B&NES PC CMYK

Guide on how to fill in the Serious Equality Incident Reporting Form

Updated March 2017

**For incidents involving Children and Young People in Early Years, Schools and all other Children and Young People Settings**

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**Part 1 Background**

**1.1 The purpose of the form**

The form will be useful for schools and other settings such as Early Years and Youth Service Settings (henceforth referred to as ‘schools and other settings’) as it will provide evidence to Ofsted that they are meeting the Equality Act 2010. The purpose of the form is also to ensure B&NES Local Authority meets its statutory duty with regard to the Equality Act 2010 whilst also helping to fulfil its Safeguarding Duties.[[1]](#footnote-1) B&NES Local Authority, in its interpretation of the Equality Act 2010, believes it has a duty to support schools and other settings. By gathering data supplied by the form, B&NES Local Authority will be able to identify what the issues are, and therefore, the nature of the support needed.

It is believed that all B&NES schools and other settings, whether within B&NES Local Authority or not, will find this form useful.

**1.2 The legal framework**

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. A key provision is a new public sector Equality Duty, which came into force on 5 April 2011. It replaces the three previous public sector equality duties for race, disability and gender, and also covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Duty has three aims. It requires public bodies to have due regard to the need to:

 Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;

 Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

 Foster good relations between people who share a protected characteristic and people who do not share it.[[2]](#footnote-2)

Schools and other settings should consider how the decisions they make, and the services they deliver, affect people with different protected characteristics.

In UK law there are specific offences for racist and faith based crime. The Crime and Disorder Act 1998 introduced offences covering racially aggravated assaults, criminal damage, public order and harassment. The Racial & Religious Hatred Act 2006 makes it a criminal offence to use threatening words or behaviour or display written material with the intention of stirring up hatred against any group of people defined by their religious beliefs or lack of religious beliefs. The Criminal Justice Act 2003 also empowers courts to impose tougher sentences for offences motivated or aggravated by the victims race, faith, disability or sexual orientation.

Schools and other settings should always advise the police of any criminal activity related to discrimination.

**1.3 Why should we monitor Serious Equality Incidents?**

Schools and other settings are required to publish relevant information to demonstrate how they are complying with the duty. Department for Education guidance suggests that this should include incidents relating to discrimination and bullying.

*Source: Department for Education, Equality Act guidance for schools, September 2012.*

**1.4 B&NES Local Authority’s position**

B&NES Local Authority position (which was agreed by the Children’s Services Equality Action Group), is that schools and other settings will be asked to record and report all ‘serious’ incidents relating to disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, either perceived or actual, that occur between Children and Young People[[3]](#footnote-3). In addition B&NES Local Authority believes that it is also important to look at incidents relating to looked after children, young carers and those being discriminated against because of social deprivation. This information will help to:

* determine the prevalence and type of Serious Equality Incidents each year in schools and other settings
* target support appropriately to the setting (including support for those involved in the incident, staff training, signposting to agencies / individuals who can help)
* ensure that there are systems in place to support particularly vulnerable individuals or groups of pupils, including looked after children, young carers, pupils with special needs, pupils with social, emotional or behavioural difficulties and those being discriminated against by virtue of social and economic hardship.

**1.5 OFSTED**

According to the OFSTED framework, inspectors **must** take into account a range of evidence to judge behaviour and safety over an extended period, and should consider, amongst other things:

* the school’s analysis of, and response to, pupils’ behaviour in lessons over time, for example incident logs and records of rewards and sanctions
* rates and patterns of permanent and fixed-period exclusions. This includes patterns of permanent and fixed-period exclusions for different groups of pupils; the impact on behaviour of fixed-period exclusions and the impact of the school’s work to follow up and support excluded pupils; the use and impact of internal exclusion; and the typical behaviour of any pupils who are not in school during the inspection
* pupils’ respect for, courtesy and good manners towards each other and adults, and pride in themselves and their school
* types, rates and patterns of bullying and the effectiveness of the school’s actions to prevent and tackle all forms of bullying and harassment, - this includes cyber-bullying and prejudice-based bullying related to perceived or actual special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability. See recent [OFSTED guidance on tackling homophobia](http://www.bathnes.gov.uk/sites/default/files/bullying/ofsted_exploring_the_schools_actions_to_prevent_homophobic_bullying%20jan%2014.doc) for inspectors.
* the effectiveness of the school’s actions to prevent and tackle discriminatory and derogatory language – this includes homophobic (see p16) and racist language, and language that is derogatory about disabled people
* The views expressed by pupils, and different groups of pupils, of their experiences of others’ behaviour and attitudes towards them
* the extent to which pupils are able to understand and respond to risk, for example risks associated with extremism
* the school’s response to any extremist behaviour shown by pupils.[[4]](#footnote-4)

**1.6 How it will help schools and other settings**

The school or setting will be able to show Ofsted that it is part of a concerted attempt by all Children and Young People’s Services in B&NES to tackle prejudice and discrimination. It will provide evidence that all B&NES schools and other settings are taking their responsibilities seriously.[[5]](#footnote-5)

**Part 2 When is the form used?**

**2.1 What is a Serious Equality Incident?**

A Serious Equality Incident is one where a person (or group) engages in an action which discriminates against or serves to harass a person (or group) who **has** a protected characteristic or is **believed to have** that characteristic. This could include comments or actions relating to disability (including physical impairment and learning disability); gender reassignment (transgender status); pregnancy and maternity; race; religion or belief; sex; and sexual orientation (including homophobic and biphobic comments and actions – see p16 for further definitions). In addition to the protected characteristics mentioned above, B&NES Local Authority has decided to monitor incidents relating to other vulnerable groups including young carers, looked after children and those experiencing social and economic deprivation.

A school or setting will need to use its discretion to decide which incidents are serious enough to report to B&NES Local Authority and which need to be logged only internally (at least in the first instance). If any of the following apply, it is likely to indicate that a Serious Equality Incident Form should be completed:

* The incident appears to be motivated out of a deliberate attempt to cause hurt or distress to an individual or group
* The incident appears to be motivated out of a general prejudice or hatred of a group of people based upon a protected characteristic even when there is no apparent immediate ‘target ’. For example, racist language or terminology being used within an all-white group.
* The incident has had a severe impact upon an individual or group of people (even where the motivation for the incident did not seem to be to cause offence or distress).
* The incident is not isolated but has happened before, and the person (or people) responsible has continued to behave in an unacceptable manner or use unacceptable terminology in spite of being asked not to do so.

**2.2 What is the difference between bullying and a Serious Equality Incident?**

A Serious Equality Incident is a form of bullying but not all bullying is a Serious Equality Incident. It is therefore important to keep in mind that this form is **not** a form for logging all bullying incidents. All settings will have their own procedures for tackling bullying. They will also have their own ways for recording bullying incidents. **That is why this form does not ask for names of Children and Young People involved in these incidents.** Nor does it require the school or setting to say how it has dealt with such incidents, as this would be a replication of bureaucracy.

**2.3 The key functions of the form**

The key functions of the form are to ensure that B&NES Local Authority is aware of the scale and type of discrimination that is occurring in the area. This will allow B&NES Local Authority to draw up plans to support schools and other settings, for example via training programmes and other targeted support.

Whilst it is expected that schools and other settings will comply with providing B&NES Local Authority with the information it needs in order to meet its statutory obligations, it is for the school or setting to decide whether or not it receives direct support from B&NES Local Authority.

Should a school or setting feel that it would like support, this will be provided by B&NES Local Authority for B&NES Local Authority schools or other settings. In the case of academies or independent schools, an initial contact will be made to offer advice and signposting to relevant agencies. If training or further support from B&NES Local Authority is requested by academies or independent schools, the usual charges will apply.

Whilst the form is sent electronically to B&NES Local Authority, best practice would be to place a copy within the school or setting’s own recording systems. This will ensure that the school or setting has a comprehensive log of the incident, who was involved and what actions were taken (including parent/carer involvement, medical help and police involvement if appropriate).

**2.4 The structure of the form**

The form has three Sections, A, B and C. Section A is where a school or setting provides details of the incident. There are 10 questions, most of which are accessed by drop down menu boxes. Guidance for filling in the form for each of the questions is given on the following pages. There is also space provided for a brief description of the incident as this provides context.

Section B is where a school or setting can ask for support from B&NES Local Authority should it wish to do so. Support can be in the form of a general discussion about the issues raised by the incident. More detailed support (for individuals or members of staff involved) can also be requested. This support will be provided by specialists in B&NES Local Authority or an outside organisation which has expertise in providing support for such incidents.

Section C is for B&NES Local Authority to record how the report has been acted upon. This is part of the quality assurance process which underlines the importance that B&NES Local Authority places on supporting schools and other settings to ensure that Serious Equality Incidents are dealt with. Two key aspects of B&NES Local Authority’s response are:-

(a) That schools and settings should be supported, should they so wish, in appropriate ways

(b) That the support from B&NES Local Authority and outside organisations should be provided swiftly.

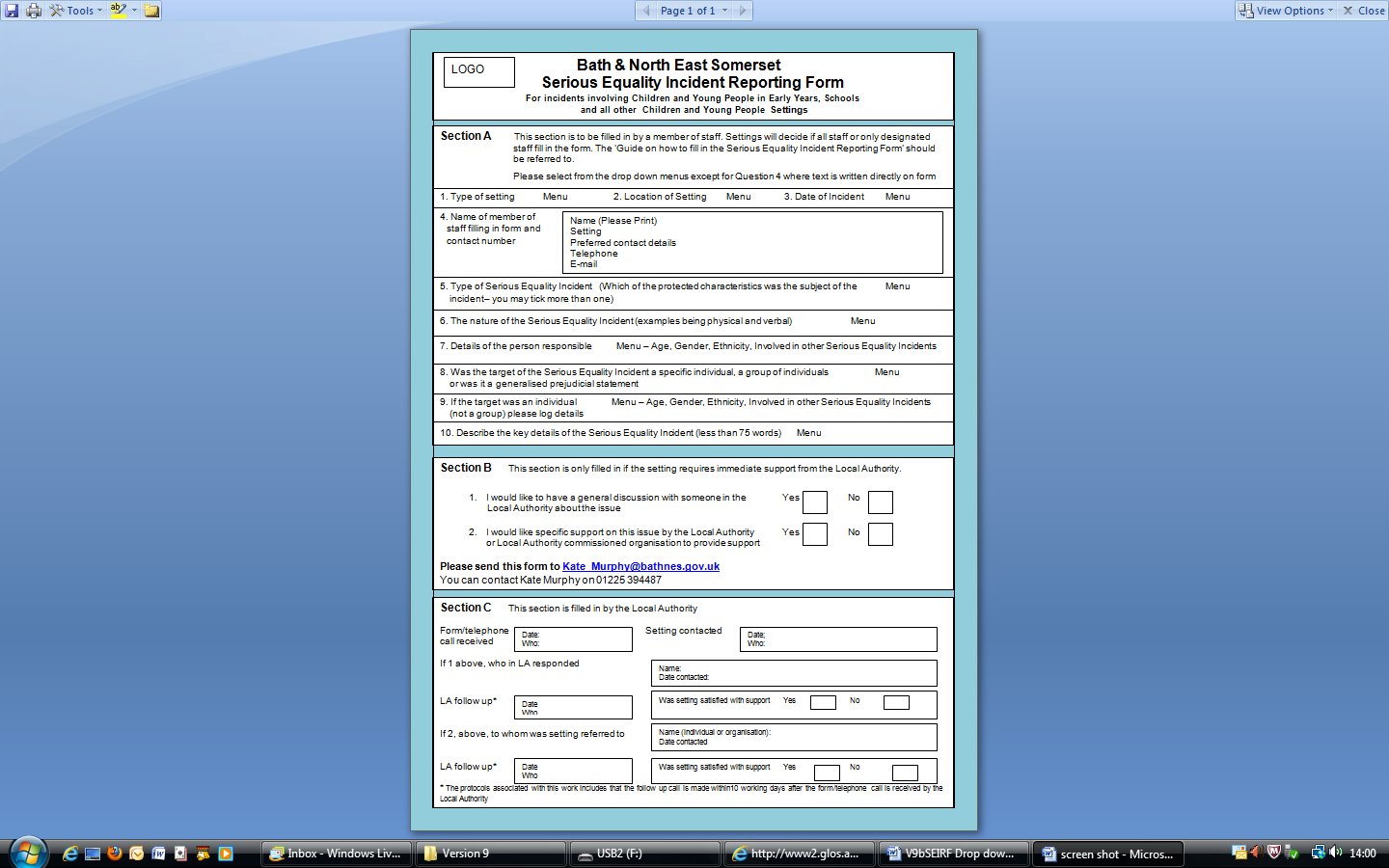
**2.5 Confidentiality**

Data collected will be aggregated into three geographical areas – Bath, Midsomer Norton-Radstock and Chew Valley/ Keynsham. This is in line with reporting procedures around the School Health Education Unit (SHEU) Survey. The value of aggregating such data is that B&NES Local Authority will be able to see if there are different types and rates of Serious Equality Incidents occurring in the different areas. This in turn will allow B&NES Local Authority to plan for different support activities in each area, thus showing the commitment of B&NES Local Authority to the Government’s Locality Agenda.

**Part 3 Filling in the form**

**3.1 Overview**

The Serious Equality Incident Reporting Form has three sections. Section A is filled in by the person reporting the incident. Section B is where the setting, should it wish to do so, request support. Section C is filled in by B&NES Local Authority.



**2. Location of setting**

* Bath
* Midsomer Norton -Radstock
* Chew Valley/Keynsham

**1. Type of setting**

* Early Years
* School
* Other Child Setting

**3. Date of Serious Equality Incident**

(Calendar opens and date is then selected)

**4. Name of member of staff filling in form, setting and contact number**

Staff fill in as instructed

Note: not drop down

**5. Type of Serious Equality Incident** (you can select more than one)

* Disability (physical and special educational needs)
* Gender reassignment
* Pregnancy and maternity
* Race
* Religion or belief
* Sex
* Sexual orientation
* Looked after children
* Young carers
* Social and economic deprivation

**6. The nature of the Serious Equality Incident**

* Physical
* Verbal
* Emotional or indirect
* Technological

**8. Was the target of the Serious Equality Incident a specific individual, a group of individuals or was it a generalised prejudicial statement**

* Specific Individual
* Group of Individuals
* Generalised statement

**7. Details of person responsible**

|  |  |
| --- | --- |
| **7a Age** | **7c** |
| * Pre-School under 5 | * African Caribbean |
| * KS1 5 – 7 | * Chinese |
| * KS2 7 - 11 | * Asian |
| * KS3 11 - 14 | * White |
| * KS4 14 - 16 | * White (other)\* |
| * Post 16 | * Dual Heritage |
|  |  |
| **7b Gender** | **7d Involved in other Serious Equality Incidents** |
| * Male | * Yes |
| * Female | * No |

**\***This includes people from other European countries, Gypsies, Travellers etc

**9. If the target was an individual (not a group)**

|  |  |
| --- | --- |
| **9a Age** | **9c** |
| * Pre-School under 5 | * African Caribbean |
| * KS1 5 – 7 | * Chinese |
| * KS2 7 - 11 | * Asian |
| * KS3 11 - 14 | * White |
| * KS4 14 - 16 | * White (other)\* |
| * Post 16 | * Dual Heritage |
|  |  |
| **9b Gender** | **9d Involved in other Serious Equality Incidents** |
| * Male | * Yes |
| * Female | * No |

**\***This includes people from other European countries, Gypsies, Travellers etc

**10. Describe the key details of the Serious Equality Incident (less than 75 words)**

**3.2 Who fills in the form?**

It is up to the setting to decide who is to fill in the form. In a school this could be a member of the teaching staff or support staff. It makes sense for the person who witnessed the incident to fill in the form. However, it is important for there to be a measure of quality control. B&NES Local Authority therefore requests that anyone filling in the form has consulted this handbook.

If it is agreed by the school or setting that all staff may fill in the form, it is important that there are systems in place for that information to be shared appropriately within the setting and particularly with the Leadership Team.

It is a requirement that the person filling in the form is a member of staff at the school or setting for accountability reasons as well as quality control. Therefore parents, governors, other adults present at the setting at the time of the incident or Children and Young People should not fill in the form. Children and Young People should be encouraged to report any incident to a member of staff. It would be for that member of staff to decide whether to fill in the Serious Equality Incident Report Form. Should the member of staff be satisfied that this is a serious incident, the form should be filled in.

**3.3 Section A**

Nine out of the ten questions are answered by respondents using a drop down menu box and pressing the appropriate button. Explanatory notes on each question are given below. An explanation is also given to explain why that data is being collected.

**Question 1: Type of Setting**

Users are asked to select one from the menu

* Early Years
* Schools
* Other Children and Young People Settings

***Rationale***

Following consultation with a group of Children and Young People it was decided that this form should cover all Children and Young People settings, not just schools.

**Question 2: Location of Setting**

Users are asked to select one from the menu

* Bath
* Midsomer Norton-Radstock
* Chew Valley/ Keynsham

***Rationale***

Individual schools and settings will not be featured in any reports produced by B&NES Local Authority. It is the intention to publish information aggregated to the three localities in B&NES (Bath, Midsomer Norton-Radstock and Chew Valley/ Keynsham). This will allow B&NES Local Authority to see if there are particular issues in the three localities which need to be addressed.

**Question 3: Date of Serious Equality Incident**

Users are asked to select the date from a calendar menu.

***Rationale***

B&NES Local Authority is required to report yearly on issues pertaining to the Equality Act and therefore data collection needs to be time-sensitive.

**Question 4: Name of member of staff filling in form, setting and contact number**

Users are asked to write this information directly on the form. This is the only question on the form that does not have a drop down menu. The person filling in the form is requested to print their name, write their school or setting and provide a preferred contact (either e-mail or telephone number).

***Rationale***

There are two reasons for collecting this information:-

1. If support has been requested, in ensures that the Responsible Officer of B&NES Local Authority can contact and discuss the nature of the support and at a later date check that the support has occurred, and
2. For purposes of clarification, should there be any issues or ambiguities in filling in the form.

**Question 5: Type of incident**

Users are asked to select one from the menu. Can also be ‘perceived’

* Disability (physical and special needs)
* Gender reassignment (see p17 for definition)
* Pregnancy and maternity
* Race
* Religion or belief
* Sex
* Sexual orientation (including homophobic and biphobic incidents – see P16)
* Looked after children
* Young carers
* Social and economic deprivation

***Rationale***

The first seven are as specified in the Equality Act as categories of people with protected characteristics. Gender reassignment captures discriminatory behaviour towards someone because they are, or are perceived to be 'transgender' (believing their true gender is different to that given to them at birth). Sexual orientation will include any incidents motivated out of prejudice towards lesbian & gay people or those perceived to be (homophobic), and bisexual people or those perceived to be (biphobic). Sometimes young people are targeted because they associate with someone who has a protected characteristic. For example, a young person who has a gay brother. B&NES Local Authority requires information concerning incidents involving Looked after children, Young carers and Children and Young People being discriminated against by virtue of social and economic deprivation for reasons explained in 1.4 above.

**Question 6: The nature of the incident**

Users are asked to select one from the menu

* Physical
* Verbal
* Emotional or indirect
* Technological

Physical – hitting, kicking, using and invading personal space based on protected characteristics.

Verbal – homophobic name-calling e.g. “you’re a gay boy”, or other name-calling based on any of the other protected characteristics.

Emotional or indirect – isolating an individual from activities and social acceptance of their peers because of selected characteristics. Indirect Serious Equality Incidents would include, spreading rumours, graffiti and written comments.

Technological – using technology such as text messages and social networking sites (cyber-bullying) against a person on grounds of protected characteristics.

As mentioned in paragraph 2.2 not all bullying incidents should be recorded on this form. However if the incident features a person with one of the selected characteristics, and this is felt to be the reason why the event occurred, the form should be used. If in any doubt the form should be filled in.

***Rationale***

The identification of the nature of the Serious Equality Incident is required so that B&NES Local Authority can consider what training programmes and other activities designed to tackle such incidents are needed.

**Question 7: Details of person responsible (Age, Gender, Ethnicity, Involved in other Serious Equality Incidents)**

Users are asked to select one from four categories

**7a Age**

* Pre-School under 5
* KS1 5 – 7
* KS2 7 – 11
* KS3 11 – 14
* KS4 14 – 16
* Post 16

**7b Gender**

* Male
* Female

**7c Ethnic Origin**

* African Caribbean
* East Asian
* Chinese
* White
* White (other)\*
* Dual Heritage

**7d Involved in other Serious Equality Incidents**

* Yes
* No

**\***This includes people from other European countries, Gypsies, Travellers

It has been decided to use Key Stage age groupings to make the recording of data as easy as possible. The Ethnic Origin categories are those recognised by B&NES Local Authority.

***Rationale***

Identifying the age and gender of those involved will help B&NES Local Authority to consider what training programmes and other activities are needed to tackle such incidents. Identifying ethnic origin will lead to a greater understanding of which groups are particularly in need of support. Finding out whether the individual has been involved in other Serious Equality Incidents will provide information about whether these are one-off incidents or whether they reflect ingrained patterns of behaviour.

**Question 8: Was the target of the incident a specific individual, a group of individuals or was it a generalised prejudicial statement**

Users are asked to select one from the menu

* Specific Individual
* Group of Children and Young People
* Generalised statement

***Rationale***

All Serious Equality Incidents are important but those directed against a single individual may lead to particularly adverse outcomes as the individual concerned may feel isolated in their persecution. Identifying whether the target was a group will provide information as to whether there are underlying tensions between different groups in B&NES Local Authority.

The identification of whether the incident was of a generalised nature is important as such generalised statements lead to an atmosphere in which Children and Young People with protected characteristics may feel themselves to be the subject of prejudice.

**Question 9: If the target was an individual (not a group) please log details (Age, Gender, Ethnic Origin, Involved in other Serious Equality Incidents)**

Users are asked to select one from four categories

**9a Age**

* Pre-School under 5
* KS1 5 – 7
* KS2 7 – 11
* KS3 11 – 14
* KS4 14 – 16
* Post 16

**9b Gender**

* Male
* Female

**9c Ethnic Origin**

* African Caribbean
* East Asian
* Chinese
* White
* White (other)\*
* Dual Heritage

**9d Involved in other Serious Equality Incidents**

* Yes
* No

**\***This includes people from other European countries, Gypsies, Travellers etc

It has been decided to use Key Stage age groupings to make the recording of data as easily as possible. The Ethnic Origin categories are those recognised by B&NES Local Authority.

***Rationale***

Identifying the ages involved and gender is required so that B&NES Local Authority can consider what training programmes and other activities designed to tackle such incidents are needed. Identifying ethnic origin will lead to a greater understanding of which groups are particularly in need of support. Finding out whether the individual has been involved in other Serious Equality Incidents will provide information about whether these are one-off incidents or whether they reflect ingrained patterns of behaviour.

**Question 10: Describe the key details of the Serious Equality Incident (less than 75 words)**

Users are asked to write about the incident in a box provided from the pull down menu.

***Rationale***

The value of this is that it will give a clearer picture of the type of incident which will help B&NES Local Authority consider what training programmes and other activities need to be devised.

**3.4 Section B**

One key principle underlining the Serious Equality Incident Reporting Form is the determination not to lead to duplication of data collection. The purpose of the form is to provide information on such incidents. How the incident is dealt with, and what action is taken, is a matter for the school or setting.

B&NES Local Authority believes, due to the nature of the Equality Act 2010 and because of its Safeguarding Duties, that it has a duty to offer support to all settings that require it. This support is offered free of charge, for any initial discussion with the Responsible Officer designated. Subsequent support, in the case of academies and independent settings, will be subject to B&NES Local Authority charging policy.

There are two types of support offered and the form reflects this by asking users to answer two questions:

1. I would like to have a general discussion with someone in B&NES Local Authority about the issue Yes/No

2. I would like specific support on this issue by B&NES Local Authority or by an outside organisation Yes/ No

If the setting decides on (2) the nature of the support required will be discussed with the Lead Officer of the B&NES Local Authority. This might be decided upon as a result of the general discussion.

The intention is that support will be provided by appropriate B&NES Local Authority personnel, or where necessary, by outside organisations. It is expected that the support will be:

* General support – (e.g. Staff training around issues raised by the incident);
* Support to Children and Young People Involved;
* Support to staff as appropriate.

**3.5 Section C**

**The Lead Officer for B&NES Local Authority will complete this part of the form**

The intention of B&NES Local Authority is to underline that Serious Equality Incidents are not to be tolerated and that action should be commensurate with the event and occur promptly. Schools and settings that respond swiftly to such events will send a powerful message to all members of the community. B&NES Local Authority is determined that it will act swiftly to any requests for support. Section C is therefore an internal administrative device to ensure that it plays its part in delivering a timely response. When the support has been provided a copy of the Serious Equality Incident Report Form will be returned to the school or setting for their records.

**Part 4 What will happen to the data?**

**4.1 What B&NES Local Authority will gain from the data**

The data is collected as part of B&NES Local Authority’s response to the Equality Act 2010. This is more than a legislative necessity however. The information obtained will alert B&NES Local Authority Officers with information about:

* The scale of Serious Equality Incidents affecting Children and Young People in its settings;
* The number of incidents with regard to each of the protected characteristics, thereby identifying what issues should be addressed first;
* The identification of the types of incidents (physical, verbal, emotional/indirect or technological); and
* Whether there are different patterns and types of incidents in each of the three localities in B&NES Local Authority.

This information will be invaluable in the planning of B&NES Local Authority response at all levels, including what specific support it will offer.

**4.2 What settings will gain from the data?**

Filling in the form will provide the setting with evidence for Ofsted that the institution is fulfilling its responsibilities under the Equality Act 2010. There is a statutory obligation. As DFE guidance states:

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. A key provision is a new public sector Equality Duty, which came into force on 5 April 2011. It replaces the three previous public sector equality duties for race, disability and gender, and also covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty has three aims. It requires public bodies to have due regard to the need to:

 Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;

 Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

 Foster good relations between people who share a protected characteristic and people who do not share it.[[6]](#footnote-6)

Furthermore the school or setting may well benefit from support offered by B&NES Local Authority.

**4.3 Further support provided by B&NES Local Authority**

In addition to the support already outlined, B&NES Local Authority will also provide all settings with an analysis of data collected. This data will be anonymised and presented by geographical sub-region and by the reporting categories. This will be further evidence that the setting is aware of issues in B&NES Local Authority and in combination with data from the setting, provide powerful evidence that they are aware of, and are proactive, in their determination to tackle prejudice and discrimination.

**Part 5 Frequently Asked Questions[[7]](#footnote-7)**

**5.1 How do I decide whether a bullying incident is a Serious Equality Incident?**

When deciding whether an incident is general bullying, or a Serious Equality Incident, you should consider whether the incident (or elements of it) relate to one or more of the protected characteristics of disability, gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation (actual or perceived), or relates to other characteristics that can make people vulnerable including young carers, looked after children and those with social and economic deprivation.

If the incident does appear to be related to one of these protected characteristics or areas of vulnerability, refer to 2.1 for guidance on whether it is serious enough to be reported to B&NES Local Authority as a Serious Equality Incident or should be logged internally by the school or setting.

**5.2 What if the incident is not a prejudice- based incident?**

Sometimes staff filling out the form might be concerned that a young person who reports that they have been subject to a Serious Equality Incident may have been mistaken and are concerned that filling in the form might be incorrect. Each member of staff will need to use their professional judgement when reporting hearsay events. However, Children and Young People who have been negatively affected by actions, whether real or perceived, may have been the subject of a Serious Equality Incident and this should lead to the completion of a Serious Equality Incident Form.

**5.3 What is the definition of a Serious Equality Incident?**

As mentioned in section 2.1 a Serious Equality Incident is one where a person, or persons, engages in an action which discriminates against a person or persons who share a protected characteristic or are believed to share that characteristic. A central aspect of this has to be that the intention was malicious.

Use of homophobic language should be dealt with as seriously as racist language. This is made clear by Ofsted. Reporting such a comment as a Serious Equality Incident when it is part of ’banter’ between young people who are friends is not the same as when the phrase is used to deliberately hurt. Nevertheless B&NES Local Authority’s intention is to ensure that hurtful ‘banter’ is seen as unacceptable. If a member of staff is confronted with such an incident between friends it would be good practice for them to explore the use of such language and its impact. It would be acceptable for the member of staff to explain to the child or young person involved that they will not on this occasion fill in the Serious Equality Incident Form but that any repeated use of such language would mean that the form would be filled in.

**5.4 What’s the definition of homophobic, biphobic & transphobic bullying?**

* **Homophobic bullying:**  this is when bullying is motivated by a prejudice against lesbian or gay people, or those who are thought to be lesbian or gay. This abuse can include things like spreading rumours that someone is gay or lesbian, or suggesting that something or someone is inferior and so they are ‘gay’, e.g. ‘you’re such a gay boy!’ or ‘those trainers are so gay!’ Sometimes people are bullied because they have a friend or family member who is gay or lesbian.
* **Biphobic bullying**: this is bullying specifically targeting bisexual people or people who are thought to be bisexual (people who are attracted to more than one gender).  Bisexual young people are often bullied by being subject to stereotyping (e.g. that they are sexually promiscuous and greedy) or it is assumed that their bisexuality is just a phase before they realise their 'real' sexual orientation.  This can lead to bisexual people being largely invisible or not taken seriously.  Bisexual people can also face problems in being accepted by others (including lesbian, gay and heterosexual people), and in accessing appropriate support.  Sometimes people are bullied because they have a bisexual friend or family member.
* **Transphobic bullying** is discriminatory behaviour towards someone because they are, or are perceived to be 'transgender' or ‘trans’ (a person who believes their true gender is different to that given to them at birth).  Young people are often bullied by those who think ‘boys should act like boys’ and ‘girls should act like girls’. Sometimes people are bullied because they have a friend or family member who is trans. Here is a useful list of [words and phrases that are transphobic](http://www.bathnes.gov.uk/sites/default/files/siteimages/words_that_are_transphobic.pdf) and the reasons why.

**5.5 Who should record?**

It is B&NES Local Authority’s view that it is for the school or setting to decide who fills in the form. A strong case can be made for all staff, including teaching, ancillary and support staff, to know how to record a Serious Equality Incident. It is important that everyone filling in the form has access to and has referenced this handbook. If all staff are encouraged to fill in the form a key question is how the information is shared within a school or setting. It is very important that this form is integrated into the school or setting’s behaviour and support policy.

**5.6 Why is it important to record Serious Equality Incidents?**

The purpose of the form is part of B&NES Local Authority’s statutory duty. The purpose behind the Equality Act 2010 is to combat prejudice and discrimination and it is only possible to do this effectively if there is an accurate picture of what is occurring.

**5.7 Can a Child or Young Person make a report?**

It is important that Children and Young People feel that prejudice is unacceptable. They should be encouraged to approach a member of staff. However the protocol underpinning this form is that a member of staff fills it in. Children and Young People should be listened to seriously if they report an incident.

**5.8 What if one school or setting makes a lot of returns? Will it look bad?**

No. In a school or setting where forms are consistently and diligently completed, this demonstrates that it has developed a positive atmosphere in which Children and Young People feel confident that reports will be taken seriously and dealt with. It could be argued that an initial increase in reports from a setting is evidence that the school or setting is being proactive in this area.

Furthermore, in all reports, settings will not be reported upon individually but incidents will be aggregated in the three localities, Bath, Midsomer Norton-Radstock and Chew Valley/Keynsham. Clearly the setting will have information as to how many incidents have been reported and will be able to compare their figures with the local average.

**5.9 By highlighting prejudice-related incidents, could this lead to a worse situation?**

No. All incidents need to be dealt with sensitively and actions, especially disciplinary ones, need to be appropriate. Hiding from the problem will however in the long term give the green light for Children and Young People to engage in such activities. In short, zero tolerance will lead to a reduction of the problem over time.

**5.10 Should a school or setting aim for a nil return?**

No. A nil return might indicate that Children and Young People are not confident about reporting incidents to staff, or that staff are turning a blind eye to such incidents. The population that makes up the setting does not operate in a bubble separate from society and it is unrealistic to expect that no prejudice-related incidents will ever be made.

**5.11 What if a member of staff is involved?**

This form is designed for Serious Equality Incidents that involve Children and Young People. If a member of staff is responsible for the incident, this is extremely serious but it should be dealt with according to the school or setting disciplinary code and not recorded on this form.

1. “Children and Young People feel safe from bullying and discrimination – with the intended outcome that Children and Young People report that they feel safer and incidents of bullying and discrimination are reduced” Bath and North East Somerset Local Safeguarding Children Board, **Annual Report 2011 – 2012 and Work Programme 2012 – 2012**, p 5 [↑](#footnote-ref-1)
2. Preventing and Tackling Bullying Advice for School Leaders, staff and Governing Bodies, DFE, 2011 p2 [↑](#footnote-ref-2)
3. The age of Children and Young People covered by the form is defined as the age range that each school or setting covers. [↑](#footnote-ref-3)
4. School Inspection Handbook, Ofsted, September 2012, Paragraph 119, Pages 37 - 38 [↑](#footnote-ref-4)
5. This work shares the mission statement of the Local Safeguarding Children Board that “the principles and values underpinning all our work are based on the Human rights Act and the UN Convention of the Rights of the Child to protect them from harm and to maximise life chances, and on section 11 of The Children Act 2004 which places a duty on all agencies to safeguard and promote the welfare of children, Annual Report and Business Plan 2006/7 p5” [↑](#footnote-ref-5)
6. Preventing and Tackling Bullying Advice for School Leaders, staff and Governing Bodies, DFE, 2011 p2 [↑](#footnote-ref-6)
7. This section has been strongly influenced by the Devon Children’s Trust Partnership publication n ‘Prejudice-related bullying: preventing and responding’ 2010. [↑](#footnote-ref-7)