

# **ANTI-RACIST POLICY**

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## **ANTI-RACIST POLICY GUIDELINES**

### **INTRODUCTION**

The EIS recognises the importance of anti-racist policies and the role of education in combating racism and xenophobia. The development and implementation of anti-racist policies is the responsibility of every member of the EIS and education community regardless of where they work. Now as a result of the Race Relations Amendment Act 2000 all public bodies are required to have a Race Equality Scheme to help them with their duty to promote race equality. This is a significant change to the Race Relations Act as it is a positive duty on public bodies to do something more than react to incidents and to ensure that they do more than merely have a policy.

Part of the Race Equality Scheme should be that policies and procedures are reviewed regularly, their effectiveness monitored and staff trained in their implementation. There is no excuse for racism.

Racism can manifest itself in many ways. It is most easily recognised at a personal level through a display of prejudice, ignorance and stereotyping. This behaviour damages not only those subjected to it but also those who perpetrate it.

More difficult to see but very damaging is cultural and institutional racism which operates to exclude black/minority ethnic (BME) people from employment, promotion and services.

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Many people of different cultures and nationalities live in Scotland providing a diversity of ethnic groups, religious beliefs, tradition, languages, all of which play a part in the enrichment of the culture and tradition of our society.

In promoting equality of opportunity it is important to provide education which reflects the cultural diversity of society, school, college or other educational establishment. It is equally important to provide anti-racist education which challenges injustice, inequality and prejudice. To this end, the EIS has worked with many organisations committed to challenging racism in education and society.

### LEGAL FRAMEWORK

The Race Relations Act of 1976 outlaws discrimination on grounds of race. This discrimination can be direct or indirect.

**Direct discrimination** consists of treating a person, on racial grounds, less favourably than others are or would be treated in the same or similar circumstances. The forms of direct discrimination can include racist abuse and harassment; differences in assessment procedures or provision for pupils and students as well as discrimination in employment, promotion or recruitment.

**Indirect discrimination** is more complex. Indirect racial discrimination may fall into one of two categories. The first is on grounds of colour or nationality; the second is based on

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race, ethnic or national origin. It involves the application of a requirement or condition which, although applied equally to everyone, has the effect that a significantly smaller proportion of a particular racial group can comply with it. Dress codes may be an example of indirect discrimination.

The Race Regulations 2003 introduced a less demanding criterion for indirect racial discrimination on grounds of “*race, ethnic or national origin*”.

Discrimination of this type occurs when a provision, criterion or practice is applied to everyone, but puts people of the same race or national or ethnic origin at a particular disadvantage.

The Act allows for selection for recruitment or promotion where there is a “Genuine Occupational Qualification”. This would refer to occupations where being of a particular racial group is a genuine occupational qualification for a job e.g. the holder of a post provides personal or welfare services best provided by a member of the same racial group.

### **Victimisation**

This has a special legal meaning under the Race Relations Act. It occurs if you are treated less favourably because you have complained about racial discrimination, or supported someone else who has.

## **Harassment**

If someone has been subjected to harassment on grounds of race or ethnic or national origin, this is regarded as unwanted conduct under the Race Relations Act.

The law considers this to have the effect of violating that person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

## **Liability**

The employer, local authority, college or independent school, is liable for the discriminatory actions of an employee 'in the course of their employment' unless the employer has taken all reasonable steps to prevent the discrimination. The Employment Equality (Religion or Belief) Regulations 2003 prohibit discrimination based on religion or belief in various circumstances.

## **Positive Action**

It is possible under the provisions of the Race Relations Act to develop measures such as training for management for under represented groups. This applies also to trade unions.

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### **Responsibilities of Trade Unions under the Act**

Trade Unions have responsibilities as employers and providers of services. They must ensure that they do not discriminate in either capacity.

**The EIS believes prevention is more effective in eliminating racism. However, compliance with the law is essential in promoting race equality and the EIS will pursue claims on behalf of members.**

**In the UK, the main law dealing with racial discrimination is the Race Relations Act 1976, which was recently amended by the Race Relations (Amendment) Act 2000.**

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act also imposes general duties on many public authorities to promote racial equality.

The Commission for Racial Equality has published a number of Codes of Practice and guidance to assist public bodies to carry out their duties under the Act.

**As a public body HMIE has a duty to promote racial equality.**

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**The new standards for teachers include reference to equality and diversity**

**The standard for chartered teacher includes reference to equality and diversity.**

**The National Priorities in education refer to equality and diversity as a key priority. Higher education and further education are covered by the legislation.**

### **ANTI-RACISM IN EDUCATIONAL ESTABLISHMENTS**

Equal Opportunities and anti-racism should be inherent in the structure of all educational establishments. The promotion of anti-racism should be a clear feature of development planning. This should be part of the Race Equality Scheme for local authorities and schools. It must be seen to be integral to the teaching and learning process. Each educational establishment should understand and accept its obligation to promote anti-racism and to provide a curriculum and ethos which will prepare children, young people and adults for the diverse society in which they live. HMIE includes Quality Indicators on equality as part of “How good is Our School?” and has specific advice on how to promote race equality.

An Equal Opportunities policy should be included in the handbooks or publicity for educational establishments.

Cultural, moral, intellectual, social and linguistic diversity should be seen as enrichment.

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A workplace where staff themselves are included and valued is in a strong position to promote equality of opportunity by providing role models for children, young adults and adult learners. The presence of black/minority ethnic role models is of positive value.

Staff development on equality issues including anti-racism should be recognised as essential and not peripheral to training needs. This issue should be part of a CPD programme.

Courses provided for staff should always include an equal opportunities and anti-racist perspective.

Internal Behaviour and Disciplinary procedures in schools should provide for possible racist incidents not only between pupils but by pupils towards teachers and teachers towards pupils. Local authorities may provide advice on dealing with racist incidents in schools. Further and Higher educational establishments may also provide advice about relationships with students.

### **RACIAL HARASSMENT AND BULLYING**

The effects of racial harassment should never be underestimated. It is unlawful and support should be given to anyone who experiences it. (For additional information refer to EIS Bullying and Harassment policy.)

### **CLASSROOM ORGANISATION**

All learners need to be able to learn and interact within and across cultures, to share experiences from others, develop respect and gain support from their peers and expand their perspectives. Classroom organisation should take account of this.

### **ETHOS**

Educational establishments should develop an ethos where all learners feel safe and be secure in their own cultural identity and where they feel able to confide in and be understood by their teachers. This includes recognition of the value of community languages by actively maintaining and promoting them.

Pastoral arrangements should be sensitive towards cultural diversity and promote anti-racism. This may include meeting needs of dress and diet or recognising needs during important periods in a religious calendar. This may also provide the means of celebrating cultural diversity.

In schools which have a policy of wearing school uniform care should be taken not to discriminate indirectly against black/minority ethnic groups. Some pupils will require to adopt certain forms of dress as a matter of tradition or religious requirement e.g. a school uniform which prohibits girls wearing trousers may breach both race and sex

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discrimination laws. The wearing of jewellery may be a tradition or custom which some schools may feel poses a health and safety problem in Physical Education or the playground. Usually appropriate and sensitive discussion, with parents as well as young people which respects tradition and background as well as explaining safety aspects can provide a resolution.

### **THE CURRICULUM**

A safe, secure environment in which to learn with confidence is essential for progress and success. Separate anti-racist curricular guidelines are published by the EIS.

In schools, this includes support for children with particular learning needs and support where English is a second or an additional language. Support will also be necessary for Traveller pupils, refugee and asylum seekers who may have experienced an interrupted education. The curriculum should reflect and extend the experience of all pupils. This provision may fall within the scope of the Additional Support for Learning Act 2004

It is particularly important where there are very few or no black/minority ethnic pupils/students to review materials to ensure that they reflect the diversity of the society in which we live.

The school curriculum at nursery, primary and secondary, provides many opportunities to explore issues of equality and

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help prepare pupils for life in a diverse, multicultural society. Equally, there are many opportunities in further and higher education curricula to provide an anti-racist perspective.

It is important to provide specialist multicultural, anti-racist units or courses of study but they should not be considered in themselves sufficient to eliminate discrimination. Anti-racism should be embedded in the curriculum.

The EIS believes that multicultural and anti-racist education should be core responsibilities of educational establishments.

## GLOSSARY

### RACE

Historically, race has been used to refer to people with specific and clearly identifiable characteristics. This view, popularised by eighteenth and nineteenth century scientific theory, is inaccurate and reflected the political belief of “white superiority” at a time of colonial activity. These theories are now discredited. In reality there are no distinct biological races.

The word race is problematic. Although it is not a valid description it is still used by people who wish to suppress and oppress on the basis that ‘race’ exists. It is for that reason that it is used in certain contexts and by organisations fighting against racism e.g. the Race Relations Act, the Commission for Racial Equality, Racial Equality Councils.

### RACISM

The term ‘racism’ is based on the theories which believe that one race is superior to another. One concise definition is ‘power plus prejudice equals racism’. This introduces the concept of power and differentiates racism from individual prejudices and rivalries. Racism can be individual or structural/institutional/cultural.

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**Individual racism** is attitudes, very often unconscious, towards black/ethnic minority people which discriminates or supports discrimination.

**Institutional racism** is when the rules, regulations and practices of institutions such as colleges, universities or schools operate to present barriers to black/minority ethnic people.

**Structural racism** can occur within the structures of society e.g. the labour market, the education system, the political system. Examples of this would be excluding black/ethnic minority people from voting or standing as candidates in elections.

**Cultural racism** is when a particular culture perceives itself as superior to others. It is often when one culture is dominant that systematic cultural racism can take place. The dominant culture then imposes its patterns, assumptions and values on others often in a manner that many do not even notice. This becomes the 'common sense culture' taken for granted as part of everyday life.

### **BLACK**

This term is used in a socio-political sense to unite peoples who, because of their skin colour, have experienced racism and discrimination. It can, therefore, include people of Asian and Chinese origin. Usually, this indicates a high level of

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participation in and awareness of anti-racism. Not all people are comfortable with this term. Black/minority ethnic is recommended as appropriate terminology.

### **MULTICULTURAL EDUCATION**

Multicultural education is that which recognises cultural diversity from both local and global perspectives.

### **ANTI-RACIST EDUCATION**

This acknowledges that racism and xenophobia exist in our society. It recognises the importance of education in combating social injustice and inequalities and seeks actively to address such issues.

### **USEFUL WEBSITES**

**EIS** – [www.eis.org.uk](http://www.eis.org.uk)

**HMIE** –

[www.hmie.gov.uk/documents/publication/hgiosmnog.pdf](http://www.hmie.gov.uk/documents/publication/hgiosmnog.pdf)

**Commission for Racial Equality** – [www.cre.gov.uk](http://www.cre.gov.uk)

**The Scottish Refugee Council** – [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

**The Scottish Executive** – [www.scotland.gov.uk](http://www.scotland.gov.uk)

**Learning & Teaching Scotland** - [www.ltscotland.org.uk](http://www.ltscotland.org.uk)

**EIS Learning Representatives** - [www.eis.org.uk](http://www.eis.org.uk)

### WHAT EIS MEMBERS CAN DO

- Be aware of responsibilities to promote racial equality.
- Be aware of Race Equality Scheme of employer or local authority.
- Raise awareness of CPD opportunities.
- Consider your own beliefs and knowledge base.
- Challenge racism and racist incidents.
- Familiarise yourself with EIS policies.
- Listen to those who have experienced racism.