

Cabinet Member (Education)

21st January 2014

Name of Cabinet Member:

Acting Cabinet Member (Education) – Councillor Chater

Director Approving Submission of the report:

Director of Education & Inclusion Service

Ward(s) affected:

All

Title:

Racist Incident Monitoring 2012 – 2013

Is this a key decision?

No - Although this matter may affect all wards, the impact of the proposals is not expected to be significant

Executive Summary:

This report informs the Acting Cabinet Member of the:

- number of racist Incidents recorded by schools during 2012/13 and subsequently reported to the local authority;
- number of schools that did not make a return;
- need to modify the method of reporting to Cabinet; and
- on-going measures to support schools in combating racism.

Recommendations:

1. The Acting Cabinet Member notes the information provided in respect of the number of racist incidents for 2012/13;
2. The Acting Cabinet Member recognizes the need to ‘challenge’ schools that fail to provide a timely racial incident return; and
3. The Acting Cabinet Member approves the modifications to the method of presentation; and the support available to schools in respect of racist incident monitoring, recording and reporting.

List of Appendices included:

Recording and reporting racist incidents in schools -
Equalities in Education paper 20 (Insted Consultancy)

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Racist Incident Monitoring 2012 - 2013

1. Context (or background)

1.1 Since 2002 considerable efforts have been made by the Local Authority (LA) and schools to improve systems of recording and reporting, enabling more reliable comparisons and conclusions to be made, thus supporting the development of evidence based strategies for combating racism. There is, however, no statutory requirement that schools should report the number and nature of racist incidents, although the importance and value of recording and reporting racist incidents by the Local Authority and schools is clearly identified in the 2010 Equality Act and the 2012 Ofsted Framework.

2. Options considered and recommended proposal

- 2.1 The total number of incidents reported by City schools fell from 445 in 2011/12 to 379 in 2012/13, when there were 205 incidents in primary schools, 144 in secondary and 30 in special schools.
- 2.2 Incidents are recorded by schools as "Physical", "Verbal" and "Other", "Other" incidents being those without a specific victim, e.g. occurrences of graffiti or offensive literature. In 2012/13 there were 18 (5%) incidents recorded as Physical, 353 (93%) instances recorded as verbal, and 8 (2%) instances recorded as Other.
- 2.3 During the autumn term of 2012, four secondary, four primary and one special school did not provide the LA with a racial incident return and although the number of schools that failed to make a return reduced in the spring and summer terms of 2013, such inconsistencies in reporting make it difficult to provide accurate year on year comparative analysis.
- 2.4 It is arguable that, because a number of schools chose not to report in 2012/13, the reduction from 441 incidents in 2011/12, to 379 in 2012/13, might be as a result of under reporting, rather than any improvement in racial harmony, or reduction in racial tension.
- 2.5 To address the issue of schools not reporting and the implications for comparative analysis it is proposed that:
- 2.5.1 In keeping with the LA's robust approach to monitoring racial incidents, the LA should actively challenge schools that fail to provide timely returns; and
- 2.5.2 The total number of incidents, as reported by schools to the LA in any one year, should also be reported to Cabinet as a percentage of the total number of students attending the aforesaid reporting schools. This would ensure that year on year comparative statistics were based on a consistent approach to their collection and analysis.
- 2.6 The application of this reporting proposal, when applied to returns from previous years, would present as follow:
- In 2009/10, reporting schools listed **439** Racial Incidents in respect of a total representative school population of **46,705** students, ranging from YR to Y13+.
- This number of incidents equates to 0.9% of the student population, or nine students in every thousand.
- In 2010/11, reporting schools listed **376** Racial Incidents in respect of a total representative school population of **47,103** students ranging from YR to Y13+.
- This number of incidents equates to 0.8% of the student population, or eight students in every thousand.
- In 2011/12, reporting schools listed **445** Racial Incidents in respect of a total representative school population of **47,611** students ranging from YR to Y13+.

This number of incidents equates to 0.9% of the student population, or nine students in every thousand.

In 2012/13 reporting schools listed **379** Racial Incidents in respect of a total representative school population of **46,711** students ranging from YR to Y13+. This number of incidents equates to **0.8%** of the student population, or eight students in every thousand.

- 2.7 Over the same period (2009 to 2013) the percentage of young people from a minority ethnic heritage has also increased as a percentage of the total school population from 35.9% in 2009, to 37.1% in 2010, to 38.7% in 2011 to 41.0% in 2012 and 42.6% in 2013. This rising percentage could theoretically increase the number of disputes that could subsequently be classed, not as a dispute, but as a racial incident.
- 2.8 The increasing numbers of young people of an ethnic minority heritage is in part due to inward migration of families into the City with children/young people of statutory school age. On average this is placing one thousand additional children/young people of an ethnic minority heritage into schools every year. The trend across recent years is clearly numerically upwards.
- 2.9 Whilst the majority of schools with higher than average reported numbers of incidents had either a significant number of Black and Minority Ethnic (BME) pupils on roll or had admitted significant numbers of pupils recently arrived in the UK, there is no clear correlation between either of these two factors and the number of incidents. Many other schools with similar numbers of BME pupils and recent arrival admissions reported few incidents, and some schools with few BME pupils and recent arrival admissions reported above average numbers of incidents. The degree of variation would suggest that individual school policy and practice can make a significant difference to the level of racial abuse and harassment to which pupils may be subject.
- 2.10 Actions in response to data analysis
 - This information has been collated and combined with contextual data and passed to The Director, Education and Inclusion Service, for dissemination within the Service.
 - Coventry's Inclusion Strategy states that "Promoting inclusive education involves identifying and removing barriers to the 'presence, participation and achievement' of all children, young people and adults" (Inclusive Education Provision - A Way Forward, October 2003). Professional development programmes for senior managers on schools' use of the Coventry Inclusion Standards, which have been designed to help schools evaluate their provision and monitor progress for all groups of pupils including those of minority ethnic heritage.
 - Guidance for schools on combating racism forms part of the LA's overall guidance on all forms of bullying and harassment and is set out in the document 'Making Schools a Safer Place to Learn'. An updated version of this document was re-launched in June 2006.
 - A guidance document for schools: 'Recording and Reporting Racist Incidents' was issued by the Ethnic Minority Achievement Unit within the Department for Education and Skills (DfES) in December 2006, which has been promoted in schools and incorporated into all LA training offered to schools (<http://www.standards.dfes.gov.uk/ethnicminorities/resources/racistincidents2006v1f.pdf>).
 - On a case-by-case basis, the LA provides a 24 hour response service to schools requesting support in dealing with racial incidents, working, where appropriate, in partnership with other services through Coventry Anti-Harassment Forum. Minority

Group Support Services, together with the Coventry Community Safety Team, Refugee Centre, Environmental Services, local housing associations and the Primary Care Trust, working in conjunction with the West Midlands Police, are the principal members of the Coventry Anti-Harassment Forum. The Forum receives and monitors incidents of hate crime as reported via non-police reporting centres, including Minority Group Support Services (MGSS), ensuring a co-ordinated multi-agency response to victims of hate crime.

- Training is available to school management teams regarding the requirement for schools to promote community cohesion. MGSS continues to provide a range of school based training on all aspects of combating racism for school managers, class and subject teachers and support staff.
- Activities with children and young people designed to combat racism are described in the Coventry Community Safety Partnership Hate Crime Action Plan 'Prevention, Education and Training' theme

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

4.1 Racist Incident data is collected from schools on a termly basis.

5. Comments from Executive Director, Resources

5.1 Financial implications

The Racist Incident Monitoring undertaken by MGSS enables the Local Authority to demonstrate one of the ways in which the LA is discharging its s149 equality duties and as such staff supporting this activity are funded from the Dedicated Schools Grants' Central Provision block under Section 251, which is outside of MGSS's delegated/de-delegated funding.

5.2 Legal implications

5.2.1 Whilst there is no statutory requirement that racist incidents are recorded by schools, the new Ofsted framework that came into effect on 1 January 2012, (revised September 2012), makes it clear that schools are expected to keep detailed records of racist incidents and all prejudice-related incidents. This expectation is underpinned by section 149 of the Equality Act 2010. *(Instead Consultancy)

5.2.2 Public sector equality duty, Section 149 Equality Act 2010

"Public sector equality duty

- 1 A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 2 A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).” Decision makers must be consciously thinking about the three aims as part of their decision making process with rigour and with an open mind. The duty is to have “due regard”, not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

5.2.3 A range of guidelines and recommendations make it essential for schools to report the number of racist incidents recorded. These are as follows:

Racial discrimination is outlawed under Article 14 of the European Convention for the Protection of Human Rights and Fundamental Rights and Freedoms, to which all European states are signatories.

The Human Rights Act (1998) details a statement of everyone's rights under the European Convention on Human Rights. It is unlawful for a public authority (including LEAs, schools and governing bodies) to act in a way which infringes a person's rights and freedom under the convention.

5.2.4 The Education Reform Act (1988) requires governing bodies to discharge their responsibilities without racial discrimination and to ensure that no unlawful discrimination takes place in their school.

5.2.5 Recommendation 68 of the Stephen Lawrence Inquiry Report states: "Local Education Authorities and school Governors have the duty to create and implement strategies in their schools to prevent and address racism. Such strategies include:

- that schools record all racist incidents;
- that all recorded incidents are reported to the pupils' parents/guardians, school governors and LEAs;
- that the number of racist incidents are published annually, on a school by school basis;
- that the number of self-defined ethnic identity of excluded pupils are published annually on a school by school basis.

6. Other implications

6.3 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Actions to combat racism are an essential part of City Council strategies designed to ensure that children and young people are safe, achieve and make a positive contribution in developing a more equal City.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

Racist bullying, harassment and abuse has a seriously adverse effect on all children and young people of black and minority ethnic heritage. Monitoring the number of incidents and using this data to inform and direct measures to combat racism in schools is an essential part of all strategies designed to promote greater equality and community cohesion and ensure that all children and young people may be educated in a non-discriminatory and threat free environment.

A separate Equality Impact Assessment has not been undertaken for this work. The results of racist incident monitoring may be used as an objective measure in Equality Impact Assessments (EIAs) undertaken in regard to other policies and activities.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

Effective measures to combat racism in City schools involve a variety of partnerships between the local authority, schools, community and voluntary groups, police, community safety and youth justice services.

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