

Schools Hate incident and prejudice based bullying

Guidance on:

- Recording and reporting
- Responses

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Contents

	Page
1. Introduction	3
2. What are the benefits of recording and reporting?	4
3. Incident flow chart	5
5. Definitions	6
6. Responses	8

Introduction

These guidelines contain information on the process and working definitions to enable schools, to identify, monitor and respond to hate incidents and prejudice based bullying.

East Sussex County Council recognises that occurrence of hate incidents and prejudice based bullying can have a detrimental effect on the achievement and wellbeing of the whole school community.

East Sussex County Council recommends that all schools make use of the behaviour management part of SIMS in order to record and monitor all hate incidents and incidents of prejudice based bullying.

Schools are no longer required to return their data to the Local Authority.

Key Points:

- Schools and Academies can use the SIMS Behaviour Management system to record bullying, and hate incidents. Advice on how to set this up and how to run reports can be accessed through schools ICT team.

- The recording and monitoring of incident data is a key feature of the Ofsted Common Inspection Framework. Data collected by the school will help with Ofsted obligations as well as contributing to requirements of The Equality Act 2010.

- A key benefit of this system is that it enables schools to:
 - manage individual cases effectively;
 - track patterns of behaviour and produce reports;
 - monitor and evaluate the effectiveness of strategies;
 - demonstrate defensible decision making in the event of complaints being made;
 - engage and inform multi-agency teams as necessary.

What are the benefits of recording and reporting?

Helping schools understand the experience of pupils in order to target teaching and support

Recording and reporting all hate and bullying incidents assists schools to understand the experience of their pupils in order to make decisions about priority areas for improvement.

Meeting the legal duties and OFSTED requirements

It is important evidence which a school may use to show that it has 'due regard' for fostering good relations, as well as eliminating discrimination, harassment and victimisation - in order to be compliant with the Equality Act 2010.

Similarly the recording of incidents is one of the ways in which a school may demonstrate to Ofsted that it is serious about ensuring that all pupils feel safe and that they do not tolerate any prejudice or discriminatory behaviour. Ofsted will request 'records and analysis of bullying, discriminatory and prejudicial behaviour, either directly or indirectly, including racist, sexist, disability and homophobic bullying, use of derogatory language and racist incidents' (Schools Inspection handbook 2017) at the start of inspections.

For the personal development, behaviour and welfare grade descriptor they will be considering whether;

- Pupils work hard with the school to prevent all forms of bullying, including online bullying and prejudice-based bullying

- Staff and pupils deal effectively with the very rare instances of bullying behaviour and/or use of derogatory or aggressive language.

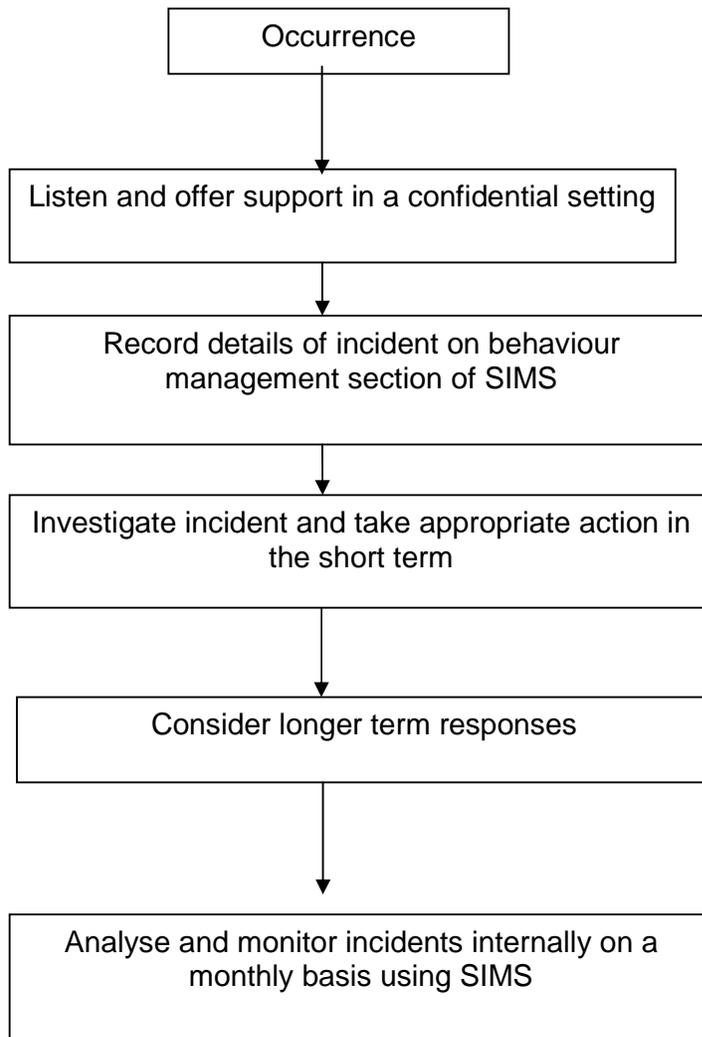
Schools can also report incidents to the police

<http://www.safeineastsussex.org.uk/anti-social-behaviour-and-hate-incidents-help.html>

Or via an online link

<http://www.report-it.org.uk/home>

INCIDENT FLOW CHART



Definitions

What is 'a hate incident'?

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate based on:

- a) Race
- b) Religion/Belief
- c) Sexual Orientation
- d) Disability and learning difficulties
- e) Gender or gender identity

Examples of Hate Incidents

Hate incidents can consist of: verbal abuse or insults e.g. Detrimental comments, abusive language and "jokes" relating to race, religion, disability/learning difficulties, gender/gender identity; insulting gestures, abusive telephone calls, offensive messages.

What is 'a hate crime'?

"Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate" (ACPO 2005).

Hate crime should be reported directly to the police

Note: The underpinning rationale behind a hate incident is perception. It is the perception of the victim or any other person (e.g. a witness) that is the determining factor.

What is 'bullying'?

"Behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally" (DSCF, 2007)

This behaviour can include:

- **Verbal bullying** e.g., Verbal bullying e.g. making personal threats, name-calling, nasty comments or jokes
- **Physical bullying** e.g., hitting, kicking, poking, punching, pushing, shoving, slapping, tripping or spitting, inappropriate touching or being forced to do things you don't want to do.
- **Indirect**, e.g., ignoring, or excluding someone from the group e.g. not including them in activities, gossiping or spreading rumours, dirty or intimidating looks stealing, damaging belongings, targeted graffiti, or gestures
- **Cyber bullying** e.g., sending threatening comments via email, text messages or Facebook, or taking humiliating, pictures or video, clips which are then sent or shared with others

What is 'prejudice-based bullying'?

Bullying behaviour motivated on grounds of an individual's gender, gender identity, ethnicity, body image/size, sexuality, disability, age, religion or belief

What is anti-social behaviour (ASB)?

'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)' Crime and Disorder Act (1998)

The Home Office has identified four broad types of anti social behaviour: misuse of public space, disregard for community/personal well being, acts directed at people and environmental damage. The Respect Action Plan describes anti social behaviour as 'behaviours which can make life a misery for others, particularly in most disadvantaged communities'. Some low level crimes may be classed as anti social behaviour depending on the seriousness of the act.

Responses

Below is a list of suggested short term and long term responses to bullying and hate incidents:

Short Term responses

- Take firm swift action in cases of violence and aggression – if immediate response required arrange attendance by the police.
- Ensure the victim feels supported and is given space and the opportunity to talk about the incident
- If a bullying incident refer to your Anti-Bullying Policy
- Where appropriate involve the parents of victims and perpetrators
- Respect the wishes of the victim but if there are safeguarding concerns take action
- Avoid being confrontational with the perpetrator and challenge their behaviour and ideas rather than them
- Help the perpetrator understand that what they said or did was hurtful and not in line with the school's values, ethos or policies
- Provide some time and space to allow the perpetrator to reflect on their behaviour or calm down before taking any follow-up action or talking through the incident further
- If the perpetrator has made inaccurate statements, point these out, question stereotypes and counter prejudice by providing accurate information
- Let other pupils that have witnessed the incident know that the behaviour was unacceptable and that it is being dealt with
- Consider the intentions of the perpetrator before applying sanctions, especially before exclusion
- Consider the intentions of a victim who has retaliated before applying sanctions, especially before exclusion.
- Keep the victim and parents informed about progress and any actions taken
- Record on SIMS whether the incident has been resolved, particularly whether the victim and parents are satisfied with the outcome

Longer term responses

- The victim/s and perpetrator/s may require longer term support. Your school may have a peer mentoring or 'buddy' scheme. **Bullying Incidents:** Schools can seek advice, guidance and support from the Education, Support, Behaviour and Attendance Service (ESBAS). **Hate Incidents:** Schools can seek advice, guidance and support from the Equality and Participation Team.
- When responding to incidents it is important to remember that it is not only a disciplinary matter. Your school's attitudes and procedures in relation to incidents play a part in the spiritual, moral, social and cultural education of pupils and also to their PSHE education.

- Incidents can provide an opportunity to reinforce the school's equality policy and/or Anti-bullying policy, through assemblies, newsletters, and circle-times. They can also provide learning opportunities for pupils to discuss issues of diversity, discrimination and equality through PSHE, citizenship and the whole curriculum.
- Many resources exist to help schools to do this, locally and nationally. Key local resources include:
 - **Race, Ethnicity and Culture:** Cultural Diversity (Primary) and One of Us (Secondary), Responding to Racist Bullying: A Practitioners Toolkit
 - **Sexual Orientation:** All of Us (Secondary), Responding to Homophobic Bullying: A Practitioners Toolkit. Trans* Inclusion Schools toolkit.
 - **Disability:** Disability Images Pack, Responding to SEND Bullying: A Practitioners Toolkit
 - **Gender:** The Gender Pack.
- Following a serious incident, schools should consider reviewing their whole school approach to preventing and responding to incidents. This may include a focus on the curriculum and an action-plan to be included into the school's improvement plan.

Victim and perpetrator

There may not always be a clear victim or there may be multiple victims e.g. Graffiti. If there is a clear victim or multiple victims record their details. Inserting victims' details will help you identify whether particular children are affected.

You may not always know who the perpetrator is or it may be at a later date that you find this out. If you know who it is, or who they were, record details. If you find out at a later date insert then. This will help you monitor whether particular individuals, a class or year group needs a targeted approach.

The Association of Chief Police Officers defines a hate incident as any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any *other person*, as being motivated by prejudice or hate. Therefore even if the victim does not perceive an incident to be a hate incident a third party may do so.

Hate Incidents involving parents

There may be times when you become aware of hate incidents involving parents, in these incidents please contact the police.

Incidents in the community

There may be occasions when the police becomes aware of incidents in the community involving young people and will want to know whether any similar incidents or patterns of behaviour have been exhibited in schools. On these occasions please cooperate with the officer and provide relevant information from the behaviour management section of SIMS.

Informing and involving parents

Parents often feel intimidated entering schools and if a hate or bullying incident has occurred it can be an emotive time for all involved. Keeping parents informed of their rights, communicating that you take incidents seriously, and want to know when they occur as well as actions taken can help them feel empowered. Consider detailing the process for new parents in your schools' welcome pack along with details of your schools' complaints process.