

## 1. Rationale

The purpose of this policy is to help those working in and with The Firs Lower School to create a learning community characterised by empathy, understanding and harmony, where diversity is nurtured, valued and celebrated.

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 however, but also to the perpetrator.

Having an effective policy and practice in place to deal with any prejudice related incidents is an important part of protecting the well being of everyone in our community.

## 2. Legal duties

- a. 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.

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.

- b. Under s149 of the Public Sector Equality Duty (PSED) All public bodies, including schools and colleges, are required to have due regard to the need to:
  - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - iii. 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.

- c. 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'

### **3. Linked policies**

This policy operates in conjunction with the following school policies:

- a. Safeguarding and Child Protection
- b. Firs Code of Conduct
- c. Equality Policy
- d. Behaviour Policy
- e. Anti Bullying Policy
- f. Disability Equality Scheme
- g. Complaints Policy
- h. GDPR Policy

### **4. What is a prejudice - related incident?**

The working definition, which has been adopted by the police and government and should be employed when considering prejudice-related incidents is outlined below:

**'A prejudice-related incident is any incident which is perceived to be prejudice-related by the victim or any other person'**

This definition was first recommended as a working definition for racist incidents by The Stephen Lawrence Inquiry and has since been extended to cover all incidents related to the protected characteristics set out in The Equality Act 2010.

This is a working definition. It informs people how to respond when they become aware of the incident and ensures that the incident is investigated. Importantly, it ensures that people are listened to.

It may be that at the end of an investigation, it is decided that the incident was not prejudice-related, but this conclusion, if reached, will be based on all of the information and evidence gathered.

It is important to note that there is no mention of intention, just because someone didn't intend to offend, doesn't change the impact of the action. Intention is important when considering the actions that need to be taken with the perpetrator, but a lack of intent does not prevent it from being a prejudice-related incident.

The definition empowers everyone to act. The onus is not just on the target to speak up. The inclusion of 'or any other person' means that anyone who perceives a prejudice-related incident to have occurred can instigate an investigation. This also ensures that incidents

where there is no direct target, such as racist graffiti or casual use of homophobic language, are also picked up.

It may be that someone interprets a situation wrongly, however that person's perception is their reality and it is important that their view is not simply dismissed. It is equally possible that an alternative interpretation made at the time may be incorrect. By making sure that all incidents are investigated, all parties will feel listened to and all decisions will be evidence based.

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

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

## **5. Why are prejudice-related incidents treated differently to other forms of bullying?**

This policy specifically relates to prejudice-related incidents involving the protected characteristics as set out by the Equality Act 2010. There is a crossover 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. 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, potentially spreading fear and creating a hostile environment for other pupils and staff, who share the same protected characteristic.
- b. Prejudice-related incidents attack values which are core to someone's identity, impacting on the pupil or staff member's sense of self-worth.
- c. 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.
- d. 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
- e. 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.

## **6. Protective Practices**

In order to foster an ethos of empathy, respect and understanding, the Governing Body of The Firs Lower School will ensure that:

- a. Pupils, staff, parents/carers and visitors are made aware that Prejudice related harassment, bullying, abuse, graffiti and other prejudice related behaviour, in any part of the school, and by pupils to and from school, will be challenged and will not be tolerated.
- b. Pupils are empowered to report prejudice related incidents, within a framework that recognises the right of the child or young person to be heard.
- c. All staff, including administrative and support staff, are familiar with, and able to implement, the procedures for dealing with and recording incidents.
- d. All staff are vigilant with regard to behaviour among pupils, and will look out for, and respond appropriately to, incidents and reported incidents of bullying and harassment (in line with the anti bullying policy.)
- e. In signing the Home School Agreement, pupils and parents/carers are expected to uphold the school ethos as set out in this policy and in the Equality Policy and to play a positive and supportive part in dealing with any prejudice related incidents.
- f. Playground / social areas are safe and encourage and promote positive and co-operative behaviour among pupils.
- g. Any form of discrimination is eliminated from, and equality for all is promoted in, employment in line with the school's Equality Policy.
- h. Regular reports are received by Governors on progress on the implementation of policies and procedures, and data is provided on all prejudice related incidents.
- i. A curriculum is promoted which is explicit in challenging all forms of discrimination.
- l. There is a commitment from all staff, to taking immediate action where a prejudicial incident takes place.
- m. There is provision of appropriate support for the person who has been the subject of a racist or prejudicial incident.
- n. Appropriate intervention occurs with the person who has initiated the incident.
- o. Pupils and staff are encouraged to explore their own perceptions in the light of the values and principles set out above.
- p. Staff are careful when dealing with incidents that involve retaliation, to ensure that appropriate action is taken both with the person who has initiated the incident and the person who has retaliated in response to it.
- q. Prejudice related incidents are discussed with parents/carers and they are encouraged to reinforce the school's equality practices at home.
- r. Annual update training is provided on the school's Equality and Prejudice Related Incidents policies and procedures.
- s. The headteacher is responsible for overseeing the recording and monitoring of incidents and Governing body oversees the implementation of policy.

- t. External contractors adopt the school's practice on Equality – see Equality Policy.

## **7. Procedures for managing and investigating a prejudice related incident with children**

- a. Inform relevant members of the SLT (a member of the SLT should lead the investigation)
- b. With some reported incidents, After making initial inquiries, it may not be necessary to proceed to a full investigation. Nevertheless, the nature of, and the resolution to, the incident will be recorded. (See Guidance section 8)
- c. Where a full investigation begins, ensure that both perpetrator and target have a fair hearing and are given the opportunity separately to fully explain the incident, ensuring privacy for discussion, and using a calm and non- confrontational approach in line with the Behaviour Policy. Ensure that conversations are fully recorded. (See section 10)
- d. Address underlying issues, for example, an incident may not be prejudice related in origin, instead it might be a dispute over resources, in which prejudice related abuse has been used; in which case the original issue should be resolved as well as the unacceptable behaviour that made it a prejudice-related incident.
- e. Approach witnesses for written statements to inform the investigation. Ensure that witnesses know that any prejudice related behaviour is not acceptable and the reasons why.
- f. Bring both parties together to give them a chance to be involved in resolving the situation.
- g. Ensure that all parties understand what is being done to address the incident and the reasons behind this.
- h. Ensure that the prejudice is dealt with - this requires an ability to explain why the incident was prejudice related if the investigation proves it to be. If the incident is proven not to be prejudice related, ensure that the reasons why are explained to all parties involved.
- i. Ensure that actions taken are in line with the relevant policies in place at the school and are recorded.
- j. Ensure the parents / carers of both perpetrator and target are informed and the matter is fully explained to them.

## **8. Guidance for conducting an investigation**

- a. Treat the issue seriously - remember that someone's perception is their reality at the time and that incidents should not be dismissed and ignored.
- b. Respond immediately - acknowledge that the incident has happened, express disapproval at any suggested prejudice-related behaviour and offer support to the target of the incident.
- c. Reinforce the school's position on discrimination and prejudice.
- d. Focus on the perpetrator's behaviour, **not** them as a person, making sure that they know that any negative / prejudice related behaviour is not acceptable.
- e. Relate responses and questions to the school's values / Behaviour Policy and the 'Ready Respect Safe' behaviour code.
- f. When responding to a prejudice related incident, the aim should be to secure the best possible outcome for everyone involved. Therefore, interventions should be restorative and seek to create attitudinal and behavioural change, with the goal of preventing future incidents from occurring.

- g. Perpetrators of prejudice-related incidents may have low self-esteem and/or concerns about loss of identity and belonging. They may have picked up fears from the media, or from family and peers. Let the perpetrator know that you understand why they might be feeling this way and try to address their underlying issues.
- h. The headteacher will exercise professional judgement on the threshold below which it may not be appropriate to fully investigate / report a particular incident to a parent/carer.
- This might be the case, for example, where an incident is trivial and where those involved accept it as such. This approach will avoid a situation arising where parents/carers consider such notification as irksome because of its insignificance.
  - The reason for not informing a parent/carer will be logged.
  - Should an individual pupil initiate a number of incidents it may be appropriate to notify parents/carers, even if the last incident in the series in itself seems trivial.
- i. Use reasoning and enquiry questions to get the perpetrator to question their attitude/behaviour. See below:
- i Examples of reasoning questions-
- What are your reasons for saying that?
  - Why do you think that is the case? How do you know?
  - What were you feeling at that moment? Why?
  - How do you think that would make them feel? Why?
- ii Examples of enquiry Questions-
- j. Can you give an example? If you say that, does it follow that...?
- k. Is that always the case or only sometimes?
- l. Is that what you said before?

## **9. Longer Term Response:**

- a. Agree follow up meetings with the perpetrator and target after an agreed time period, for example, one or two weeks, to inform them of further actions taken and provide opportunities for additional support if required.
- b. Give the perpetrator the opportunity to take responsibility for their actions and to take action to try to repair the harm that they have caused.
- c. Provide curriculum opportunities for (all) pupils to develop their understanding of prejudice and discrimination.
- d. Work with other agencies and the community to foster good relations within the school.
- e. Reinforce the school's position on equality and diversity.
- f. Parents have a right to refer cases to the police and all parties have a right to appeal to the Governing Body. All appeals to the Governing Body will be addressed according to the school Complaints Policy.

## **10. Recording prejudice related incidents**

All incidents will be recorded using one or other of the two forms appendices to this policy and logged on CPOMS. Appendix 2 contains a form to cover incidents for which a child/young person is responsible. Appendix 3 contains a form to cover incidents for which an adult is responsible.

The record of each individual incident should include:

- a. Date
- b. Name(s) of pupil(s)/person(s) involved
- c. A classification of the incident, with further description of what happened where appropriate
- d. For racist incidents - ethnicity, religion, nationality of persons involved action taken to support the person(s) who has/have been the subject of the incident (taken from G2)
- e. Action taken in relation to the person(s) responsible for the incident
- f. The nature of the contact with the parent/carer.

Whilst all incidents will be recorded, not all will require investigation.

All records will be kept in paper form in the 'Prejudice Related Incident' section of the school 'Incidents Folder.'

The headteacher will exercise professional judgement on the circumstances in which it will be appropriate to give the child/young person the opportunity to complete the form. This is in order to avoid situations arising where a pupil might feel that her/his response is being interpreted on her/his behalf.

### **11. Adult related incidents**

- a. All staff, including, where appropriate, supply staff, are expected to:
  - Fully support the school Code of Conduct.
  - Take responsibility for implementing the school's Equality and Prejudice Related Incidents policies.
  - Foster a positive atmosphere of mutual respect and trust among **all** pupils / staff
  - Ensure that play and leisure areas provide a positive environment for **all** pupils
  - Deal appropriately with incidents whenever they occur (see below).
- b. The Governing Body will ensure that:
  - All prejudicial incidents involving discrimination / harassment against staff are recorded, investigated appropriately and reported to Governors.
  - Active steps are taken to protect staff from bullying or harassment by pupils, parents/carers, visitors and other staff.
  - Incidents involving staff behaviour will be dealt with through following the appropriate HR policy and Bedford Borough HR advice.
  - All staff have access to the school's Code of Conduct in the event of being subject to racist or prejudicial incidents.
  - Staff induction covers the school's Equality and Prejudice Related Incidents Policy.
  - All staff are trained on how to implement this policy.
  - Good practice and effective strategies for dealing with incidents are shared between staff.
- c. Complaints against a member of staff

Where a prejudice related incident is reported against a member of staff, this will be investigated by the headteacher initially, with appropriate HR advice. The matter may then be dealt with following the Disciplinary Procedures.

d. Complaints against the headteacher

Where an incident is reported against the headteacher, this will be investigated initially by the Chair of the Governing Body, with appropriate HR advice. The headteacher will be subject to the same rights and expectations as other members of staff at the school.

e. Complaints involving parents/carers

- Parents/Carers of pupils who are the subject of racist or prejudicial incidents will be informed of those incidents and of the action taken to deal with them.
- Parents/Carers of pupils who are responsible for incidents will be invited to play an active role in dealing with the situation and the following represents some possible courses of action for the headteacher (liaising with the chair of Governors), as appropriate:
  - A face to face or telephone conversation to discuss the matter and to reinforce the school's ethos / reaction to prejudice related incidents. It may also be appropriate to refer to the Equality and/or Staff Safety Policy.
  - As above but set out in writing to the parent / carer.
  - In line with the Vexatious Complaints and Harassment Policy, consider writing to the parent to enforce a temporary ban from the school site.
  - Make a report to the police.

f. Complaints involving Governors

Where an incident is reported against a Governor, the Governing Body will decide what action should be taken. Where a Governor is subject to an incident, the Governing Body will provide appropriate support and will decide on the nature of the investigation and the action to be taken following the investigation.

Action taken by the Governing Body should be consistent with the values, principles, policies and practice set out in this policy and the 'Complaints Against Governors' policy.

g. Visitors on site (including parents/carers)

Where a visitor on site (who might also be a parent/carer of a child at the school) is responsible for a racist (or other prejudicial) incident, this will be reported to the headteacher or a senior member of staff immediately, who will take some or all of the following actions:

1. inform the visitor that the school does not tolerate discriminatory behaviour
2. invite the visitor to leave the premises
3. if the visitor is employed by an organisation, inform the visitor that the organisation will be informed of the incident
4. inform the organisation accordingly
5. inform the Chair of Governors
6. contact the Police.