

Section 1: The context of race equality and cultural diversity

Educational inclusion is part of the national agenda to promote social inclusion and a feature of this drive for educational inclusion is the 'mainstreaming' of race equality issues. The Race Relations (Amendment) Act 2000 came about in large part as a result of recommendations in the **Stephen Lawrence Inquiry Report, 1999**. The report recommended that the 1976 Act be extended and strengthened and it also contained recommendations for tackling racism in all areas of public life. The report identified education as a key factor:

'It must be a major concern of Governments that our education system must address the issues of racism observed amongst children of primary and even pre-school age.'
(Chapter 6. Section 6.55)

The Report contained three specific recommendations for education:

Recommendation 67:

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.

Recommendation 68:

LEAs and school governors should create and implement strategies to prevent racism (schools should record all racist incidents and report them to the pupils' parents/guardians, governors and the LEA).

Recommendation 69:

That OFSTED inspections should include examination of the implementation of strategies to prevent and address racism.

These recommendations have been made law and put into practice since the publication of the report, so that the **national curriculum** now has:

- A statutory statement on Inclusion
- An aims and values statement
- Increased opportunity to promote race equality and cultural diversity within the national curriculum, for example through the introduction of Citizenship Education and the new Personal Social and Health Education (PSHE) framework

Schools now have to **record, monitor and report on all racist incidents**, as outlined in the DfEE circular 10/99 'School Inclusion: pupil support', section 4.32:

'All schools' behaviour policies must make clear that racial harassment will not be tolerated and say how staff and pupils should deal with it. The school should record all racist incidents, and parents and governors should be informed of such incidents and the action taken to deal with them. Governing Bodies should inform LEAs annually of the pattern and frequency of any incidents.'

The Race Relations (Amendment) Act 2000 (The Act) came into force on 2nd April 2001. While the emphasis in the 1976 Race Relations Act was on avoiding racial discrimination, the amended Act places a new positive duty on public authorities, including schools, to actively promote equality. The new positive duty is statutory, which means that it must be met. It has two aspects, general and specific. The Home Secretary has also placed statutory **specific duties** on schools.

What other amendments apply to schools?

- Race discrimination claims against educational bodies, including schools, can now be brought directly to a public court. Previously a two-month period of notification to the Secretary of State was necessary.
- The Act allows the Commission for Racial Equality (CRE) to issue a statutory **Code of Practice on the duty to promote race equality**. It is accompanied by a non-statutory guide for schools on how to fulfil both the general and specific duties to promote race equality. The Code may be used as evidence in court in respect of a racial discrimination claim or as evidence to show a school is failing to meet the general duty to promote racial equality.

What is the General Duty?

The general duty states that schools must have 'due regard' to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and
- promote good race relations between people of different racial groups.

What does the general duty mean in practice?

- Schools must take a proactive and systematic approach to promoting race equality.
- You need to 'mainstream' race equality, building it into existing policies, procedures and practices.
- To meet the whole duty, schools must fulfil all three elements of the duty as they are complementary.
- Schools must have 'due regard' for race equality. This means that the weight given to race equality should be proportionate to its relevance in each of a school's policies and functions. So, for example, the general duty will be particularly relevant to areas which may affect groups in different ways, such as: admissions; assessment; attainment and progress; curriculum development and delivery; discipline (including exclusions); staff selection and recruitment; pastoral care and personal development.

- It is important to note that relevance or proportionality does not depend on the ethnic composition of a school or the community it serves. Race equality is equally important in a multi-ethnic school as it is in a school with few minority ethnic pupils.

What are the specific duties?

The specific duties are enforceable by the CRE. The aim of these duties is to help schools meet the general duty. The duties for schools are to:

- Prepare and maintain a written race equality policy
- Assess the impact of their policies (including their race equality policy) on pupils, staff and parents of different racial groups. In particular, schools should assess whether their policies have, or could have, an adverse impact on the attainment levels of pupils from different racial groups.
- Monitor the impact of policies on pupils, staff and parents from different racial groups. In particular, schools should monitor the impact of their policies on pupils' attainment levels.
- Take reasonably practicable steps to publish the results of their monitoring each year.

These specific duties should be viewed in the context of the general duty. This means that each specific duty must be considered in light of the need to eliminate racial discrimination, promote equality of opportunity and good relations between people of different racial groups.

While the emphasis in the specific duties is on ensuring equality among different racial groups, it is important to consider other factors which contribute to diversity such as the cultural, religious and linguistic background of pupils, parents and staff, as outlined in the introduction.

Since 2000, all **Ofsted** inspectors have had to undertake training to ensure they can evaluate the quality of educational inclusion in schools, including schools' policy and practice in promoting race equality and cultural diversity. *Evaluating Educational Inclusion: guidance for inspectors and schools* (Ofsted, 2000), states:

"inspection reports are to be more focused on a school's strategies for addressing inclusion issues and, particularly, for promoting racial equality."

It is worth noting that this document outlines that inclusion *'involves taking account of pupils' varied life experiences and needs'* and it *'does not mean treating all pupils in the same way.'*

In assessing a school's strategies for promoting race equality, inspectors have to consider, for example:

- Whether there are any significant variations in achievement and progress between particular ethnic groups
- How the school analyses data on the comparative attainment of different groups of pupils and what use the school makes of this data

- Whether the explanations for differences between ethnic groups in attainment, attitude and behaviour are well-founded and convincing
- How the school enables and encourages pupils to appreciate their own cultural traditions and the diversity and richness of other cultures
- Whether learning resources are sensitive to, and show positive images of, a range of different groups and cultures
- Whether the curriculum reflects the needs of all groups of pupils, including those who have English as an additional language (EAL)
- What action the school takes to promote racial harmony and to prevent racism and other forms of harassment
- How the school deals with racist incidents
- The school's efforts to communicate with and involve parents of pupils whose home language is other than English

The new Ofsted framework, September 2003, places greater emphasis on the evaluation of educational and social inclusion in schools, including race equality. You should therefore find this pack useful both for meeting the requirements of the Race Relations (Amendment) Act and in preparing for an inspection.