

Debate Pack

28 February 2023

Number CDP-0049

By Robert Long,
Nerys Roberts,
Anastasia Lewis

Racial discrimination in schools

1	Background	2
2	Parliamentary material	7
3	News articles	12
4	Further information	12

Summary

A Westminster Hall debate has been scheduled for Wednesday 8 March on Racial discrimination in schools. The debate will be opened by Janet Daby MP

1 Background

1.1 Responsibilities of school leaders in tackling racial discrimination

All state-funded schools in England must:

- Have an anti-bullying policy, and a behaviour policy
- Comply with the Equality Act 2010, and not unlawfully discriminate against pupils or prospective pupils on the grounds of race (or other protected characteristics)
- In line with the public sector equality duty (PSED):
 - Eliminate discrimination and other conduct that is prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.
- Comply with both specific education law on exclusions, and general law on discrimination, when temporarily or permanently excluding pupils.

1.2 Support and guidance for schools to address racist incidents, and tackle racial discrimination

The Department for Education publishes a range of guidance relevant to tackling racial discrimination in schools, including:

- DfE, [Equality Act 2010: advice for schools](#) (June 2018)
- DfE, [Behaviour in schools](#) (September 2022)

Several charities and third sector organisations also support schools in this area, including:

- [Educate Against Hate](#)

- [Anne Frank Trust](#)
- [Show Racism the Red Card](#) and [Kick It Out](#)
- [Tell MAMA](#)

1.3

Dealing with suspected criminal or bad behaviour

[Guidance on behaviour for schools](#), published by the Department for Education (DfE) makes clear that schools should consider reporting suspected criminal behaviour to the police, and social services where appropriate:

124. In cases when a member of staff or headteacher suspects criminal behaviour, the school should make an initial assessment of whether an incident should be reported to the police only by gathering enough information to establish the facts of the case. These initial investigations should be fully documented, and schools should make every effort to preserve any relevant evidence. Once a decision is made to report the incident to police, schools should ensure any further action they take does not interfere with any police action taken. However, schools retain the discretion to continue investigations and enforce their own sanctions so long as it does not conflict with police action.

125. When making a report to the police, it will often be appropriate to make in tandem a report to local children's social care. As set out in Keeping children safe in education (KCSIE), it would be expected in most cases that the designated safeguarding lead (or deputy) would take the lead.¹

Schools can also impose reasonable sanction pupils for bad behaviour short of criminal activity, even if that takes place away from the school site.

The DfE expects that behaviour policies set out what school leaders will do in cases of bad behaviour outside of school, and [gives the following examples of where it may be appropriate to use sanctions](#):

- when taking part in any school-organised or school-related activity;
- when travelling to or from school;
- when wearing school uniform;
- when in some other way identifiable as a pupil at the school;
- that could have repercussions for the orderly running of the school;

¹ Department for Education, [Behaviour in schools](#), September 2022, p34

- that poses a threat to another pupil; or
- that could adversely affect the reputation of the school.²

1.4 Incidents at Surrey and Kent schools

In February 2023, a Black pupil was attacked outside a secondary school in Ashford, Surrey. [Janet Daby and 30 other Members wrote to Education Secretary, Gillian Keegan](#), about the attack, calling for action and support for the victims.³

[Surrey Police issued an update about the case](#) on 9 February 2023, confirming a number of arrests:

Four people were arrested on suspicion of attempted racially aggravated grievous bodily harm (GBH), including a 39-year-old woman, a 16-year-old girl, and two 11-year-old girls. The 39-year-old woman and a 43-year-old man were also arrested on suspicion of child neglect and intentionally encouraging and assisting the commission of an indictable only offence. The 16-year-old girl was also arrested on suspicion of malicious communications. A 15 year old girl remains outstanding.

More than 50 officers and staff have been involved with both the investigation and ongoing engagement with the local community who are understandably extremely concerned about the attack.⁴

Later in February 2023, reports and video footage began to circulate on social media about another racially motivated assault in a Kent secondary school.

Responding to a later parliamentary question from Ms Daby about the incidents, [Education Secretary Gillian Keegan said](#):

The recent violent incident in the vicinity of Thomas Knyvett and the incident in Medway were absolutely abhorrent. Children’s safety and wellbeing is the Department’s highest priority, and schools and colleges have a duty to safeguard. Since the incident, the Department has been in regular contact with the academy trust and local authorities. A police investigation is ongoing in one of those cases, and the academy trust is working with the relevant authorities to undertake a thorough review into what happened.⁵

A [June 2020 report by the Runnymede Trust](#) looked at race and racism in secondary schools. This identified issues with:

² As above, p26-27

³ Janet Daby tweet, @JanetDaby, “[ICYMI: Today, I led a group of cross-party MPs in writing to the Home Secretary to seek assurances on this serious incident, 2/3](#)”, 9 February 2023

⁴ Surrey Police, [Update on investigation into serious racially aggravated assault in Ashford](#), 9 February 2023

⁵ [HC Deb 27 February 2023, c520](#)

- A lack of diversity in the teaching workforce, and in schools' curricula
- Low levels of racial literacy among school staff
- Policing activity and presence in schools being concentrated in areas with higher deprivation, which also tended to have larger Black and minority ethnic populations.
- Uneven, and sometimes inadequate approaches to interpersonal pupil-on-pupil racism within schools
- Seemingly 'race-neutral' policies around uniform and personal appearance, that may discriminate against Black and minority ethnic pupils.⁶

An [October 2020 report from the YMCA](#) (link to PDF) looked at young Black people's experiences of institutional racism in the UK. Its findings, based on focus group and survey research, included that:

- 95% of young Black people report that they have heard and witnessed the use of racist language at school
- 49% of young Black people felt that racism was the biggest barrier to attaining success in school, while 50% said the biggest barrier was teacher perceptions of them – eg, being seen as “too aggressive.”
- 70% of young Black people had felt the need to change their hair to be “more professional” at work or school.⁷

1.5

Exclusion rates

Pupils from some ethnic groups have disproportionately high rates of both fixed-term and permanent exclusion (ie, expulsion from school). In the Autumn 2021/22 term:

- Gypsy and Roma pupils had the highest permanent exclusion rate, at 0.12%, or 12 per 10,000 pupils – although the absolute number of pupils in this group (and therefore the number of exclusions for pupils in this group) is small.
- Travellers of Irish Heritage had the next-highest permanent exclusion rate, at 0.08%, or 8 in 10,000. Similarly, the number of exclusions here is small.

⁶ Runnymede Trust, [Race and racism in secondary schools](#), June 2020

⁷ YMCA, [Young and Black](#), October 2020

- The next highest permanent exclusion rate is for mixed White and Black Caribbean pupils (0.07% or 7 in 10,000).

The corresponding fixed-term exclusion (ie temporary suspension) rates are also higher for pupils in these groups.⁸ For context, in Autumn term 2021/22 the exclusion rate for all pupils was 0.03% or 3 per 10,000 pupils.

1.6

Permanent exclusion because of racial abuse

Racial abuse is a relatively uncommon reason recorded for permanent exclusion. In the Autumn term of 2021/22, there were 19 reported permanent exclusions on this ground; two of these were from primary schools, and the rest from secondary settings. This compares to 870 permanent exclusions for persistent disruptive behaviour (the most common recorded reason for exclusion) during the same time period.⁹

⁸ Department for Education, [Autumn Term 2021/22, Permanent exclusions and suspensions in England](#), 24 November 2022, main text

⁹ As above

2 Parliamentary material

2.1 Select committees

[School Standards Minister questioned on Government support for Gypsy, Roma and Traveller pupils](#)

Education Select Committee
11 March 2022

[Education Committee to question Chair of the Commission on Race and Ethnic Disparities Dr Tony Sewell](#)

Education Select Committee
13 May 2021

[Ministers questioned on the educational underachievement of white pupils from disadvantaged backgrounds](#)

Education Select Committee
5 February 2021

2.2 Parliamentary questions

[Topical Questions](#)

27 Feb 2023 | Members' contributions | House of Commons | 728 c519

Member: Janet Daby (Lewisham East)

Earlier this month, a serious racially aggravated assault took place outside a school in Surrey. Last week, I was informed of a further assault that took place at a school in Kent. Could the Secretary of State say what additional safeguards will be put in place to protect children, and how the senior leadership in schools will be held to account if they fail to protect students from racial discrimination?

Answered by: Gillian Keegan

The recent violent incident in the vicinity of Thomas Knyvett and the incident in Medway were absolutely abhorrent. Children's safety and wellbeing is the Department's highest priority, and schools and colleges have a duty to safeguard. Since the incident, the Department has been in regular contact with the academy trust and local authorities. A police investigation is ongoing in one of those cases, and the academy trust is working with the relevant authorities to undertake a thorough review into what happened.

Pupils: Ethnic Groups

23 Feb 2023 | Written questions | Answered | House of Commons | 143858

Asked by: Marsha De Cordova

To ask the Secretary of State for Education, what steps her Department has taken to put in place safeguarding practices for Black, Asian and ethnic minority students at risk of racist abuse.

Answered by: Nick Gibb | Department for Education

The safety and wellbeing of children is a priority for the Government. All schools and colleges have a legal duty to safeguard and promote the welfare of pupils. Schools and colleges must have regard to the statutory safeguarding guidance, 'Keeping children safe in education' (KCSIE). The guidance is available

at: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>(opens in a new tab).

The Department's 'Behaviour in Schools' guidance, updated in July 2022, states that every school should ensure pupils can be taught in a calm, safe and supportive environment. The guidance is available

at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101597/Behaviour_in_schools_guidance_sept_22.pdf(opens in a new tab). Schools should be clear which behaviours are permitted and prohibited, the values, attitudes, and beliefs they promote, and the social norms and routines that should be encouraged throughout the school community.

All headteachers should ensure the school's approach to behaviour meets the national minimum expectation that all members of the school community create a positive, safe environment in which bullying, physical threats or abuse and intimidation are not tolerated. This includes prejudice-based and discriminatory bullying. The school behaviour policy needs to ensure that any incidents of bullying, discrimination, aggression and derogatory language are dealt with quickly and effectively.

Behaviour policies should also set out what the school will do in response to non-criminal poor behaviour and bullying that occurs off the school premises, and which is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils.

Where concerns regarding the safeguarding arrangements in an academy are identified, the Department will work closely with the relevant academy trust to ensure statutory requirements are being met.

A trust's obligations for ensuring the welfare and health and safety of pupils attending an academy are set out in Part 3 of The Education (Independent School Standards) Regulations 2014. Part 4 of the regulations sets out the requirements for ensuring the suitability of staff, supply staff and proprietors. The regulations are available

at: <https://www.legislation.gov.uk/ukxi/2014/3283/made>(opens in a new tab).

The regulations set out several policies which trusts must ensure are in place and require the policies to be effectively implemented. Trusts are to have regard to guidance issued by the Department, specifically KCSIE and Working together to safeguard children.

Where serious weaknesses in trust governance or non-compliance are found, the Department can take formal intervention action against trusts through a Notice to Improve, as set out in the Academy Trust Handbook, available at: https://assets.publishing.service.gov.uk/media/60c8d0318fa8f57ce8c4621e/Academy_trust_handbook_2021.pdf(opens in a new tab).

The recent violent incident in the vicinity of Thomas Knyvett College was abhorrent. The Department has been in regular contact with the CEO of the Howard Partnership Trust. This is an ongoing police investigation, and the Trust is following their advice.

Schools: Racial Discrimination

19 Jan 2023 | Written questions | Answered | House of Commons | 122246

Asked by: Anneliese Dodds

To ask the Secretary of State for Justice, how many cases of racial discrimination against schools were taken in Country Courts in (a) 2020, (b) 2021 and (c) 2022.

Answered by: Mike Freer | Ministry of Justice

The information requested could only be obtained at disproportionate cost. The MOJ does not centrally record information on the grounds for damages claims and as such the information could only be obtained by a manual review of the case files.

Pupils: Travellers

12 January 2023 | Written questions | Answered | House of Commons | 122191

Asked by: Catherine West

To ask the Secretary of State for Education, what steps her Department is taking to tackle racism towards Gypsy, Roma, and Travellers in schools.

Answered by: Claire Coutinho | Department for Education

All children and young people must be treated fairly. There is no place for hate or prejudice in our education system.

Schools play an important role in preparing pupils for later life. This involves supporting pupils to understand the society in which they grow up and teaching about respect for other people and for difference. Under the Equality

Act 2010, schools must not discriminate against a pupil in a number of respects because of a characteristic protected by the Act, including race. The department has published guidance for schools on how to comply with their duties under the Equality Act 2010, and it is available at: <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>(opens in a new tab).

The department is also providing over £2 million of funding, between August 2021 and March 2023, to five anti-bullying organisations to support schools to tackle bullying. We have deliberately focused this grant programme on preventing and tackling bullying of pupils with protected characteristics. The training and resources provided cover hate-based bullying, including resources specifically relating to the bullying of Gypsy, Roma and Traveller children.

Pupil Exclusions: Racial Discrimination

26 Jul 2022 | Written questions | Answered | House of Commons | 38850

Asked by: Daisy Cooper

To ask the Secretary of State for Education, what support is available for parents to challenge the decision of school governing boards on student exclusions, in the event that parents consider racial discrimination to be a factor.

Answered by: Brendan Clarke-Smith | Department for Education

Published in 2019, the Timpson Review of School Exclusions illustrated a complex picture and identified that there is no substantial difference in permanent exclusion rates, when comparing all ethnic minority children as a whole with white British children. However, the department recognises that certain groups of children are more likely to be permanently excluded, although local context means there will be different patterns across the country.

The updated suspension and permanent exclusion guidance, published 13 July 2022, sets out that it is vital that schools, local authorities, and local partners work together to understand what lies behind local trends. Local leaders should use this understanding to plan and put in place additional and targeted action. If they identify any gaps, they should act to ensure those who work with children have the training, services, and support they need to address them.

Under the Equality Act 2010, schools also have a legal duty not to discriminate against pupils. Ofsted's assessment of behaviour in schools includes specific consideration of rates, patterns, and reasons for exclusions, as well as any differences between groups of pupils.

If a parent believes that any form of discrimination has been a factor in their child's exclusion, they can make a claim to the first-tier tribunal in relation to disability, or a county court for other forms of discrimination.

Schools: Bullying

13 Jul 2022 | Written questions | Answered | House of Commons | 26926

Asked by: Alexander Stafford

To ask the Secretary of State for Education, what steps he is taking to help reduce ethnicity-based bullying in schools.

Answered by: Brendan Clarke-Smith | Department for Education

The government condemns and strives to tackle all forms of racial discrimination, prejudice, and harassment.

All schools are required to have a behaviour policy by law, with measures to prevent all forms of bullying. The department provides advice for schools, which outlines schools’

responsibilities: <https://www.gov.uk/government/publications/preventing-and-tackling-bullying>(opens in a new tab). The advice makes clear that schools should make appropriate provision for a bullied child's social, emotional and mental health needs.

The department is providing over £2 million of funding, between 10 August 2021 and 31 March 2023, to five anti-bullying organisations to support schools to tackle bullying. This includes projects targeting bullying of particular groups, such as those who are victims of ethnic-based bullying or hate-related bullying.

We are also making sure that all children in England will learn about respectful relationships, in person and online, as part of mandatory Relationships, Sex and Health Education (RSHE). These subjects are designed to give pupils the knowledge they need to lead happy, safe, and healthy lives and to foster respect for other people and for difference. The statutory RSHE guidance can be found here: <https://www.gov.uk/guidance/teaching-about-relationships-sex-and-health>(opens in a new tab).

We have published ‘Respectful School Communities’, a self-review and signposting tool to support schools to develop a whole-school approach which promotes respect and discipline, available here: <https://educateagainsthate.com/resources/respectful-school-communities-self-review-signposting-tool-2/>(opens in a new tab) This can help to combat bullying, harassment and prejudice of any kind, including ethnicity-based bullying.

3

News articles

[More ethnic minority teachers are needed in UK schools – but teaching can affect their mental health and wellbeing](#)

13 February 2023

The Conversation

[MPs want inquiry into Ashford school after attack on black schoolgirl](#)

10 February 2023

BBC

[Black children over-policed in schools, report says](#)

29 April 2022

BBC

[UK schools record more than 60,000 racist incidents in five years](#)

28 March 2021

Guardian

[UK schools must teach about antisemitism, says government adviser](#)

19 December 2022

BBC

4

Further information

[Racist and faith targeted bullying: Top tips for schools](#)

Anti-bullying Alliance

[Over-policed and under-protected: the road to Safer Schools](#)

Runnymede Trust

[We need to talk about racism in the UK education system](#)

Teach First

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing '[Legal help: where to go and how to pay](#)' for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclbraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)