



BREWSTER AVENUE INFANT AND NURSERY SCHOOL

Procedures for managing prejudice related incidents

This document was ratified by the Full Governing Body on: 14th November 2018

Date for review (this policy will be reviewed every three years): Autumn 2021

Background

Prejudice-related incidents and identity-based bullying cause very real damage to young people; targeted individuals may become scared, depressed and lacking in self-confidence and this can impact heavily on their progress at school. These incidents are not only damaging to the targets of the incidents, but also to the perpetrator who may be carrying around the burden of anger and hatred.

Effectively tackling prejudice-related incidents will improve the school environment for everyone, increasing attainment and wellbeing for pupils and staff. There are also legal drivers which oblige schools to respond effectively.

Legal duties

The Equality Act 2010

The Equality Act 2010 brings together all existing equality legislation under one Act. Anyone acting on behalf of the school (an employee or a contractor) is liable for their own behaviour, but the school is also liable unless it can show that it has taken all reasonable steps to stop the individual from carrying out the discriminatory action. Protected characteristics.

There are 9 protected characteristics that are covered by the Act:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race and ethnicity
- Religion or belief
- Sexual orientation
- Sex

Age and marriage and civil partnership are not protected characteristics with regards to school pupils, although they are relevant for employees.

Discrimination by perception and discrimination by association

The law also protects those who are perceived to have a protected characteristic (for example, it is illegal to discriminate against someone because you think that they may be gay) and those who are associated with people who have a protected characteristic (for example it is illegal to discriminate against someone because their child has a disability).

s149 Public Sector Equality Duty (PSED)

All public bodies, including schools and colleges, are required to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Fostering good relations involves having due regard, in particular, to the need to tackle prejudice and promote understanding between those who share a protected characteristic and those who do not, so work to reduce prejudice-related bullying between pupils would fall under this remit.

Children Act 1989

The Children Act 1989 imposes statutory responsibilities in relation to promoting pupil wellbeing and pupil safeguarding. A bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'.

Education and Inspections Act 2006

Section 89 of the Education and Inspections Act 2006 states that maintained schools must have measures in place to prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents.

What is a Prejudice-Related Incident?

This working definition, which has been adopted by the police and government: 'A prejudice-related incident is any incident which is perceived to be prejudice-related by the victim or any other person'.

Any incident which is perceived to be prejudice-related must be investigated, but the most common prejudice-related incidents take the form of:

- prejudicial language
- ridicule and jokes
- verbal abuse
- physical assault
- graffiti or damage to property
- discriminatory behaviour e.g. refusing to work with a pupil because of their religion
- incitement to behave in a prejudicial manner e.g. wearing racist badges, recruiting to racist organisations, bringing in homophobic literature
- cyber bullying

Why are prejudice-related incidents treated differently to other forms of bullying?

This document specifically relates to prejudice-related incidents involving the protected characteristics as set out by the Equality Act 2010. There is a cross-over between prejudice-related incidents and bullying, but they are also distinct: not all incidents of bullying will be prejudice-related incidents and not all prejudice-related incidents will involve bullying.

Whilst all forms of bullying can be incredibly damaging, there are some features of prejudice-related incidents which distinguish them from other incidents, and underpin the reasons why they deserve special attention:

- a prejudice-related incident does not just impact on the individuals involved, but is an attack on someone as a representative of a community or group, which means that the impact of the incident is felt more widely, spreading fear and creating a hostile environment for other pupils and staff who share the same protected characteristic

- prejudice-related incidents attack values which are core to someone's identity, impacting on the pupil or staff member's sense of self-worth
- a one-off prejudice-related incident has the potential to have the same impact as ongoing bullying as it may be part of a wider pattern of prejudicial behaviour experienced by the pupil or staff member in other parts of their life
- perpetrators of prejudice-related incidents may be carrying around a sense of their own superiority and/or a fear of others. They may feel that they are entitled to behave in this way and that their behaviour is condoned by wider society. If left unchallenged, they may develop a deep seated intolerance and inability to value diversity
- prejudice has an extremely long history of devastating lives and oppressing communities. Throughout society, prejudice leads to discrimination in employment and provision of services, and to hate crimes. It is vital that prejudicial attitudes are tackled at school when young people are developing their value systems and these attitudes can be most easily challenged and eradicated.

Recording Prejudice-Related Incidents

Staff should record an incident as prejudice-related following remarks made by children or adults related to ethnicity, culture, religion and belief, disability, homophobia, age or sex. Incidents should be recorded on the day that they occur.

The following questions may be helpful to assist this decision. If the answer to any of the following 3 questions is 'Yes' then the incident should be recorded:

- was anyone offended/hurt/upset by the remark?
- would a representative of the community concerned have been offended? (If in doubt record)
- was the way the remark was formulated or delivered derogatory, mocking or negative about the group or individual or character concerned? (If in doubt record)

The record of the incident should then be passed to the headteacher.

The headteacher is responsible for:

- determining immediate and future action
- ensuring that staff and pupils receive appropriate support
- monitoring prejudice-related incidents
- measuring the effectiveness of recording methods used.

Not all prejudice-related incidents will result in punishment for the perpetrator. Behaviour policies can be drawn on if sanctions are identified as an effective outcome to the incident, but this won't always be the case. Often, especially if an incident is proven to be unintentional, education for the perpetrator might be a more suitable outcome.

Why it is important to record prejudice-related incidents?

- To identify patterns
- To identify training needs
- To monitor the success of strategies
- To ensure accountability
- To provide a safe environment for staff and pupils

Responding to Prejudice-Related Incidents

Hear: Don't let it pass, don't walk away

Respond: Without stigmatising the person who has offended, help them to see what was wrong with what they did or said, and support them in making changes

Support: Let victims know you care about their feelings and support them in standing up for themselves Inform Point out untrue statements in a sensitive way and give correct information

Action: Explain what was offensive. Try to get understanding and bring parties together

Consult: Talk to the parents of the children involved so that the children's families can work with the school to prevent further incidents

Long Term: Plan work/projects to help change behaviour and improve understanding

Reporting Prejudice-Related Incidents

The school submits a termly report to the Local Authority.