

**EIS EQUALITY**

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The Educational  
Institute of Scotland

# **ANTI-RACIST POLICY**

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***A racist incident is any incident which is perceived to be racist by the victim or any other person.***

**The Macpherson Report 1999**

# **ANTI-RACIST POLICY GUIDELINES**

## **INTRODUCTION**

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.

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.

This document will, first of all, look at the legal framework as outlined in the Equality Act and how it applies to race. It will then identify how anti-racism issues can be promoted in an educational environment. Finally, the document concludes by signposting and providing advice to members on how to deal with racism in establishments.

A glossary is provided to define key terms used within this document.

## **LEGAL FRAMEWORK**

The Equality Act 2010 replaces the Race Relations Act 1976, which was amended by the Race Relations (Amendment) Act 2000.

Within the Act, race is now termed as a 'protected characteristic'. For the purpose of the Act, 'race' includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups, e.g. Asian Scottish.

### **Discrimination**

As in previous legislation, there are four forms of discrimination that are prohibited by the Act.

#### *Direct discrimination*

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. Direct

race discrimination claims can be brought by people who have been treated less favourably because of their own race, because they associate with someone of another race or because they are wrongly perceived to be of a particular racial group.

### *Indirect discrimination*

Indirect discrimination is more complex. Indirect racial discrimination can occur when there is a condition, rule, policy or even a practice in your workplace that applies to everyone, but particularly disadvantages people that belong to a particular racial group. Indirect discrimination can be defended if the person or organisation can show that it was a proportionate means of achieving a legitimate aim. A 'legitimate aim' might be any lawful decision a person makes, whilst being 'proportionate' really means being fair and reasonable.

Dress codes may be an example of indirect discrimination, e.g. some Asian women may not be able, or may not wish, to comply with a uniform that requires them to wear a skirt or a dress.

### *Victimisation*

Victimisation occurs if a person is treated less favourably because they have made or supported a complaint under the Equality Act, or because they are suspected of doing so. An example of victimisation would be an employer providing a bad reference for an ex-employee because they have complained of discrimination.

It should also be noted that the protection does not apply if a false allegation of discrimination or harassment was maliciously made or supported against an employer.

### *Harassment*

Harassment is when there is conduct in the workplace that is related to race or ethnic or national origin that has the purpose of violating that person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is not necessary for the conduct to be related to the victim's race; it could be related to the race of someone that they associate with or a misperception of the perpetrator.

It is also not necessary for comments to be specifically targeted at the victim, for example, a white teacher who has an Asian partner overhears frequent racist banter from colleagues and this creates an offensive working environment for them.

## **Liability**

Employers are liable for acts of harassment by their employees if they have failed to take all reasonable steps to prevent it happening, for example, by failing to put in place adequate policies and provide training to staff that makes clear that such behaviour will not be tolerated.

The Equality Act makes employers potentially liable for harassment by people (third parties) who are not employees, such as pupils or parents. Employers will only be liable when harassment has occurred on at least two previous occasions (it doesn't have to be the same third party), the employer was made aware of those two previous occasions and failed to take reasonable steps to prevent it happening again.

For example: Frank is a Headteacher at a secondary school. One of his staff, Chris, is from Nigeria. Frank mentions to Chris that he is feeling unhappy after a parent made derogatory remarks about black people at a meeting. Chris is concerned and monitors the situation. Within a few days the parent makes further offensive remarks. Chris reacts by having a word with the parent, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will be compelled to take legal advice from the local authority if this happens again. Chris keeps Frank in the picture with the actions he is taking and believes he is taking reasonable steps to protect Frank from third party harassment.

## **Positive Action**

The Equality Act allows organisations to target initiatives at particular groups if it is a proportionate way of them addressing under-representation, a disadvantage they reasonably think the group has suffered, or a different need they have.

The Equality Act also contains a provision which allows employers to use a protected characteristic, such as race, as the tipping factor when deciding between two candidates who are 'as qualified as each other'.

## **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.

## **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. 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.

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

### **Ethos**

A safe, secure and supportive environment in which to learn with confidence is essential for progress and success. 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.

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

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.

Pastoral arrangements should be sensitive towards cultural diversity and promote anti-racism. This may include meeting the 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 adopting certain forms of dress as a matter of tradition or religious requirement e.g. a school uniform which prohibits girls wearing trousers may breach discrimination legislation. 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**

The implementation of Curriculum for Excellence provides many opportunities to explore issues of equality and help prepare pupils for life in a diverse, multicultural society. The curriculum should reflect and extend the experience of all pupils.

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 and to avoid stereotyping.

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.

Additional support may be required for certain pupils to ensure access to an inclusive curriculum. 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. This provision may fall within the scope of the Additional Support for Learning Act 2004 and the Additional Support for Learning Act 2009.

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

## **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.

## **CPD**

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 an on-going CPD programme.

The EIS offers CPD opportunities for anti-racism.

## **CONCLUSION**

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, reflecting Equality legislation, is the responsibility of every member of the EIS and education community regardless of where they work.

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 to develop separate guidelines on race equality issues.

The EIS believes prevention is more effective in eliminating racism. However, compliance with the Equality Act is essential in promoting race equality and members who believe that they have experienced racism will be supported by the EIS.

Internal Behaviour and Disciplinary procedures in schools should provide for possible racist incidents not only between solely pupils and between solely staff, but by pupils towards teachers and by teachers towards pupils.

Local authorities should provide advice on dealing with racist incidents in schools. Further and Higher educational establishments should also provide advice about relationships with students.

## **WHAT EIS MEMBERS CAN DO**

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

## **FURTHER INFORMATION**

### **Publications**

The EIS has published the following documents;

Challenging Racism  
Islamophobia  
Gypsy/Travellers  
Bullying and Harassment

The Equality and Human Rights Commission has published a number of Codes of Practice and guidance to assist public bodies to carry out their duties under the Act. EHRC's 'Guidance for education providers: Schools' is of particular relevance.

### **Useful Websites**

EIS – [www.eis.org.uk](http://www.eis.org.uk)  
Equality and Human Rights Commission - [www.equalityhumanrights.com/scotland/](http://www.equalityhumanrights.com/scotland/)  
The Scottish Refugee Council – [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)  
The Scottish Government – [www.scotland.gov.uk](http://www.scotland.gov.uk)  
Education Scotland - [www.educationscotland.org.uk](http://www.educationscotland.org.uk)  
EIS Learning Representatives - [www.eis.org.uk](http://www.eis.org.uk)

## **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.



## **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.

Individual racism is attitudes, very often unconscious, towards black/minority ethnic 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/minority ethnic 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 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.



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