



## **Written Response to the Draft Guidance for School Staff: Screening or Searching Pupils for Weapons by The Runnymede Trust, 10 May 2007**

We welcome the opportunity to submit our thoughts and views on the draft of the DfES guidance for school staff on screening or searching pupils for weapons.

The Runnymede Trust is an independent policy research organisation focusing on equality and justice through the promotion of a successful multi-ethnic society. Our mandate is to promote a successful multi-ethnic Britain – a Britain where citizens and communities feel valued, enjoy equal opportunities to develop their talents, lead fulfilling lives and accept a collective responsibility, all in the spirit of civic friendship, shared identity and a common sense of belonging. Runnymede has been active in the field of education for many years. Within our current education programme we devise and promote practical strategies for use in the classroom and, at community level, we aim to address and support the specific needs of minority ethnic young people. Furthermore, matters relating to crime have long been of special concern to us, particularly how criminal justice policies impact on minority ethnic communities.

We have read the draft with interest, and recognise the importance of school staff maintaining discipline in their schools, not least where offensive weapons are concerned. However, we have some serious concerns and recommendations that we outline below.

### **Race Equality Policies in Schools and Race Equality Impact Assessments**

Our main concern is the lack of discussion of a Race Equality Impact Assessment (REIA) on the proposed enhanced powers of school staff to screen or search pupils without consent and without suspicion. In this respect, we remind the DfES of its statutory duty to take proactive steps to tackle racial discrimination, and promote equality of opportunity and good race relations. This includes the specific duties of schools to assess the impact of their policies on pupils, staff and parents of different racial and ethnic groups, as well as monitoring, by reference to their impact on such pupils, staff, and parents, the operation of such policies.<sup>1</sup>

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<sup>1</sup> For further guidance, visit: [www.cre.gov.uk/duty/pa\\_specific\\_education\\_schools\\_ew.html](http://www.cre.gov.uk/duty/pa_specific_education_schools_ew.html)

We are concerned that the new powers will not be monitored and assessed from the point of view of race equality. The recording of incidents are mentioned only briefly, and then with no mention of the ethnic identity of those searched. We would urge DfES to include in its guidelines clear mechanisms for undertaking monitoring of the ethnicity of pupils searched for weapons. Furthermore, we recommend that the data collected should be centrally compiled, analysed and disseminated. Schools' statutory duty to report all racist incidents to the LEA could serve as guidelines in this respect.

The importance of monitoring the ethnicity of pupils searched for weapons, and assessing the impact this may have on race equality, is not merely due to the fact that this should be done in principle where any major policy is concerned. We predict that the enhanced powers of teachers to screen or search pupils for weapons *will* affect some ethnic groups more than others, in particular male African-Caribbean pupils. In what follows, we outline the argument that leads us to this conclusion.

### **Criminalisation of Young Black Men**

There is a general process of criminalisation of young black men in wider society, where the 'type of person' generally thought to be criminal tends to be black. Jefferson has convincingly demonstrated how black culture is considered inherently criminogenic, and how notions of blackness penetrate the public perception of particular crimes, even when the offender is white.<sup>2</sup> This has been the case for decades; changing times may bring new images, as Hallsworth and Young have argued: "where the street robber was the folk devil *par excellence*, it would now appear to be his brethren the urban delinquent gang."<sup>3</sup> Importantly, however, the racialised association between crime and blackness remains intact. Just as the mugger of the 70s was black in the public imagination, so is today's 'gang member.'

As became clear through the Stephen Lawrence inquiry, racialised stereotypes are present in the criminal justice system and the way it operates. Ethnic minorities are over-represented in all stages of the criminal justice system, in part due to the institutional racism identified through the Stephen Lawrence inquiry. For example, research has clearly shown that African Caribbeans, compared to the white population, are "substantially more likely to be stopped, more likely to experience multiple stops, and more likely to be searched – both in absolute terms, and in relation to any particular stop."<sup>4</sup> In this respect, it

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<sup>2</sup> Jefferson, Tony (1992). The Racism of Criminalisation: Policing and the Reproduction of the Criminal Other. In, Loraine R. Gerlsthorne (ed.), *Minority Ethnic Groups in the Criminal Justice System* (26-46). Cambridge: The Institute of Criminology, University of Cambridge.

<sup>3</sup> Hallsworth, Simon, and Tara Young (2004). Getting Real about Gangs. *Criminal Justice Matters* 55: 12-13.

<sup>4</sup> Miller, Joel et al. (2000). *The Impact on Stops and Searches on Crime and the Community*. Police Research Series Paper 127. London: Home Office.

is worth noting that only a small proportion of stops and searches actually lead to arrest,<sup>5</sup> but instead significantly reduces confidence in the CJS amongst ethnic minorities and puts a strain on police-community relations.

### **Searching Pupils for Weapons and its Implications for Race Equality**

If practitioners within the CJS are not immune to racialised stereotypes of the black criminal, then neither are teachers. The relationship between white teachers and African Caribbean pupils is well documented, where research has consistently demonstrated that this relationship is often determined by conflict. Indeed, high school exclusion rates and academic underachievement among African Caribbean boys has largely been traced back to failings in the education system, particularly regarding antagonistic pupil/teacher relations, and negative stereo-typing of African Caribbean pupils as being more violent than their white counterparts. This perceived 'violent' predisposition of black pupils means that they are more vulnerable to exclusion as perceived violence is seen as a legitimate reason to exclude. As Rob Berkeley reminds us, this process of teacher perceptions translating into action is more significant than the fact of the exclusion itself or the official 'explanation.'<sup>6</sup>

It is clear that the proposed new powers to search, as outlined in the draft, can have great potential impact on race equality in schools. The draft guidance does state that reasonable suspicion cannot be supported by personal factors alone, such as "a pupil's race, age, appearance, or any isolated instance of misbehaviour in the distant past" (p. 12). This statement, however, is rather vague, and is furthermore contradicted further down on the same page: "Where there is reliable information that members of a group or gang habitually carry knives or other weapons unlawfully and wear a distinctive item of clothing or other means of identification to indicate their membership of the group or gang, that distinctive item of clothing or other means of identification may provide reasonable grounds to search the pupil." Given the current popular association between young black men and gang culture – one that isn't supported by any research<sup>7</sup> – we would strongly recommend that 'reliable information' linking clothing styles and weapons should be used with extreme caution. It must not be assumed *a priori* that clothing or fashion accessories are automatically indicative of gang membership. Should this become grounds of searches, we

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<sup>5</sup> Ayres, Margaret and Liza Murray (2005). *Arrests for Recorded Crime (Notifiable Offences) and the Operation of Certain Police Powers under PACE*. Home Office Statistical Bulletin 21/05. London: Home Office.

<sup>6</sup> Berkeley, Rob (forthcoming). *Persistent Inequality: School Exclusions and the Race Factor*. London: Runnymede Trust.

<sup>7</sup> Due to lack of research into gangs in the UK, very little is actually known about them, including the demographic makeup. However, Bennet and Holloway (2004) have shown that the majority of gang members in England and Wales are white, which contradicts common perceptions of gang culture as a black phenomenon. Bennet, Trevor, and Katy Holloway (2004). Gang Membership, Drugs and Crime in the UK. *The British Journal of Criminology*, 44(3): 305-323.

are very concerned that there is a real danger that black pupils may feel even further criminalised.

To conclude, we are very concerned that black pupils will be subject to a disproportionate amount of searches. This, of course, is not a given fact, but bearing in mind the disproportionate rates for young black men both in terms of school exclusions and police stop and search, the danger is a very real one. For this reason, it is imperative that the DfES encourages schools, on a school-to-school basis, to record and monitor both the ethnicity of pupils, as well as reasons given for reasonable suspicion and the outcome of searches. In this respect, the DfES would need to provide robust guidance on how this should be done. The data should then be collected centrally, again by the DfES, analysed and made public. This is critical for maintaining good race relations in schools and safeguarding the self-esteem of black pupils. Furthermore, if challenged, government and schools would not be able to assure the public that searches are not disproportionately directed towards certain – and already disadvantaged – groups should they not have the data to back up their claims to the contrary.

If you would like to discuss any aspect of this response, please contact Michelynn Lafèche (Director) at the Runnymede Trust, 7 Plough Yard, Shoreditch, London EC2A 3LP Tel: 020 7377 9222.

Thank you for considering our response and the concerns and issues we highlight. We look forward to learning the result of the consultation process and the intentions of government on implementing the much needed changes.

The Runnymede Trust  
10 May 2007

*Further information about the Runnymede Trust can be found on our website – [www.runnymedetrust.org](http://www.runnymedetrust.org)*