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Introduction

Over the past number of years concern has been expressed about the potential underachievement of children from black and minority ethnic communities in Northern Ireland. The inability to access the full range of opportunities in education and the labour market can create serious barriers to social inclusion for racial groups. This has a knock on effect in other key areas of activity in Northern Ireland society. Evidence of this concern has come from a number of sources. The *Out of the Shadows*¹ research documented experiences of parents and children from different racial groups attending schools here; representative groups have told of the experiences faced by black and minority ethnic young people with specific cultural, linguistic and religious needs, including Irish Travellers, who have historically a nomadic lifestyle^{2,3}. A survey of teachers undergoing in-service training⁴ revealed that, although total numbers of black and minority ethnic children in schools were small most teachers had had children from different racial groups in their classrooms. Teachers also reported, however, that they had little opportunity, either through initial or in-service teacher training, to become aware of black and minority ethnic children's needs. In addition, the focus on the findings of the Stephen Lawrence Inquiry Report on institutional racism requires us all to address systemic discrimination within the institutions with which we are involved, in whatever capacity. Most recently, there is very worrying evidence of negative, and deteriorating, general attitudes and perceptions within Northern Ireland about members of black and minority ethnic communities as well as evidence of the difficulties faced by young black and minority ethnic people within the education system⁵. This is something which all institutions, including those responsible for educating our children, must be mindful of and take steps to address.

¹ Man-Kler, D 1997, *Out of the Shadows*, Barnardos et al.

² Yu, P 1994 'From Social Alienation to Social Deprivation - a response from the Chinese community', in *Racism and Poverty Seminar Report*, Northern Ireland Anti-Poverty Network and Northern Ireland Council for Voluntary Action.

³ Noonan, P 1984 *Travelling people in West Belfast*. Ed Rolston, B Belfast: Save the Children.

⁴ Commission for Racial Equality for Northern Ireland - *Racial Equality Bulletin No.1 - education and ethnic minorities in Northern Ireland - a survey of teachers* (1999).

⁵ Connolly, P & Keenan, M - *Racial Attitudes and Prejudice in Northern Ireland and Opportunities For All - Minority Ethnic People's Experiences of Education, Training and Employment in Northern Ireland*, Northern Ireland Statistics and Research Agency (2000).

Recently, racial prejudice among children as young as two years of age has been identified⁶⁷⁸. Good quality early years care and education can positively influence educational achievement⁹ and the influence of a child's early years experience on his or her values and behaviour has been clearly recognised in research. This is why the Commission is taking this opportunity to extend this Guide to include the promotion of racial equality in early years provision.

Regardless of the numbers of black and minority ethnic children in a playgroup, nursery or classroom all those concerned with education must be committed to ensuring that issues of interculturalism are integral to the curriculum. Intercultural education will help to raise awareness and develop an understanding of racial groups and their religious, linguistic and cultural needs, but also promote respect for and celebrate difference through the proactive development of a culture of inclusion.

This Guide has been developed within the context of the Equality Commission's remit under the Race Relations (NI) Order 1997 to eliminate discrimination and promote equality of opportunity and good relations between different racial groups, as well as the statutory duties on public authorities under Section 75 of the Northern Ireland Act 1998. It is intended primarily to be a resource for policy makers and administrators within the education system and a benchmark against which racial equality standards can be established and measured. That said, some of the contents will be of interest to parents, schools' staff, members of Boards of Governors and providers of pre-school education. It is intended that separate guidance will be produced in due course for these groups.

The sections that follow give general guidance, supported by, legislative references and further information on developing racial equality good practice in early years, primary and secondary education. It is hoped that the Guide will act as a stimulus and encouragement to an already developing intercultural and anti-racist educational strategy in Northern Ireland. It is also hoped that the Guide will contribute to the elimination of racial prejudice and discrimination in education generally.

⁶ Connolly, P 1998 *Racism, Gender Identities and Young Children*, Routledge.

⁷ Milner, D 1983 *Children and Race: Ten Years On*, Ward Lock Educational.

⁸ Wright, C 1992 *Race Relations in the Primary School in Race and Behaviour - positive action in primary schools*, Leeds City Council Department of Education 1996.

⁹ Commission for Racial Equality (GB) 1996 *From Cradle to School: A practical guide to racial equality in early childhood education and care*.

The Legislative Framework

- 1.1 Early years settings, schools and policy makers need to be aware of their responsibilities under the Race Relations (NI) Order 1997 and, if appropriate, Section 75 of the Northern Ireland Act 1998, as employers and service providers. (see Appendices 1 and 2)
- 1.2 The Order makes it unlawful to discriminate directly or indirectly on racial grounds or to victimize someone.
 - direct discrimination occurs when someone is treated less favourably on racial grounds than others are or would be treated in similar circumstances
 - indirect discrimination can happen when a requirement or condition is applied equally to everyone but is such that a considerably smaller proportion of a particular racial group can comply with it, it cannot be justified on other than racial grounds and it is to the detriment of the individual. So, for example, a rule about school uniforms might disadvantage Sikh boys who wear a turban.
 - victimisation occurs when someone is treated less favourably because s/he has brought proceedings under the Order or has given evidence or information in connection with proceedings
- 1.3 The provisions of the Order apply to all aspects of employment and to the provision of education in relation to admission, access, exclusion or being subject to any other detriment on racial grounds.
- 1.4 Racial grounds is defined in the Order as the grounds of colour, race, nationality or ethnic or national origin and includes the grounds of belonging to the Irish Traveller community defined as "...the community of people commonly so called who are identified (both by themselves and by others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland."
- 1.5 Section 75 of the Northern Ireland Act 1998 imposes a duty on public authorities to have due regard to the need to promote equality of opportunity on grounds of race and due regard to the desirability of promoting good relations between different racial groups (see Appendix 2).

1.6 The Equality Commission has certain powers conferred upon it under the Order and under Section 75:

- in relation to the Race Relations (NI) Order 1997 the Commission can:
 - advise and assist individuals who feel that they have been discriminated against on racial grounds
 - conduct a formal investigation in certain circumstances into alleged discriminatory behaviour
 - issue non-discrimination notices
 - take action in relation to discriminatory advertisements

- in relation to the Section 75 statutory duties the Commission is to:
 - keep the effectiveness of the duties under review
 - offer advice in connection with those duties
 - carry out the functions set out in Schedule 9 to the Act

Developing an Equality Culture

- 2.1 Working to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between different racial groups should be the aim of all those charged with responsibility for the provision of education in Northern Ireland. Promoting interculturalism and respect for diversity should be integral to policy formulation, the curriculum and school development plans.
- 2.2 Building an equality culture means more than simply adhering to the letter of the law. It is about the creation of an ethos which welcomes and celebrates diversity and which recognises and accommodates the needs of black and minority ethnic children and their parents. This did not happen in the case of *Mandla v Dowell Lee*¹⁰ in 1983, where a school in Great Britain required all pupils to wear a cap as part of the school uniform. As a result Sikh boys, whose religious faith required them to wear a turban, were excluded from the school. The House of Lords ruled that this was indirect racial discrimination, as Sikh boys could not comply with the requirement to cut their hair short and wear a cap and the requirement could not be shown to be justifiable.
- 2.3 Similarly, providers need to be aware of and accommodate different religious observances and festivals such as Chinese New Year, Diwali and Eid to ensure that:
- the religious and cultural needs of the child are accommodated and
 - there is minimal disruption to the educational progress of the child through opportunities for updates on material covered during absences from school
- 2.4 In order to develop and maintain an equality culture which promotes equality of opportunity, the development of good relations and the elimination of unlawful discrimination the following steps should be considered:
- the development of equal opportunities policies and procedures
 - a commitment and ownership of the process at a senior level
 - an audit of existing policies and procedures
 - the development of racial equality standards
 - implementation of a programme of action
 - monitoring, evaluation and review

For further information on developing a comprehensive equality programme contact the Commission.

- 2.5 Equal opportunities policies and procedures, including monitoring systems, should include racial grounds and should be reviewed on a regular basis. Boards of Governors, management committees, staff and pupils should be made aware of those policies and procedures and should be consulted on their content and effectiveness.
- 2.6 The triennial review of early years settings required by the Children (NI) Order 1995 should be used to assess the extent to which equality of opportunity is being promoted. Early years settings should retain information which will allow both the Health and Social Services Trusts and the Department of Education to assess the extent to which early years provision is meeting the needs of the different racial groups in Northern Ireland.

Admissions

- 3.1 Early years settings supported through the Pre-School Education Expansion Programme as well as primary and secondary schools are required to review and publish their admissions criteria annually. Boards of Governors and management committees should ensure that, when establishing criteria for admission, unlawful racial discrimination does not occur. This might happen where:
- a school adopted criteria which could not be justified educationally
 - a residency requirement was imposed which could adversely impact upon Traveller children
- 3.2 It is also unlawful to instruct or put others under pressure or knowingly assist someone to discriminate on racial grounds. So, for example, it would be unlawful for a Board of Governors or management committee to instruct the Principal or playgroup leader not to allocate a place to a Traveller child.
- 3.3 Publishing an advertisement that might reasonably be understood to indicate an intention to discriminate on grounds of race is also contrary to the race relations legislation. For example, publishing an admissions criterion which excludes children from different racial groups, either directly or indirectly, would be unlawful although not in relation to the targeted provision described in Section 4.
- 3.4 It is important to monitor admissions by ethnic groups and evaluate and assess the results (see Section 15).
- 3.5 Any selection criteria should ensure that appropriate credit is given for attainment levels obtained outside Northern Ireland and those responsible for interviewing prospective students should be trained to recognise cultural and linguistic differences.
- 3.6 Any selection tests which are used should be audited to ensure that there is no cultural or linguistic bias.
- 3.7 The Race Relations (NI) Order states that "...segregating a person from other persons on racial grounds is treating him less favourably than they are treated". Therefore, care must be taken to ensure that policies and procedures do not lead to segregated provision at any level (but see the following section on targeted provision).

Targeted Provision

- 4.1 Due to the marginalisation and social exclusion experienced by black and minority ethnic groups, some early years provision is targeted to address their particular needs. Specific provision for children from black and minority ethnic groups is lawful where it "affords access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits".
- 4.2 The legislation also includes exceptions for corporate or unincorporated associations. If an 'association' runs a playgroup or it is provided by 'charitable instrument' for the benefit of its membership, which comprises a racial group, e.g. a Traveller playgroup, this would not be unlawful racial discrimination, provided that 'colour' is not a membership criterion.

Suspension and Exclusion

- 5.1 The application of any internal disciplinary policies and procedures need to be monitored to ensure that there is no inherent bias, whether conscious or unconscious, against black or minority ethnic children.
- 5.2 As with any other aspect of a child's relationship with an educational establishment, it is important to ensure that any policies or procedures which are in place in relation to suspension or exclusion from school do not discriminate unlawfully on racial grounds. For example, if a school insisted that all children wear the standard uniform this could operate to the detriment of Muslim girls who wished to wear salwar kameez and the school could be liable for unlawful discrimination.

The Curriculum

- 6.1 Recommendation 67 of the Stephen Lawrence Inquiry Report states:
- "That consideration be given to the amendment of the national curriculum aimed at valuing cultural diversity and preventing racism, in order better to reflect the needs of a diverse society".
- 6.2 In recognition of this it is important to develop a multi-cultural curriculum and explore racial equality issues through a whole school approach. The overall aim should be to promote equality of opportunity regardless of racial group and to tackle inequality and disadvantage. Inequalities create barriers, which work against individual achievement and the fulfilment of worth.
- 6.3 The development of a culture of equality based on inclusion, where every child is valued, will encourage greater achievement. Systematic and objective assessment for extra tuition in basic numeracy and literacy, including English as an Additional Language support, and providing it where needed, will also improve pupil motivation and achievement.
- 6.4 Positive images of different racial groups should be presented, not just in curriculum materials but in displays, publications and at events. Negative and stereotypical images should be avoided.
- 6.5 The Council for Curriculum Examinations and Assessment's Pre-School Curricular Guidance, published previously by the Department of Education and the Department of Health and Social Services, already provides some guidance for early years settings. Through a programme of structured play, supported by appropriate resources, providers and staff should consider the issues raised in this guidance and apply it to their own activity plans.
- 6.6 While the curriculum is designed to meet the learning as well as social and life skills development needs of all children, teachers should consider all subjects in the curriculum, not just Education for Mutual Understanding or Cultural Heritage for potential in the development of an inter-cultural education programme. Subjects such as History, Geography, Social Studies, Drama or English allow for an awareness

of other cultures to be developed and not just from a European or Western perspective. For example, in Mathematics pupils could be made aware of the origins of the number systems currently in use and the currencies of countries around the world. In Science teachers could highlight scientific developments in other cultures, other than European, and build this into their programme.

- 6.7 The Council for the Curriculum, Examinations and Assessment should review and strengthen these themes regularly so as to ensure greater awareness and understanding of the diverse cultures already represented by black and minority ethnic communities in Northern Ireland.
- 6.8 Throughout the Curriculum opportunities should be taken to challenge prejudice, racism, stereotyping and discrimination. Pupils should be made aware of the legislative provisions on race including the Race Relations (NI) Order 1997 and European Directives and UN instruments.

Education for Mutual Understanding and Cultural Heritage

- 7.1 Education for Mutual Understanding and Cultural Heritage are two themes at primary and secondary levels which impact on inter-cultural education in the curriculum.
- 7.2 Education for Mutual Understanding involves helping pupils to "...develop positive values and mutually respectful relationships and to appreciate human differences of all kinds, including culture...and ethnicity... in a spirit of acceptance and respect".
- 7.3 Cultural Heritage involves helping pupils to..."appreciate the shared and distinct cultural traditions within Northern Ireland and other societies. While encouraging a sense of belonging to one's own cultural background it also involves helping pupils to respect and value other cultures".¹¹
- 7.4 In practice these themes have been seen as primarily a curriculum vehicle for promoting cultural diversity and good community relations between the Protestant and Catholic communities. However, both themes offer opportunities to expand the traditional views of 'culture' and 'community' to embrace the greater diversity which is fast becoming a feature of Northern Ireland society.
- 7.5 This could be done in a number of ways, for example:
- visits to schools by representatives of black and minority ethnic communities
 - the development of inter-cultural materials
 - the encouragement of contacts via the Internet with children in different parts of Europe and around the world
 - establishing and maintaining contacts with black and minority ethnic groups in Northern Ireland and the rest of the United Kingdom and the Republic of Ireland through their websites
 - using examples of best practice from schools elsewhere in the United Kingdom and Ireland through the development of a racial equality in education network
 - including the themes of racial equality and anti-racism in teacher training and in-service provision

These approaches are equally valid in relation to the development of the curriculum generally.

¹¹ The Council for Curriculum Examinations and Assessment Non-Statutory Guidance.

Teaching Support and Materials

- 8.1 Teachers should be able to make curriculum links between their own subject area and others to ensure that multi-cultural information and issues are addressed without the fear of curriculum overload. Advice and support for this is available from the Education and Library Boards' Curriculum Advisory and Support Service.
- 8.2 Good practice examples of multi-cultural teaching need to be shared and disseminated throughout the sector. For example, the 'Heartstone Project' using an Indian myth, has been successfully and creatively introduced at Key Stages 2 and 3 in some schools to discuss racism and harassment as well as improved literacy and basic skills. In addition, Key Stage 1 and 2 multi-cultural teaching materials have been developed by the Northern Ireland Centre for Learning Resources in conjunction with the Forum for the Education of Traveller children. (Key Stage 3 is in preparation)

Assessment

- 9.1 From early years through transfer to primary and then into secondary education children and young people will come into contact with a variety of assessment methods. Some of these will be formal tests and examinations and others more subjective assessments undertaken by early years staff and teachers in the classroom.
- 9.2 All tests and examinations should be checked for cultural bias in both content and the criteria for assessment. Children from black and minority ethnic communities should be encouraged to undertake and be entered for all formal tests and examinations which are so important for access to further education, training and employment opportunities.
- 9.3 Where possible pupils should be given every opportunity to be tested and sit examinations in their mother tongue.
- 9.4 Assessment instruments assume a uniformity of cultural, linguistic and religious lifestyle experiences on the part of those being assessed. This may not be the case for those for whom English is not their first language or because the language, or form of language, spoken at home is different from that used in school with the result that they may not communicate the extent of their knowledge accurately.
- 9.5 It is also important to guard against making assumptions about the relative skills, abilities and characteristics of pupils from different racial groups. Such assumptions can be the result of unconscious bias based on stereotypes and not necessarily as a result of deliberate or explicit racially motivated prejudice.
- 9.6 Assessments need to be based on educational achievement which can be objectively justified. For example racial discrimination can occur when less favourable assessments, which cannot be justified educationally, are included in the preparation of child profiles and/or teacher assessments. Note however, that if a child has been subjected to racist abuse this should be recorded on a profile as it may impact on motivation and attainment.

Special Educational Needs Assessment

- 10.1 Under Art 3 (3) of the Education (NI) Order 1996, a child is "not to be taken as having a learning difficulty solely because the language (or form of language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home".
- 10.2 The identification and assessment of the special educational needs of children for whom English is not their first language, requires careful consideration. Lack of competence in the language used in the school must not be equated with, or allowed to mask, learning difficulties as understood in the Code of Practice on Special Educational Needs¹². The child's needs should be considered in the context of the home, language, culture and community.
- 10.3 The measures which a school plans to take need to be fully understood by parents and so, as necessary, use should be made of interpreters and translators; also, assessment tools need to be culturally neutral and appropriate for children from a range of home backgrounds.
- 10.4 Procedures and instruments need to be developed for the formal assessment of bilingual pupils and should include assessment in their mother tongue. This may mean that an educational psychologist, when carrying out an assessment, may need to be accompanied by, or assisted by, interpreters or teachers of English as an Additional Language.

¹² Department of Education for Northern Ireland Code of Practice on Special Education Needs 1998

Language Support

- 11.1 One of the greatest barriers faced by children and parents as well as the teacher or early years staff is the 'language barrier'. For some children from different racial groups this barrier can create communication problems between the child, the teacher and the parents and can contribute to learning difficulties.
- 11.2 The need for interpreters is highlighted by the fact that children have been required to act as interpreters on occasion in order to facilitate communication with the school if their parents do not speak English.
- 11.3 Children who are refugees or asylum seekers from conflicts in other parts of the world will have had their education disrupted and will have other social and perhaps psychological needs. To compensate for these added pressures and to ensure that their educational needs are met, such children will require additional support.
- 11.4 The Department of Education should make adequate provision for children and young people from different racial groups to strengthen and support their linguistic and intellectual development and their cultural identity.
- 11.5 Mother tongue provision is one way in which to help a child acquire a greater proficiency in English. If a first language is disregarded children may develop low self-esteem which can result in under-achievement. Bi-lingualism and multi-lingualism should be seen as a strength, offering opportunities for additional GCSE and A level subjects. Maintenance of mother tongue also assists inter-generational communication within families.
- 11.6 The Education and Library Boards are responsible for ensuring that necessary support and education services are available to children regardless of racial origin. Together with the Department of Education, Boards should also ensure that early years settings and schools are aware of the range of services available for different racial groups, together with the names and responsibilities of key personnel.

- 11.7 A strong English as an Additional Language team, supported by adequate provision for additional bilingual classroom support, should be available to all children from black and minority ethnic communities throughout their early years and school years. Once a profile of the child's existing competencies is established this can be built upon and ongoing support for the child in the early years setting and in school should be provided.
- 11.8 After school provision, including language support up to and including GCSE, should be available to assist children for whom the language or form of language of the home is different from that used in school.

Parents and the Community

- 12.1 Early years and school provision is at the heart of community life developing values, skills and confidence and often providing the focal point and facilities for communities to develop further. The opportunities these services provide for the development of our multi-cultural society free from racial prejudice and discrimination is invaluable. To achieve this aim the involvement of black and minority ethnic community organisations and parents in education provision is essential.
- 12.2 Community involvement will differ from area to area and facility to facility. There have been many initiatives in both early years and schools that have benefited from parents' active interest in their child's learning and development. These have included paired reading, volunteer helpers as well as parental representation on the school or early years governing bodies. However, confidence levels and availability may be factors which will determine parental involvement in their own child's education.
- 12.3 Some parents of children from different racial backgrounds, including parents of Traveller children may, for a variety of reasons, feel reluctant to get involved with the school. This may be due to their level of fluency in English, or they may be unfamiliar with the education system or they may have experienced racial prejudice and discrimination in the past.
- 12.4 Encouraging contacts and friendships with parents and children from the ethnic majority and settled communities will greatly enhance feelings of inclusion. Developing contact among parents can encourage children to play and participate in activities together and develop good relations.
- 12.5 Similarly, encouraging parents from black and minority ethnic groups to put their names forward for positions on parent committees, Boards of Governors or local partnerships can help bridge the gap between home and school. Consideration could also be given to co-opting members of local minority representative groups, although it would be important to ensure that they are not seen as the 'race specialists'.

- 12.6 Contact with parents is essential if the school or early years provider is to be able to advise parents on educational and development opportunities for their child, provide supportive feedback, exchange information, answer parental concerns and generally develop an understanding of how children learn and what gets in the way of learning. If difficulties are encountered in establishing these links then representative black and minority ethnic support groups may be able to assist.
- 12.7 Efforts should be made to organise open nights and parent meetings in a way that takes into account the employment patterns of some black and minority ethnic groups, for example, the Chinese and Indian communities involved in the catering industry.
- 12.8 If required, translator and interpreting services should be available at parent meetings so that pupils are not called upon to translate for their parents.
- 12.9 If necessary, written communication with parents should be in the language or form of language of the home. Consideration could also be given to translating school reports.
- 12.10 When drawing up job descriptions, personnel specifications and job adverts, management may be able to utilise Article 8 of the Race Relations (NI) Order 1997, where being of a particular racial group is a genuine occupational qualification. The Equality Commission for Northern Ireland has issued a separate guidance note on this subject.

Racist Incidents and Racial Bullying

13.1 Racial harassment can be defined as:

unwanted conduct of a racial nature or other conduct based on race. This can include unwelcome physical, verbal or non-verbal conduct. This behaviour is unacceptable:

- where it is unwanted, unreasonable and offensive to the recipient
- where it is used as the basis for an employment decision or a decision in relation to the provision of a service
- where it creates a hostile environment

Some examples are given below but many forms of behaviour can constitute harassment.

- physical conduct ranging from touching to serious assault
- verbal and written harassment through jokes, racist remarks and the like
- displays of racist graffiti or other offensive material based on race
- isolation or non-co-operation or exclusion from activities

It is the impact of the behaviour which is relevant and not the motive or intent behind it.

13.2 It is important to act decisively, sensitively and consistently when dealing with racially motivated incidents and racial harassment. Failing to act on a complaint can prolong a victim's suffering and may result in liability for unlawful racial discrimination.

13.3 Under the Race Relations (NI) Order 1997, an individual complaint alleging less favourable treatment under Article 18 of the Order as a result of racial harassment would, following referral to the Department of Education, be heard by a County Court. If an incident is related to employment then an Industrial Tribunal would hear the case. There are time limits within which complaints must be brought and it is the individual complainant's responsibility to ensure these are met (see Appendix 1 for more detail). The Equality Commission for Northern Ireland can provide advice and assistance to individuals who consider they may have suffered racial discrimination.

¹³ Equality Commission for Northern Ireland - Code of Practice for Employers - for the Elimination of Racial Discrimination and the Promotion of Opportunity in Employment, 1999.

- 13.4 Incidents become racially motivated when the perpetrator(s) and victim(s) belong to different racial groups and the nature of the incident is associated with colour, race, nationality, ethnic or national origin, including membership of the Irish Traveller community. A racist incident is one which is considered as racist by the victim or any other person.
- 13.5 An example of racial harassment or bullying might be where a child is taunted and teased about the colour of his/her skin or because s/he wears a particular type of dress associated with his/her background.
- 13.6 Racial harassment and abuse are frightening experiences for children and can have a lasting negative effect on confidence and motivation. Children and young people need to know that help is available and be encouraged to report any incidents in the knowledge that support will be provided to them.
- 13.7 All early years settings and schools should have policies and procedures in place to deal with racially motivated incidents and racial harassment where the victim is a child or young person.
- 13.8 Racially motivated incidents and racial harassment by members of staff should be dealt with under the employer's harassment policy and procedures. Those involving members of Governing bodies need to be addressed under the Board of Governor's Code of Conduct. All Codes should be audited to ensure that they adequately cover such incidents.
- 13.9 Staff also need to be protected from racial harassment by pupils or parents. Employers may be held to be vicariously liable for such incidents if "such steps as were reasonably practicable" have not been taken to prevent such behaviour.
- 13.10 A racial harassment policy and procedure can be modelled on the Equality Commission's model statement. Further guidance is also included in *Racial Harassment at Work – what employers can do about it*. Both are available from the Commission or its website.
- 13.11 Children and young people who are victims of racial harassment and their parents will require access to specialist help and advice. Help also needs to be available to the alleged perpetrator and his/her parents and, on occasion, independent professional counselling may be needed by one or both parties. Where the victim is an employee then appropriately trained advisers should also be on hand.

- 13.12 Generally, it is recommended that the alleged perpetrator is moved to another location or class once an incident has been reported. Care should be taken to ensure that the victim is not treated less favourably in any way.
- 13.13 Once a complaint has been investigated and a conclusion reached, it is essential that appropriate follow-up action is taken, for example through closer observation or supervision taking account of the ongoing needs of the victim and the perpetrator to ensure such behaviour is not repeated.
- 13.14 All incidents should be monitored. This was one of the strategies included in Recommendation 68 of the Stephen Lawrence Inquiry Report which stated that "...local education authorities and school governors have the duty to create and implement strategies in their school to prevent and address racism" including "that schools record all racist incidents and that all recorded incidents are reported to the pupils' parents/guardians, school governors and LEAs."
- 13.15 Monitoring information may highlight difficulties associated with particular groups, school years or classes or directed at particular racial groups and this will assist management and staff to identify priority areas for action.
- 13.16 Monitoring information should be presented annually to and considered by the management committee or Board of Governors.

Training and Communication Strategies

- 14.1 In order to raise awareness, promote racial equality and good relations and implement strategies to tackle racism, training programmes in the following areas need to be introduced for all staff and members of management committees or Boards of Governors:
- diversity, prejudice awareness and anti-racism training
 - the history and cultures of different racial groups
 - anti-discrimination and other legislation including the Race Relations (NI) Order 1997 and, where appropriate, Section 75 of the Northern Ireland Act 1998
 - the organisation's racial equality policies and procedures including those on monitoring and racial equality standards against which progress will be measured
- 14.2 Support staff from Education and Library Boards, such as education welfare officers, educational psychologists who assess black and minority ethnic children, Department of Education inspection staff and, as appropriate, Health and Social Services Trust staff should also have the opportunity to participate in these awareness-raising and training programmes.
- 14.3 Children and young people should be consulted on the content of racial equality policies and procedures. They also need to be provided with information in order to:
- help to develop an inclusive ethos where each child is valued as an individual
 - communicate the racial equality policy and racial harassment complaint procedures
 - identify the designated staff members with responsibility for complaints of racial discrimination or harassment
 - explain how to access victim and perpetrator counselling
- 14.4 Consider how best to impart this information to parents as well. Possibilities include the early years setting or school Newsletter, induction for new pupils and their families or through a display at parents' events.

- 14.5 Opportunities should be available for Governors, management committee members, principals, teachers, early years and ancillary staff to extend their skills and knowledge in areas such as cultural diversity and racial equality. Initial teacher education, continuing professional development, INSET, as well as school-based and staff development training and conferences can be used to raise the profile of racial equality and cultural awareness issues.
- 14.6 Teachers, classroom assistants and early years staff with black and minority ethnic pupils in their classroom or setting should be facilitated to obtain some functional language skills at as early a stage as possible.

Racial Monitoring

- 15.1 Since 1998 the Department of Education has required all schools to provide information as part of the annual 'school census' on the ethnicity of pupils and the number of pupils for whom English is an additional language.
- 15.2 A monitoring system will record the racial group of each child who wishes to attend or attends an early years setting or school. The use of standard classifications will help in the assessment of participation levels of children from black and minority ethnic groups. This Guide should provide a benchmark against which good racial equality practice in education can be monitored and evaluated.
- 15.3 For those early years settings with assisted places under the Pre-school Education Expansion Programme, the Education and Library Boards responsible for administering those places should collect the racial group monitoring information.
- 15.4 Although there is no requirement to collect racial monitoring information from early years projects not assisted under the Pre-school Education Expansion Programme, it is good practice to do so.
- 15.5 Racial monitoring is recommended in the following areas:
- applications for admission and selection
 - attendance
 - educational achievement
 - exclusions
 - racist incidents
 - the implementation of strategies to promote racial equality and prevent racism
- 15.6 The Commission recommends that the following categories are used:
- | | |
|-------------------|--------------------------|
| ■ Bangladeshi | ■ Irish Traveller |
| ■ Black African | ■ Pakistani |
| ■ Black Caribbean | ■ White |
| ■ Chinese | ■ Mixed Ethnic Group |
| ■ Indian | ■ Other (please specify) |

NB: these categories will be included in the 2001 Census

- 15.7 If providers are aware that children from different racial groups are represented or temporarily resident in the community but there is an absence of these children in the early years settings or school, governing bodies and staff should consider why this might be the case. The following actions could be considered:
- a review of admissions criteria and selection procedures
 - a review of the curriculum on offer – there may be a need to raise awareness about multi-cultural issues
 - is there a need to publicise in languages other than English?
 - what practical outreach activities aimed at attracting children from minority ethnic communities might be effective?
- 15.8 Positive encouragement should also be given to those from different racial groups to apply for jobs as part of a wider equal opportunities strategy to promote racial equality (see the Equality Commission's *Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment*).
- 15.9 It is important to measure the educational achievement of children by racial group at each key stage. Without basic monitoring information policy makers, schools and other providers cannot be sure that equality of opportunity is being provided to all regardless of racial group. Monitoring also helps to ensure that the underachievement of a particular racial group is identified at the earliest opportunity. This will give providers the opportunity to target resources where they are most needed and ensure that racial equality objectives are achieved. The School Improvement Programme provides a good opportunity to improve educational standards for all regardless of racial origin.
- 15.10 Patterns of racial group under-achievement should help identify not only educational need but may also indicate any potential cultural bias which may exist in the assessments used.
- 15.11 Reports of racial monitoring exercises should be made available to Education and Library Board and Department of Education Inspectorate personnel.
- 15.12 The management committee, Board of Governors and staff should review and discuss the outcomes of racial monitoring exercises regularly. This will help raise awareness of racial equality issues and alert staff to the cultural, religious or linguistic needs of children from particular black and minority ethnic groups.

Appendices



Appendix 1

Excerpts from the Race Relations (NI) Order 1997

Racial discrimination

Article 3(1) A person discriminates against another in any circumstances relevant for the purposes of any provision of this Order if

- (a) on racial grounds he treats that other less favourably than he treats or would treat other persons; or
- b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but
 - (i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and
 - (ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
 - (iii) which is to the detriment of that other because he cannot comply with it.

Article 3(2) For the purposes of this Order segregating a person from other persons on racial grounds is treating him less favourably than they are treated.

Article 3(3) A comparison of the case of a person of a particular racial group with that of a person not of that group under paragraph (1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

Discrimination by way of victimisation

Article 4(1) A person ("A") discriminates against another person ("B") in any circumstances relevant for the purposes of any provision of this Order if

- (a) he treats B less favourably than he treats or would treat other persons in those circumstances; and
- (b) he does so for a reason mentioned in paragraph (2)

Article 4(2) The reasons are that

- (a) B has
 - (i) brought proceedings against A or any other person under this Order; or
 - (ii) given evidence or information in connection with such proceedings brought by any person; or
 - (iii) otherwise done anything under this Order in relation to A or any other person; or
 - (iv) alleged that A or any other person has (whether or not the allegation so states) contravened this Order; or
- (b) A knows that B intends to do any of those things or suspects that B has done, or intends to do, any of those things.

Article 4(3) Paragraph (1) does not apply to treatment of a person by reason of any allegation made by him if the allegation was false and not made in good faith.

Meaning of "racial grounds" "racial group" etc

Article 5(1) Subject to paragraphs (2) and (3), in this Order

"racial grounds" means any of the following grounds, namely colour, race, nationality or ethnic or national origins;

"racial Group" means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls.

Article 5(2) In this Order "racial grounds"

- (a) includes the grounds of belonging to the Irish Traveller community, that is to say the community of people commonly so called who are identified (both by themselves and by others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland; and
- (b) does not include the grounds of religious belief or political opinion.

Article 5(3) In this Order "racial group"

- (a) includes the Irish Traveller community;
- (b) does not include a group of persons defined by reference to religious belief or political opinion.

Article 5(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group for the purposes of this Order.

Article 5(5) In this Article references to religious belief or political opinion shall be construed in accordance with section 57(2) and (3) of the Fair Employment (Northern Ireland) Act 1976.

Discrimination by bodies in charge of educational establishments

Article 18 (1) It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 1 (the "responsible body") to discriminate against a person

- a) in the terms on which it offers to admit him to the establishment as a pupil; or
- b) by refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or
- c) where he is a pupil of the establishment
 - (i) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (ii) by excluding him from the establishment or subjecting him to any other detriment.

ESTABLISHMENT	RESPONSIBLE BODY
1 Educational establishment which is grant-aided	Education and library board or managers or governing body according to which of them has the function in question
2 Independent school	Proprietor
3 University	Governing body
4 An establishment providing facilities for further education in respect of which contributions are paid to a body other than an education and library board under Article 100(8)(b) of the Education Reform (Northern Ireland) Order 1989	Governing body
5 A college of education - a) maintained in pursuance of arrangements made by the Department of Education under Article 66(1) of the Education and Libraries (Northern Ireland) Order 1986	a) The Department of Education
b) in respect of which grants are paid by the Department of Education under Article 66(2) or (3) of that Order	b) The managers

Article 18(2) Subject to paragraph (3), words and expressions used in this Article, Article 19 or Article 20 to which a meaning is assigned by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in the 1986 Order.

Article 18(3) In this Article "pupil" includes any person who receives education at an establishment to which this Article applies.

Other discrimination by education and library boards

Article 19 It is unlawful for –

- a) an education and library board, in carrying out such of its functions under the Education Orders as do not fall under Article 18; and
- b) the Council for Catholic Maintained Schools, in carrying out its functions under the Education Orders,

to do any act which constitutes racial discrimination.

General duty in public sector of education

Article 20 (1) Without prejudice to its obligation to comply with any other provision of this Order, a body to which this paragraph applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without racial discrimination.

Article 20(2) Article 101 of the Education and Libraries (Northern Ireland) Order 1986 (power of Department of Education to give directions) shall apply to the performance by a body to which paragraph (1) applies of the duties imposed by Articles 18 and 19 and shall also apply to the performance of the general duty imposed by paragraph (1), as it applies to the performance by an education and library board of a duty imposed by the Education Orders.

Article 20(3) The sanctions in paragraph (2) shall be the only sanctions for breach of the general duty in paragraph (1), but without prejudice to the enforcement of Articles 18 and 19 under Article 54 or otherwise (where the breach is also a contravention of either of those Articles).

(4) Paragraph (1) applies to

- a) an education and library board; and
- b) any other body which is a responsible body in relation to an establishment falling within paragraph 1, 4 or 5(b) of the table in Article 18(1).

Claims under Part III

Article 54(5) Civil proceedings in respect of a claim by any person that he has been discriminated against in contravention of Article 18 or 19 by a body to which Article 20(1) applies shall not be instituted unless

- (a) the claimant has given notice of the claim to the Department of Education; and
- (b) either
 - (i) the Department of Education has by notice informed the claimant that it does not require further time to consider the matter; or
 - (ii) the period of 2 months has elapsed since the claimant gave notice to the Department of Education.

Article 54(6) Nothing in paragraph 5 applies

- (a) to a claim against the Department of Education; or
- (b) to a counterclaim.

Period within which proceedings to be brought

Article 65(2) A county court shall not consider a claim under Article 54 unless proceedings in respect of the claim are instituted before the end of

- (a) the period of 6 months beginning when the act complained of was done; or
- (b) in a case to which Article 54(5) applies, the period of 8 months so beginning.

Article 65(3) Where, in relation to proceedings or prospective proceedings by way of a claim under Article 54, an application for assistance under Article 64 is made to the Commission before the end of the period of 6 or, as the case may be, 8 months mentioned in sub-paragraph (a) or (b) of paragraph (2), the period allowed by that sub-paragraph for instituting proceedings in respect of the claim shall be extended by 2 months.

Appendix 2

Excerpts from the Northern Ireland Act 1998

Statutory duty on public authorities

Section 75 (1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity –

- a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- b) between men and women generally;
- c) between persons with a disability and persons without; and
- d) between persons with dependants and persons without.

Section 75 (2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Schedule 9 Equality: Enforcement of Duties

The Equality Commission

- 1 The Equality Commission for Northern Ireland shall
 - a) keep under review the effectiveness of the duties imposed by Section 75;
 - b) offer advice to public authorities and others in connection with those duties; and
 - c) carry out the functions conferred on it by the following provisions of this Schedule.

- 3 (1) A scheme shall show how the public authority proposes to fulfil the duties imposed by Section 75 in relation to the relevant functions.

(2) A scheme shall state, in particular, the authority's arrangements
 - (a) for assessing its compliance with the duties under Section 75 and for consulting on matters to which a duty under that Section is likely to be relevant (including details of the persons to be consulted);

- (b) for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity;
- (c) for monitoring any adverse impact of policies adopted by the authority on the promotion of equality of opportunity;
- (d) for publishing the results of such assessments as are mentioned in paragraph (b) and such monitoring as is mentioned in paragraph (c);
- (e) for training staff;
- (f) for ensuring, and assessing, public access to information and to services provided by the authority.

(3) A scheme shall

- (a) conform to any guidelines as to form or content which are issued by the Commission with the approval of the Secretary of State;
- (b) specify a timetable for measures proposed in the scheme; and
- (c) include details of how it will be published.

(4) In this paragraph

"equality of opportunity" means such equality of opportunity as is mentioned in section 75(1);

"the relevant functions" means the functions of the public authority or, in the case of a scheme submitted in response to a request which specifies particular functions of the public authority, those functions.

5 Before submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission

- (a) representatives of persons likely to be affected by the scheme; and
- (b) such other persons as may be specified in the directions.

6 (1) on receipt of a scheme the Commission shall

- (a) approve it; or
- (b) refer it to the Secretary of State.

(2) Where the Commission refers a scheme to the Secretary of State under sub-paragraph (1)(b), it shall notify the Assembly in writing that it has done so and send the Assembly a copy of the scheme.

- 7 (1) Where a scheme is referred to the Secretary of State he shall
- (a) approve it;
 - (b) requires the public authority to make a revised scheme; or
 - (c) make a scheme for the public authority.
- (2) A request under sub-paragraph (1)(b) shall be treated in the same way as a request under paragraph 3(1)(b).
- (3) Where the Secretary of State
- (a) requests a revised scheme under sub-paragraph (1)(b); or
 - (b) makes a scheme under sub-paragraph (1)(c)
- he shall notify the Assembly in writing that he has done so and, in a case falling within paragraph (b), send the Assembly a copy of the scheme.
- 8 (1) If a public authority wishes to revise a scheme it may submit a revised scheme to the Commission.
- (2) A revised scheme shall be treated as if it were submitted in response to a request under paragraph 3(1)(b).
- (4) A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this sub-paragraph, whichever is the later, review that scheme and inform the Commission of the outcome of the review.

Duties arising out of equality schemes

- 8 (1) In publishing the results of such an assessment as is mentioned in paragraph 4(2)(b), a public authority shall state the aims of the policy to which the assessment relates and give details of any consideration given by the authority to
- (a) measures which might mitigate any adverse impact of that policy on the promotion of equality of opportunity; and
 - (b) alternative policies which might better achieve the promotion of equality of opportunity.
- (2) In making any decision with respect to a policy adopted or proposed to be adopted by it, a public authority shall take into account any such assessment and consultation as is mentioned in paragraph 4(2)(b) carried out in relation to the policy.

(3) In this paragraph "equality of opportunity" has the same meaning as in paragraph 4.

Complaints

- 9 (1) If the Commission receives a complaint made in accordance with this paragraph of failure by a public authority to comply with a scheme approved or made under paragraph 6 or 7, it shall
- (a) investigate the complaint; or
 - (b) give the complainant reasons for not investigating.
- (2) A complaint must be made in writing by a person who claims to have been directly affected by the failure.
- (3) A complaint must be sent to the Commission during the period of 12 months starting with the day on which the complainant first knew of the matters alleged.
- (4) Before making a complaint the complainant must
- (a) bring the complaint to the notice of the public authority; and
 - (b) give the public authority a reasonable opportunity to respond.

Investigations

- 10 (1) This paragraph applies to
- (a) investigations required by paragraph 10; and
 - (b) any other investigation carried out by the Commission where it believes that a public authority may have failed to comply with a scheme approved or made under paragraph 6 or 7.
- (2) The Commission shall send a report of the investigation to
- (a) the public authority concerned;
 - (b) the Secretary of State; and
 - (c) the complainant (if any).

(3) If a report recommends action by the public authority concerned and the Commission considers that the action is not taken within a reasonable time

- (a) the Commission may refer the matter to the Secretary of State; and
- (b) the Secretary of State may give directions to the public authority in respect of any matter referred to him.

(4) Where the Commission

- (a) sends a report to the Secretary of State under sub-paragraph 2(b); or
- (b) refers a matter to the Secretary of State under sub-paragraph (3)(a), it shall notify the Assembly in writing that it has done so and, in a case falling within paragraph (a), send the Assembly a copy of the report.

(5) Where the Secretary of State gives directions to a public authority under sub-paragraph (3)(b), he shall notify the Assembly in writing that he has done so.

Appendix 3

The Equality Commission for Northern Ireland

Section 74 of the Northern Ireland Act 1998 established the Equality Commission for Northern Ireland which, on 1 October 1999, assumed the functions of the following bodies:

- Commission for Racial Equality for Northern Ireland
- Equal Opportunities Commission for Northern Ireland
- Fair Employment Commission for Northern Ireland
- Northern Ireland Disability Council

In relation to racial discrimination, the Equality Commission for Northern Ireland derives its remit from the provisions of the Race Relations (NI) Order 1997 which states in Article 42(2) that it has the duties to:

- eliminate racial discrimination
- promote equality of opportunity and good relations
- keep under review the provisions of the Order and make recommendations for its amendment

Appendix 4

Useful Websites

- www.equalityni.org Equality Commission site includes an activity pack on diversity and racism for schools
- www.cre.gov.uk Commission for Racial Equality in Britain site.
- www.niclr.com The Northern Ireland Centre for Learning Resources in conjunction with the Forum for the Education of Travellers' Children NI have developed the "Interlinks" CD-Rom, an intercultural resource for use in Key stage 2.
- www.mcrc.co.uk The Multi-Cultural Resource Centre's site in Belfast.
- <http://homepage.eircom.net/~racismctee> National Consultative Committee on Racism and Interculturalism – Ireland site.
- www.equality.ie Equality Authority, Republic of Ireland site.
- www.unicef.org/idpuzzle/home.htm For children's rights and interactive puzzles on global children's issues.
- <http://www.unhchr.ch/> UN High Commission for Human Rights. See section for teachers and video - Carly - an educational tool for 5-8 year olds.
- www.childrenslawcentre.org Children's Law Centre, Belfast site.
- www.metropic.com/marc/ The Multi-cultural Archive and Resource Centre site.
- www.metropic.com/nimee/ The Network on Intercultural and Multicultural Education in Europe site.
- www.nihrc.org Northern Ireland Human Rights Commission site.

- www.irishrefugeecouncil.ie Irish Refugee Council site.
- www.refugeecouncil.org.ie United Kingdom Refugee Council site.
- www.btedg.com Belfast Travellers Education Development Group.
- www.metroeireann.com Ireland's first multi-cultural newspaper.

