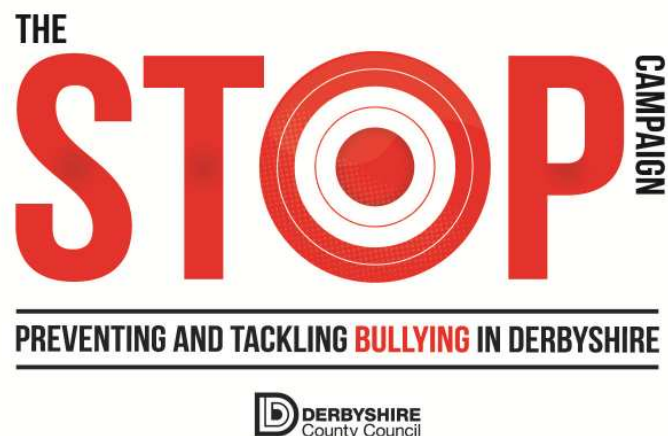


Derbyshire Guidance on Addressing Prejudice-Related Incidents in Schools



‘In 2012, the new Ofsted framework will come into force and will include ‘behaviour and safety’ as one of its key criteria for inspections. Schools should be able to demonstrate the impact of anti-bullying policies.’

Preventing and Tackling Bullying, Advice for Head Teachers, Staff and Governing Bodies, DfE: December 2011¹

This document replaces the previous LA guidance that specifically focused on Racist Incidents. The new Equality Act 2010 takes a broad approach, and replaces previous anti-discrimination laws with a single Act. For school pupils this covers seven ‘Protected Characteristics’: race (ethnicity), sex (gender), disability, religion or belief, sexual orientation, gender reassignment, and pregnancy and maternity. For school staff and adults in the school community, this also includes age, and marriage and civil partnership.

In line with the new Act therefore, this document provides guidance to support the broad range of equality areas, and also makes reference to new DfE advice and guidance on Preventing and Tackling Bullying.

The advice that follows is not exhaustive or prescriptive – however, it has been designed to ensure that you have a set of useful guidelines to refer to should a prejudice-related incident arise in your school

Section 1: Identifying

Bullying (including prejudice-related bullying) can take many forms; name-calling, taunting, mocking, making offensive personal comments, threatening, intimidating; creating situations in which someone is humiliated, or gets into trouble; playing tricks and pranks, spitting, kicking, hitting; pushing and jostling, and 'accidentally' bumping into someone; hiding, damaging or taking belongings; sending malicious text messages, e-communications and photographs; leaving people out of groups or games or social occasions; and spreading hurtful and untrue rumours. Several of these behaviours plainly involve the use of words. Several, however, may be nonverbal, involving body language, gesture and facial expression. Non-verbal behaviours can be just as hurtful and intimidating as those which involve abusive language.

Not all prejudice-related incidents necessarily involve bullying. For example, if two pupils have an argument in the playground, and if in the heat of the moment, one uses a derogatory term about the other's cultural or ethnic background, this would be recorded as a racist incident; it would probably not, however, be thought of as an example of bullying. Or if a pupil uses inappropriate language or expresses prejudice in a classroom discussion, this might be recorded as a prejudice-related incident, but would not be thought of as an example of bullying.

A prejudice-related incident can sometimes arise unwittingly. In the case of racism, as defined by the Stephen Lawrence Inquiry Report, a racist incident may arise 'because of lack of understanding, ignorance or mistaken beliefs. It can arise from well-intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions of people or families from minority ethnic communities. It can arise from racist stereotyping...' It is clear to see how similar attitudes might also arise in relation to prejudice more broadly; with regard to sexual orientation or mental impairment for example.

The Stephen Lawrence Inquiry report was very clear about how a racist incident should be defined, stating that "A racist incident is any incident which is perceived to be racist by the victim or any other person". Similarly, in the case of any prejudice-related incident, it is always important to not only focus on what has been done, either intentionally or unintentionally, but to also focus on the impact that the incident has had, and the impression that it has made, on an individual or group. Careful unpacking, ensuring that all perspectives are taken into account in a safe and supportive environment, is the most helpful and positive way to resolve such incidents.

With this in mind, it is useful to remember that:

- For the purposes of initial recording, just because an incident is alleged or perceived to be prejudice-related does not mean that it is. But it does mean that it should be recorded and explored
- The implication is that if anyone thinks that the incident was prejudice-related, then it will definitely be taken seriously and investigated
- Pupils may not have intended their behaviour to reflect prejudice, and of course, pupils' intentions and attitudes are an important consideration. But at the stage of initial recording and questioning, the effects of their behaviour will be more important than their attitudes, motivation and awareness.

Section 2: Responding

What you should do if you become aware of a prejudice-related incident involving pupils in your school:

- The first rule is to respond appropriately, and not ignore, depending on the circumstances in which you become aware of the incident (it may be reported, or you may witness it first hand)
- Be especially careful not to make any premature judgements on, or responses to, what has happened/is being reported. However, if a pupil has been at the receiving-end of the incident, they will need to have a clear message at this point that you are concerned, supportive, available to listen, and intend to make every effort to find out what has happened and address it. All staff need to relay the message that the school takes prejudice-related issues seriously
- As soon as possible take the time to find an appropriate space in which to gather information about what has happened. The space should be away from other young people and be able to provide privacy to keep the conversations confidential. The pupil may be feeling very vulnerable at this point
- As with all bullying or prejudice-related incidents the investigation should follow restorative practices. Meet with the pupil that experienced or is reporting the incident by themselves initially and ask the restorative questions.
- Once you have gathered an account of what has taken place, ask the pupil who has experienced the incident what they would like to happen from there on. It is important to have the pupil's support on the direction in which events proceed from this point, as they need to feel confidence in the way in which the incident is being responded to
- Meet with the other pupil and ask the relevant restorative questions. If there are more pupils involved meet with them individually to gain a better understanding of the incident.
- If all are in agreement you should talk to both parties together, you may wish to ask them what they think should happen from this point. However, do make sure that the pupil who has experienced the incident is in a situation where they feel confident enough to say what they think should happen
- Record the details of the incident, and the nature of the prejudice - racist, homophobic, disability-related etc. You may wish to record this electronically, or in a book, or on the behaviour incident reporting form from the LA (see resources for link)
- It is important that however the school chooses to record the incident, a conclusion is logged at some stage. This is also relevant of course, should all parties decide that the incident, having been thoroughly investigated and all aspects carefully considered, was not of a prejudice-related nature
- The purpose of the restorative process is to repair the harm that's been caused through discussion and not to impose a punitive measure. The perpetrators must have a clear understanding of why their words/actions were unacceptable. If it's decided that sanctions should be imposed then they must be delivered within the framework of the school's behaviour policy and/or anti-bullying policy

- Ensure that relevant and appropriate members of school staff/governing body are informed, and involved as and where necessary both in any action taken, and in following through. This may include:
 - class teachers
 - heads of year
 - pastoral support manager
 - assistant/deputy head
 - head teacher
 - governor with special responsibility for Bullying or Equalities
- With the agreement of the pupil who experienced the incident, you might also consider involving pupils who can lend particular support, such as:
 - a peer mentor
 - a school 'buddy' and/or supportive friend/s
 - a member of the school council

You will also need to make sure that any pupils involved in a supportive role have a clear understanding of the nature of prejudice, why it is wrong and unacceptable, and the implications and effects on those at the receiving end

- If appropriate, ensure that the parents/carers of all parties involved are informed. Your discussion with the pupil who has experienced the incident may help your decision here, i.e. – based on what they would like to happen. The parents/carers of either party may wish to meet with the relevant members of staff to discuss the incident, its investigation, and the outcomes
- At any stage during the course of your response (outlined above), you may decide that you need to contact the local authority for particular advice, guidance or signposting: (steve.boyd@derbyshire.gov.uk)

In more serious cases of course, the police may need to be informed/involved

Reporting of prejudice-related incidents directed by pupils towards a member of staff

(some of these outlined responses are identical to those in the 'pupils' section above - they are repeated here for ease of reference):

- Enter all details using your log, or the provided behaviour incident form
- It is important that however the school chooses to record the incident, a conclusion is logged at some stage. This is also relevant should all parties decide that having been investigated, the incident was not prejudice-related
- The perpetrators must have a clear understanding of why their words/actions were unacceptable. If it's decided that sanctions should be imposed then they must be delivered within the framework of the school's behaviour policy and/or anti-bullying policy
- You should seek to discuss the incident with a member of the SMT, and decide upon appropriate action. You may also need to inform:
 - class teachers
 - heads of year
 - pastoral support manager
 - assistant/deputy head
 - head teacher
 - governor with special responsibility for Bullying or Equalities
- Ensure that parents/carers are informed. They may wish to meet with the member staff to discuss the incident, its investigation, and the outcomes. Any such meeting should take place with the member of SMT with whom the incident has been discussed
- At any stage during the course of your response (outlined above), you may decide that you need to contact the local authority for particular advice, guidance or signposting: (steve.boyd@derbyshire.gov.uk)

In more serious cases of course, the police may need to be informed/involved

Allegations of Prejudice involving members of staff

Should such allegations be made they must be addressed and followed through to a conclusion. A record should be kept which carefully details the allegation, actions and outcomes – it will be up to each school to decide how this is done in order to provide an effective record. Should the matter become more serious and be subject to disciplinary procedure, the local authority will be able to advise on the appropriate action.

Section 3: Preventing

'A school's response to bullying should not start at the point at which a child has been bullied. The best schools develop a more sophisticated approach in which school staff proactively gather intelligence about issues between pupils which might provoke conflict and develop strategies to prevent bullying occurring in the first place. This might involve talking to pupils about issues of difference, perhaps in lessons, through dedicated events or projects, or through assemblies. Staff themselves will be able to determine what will work best for their pupils, depending on the particular issues they need to address.'

'Successful schools...

...openly discuss differences between people that could motivate bullying, such as religion, ethnicity, disability, gender or sexuality. Also children with different family situations, such as looked after children or those with caring responsibilities. Schools can also teach children that using any prejudice based language is unacceptable'

'...provide effective staff training. Anti-bullying policies are most effective when all school staff understand the principles and purpose of the school's policy, its legal responsibilities regarding bullying, how to resolve problems, and where to seek support. Schools can invest in specialised skills to help their staff understand the needs of their pupils, including those with Special Educational Needs and/or disability (SEND) and Lesbian, Gay, Bisexual and Transgender (LGB&T) pupils'

All the above quotes are from:
Preventing and Tackling Bullying, Advice for Head Teachers, Staff and Governing Bodies, DfE: December 2011

The above quotes describing wise practice related to incidents of bullying are all taken from the DfE anti-bullying advice. In this section we would like to 'pull out' three areas from the above paragraphs that are particularly useful to schools in the context of preventing prejudice-related bullying:

1. These quotes demonstrate that the DfE are very clearly giving focus to issues of 'difference', and in particular, specific areas of difference that highlight the new Equality Act provision relating to the Protected Characteristics
2. Any prejudice-based language is clearly described as being unacceptable – this will include the misuse, or use in the negative sense, of words such as 'gay'
3. The three paragraphs above emphasise the need for school staff to:
 - gather intelligence about issues between pupils which might provoke conflict
 - openly discuss differences between people that could motivate bullying, such as religion, ethnicity, disability, gender or sexuality
 - access appropriate training to enable them to develop specialised skills to help them to understand the needs of their diverse pupil population

It is through the last of these bullet-points that staff will gain the knowledge and confidence to act on the first two.

Frequently Asked Questions

How do we decide if a bullying incident is prejudice related?

Ofsted's definition is 'A prejudice-related incident is any incident which is perceived to be prejudice-related by the victim or any other person.'

In deciding if an incident is prejudice-related, a school should consider whether:

- pupils alleged to be responsible are known to hold prejudice views or to engage in prejudice behaviour, or are part of a friendship group known to hold prejudice views
- pupils alleged to be responsible were wearing outward signs of belonging to a racist culture, for example BNP insignia
- the language, clothing or appearance of the person attacked clearly identified them as belonging to a particular religious or cultural group
- there was no, or only slight, provocation
- there is no other explanation for the incident.

Just because an incident is alleged or perceived to be prejudiced does not mean that it is prejudiced. But it does mean that it must be recorded and investigated. Whether or not the pupil(s) responsible intended their behaviour to be prejudiced is irrelevant. Of course, when it comes to dealing with an incident, their intentions and attitudes are an important consideration, but at the stage of initial recording and investigating, their attitudes, motivation and awareness are not the main issue.

Do we have to record small, insignificant incidents?

Yes. Every incident, even those that seem small or insignificant, should be recorded in your Bullying Incidents Log (in much the same way as you would record an accident in an Accident Log) and dealt with. Prejudice-related name calling can be as hurtful and damaging as physical attacks and must be recorded. No one must be permitted to believe that discrimination is acceptable.

Who should record?

All staff, including teaching, ancillary and support staff should know how to record an incident in the Bullying Incident Log. It is usually possible to deal with minor incidents straightaway, in the classroom or playground. More serious or repeated incidents will need to be reported on to parents or outside agencies. Regular checks of the log book may reveal patterns, perhaps with individuals or particular groups of pupils. Repeated incidents will need to be reported on the Bullying Incident Report Form in the Appendix at the end of this document.

Why is it important to report?

The purpose is to monitor the level of prejudice-related incidents locally, regionally and nationally to look for any patterns and to plan steps to prevent and address further incidents. The Stephen Lawrence Inquiry recommended that all schools record and report all incidents and that Ofsted should examine whether this is being done.

Can a pupil make a report?

Yes. All Derbyshire schools should have system in place for a pupil to make a complaint or report an issue and there should be a named adult for pupils to contact if they wish to. Pupils should also know how to complete and submit a Pupil Report Form, a sample form is in the Appendix.

Will it look bad if a school has a lot of incidents?

No. In fact, recording incidents is evidence that the school has developed a positive atmosphere in which pupils feel confident that reports will be taken seriously and dealt with. If successful, an initial increase of reports can be expected as schools become better in promoting this, and then numbers will decrease as schools develop more effective measures for preventing incidents.

If we highlight prejudice-related incidents, couldn't this lead to a worse situation?

No. It goes without saying that all cases should be treated with sensitivity and care to avoid over-reacting. Even so, it is much more important not to ignore any bullying incidents. Pupils and their families need to feel supported and taken seriously. It will be much worse for society if, by ignoring incidents, we are giving pupils the impression that adults condone discriminatory behaviour.

What happens to our reports?

Information will be aggregated by Derbyshire and submitted to Derbyshire Preventing & Tackling Bullying Strategic Group. School names are not included.

Should schools aim for a nil return?

No. A nil return might imply that pupils are not confident about reporting incidents to staff, or that staff have not understood the nature or seriousness of prejudice-related bullying incidents. A school's population does not operate in a bubble separate from society and it is unrealistic for a school to expect that no prejudice-related comments will ever be made.

Resources

¹You can access the full DfE document at:

<http://www.education.gov.uk/aboutdfe/advice/f0076899/preventing-and-tackling-bullying>

At this same web address, you can also find links to a range of additional supportive materials.

The Behaviour Incident Recording Form can be found on the extranet, in the appendix or by clicking on the following link:

<https://dl.dropboxusercontent.com/u/80267137/Behaviour%20Incident%20Recording%20Form.doc>

A model Equality Policy which includes the Equality Act 2010 and it's protected characteristics:

<https://dl.dropboxusercontent.com/u/80267137/DCC%20Single%20Equality%20Policy.doc>

Prejudice Related Information sheet:

<https://dl.dropboxusercontent.com/u/80267137/Prejudice-RelatedBullyingInfo.pdf>

What is Equality, Diversity & Prejudice Related Bullying Information sheet:

<https://dl.dropboxusercontent.com/u/80267137/What%20is%20Equality%2C%20Diversity%20and%20Prejudice%20Bullying.pdf>

Identifying, Preventing and Responding to Bullying Information:

<https://dl.dropboxusercontent.com/u/80267137/Identifying%2C%20Preventing%20%26%20Responding%20to%20Bullying.pdf>

A Bullying Flowchart for Young People:

<https://dl.dropboxusercontent.com/u/80267137/BulliedFlowchart.pdf>

Bullying Assessment Flowchart for Staff:

<https://dl.dropboxusercontent.com/u/80267137/Bullying%20Assessment.pdf>

A Bullying Report Form for Young People:

<https://dl.dropboxusercontent.com/u/80267137/BullyingReportForm.pdf>

A Bullying Diary Sheet for Young People:

<https://dl.dropboxusercontent.com/u/80267137/BullyingDiary.pdf>

Derbyshire Prejudice Related Information Sheet for Young People:

<https://dl.dropboxusercontent.com/u/80267137/PrejudiceDrivenBullying.pdf>

Restorative Questions when Someone's Been Harmed:

<https://dl.dropboxusercontent.com/u/80267137/Restorative%20Questions%20when%20someone%20has%20been%20harmed.docx>

Restorative Questions in Response to Challenging Behaviour:

<https://dl.dropboxusercontent.com/u/80267137/Restorative%20Questions%20in%20Response%20to%20Challenging%20Behaviour.docx>

Appendix

Bullying or Prejudice incident pupil report form

What is your name and your class?

What happened to you?

When did it happen?

Where did it happen?

What makes you think this is a bullying or prejudice incident?

What do you want the school to do?

Please return this form to your class teacher or the named teacher responsible for anti-bullying in school.

Bullying Incident Log

[illegible]

Behaviour Incident Form

Aggressor Name(s): **Target Name(s):**

Date: **Person Completing Form:**

Type:

Non-Prejudice - Emotional	
Non-Prejudice - Physical	
Non-Prejudice - Sexual	
Prejudice - Age	
Prejudice - Disability	
Prejudice - Gender Re-assignment	
Prejudice - Marital Status/Civil Partnership	
Prejudice - Pregnancy	
Prejudice - Race	
Prejudice - Religion/Belief/Non Belief	
Prejudice - Sex or Gender	
Prejudice - Sexual Orientation	

Against an Adult (Y or N): ☐

Form of Bullying:

Actual Physical Assault	
Comment general	
Cyber - text, email, social networking	
Damaging, Hiding or Stealing Property	
Displaying Badges, Slogans or Propaganda	
Excluding from Group	
Extortion	
Graffiti	
Indirect (ignoring)	
Name Calling or Similar	
Physical Contact	

Session (Time):

After School	
Before School	
Breaktime	
During Lessons	
Lunchtime	

Who Reported:

Parent/Carer	
Pupil at the receiving end	
Witness - Pupil(s)	
Witness - Teacher or other adult	

How Reported:

Correspondence	
Email	
In Person	
Telephone	

Location:

Classroom	
Corridor	
Dining Room	
On Bus to/from School	
Outside School	

PE Changing Rooms	
Playing Fields	
School Grounds or Playground	
Toilets	
Walking to/from School	

OFFICE USE

Outcome:

Action Taken:

Fixed Term Exclusion	
Group Work	
Individual Work	
Internal Sanction	
No Further Action Required	
Parent/Carer Aggressor Contacted	
Parent/Carer Target Contacted	
Permanent Exclusion	
Restorative Meeting	

Resolved - Bullying	
Resolved - Not Bullying	
Resolved - Prejudice	
Resolved - Not Prejudice	
Resolved - Aggressor Withdrawn	
Resolved - Target Withdrawn	
Unresolved - Bullying	
Unresolved - Prejudice	
Unresolved - Aggressor Withdrawn	
Unresolved - Target Withdrawn	
LA Involvement	
Progressed to Other Agency	
Police Involvement	
Section 47 (Child Protection)	

Incident Number

Staff Member

responsible for outcome:

Date: / /

Details:

Please send the completed form by email to prevent&tackle@derbyshire.gov.uk

Or by post to : Room 56
John Hadfield House
Matlock
Derbyshire
DE4 3RD