

Education, Children and Families Committee

10am, Tuesday, 2 March 2021

Equalities: Investigation into Allegations of Racism

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To thank the young people who brought these allegations to light and for sharing their personal accounts and recollections, enabling the investigation to take place
- 1.2 To thank the staff who supported the investigation process
- 1.3 To note the overall conclusion that a culture of racism did not exist within the schools investigated.
- 1.4 To note, however, that important improvements are required for
 - 1.4.1 Setting out clear processes to report racist incidents
 - 1.4.2 Managing racist incidents sensitively and ensuring follow up actions are taken
 - 1.4.3 Reviewing the curriculum to ensure it does not perpetuate and actively challenges racist or colonialist attitudes
 - 1.4.4 Improving the culture to clearly show zero tolerance of racist conduct
 - 1.4.5 To further note that these improvements are in motion and appeared in the Equalities Action Plan previously brought before this Committee
- 1.6 To ask for a follow up report within one year

Andrew Kerr

Chief Executive

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Allegations of Racism in The City of Edinburgh Schools

2. Executive Summary

- 2.1 In June 2020 a range of allegations were made that a culture of racism existed within certain schools in the city. An investigation was launched into each allegation by interviewing those involved and examining records. The investigation was overseen by an independent advisor and with recourse to specialist legal advice. The majority of the investigation centred on two schools: St Augustine's RC High School and Holy Rood RC High School. The others included were Craigmount HS, Drummond HS and Firrhill HS. The overall conclusions were that while there was no evidence that a culture of racism existed, there were learning and development needs for certain schools and for the authority overall.

3. Background

- 3.1 The allegations (Appendix 12.1a, b, c, d) which were considered as part of this investigation spanned three months from June to August 2020. These mostly concerned the experiences and observations of former pupils, though some current pupils and parents also complained, alleging that there were failings in how school staff handled racism.
- 3.2 The allegations were made from social media accounts and by emails to Headteachers, Elected Members, MSPs and senior officers within the Council.
- 3.3 The (then) Executive Director of Communities and Families initiated an internal investigation. To ensure that the investigation was thorough and robust he appointed an independent specialist in equalities and education, and legal advisors to oversee and advise the process. A team was established with Terms of Reference and proposed timeline (Appendix 12.2).
- 3.4 The investigation lasted for three months from August to October, during which time interviews were carried out and school records checked.
- 3.5 During this time and ongoing, all City of Edinburgh schools prepared action plans to improve Equalities. Each school's plan requires input from learners in pupil-led Equalities Groups. Progress at school level will be reported in school Standards

and Quality Reports in July 2021. Progress overall is reported at each cycle of the ECF Committee.

4. Main report

4.1 Over the course of several weeks, various allegations were made from a range of sources. The table below shows the numbers that the council became aware of, as well as the number of people who responded to invitations to provide more detail and take part in the full investigation. The discrepancy between those complaining and those being interviewed is because some complaints were anonymous and some complainants did not wish to take their complaints further.

4.2 The numbers of allegations are summarised below:

School	Overall number of complaints received	Numbers of complainants formally interviewed
Holy Rood RC HS	24	8
St Augustine's RC HS	31 ¹	16 ²
Craigmount HS	15	4
Drummond HS	2	2
Firhill HS	1	1
Total	73	30

4.3 Over the period of the investigation it became apparent that most complaints could be grouped into themes surrounding process, management, curriculum and culture.

The types of allegations are grouped into the following themes

A	Processes to report racism are not clear, supportive or effective
B	Management of racist incidents is not effective
C	The curriculum is not sufficiently anti-racist
D	The culture is not sufficiently supportive of pupils from BAME ³ backgrounds

¹ Including 7 pupils subsequently identified by a former pupil

² Including 4 who were interviewed by a former pupil

³ Black, Asian or minority Ethnic

4.4 The themes that emerged relating to each school are summarised below

School	A	B	C	D
HR RC HS	*	*	*	*
St Augustine's	*	*	*	*
Craigmount	-	*	*	*
Drummond	*	*	*	*
Firrhill ⁴	-	-	-	-

4.5 As part of the investigation, each allegation was explored and next steps were agreed (see next section). It should be noted that there was often a relationship between the themes, for example culture impacted on curriculum and management and; management was more effective when processes were also effective.

The main outcomes, as communicated to the complainants, are summarised below.

Process	The school needs to review its practice in recording incidents and reporting back to the young people affected by them.
	The school should ensure that there are clear mechanisms for pupils and staff, including temporary staff, to report racist incidents.
Management	The school needs to improve its practice on checking on the welfare of those affected by racist incidents
	The school should also review procedures for sharing information with other agencies to ensure that records of actions are maintained and reviewed as appropriate
Curriculum	The school should review its practice in this area to make sure that material is used appropriately with particular sensitivity to any impact on BAME students, and possible racist behaviour is both anticipated and dealt with.
Culture	The school should ensure that decisions to reflect diversity and inclusion are done sensitively and in partnership with young people
	The school should ensure effective professional learning for all staff to improve practice in this area.
	The school should work to improve the culture such that micro-aggressions are not tolerated

⁴ Data cannot be shown as it relates to a single complaint

	The school should act to ensure that staff are aware of the dangers of actions being interpreted as racist, anticipate any such dangers, and act to reassure pupils that any actions taken by the school are fair and appropriate.
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- 4.6 The outcomes for each complainant are strictly private and confidential so cannot be published as part of this report, however the overall themes are explored here and, in the school, specific reports (Appendices 12.1 a,b,c,d)

5. Methodology

- 5.1 Several factors were considered to agree the appropriate methodology for the overall investigation. These included complexity and significance of the issues themselves, the age of some complainants, the wish for anonymity, the difficulty of raising complaints against formal institutions and in additional language (English), the time delay in bringing some issues forward and the duty of the council as employer.
- 5.2 To address these issues it was agreed that all complainants would all be invited to be interviewed via the Corporate Complaints Procedure at Stage 2, in which trained interviewers were deployed, guaranteeing anonymity and confidentiality. Independent support was offered through Edinburgh & Lothians Regional Equality Council (ELREC). This could be accessed via confidential email or telephone.
- 5.3 Not all complaints led on to formal investigation as not all complainants wished to be interviewed. Some complainants chose to send their accounts via a third party and a few chose to remain anonymous.
- 5.4 To ensure manageability the parameters of the investigation were set such that only those complaints received during the period set out in the Terms of Reference would be considered. In addition, only those complaints which were accompanied by evidence or interview statements could be considered. Where allegations fell outside the time scales, they have been considered as a normal Stage 2 complaint and are not reported here.
- 5.5 The second phase of the Equalities Self-Evaluation will take place next session. It will include other opportunities to talk to focus groups of pupils, parents and staff, to gain further insight into practices beyond the schools investigated, and also to check for progress in the work of all schools to improve Equalities.
- 5.6 Where the complaints were in the public domain, i.e. where allegations had been discussed by the media or social media, a letter from the council was sent to the whole school community alerting them to the investigation and inviting all who wished to raise concerns to do so. The letter detailed how to complain via the Corporate Complaints Process or via ELREC's confidential phone line or email address. In addition, parents and carers from these schools known to need language support for communication (interpreting and/or translation) were

approached directly in a joint effort by the council and ELREC. This was to ensure that everyone's voice was heard.

5.7 Corporate Human Resources provided advice to teachers in schools where media interest was high. This advice contained links to in-house Equalities training modules as well as wellbeing support options.

5.8 The process for the majority of complaints is shown below:

Step 1

Investigators were selected who had significant experience in handling complaints and were senior members of staff used to working with young people, but who were not themselves teachers. They were trained in Equalities and Anti-Racism as well as in interview techniques. This provided the appropriate background knowledge to help get the best from the interviews.

Once trained and briefed they contacted each complainant directly by email.

5.9 Step 2

The interviews were carried out by telephone or online. Support was available in the form of Edinburgh and Lothians Regional Equality Council (ELREC). Parents or supporters were also invited to be present. The investigators asked questions and read the statements back to those who were involved to check for accuracy.

5.10 Step 3

The investigating officers assessed every interview which then resulted in further interviews and checks. When they were satisfied that they had checked the facts as much as possible they summarised each complaint. The statements were also checked by the independent consultant, a specialist in anti-racism in education. Where statements referenced other people, those were also cross-referenced.

Throughout this process investigators were particularly mindful of the sensitive and personal nature of the matters being discussed and treated the information disclosed accordingly. At times, this meant protecting confidentiality by redacting information or limiting reference to other people by name or other identifiable information.

5.11 All interviews and analysis were then passed to the senior officers coordinating the investigation, and the independent consultant, to prepare the overall summaries and school reports.

5.12 Each complainant who agreed to be interviewed has received a personal letter summarising their complaint, the conclusions following investigation and any next steps for the schools arising from their complaint. In addition, each complainant has been offered face to face meetings to fully discuss their complaint, the action they sought and the next steps the council proposes to take.

5.13 During the investigation several stakeholders and partners across many schools came forward to share good practice. While these have not been considered as

part of this report, they will be considered in the next phase of the self-evaluation and in the ongoing reporting to ECF Committee for progress in Equalities.

- 5.14 The Edinburgh and Lothians Region Equality Council worked in partnership with schools to target families who required support for interpretation or translation and who wished to share experiences. This service was offered to three school communities. Two communities responded. This work is summarised at Appendix 12.3 and is ongoing. The impact of all activity identified with ELREC will be reported as part of the second phase of the Equalities Self-Evaluation.

6. Points for Consideration

- 6.1 As previously described, factors such as the age of complainants, period of time between alleged incident and formal complaint and the wish for anonymity added to the complexity of the investigation.
- 6.2 In many cases it was difficult to confirm incidents as many of the named pupils and some staff, had left school. This made it difficult to arrive at a definitive conclusion due to the balance of evidence / inconclusive evidence. At times, there were conflicting accounts and records in which events or circumstances had been inaccurately or incompletely recorded.
- 6.3 The international spotlight on Black Lives Matter, the increase in activism by young people and societal improvements in understanding racism have resulted in a paradigm shift which all schools are addressing. The Equalities Education Action Plan (Appendix 12.6) sets out authority responses to address this. Actions arising from this investigation have been incorporated.

7. Themes

A: Processes to report racism are not clear, supportive or effective

- 7.1 A recurring theme that arose from complaints related to the process of complaining itself. Various reasons emerged including a lack of a clear complaints process for pupils to report racist incidents, lack of feedback from staff as to the outcome or progress of their complaint, or a sense that by making the complaint pupils were made to feel it was their fault. As such, many pupils stopped making complaints or reporting incidents because they felt that their complaints or the incident would not be taken seriously.
- 7.2 From interviews and the collated evidence, our conclusions are that there were complainants whose loss of faith or confusion about the process led to fewer complaints being made and therefore fewer opportunities for staff to make improvements.

- 7.3 While almost all complaints related to processes for pupils to report racist conduct, improvements were also noted for staff, including temporary staff to report racist incidents
- 7.4 While the investigation did not identify an ingrained culture of intolerance or poor treatment of those who did speak out, it did recognise the importance of ensuring that individuals are supported to speak out and that they have confidence that their issues will be taken seriously.

B: Management of Racist Incidents is not effective

- 7.5 All schools could demonstrate examples where they had successfully handled racist incidents and had shared the outcomes with the complainants to their satisfaction, however the complainants provided examples where this had not happened.
- 7.6 Various reasons emerged here: sometimes this was due to a lack of sensitivity by staff, for example, a normalising of racist name calling is cited in almost all schools to varying degrees. In other words, staff who are actively anti-racist will have a zero tolerance of language which causes offence, while other staff may be inured to offensive language.
- 7.7 On other occasions record keeping was not robust, for example classroom incidents were not passed on to senior leaders; records were not effectively maintained and/or information sharing between partners was not clear.
- 7.8 On several occasions, complainants did not know what next steps had been taken. This could in part be understood by the need to maintain confidentiality, however there were examples where staff had not been sufficiently sensitive to the impact of racism and the requirements to provide feedback and potentially, support.

C: The Curriculum is not sufficiently anti-racist

- 7.9 A small number of complaints highlighted the use of certain resources to teach aspects of the curriculum. While there are reasons to continue to use certain texts, e.g. *To Kill a Mockingbird*, all staff should approach these sensitively and be mindful of the offence that can be caused by adopting a viewpoint which is not inclusive. Schools should have a clear rationale for making use of outdated resources to teach contemporary issues, for example to teach about historical attitudes, bias and develop students' critical literacy. As is the case with statues and other legacies of slavery and colonialism, strong and effective teaching points can be made, but only when done with considerable care.
- 7.10 All schools provided several examples where racism and rights are covered across the curriculum. These include literacy, history and modern studies. They also provided information about the promotion of equalities, for example LGBTQ Equality. Pupils in one non-denominational school raised questions about assemblies and religious observance, citing strong links to Christian Chaplaincy teams, and questioning the absence of overt links to other faiths. Rules around

Religious Observance in non-denominational schools in which Christian assemblies are required, may not be widely understood by pupils. Different expectations apply in denominational schools which may be more clearly understood by the pupils therein.

- 7.11 The impact of Black Lives Matter can clearly be seen on the level of awareness and interest in anti-racism of almost all of the pupils interviewed. Their understanding of racism has raised expectations of how the curriculum is taught. Tension exists where the curriculum does not develop to reflect changes in society or where pupil voice is not sufficiently developed such that it informs the curriculum rationale.

D: The Culture does not sufficiently support pupils from BAME backgrounds

- 7.12 A related issue was the importance of ensuring the culture and ethos are supportive and inclusive of all faiths and ethnicities.
- 7.13 Some complainants cited long standing examples of being made to feel stigma because they spoke in their home language in school. The investigation confirmed continued misconceptions in one school about multilingualism and language acquisition, and the value and importance of the home language.
- 7.14 In two schools pupils felt that racial stereotypes were perpetuated through staff treatment, for example use of the word 'gang' or 'tribe.' Teachers were clear that these words were not used in any pejorative way towards any specific ethnic group, however that sense did prevail among certain pupils.
- 7.15 Of greater concern were examples where pupils had reacted to racist behaviour, but their reactions became the issue, rather than the inciting incidents themselves. Although these examples were very small in number, it denoted a lack of understanding or awareness of the impact of racism on individual pupils and how to manage incidents.

8. Conclusions

- 8.1 Analysis of the allegations, evidence in the form of witness statement and records; and assessments made by the investigation team lead us to conclude that a culture of racism does not prevail across the schools investigated, however improvement actions are required for these schools and for the council. These relate to the overarching themes of process; management; curriculum and culture.
- 8.2 During the course of the investigation the council took action to make improvements in each of these areas, specifically by strengthening the procedure for preventing and responding to bullying and prejudice and introducing new supplementary guidance on creating an anti-racist culture and tackling racist incidents (Appendices 12.4 and 12.5) however this report will detail the actions based on the investigation.

8.3 The main outcomes at school level are as per section 4.5 and are extrapolated to include authority actions.

Theme	Authority Actions
Process	Ensure that each school has an Equalities Coordinator (staff) Ensure that each school has pupil-led Equalities Groups
	Ensure that each school has drafted an Action Plan Ensure that the strengthened procedure for Preventing and Responding to Bullying and Prejudice amongst Children and Young People' and the new guidance on tackling racist incidents is embedded Provide training for staff on Tackling Racist Incidents Coordinate with Young Edinburgh Action to ensure young people are aware of revised processes
Management	Provide training to embed anti-racist perspective Scrutiny of Anti-bullying/prejudice statistics Provide training to improve handling of racist Complaints
	Sampling of school record keeping for AB/prejudice incidents in partnership with other agencies (Police)
Curriculum	Develop staff network to revise and review curriculum Support partners to work with schools to review curriculum Support and develop Saroj Lal Award Develop further training for staff
Culture	Provide guidance for pupil participation to embed anti-racist perspective, e.g. school uniform Provide enhanced, masters level training for staff to develop and extend anti-racist culture Annual Equalities Youth Summits per sectors

8.4 To ensure that the actions at school and Council level are progressing appropriately, and that all schools are developing practice as required, a further period of self-evaluation will be set out. As well as the actions shown above this will focus on

- sampling school Equalities Action Plans
- analysing all school reports and statistics on Preventing and Responding to Bullying
- revisiting all schools mentioned in context with this report
- collecting samples of views from focus groups of stakeholders: pupils, parents and staff
- collating and analysing all complaints relating to Equalities

8.5 This new evidence should be presented within 12 months to the ECF Committee

9. Financial impact

- 9.1 To embed the above actions, resource will be required (ongoing) for
 - 9.1.1 Professional Learning
 - 9.1.2 Saroj Lal Award
 - 9.1.3 Partners to support improved curriculum
 - 9.1.4 Youth Summits

10. Stakeholder/Community Impact

- 10.1 This paper complies with Council objectives set out in Business Plan 2021 (section 5 Education)

11. Background reading/external references

- 11.1 Promoting Equality Education, Children and Families Committee March 2020
<https://democracy.edinburgh.gov.uk/documents/s14766/7.8%20Promoting%20Equality.pdf>

12. Appendices

- 12.1 School Specific Reports
- 12.2 Terms of Reference – Investigation
- 12.3 ELREC summary of action
- 12.4 Strengthened procedure on preventing and responding to bullying and prejudice
- 12.5 Supplementary guidance on tackling racist incidents and creating an anti-racist culture
- 12.6 Education Steering Group Action Plan

Report on the Investigation into Alleged Racist Behaviour

St Augustine's RC High School

Introduction

This purpose of this report is to:

1. describe the investigative action taken by the City of Edinburgh Council (the Council) in relation to allegations of racist conduct and institutional racism in St Augustine's RC High School;
2. provide a summary of the evidence that was gathered and the conclusions that were reached as part of the investigative process; and
3. outline areas identified for development within St Augustine's RC High School as a result of these investigations.

I have drafted this report in my capacity as equalities specialist and professional advisor to the Council. Prior to drafting the report, I had sight of all of the allegations that were made by pupils/ ex- pupils of St Augustine's RC High School and the information that was gathered through the investigation process. This included the interview statements of the complainants and the staff.

The report is prepared to be received by senior education officers within the Council's Communities and Families Directorate, Lorna French, Schools and Lifelong Learning, Senior Manager, and Andy Gray, Head of Schools and Lifelong Learning. It is understood that the findings and recommendations of this report will be communicated to the Council's Education, Children's and Families Committee.

The Allegations

The allegations were received in June and July 2020 and came via various media: letters, social media posts and emails; to Headteachers, Elected Members and the Director of Children's Services. The approach taken was to ensure a full and robust investigation of the complaints and to extend the investigation into other related areas. The Council reviewed, analysed and considered the complaints of alleged racist conduct in St Augustine's RC High School, and any future actions.

The Council received thirty one complaints, the majority of which were from pupils who had very recently left school, though five of the complainants are presently at school.

Methodology

The investigation consisted of interviewing the complainants and the relevant staff. Two Depute Principal Education Psychologists were assigned as the investigating officers, supported by secretariat. The investigators were trained in Equalities and investigation techniques. All complainants were given the opportunity of being supported during the interviews. Each complainant was asked about their complaint and their responses were recorded. The responses were passed to the Quality Improvement Manager (QIM) and external advisor to share progress and were reviewed for further clarification and action as appropriate. Where matters relating to existing staff were identified, these will be progressed as appropriate in line with existing staff policies (conduct, training etc.) ensuring appropriate confidentiality. Where individual roles/positions have been cited in evidence and findings made for the purpose of this report, individual names and job titles will not be called out in this report, but matters will be progressed with relevant individuals in line with appropriate employment practices. The records of the investigations show that the investigators interacted well with the young people and that the pupils were welcomed and thanked for their contributions.

Issues raised/ Points to Note

1. Most of the complaints were pupil accounts of alleged racist behaviour by other pupils and teachers. Pupil accounts were well described and confirmed by some class teachers through evidence provided by teachers as part of the investigation process. For almost all complaints, the main issue was what the school did or did not do at that time.
2. For alleged pupil/pupil incidents, it was difficult to confirm the incident as many of the named pupils had left school. Equally, for alleged pupil/staff incidents some of the teachers mentioned in the complaints had retired or were no longer employed by the Council. As such, for those alleged pupil/pupil incidents and pupil/staff incidents, it was difficult to arrive at a definitive conclusion due to the balance of evidence / inconclusive evidence. At times, there were conflicting accounts or incidents where there was no contemporaneous written account of what occurred which meant that there was a lack of evidence on which the allegations were to be judged against.
3. From the evidence it is noted that for some alleged incidents no action was taken by some teaching staff after incidents were reported.
4. The evidence suggested that there was a lack of confidence by pupils to speak to a teacher due to the possibility that no action would be taken to tackle the alleged racist incidents; and that no feedback would be given to them.
5. In some instances, the evidence suggested that the staff interviewed in the investigations did not report or record the alleged incidents. As a result, they could not recall the alleged incident or remember what happened accurately.
6. In relation to the curriculum, there were accounts suggesting very outdated or insensitive practices prevailed in a small number of classes and resources.

7. The international spotlight on Black Lives Matter, the increase in activism by young people and societal improvements in understanding racism have all sharpened the focus on the issues investigated.

Main Themes Complained and Investigated

The various points of complaint have been categorised into four themes which are summarised below:

A	Processes to report racism are not clear, supportive or effective
B	Management of racist incidents is not effective
C	The curriculum is not sufficiently anti-racist
D	The culture is not sufficiently supportive of pupils from BAME backgrounds.

A Processes for pupils to report racism are not clear, supportive or effective.

The investigation looked into the complaint that there are not clear, supportive or effective processes for pupils to report racism in the school.

The investigation heard testimonies from pupils in which they alleged that their complaints or the incidents themselves were not taken seriously or investigated rigorously. As such, pupils stated that they stopped making complaints or reporting incidents and lost confidence in the school to help them.

From evidence we were also aware of a lack of willingness to be identified as a complainant. This persisted throughout the course of the investigation with some pupils choosing not to disclose their identity. The reason for this was concern over how they would be treated if they were identified.

From interviews and the collated evidence, our conclusions are that there are issues with the complaints process for pupils at the school. In summary these are: a concern about stigma, a concern about inaction and a concern about rigour.

B Management of Racist Incidents at St Augustine’s RC High School is not Effective

A related theme investigated was that racially motivated incidents take place (sometimes more than once) and where these are reported, the incidents are not followed up or insufficient action is taken.

The investigation considered testimonies from pupils alleging that the school could do more to tackle alleged racism and to ensure appropriate actions were taken. Some examples were of racism that occurred in classes and some that occurred after-school. While the school was able to provide evidence of

allegations which had been successfully followed up, there were a number of examples from pupils of incidents that had not been adequately dealt with. Through examination of records and interviews the investigation established gaps in the management of information including record keeping. Gaps were also noted in the level of feedback, in communication with partners and in the provision of sensitive support to those who had suffered racism.

The investigation looked into the complaint that senior staff were apathetic about racism. The investigation considered evidence on this including pupil testimonies and interviews with staff. In many cases accounts conflicted or there was a lack of evidence available. There was evidence which suggested a lack of action taken by some senior leaders to effectively address complaints and allegations and to provide feedback to those that reported the alleged incidents.

The investigation also found that there were occasions where incidents were not managed in a sufficiently serious and consistent way. Some evidence was provided, however of specific incidents of concern which were progressed with the relevant individuals in line with existing procedures.

The investigation found, from interviews and the collated evidence, that whilst the school tackles bullying, it could further improve its procedures towards racist bullying to ensure greater consistency and compliance with reporting provisions.

The management of racist incidents is affected by the understanding of racism of those involved. Where this is not sufficiently developed, racism and its impact on those who experience it, may not be recognised. Pupils cited examples where racism was not recognised or dealt with effectively. The investigation concluded that improvements were needed in staff awareness of tackling and preventing racist incidents.

The investigation found, that recurring racially motivated incidents were not reported and addressed effectively. The school should ensure that accurate records are kept for any referrals, including actions, and that these are shared with the appropriate staff. The investigation also noted that exclusion procedures should include active and mindful consideration of potential racism and other discrimination simultaneously to ensure fair and just outcomes.

In summary, all staff, including senior leaders, require training on preventing and managing racist incidents. Training should include clear actions to support those who have been affected by racism.

C St Augustine's RC High School curriculum is not sufficiently anti-racist

Another theme of concern investigated was that the curriculum did not address the issues of racism and promote Black History and an antiracist perspective.

The investigation heard testimonies from BAME and white pupils that some staff made use of outdated resources and did not anticipate or manage the reactions which occurred following the use of these resources. On occasion racist conduct was experienced which could have been avoided by more sensitive management.

The school should review its practice in this area to make sure that material is used appropriately with particular sensitivity to any impact on BAME and white students, and possible racist behaviour is both anticipated and dealt with appropriately and sensitively.

In summary, school staff, in partnership with young people, need to develop their rationale for the curriculum, to affirm and embed a more developed anti-racist perspective.

D St Augustine's RC High School's culture is not sufficiently supportive of young people from BAME backgrounds

The culture and ethos of the school was frequently referenced by pupils throughout their testimonies. Examples from both BAME and white pupils referred to different approaches used by staff to maintain good order and discipline. Pupils' perceptions were that black young people who congregated in areas were labelled differently and treated differently, being asked to move on more than their white peers. Staff refuted these allegations claiming that all pupils were treated the same.

The investigation considered testimonies which suggested that the punishment given to white Scottish pupils is different to that given to BAME pupils. Pupils also alleged that when BAME pupils complained about this aspect they were then reprimanded for being unruly. The investigation also heard evidence of racist incidents occurring, and a lack of consistency in some areas when dealing with racism.

School uniform and the wearing of cultural headgear was another issue which caused concern for pupils. While the school maintained that the School Uniform Code did not permit the wearing of any headgear, pupils interpreted the banning of durags as particularly directed to BAME young people. Over the course of the investigation the school acknowledged that it should work in partnership with young people to reach agreement and revise the policy.

The investigation also looked into the complaint that racist conduct occurs, including the use of racist slurs and offensive words and that this goes unchallenged by teachers and pupils. Evidence was considered suggesting that certain pupils display racist behaviour in lessons and around the school; and when a racist incident was reported it was not taken seriously. This 'normalising' of racist conduct, including name calling, requires to be addressed.

Some complainants cited long standing examples of being made to feel stigma because they spoke in their home language in school. The investigation confirmed that misconceptions about multilingualism and language acquisition were held by some staff. Further investigation revealed a lack of school level guidance in place to effectively support home languages.

In summary staff should be sensitive to the ethnic and cultural backgrounds of all pupils and actively work with pupils to ensure that no misconceptions are allowed to persist which could lead to charges of racism or xenophobia.

Overall conclusion

St Augustine's RC High School was able to demonstrate that it had handled some incidents of racist conduct effectively, however the investigation also confirmed a lack of consistent, supportive, informed and robust practices to manage incidents of racism. This lack of rigour does not imply that the school actively enabled racism, however important next steps require to be taken.

Next Steps for St Augustine's RC High School

St Augustine's RC needs

- a) to review how it responds to racist incidents and racist behaviour; how it carries out investigations and its interviewing processes; this should include ensuring that the school is listening carefully and sensitively and using restorative practices;
- b) to review its practice in recording incidents, dealing with them, and reporting back to – and checking up on the welfare of – young people affected by them; this includes a procedure for young people to report alleged incidents of racism by staff; the school needs to ensure that pupils are confident in reporting racist incidents;
- c) to ensure that those that behave in a racist manner on any occasion are counselled and that the action taken is appropriate to the incident; the school needs to ensure there are better support systems for all pupils and a clear system of feedback and action taken;
- d) to ensure that there are no systemic or other barriers for BAME staff and pupils to report racist incidents and there should be clear advice for any supply staff in this matter too; this may include focussed advice for BAME staff (and others with protected characteristics for example);
- e) to review their procedures for sharing information with the campus police officer to ensure that records of actions are maintained and reviewed as appropriate;
- f) to ensure that all staff have the confidence to tackle racist behaviour and comments, small or large and that the incidents are recorded accurately and passed to relevant persons; all staff have to ensure that the person experiencing racist behaviour and comments is safe and well and are kept informed of the actions taken by the school;
- g) to ensure that all incidents no matter how small, even those that do not lead to a definite conclusion should be recorded; staff could be issued with logbooks so that they can record any incidents that they witness or are reported to them;
- h) to ensure that the reporting and recording of incidents with feedback is more effective and rigorous; the review of exclusion procedures needs to ensure

that the school community are fully aware of the subsequent outcomes and actions;

- i) to tackle social media issues sensitively and promptly; the school needs to ensure that the school community are informed of the consequences of using social media for promoting racist behaviour and actions;
- j) to review its monitoring processes related to the curriculum to make sure that material is used appropriately with particular sensitivity to any impact on BAME students, and possible racist behaviour is both anticipated and dealt with; and
- k) to ensure that there is an antiracist perspective; for example, more awareness about racism Black history in PSE and assemblies.

Next Steps for Council Schools & Lifelong Learning

The Council will work closely with the school to set out its timeline for improvement and indicators for success. These will be shown in the school's School Renewal Plan (Session 20/21) and School Improvement Plan (Session 21/22). Progress will be reported to the Parent Council and detailed in the annual Standards and Quality Report.

Progress for all schools is regularly reported to the Education Children and Families Committee.

The findings and conclusions from this report are reflected in the overarching report to the Education Children and Families Committee.

Hakim Din, Independent Equalities and Education Specialist
24th February 2021

Report on the Investigation into Alleged Racist Behaviour

Holy Rood RC High School, The City of Edinburgh

Introduction

This purpose of this report is to:

1. describe the investigative action taken by the City of Edinburgh Council (the Council) in relation to allegations of racist conduct and institutional racism in Holy Rood High School;
2. provide a summary of the evidence that was gathered and the conclusions that were reached as part of the investigative process; and
3. outline areas identified for development within Holy Rood RC High School as a result of these investigations.

I have drafted this report in my capacity as equalities specialist and professional advisor to the Council. Prior to drafting the report, I had sight of all of the allegations that were made by pupils/ ex- pupils of Holy Rood RC High School and the information that was gathered through the investigation process. This included the interview statements of the complainants and the staff.

The report is prepared to be received by senior education officers within the Council's Communities and Families Directorate, Lorna French, Schools and Lifelong Learning, Senior Manager, and Andy Gray, Head of Schools and Lifelong Learning. It is understood that the findings and recommendations of this report will be communicated to the Council's Education, Children's and Families Committee.

The Allegations

The allegations were received in June and July 2020 and came via various media: letters, social media posts and emails; to Headteachers, Elected Members and the Director of Children's Services. The approach taken was to ensure a full and robust investigation of the complaints and to extend the investigation into other related areas. The Council reviewed, analysed and considered the complaints of alleged racist conduct in Holy Rood High School, and any future actions.

The Council received twenty-four complaints of which twenty-one complaints were from pupils who were on the school roll or had attended the school in the past 8 years. Currently, seven of the complainants are presently in the school.

Methodology

The investigation consisted of interviewing the complainants and the relevant staff. Two Depute Principal Education Psychologists were assigned as the investigating officers, supported by secretariat. The investigators were trained in Equalities and investigation techniques. Complainants who were under 18 were contacted via their parents. All complainants were given the opportunity of being supported during the interviews. Each complainant was asked about their complaint and their responses were recorded. Staff members were interviewed and given the opportunity to respond to the allegations that were made. Their responses were also recorded.

The responses were passed to me as appointed independent external advisor and a dedicated Council Quality Improvement Education Manager to share progress and reviewed for further clarification and action as part of the investigation process. Where matters relating to existing staff were identified, these will be progressed as appropriate in line with existing staff policies (conduct, training etc.) ensuring appropriate confidentiality. Where individual roles/positions have been cited in evidence and findings made for the purpose of this report, individual names and job titles will not be called out in this report, but matters will be progressed with relevant individuals in line with appropriate employment practices. The records of the investigations show that the investigators interacted well with the pupils and that the pupils were welcomed and thanked for their contributions.

Issues raised/ Points to Note

1. Most of the complaints were pupil accounts of racist behaviour by other pupils; and some by teachers. Pupil accounts were well described and confirmed by some class teachers through reports by teachers. For almost all complaints, the main issue centred around the school's response to allegations of racist conduct and what the school did or did not do at that time.
2. For alleged pupil/pupil incidents, it was difficult to confirm the incident as many of the named pupils had left school. Equally, for alleged pupil/staff incidents some of the teachers mentioned in the complaints had retired or were no longer employed by the Council. As such, for alleged pupil/pupil incidents and pupil/staff incidents, it was difficult to arrive at a definitive conclusion due to the balance of evidence / inconclusive evidence. At times, there were conflicting accounts or incidents where there was no contemporaneous written account of what occurred which meant that there was a lack of evidence on which the allegations were to be judged against.
3. From the evidence it is noted that for some alleged incidents no action was taken by some classroom teachers after incidents were reported.
4. The evidence suggested that there was a lack of confidence by pupils to speak to a teacher due to the possibility that no action would be taken to tackle the alleged racist incidents; and that no feedback would be given to them.
5. In some instances, the evidence suggested that the staff interviewed in the investigations did not report or record the alleged incidents. As a result, they could not recall the alleged incident or remember what happened accurately.
6. In relation to the curriculum, there were accounts suggesting very outdated or insensitive practices prevailed in a small number of classes.
7. The international spotlight on Black Lives Matter, the increase in activism by young people and societal improvements in understanding racism have all sharpened the focus on the issues investigated.

Main Themes

The various points of complaint have been categorised into four main themes. These are summarised below.

A	Processes to report racism are not clear, supportive or effective
B	Management of racist incidents is not effective
C	The curriculum is not sufficiently anti-racist
D	The culture is not sufficiently supportive of pupils from BAME backgrounds.

A. Processes to report racism at Holy Rood RC HS are not clear, supportive or effective

The investigation considered testimonies from pupils that they were made to feel that they were to blame when making a complaint or reporting an incident. As such, many pupils stopped making complaints or reporting incidents because they felt that their complaints or the incident would not be taken seriously.

From interviews and the collated evidence, our conclusions are that some potential complainants stopped reporting racist behaviour to avoid conflict with the school. While the investigation finding did not extend to identifying a general culture of intolerance or poor treatment of those who did speak out, it did recognise how important it is that individuals are free from negative treatment for speaking out. A culture in which all pupils, parents and staff are certain that they will not be subject to such treatment can therefore raise concerns as appropriate is essential. This should extend to making anonymous complaints for those who would prefer it.

In summary the process of complaining should be easy to access, anonymous if preferred, but completely free from censure for all who use it.

B. The management of racist incidents at Holy Rood RC High School is not effective

Another theme of concern investigated was that racially motivated incidents take place (sometimes more than once) and where these are reported, the incidents are not followed up or insufficient action is taken.

The investigation considered evidence which suggested that there was not sufficient or consistent communication and liaison between year heads, staff and police on the sharing of information and that this is an area for improvement. It was also identified that there should be a similar approach taken to improve the quality and consistency of recording incidents and its subsequent outcome. Further, staff recording alleged racist comments and behaviour during the course

of lessons has been highlighted by pupils as being insufficiently rigorous. The evidence seemed to indicate that the school needs to ensure that all pupils voices are heard. This includes ensuring that the school listens to the views of BAME pupils and their experiences as there was a concern that they were not being heard. The investigation also heard from individuals who felt that exclusion procedures needed to address any racism and other discrimination simultaneously.

The investigation found, that recurring racially motivated incidents were not reported and addressed effectively. However, since this aspect was highlighted the school has reviewed its reporting and recording procedures to make them more robust. The investigation also noted that exclusion procedures should include active and mindful consideration of potential racism and other discrimination simultaneously to ensure fair and just outcomes.

In summary, the management of racist incidents must be done with understanding, compassion, detail and diligence.

C. The curriculum at Holy Rood RC High School is not sufficiently anti-racist

Another theme of concern investigated was that the curriculum did not address the issues of racism and promote Black History and an antiracist perspective.

The investigation considered evidence on this point. BAME and white pupils commented on the fact that the school should do more to promote an antiracist perspective in all areas of the curriculum. For example, the school should review its PSE programme and revisit the advice given to staff with regard to texts which address sensitive issues and potentially offensive content. The investigation also heard evidence that some curriculum materials seemed to instigate racist behaviour and comment between pupils. The investigation also noted that BAME and white pupils had suggested to the school previously about improving the curriculum.

The school should review its practice in this area to make sure that material is used appropriately with particular sensitivity to any impact on BAME and white students, and possible racist behaviour is both anticipated and dealt with appropriately and sensitively.

In summary, school staff, in partnership with young people, need to develop their rationale for the curriculum, to affirm and embed a more developed anti-racist perspective.

D. Holy Rood RC High School's culture is not sufficiently supportive of BAME pupils

A theme of concern investigated was the assertion that Holy Rood High School enabled racism. The concept of enabling goes further than identifying instances of racism, and as such, the investigation considered whether as an institution, Holy Rood School enabled racism.

The investigation considered testimonies suggesting that staff had overheard casual racist language used by pupils but had not dealt with it. Due to the lack of reporting it was difficult to conclude that staff had overhead the language. There was also evidence of occasions where staff/the school did not take

appropriate and effective action to address instances of racism and complaints of racism, however, the investigation also found that the school has taken steps to ensure that racist language is not tolerated and that complaints are handled sensitively and appropriately.

The investigation considered evidence which suggested that certain pupils display racist behaviour in lessons and around the school; and when a racist incident was reported it was not taken seriously. Further, the evidence suggested that communication about the process and procedures should be better publicised to all pupils. There was also evidence that in some cases, senior leaders were unaware of the incident, because it was not reported by staff and sometimes not recalled accurately.

From interviews and the collated evidence, our conclusions are that Holy Rood High School is not an institution that enables racism. However, there were areas of concern identified as addressed more fully below.

The investigation also looked into the complaint that senior staff were apathetic towards racism

In many cases accounts conflicted or there was a lack of evidence available, however there was some evidence which suggested a lack of action by senior leaders in effectively managing allegations and providing feedback.

From interviews and discussions, the overall balance of evidence is inconclusive. While the investigation did find that there were occasions where incidents were not managed in a sufficiently serious and consistent way, there were other incidents of concern, some of which involved staff, which had been fully progressed with the relevant individual in line with existing procedures.

The investigation also looked into the complaint that BAME pupils are treated differently than their white peers and considered pupil testimonies that the punishments given to white pupils and BAME pupils are different for bad behaviour or not following the dress code. Pupils also raised concern that when BAME pupils complained about this aspect they were further reprimanded for being unruly. The investigation heard evidence of racist incidents occurring, and a lack of consistency in some areas when dealing with racism.

In summary, the school should strengthen its anti-racist perspective including the handling of incidents when they occur. Senior leaders need to work in close partnership with young people to strengthen the culture and address related issues.

Overall conclusion

Holy Rood RC High School was able to demonstrate that it had handled some incidents of racist conduct effectively, however the investigation also confirmed a lack of consistent, supportive, informed and robust practices to manage incidents of racism.

This lack of rigour does not imply that the school actively enabled racism, however important next steps require to be taken.

Areas for Development: Holy Rood High School

Holy Rood High School needs -

- a) to review how it responds to racist incidents and racist behaviour; how it carries out investigations and its interviewing processes; this should include ensuring that the school is listening carefully and sensitively and using restorative practices;
- b) to review its practice in recording incidents, dealing with them, and reporting back to – and checking up on the welfare of – young people affected by them; this includes a procedure for young people to report alleged incidents of racism by staff; the school needs to ensure that pupils are confident in reporting racist incidents;
- c) to ensure that those that behave in a racist manner on any occasion are counselled and that the action taken is appropriate to the incident; the school needs to ensure there are better support systems for all pupils and a clear system of feedback and action taken;
- d) to ensure that there are no systemic or other barriers for BAME staff and pupils to report racist incidents and there should be clear advice for any supply staff in this matter too; this may include focussed advice for BAME staff (and others with protected characteristics for example);
- e) to review their procedures for sharing information with the campus police officer to ensure that records of actions are maintained and reviewed as appropriate;
- f) to ensure that all staff have the confidence to tackle racist behaviour and comments, small or large and that the incidents are recorded accurately and passed to relevant persons; all staff have to ensure that the person experiencing racist behaviour and comments is safe and well and are kept informed of the actions taken by the school;
- g) to ensure that all incidents no matter how small, even those that do not lead to a definite conclusion should be recorded; staff could be issued with logbooks so that they can record any incidents that they witness or are reported to them;
- h) to ensure that the reporting and recording of incidents with feedback is more effective and rigorous; the review of exclusion procedures needs to ensure that the school community are fully aware of the subsequent outcomes and actions;
- i) to tackle social media issues sensitively and promptly; the school needs to ensure that the school community are informed of the consequences of using social media for promoting racist behaviour and actions;
- j) to review its monitoring processes related to the curriculum to make sure that material is used appropriately with particular sensitivity to any impact on BAME students, and possible racist behaviour is both anticipated and dealt with; and

- k) to ensure that there is an antiracist perspective; for example, more awareness about racism Black history in PSE and assemblies.

Next Steps for Council Schools & Lifelong Learning

The Council will work closely with the school to set out its timeline for improvement and indicators for success. These will be shown in the school's School Renewal Plan (Session 20/21) and School Improvement Plan (Session 21/22). Progress will be reported to the Parent Council and detailed in the annual Standards and Quality Report.

Progress for all schools is regularly reported to the Education Children and Families Committee.

The findings and conclusions from this report are reflected in the overarching report to the Education Children and Families Committee.

Hakim Din, Independent Equalities and Education Specialist
24th February 2021

Report on the Investigation into Alleged Racist Behaviour

Craigmount High School

Introduction

In August 2020 a series of complaints were received by the City of Edinburgh Council (the Council) from current and former pupils at the school. The complaints referenced Black Lives Matter and described how George Floyd's murder had motivated them to make complaints about racism they had witnessed or experienced. The complaints were investigated by a senior officer who was trained in equalities and educational psychology. School staff and the complainants were interviewed.

Main Themes

The various points of complaint have been categorised into four main themes. These are summarised below.

A	Processes to report racism are not clear, supportive or effective (this theme was not explored in this investigation)
B	Management of racist incidents is not effective
C	The curriculum is not sufficiently anti-racist
D	The culture is not sufficiently supportive of pupils from BAME backgrounds.

Summary of Complaint

Overall themes

- Racist behaviours of pupils (verbal) not being followed up or taken seriously by staff. Concern that follow-up action isn't sufficient.
- Use of n-word was tolerated.
- Need for anti-racism to be taught including awareness of white privilege.
- Need to emphasise diversity and have input from other faiths, not just Christianity.

- Curriculum needs updating, eg RMPS, PSE.
- Need for access to trusted member of staff, agreed formal routes to raise issues.

Summary of Investigation

B Management of racist incidents is not effective

Senior leaders provided records to evidence their handling of racist incidents. They described processes which pupils would not be aware of, due to confidentiality issues. They provided evidence of working in partnership with the Police on serious incidents. Other incidents referred to by pupils were not recorded. This indicated that there are gaps in the management of some incidents. It also suggested that some incidents were not formally reported and that a normalisation of certain racist conduct may have occurred, e.g. name calling.

The balance of evidence suggested that while the school had effective processes in place to handle incidents once reported, the flow of information from classroom incidents to senior leaders should be improved.

C The Curriculum is not sufficiently anti-racist

Complainants cited the examples where anti-racism is currently taught but that this is not sufficient or effective. They appealed for people of colour to support delivery of the curriculum and for more opportunities at assemblies to reinforce key messages. They referenced the need to teach intersectionality and key messages about white privilege.

Senior leaders accept that while there are many opportunities to effectively teach an anti-racist perspective, including modern studies and PSE, the curriculum is in need of overhaul to strengthen anti-racism in all subjects. Other equalities issues are more firmly embedded within the current curriculum offer.

D The culture is not sufficiently supportive of pupils from BAME backgrounds

The investigation found that although the school has been actively developing a culture to support Equalities overall, the complainants felt that racism has not been given the attention it deserves. Various examples were provided where the young people believed positive changes could occur.

Senior leaders accepted the need to work in close partnership with young people to strengthen the culture and embed an anti-racist perspective. A senior leader has been remitted to take this forward. An offer has also been extended to maintain dialogue with the complainants.

Conclusion and Next Steps

Although the school was able to demonstrate reasonable actions to develop anti-racism over the years preceding the complaints, the actions had not resulted in a fully developed anti-racist perspective for all. The school accepted that more work needed to be done in terms of decolonising the curriculum and providing effective support to those who have suffered racism. These actions have been detailed in the School Renewal Plan and progress will be reported in the annual Standards and Quality Report.

Report on the Investigation into Alleged Racist Behaviour

Drummond Community High School, The City of Edinburgh Council

Introduction

In July 2020 a complaint was received by the Council from Intercultural Youth Scotland on behalf of pupils at Drummond Community HS. The complaint alleged that racist incidents had taken place which had not been effectively dealt with by senior leaders in school. The complaints were investigated by a senior officer, trained in Equalities and educational psychology. The investigation involved the pupils, their representative and school staff.

Main Themes

The various points of complaint have been categorised into four main themes. These are summarised below.

A	Processes to report racism are not clear, supportive or effective
B	Management of racist incidents is not effective
C	The curriculum is not sufficiently anti-racist
D	The culture is not sufficiently supportive of pupils from BAME backgrounds.

Summary of Complaint

The complainant described incidents which involved pupil on pupil racism. The complaint went on to say that racism was tolerated in the school, through the condoning of racist language in reference to the complainants.

Pupil testimony was heard alleging an incident between a black female and a black male pupil in which the black girl, not the boy, was punished. The investigation also heard of misuse of social media to target black pupils

Summary of Investigation

A Processes to report racism are unclear, and B Management of racist incidents is not effective

The investigation established that, overall, processes to report racism are clear in Drummond Community High School. Each complainant had been allocated a member of staff as a key adult. Key adult meetings were established to ensure incidents could be swiftly reported. Processes for other pupils to report racism were also noted to be sufficiently clear.

Senior leaders provided records to evidence their handling of racist incidents.

Despite these processes, perceptions that incidents were not well managed persisted. Our investigation concluded that more work needs to be done to ensure that pupils feel clear, supported and well served by the processes put in place and that this can best be achieved by regular dialogue and self-evaluation.

C The Curriculum is not sufficiently anti-racist

Senior leaders accept that the curriculum is in need of overhaul. The school has engaged with the Edinburgh Caribbean Association to support this work. This includes staff training to move the culture in the school to a more developed anti-racist perspective (see D below).

Senior leaders are aware of the need for continuous professional development to move the school to a position of being anti-racist.

D The culture is not sufficiently supportive of pupils from BAME backgrounds

The investigation found that although the school has been actively developing an anti racist perspective, the complainants felt that racism is very real in their daily lived experience. The school accept that they need to continue to work hard with the pupil body to address issues.

Conclusion and Next Steps

Although the school was able to demonstrate reasonable actions to develop anti-racism over the years preceding these incidents, the actions had not resulted in a fully developed anti-racist perspective for all. The school accepted that more work needed to be done in terms of decolonising the curriculum and providing effective support to those who have suffered racism. These actions have been detailed in the School Renewal Plan and progress will be reported in the annual Standards and Quality Report.

Investigation into allegations of racism within the City of Edinburgh schools

Scoping Document v4

“Unwitting racism can arise because of lack of understanding, ignorance or mistaken beliefs. It can arise from well intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions of people or families from minority ethnic communities. It can arise from racist stereotyping of black people as potential criminals or troublemakers. Often this arises out of uncritical self-understanding born out of an inflexible...ethos of the "traditional" way of doing things. Furthermore such attitudes can thrive in a tightly knit community, so that there can be a collective failure to detect and to outlaw this breed of racism.”

The Stephen Lawrence Inquiry, February 1999, Para 6.19

Introduction

This document has been prepared to set out the scope of the investigation into allegations of racism and/or institutional racism in (four of) The City of Edinburgh Council’s schools. The allegations were received in June and July 2020 and came via various media: letters, social media posts and emails; to Headteachers, Elected Members, the Director, MPs and MSPs.

In setting out the approach to the investigation, the Communities and Families Directorate recognises that there is no place for racism or institutional racism in the Edinburgh Schools Estate. The Directorate is mindful of the findings of the Stephen Lawrence Inquiry, referenced above, in which incompetence, ignorance, failure to adhere to timescales and a lack of training significantly impacted on the ability of a public service provider to review its own practice. To that end, the approach set out aims to ensure a full, forensic and robust investigation of the factors alleged. Finally, it will ensure that the necessary systems are in place to keep this issue under review, with clear accountability and governance.

Terms of Reference

To investigate the allegations of alleged racist conduct within the four of The City of Edinburgh Schools, with a focus on establishing the extent of any institutional racism. To thereafter produce a report detailing themes from which a plan of action can be drafted. Finally, to put in place a framework and governance structure to keep institutional racism within schools¹ under review.

Deliverables

This investigation will be well- executed, completed on time and have the confidence of stakeholders. It will deliver in the following Steps:

¹ Schools refers to places of learning for school aged children

APPENDIX 12.2

1. A report per school (School Specific Report) which draws conclusions from the testimony of each complainant and witness.
2. Analysis of the following:
 - Benchmarked data² reflecting the experiences of children and young people of school age from Black, Asian and other minority ethnic (BAME) communities in terms of attendance, attainment, exclusion, staying on rates, positive destinations, allegations of bullying, recorded and upheld
 - Benchmarked data reflecting the proportion of children, young people and staff from BAME communities; for staff this to further reflect the proportion in leadership roles within education
 - Data on the management and leadership of professional learning on Equalities
3. An Overarching Report into the extent of institutional racism within the schools investigated, and from which conclusions can be extrapolated into the extent of any insidious racism which may be reasonably assumed to be present across the whole estate.
4. An Action Plan, cross referenced against the existing Equalities (Education) Action Plan³, approved by P&S Committee 23rd July 2020.
5. A Quality Assurance Framework to keep all proposed actions under review.
6. A Governance Framework which sets this work within the broader Council Equalities work and details accountability and escalation procedures.

Schools

- Holy Rood High School
- St Augustine's High School
- Craigmount High School
- Drummond High School
- plus any other school-based allegation arising during the investigation stage

Personnel (Biographies and relevant training)

The overall Investigation will be led by Lorna French Service Manager (Schools and Lifelong Learning).
(Nominated Officer)

The investigation into the allegations will be coordinated by Darren McKinnon Quality Improvement Manager (Secondary). (Investigating Officer (Coordinating))

The investigations will be carried out by Martin Gemmell, Aicha Reid, Gillian Barclay, Kirsty MacKay, Heather Gorton, Educational Psychologists.

The process will be supported by Annemarie Procter, Equalities Lead Officer (Children and Families).

The Council's HR Department will provide counselling, training and/or support to any member of staff involved in the investigation.

In addition to the internal team, the following arrangements have been made:

An independent external advisor, Hakim Din, will observe and guide the investigation to ensure that Equalities issues are fully and sensitively investigated.

² Benchmarked against comparator local authorities

³ Appendix 1

APPENDIX 12.2

An independent BAME third sector agency, ELREC will support any complainant or witness who does not speak English or feels uncomfortable using the default complaints mechanism.

Stage 1: Investigation

Each complaint will be investigated by an investigating officer. The complainant will be contacted and offered a virtual meeting. A supporter may accompany the complainant, and a parent/carer will be required to give approval/accompany in the case of any pupil under 16. Investigation templates will be used to record the comments made. The investigating officer will summarise the main points before the end of the interview. The complainant will receive an outcome letter to state whether their complaint has been upheld/not upheld. Each individual complaint will be included in the overall summary report for each school.

The QIM will project manage, chairing weekly meetings of the Core Investigating Group attended by

- the external advisor
- investigating officers
- Equalities (C&F Lead Officer)

To ensure confidentiality, procedures will be put in place to protect all documentation [e.g. secure file store]. Advice will be taken from our internal data protection specialists.

During the meetings the actions will be recorded and updated on the Action Tracker. These meetings will share progress and insights and ensure regular feedback.

Step 1: Investigation Stage [27/7/20 – 7/9/20}

Weeks 1-3

Final sign off of ToR, procedures, identify all documentation for initial review (including policies/procedures on complaints/equality/bullying/harassment/whistleblowing etc.).

- Training for investigating officers by Equalities specialists (CEC and partners).
- Complete Integrated Equalities Impact Assessment.
- Core Group meeting to agree protocols, reporting and escalation: agree bespoke procedures for interview process/ key themes for statement-taking (tailored to circumstances and ensuring compliance with data protection, FOI, ECHR privacy rights and any issues of criminal activity uncovered).
- Sharing of Action Tracker and allegations.
- Communication with each complainant, and in case of St Augustine's, with M Chui, agent for complainants.
- Formally commission 3rd Sector Agency (ELREC)
- Communication to all staff in each named school
- Conduct a Complaints review to identify immediate concerns/ common themes and interviewees.
- Draft questionnaire document for each interview to ensure consistent approach [Legal Review of Key Document]
- Schedule interviews and provide guidance note on process/ matters likely to be covered (promoting consistency and maximum engagement).
- Provide independent contact details for EAL families for witness contact.

Weeks 4 to 5

- Interview witnesses (by VC in light of Covid-19 restrictions);

APPENDIX 12.2

- Witnesses accompanied by companion/ parents for child witnesses/ trade union representatives for alleged perpetrators
- Interview notes to be transcribed by C&F Business Support
- Transcripts of interviews to be signed off by interviewees as accurate;
- Review and identify any individuals for new/further questions/clarification.

Weeks 5/6

- Assess total evidence gathered (including assessment against EqA/PSED).
- Obtain any additional input required from education officers/witnesses.
- All signed off interview transcripts to be passed to Darren McKinnon to complete each School Specific Report.
- School Specific Reports to be in a uniform format.
- Darren McKinnon to deliver four clear and structured School Specific Reports to present investigation findings for each individual school. Each School Specific Report details facts only/ highlights specific concerns and common themes and does not make any recommendations. [Legal Review of Key Documents]

Step 2: Baseline Analysis and Documentation Review

- Conducted by Equalities Lead Officer, Engagement Lead Officer, supported by External Independent Advisor (together referred to as the Working Group)
 - Records of allegations of bullying – actual and alleged
 - Records and analysis of bullying by category, gender, stage, school
 - Extent of training of staff
 - Quality of training of staff
 - Establishment of Equalities Groups within schools – how many, how often, how well supported
 - Review of School Improvement Plans and HMI reports for strengths/development needs in equalities practice

Step 3: Preparation of Summary Report – [October-November]

- Report authors: Darren McKinnon (schools)
- Meetings to deliver verbal feedback from Investigating Officer
- Preparation of report conclusions, identify key issues, lessons learned and future actions to be taken (including feeding into CEC staffing policies).
- External Independent Advisor and Legal Advisor expert Partner expertise provided as appropriate, ensuring balance of experience of investigation, employment and equalities issues is available, whilst not duplicating and taking flexible approach so as to best support the Working Group in light of Stage 1 reports. [Legal Review of Key Document]

Step 4: Key Themes Analysis

Analysis of the key themes emerging from the Report, cross-referenced with the existing Action Plan. Any new and urgent actions will immediately commence

Completed by Equalities Lead Officer, Annemarie Procter supported by external independent advisor, Hakim Din

APPENDIX 12.2

Step 5: Quality Assurance Framework (Review of progress)

This phase will see detailed quality assurance of the processes and actions detailed in the Action Plan

Completed by Equalities Group Chair, Lorna Sweeney

Specific schools

- Position Statement/Analysis from schools – Where are we Now?
- Review statistics – training, complaints, bullying incidents
- Conduct Focus Group of pupils, parents, staff, partners
- Observe practice
- Feedback

Step 6: Governance and location of work within Council's Equalities Commission

Report on the Investigation into Alleged Racist Behaviour

Additional Support from Edinburgh & Lothians Region Equality Council

The investigation recognised that communication was a key consideration of the process and that families whose first language was not English needed additional targeted communication to ensure that they were aware of the investigation and how to take part. Barriers that were identified were language but also a reluctance to engage in formal council processes which were seen by some as potentially intimidating and unfriendly.

A partnership was therefore agreed with ELREC to provide a confidential phone line or email address. Reaching all families was a specific action of this partnership. To achieve this, officers worked with ELREC and school staff to identify families with English as an additional language. These families were called and provided translated letters which invited feedback in whichever way best suited.

The service was offered in Firrhill, St Augustine's RC and Holy Rood RC High Schools and was used variously by the families contacted.

School staff were informed of the incidents raised and worked in partnership with the families to resolve them. Some of this work is ongoing.

Summary

Firrhill HS

Of the eight families contacted, two families raised concerns. One parent was concerned about the potential of bullying as she had heard about other pupils from minority ethnic backgrounds who had previously been bullied. Another parent spoke about an incident involving her child and another pupil in which the police had become involved. The parent had considered removing her child however the peer relationships appear to have been restored through restorative practice.

St. Augustine's

Of the thirty families contacted, five families raised concerns. In four cases, the concern was about direct experience of racism, and in one case the parent had heard from her child about racist bullying and prejudice other pupils were experiencing. The alleged racist incidents experienced included verbal, written and physical. The incidents referred to related to those which were being addressed through the investigation.

No families took up the offer of contact at Holy Rood RC High School.

Management Information	
Lead Officer	Name: Annemarie Procter
	Designation: Equalities Lead Officer
	Tel: 469 2850
Lead Service Area	Communities and Families
Date Agreed	Subject to approval
Last Review Date	October 2020
Next Review Date	October 2023
Agreed by	
Has Screening for Equality Impact been undertaken for this procedure?	<p>Yes: This procedure promotes equalities and the wellbeing and protection children and young people. The procedure informs practice at all levels with the purpose of ensuring effective implementation. The implementation of this procedure will promote equality and children's' rights and prevent unlawful discrimination.</p> <p>Date</p>
Has Implementation and Monitoring been considered for this procedure?	<p>Yes: The Communities and Families Risk Register recognises the inherent risk of not fully or properly implementing equalities legislation which leads to poor experience for service users and potential reputational damage. The work to tackle bullying and prejudice is key to meeting one of the public sector duties of the Equality Act 2010. A review of the procedure will begin between 2023-24.</p> <p>Date</p>
If appropriate, has Health and Safety section had oversight of this procedure?	Yes/No: n/a
Name of Health and Safety contact	Date

Definition: Procedure – An agreed method or approach to comply with Policy, Legislation and Departmental Decisions.

This document may be out of date if printed, the latest version is available on the Council Intranet.

**City of Edinburgh Council
Communities and Families**

**Procedure
Preventing and Responding to Bullying and Prejudice Amongst Children and Young People**

City of Edinburgh Council is strongly committed to providing a safe environment for all people in its educational establishments. We are committed to ensuring positive relationships. Bullying, prejudice and discrimination are never acceptable and children and young people have the right to learn in a safe, fair and secure environment.

This procedure is based on '*Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People*' (Scottish Government 2017). It exists to protect all children, young people and staff from all form of unacceptable behaviours by other children, young people and staff.

It addresses all forms of bullying, discrimination and prejudice and includes the right of protection from discrimination for any of the nine protected characteristics in the Equality Act 2010.

Supplementary Guidance

A series of supplementary documents will provide specific guidance for school staff on preventing and responding to incidents of prejudice and discrimination related to six of the protected characteristics under the Equality Act 2010. The first document in the series addresses racism.

- Tackling Racist Incidents / Creating an Anti-Racist Culture (October 2020)
- *Homophobic, biphobic and transphobic discrimination (planned)*
- *Faith-related discrimination (planned)*
- *Disability-related discrimination (planned)*
- *Gender-related discrimination (planned)*

This document may be out of date if printed, the latest version is available on the Council Intranet.

Authorised by: []

Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

1. PURPOSE

This procedure reflects our commitments to equalities and the wellbeing and protection of children and young people from bullying and prejudice by other children and young people and aims to prevent bullying and prejudicial behaviours and attitudes.

2. SCOPE

- 2.1 This procedure covers our children and young people in all City of Edinburgh Council services and establishments. Where relevant and possible, the procedure extends beyond establishments; for example, online bullying which takes place outside of the establishment will be taken as seriously as any other form of bullying and may also be addressed by the establishment where health, wellbeing and learning is impacted.
- 2.2 This procedure sits within the overarching context of City of Edinburgh Council's 'Included, Engaged and Involved' policy. Edinburgh Children's Partnership's core principles guide our working and define our service culture, specifically the vision '*Edinburgh's children and young people enjoy their childhood and achieve their potential*'. Sections 5.7 and 6.2-6.4 of our 'Included, Engaged and Involved' policy are particularly relevant.
- 2.3 Schools and partners are committed to developing strong collaborative working through a 'one service approach' that is based on professional trust and transparency informed by listening to and working *with* children and their parents.
- 2.4 Our core practices reflect our commitment to the development of positive relationships at all levels and in all settings. Our core practices are the 4 Rs:
- Relationships
 - Rights Respecting
 - Resilience
 - Restorative
- 2.5 A commitment to developing positive relationships with all members of school communities and partnerships is instrumental to our approach to getting it right for every child, creating communities that allow children to be Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible and Included.

3. DEFINITIONS

- 3.1 **Bullying.** The Council has adopted the definition in Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People (Scottish Government, 2017):

"Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online".

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

This behaviour can harm people physically or emotionally and, although the actual behaviour may not be repeated, the threat may be sustained over time, typically by actions, non-verbal communication, messages, confrontations, physical interventions, or the fear of these.

- 3.2 **Bullying behaviour** is a more useful phrase than 'bully'. The term bully labels an individual with a fixed trait, whereas bullying behaviour can be transient and temporary and can be changed/corrected.
- 3.3 **Person being bullied/picked on/isolated or person on the receiving end of bullying behaviour** are more useful phrases than 'victim'. The label victim can be disempowering. The term victim labels an individual with a fixed trait whereas bullying experiences can be temporary. There can also be a complex interplay between those involved and there may not be a clear beginning and end.
- 3.4 **Online bullying or cyberbullying** is bullying behaviour that takes place via mobile phone or over the internet through email, messaging, social networking websites or online gaming and should be taken as seriously as any other form of bullying
- 3.5 **What is not bullying behaviour?**

"You don't have to like me...agree with me...or enjoy the same things I do. But you do have to respect me." (respectme, 2018). In order to work effectively, positively and diligently to prevent and respond to all forms of bullying and allegations of bullying behaviour, it is important to distinguish between what is and is not bullying behaviour.

Anyone can make a mistake or behave in a way that is inappropriate but not every action that has a negative impact on someone else is 'bullying behaviour'. Part of our responsibility and duty is to support our children and young people to develop resilience. We cannot condone the overuse or misuse of the term 'bullying' or react disproportionately to children and young people's behaviours. To do so would be counterproductive.

We know that children and young people will fall out and disagree with each other as they form and build relationships. This is a normal part of development and most children and young people have the ability to bounce back from these experiences. It is important to discuss how they feel and help them to develop resilience to manage their relationships. This is in line with guidance from respectme. *"We should always remember that children will tease each other, fall in and out with each other, have arguments, stop talking to each other and disagree about what they like and don't like. This is a normal part of growing up and should be distinguished from bullying. However, in an environment where this behaviour is left unchecked, it can lead to bullying, making those being bullied feel afraid, uncomfortable and unsafe in their environment."* (respectme, 2018).

All bullying behaviours and prejudicial language must be challenged, regardless of intention or apparent impact in order to create and maintain a positive, inclusive and safe environment.

respectme state "Bullying can affect people in different ways and this should be taken into consideration. If you are unsure if behaviour is bullying, look at the effect it is having on the child or young person. If they are unable to respond effectively and regain their sense of self and control in the situation, adults need to intervene to help restore it. Keeping the focus on impact reduces the emphasis on issues of persistence and intent. What you do about bullying is more important than how you define it." (2018)

Incidents may be perceived as bullying when they are, in fact, criminal in nature. It is important to ensure that criminal offences such as hate crime, child sexual exploitation and gender-based violence are clearly distinguished from bullying. For example, when someone is coerced or pressurised to do something sexual or is touched inappropriately, this is not bullying. It is sexual

assault, sexual abuse or gender-based violence. There are laws to protect children and young people from this very serious behaviour.

3.6 Hate crime, equalities and prejudice-based bullying

‘Respect for All’ states: ‘Prejudice-based bullying is when bullying behaviour is motivated by prejudice based on an individual’s actual or perceived identity; it can be based on characteristics unique to a child or young person’s identity or circumstance.’

Hate crime is a crime motivated by malice or ill-will towards individuals because of their actual or perceived disability, race, religion, sexual orientation or transgender identity. Hate crime can take a number of forms. Advice and guidance from Police Scotland should be sought if a hate crime may have taken place.

The City of Edinburgh Council is committed to advancing equality of opportunity for all. The Equality Act (2010) explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The protected characteristics covered by the Equality Act (2010) are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual orientation

We recognise that children and young people can also experience bullying in relation to: asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members.

We recognise that children and young people can experience disadvantage, prejudice or discrimination because of any of these individual factors or a combination of factors.

Definitions of the protected characteristics and other factors can be found in Appendix 1.

3.10 Parents/carers

Parents/carers are defined as a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of Section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person, for example:

- Non-resident parents who are liable to maintain or have parental responsibilities in respect of a child.
- Carers who can be parents.
- Others with parental responsibilities, e.g. foster carers, relatives and friends who are caring for children and young people under supervision arrangements.
- Close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision arrangements.
- All councillors, as corporate parents, have a responsibility for the wellbeing of children in the Council's care.

Throughout this document the term parent(s) will be used to apply to anyone with parental responsibility, including carers, those providing kinship, foster or residential care, or the local authority where full parental responsibility rests with them.

4. ACTIONS

- 4.1 City of Edinburgh Council's approach to preventing and responding to bullying sits within a context of the wider Council policy and ethos and in particular the rights of the child.

The [United Nations Convention on the Rights of the Child \(UNCRC\)](#) sets out the fundamental rights of all children and young people. We use the UNCRC as a framework to ensure that we consider children's rights whenever we take decisions, and to help guarantee every child a good start in life with a safe, healthy and happy childhood.

The City of Edinburgh has a strong commitment to [Getting it Right for Every Child \(GIRFEC\)](#) and promoting the wellbeing of all our children and young people. Specifically, that they should be as safe, healthy, active, nurtured, achieving, respected, responsible and included as possible. We are also committed to The Children and Young People Act, the Equality Act, seeking educational inclusion for all children and young people, promoting resilience, and restorative approaches. To promote and maintain the wellbeing of all children and young people we:

- Place children at the centre of practice
- Focus on strengths and build resilience
- Prioritise prevention
- Improve fairness
- Listen to and work *with* children and the key adults in their lives

- 4.2 Bullying and discriminatory behaviours are not tolerated in any establishment or service. Anti-bullying and anti-discriminatory attitudes and behaviours should be promoted through a range of preventative, proactive and responsive approaches. These can be found in Appendix 2.

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Original Issue:

Lead Officer:

Current Version:

Review Date:

- 4.3 This procedure requires that allegations of bullying and prejudice must be treated seriously from the outset, investigated, recorded and dealt with according to the procedure. Guidelines for responding to instances of bullying or prejudice can be found in Appendix 3. All relevant supplementary guidance should be followed when dealing with incidents related to the protected characteristics.
- 4.4 Information gathered in relation to bullying and prejudice incidents should be recorded on the Bullying and Equalities Module within SEEMiS with effect from June 2019. Detailed guidance for recording incidents can be found in Appendix 4. In City of Edinburgh we take data protection seriously and comply with the European Union General Data Protection Regulation 2018. This applies fully to information gathered in relation to anti-bullying.
- 4.5 An exemplar establishment anti-bullying procedure can be found in Appendix 5 and further advice from [respectme](http://respectme.org.uk/wp-content/uploads/2017/11/Policy-thought-to-Practice-2017.pdf) to support establishments to develop local policy is available here: <http://respectme.org.uk/wp-content/uploads/2017/11/Policy-thought-to-Practice-2017.pdf>

5. RESPONSIBILITIES

- 5.1 It is the responsibility of all staff and partners in Communities and Families to prevent and respond to bullying and prejudice amongst children and young people.

5.2 Communities and Families is responsible for:

- Developing, maintaining and monitoring this procedure.
- Supporting establishments to develop their own local policies and procedures to reflect this local authority guidance and to communicate this to staff, volunteers, children, young people, parents and carers.
- Consulting with stakeholders on this procedure.
- Supporting establishments to examine the overall extent of bullying and prejudice and sharing good practice.
- Reporting to the Executive of the Council as required.
- Providing staff development as required.
- Providing advice and conciliation services.
- Working with other Council agencies and partners to prevent and reduce bullying and discrimination.

5.3 Heads of establishments are responsible for:

- Ensuring that all staff are aware of this procedure and the locally developed policy and procedures.
- Dealing appropriately and effectively with all allegations brought to their attention.
- Following Communities and Families guidance including recording of incidents.
- Ensuring that their establishment procedure corresponds with this procedure.
- Ensuring all staff have access to appropriate learning and development including induction training.
- Making efforts to ensure that children and young people feel safe in reporting experiences of bullying and prejudice to members of staff and are assured that any allegations will be treated seriously, investigated and action taken, where appropriate.

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

- Encouraging all staff, volunteers, children, young people, parents and carers to express their concerns and views through robust consultation exercises.
- Referring to Child Protection Procedures and/or Police Scotland where necessary.
- Examining the possible extent of bullying and prejudice in their establishment.

5.4 In addition, Head Teachers are responsible for:

- Communicating their local policy and procedure to staff, volunteers, children, young people, parents and carers.
- Identifying a designated senior manager as the Equalities Coordinator
- Embedding and evidencing regular and frequent proactive work through the School Standards, Quality and Improvement Plan and/or Curriculum for Excellence.
- Supporting all staff and volunteers in following this guidance and local policy and procedures
- Liaising with parents/carers and voluntary organisations as appropriate.

5.5 All other Communities and Families staff are responsible for:

- Promoting positive attitudes and relationships.
- Dealing appropriately and effectively with all allegations of bullying and prejudice.
- Supporting their head of establishment in undertaking investigations and gathering information.
- Being aware of this procedure and local policy and procedures.
- Seeking learning and development opportunities.
- Supporting children and young people to understand the differences between bullying and other non-bullying behaviours.
- Building the capacity of children and young people to challenge prejudice and bullying behaviour.
- Challenging bullying and prejudice.

5.6 Children and young people are responsible, as far as possible, for:

- Promoting positive attitudes and relationships.
- Respecting others even if they don't like them, they don't agree with them or do they don't enjoy the same things they do.
- Questioning and learning the differences between bullying and other non-bullying behaviours.
- Telling someone if they have any worries about bullying and / or prejudice.
- Seeking support from others to tell if they need it.
- Keeping themselves and others safe, with support from adults.
- Encouraging and supporting others to tell a responsible adult or speaking on their behalf.
- Challenging bullying and prejudicial behaviour, if safe to do so.

5.7 Parents and carers are expected to:

- Respect others even if they don't like them, they don't agree with them or do they don't enjoy the same things they do.
- Question and learn the differences between bullying and other non-bullying behaviours.

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Procedure Title –

Procedure Number -

- Safeguard and promote their child(ren)'s health, development and welfare.
- Ensure the safety of their child / children on the way to and from school.
- Maintain communication with a relevant member of staff.
- Work in partnership with staff to maintain the rules, regulations and expectations of the establishment.
- Discuss issues related to bullying and prejudicial behaviour with their child(ren) according to their age and maturity and taking account of their views.
- Speak to an appropriate member of staff if they have any concerns about their child or another child / children experiencing bullying or prejudice.
- Speak to the Head Teacher if their concerns continue following school staff's intervention.
- Make use of the school's complaints procedure / City of Edinburgh Council's [Education Advice and Complaints](#) Service if concerns continue following the Head Teacher's intervention.

5.8 Support and advice for parents

respectme have a guide for parents and carers on their website:

<https://respectme.org.uk/adults/bullying-a-guide-for-parents-and-carers/> and this more detailed leaflet <http://respectme.org.uk/wp-content/uploads/2016/10/Bullying-a-guide-for-parents-and-carers-2016.pdf> Parents/carers can help by supporting the establishment's anti-bullying procedure.

6. POLICY BASE

- Children and Young People (Scotland) Act 2014
- Education (Additional Support for Learning) (Scotland) Act 2004 as amended
- [Equality Act 2010](#)
- [Offences \(Aggravation by Prejudice\) \(Scotland\) Act 2009](#)
- [Schools \(Consultation\) \(Scotland\) Act 2010](#)
- [UN Convention on the Rights of the Child](#) 1992

7. ASSOCIATED DOCUMENTS

- City of Edinburgh Council's [Education Advice and Complaints](#)
- City of Edinburgh Council's [Equality Diversity and Rights Framework 2017-21](#)
- LGBT Youth Scotland [Supporting Transgender Young People - Scotland \(2017\)](#) (*replacement guidance pending*)
- City of Edinburgh Council's 'Included, Engaged and Involved' policy
- City of Edinburgh Council's Risk Management procedure
- City of Edinburgh Council [Getting It Right For Every Child](#)
- Included, Engaged and Involved (Education Scotland) 2018
- City of Edinburgh Council's framework for implementing the Additional Support for Learning Act [In on the Act \(2019\)](#)
- Edinburgh and Lothians Inter-agency Child Protection Procedures [Child Protection Procedures](#)
- LGBT Youth Scotland website <https://www.lgbtyouth.org.uk/>

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

Procedure Title –

Procedure Number -

- Respect Me Scotland's Anti Bullying Service www.respectme.org.uk
- Respectme publications
Addressing Inclusion: Effectively Challenging Homophobia, Biphobia and Transphobia (2020)
<https://www.lgbtyouth.org.uk/media/1299/addressing-inclusion-2020.pdf>
Addressing Inclusion: Effectively Challenging Racism in Schools (2019)
<http://respectme.org.uk/wp-content/uploads/2019/01/Addressing-Inclusion-Effectively-Challenging-Racism-in-Schools.pdf>
- Pregnancy and Parenthood in Young People strategy
<http://www.gov.scot/Publications/2016/03/5858/0>

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Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

8. RECORD KEEPING

When a procedure has been followed there are often outputs such as decisions made or events occurred that need to be recorded. These outputs are considered Council records. Please list all Records, including completed forms, generated by this procedure. For each record, list its title, location, responsible officer and minimum retention period.

Record Title	Location	Responsible Officer	Minimum Retention Period

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Authorised by: []

Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Appendix 1 Prejudice-based Bullying

Additional Support Needs can arise for different reasons and can persist for different lengths of time. Additional support for learning may be required to overcome needs arising from learning environment; health or disability; family circumstances or social and emotional factors. A child or young person may be bullied because they have an Additional Support Need. Being bullied can also create Additional Support Needs for children and young people. There is specific legislation in this area in the Education (Additional Support for learning) (Scotland) Act 2009.

Asylum Seekers and Refugees: Stigma, caused by a lack of knowledge and understanding of asylum seekers and refugees, can mean children with this status may be at greater risk of being bullied. In addition, children and young people may be reluctant to burden parents or carers with extra worries and this can allow bullying to go undetected and continue.

Body image and physical appearance can be hugely important to children and young people and bullying because of body image can have a significant impact on wellbeing. For example, a child or young person who is noticeably over or underweight may be particularly vulnerable to bullying behaviour.

Care Experienced children and young people: are vulnerable to bullying behaviour for a number of reasons, such as regular changes in schools or where they are cared for. Forming positive and secure relationships with peers and adults can be made even more difficult due to early childhood adversity.

Disability: People who display bullying behaviours may see children and young people with disabilities as being less able to defend themselves and less able to tell an adult what has happened. The bullying behaviour is likely to be focused upon their specific disability or disabilities, whether they are in mainstream schooling or in specialist provision, and may result in a need for additional support to be provided.

Gender identity and Transgender: Transgender is an umbrella-term for those whose 'gender identity' or expression is different in some way from the gender assigned to them at birth. Gender identity reflects an individual's internal sense of self as being male, female, or an identity between or outside the two.

Transgender people face significant societal prejudice, largely because they are perceived as not conforming to gender stereotypes, expectations and norms. As a result, transgender or gender variant children and young people can be particularly vulnerable to bullying, such as transphobic and homophobic name calling or deliberately mis-gendering them. An individual may also experience transphobic bullying as a result of a perception that a parent, relative or other significant figure is transgender.

Intersectionality: It's important to understand the different and unequal social and economic outcomes for particular groups, based on interactions between race, class, gender, sexual orientation, disability, age and ethnicity. In the context of anti-bullying, we must consider people's experiences of belonging to one or more of these groups, people's prejudice towards them and how this can lead to inequality in attainment and wellbeing.

Race and Ethnicity: Children and young people from minority ethnic groups often experience racism based on perceived differences in dress, communication, appearance, beliefs and/or culture as well as their skin colour and accent. The status of the ethnic group a child belongs to (or people assume they belong to) can often lead to a child or young person experiencing racist behaviour. This can arise from a misguided and/or learned belief that they 'deserve' to be treated differently, or with less respect.

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For many hundreds of years, white British society has enjoyed a position of economic, social and political power over non-white people in Britain and across the world through empire and colonialism and their after-effects. The social attitudes that developed over this time are still present in our society and can be seen in prejudiced behaviour towards non-white people, as well as on an institutional level.

Gypsy/Travellers are a particularly discriminated against and marginalised white minority group. For children and young people, concerns about bullying are especially acute in secondary. Perceived risks about bullying and parents' own experiences of discriminatory behaviour may lead to low levels of enrolment and poor attendance for Gypsy/Traveller children and young people, as well as early exit from formal education. Other Traveller families, such as Roma, may have similar concerns.

Religion and belief: Lack of knowledge and understanding about the traditions, beliefs and etiquette of different faiths, or having no faith, can lead to religious intolerance. Lack of awareness about the differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can result in misunderstandings and stereotyping, which may lead to bullying. A person of any (perceived) faith or none can be the target of religious discrimination. In particular: Islamophobia impacts on Muslim children and young people, families and communities, and those who are perceived to be Muslim; Anti-Semitism impacts on Jewish children and young people, families and communities, and those who are perceived to be Jewish.

Sexism and gender: Gender inequality and stereotyping can leave children and young people vulnerable to bullying. Bullying in the form of derogatory language, online comments and the spreading of malicious rumours can be used to regulate children and young people's behaviour – suggesting that they aren't being a 'real' man or a 'real' woman if they don't conform. These terms can be of an explicit sexual nature and it is worth noting that many can involve the use of terms for people who are gay and lesbian as a negative.

Sexual orientation: Homophobic and biphobic bullying is when a young person's actual or perceived sexual orientation is used to exclude, threaten, hurt or humiliate them. Some children and young people experience bullying because others think that they are LGB, because they have LGB family or friends or because they are seen as different or do not conform to traditional gender stereotypes.

Social and economic prejudice: Bullying due to social and economic status can take place in any community. Small differences in perceived class, family income, family living arrangements, social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, accents, belongings, clothing, hygiene etc. can become widespread.

Young Carers: The lives of young carers can be significantly affected by their responsibility to care for a family member who has a physical illness or disability, mental health problem, sensory or learning disability or issues with the misuse of drugs or alcohol.

Young carers are at risk of bullying for a variety of reasons. Depending on responsibilities at home, they may find themselves being unable to fully participate in school or after-school activities or 'fun stuff'. This can make it difficult for them to form relationships; it can hinder successful transitions or lead to educational difficulties.

Appendix 2 Preventative, protective and responsive approaches

City of Edinburgh Council is committed to the key themes of promoting positive relationships, resilience, restorative approaches and developing Rights Respecting Schools at the heart of our communities. Welcoming diversity and ensuring equality underpin the ethos of our establishments and create the right environment to prevent bullying and discrimination. To promote respect, positive attitudes and relationships City of Edinburgh Council uses a variety of preventative, protective and responsive approaches, some of which are described below.

Preventative approaches

- Establishments to have clear procedures that guide staff responses to bullying incidents, informed by this procedure. Consultation with stakeholders on establishment procedure is recommended.
- Using the advice of **respectme**, and 'Included Engaged and Involved' (Scottish Government / Education Scotland).
- Information provided to children, young people and parents/ carers explaining how the establishment deals with incidents of bullying and prejudice.
- Ongoing events involving the school community that promote equality and diversity.
- Building resilience and empathy through Edinburgh Health and Wellbeing Team's range of Growing Confidence and resilience programmes.
- Use of appropriate approaches and resources for example nurture and Emotion Talks, to develop social skills and emotional literacy.
- Staff learning and development on core themes: promoting positive relationships, equalities, resilience, restorative approaches, rights respecting schools, growing confidence, nurture etc.
- Consistent responses to negative interactions, distressed behaviours, bullying and prejudicial behaviours, led by restorative practices.
- Frequent opportunities for children and young people to discuss issues and for them to request private appointments with staff to talk.
- Welcoming public messages and images throughout the establishment, with text in a range of languages.
- Use of self-evaluation tools which measure ethos, relationships and confidence in the establishment, such as pupil well-being questionnaires and surveys.
- Involvement of other agencies and partners in social work, health, police and the voluntary sector.
- Audits of race equality, inclusion and achievement of bilingual and minority ethnic pupils (Additional Support for Learning Service can offer advice)
- Promotion of training opportunities to parents that explore the development of attachment, empathy and resilience and developing problem solving skills e.g. Psychology of Parenting Project, Incredible Years, Growing Confidence, Teen Psychology of Parenting Project.
- Working towards award programmes, e.g. UN Rights Respecting Schools Award, Diana Award, LGBT Charter, Intercultural Youth Scotland Pro-Black and Anti-racist Education Ambassadors Programme (secondary).

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Protective approaches

- Establishments will have a number of interventions that aim to build protective resilience factors in children and young people, particularly those who are identified as being vulnerable or at risk.
- Buddy systems, especially at transition times.
- Groups to support identified pupils for example nurture groups and 'Seasons for Growth'
- Use of materials such as 'Cool in School', 'Keeping Myself Safe'.
- Participation in the Emotional Wellbeing academy led by Psychological Services and Child and Adolescent Mental Health Service (CAMHS).
- Peer mentoring and mediation.
- Specialist individual supports within and beyond school e.g. counselling and therapeutic services
- Playground supervision from trained staff who encourage and lead play
- Arrangements for young people to raise issues confidently with staff including for example, confidential 'Comments Box' or 'Listening Post' in a neutral and confidential place.
- Encouraging everyone to respect others even if they don't like them, they don't agree with them or do they don't enjoy the same things they do.
- Involvement of other agencies and partners in social work, health, police and the voluntary sector.
- Involvement of Psychological Services where appropriate and with consent from the child and their parents

Responsive approaches

Sometimes a child or young person may not be engaging consciously in bullying or prejudicial behaviour. However, this behaviour can still impact negatively on others and must be taken seriously. The level of understanding and awareness of a child who is bullying is a significant factor in how it is dealt with. Establishments will have an appropriate and proportionate response to bullying and prejudice incidents, in line with their legal responsibility to support and educate all those involved, including pupils identified as displaying bullying or prejudicial behaviours.

- De-escalation strategies delivered consistently by staff.
- Physical separation of person/people bullying, where necessary, possible and safe.
- Involvement of parents/carers where appropriate.
- Use of restorative practices, where appropriate, including acknowledging grievances.
- Helping children to recognise that their actions have consequences and involving them in a discussion about how to make things better.
- Consequences for the person/people bullying.
- Consideration of whether known or unidentified additional support needs have contributed to the bullying.
- Specific support services, such as Psychological Services, Additional Support for Learning Service, Education Welfare, Edinburgh Together, Social Work or CAMHS with consent from the child and their parents.
- Involvement of police if incident involves any criminal acts, including possible hate crimes.

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Original Issue:

Lead Officer:

Current Version:

Review Date:

Procedure Title –

Procedure Number -

- GIRFEC child planning processes.
- Where appropriate, Child Protection procedures must be followed.
- City of Edinburgh Council Risk Management Procedure.
- All incidents must be recorded on the SEEMiS Bullying and Equalities Module (see detailed guidance in Appendix 4).
- If there is any dispute or doubt (on the part of any individual) about whether the incident was or was not bullying or discrimination, the incident and the doubts should be recorded.

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Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Appendix 3 Guidelines for responding to incidents of bullying or prejudice

INITIAL RESPONSE

The response of the teacher or other member of staff is crucial, whether they witness something which could be bullying or prejudicial behaviour or a child or young person reports to them that they are being bullied. Children and young people may have been experiencing bullying or prejudice and a negative impact on their health and wellbeing for some time before they report it. The child or young person's experience may be directly affected by the response they get from the adult.

1. Listen to the child, reassure them that they have done the right thing by telling.
2. Show the child or young person that you are taking the reported bullying or prejudice seriously.
3. Be ready to offer support whenever required, no matter how busy you are at the time.
4. Find out what happened, who was involved, where and when.
5. Let the child or young person speak without interruption as far as possible.
6. Ask the child or young person what would be helpful to resolve the issue and what they want to happen next. Take the views of the child or young person seriously, with awareness that bullying and prejudice cannot go unchallenged even when the person targeted may be reluctant to seek a solution or want to avoid a direct approach.
7. Record the incident in writing, if appropriate on a Wellbeing Concern form. It is important that the child or young person knows the reason for this and that you will share the information. The information will form the basis for further investigation and recording.
8. Use professional judgement to decide on appropriate action.
9. Tell the child or young person clearly about what happens next. It is essential that they are involved and updated on progress, especially in cases where it takes time to work towards a resolution.
10. Discuss and agree next steps with the Equalities Co-ordinator / designated member of the senior leadership team (Primary) or Pupil Support Team (secondary). This should include how the case will be investigated, monitored and reviewed.

Respectme recommend that staff ask the following five questions:

- What was the behaviour?
- What impact did it have on the school environment, learning or health and wellbeing?
- What does the child or young person want to happen?
- What do I need to do about it?
- What attitudes, prejudices or other factors have influenced the behaviour?

At all times, child protection procedures and / or Risk Management procedures should be followed if necessary.

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Current Version:

Review Date:

NEXT STEPS / FURTHER INVESTIGATION

1. Follow through the next steps agreed with the Equalities Co-ordinator / designated member of senior leadership team.
2. In most cases, further investigation will be done by the Equalities Co-ordinator / designated member of senior leadership team or Pupil Support Leader (secondary)

Further investigation may involve:

- Speaking with child/children or young person/people involved, preserving confidentiality.
 - Speaking with children or young people or others who witnessed the incident, preserving confidentiality.
 - Speaking with parents (after consultation with the child or young person – see ‘Parents as Partners’ below)
 - Seeking advice from relevant partner services
 - In all cases where there may be criminal implications (e.g. sexual assault or hate crime), contact Police Scotland.
3. Where bullying or prejudice is substantiated, decide on appropriate action – see Appendix 2: Responsive Approaches.
 4. Where bullying or prejudice is not substantiated, speak with the child or young person who reported the bullying or prejudice and offer further support if needed.
 5. At each stage of the process, update the child or young person who reported the bullying or prejudice.

Parents as Partners

The views of the child or young person who has experienced bullying should always be considered when deciding whether to inform their parents/carers. There may be both risks and benefits of informing parents: the child or young person may think that this will make matters worse or it may place the child or young person in a harmful situation. Where appropriate, parents/carers will be informed as they can play an essential role in preventing and addressing bullying. Contact may be face-to-face, by telephone or letter. A record of all communication should be kept and the child or young person informed about who their information has been shared with. In the small number of cases when, in the best interests of the young person, the decision is taken by a member of the senior leadership team not to inform parents/carers, this must be recorded in the pupil’s pastoral notes and/or Wellbeing Concern form with a clear rationale for not informing.

RECORDING, MONITORING AND REVIEWING A BULLYING INCIDENT

1. Record all incidents on the SEEMiS Bullying and Equalities module. (See Appendix 4)
2. If there is any dispute or doubt about whether an incident was bullying or prejudice, the incident and the doubts should be recorded
3. Continue to check in with the child or young person who experienced bullying to ensure it has stopped / hasn’t resumed.

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Current Version:

Review Date:

Appendix 4

SEEMiS: Recording, reporting and monitoring of bullying and discriminatory incidents / alleged incidents

This guidance should be read in conjunction with the Scottish Government’s ‘Supplementary Guidance on Recording and Monitoring of Bullying Incidents in Schools’ [Recording and Monitoring Bullying Incidents - schools](#).

Responsibility

The designated member of senior leadership team / Equalities Co-ordinator should have responsibility for:

- ensuring that procedures relating to allegations of bullying and prejudice are implemented.
- monitoring SEEMiS reports on regular basis, ideally twice per term.

Recording

The following information must be recorded in the SEEMiS Bullying and Equalities module:

1. Person experiencing the behaviour
2. Person displaying the behaviour
3. Nature of the incident
4. Specific perceived reason for bullying

<p>Nature of incident</p> <ul style="list-style-type: none"> • Name calling, teased, put down or threatened • Hit, tripped, pushed or kicked • Belongings taken or damaged • Being ignored • Spreading rumours • Abusive Messages - online/phone/gaming/social media • Online/phone/gaming/social media • Targeted because of who they are/ perceived to be • Other (Please Specify) 	<p>Perceived reason(s) for bullying (previously ‘Characteristics’)</p> <ul style="list-style-type: none"> • Actual or perceived sexual orientation (e.g. homophobic, bi-phobic) • Additional support needs • Asylum seekers or refugee status • Body image and physical appearance • Care experience • Disability • Gender identity or Trans identity • Gypsy/Travellers • Marriage/civil partnership of parents/ carers or other family members • Mental health • Not known • Other: please specify • Pregnancy and maternity • Race and racism including culture • Religion or belief • Sectarianism • Sexism and gender • Socio-economic prejudice • Young carer • If ‘Other’ is selected from the list and added to the incident, an additional Other text box will be displayed to enable details of the ‘Other’ incident to be recorded.
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Procedure Title –

Procedure Number -

As well as recording that an alleged incident has been reported, detail about the incident should be recorded. Information about how the situation is to be monitored and reviewed should be entered in the appropriate section and the views of the person experiencing, the person displaying, and, if appropriate the views of parent/carer should be recorded.

Monitor and review

- Do they feel their concerns were listened to? If not, why not?
- Do they feel satisfied with the outcome? If not, why not?
- Does the parent/carer feel satisfied with the outcome? If not, why not?
- Has some form of restorative action taken place, if appropriate? What form did this take?

The **Action Progressed** section should then be completed outlining the actions taken and the conclusion of the investigation.

Incident Conclusion

- Being addressed
- Resolved
- Not resolved
- Unfounded

Automatic link with ‘pastoral notes’

Information recorded in this part of the Module automatically creates an entry into the pastoral notes for each of the children or young people. This entry does not contain detail about the incident – its purpose is to indicate that an incident has been recorded in the Bullying and Equalities module.

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Authorised by: []

Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Procedure Title –

Procedure Number -

Appendix 5 Exemplar Establishment Anti-Bullying Procedure (text in blue to be adapted to establishment context)

[Establishment Name] Anti-Bullying Procedure [Date]

See also supplementary guidance on preventing and responding to incidents of prejudice and discrimination related to protected characteristics in the Equality Act 2010. Part 1: Tackling Racist Incidents / Creating an Anti-Racist Culture.

INTRODUCTION AND PURPOSE

City of Edinburgh Council is strongly committed to providing a safe environment for all people in its educational establishments. We are committed to ensuring positive relationships. Bullying, prejudice and discrimination are never acceptable and children, young people and staff have the right to learn and work in a safe, fair and secure environment.

This school procedure follows the City of Edinburgh Council's Communities and Families Procedure on 'Preventing and Responding to Bullying and Prejudice amongst Children and Young People' (2020) which is based on 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People'.

The emotional health and wellbeing of children, young people and staff is essential for our children to have the best start to life and to have successful life chances. We are committed to developing positive relationships between all in the school community, children, young people, staff and parents. Our core practices are the 4 Rs: Relationships, Rights Respecting, Resilience, Restorative.

We are a Rights Respecting School. This procedure covers the following articles of the UNCRC:

- Article 2 – You have the right to protection against discrimination.
- Article 19 – You have the right to be protected from being hurt or badly treated.
- Article 29 – You have the right to and education which develops your personality and your respect for other's rights and the environment.

This procedure has been revised and updated in consultation with staff, parent and pupil groups, including our Pupil Council, Parent Council and Equalities Committee (include others that apply).

Our values and beliefs (for example – adapt to school context)

- All pupils and staff have the right to feel happy, safe and included. [Establishment Name] supports every young person to achieve and attain their very best.
- We actively foster good relations between diverse groups and individuals, respect individuality and celebrate diversity.
- We are committed to promoting equality of opportunity for all and we work actively towards eliminating all forms of bullying, prejudice and discrimination. We challenge inequality and promote inclusive, nurturing environments.
- We recognise the effects that bullying, prejudice and discrimination can have on a child or young person's feelings of worth, on their health and wellbeing and on their school-work.
- We provide opportunities for success through a variety of curricular and extra-curricular options and pathways.
- We encourage creativity and support our young people to build the skills and resilience they need for the future.
- We have the courage to aspire to the very best we can be. We belong to our school and we are very proud of our school and learning community.

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

- We use restorative approaches to repair and strengthen relationships between staff and pupils within our whole school community.

What do we mean by bullying?

“Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online”.

(Respect for All, 2017)

Bullying behaviours can take many forms. Examples of bullying behaviours include:

- Name calling, teasing, putting down or threatening.
- Ignoring, leaving out or spreading rumours.
- Hitting, tripping, kicking.
- Taking and damaging belongings
- Sending an abusive text, email or instant message, or posting an abusive comment on a social networking site (online or cyber-bullying).
- Targeting someone because of who they are or who they are perceived to be.

Discrimination, Prejudice-based Bullying and the Equality Act 2010

Bullying behaviour can often be rooted in prejudice and discrimination due to difference or a perceived difference. We are committed to challenging discrimination, prejudice-based bullying and language, and to fulfilling our duty under the Equality Act 2010.

The Equality Act 2010 sets out rights which include legal protection from discrimination related to any of the nine protected characteristics: **disability; race; sex; pregnancy/maternity; religion/belief; sexual orientation; gender re-assignment; age; marriage/civil partnership.**

Note: In relation to the education of children and young people, the protected characteristics of age and marriage/civil partnership are not included.

We recognise that children and young people can also experience bullying in relation to: asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members.

We recognise that children and young people can experience disadvantage, prejudice or discrimination because of any of these individual factors or a combination of factors.

Definitions of the protected characteristics and other factors can be found in Appendix 1.

Hate incident or hate crime

A bullying incident is a hate incident if the victim or anyone else thinks it was carried out because of hostility or prejudice based on actual or perceived disability, race, religion, sexual orientation or transgender identity. If the incident is a criminal offence and the offender targeted the victim because of their prejudice or hostility based on any of these characteristics, this is a hate crime. All hate crimes should be reported to Police Scotland through the School Link Officer. In the case of hate incidents,

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

Procedure Title –

Procedure Number -

the designated member of staff / Equality Co-ordinator should seek advice from the School Link Officer.

Responsibilities and Reporting bullying, prejudice and discrimination incidents

Headteachers are:

- responsible for the introduction and implementation of this procedure. However, all staff, all pupils and their parents/carers must play an active part in following the guidance and putting it into practice. Teachers and support staff are expected to be pro-active, to treat all allegations seriously and to refer reports of incidents to the Equalities Co-ordinator / designated member of the senior leadership team. The incident is recorded accurately with future actions detailed.

The Equalities Co-ordinator, in consultation with the Head Teacher, is required to:

- ensure that all allegations are reported and recorded rigorously
- monitor SEEMiS Bullying and Equalities module reports regularly, at least termly
- monitor and report annually on the implementation of this procedure
- supervise the review and updating of this procedure at least every three years

Pupils are asked to:

- report all incidents and suspected incidents of any type of bullying, discrimination or prejudice that they experience to a member of staff, where it is safe for them to do so
- report all incidents and suspected incidents of bullying, discrimination and prejudice that they see to a member of staff, where it is safe for them to do so
- support each other and to seek help from a member of staff, to ensure that everyone feels safe and nobody feels excluded or afraid in school.
- if they don't feel able to speak to a member of staff, ([insert school arrangements for anonymous reporting here](#)) or contact an external organisation for advice and support, e.g. Childline, LGBT Youth Scotland or ELREC.

All school staff are required to:

- be pro-active in implementing the procedure
- treat all allegations and observation of bullying, discrimination and prejudiced behaviour or language seriously
- seek to address incidents, where appropriate
- record any incidents on a Wellbeing Concern form
- inform the Equalities Co-ordinator / designated member of staff of all incidents

Parents/carers are asked to:

- be aware of *respectme*, Scotland's Anti-bullying Service booklet – Bullying Behaviour: A Guide for Parents and Carers ([available at http://respectme.org.uk/resources/publications/](http://respectme.org.uk/resources/publications/))
- work collaboratively and respectfully with staff, children and young people and other parents/carers where appropriate to help ensure bullying, discrimination and prejudice cannot thrive

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Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Procedure Title –

Procedure Number -

- speak to any member of staff (the class teacher, guidance teacher or member of senior leadership team) if they have any concerns about bullying, discrimination and prejudice experienced by their child or by another child / children at the time of the incident or as soon as possible thereafter
- encourage their children to be positive members of our school community
- monitor closely their child's use of mobile phone and the internet and to intervene if there is a suspicion that these are being used inappropriately.
- understand that we seek to understand the experiences and address the needs of all children and young people who experience bullying, discrimination or prejudiced behaviour as well as those who present bullying, discrimination or prejudiced behaviour. We do this within a framework of respect, responsibility, resolution and support.
- speak to the Head Teacher if their concerns continue following initial intervention
- be aware that they can contact a relevant external organisation for advice and support
- be aware of the school's complaints procedure and the Council's Advice and Conciliation Service and their rights with regard to these procedures

PROMOTION OF EQUALITY

Through the Curriculum for Excellence, we: (adapt to school context)

- Increase knowledge of children's rights and responsibilities as responsible citizens.
- Challenge stereotypes, bias and discrimination, including prejudice-based attitudes and language.
- Deliver an inclusive curriculum that reflects all identities: disability; race; sex; pregnancy/maternity; religion/belief; sexual orientation; gender reassignment; age; marriage/civil partnership as well as asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members. This enables our children and young people to develop their sense of understanding and inclusion of others as well as seeing themselves reflected in the learning community.
- Provide age-appropriate reading materials and resources that positively reflect and represent diversity and reflect the protected characteristics, e.g. family structures that include single parents, people from minority ethnic backgrounds, disabled people, same-sex parents.
- Teach Critical Literacy
- Build resilience and empathy in young people as confident individuals.
- Raise awareness about bullying and our Anti-Bullying Procedure across a range of school subjects.

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Original Issue:

Lead Officer:

Current Version:

Review Date:

PREVENTION

By promoting a positive school ethos, with a focus on rights, equalities and health and wellbeing, we hope to prevent bullying, prejudice and discrimination happening. [For example \(adapt to school context\)](#)

- We update posters and school display screens regularly and use them to remind pupils that bullying, prejudice and discrimination are not acceptable and what to do if they or someone they know is being bullied or experiencing prejudice.
- Our pupil Equalities Committee actively supports the school's work on prevention of bullying, prejudice and discrimination.
- Bullying, prejudice and discrimination and other equality-related issues are a standing item on the SLT meetings, faculty meetings and our Pupil Council agenda.
- We carry out regular surveys and focus groups to evaluate ethos and health and wellbeing in the school.
- The school holds diversity, anti-bullying projects to raise the profile of these issues. For example, during Respect Week we hold an annual Anti-bullying event to raise awareness of what bullying looks like, how we can prevent it and what supports are available for pupils who experience bullying. We also hold anti-bullying year group assemblies and discuss bullying in key adult time and PSE lessons.
- The Rights Respecting School group ensure that all the pupils are aware of and learn about their human rights through lessons, events, assemblies and displays. The Rights-Respecting values are being embedded in the school and so pupils are being empowered to become more active citizens and learners.
- The Mentors in Violence Prevention (MVP) programme is now established in the school. Senior pupils are trained and empowered to be active bystanders with the ability to support and challenge their peers in a safe way. This peer mentoring programme gives young people the chance to explore and challenge the attitudes, beliefs and cultural norms that underpin gender-based violence, bullying and other forms of violence. It addresses a range of behaviours including name-calling, sexting, controlling behaviour and harassment.
- We work with other agencies and partners in health, police and the voluntary sector to promote a positive ethos. This includes working with organisations such as [Edinburgh and Lothians Regional Equality Council \(ELREC\)](#), [Intercultural Youth Scotland \(IYS\)](#), [LGBT Youth Scotland](#), [respectme](#), (include any that apply)
- We have a successful befriending system to support transition from primary school and senior pupils have been trained in peaceful resolution to conflict.
- Our staff receive regular training to increase their awareness and understanding of all forms of bullying, prejudice and discrimination as well as to develop skills in restorative practice.

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

SUPPORT

How we support pupils who are bullied or experience prejudice and discrimination

See also supplementary guidance on preventing and responding to incidents of prejudice and discrimination related to the protected characteristics in the Equality Act 2010. Part 1: Tackling Racist Incidents / Creating an Anti-Racist Culture.

We listen to the child or young person

- We reassure them that they have done the right thing by telling.
- We encourage them to talk about how they feel, find out what happened and who was involved
- We involve them in making choices about how the matter could be resolved.
- We discuss strategies for being safe and staying safe.
- We ask them to report any further incidents to us straight away.
- We affirm that the bullying can be stopped and that we will persist with intervention until it does.
- We say clearly what will happen next and that we will update them on progress.
- When the incident has been resolved, we monitor and check that bullying has not started again.

What happens next?

- The teacher or member of staff who receives the report will record the incident on a Wellbeing Concern form and discuss next steps with the designated member of senior leadership team / Equalities Co-ordinator.
- At all times, child protection procedures and/or Risk Management procedures should be followed, if necessary.
- In most cases, further investigation will be done by the designated member of senior leadership team / Equalities Co-ordinator or Pupil Support Leader (secondary)
- Further investigation may involve:
 - Speaking with the children or young people involved, preserving confidentiality.
 - Speaking with children or young people or others who witnessed the incident, preserving confidentiality.
 - Speaking with parents (*after consultation with the child or young person*)
 - Seeking advice from partner services and relevant organisations
- In all cases where there may be criminal implications (e.g. sexual assault or hate crime), the designated member of senior leadership team / Equalities Co-ordinator will report this to Police Scotland.
- In the case of hate incidents, the designated member of the senior leadership team / Equalities Co-ordinator will seek advice from Police Scotland.
- If it is found that bullying, prejudice or discrimination has taken place, we will take appropriate and proportionate action (see examples of possible actions below)
- If it is found that bullying, prejudice or discrimination has not taken place, we will speak with the child or young person who reported the incident and offer further support if needed.
- At all times, we will update the child or young person who reported bullying, prejudice or discrimination.

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Original Issue: []

Lead Officer: []

Current Version: []

Review Date: []

Our work with pupils who bully others or present prejudiced or discriminatory attitudes / behaviour

A child or young person who is bullying someone else may not be doing this consciously but the impact of bullying, prejudice or discrimination is still felt and this is taken seriously. Pupils who engage in bullying behaviour or present prejudiced or discriminatory attitudes / behaviour will be treated fairly and consistently using actions that are proportionate and appropriate to the age and stage of the child and to the incident (see below).

- We interview the pupil (or pupils) involved in the incident separately.
- We listen to their version of events and take time to discover the reasons for the behaviour.
- We talk to anyone who may have witnessed the incident.
- We reinforce the message that bullying, prejudice and discrimination are not acceptable, and that we expect it to stop.
- We address prejudicial or discriminatory attitudes that may be behind the behaviour
- We seek a commitment to stop bullying.
- We affirm that it is right for pupils to let us know when they are being bullied.
- We consider consequences under our school's Positive Behaviour Management Procedure.
- We consider what support the pupil needs and whether other referrals are required, e.g. educational psychologist, counsellor.
- In all cases where there may be criminal implications (e.g. sexual assault or hate crime) we report this to Police Scotland.
- In the case of hate incidents, we seek advice from Police Scotland.
- We advise pupils responsible for bullying, prejudice or discrimination that we check to ensure that the behaviour stops.
- We contact the parents of the pupil(s) at an early stage, where appropriate.
- We follow up after incidents to check that the bullying, prejudiced or discriminatory behaviour has not started again in any form.

Some examples of our actions

- Restorative practices, including acknowledging grievances.
- Involvement of a parent/carer where appropriate.
- Peer mentoring and mediation.
- De-escalation strategies.
- Physical separation of person/people presenting bullying, prejudiced or discriminatory behaviour, where necessary and possible.
- Use of support base to increase confidence and provide support.
- Consequences, including loss of privileges.
- Assessment of additional support needs, including counselling, for the person being bullied or experiencing prejudiced or discriminatory behaviour or for the person who is bullying or displaying prejudiced or discriminatory behaviour.
- Involvement of other agencies and partners in health, police and voluntary sector.
- Referral to specific support service, such as Psychological Services, Education Welfare Service, Social Work or Child and Adolescent Mental Health Service (CAMHS).

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Procedure Title –
Procedure Number -

Note: Exclusion from school is not itself a sanction or punishment for bullying, prejudiced or discriminatory behaviour and would only be used in specific circumstances and as a last resort.

Online bullying and bullying outside the school premises

We know that bullying, prejudice and discrimination can occur outside the school gates and via mobile phones and social network internet sites. The behaviour may be presented by pupils from our own school, by pupils from other schools or by people who are not at school at all. Where a pupil or parent informs us of bullying, prejudice or discrimination outwith the school premises we will:

- Talk to pupils about how to avoid or handle these incidents outside of school.
- Talk to the Head Teacher of any other school(s) whose pupils are allegedly presenting bullying, discrimination and prejudiced behaviour.
- Talk to the transport company about bullying on buses
- Talk to the police, if appropriate.

Follow-up

When the incident has been resolved, we monitor and check with the child or young person that bullying has not started again.

RECORDING AND MONITORING BULLYING INCIDENTS

The designated member of senior leadership team / Equalities Co-ordinator or Pupil Support Leader (secondary) will record all incidents in the Bullying and Equalities module in SEEMiS.

The following information is recorded:

- the person experiencing the behaviour
- the person displaying the behaviour
- the nature and category of the incident
- the perceived reason(s) for bullying
- actions already taken and future actions
- conclusion (being addressed, resolved, not resolved, unfounded)

All incidents should be recorded. Records should include whether the incident is bullying, and/or prejudice-based and the nature of this. If there is any dispute or doubt (on the part of any individual) about whether the incident was or was not bullying or prejudice, the incident and the doubts should be recorded.

The designated member of senior leadership team / Equalities Co-ordinator will:

- ensure that this procedure is implemented.
- monitor SEEMiS reports on regular basis, at least termly.

Records of bullying, discrimination and prejudice-based incidents will be collected centrally from SEEMiS by the local authority from August 2020 on a termly basis.

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

Procedure Title –

Procedure Number -

COMMUNICATING THIS PROCEDURE (adapt to reflect school context)

We promote our anti-bullying procedure throughout the session. This procedure is on the school website. Posters are on display around the school advising pupils how they can report bullying, discrimination and prejudice, or seek confidential help. ([In-school arrangements for anonymous reporting](#)) are regularly promoted via the school bulletin. The procedure is also reinforced through PSE classes and assemblies.

CONCERNS AND FEEDBACK

We recognise that there may be times when pupils or parents/carers feel that we have not dealt well with an incident of bullying, discrimination and prejudice or a wider community issue. If a pupil or parent/carer feels that an incident/issue has not been fully resolved to their satisfaction, we ask them to contact the Head Teacher in the first instance.

If the Head Teacher cannot resolve these concerns informally, parents/carers can raise their concerns more formally through the school's Complaints Procedure. If early resolution at this stage is not achieved, then parents/carers can use the Council's Advice and Conciliation Service. We are also pleased to receive positive feedback from parents/carers when things have gone well.

At any time, a pupil or parent/carer can seek advice and support from an external organisation.

EVALUATING AND REVIEWING OUR PROCEDURE (adapt to reflect school context)

We evaluate the effectiveness of this procedure on an annual basis, reviewing the number and type of incidents that are reported alongside the attendance, exclusions, attainment and achievement of pupils in protected groups. Pupils' perceptions and experiences of bullying are reviewed through questionnaires and focus groups. Feedback received from parents is also taken into consideration. The procedure is reviewed formally every 3 years.

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Authorised by:

Original Issue:

Lead Officer:

Current Version:

Review Date:

Tackling Racist Incidents and Creating an Anti-Racist Culture

This supplementary guidance for staff should be read alongside the Communities and Families ‘Procedure for Preventing and Responding to Bullying and Prejudice’ and your establishment procedure.

It should be known and followed by all staff and administered by the designated member of the senior leadership team / Equalities Co-ordinator. Whilst this guidance focuses on responding to racist incidents experienced by children and young people, the principles apply equally to racist incidents experienced by staff and parents from minority ethnic backgrounds. Incidents experienced by staff will be dealt with using the relevant Council policies and procedures.

1. WHAT IS RACISM?

Racism is when someone is discriminated against because of their race, the colour of their skin, nationality, ethnicity (includes culture, religion and language) or national origin.

A racist incident is any incident which is perceived to be racist by the victim or any other person.
(The Stephen Lawrence Inquiry 1999, Recommendation 12)

Any incident which is perceived to be racist must be recorded and investigated with rigour, commitment and transparency. Whether or not the person responsible intended their behaviour or actions to be racist is irrelevant. When dealing with an incident, the person’s intentions and attitudes are an important consideration. However, at the stage of initial recording and investigating, their attitudes, motivation and awareness are not the main issue. The main issue is that they have behaved in a racist manner.

What can racism look like? For example:

- Isolating or marginalising someone because of the colour of their skin, nationality, ethnic* or national origin. *Ethnicity includes culture, religion and language.
- Verbal or non-verbal abuse, e.g. threats, derogatory name-calling, gestures, racist jokes
- Damage to property
- Physical assault and harassment, e.g. hitting, tripping, pushing, kicking
- Visual - racist text or images such as posters, notices or graffiti
- Incitement of others to behave in a racist manner
- Cyber - using social media to promote or incite racism
- Provocative behaviour such as wearing racist badges or insignia.
- Refusal to co-operate with other pupils because of their race or ethnicity, or their perceived race or ethnicity

Many of these behaviours can also take place online, through social media or messaging platforms.

Racist language, negative views and their impact on children and young people

Racist language, stereotypes and jokes around the school can exclude, threaten, hurt or humiliate young people, whether experienced directly or indirectly. Sometimes, racist language can be used without malice or understanding, but this does not mean that it has no impact on young people who hear it used in this way. Both minority ethnic young people and the wider school community may be seriously affected by these negative messages. The cumulative effect on the emotional and mental health of minority ethnic children and young people should not be under-estimated. It can lead to: loss of self-esteem; feelings of exhaustion; reduced ability to thrive in an environment; mistrust of peers, staff and the ‘system’; decreased participation and ability to study; underachievement; reduced attendance. Not all racist incidents would be considered

bullying. For example, a teacher might observe a young person telling a racist joke which isn't directed at anyone in particular. This should still be addressed and recorded as a racist incident.

2. TACKLING RACIST INCIDENTS

A racist incident may be a hate incident or hate crime

A racist incident is a hate incident if the victim or anyone else thinks it was carried out because of hostility, discrimination or prejudice based on race. In the case of hate incidents, the designated member of staff / Equalities Co-ordinator should seek advice from the Police School Link Officer.

If the incident is a criminal offence and the offender targeted the victim because of their prejudice or hostility based on race, this is a hate crime. All possible hate crimes should be reported to Police Scotland through the School Link Officer.

Supporting a child or young person who has experienced racism

This guidance applies in the following situations:

- A child/young person tells you about a racist incident towards them
- A child/young person (third party) tells you that they have seen or heard about a racist incident involving another child/young person
- You witness a racist incident involving a child/young person
- A parent tells the school about a racist incident that their child has experienced or has witnessed.

Be aware that a child / young person from a black and minority ethnic background may react strongly to racism because they experience this not just as a personal attack but as an attack on their family, community and culture. Furthermore, the immediate incident may be only the latest in a series of other racist incidents (micro-aggressions or more significant incidents) which the child or young person has experienced. The child/young person's strong reaction may itself be unacceptable. In such cases, it is important to treat both the racist incident and the young child/young person's reaction appropriately and proportionately.

NOTE: at all times child protection / risk management procedures should be followed if necessary.

Show belief and treat the concern seriously

Children and young people often say they don't feel believed or taken seriously; they can be deeply affected at their core by what they perceive as racism against them, and even if it doesn't appear to you to be a racist event, it is important that you show belief and investigate thoroughly before making a judgment.

Discuss what the child/young person would like to happen - follow this as far as possible

Children and young people often feel teachers want to help but don't always handle it well and may make it worse; they may under-react or over-react. Teachers, especially those with less experience of responding to racist incidents, may not feel confident about what to do. So, ask the child/young person what they would like to happen and as far as possible follow their feelings.

They may want nothing to happen at this point – it may be enough to tell you, and you have to take a decision on how serious the issue is, and whether you can hold on to that information and support the child for a bit, to help them resolve it in their own way. Take the views of the child or young person seriously, with awareness that racism cannot go unchallenged even when they may be reluctant to seek a solution or want to avoid a direct approach.

In all cases, tell them what you plan to do and who you need to tell, so they can feel in control as far as possible.

Parents as Partners

Taking into consideration the views of the child or young person, inform their parents/carers of the incident, how their child is being supported and how the incident is being dealt with.

Give as much feedback as possible on actions and outcomes

Children and young people often say they report racism and they never hear about it again. This can happen even where the incident has been very effectively handled in terms of the child or young person who displayed racist behaviour, because of the need to recognise their rights and privacy too. There needs to be a balance between the privacy of the child/young person who displayed racist behaviour (in terms of the consequences and support for them), and the rights of the child/young person who experienced the racist behaviour to feel that justice has been done.

Rights Respecting and Restorative approaches

Two of our core practices in developing positive relationships are: Rights Respecting and Restorative. Our aim is to address the root causes of the racist behaviour and for the behaviour to stop. Where appropriate, we will use restorative approaches, balancing this with respecting children and young people's rights. We recognise that for the child / young person who experienced racism, a purely restorative approach may not feel enough for justice to have been done and their rights to have been respected.

Revisit to check on a sustained basis

Children and young people often say that the teacher dealt with it and it stopped for a time, and they didn't want to keep going back because they would be seen as a 'wimp' or a 'moan'. So, it's important that you take the initiative on a sustained basis, to check that the child or young person is not having problems again. Peer mentoring or buddy systems may be supportive.

Follow up

Ensure that key staff are aware on a need-to-know basis and can help you monitor for future events / occurrences.

Working with a child or young person who has displayed racist behaviour

A child or young person who is displaying racist behaviour may not do this consciously. Nevertheless, all racist behaviour and language must be challenged, with support to change. Pupils who present racist behaviour will be treated fairly and consistently using actions that are proportionate and appropriate to the age and stage of the child and to the incident. Our aim is to address the root causes of the behaviour and for the behaviour to stop. (See examples of actions in main procedure.)

An approach which relies only on consequences can be counter-productive; it does not address the underlying cause and can generate resentment and reinforce racist feelings or behaviour. Similarly, a 'zero tolerance' approach ('we don't allow racism here - no further discussion') may merely suppress the behaviours or beliefs and allow them to grow stronger, below the surface.

Fully addressing racist attitudes and behaviour (rather than a simple 'consequences' or 'zero tolerance' approach) is more time-consuming in the short-term but is essential to eliminate racism. There is clear evidence that school policy and practice in dealing effectively with racist incidents is an essential part of creating an anti-racist school culture.

Some suggested approaches:

- Avoid confrontation.
- Repeat the comment or define the action to ensure you have understood it correctly – ask the child / young person concerned to repeat themselves and/or explain what they mean.
- If there is any uncertainty, point out that the event could be construed as racist, and ensure they understand this.
- Ask the child / young person why they said or did this.

APPENDIX 12.5

- Challenge the ideas – not the person. Use humour if appropriate.
- Acknowledge any sense of grievance or hurt which has led to the racist comment/action, without accepting that it justifies the comment/action. Ensure that any valid sense of grievance or hurt is addressed too. This is vital to avoid increasing resentment.
- Relate the issue to the child or young person's age/gender/class/disability and try to find some parallels, to gain empathy.
- Expose irrational or contradictory arguments by sharing the relevant research/statistics/counter-arguments/historical context/legislation.
- Seek a positive way forward which enables the person to retain self-esteem, (while ensuring that the needs of the child/young person who experienced racism are fully met).
- Where appropriate, encourage witnesses/others involved to suggest an appropriate response/way forward.
- Revisit the situation as often as necessary with both parties to ensure the resolution is effective and there has been no repetition or negative ramifications.
- Where appropriate and helpful, inform parents to try and gain their support in ensuring that the racist behaviour does not happen again.

Recording: at all stages, all actions and outcomes should be fully recorded, monitored and updated on the SEEMiS Bullying and Equalities module.

Monitoring: the number of racist incidents reported and recorded should be monitored on a regular basis, along with other types of incident recorded on the SEEMiS Bullying and Equalities module.

3. CREATING AN ANTI-RACIST CULTURE

Micro-aggressions

Micro-aggressions are the most common way racist and other forms of discrimination are expressed on a daily basis, both online and face-to-face, so tackling them is very important. Racial micro-aggressions are everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to people based solely on their race. In many cases, these hidden messages can invalidate the person, demean them on a personal or group level. Micro-aggressions communicate that they are lesser human beings, suggest they do not belong with the majority group, threaten and intimidate, or relegate them to inferior status and treatment. The individual and cumulative impact of racial micro-aggressions can have a significant impact on health and wellbeing.

Examples of micro-aggressions:

- A teacher continually mispronounces a pupil's name or suggests using an anglicised version because that will be 'easier' for them to pronounce (Hidden message: You are an outsider and don't belong here. To belong, you need to change to fit in with 'us'.)
- An Asian Scottish pupil, born and raised in Scotland, is complimented for speaking "good English." (Hidden message: You are not a true Scot. You are a perpetual foreigner in your own country.)
- A black couple is seated at a table in the restaurant next to the kitchen despite there being other empty and more desirable tables located at the front. (Hidden message: You are a second-class citizen and undeserving of first-class treatment.)

Managing pupil views – an anti-racist stance

It is the teacher's responsibility to create and maintain an open, safe and supportive learning environment where children and young people can explore and develop their understanding of sensitive topics related to 'race' at an age-appropriate level. At times, children and young people may express views which may be controversial or distressing to others. If these views remain unchallenged by the group or by the teacher, the silence effectively condones the views. This may leave others feeling unwelcome, unsafe, or marginalised and

doesn't give children and young people the opportunity to really consider the issues and examine their personal, or learned, assumptions. Censorship is counter-productive. However, it is important that children and young people develop the skills to put their point across in a clear and respectful manner and that the teacher is able to manage the learning situation to support all to feel safe and learn.

Responding to micro-aggressions using the ACTION framework

<https://www.facultyfocus.com/articles/effective-classroom-management/responding-to-microaggressions-in-the-classroom/>

Whether we are the observer, the target, or the unintentional 'perpetrator' of micro-aggressions, we may not know how to respond to them in the moment. Common reactions are to feel 'frozen' (if the observer) or defensive (if the target or 'perpetrator'). How we respond can have an immediate effect on students and the learning environment. Certain practices can increase the likelihood of maintaining a supportive climate. One of these is the **ACTION** communication framework (Cheung, Ganote and Souza, 2016).

ACTION Framework

Ask clarifying questions to assist with understanding intentions.

"I want to make sure that I understand what you were saying. Were you saying that...?"

Come from curiosity not judgement.

- Listen actively and openly to their response.
- If they disagree with your paraphrase and clarify a different meaning, you could end the conversation. If you suspect they are trying to "cover their tracks," you may consider making a statement about the initial comment to encourage learning.
"I'm glad to hear I misunderstood you, because, as you know, such comments can be..."
- If they agree with your paraphrase, explore their intent behind making the comment.
"Can you tell me what you were you hoping to communicate with that comment?"
"Can you please help me understand what you meant by that?"

Tell what you observed as problematic in a factual manner.

"I noticed that . . ."

Impact exploration: ask for, and/or state, the potential impact of such a statement or action on others.

"What do you think people think when they hear that type of comment?"

"As you know, everything speaks. What message do you think such a comment sends?"

"What impact do you think that comment could have on ..."

Own your own thoughts and feelings around the impact.

"When I hear your comment, I think/feel..."

"Many people might take that comment to mean..."

"In my experience, that comment can perpetuate negative stereotypes and assumptions about... I would like to think that is not your intent."

Next steps: Request appropriate action be taken.

"Our class is a learning community, and such comments make it difficult for us to focus on learning because people feel offended. So I am going to ask you to refrain from stating your thoughts in that manner in the future. Can you do that please?"

"I encourage you to revisit your view on X as we discuss these issues more in class."

"I'd appreciate it if you'd consider using a different term because it is inconsistent with our course agreement regarding X..."

With practice, the ACTION framework can become a tool to organize your thoughts and unpack the micro-aggression in a way that addresses the situation and cools down tension. In this way, we can engage thoughtfully and purposively in strategies that maintain a positive climate that is conducive to learning and at the same time, model the skills needed to respond to micro-aggressions in any context.

REFERENCE

Harassment and Victimisation (Equality Act 2010)

Harassment related to a protected characteristic is unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- Violating a child, young person's dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the child or young person

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the child or young person to say that they object to the behaviour for it to be unwanted.

Victimisation is defined in the Equality Act as:

Treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act).

A protected act is:

- Making a claim or complaint of discrimination (under the Equality Act)
- Helping someone else to make a claim by giving evidence or information
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

Direct and Indirect Discrimination (Equality Act 2010)

Direct Discrimination is when you are treated worse than another person or other people because:

- you have a protected characteristic
- someone thinks you have that protected characteristic (known as discrimination by perception)
- you are connected to someone with that protected characteristic (known as discrimination by association)

Indirect discrimination happens when there is a policy that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic, and you are disadvantaged as part of this group. If this happens, the person or organisation applying the policy must show that there is a good reason for it.

A 'policy' can include a practice, a rule or an arrangement. It makes no difference whether anyone intended the policy to disadvantage you or not.

Communities and Families

Equality, Diversity and Inclusion Action Plan 2020-21

This plan sets out ongoing and future work to ensure that the City of Edinburgh Council fulfils its obligation of equity and excellence for all learners, with particular reference to protected characteristics under the Equality Act 2010 and other factors such as children who are non-binary, care experienced or Young Carers, and children who have English as an Additional Language or are affected by poverty. It includes actions for specific protected characteristics, with a particular emphasis on race equality, in the context of Black Lives Matter. Planning will give regard to balance and proportionate emphasis on discrete protected characteristics over a three-year planning period.

Theme	Tasks	Empowered System	Target date	Progress at February 2021
1. Representation, recruitment and retention Diversity in the teaching, PSA and youth work workforce	<ul style="list-style-type: none"> include guidance for probationer teachers and mentors re. legal and statutory requirements for race equality and diversity, and rights raise awareness of bias and inequity: Head Teachers, CLD managers – Creative Conversation: Educating for Race Equality (<i>Professional Learning</i>) consultation with staff from groups of interest – experience in the workplace (teacher/PSA/youth workers) raise awareness of mentoring networks for under-represented groups (teacher/PSA/youth workers) identify ways to recognise and support aspiring minority ethnic teachers and youth workers 	Teachers & practitioners GTCS School leaders Teachers & practitioners, youth workers Teachers & practitioners School leaders, youth work leaders	August 2020 November 2020 December 2020 November 2020 January 2021	<ul style="list-style-type: none"> completed (update in Probationer’s handbook) Creative Conversation 1st October 2020 Ongoing Planned; to take place in March 2021 A question about mentoring networks is included in the consultation.
2. Teaching and Learning Inclusive curriculum BME / black history and culture included: <ul style="list-style-type: none"> in all phases of secondary school education across all disciplines 	<ul style="list-style-type: none"> Deliver <i>Professional Learning</i>: <ul style="list-style-type: none"> Decolonising the Curriculum(secondary) Creating an inclusive curriculum (primary) 	School leaders, Teachers, Partners Teachers & practitioners	Oct. 20 & Jan. 21 Jan. 21 & Mar. 21	<ul style="list-style-type: none"> Creative Conversation 1st October 2020 Equalities staff reference group established January 2021, with a focus on the curriculum

APPENDIX 12.6

<ul style="list-style-type: none"> • BME / black history and culture across all curricular areas in primary school education • through youth work 	<ul style="list-style-type: none"> • Create Inclusive Curriculum resource database • Carry out formal audit of Black History across BGE and Senior Phase • Identify ways to support the teaching and learning of Community/Heritage Languages as L3 (1+2 Language Strategy) • Language Ambassadors Programme and Young Interpreters Scheme: obtain baseline information and agree a target number of participating schools 	<p>Teachers & Practitioners</p> <p>Local Authority</p> <p>Local Authority</p>	<p>August 2020</p> <p>November 2020</p> <p>August 2020</p> <p>November 2020</p>	<ul style="list-style-type: none"> • Completed • See Inclusive Curriculum working group above • Work on resources for L3 ongoing. Longer-term work with SCILT and e-sgoil initiated.
<p>3. Health and Wellbeing Anti-bullying. Implementation of revised procedure.</p>	<ul style="list-style-type: none"> • Engagement with Parent Council Locality groups • Professional Learning: Respect for All training for Equality Co-ordinators • Strengthen section of procedure on reporting, investigation and follow-up of incidents, with particular ref. to prejudice-based bullying and racist incidents. • Professional Learning: Follow-up training on recording, prejudiced-based bullying, dealing with racist incidents, hate crime • All schools establish/re-constitute pupil-led Equalities Groups • 3 secondary schools pilot IYS Race Ambassadors programme 	<p>Parents & Carers Partners</p> <p>Learners, Partners, Local Authority</p> <p>School leaders</p> <p>Learners</p> <p>Partners</p>	<p>February 2020</p> <p>March 2020</p> <p>August 2020</p> <p>December 2020</p> <p>December 2020</p> <p>Aug. 2020-June 2021</p>	<ul style="list-style-type: none"> • Completed • 5 of 6 session delivered to March 2020. Online learning modules now available covering same content. • Revised procedure and supplementary guidance on tackling racist incidents issued to schools November 2020. • 4 sessions delivered Nov/Dec. 2020 • Guidance to support – issued September 2020. • Initial participating schools: Liberton HS, the Royal High School – in progress.

APPENDIX 12.6

<p>Youth Work</p> <p>Support for transgender young people</p>	<ul style="list-style-type: none"> • Respect for All training for Parents-Carers • Professional Learning: Respect for All training for PSAs • Analyse recorded bullying incidents data by protected characteristics • Carry out and analyse equalities survey of Council and third sector youth providers to inform actions. • Deliver training for anti-racist youth work • Revise Edinburgh guidance on supporting transgender young people after publication of revised national guidance (<i>publication delayed</i>) 	<p>Parents & carers</p> <p>Support staff</p> <p>Local Authority, School leaders</p> <p>Local Authority Youth workers, Partners</p> <p>Teachers & practitioners, Partners</p>	<p>December 2020</p> <p>June 2021</p> <p>Aug. 2020, Jan. & August 2021</p> <p>March 2020</p> <p>March 2021</p> <p>August 2021 (<i>provisional</i>)</p>	<ul style="list-style-type: none"> • Schools engaging with parents-carers to review local policy. Training to be offered in Spring/Summer term. • Delivered to 200+ PSAs on January in-service. Online learning modules available. • Ongoing • Completed
<p>4. Professional Learning See also Themes 1, 2 and 3.</p>	<ul style="list-style-type: none"> • core (required) Equalities training (online) for all school staff (leadership, teaching and non-teaching), CLD managers and youth workers • progress development of whole-school Equalities training (Learning & Development) • create database of recommended Equalities training (internal, third sector, other) 	<p>Teachers & practitioners</p> <p>Teachers, practitioners</p> <p>Partners</p>	<p>June 2021</p> <p>June 2021</p> <p>January 2021</p>	<ul style="list-style-type: none"> • Included in Working Time Agreement for teachers 2020-21. • In progress
<p>5. Adaptation and Renewal Edinburgh Learns for Life</p>	<ul style="list-style-type: none"> • planning for all themes gives due regard to equality including socio-economic 	<p>Local Authority School leaders</p>	<p>June 2020 and ongoing</p>	<ul style="list-style-type: none"> • Ongoing

APPENDIX 12.6

	disadvantage, sustainability and human rights			
6. Communication	<ul style="list-style-type: none"> • Develop communication strategy <ul style="list-style-type: none"> ➢ For young people, by young people ➢ Monthly Director Report via SWAY ➢ ELATE (Edinburgh Learns Magazine) 	Local Authority Learners		<ul style="list-style-type: none"> • Ongoing
7. Self-evaluation	<ul style="list-style-type: none"> • Create and implement a schedule for review of data by Equalities Steering group (incl. ownership) (e.g. attainment, bullying incidents, exclusions, pupil survey, employment) 	Local Authority, School leaders, Partners	October 2020	<ul style="list-style-type: none"> • Ongoing

APPENDIX 12.6