The Belvedere Academy

Hate Crime and Hate Incident Policy

This policy should be read in conjunction with the Behaviour and Culture Policy, Student Home Academy Agreement document, Disability and Equality Policy, Online Safety Policy, Anti-Bullying Policy and Safeguarding Policy.

1. Legal basis

The following Acts are relevant to this policy.

The Race Relations Act 1976 states that schools and governing bodies have a duty to ensure that pupils do not face any form of racial discrimination including attacks and harassment.

Schools have a responsibility to tackle bullying was set out clearly in Section 89 of the **Education and Inspections Act 2006**:

- Provides that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, staff and parents;
- Gives head teachers the ability to discipline pupils for poor behaviour that occurs even when the pupil is not on school premises or under the lawful control of school staff

The Equality Act 2010 replaced and consolidated all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. The Act provides a single source of discrimination law making it unlawful to discriminate against pupils because of their race, disability, religion or belief or sexual orientation. These are referred to as 'protected characteristics'.

The Act defines four kinds of unlawful behaviour:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

2. Definitions and Terminology

A **Hate Crime** or **Hate Incident** is defined as:
…any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people, is a factor in determining who is victimised.

Hate Crime

A hate crime is any criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a person's:

- Race or perceived race
- Religion or perceived religion
- Sexual orientation or perceived sexual orientation
- Disability or perceived disability
- Transgender identity

Hate Incident

A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of a protected characteristic including:

- Race
- Religion
- Sexual orientation
- Disability
- Transgender identity

Examples of Hate Incidents

This is not an exhaustive list:

- Verbal abuse like name-calling and offensive jokes
- Harassment
- Bullying or intimidation by people of any age
- Threats of violence
- Hoax calls, abusive phone or text messages or hate mail
- Online abuse, for example, on Facebook or Twitter or any social media
- Displaying or circulating discriminatory literature or posters
- Harm or damage to things such as your home, or a pet or car
- Graffiti
- Throwing rubbish into a garden
- Malicious complaints

Understanding the terminology

Developing a shared understanding of some key terminology will help avoid confusion and misunderstandings.

Race means a person's colour, and/or nationality and/or ethnic or national origin. A racial group is composed of people who have or share a colour, nationality, ethnic or national origins. Colour blind approaches that profess to treat all people the same actually undermines equality. Recognising difference is an essential prerequisite for valuing and respecting diversity.

Institutional racism

Institutional racism was defined by the MacPherson Report (1999) as:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage ethnic minority people...

This definition did not suggest that all institutions were racist. However the academy has taken great care to examine its policies and practices to guard against disadvantaging any section of its community through indirect discrimination.

Differences between bullying and hate incidents

It is important to understand the difference between hate bullying and other forms of bullying. All forms of bullying are hurtful and need to be addressed. Hate bullying is far more serious in that whilst bullying tends to affect the individual, hate bullying can have a significant impact beyond the individuals concerned. Hate bullying affects other members of the same group in the academy, the victim's family and their community. Quite often attacks are not just on the individual but their values, customs, culture, religion and traditions.

3. Dealing with Hate Incidents (including racist incidents)

When dealing with Hate incidents staff should be mindful that:

- The role of the media in presenting and perpetrating negative stereotypes cannot be underestimated. Such stereotyping must be understood and challenged.
- National and local tensions and conflicts overseas can increase the likelihood of racial incidents for example.
- No one should have to experience hate. Incidents need to be responded to immediately even if further investigation is required later.
- If a response is delayed, it may be interpreted that the academy condones such behaviour and might make the victim and their family view the academy negatively.
- The ethos of the academy and the explicit values modelled are important in determining pupils' attitude and behaviour.
- Responses are seen by pupils and parents to be clear and consistent.
- Procedures are flexible to allow for professional judgement. Different situations will require different responses, but all incidents must be treated as serious.
- The victim's family has the support they need.
- Action may be needed to address the impact on the wider academy community.
- Steps are taken to ensure that good relations are restored.

4. Dealing with the Victim

It is important that the pupil who has experienced the incident feels safe, secure, listened to and supported. Where the incident is unintentional, the focus should be on counselling and education rather than punishment. Where it is intentional, the emphasis needs to be on ensuring the perpetrator understands the impact that their actions have had on the victim and that such behaviour is unacceptable.

Key actions

- Reassure the pupil that the academy views all forms of hate very seriously.
- Explain that the incident will be investigated, in line with existing academy procedures.
- Allow the pupil to explain what has happened. Give them time to talk initially and encourage them to talk about how they feel.
- Confirm when you will meet with them again.
- Check that the pupil feels satisfied with the way in which the incident has been dealt with. Victims should never be made to feel that it is their fault.
- Reinforce the notion that the academy believes that all people should be treated equally.
- Sometimes victims say that they do not want to have incidents investigated. They do not want to 'cause a fuss'. In such cases the academy should explain that hate behaviour is not acceptable and will not be tolerated. Where an act is detrimental to the academy ethos and the community, the academy must act, especially if the incident constitutes a crime.
- Vulnerable children, or those with special educational needs, who may also be victims of hate bullying may find communicating their position and feelings difficult.
- Staff should be sensitive to the issue of retaliation, which may be a reaction to a long series of relatively minor incidents that the victim feels have not been responded to appropriately.
- Record the incident.
- If a serious hate incident occurs outside academy or involves outside perpetrators the Principal should report the incident to the police who will investigate and take further action.
- Confidentiality should be maintained and designated staff given responsibility for ensuring information is stored securely.

Engaging the victim's parents

- Inform the parents of the pupil who has experienced the incident (or brought the complaint).
- Describe what has happened.
- Explain what the academy has done.
- Check that the parents understand why the academy has acted in the way it has and that they feel that the incident/complaint has been taken seriously.
- The academy may ask parents if they need any additional support and make them aware of other support agencies beyond the academy, where appropriate.

5. Dealing with the perpetrator

The perpetrator needs to know that such behaviour is unacceptable but also needs to understand why it is unacceptable.

Key actions

- Explain to the pupil that the academy takes all forms of hate very seriously and that the incident will be investigated in line with existing academy procedures.
- Allow the pupil to explain what has happened. Give them time to talk.
- Give the pupil time to reflect on what they have done and to talk about how their behaviour might have made the victim feel.
- Allow the pupil to explore what led up to the incident in order to identify any attitudes or misconceptions that might need to be addressed.
- Explain the difference between hate behaviour and other forms of unacceptable behaviour and explain why this type of behaviour is taken so seriously.
- Agree sanctions in line with the academy's Behaviour policy.
- Inform the pupil that their parents will be informed and invited to discuss the matter with the academy.
- In the most serious cases, the Principal may need to contact the Police.

Communicating with the perpetrator's parents

Inform the parents/carers of the pupil who has committed the act.

- Describe what has happened.
- Affirm the academy's stance on racist behaviour.
- Explain what the academy has done and why.
- Allow parents to express their thoughts and feelings.
- Check that the parents understand why the academy has acted in the way it has.

Bringing the two parties together

- Tell both parties that the academy takes all forms of racism seriously and explain why.
- Give the pupil who has experienced the incident the opportunity to explain how s/he feels.
- Give the perpetrator the opportunity to respond and apologise.
- Allow the victim to accept the apology.
- Aim for reconciliation between the two parties.
- Inform the parents of both parties about the incident and the action taken. Explain why the action was taken. This needs to be done on the day of the incident.

It may be necessary to carry out some follow up work with the victim, the perpetrator and the pupils who have witnessed the incident or been affected by it.

6. Record keeping

It is important to record all hate incidents for the following reasons:

- To measure the academy's effectiveness in responding to incidents.
- To gain a clear picture of their frequency, nature and any patterns or trends to inform preventative measures.
- To target resources effectively.
- To identify repeat victims or perpetrators.
- To provide statistical data to contribute to strategic planning within the academy.

What should be recorded?

- A description of the incident.
- Names and ethnic background (where applicable) of the people involved; (Use the census categories used to collect statistical information about achievement in the academy).
- Action taken with the perpetrator(s).
- Support for victim(s).
- When parents were informed and how.
- Whether this is a repeat victim or a repeat perpetrator.
- The outcome.
- Whether outside agencies were involved.
- Follow up actions.
- Implications for the academy, e.g. staff training, pupil support, curriculum development.
- Other comments and reflections on the incident including its origins and any lessons learned.

Sometimes, in the case of hate graffiti, there is no victim. In such cases it is even more important that the academy acts swiftly to send a clear message to pupils that such behaviour is unacceptable.

7. Review

This policy was approved for use by SLT in July 2020 and LGB in November 2020.

Reviewed: September 2026

Next Review: September 2027