



# MELBOURN VILLAGE COLLEGE

## REPORTING AND RECORDING RACIST AND LGBT+PHOBIC INCIDENTS

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Document Control		
Edition	Issued	Changes from previous
1	June 2023	Replacement policy

Policies/Documents referred to in this policy	Post holders/Persons named in this policy
<p>This policy <b>links to other school policies</b> on:</p> <ul style="list-style-type: none"> <li>Anti bullying</li> <li>Positive relationships</li> <li>Disciplinary procedures</li> <li>Safer Code of Conduct</li> <li>Safeguarding and Child Protection</li> </ul> <p><b>Legislation:</b></p> <ul style="list-style-type: none"> <li>Equality Act 2010</li> <li>Children's Act 1989</li> <li>KCSIE 2022</li> <li>Preventing and tackling bullying July 2017 DfE</li> <li>Education and Inspections Act</li> <li>Equality and Human Rights Commissions (2019)</li> </ul> <p><b>Reports/organisations</b></p> <ul style="list-style-type: none"> <li>Report on the Stephen Lawrence Inquiry (1999)</li> <li>The Proud Trust website</li> </ul>	<ul style="list-style-type: none"> <li>Safeguarding team</li> <li>Student team</li> </ul>

### 1 Introduction and aim

- 1.1 The aim of this policy is to provide guidelines for Melbourn Village College to establish effective procedures for the reporting and recording of racist / LGBT+phobic incidents.
- 1.2 It will ensure that action is taken to support the victims of racism/LGBT+phobic incidents and to deal with perpetrators appropriately. The policy has been informed by the following documents:
  - Home office Code of Practice on reporting and recording racist incidents in response to recommendation 15 of the Stephen Lawrence Inquiry Report (April 2000)
  - How can we stop prejudice based bullying in schools (Equality and Human Rights Commission 2019)

Equality Act 2010 A key provision in The Equality Act 2010 is the Public Sector Equality Duty (PSED), which came into force on 5 April 2011 and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

When there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm' a bullying incident should be addressed as a child protection concern under the Children Act 1989. Where this is the case, the school staff should discuss with the school's Designated Safeguarding Lead and report their concerns to their local authority children's social care and work with them to take appropriate action.

Where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the student who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying. Full details can be found in Part 1 of Keeping Children Safe in Education 2022 and Chapter 1 of Working Together to Safeguard Children.

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If school staff feel that an offence may have been committed they should seek assistance from the police. For example, under the Malicious Communications Act 1988, any person who sends an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender, is guilty of an offence if their purpose in sending it was to cause distress or anxiety to the recipient.

School staff have the power to sanction students for misbehaving outside the school premises. Sections 90 and 91 of the Education and Inspections Act 2006 say that a school's disciplinary powers can be used to address conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff, but only if it would be reasonable for the school to regulate students' behaviour in those circumstances. This may include bullying incidents occurring anywhere off the school premises, such as on school or public transport, outside the local shops, or in a town or village centre.

- 1.3 We all have a responsibility to challenge racism and LGBT+phobia in our school. Action will only be successful if it forms part of a wider policy which is embedded within all school practices.

## **2 Definitions**

- 2.1 According to the Equality and Human Rights Commission (2019), prejudice based bullying is "any type of direct physical or verbal bullying, indirect bullying or cyberbullying based on protected characteristics such as:
- age
  - disability
  - gender reassignment
  - pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation.

2.2 Our definition of a racist incident is that of recommendation 12 of the Report of the Stephen Lawrence Inquiry:  
"A racist incident is any incident which is perceived to be racist by the victim or any other person."

2.3 Our definition of LGBT+phobia has been taken from The Proud Trust. LGBT+phobia is:

Any form of discrimination towards an LGBT+ person because of the LGBT+phobic views of the perpetrator. This could be a physical attack, using slurs and derogatory terms to describe a person or it could be making jokes about a person's LGBT+ identity; LGBTphobia does not 'look' a certain way. The Equality Act (2010) makes it unlawful to discriminate against LGBT+ people, so LGBT+phobia must be challenged.

### **3 Examples**

3.1 A racist / LGBT+phobic incident may include:

- derogatory name-calling, insults, slurs and racist / LGBT+phobic jokes
- verbal abuse and threats
- physical assaults
- ridicule based on differences of colour, race, ethnicity, nationality, culture, religion or language, sexuality, gender identity
- refusal to co-operate with another because of any of the above differences
- stereotyping on the basis of colour, race, ethnicity, sexuality etc.
- racist / LGBT+phobic comments
- graffiti
- incitement of others to act in a racist / LGBT+phobic manner
- wearing racist / LGBT+phobic badges or insignia
- introducing racist / LGBT+phobic literature into school
- recruiting other students to racist / LGBT+phobic groups

3.2 Even if the victim of an incident does not complain, it should be treated as a racist/LGBT+phobic incident if another person perceives it as such. For example, a teacher overhears a child calling another child a racist / LGBT+phobic term. The teacher records this as a racist incident/LGBT+phobic, even though the abused child does not complain to him or her.

### **4 Dealing with racist / LGBT+phobic incidents**

4.1 No incident that is, or appears to be racially/LGBT+phobically motivated, should go unchallenged and every member of staff has a responsibility for responding to the situation.

4.2 Staff should make it explicit that any racist / LGBT+phobic behaviour is unacceptable and contravenes the school's policy, culture and ethos.

4.3 If the member of staff is unable to resolve the matter, it should be referred to the student's year team, or the safeguarding team as soon as possible.

4.4 The action to be taken will depend on whether the perpetrator is known and whether he/she is a student, a member of staff or an outside perpetrator.

- 4.5 Where the perpetrator is a student, staff should explain why racist / LGBT+phobic behaviour is unacceptable. Any disciplinary action taken, including a fixed term suspension or permanent exclusion, will be in line with the school's Behaviour Policy.
- 4.6 The parents or carers of all perpetrators and victims will be informed of the incident and the action taken.
- 4.7 Racial harassment or any form of racist / LGBT+phobic behaviour from any member of staff towards any student, parents or another member of staff will not be tolerated, and will be dealt with as a serious breach of the school's disciplinary procedures. We recognise that appropriate training and other support will be necessary for all staff. When members of staff are found to have committed misconduct involving racial harassment they will face disciplinary sanctions up to and including dismissal.
- 4.8 Where there is an outside perpetrator, staff should attempt to discuss the matter with them and if necessary refer them to school policy and/or the Head Teacher.

## **5 Reporting and recording incidents**

- 5.1 When a member of staff has witnessed or experienced a racist/LGBT+phobic incident they should:
- a) Log the incident on a racist/LGBT+phobic incident log
  - b) Include as much information as possible, including witness/perpetrator/exact details of incident/date/name of staff involved
  - c) This should then be passed to a member of the Safeguarding team who will ensure that further actions are carried out.
  - d) This information will be logged on the Behaviour Incident log and filed on the relevant students' Child Protection files.
- 5.2 A member of the Safeguarding team has been designated to record all racist / LGBT+phobic incidents.
- 5.3 In line with the recommendations of the above documents, Melbourn Village College records ALL racist / LGBT+phobic incidents. This information is held in school and regularly monitored and tracked. The information held includes the following details:
- date
  - names of perpetrators and victims
  - the ethnicity of all individuals involved
  - nature of incident
  - action taken in response
  - name of the person reporting the incident
- 5.4 All incidents which involve a member of a minority ethnic group will be monitored to ensure that potentially racist incidents are not overlooked.
- 5.5 Although some incidents may seem minor, it is still important to log them as repeat incidents often mean that earlier reports assume greater importance.
- 5.6 Parents and governors are informed of the number and nature of racist / LGBT+phobic incidents and the action taken to deal with them.

- 5.7 The pattern and frequency of racist / LGBT+phobic incidents is analysed in order to inform future planning.
- 5.8 Details of the pattern and frequency of racist / LGBT+phobic incidents are held at school and will be reported to the LA on request.
- 5.9 We will advise the police of any racist / LGBT+phobic incidents that may be categorised as crimes.

## **6 Support for the victim**

- 6.1 When dealing with a disclosure about racist / LGBT+phobic incidents involving students, staff should:
- Listen attentively
  - indicate they are pleased that the student has been able to tell them
  - remain calm and reassuring
  - accept their language and terminology
  - remember that to confide in a member of staff may need considerable courage

### **Acknowledge**

- acknowledge the feelings of the students
- confirm they were right to make the disclosure
- show they understand the difficulty in discussing the matter
- reassure while explaining the need to take the matter further

### **Report**

Indicate that the information needs to be shared with members of the safeguarding and year team in order to stop further harassment. If the victim is adamant that they do not wish any further action, the incident should, nevertheless, be recorded. In certain cases, the victim's identity will need to be protected and the situation must be handled sensitively.

### **Support**

Recognise that victims will need immediate support and must be reassured that the matter will be treated seriously and that a full investigation will take place.

- 6.2 Ensure that parents are aware of the incident and kept informed of the progress of any investigation. It may be necessary to either provide support or encourage parents to seek support for themselves and other members of the family.
- 6.3 We recognise that members of staff can also experience racial harassment from students, from other staff, from parents, or members of the public. We will support them in the same way as we would students.

## **7 Perpetrators of racist and LGBT+phobic incidents**

Perpetrators should complete a piece of work around racism or LGBT+phobia ; this work will explore positive role models, the BLM/LGBT+ movements and the challenges faced by different groups of people. We want students to reflect on their behaviours, and understand the thoughts and feelings of everyone in our community.

## **8 Whole-school issues**

- 8.1 Racism and LGBT+phobia has an impact on the whole school community and on the wider community it serves. Visual evidences will be dealt with immediately (graffiti removed, racist literature / badges / insignia confiscated etc).
- 8.2 There is regular and ongoing training and discussion of the issues and a sharing of the school's response amongst all staff, students and the local community. This common approach will include communication with parents and community members and liaison with outside agencies.