



# **Recording and Reporting Prejudiced Based Incidents**

## **Guidance for Schools and Children and Young People's Services**

## Version control record

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## Prejudiced Based Incidents – Guidance for Schools

### 1.0 Purpose

#### 1.1 Background/Context

National thinking and good practice recommends that schools extend their reporting systems to recording, dealing with and reporting on incidents which are based on prejudice against any persons protected characteristic or characteristics, including perceived characteristics.

This guidance has been produced to help schools and those working with children and young people record all prejudice based incidents. It should be read in conjunction with the school's own Anti Bullying Policy and or Behaviour Policy.

Section 89 of the Education and Inspections Act 2006 states that maintained schools must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils.

Similarly, The Independent School Standards (England) (Amendment) Regulations 2012 state that the proprietor of an academy or other independent school is required to ensure that an effective anti-bullying strategy and health & safety strategy is drawn up and implemented.

In the past, the Race Relations Amendment Act 2000 recommended that schools record, deal effectively with and report to the School Governors all racist incidents which happen in or travelling to and from their school. Whilst this has never been a legal requirement it is considered good practice and an effective means of counteracting racism in schools.

The Equality Act 2010 brings together nine separate pieces of legislation into one single Act, simplifying and strengthening the existing equality legislation. It also broadened the sphere by introducing the concept of 9 “Protected Characteristics” rather than 7 “Equality Strands”. This recording system has been designed to record any prejudiced based incident, no matter what its root cause may have been.

The Equality Act identified the following Protected Characteristics: -

- Age
- Gender
- Disability
- Race/Ethnicity
- Religion/Belief
- Sexual Orientation/
- Transgender

- Pregnancy/Maternity
- Marital/Civil Partnership Status

\* NB The above apply to any persons on school premises, such as staff, visitors, contractors and parents.

## 1.2 What is a prejudiced based incident?

A prejudice based incident is any incident which is or is perceived to be, by the victim or any other person(s), one which is motivated by an individual's protected characteristic(s), or perceived characteristic(s).

Prejudice based incidents can take many forms including:

- physical attacks such as physical assault, damage to property, offensive graffiti and arson;
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints;
- verbal abuse, insults or harassment - taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or travelling to and from school;
- cyber bullying, such as social media

## 2.0 Recording incidents

It is recommended that schools and those working with children and young people use the proforma at the end of this document for recording incidents. The intention is that they classify prejudice based incidents according to a to four point scale of reporting:

1. No offence intended or taken
2. Hurt or distress was caused but offending behaviour unlikely to be repeated
3. Hurt or distress was caused and the person responsible had previously been warned of unacceptable behaviour
4. Hurt or distress was caused and the behaviour was based on substantial hostility and prejudice may be repeated

Colleagues/schools will decide the appropriate action to be taken at each level of prejudice based incident and keep a log of **each** incident using the proforma attached (Appendix 2). In addition colleagues/schools may wish to summarise the number(s) of each level of incidents for the own reporting mechanisms using the proforma attached (appendix 3). If there are any issues/concerns contact Ann McIntyre, Operational Director Education, Inclusion and Provision: [ann.mcintyre@halton.gov.uk](mailto:ann.mcintyre@halton.gov.uk)

Furthermore colleagues/schools should be aware that the Home Office defines the following as hate incidents which may be deemed, following investigation, as hate crimes: -

'A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's:

- Disability
- Race
- Religion or belief
- Sexual orientation
- Transgender identity'

Colleagues/schools must therefore decide, if any incidents fall into the above category and are of a sufficiently serious nature, whether further action involving the Police may be warranted. Police guidance attached as Appendix 4, and further advice on this issue is available from the local authority or from local Police.

### 3.0 Definitions

#### 3.1 Categories of ethnicity

Main Category	Comments
<b>WHITE</b>	
British	Includes: English, Scottish, Welsh, other White British
Irish	
Traveller of Irish heritage	
Any other White background	Includes: White Western European (e.g. Italian, German, French, Spanish, Portuguesa, Spanish, Scandinavian), White Eastern European (e.g. Albanian, Bosnian-Herzegovian, Bulgarian, Bulgarian, Croatian, Czech, Greek, Greek Cypriot, Kosovan, Latvian, Lithuanian, Polish, Romanian, Russian, Serbian/Yugoslavian, Slovak, Turkish/Turkish Cypriot, Ukrainian) and all other white not represented in main categories.
Gypsy/Roma	This category is only for those of Gypsy Roma descent. It should not be used for recording those with circus, fairground, bargee or new age traveller backgrounds.
<b>MIXED OR MULTIPLE ETHNIC GROUPS</b>	
White and Black Caribbean	
White and Black African	
White and Asian	Includes: White and Pakistani/White and Indian/White and Bangladeshi and White and any other Asian background.
Any Other Mixed or Multiple Ethnic Background	Includes: all other mixed race not listed in the main categories.
<b>ASIAN OR ASIAN BRITISH</b>	
Indian	
Pakistani	Includes: Kashmiri Pakistani
Bangladeshi	
Chinese	Includes: Hong Kong Chinese, Malayan Chines, Singaporean Chinese, Taiwanese and other Chinese

Any other Asian background	Includes: Nepali, Sinhalese, Sri Lankan Tamil, and East and South East Asians and all other Asian not listed in the main categories.
<b>BLACK, AFRICAN, CARIBBEAN OR BLACK BRITISH</b>	
Caribbean	Includes: Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Jamaica, St Kitts and Nevis, St Lucia, St Vincent and Grenadines, Trinidad and Tobago.
African	Includes: Angolan, Black South African, Congolese, Ethiopian, Ghanaian, Nigerian, Sierra Leonean, Rwandan, Somali, Sudanese, Ugandan and Zimbabwean
Any other Black background	Includes; Black European, Black North American and any other not listed above
<b>ANY OTHER ETHNIC GROUP</b>	
Other	Includes: Afghanistani, Egyptian, Iranian, Iraqi, Lebanese, Libyan, Jordanian, Kuwaiti, Palestinian, Saudi Arabian, Yemeni, Filipino, Japanese, Korean, Kurdish, Latin/Couth/Central American, (including Cuba and Belize), Malay, Moroccan, Polynesian (including Fijian, Tongan, Samoan, Tahitian), Thai, Vietnamese and any other not listed above

### 3.2 Disability

The following are definitions of disability as per the Equality Act 2010:

<b>DISABILITY</b>	<b>DEFINITION</b>
<b>Hearing</b>	E.G. Deaf/partially deaf/hard of hearing.
<b>Vision</b>	Such as blindness or partial sight that cannot be corrected by glasses/contact lenses.
<b>Speech</b>	Such as impairments that can cause communication problems.
<b>Mobility</b>	Such as wheelchair user, artificial lower limbs, walking aids, rheumatism or arthritis.
<b>Physical coordination</b>	Such as manual dexterity, muscular control, cerebral palsy.
<b>Reduced physical capacity</b>	Such as an inability to lift, carry or otherwise move everyday objects, debilitating pain and lack of strength, breath energy or stamina, asthma, angina or diabetes.
<b>Severe disfigurement</b>	
<b>Learning disabilities</b>	Such as dyslexia, cerebral palsy, Down's syndrome.
<b>Mental illness</b>	Substantial and lasting more than one year, such as severe depression or psychoses.

NB the above list is not intended to be exhaustive.

Appendix 1 gives a full glossary of commonly used terms for those covered by the Equality Act 2010.

## Glossary of commonly used terms

### Ageism

This is discrimination against people based on assumptions and stereotypes about their age (both young people and older people in particular)

### Anti –Semitism

This refers to unfounded hostility towards the Jewish faith and people. It also refers to the practical consequence of such hostility in unfair discrimination against Jewish individuals and communities and to the exclusion of Jewish people from mainstream political and social affairs.

### Community Cohesion

Community Cohesion incorporates and goes beyond the concept of equality and social inclusion. It describes a situation where:

- There is a common vision and a sense of belonging for all communities
- The diversity of people's different backgrounds and circumstances is appreciated and positively valued
- Those from different backgrounds have similar life opportunities
- Strong and positive relationships are being developed between people from different backgrounds in the workplace, in schools and within neighbourhoods

### Disability

The Equality Act 2010 defines a disability as 'a physical or mental impairment that has a substantial long-term adverse effect on his or her ability to carry out normal day to day activities'.

### Discrimination

Is to treat an individual or group differently and less favourably than others under the same or similar circumstances. The result of discrimination is that it has an unfavourable impact on a specific group.

*Discrimination can be direct or indirect*

- Direct discrimination means treating one person less favourably than another on the grounds of a personal characteristic such as gender, race or sexuality.
- Indirect discrimination happens where a rule or condition, which is applied equally by everyone:
  - Can be met by a considerably smaller proportion of people from a particular group
  - Is to the disadvantage of that group
  - Cannot be justified by the aims and importance of the rule or condition



Positive discrimination means treating one person more favourably than another on the grounds of a personal characteristic, for example sexuality, gender or race. Positive discrimination is not legal and should not be confused with Positive Action

## **Diversity**

The concept of diversity encompasses acceptance and respect. It means acknowledging and understanding that each individual is unique, and recognising and respecting our individual differences. These differences can be with regard to race, ethnicity, gender, sexuality, socio-economic status, age, disability, religion or belief, marital status or physical appearance.

## **Equality (of Opportunity)**

No individual or group receives less favourable treatment on the grounds that are not justifiable, for example, race, disability or gender, or any other protected characteristic.

## **Ethnicity**

A group of people that share ethnicity share a common identity, which can be culture, values, language, ancestry, social norms.

- Ethnic Majority – The ethnic group that is the dominant group in the society
- Ethnic minorities – Ethnic groups that are smaller than the dominant group in their society
- Black and Minority Ethnic (BME) – the term used to identify minority ethnic groups in the UK. These groups include bi-racial/mixed heritage people, Asian, Chinese, Black, Gypsy/Traveller and other ethnicities

## **Genuine Occupational Qualifications (GOQs)**

Some jobs are likely to restrict certain people from applying because they require GOQs. People who apply for such jobs must possess the personal characteristics that are necessary for the job, for example female care worker providing personal care.

## **Harassment**

Harassment is unwanted conduct on the grounds of race, gender, sexual orientation or any other protected characteristic which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

## **Hate Crime**

Any incident which is perceived by the victim or any other person to be motivated by the offenders prejudice against any person because of their: -

- Disability;
- Race
- Religion or belief
- Sexual orientation
- Transgender identity

(Home office/CPS/ACPO nationally agreed definitions)

### **Heterosexism**

This is when a person or persons believes that heterosexuals are naturally superior to gay men, lesbians, and bi-sexuals or make the assumption that everybody is heterosexual. It equally applies to men or women who believe they have the right to dominate the smaller minority.

### **Homophobia**

Is an irrational fear and dislike for individuals who identify as gay men, lesbian or bi-sexual. This fear usually results in judgemental, discriminatory or even violent aggressive behaviour.

### **Islamophobia**

This refers to unfounded hostility towards Islam. It also refers to the practical consequences of such hostility in unfair discrimination against Muslim individuals or communities and to the exclusion of Muslims from mainstream political and social affairs.

### **Transgender**

This is a blanket term for any person whose internal gender identity differs from their physiological gender.

### **Transsexual**

A transsexual person is a person who is proposing to undergo, is undergoing, or has undergone a process (or a part of a process) for the purpose of reassigning their sex by changing their physiological or other attributes of sex.

**Schools Prejudice Based Incident Reporting Form**

A prejudice based incident is 'any incident which is perceived to be a prejudice based incident by the victim or any other person'

School .....

Incident date ..... Incident time .....

Name and position of person completing this form .....

.....

Number of victims .....

**Incident Details**

**Did the incident relate to:**

Disability

Race / ethnicity

Religion or belief

Sexual orientation

Transgender identity

Or:

Gender

Age

Pregnancy / maternity

Marital / civil

**Was the victim:**

Pupil

Year Group

Staff Member

Parent

Visitor

Other

.....

partnership status

Other (please describe) .....

**Type of incident (tick all that apply)**

Arson		Robbery	
Damage to property		Sexual Assault	
Offensive mail		Threats	
Physical assault		Verbal abuse	
Discrimination in school		Discrimination in services	
		Cyber based	
Other (specify); for example - ridicule of culture, offensive graffiti, inciting others to behave in a prejudiced manner, damage to property, refusing to cooperate with a person or persons because of their protected characteristic.			

Were there any witnesses to the incident? Yes/No .....

If yes do you know how to contact them? Yes/No .....

**Location of incident**

1	Classroom	
2	Playground	
3	Other area in school (specify)	
4	Outside school; in school time	
5	Outside school/travelling to school; not in school time	
6	Other (specify)	

**Impact of incident**

1	No offence intended or taken.	
2	Hurt or distress was caused but offending behaviour unlikely to be repeated.	
3	Hurt or distress caused and person responsible had previously been warned of unacceptable behaviour.	

4	Substantial hurt or distress was caused and the behaviour was based on substantial hostility and prejudice and/or may be repeated.	
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<b>Victim Details</b>
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Name	
Age	
Religion	
Gender	
Sexuality	
Transgender?	
Address	
Town	
Postcode	
Tel:	
Mobile	
email	

**Ethnic origin of victim**

White	British	
	Irish	
	Other	
Black	African	
	Caribbean	
	Other	
Asian	Bangladeshi	
	Indian	
	Pakistani	
	Other	
Mixed	White and Black African	
	White and Black Caribbean	
	White and Asian	
	Other mixed	

Has the victim suffered previous prejudice based incidents?                      Yes/No

If yes, over what time have incidents occurred?

- |            |             |
|------------|-------------|
| 0-6 months | 7-12 months |
| 1-5 years  | 10 + years  |

Does the victim consider themselves to have a disability under the Equality Act 2010 definition?                      Yes/No

Victim's signature.....Date.....

**Perpetrator Details**

Does the victim know the perpetrator? Yes/No

State name if known .....

Address if known.....

Gender (of perpetrator).....

Sexual orientation (if stated) .....

Transgender? (if stated) .....

Disability? .....

Has the perpetrator been involved in previous incidents involving the victim? Yes/No

Ethnic origin (of perpetrator)

White	British	
	Irish	
	Other	
Black	African	
	Caribbean	
	Other	
Asian	Bangladeshi	
	Indian	
	Pakistani	
	Other	

Mixed	White and Black African	
	White and Black Caribbean	
	White and Asian	
	Other mixed	

How many perpetrators were involved in this incident?

1		2-5	
6-10		10+	
Age of perpetrator(s)			

Was the perpetrator

Pupil		Year Group	
Staff		Visitor	
Other (specify)			

**To Be Completed By Person Reporting The Incident**

Was the incident reported by the victim? Yes/No

If no give details of the person reporting the incident .....

.....

Has the incident been reported to the Police or any other agencies? (Specify).....

What action has been taken by the school/agency?

.....

.....

**Outcome**

.....

.....

Has the victim been informed of the outcome?

Yes/No

## Prejudiced Based Incidents Reporting - Summary Form

Name of School.....

Type of School.....

Type of Incident	Impact	Number
Disability	1	
	2	
	3	
	4	
Race/ethnicity	1	
	2	
	3	
	4	
Religion or belief	1	
	2	
	3	
	4	
Sexual orientation	1	
	2	
	3	
	4	
Transgender identity	1	
	2	
	3	
	4	
Gender	1	
	2	
	3	
	4	
Age (other than pupils)	1	
	2	
	3	
	4	
Pregnancy/maternity	1	
	2	
	3	
	4	
Marital/civil partnership status	1	
	2	
	3	
	4	
Other (state)	1	
	2	
	3	
	4	



Excerpt from Cheshire Police Procedures

## **PROCEDURE – RECORDING OF CRIMES & INCIDENTS IN SCHOOLS**

- 3.2.1 In order to sustain the disciplinary authority of schools, this guidance clarifies the general principles of NCRS as they apply specifically to incidents on school premises.
- 3.2.2 When police have reported to them an incident which took place on school premises, including those witnessed by, or reported directly to, officers working in the school, which they would normally record as a notifiable offence will, in the first instance, invite the victim or the person acting on their behalf to report the matter to the head teacher to be dealt with under normal school discipline procedures. Such reports should be recorded as an incident only, until or unless:-
- a) They judge it to be a serious incident as defined in section 3.3
  - b) Having brought the matter to the attention of the school in line with good practice they receive a formal request from the school to create a crime record
  - c) The child, parent or carer or child's representative asks the police to create a crime record.
- 3.2.3 When a serious incident occurs, schools and police should take the following action:
- a) School records the serious incident
  - b) School reports the serious incident to the police
  - c) Police record the serious incident as a crime in accordance with NCRS.
- 3.2.4 Nothing in this procedure alters the fundamental principle that if a victim of a crime, their parents, carers, or representative wish to make a formal allegation to the police, that this must be recorded and investigated.