Anti-bullying Steering Group

**Context for work on Anti-bullying in Schools and Settings**

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### Section1: National Context: Legal Framework for Schools and Local Authority regarding bullying in schools

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<th>Local Authority</th>
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<td><strong>The Schools Standards &amp; Frameworks Act (1998)</strong></td>
<td>sets out the expectation that all schools are required by law to have an Anti-Bullying Policy. Children and young people should be involved in both the development and the monitoring of the Anti-Bullying Policy by being encouraged to discuss the policy and its effectiveness (compatible with Article 12 of United Nations Convention on the Rights of the Child 1989). (M)</td>
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<td><strong>Children Act (1989)</strong></td>
<td>A bullying incident should be addressed as a child protection issue when there is ‘reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. These concerns must be reported to the local authority’s children’s social services.</td>
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<td><strong>The Education Act (2002)</strong></td>
<td>gives schools and local authorities a legal duty to safeguard and promote the welfare of children and young people. Guidance that shows how this duty applies refers specifically to bullying as an issue that needs to be considered as part of keeping children and young people safe (DfES 2004). (M)</td>
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<td><strong>The Education and Inspections Act (2006)</strong></td>
<td>requires every school to establish measures to encourage good behaviour and prevent all forms of bullying amongst pupils. Includes a duty on governing bodies to ensure positive behaviour policies are in place. They must be publicised in the form of a written document and brought to the attention of the whole school community at least once a year. It imposes a statutory duty on governing bodies to promote wellbeing in the context of ‘Every Child Matters’ and the <strong>Children Act (2004)</strong>. The act also creates a clear, statutory power for members of school staff to impose disciplinary powers for inappropriate behaviour of pupils; enables head teachers as far as is reasonable, to regulate and take action on behaviour that occurs outside the school premises and when a member of staff is not in charge of the students. This can relate to any bullying incidents occurring anywhere off the school premises such as on school or public transport, outside the local shops or in a town or</td>
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The act also introduces a duty on schools’ governing bodies to promote community cohesion. *(M)*

**The Equality Act (2010)** requires school and public bodies to eliminate unlawful discrimination, harassment and victimisation in relation to pupils who share a protected characteristic and therefore may be vulnerable to prejudice driven bullying. Those relevant for schools provision are: disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Schools and colleges must:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not share it
- Foster good relations between people who share a protected characteristic and those who do not share it.

This act is vital for the prevention of prejudice-related bullying in schools. *(All)*

**The Education (Independent School Standards) Regulations (2014)** imposes a statutory duty on Academies/Free Schools to ensure that an effective anti-bullying strategy/policy is drawn up and implemented. *(AFI)*

**Education and Inspection Act (2011)** gives schools additional powers to screen, search and confiscate, including electronic devices. Schools can search pupils without consent for any banned item and if they believe ‘that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency’. They can delete certain content from electronic devices. *(All)*

**The Children and Families Act (2014)** requires a Local Authority to produce a Local Offer that demonstrates the arrangements schools in their local area have in place for “supporting the emotional mental and social development of disabled children and young people and those with SEN (this should include extra pastoral support arrangements for listening to the views of pupils and students with SEN and measures to prevent bullying)” - SEN Code of Practice June 2014

**Criminal Law** Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or
threatening behaviour – or communication – could be a criminal offence, for example under the Protection from Harassment Act (1997), the Malicious Communication Act (1988), the Communications Act (2003) and the Public Order Act (1986). Illegal behaviour includes: violence or assault, theft, harassment or intimidation and anything involving hate crimes which are any occurrences that are perceived by the victim or any other person to be racist, homophobic, transphobic, or based on religion/beliefs, gender identity or disability. No hate crime is too minor to report to the police.

If school staff feel that an offence has been committed they should seek assistance from the police. For example, under the Malicious Communication Act (1988), it is an offence for a person to send an electronic communication to another person with the intent to cause distress or anxiety or to send an electronic communication which conveys a message which is indecent or grossly offensive, a threat or information which is false and known or believed to be false by the sender. Some cyberbullying activities could be criminal offences under these laws.

The Crime and Disorder Act 1998 and The Anti Social Behaviour Act (2003) state that schools, youth clubs and other educational settings should liaise with their local police officers where acts of bullying become criminal e.g. harassment, assault, wounding and causing grievous bodily harm with intent, or the carrying of weapons.

**Human Rights**

*The Human Rights Act (2000)* is based on the European Convention on Human Rights. The act contains two articles, which may be of particular relevance to a bullied child who fails to receive protection from bullying:

**Article 3:** ‘No one shall be subjected to torture or to inhuman or degrading treatment or punishment’.

**Article 6:** ‘Everyone has the right to respect for his private and family life, his home and his correspondence’.

In order for a claim to be brought under the Human Rights Act, the bullying would have to be extremely serious and have resulted in physical or psychiatric damage which is supported by strong medical evidence.
The United Nations Convention on the Rights of the Child (1991) contains the following articles relating to bullying:

Article 2: ‘All the rights must be available to all children whatever their race, religion, language or ability’.

Article 3: ‘A child’s best interests should always be the main consideration’.

Article 12: ‘Children’s opinions should always be taken into account in matters that concern them’.

Article 19: ‘Children have a right to be protected from being hurt or badly treated’.

Article 37a: ‘No child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment’.

Although the United Nations Convention on the Rights of the Child cannot be upheld in UK courts of law, the European Convention on Human Rights is a relevant international legal instrument that is legally binding; hence it can be enforced in UK courts.

Statutory and non-statutory guidance for schools


DfE (2014) Promoting fundamental British values as part of SMSC in schools: Departmental advice for maintained schools

DfE (2016) Keeping children safe in education states that all school and college members of staff should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. This includes emotional abuse which may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger.

DfE (2015) Working Together to Safeguard Children states that professional should be alert to the potential need for early help for a child who is showing signs of engaging in anti-social or criminal behaviour or is showing early signs of abuse and neglect.

The Common Inspection Framework (2015) requires Ofsted to make a judgement on the effectiveness of leadership and management and pupils’ personal development, behaviour and welfare. Under these two criteria inspections will evaluate the effectiveness of measures established by schools to address all forms and types of bullying. Schools are also inspected under SMSC which includes how they teach pupils to recognise the difference between right and wrong and understand the consequences of their behaviour and actions; accept and engage with fundamental British values and understand, respect and celebrate diversity. Bullying is also covered under the Safeguarding requirements. At the start of an inspection, inspectors will request records and analysis of bullying, discriminatory and prejudicial behaviour, either directly or indirectly, including racist, disability and homophobic bullying, use of derogatory language and racist incidents.
Ofsted Briefing for section 5 inspection: Exploring the school's actions to prevent homophobic bullying (2014).

‘No Place for Bullying’ Recommendations by Ofsted 2012

The aim of this survey was to evaluate the effectiveness of the actions that schools take to create a positive school culture and to prevent and tackle bullying. A large part of the survey focused on pupils’ own experiences and understanding of bullying and its effects.

To gather evidence for this survey Ofsted visited 37 primary schools and 19 secondary schools. They met with 1,357 pupils, of whom 1060 completed a questionnaire about their experiences. Almost half of the pupils surveyed had felt picked on or bullied at some point while at their current school. Incidents related to friendship issues, personal appearance, family circumstances, sexuality, race, religion, ability, being seen as clever or good at something, disability or a combination of these aspects. One secondary-aged pupil felt that she had been bullied ‘basically for being me’.

Former guidance: (No longer government guidance but can be helpful to schools)

DCSF (2007- 2010) Safe to Learn: Embedding Anti Bullying Work in Schools:

- Cyberbullying
- Bullying involving Children with Special Educational Needs and Disabilities
- Homophobic Bullying
- Bullying around Racism, Religion and Culture
- Preventing and Responding to Sexist, Sexual and Transphobic Bullying.
Section 2: Data and Information

Annual Report of the Chief Medical Officer 2013, Public Mental Health Priorities: Investing in the Evidence

• Bullying or repeated exposure to negative actions of others where an imbalance of power is present, is reported by 34-46% of English school children in recent surveys.1,2
• Cyberbullying through digital media 3 may now be the most common type of bullying.4
• Between 8% and 34% of young people in the UK have been cyber-bullied, according to figures published between 2008 and 2011 with girls twice as likely to be victims of persistent cyber-bullying.5
• Bullying may precipitate or aggravate depression, anxiety psychometric symptoms, eating difficulties and self-harm, and is associated with suicide.6
• In a study conducted at a community-based specialist CAMHS in 2007, nearly two thirds of CAMHS users reported being bullied. Of these bullied CAMHS users, 63% identified bullying as an important reason for their CAMHS attendance.7
• Classroom management and social structure are associated with substantial differences in the level of reported bullying.8
• Whole-school-based interventions are more effective than curriculum-based interventions or behavioural or social skills training.9

Cambridgeshire Health Related Behaviour Survey 2014

Secondary

A survey of 8,700 Year 8 and Year 10 pupils in 2014 compared with 2012.

• 21% (21%) of boys and 36% (30%) of girls responded that they feel afraid to be in school because of bullying at least ‘sometimes’.
• 6% (5%) of pupils responded that they ‘often’ or ‘very often’ feel afraid to be in school because of bullying.
• 12% (12%) of boys and 22% (17%) of girls responded that they worry about being bullied ‘quite a lot’ or ‘a lot’.
• 22% (20%) of pupils responded that they have been bullied at or near school in the last 12 months. 12% (12%) said they ‘don’t know’ if they have been.
• 9% (9%) of pupils responded that they have been bullied away from school in the last 12 months. 8% (7%) said they ‘don’t know’ if they have been.
• 4% (4%) of pupils responded that they have been bullied at or near home in the 12 months before the survey, while 1% (1%) said that they had been bullied on a public bus or train.
• 63% (59%) of pupils responded that in the last year they have experienced at least one of the negative behaviours listed at least ‘once a month or so’, while 34% (30%) have experienced one ‘most weeks’ or ‘most days’.
• 45% (40%) of pupils responded that they have been teased/made fun of at least ‘once a month or so’ in the past year and 24% (23%) said they have been pushed/hit for no reason.
• 24% (21%) of pupils responded that they think they are being picked on or bullied because of the way they look, while 18% (15%) think they are being picked on because of their size or weight and 10% (10%) think it is because of how they get on in lessons.
• 2% (2%) of pupils responded that they think others may fear going to school because of them. 15% (14%) said they ‘don’t know’ if others do.
• 4% (6%) of pupils responded that they have bullied someone else at school in the last 12 months. 12% (11%) said they ‘don’t know’ if they have.

Primary

• 35% of pupils responded that they feel afraid of going to school because of bullying at least ‘sometimes’.
• 6% of pupils responded that they ‘often’ or ‘very often’ feel afraid of going to school because of bullying.
• 22% of pupils responded that they were bullied at or near school in the 12 months before the survey.
• 13% of pupils responded that they were bullied away from school in the 12 months before the survey.
• 6% of pupils responded that they were bullied at or near home in the 12 months before the survey, while 1% said that they were bullied on a school bus.
• 66% of pupils responded that they have experienced at least one of the negative behaviours listed at least a ‘few times’ in the last month, while 23% said it happens ‘often’ or ‘every day’.
• 35% of pupils responded that they have been pushed or hit in the last month and 17% said that they’ve had their belongings taken or broken.
• 12% of pupils responded that they think they are being ‘picked on’ or bullied because of the way they look, while 9% said it was because of their size or weight.
• 81% of pupils responded that their school has clear rules about bullying, while 75% said that their school always does something if bullying happens.
• 2% of pupils responded that they thought others may fear going to school because of them.

Anti-bullying Alliance

• A survey of 253,755 children and young people in England in years 6, 8 and 10 (ages 10-11, 12-13, 14-15 respectively) found bullying to be widespread:
  - 25% of children and young people said they worried about bullying
  - 46% of children and young people said they had been bullied at some point whilst at school
  - Of those who have been bullied at some point, 29% had been bullied in the last year.10

• The most common worry that pupils said they had felt before joining their secondary school was getting lost in the large buildings, but bullying came a close second.11
• 16,000 young people aged 11-15 are absent from school at any one time due to bullying.12
• 56% of children with a learning disability said they cried because of bullying, and 33% hid away in their bedroom. Nearly half of children with a learning disability had been bullied for over a year, and many were bullied for even longer.13
• Over 90 per cent of parents of children with Asperger Syndrome reported that their child had been bullied in the previous 12 months.14
• In a survey carried out by the DCSF of 34,428 pupils across four different age groups, virtually every single pupil of minority ethnic heritage had been verbally abused on the ground of their ethnicity.15
• Homophobic bullying continues to be widespread in Britain’s schools. More than half (55 per cent) of lesbian, gay and bisexual pupils have experienced direct bullying.
• The use of homophobic language is endemic. Almost all (99 per cent) gay young people hear the phrases ‘that’s so gay’ or ‘you’re so gay’ in school and ninety six per cent of gay pupils hear homophobic language such as ‘poof’ or ‘lezza’
• Three in five gay pupils who experience homophobic bullying say that teachers who witness the bullying never intervene.

Only half of gay pupils report that their schools say homophobic bullying is wrong, even fewer do in faith schools (37 per cent).
Homophobic bullying has a profoundly damaging impact on young people’s school experience. One in three (32 per cent) gay pupils experiencing bullying change their future educational plans because of it and three in five say it impacts directly on their school work.
Gay people who are bullied are at a higher risk of suicide, self-harm and depression. Two in five (41 per cent) have attempted or thought about taking their own life directly because of bullying and the same number say that they deliberately self-harm directly because of bullying.16
• Children bullied during their early years are up to three times more likely to self-harm than their classmates when they reach adolescence. It found that half of 12-year-olds who harm themselves were frequently bullied. The research also showed that victimised children with mental health problems were at greater risk of self-harming in later life. The authors suggest that efforts should focus on improving the ways in which children cope with emotional distress. They also call for more effective programmes to prevent bullying in schools.17

References


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9 Vreeman RC, Carroll AE. A Systematic review of school-based interventions to prevent bullying, Arch Pediatr Adolescent Med. 2007 Jan; 161(1); 78-88

10 Tellus4 and Ofsted, 2010.

11 Ofsted, No place for bullying, June 2012.


15 DCS, Bullying around Racism, Religion and Culture (2006),

16 Stonewall, The Experiences of Young Gay People in Britain's Schools (2012).

17 Bullying victimisation and risk of self-harm in early adolescence: longitudinal cohort study Helen L Fisher and others. BMJ Online, 26 April 2012