetrator							
Pupil / Service User			x	Pupil / Service User			x				
Outside person(s) incl. Parents				Outside person(s) incl. Parents							
Employee including school staff				Employee including school staff							
Unknown				Unknown							
Ethnic Group (Victim / Complainant)				Ethnic Group (Alleged Perpetrator)							
White		Mixed / Multiple Ethnic Groups		Asian / Asian British		White		Mixed / Multiple Ethnic Groups		Asian / Asian British	
British		White & Black Caribbean		Indian	x	British		White & Black Caribbean		Indian	x
Irish		White & Black African		Pakistani		Irish		White & Black African		Pakistani	
Gypsy / Traveller		White & Asian		Bangladeshi		Gypsy / Traveller		White & Asian		Bangladeshi	
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Black / African / Caribbean / Black Caribbean		Other Ethnic Groups		Prefer not to say		Black / African / Caribbean / Black Caribbean		Other Ethnic Groups		Prefer not to say	
African		Arab				African		Arab			
Caribbean		Yemeni				Caribbean		Yemeni			
Any other Black / Caribbean / African background please state		Any other ethnic group please state				Any other Black / Caribbean / African background please state		Any other ethnic group please state			
Male		Female		Age		Male		Female		Age	

APPENDIX 1 Part (a): COMPLETED EXAMPLE

Nature of Incident		Action Taken	
Use of racist language		Response led by senior staff member	x
Ridicule / name calling / ostracism	x	Parent / Carer involved (of victim)	
Racist Graffiti		Parent / Carer involved (of alleged perpetrator)	
Verbal abuse and / or threats		Police or other agency notified	
Violent behaviour and / or assault		The victim has made previous complaints	
Possession / distribution of racist material		Repeated allegation against perpetrator	

Community tension monitoring indicators

If you think this incident could lead to or result from increased tension in the community please give brief details and follow the procedure outlined in paragraph 7 of the procedures

Not appropriate for this incident

Further Comments if appropriate

Playground incident reported by Lunchtime Supervisor, where victim was seen as upset and approached. The child explained that she had been called names "xxxx" and "xxxx". Supervisor addressed the issue with alleged perpetrator; they had heard the words on television, they didn't know what they meant, child apologised. Incident reported to class teacher to monitor language, no further action required. Appendix 1 Part B & C applicable in this case.

Signed:	Date:
Job Title:	