



# **ANTI-BULLYING POLICY**

February 2020

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## Summary

### About this advice

Bullying, especially if left unaddressed, can have a devastating effect on individuals. It can be a barrier to their learning and have serious consequences for their mental health. Bullying which takes place at school does not only affect an individual during childhood but can have a lasting effect on their lives well into adulthood.

By effectively preventing and tackling bullying, schools can help to create safe, disciplined environments where pupils are able to learn and fulfil their potential.

This document has therefore been produced to help schools act to prevent and respond to bullying as part of their overall behaviour policy.

It outlines, in one place, the Government's approach to bullying, legal obligations and the powers schools have to tackle bullying, and the principles which underpin the most effective anti-bullying strategies in schools. It also lists further resources through which school staff can access specialist information on the specific issues that they face.

### Review date

This advice will be kept under review and updated as necessary.

### Who is this advice for?

School leaders and school staff in **all** schools in England.

- For the purposes of this advice references to "maintained school" means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.
- For the purpose of this advice references to "Academy" means Academy schools (including mainstream Free Schools) and AP Academies (including AP Free Schools).
- Where particular provisions do not apply to a particular type of school we make this clear.

It may also be useful for:

- FE and community settings.

## **What does the law say and what do I have to do?**

Every school must have measures in place to prevent all forms of bullying.

### **The Education and Inspections Act 2006**

Section 89 of the Education and Inspections Act 2006 provides that maintained schools 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, school staff and parents.

### **The Education (Independent School Standards) Regulations 2014**

The Education (Independent School Standards) Regulations 2014 provide that the proprietor of an Academy or other independent school ensures that bullying at the school is prevented in so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy

### **The Equality Act 2010**

A key provision in The Equality Act 2010 is the Public Sector Equality Duty (PSED), which came into force on 5 April 2011 and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct 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 between people who share a protected characteristic and people who do not share it.

Maintained schools and Academies are required to comply with the PSED. In addition Part 6 of the Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil in relation to admissions, the way it provides education for pupils, provision of pupil access to any benefit, facility or service, or by excluding a pupil or subjecting them to any other detriment. In England and Wales Part 6 of the Act applies to maintained schools and Academies and to other independent schools.

In addition to the duties in relation to pupils with disabilities under the Equality Act, schools also have duties under Part 3 of the Children and Families Act 2014 to ensure that pupils with special educational needs engage in the activities of the school together with children who do not have special educational needs.

## **Safeguarding children and young people**

When there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm' a bullying incident should be addressed as a child protection concern under the Children Act 1989. Where this is the case, the school staff should discuss with the school's designated safeguarding lead and report their concerns to their local authority children's social care and work with them to take appropriate action. Full details can be found in Part 1 of Keeping Children Safe in Education.

However, external support can be given to pupils whether or not it is deemed a child protection concern. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying. Full details can be found in Part 1 of Keeping Children Safe in Education and Chapter 1 of Working Together to Safeguard Children.

## **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 communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986.

If school staff feel that an offence may have been committed they should seek assistance from the police. For example, under the Malicious Communications Act 1988, any person who sends 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, is guilty of an offence if their purpose in sending it was to cause distress or anxiety to the recipient.

## **Bullying which occurs outside school premises**

School staff members have the power to discipline pupils for misbehaving outside the school premises. Sections 90 and 91 of the Education and Inspections Act 2006 say that a school's disciplinary powers can be used to address pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff, but only if it would be reasonable for the school to regulate pupils' behaviour in those circumstances. This may include bullying incidents occurring anywhere off the school premises, such as on school or public transport, outside the local shops, or in a town or village centre.

Where bullying outside school is reported to school staff, it should be investigated and acted on. The headteacher should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the action taken against a pupil. If the misbehaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed.

While school staff members have the power to discipline pupils for bullying that occurs outside school, they can only impose the disciplinary sanction and implement that sanction on the school premises or when the pupil is under the lawful control of school staff, for instance on a school trip.

More detailed advice on teachers' powers to discipline, including their power to discipline pupils for misbehaviour that occurs outside school, is included in 'Behaviour and discipline in schools – advice for headteachers and school staff' – see further sources of information below.

## What is bullying?

Bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance, cyber-bullying via text messages, social media or gaming, which can include the use of images and video) and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, special educational needs or disabilities, or because a child is adopted, in care or has caring responsibilities. It might be motivated by actual differences between children, or perceived differences.

Stopping violence and ensuring immediate physical safety is obviously a school's first priority but emotional bullying can be more damaging than physical; teachers and schools have to make their own judgements about each specific case.

Many experts say that bullying involves an imbalance of power between the perpetrator and the victim. This could involve perpetrators of bullying having control over the relationship which makes it difficult for those they bully to defend themselves. The imbalance of power can manifest itself in several ways, it may be physical, psychological (knowing what upsets someone), derive from an intellectual imbalance, or by having access to the support of a group, or the capacity to socially isolate. It can result in the intimidation of a person or persons through the threat of violence or by isolating them either physically or online.

Low-level disruption and the use of offensive language can in itself have a significant impact on its target. If left unchallenged or dismissed as banter or horseplay it can also lead to reluctance to report other behaviour. Early intervention can help to set clear expectations of the behaviour that is and isn't acceptable and help stop negative behaviours escalating. Since September 2014 a greater focus on how well school leaders tackle low-level disruption was included in Ofsted inspections.

## Cyber-bullying

The rapid development of, and widespread access to, technology has provided a new medium for 'virtual' bullying, which can occur in or outside school. Cyber-bullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience, and more accessories as people forward on content at a click.

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device, such as a mobile phone, has been seized by a member of staff who has been formally authorised by the headteacher, that staff member can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable ground to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.<sup>1</sup> If a staff member finds

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<sup>1</sup> Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

material that they do not suspect contains evidence in relation to an offence, they can decide whether it is appropriate to delete or retain the material as evidence of a breach of school discipline.

For more information on how to respond to cyber-bullying please refer to the 'further resources' section of this document.

## Dealing with bullying

Successful schools have policies in place to deal with bullying and poor behaviour which are clear to parents, pupils and staff so that, when incidents do occur, they are dealt with quickly. However a school chooses to define bullying for the purposes of its own behaviour policy, it should be clearly communicated and understood by pupils, parents, and staff. Successful schools create an environment that prevents bullying from being a serious problem in the first place. School staff, headteachers and governors are best placed to decide how best to respond to the particular issues that affect their pupils. There is no single solution to bullying which will suit all schools.

## School's accountability

Pupils will learn best in a safe and calm environment that is free from disruption and in which education is the primary focus. Ofsted hold schools to account for how well they deal with behaviour and bullying. The Ofsted Inspections Framework includes 5 criteria for inspections, one of which is personal development, behaviour and welfare, which covers bullying.

Schools should be able to demonstrate the impact of anti-bullying policies. Ofsted will not routinely mark a school down where it has recorded incidents of bullying. Inspectors are interested in the impact of the actions a school has taken, i.e. how effectively schools prevent or deal with any incidents.

## Prevention

A school's response to bullying should not start at the point at which a child has been bullied. The best schools develop a more sophisticated approach in which school staff proactively gather intelligence about issues between pupils which might provoke conflict and develop strategies to prevent bullying occurring in the first place. This might involve talking to pupils about issues of difference, perhaps in lessons, through dedicated events or projects, or through assemblies. Staff themselves will be able to determine what will work best for their pupils, depending on the particular issues they need to address.

Schools which excel at tackling bullying have created an ethos of good behaviour where pupils treat one another and the school staff with respect because they know that this is the right way to behave. That culture extends beyond the classroom to the corridors, the dining hall, the playground, and beyond the school gates including travel to and from school. Values of respect for staff and other pupils, an understanding of the value of education, and a clear understanding of how our actions affect others permeate the whole school environment and are reinforced by staff and older pupils who set a good example to the rest.

Successful schools also:

- involve parents to ensure that they are clear that the school does not tolerate bullying and are aware of the procedures to follow if they believe that their child is being bullied. Parents feel confident that the school will take any complaint about bullying seriously and resolve the issue in a way that protects the child, and they reinforce the value of good behaviour at home
- involve pupils. All pupils understand the school's approach and are clear about the part they can play to prevent bullying, including when they find themselves as bystanders

- regularly evaluate and update their approach to take account of developments in technology, for instance updating 'acceptable use' policies for computers
- implement disciplinary sanctions. The consequences of bullying reflect the seriousness of the incident so that others see that bullying is unacceptable
- openly discuss differences between people that could motivate bullying, such as religion, ethnicity, disability, gender, sexuality or appearance related difference. Also, children with different family situations, such as looked after children or those with caring responsibilities. Schools can also teach children that using any prejudice-based language is unacceptable
- use specific organisations or resources for help with particular problems. Schools can draw on the experience and expertise of anti-bullying organisations with a proven track record and/or specialised expertise in dealing with certain forms of bullying
- provide effective staff training. Anti-bullying policies are most effective when all school staff understand the principles and purpose of the school's policy, its legal responsibilities regarding bullying, how to resolve problems, and where to seek support. Schools can invest in specialised skills to help their staff understand the needs of their pupils, including those with special educational needs and/or disability (SEND) and lesbian, gay, bisexual and transgender (LGB&T) pupils
- work with the wider community such as the police and children's services to agree a clearly understood approach to cases where bullying is particularly serious or persistent and where a criminal offence may have been committed. Successful schools also work with other agencies and the wider community to tackle bullying that is happening outside school
- make it easy for pupils to report bullying so that they are assured that they will be listened to and incidents acted on. Pupils should feel that they can report bullying which may have occurred outside school including cyber-bullying
- create an inclusive environment. Schools should create a safe environment where pupils can openly discuss the cause of their bullying, without fear of further bullying or discrimination. Celebrating success is an important way of creating a positive school ethos around the issue.

### **intervention - Support for pupils who are bullied**

In all cases schools have a responsibility to support children who are bullied and make appropriate provision for a child's needs. The nature and level of support will depend on the individual circumstances and the level of need. These can include a quiet word from a teacher that knows the pupil well, asking the pastoral team to provide support, providing formal counselling, engaging with parents, referring to local authority children's services, completing a Common Assessment Framework or referring to Child and Adolescent Mental Health Services (CAMHS).

### **Vulnerable pupils**

Bullying can happen to all children and young people and it can affect their social, mental and emotional health. School staff should support all pupils who are bullied. This means being alert to the effect any form of bullying can have and being especially alert to where it may have a severe impact. There is evidence to suggest that pupils that are badly bullied in school are more likely to be bullied out of school, for instance either on their way to or from school or through cyberbullying.

Some pupils are more likely to be the target of bullying because of the attitudes and behaviours some young people have towards those who are different from themselves. For example those with special educational needs or disabilities, those who are adopted, those who are suffering from a health problem or those with caring responsibilities may be more likely to experience bullying because of difference. Children in care that are frequently on the move may also be vulnerable because they are always the newcomer.

These young people are often the same young people who might need greater support to deal with the impact of bullying, for example those who are going through a personal or family crisis. In addition, children with special educational needs or disabilities can often lack the social or communication skills to report such incidents so it is important that staff are alert to the potential bullying this group faces and that their mechanisms for reporting are accessible to all.

There will also be a range of other local or individual factors that result in some children being more vulnerable to bullying and its impact than others. Being aware of this will help schools to develop strategies to prevent bullying from happening. It will also help schools be alert to those children who may be severely affected when it does occur.

The impact of bullying can be severe because of the nature and extent of the bullying or because it is combined with other factors such as those mentioned above that also affect the social, mental and emotional health of the pupil.

### **Where bullying has a severe impact**

In some circumstances the consequences of bullying may lead to a child or young person experiencing pronounced social, emotional or mental health difficulties. Schools should ensure they make appropriate provision for a child's short-term needs, including setting out what actions they are taking when bullying has had a serious impact on a child's ability to learn. If the bullying leads to persistent, long-lasting difficulties that cause the child or young person to have significantly greater difficulty in learning than the majority of those of the same age, then schools should consider whether the child will benefit from being assessed for SEN.

### **Special Educational Needs and Disabilities (SEND) Code of Practice**

While bullied children will not be routinely considered as requiring SEN support, schools and where appropriate local authorities should provide support in a proportionate and tailored way to meet individual needs. The relevant statutory guidance, the [SEND Code of Practice: 0 to 25 years, sets out how](#) developing a graduated response to the varying levels of SEN among children and young people is the best way to offer support. Some bullied children will have SEN.

### **Separate on site provision**

Removing bullied children from school, even for a short time, disrupts their education and can make it difficult for them to reintegrate. In itself it also fails to address the causes of the problem and can send the wrong message that victims of bullying are unwelcome. Schools should respond sensitively where an absence arises as a result of bullying.

Schools should do all they can to ensure bullied children continue to attend school. In addition to the examples of support listed above, this could include using separate on-site provision that provides respite for bullied pupils, whilst maintaining their educational progression. It is important that this support goes hand-in-hand with measures to tackle the bullying so that bullied children feel safe at school, and on their way to and from school.

### **Alternative provision**

In extreme cases, where the effects of bullying are so severe that it is not possible to reintegrate a child back into their school, then other arrangements must be made for the pupil to continue their education. In the first instance this may involve the transfer of the child to another mainstream school. Where a child has developed complex needs as a result of bullying, which cannot be met in mainstream education, then alternative provision may need to be arranged.

Local authorities must make other arrangements for children of compulsory school age who, for any reason, would not otherwise receive suitable education. Suitable education is defined as efficient education suitable to a child's age, ability and aptitude and to any special educational needs the child may have. This education must be fulltime, unless this would not be in a child's best interests because of health needs. In these circumstances the education should be as close to fulltime as the child's needs allow and kept under review.

Alternative provision should have a rigorous focus on supporting children to continue their education whilst meeting their individual needs, including social, emotional and health needs. In the majority of cases the aim of alternative provision should be to support reintegration back into mainstream education, working closely with pupils and their parents to agree a plan and timetable for return.

### **intervention - Discipline and tackling underlying issues of bullying**

Schools should apply disciplinary measures to pupils who bully in order to show clearly that their behaviour is wrong. Disciplinary measures must be applied fairly, consistently, and reasonably taking account of any special educational needs or disabilities that the pupils may have and considering the needs of vulnerable pupils. It is also important to consider the motivations behind bullying behaviour and whether it reveals any concerns for the safety of the perpetrator. Where this is the case the child engaging in bullying may need support themselves.

The organisations listed in the 'further resources' section provide a range of practical resources for schools to help staff develop their own approaches to different issues which might motivate bullying and conflict.

## **Support for staff who are bullied**

It is important that schools take measures to prevent and tackle bullying among pupils. But it is equally important that schools make it clear that bullying of staff, whether by pupils, parents or colleagues, is unacceptable. The department have published a separate advice note which provides advice for headteachers and all school staff on how to protect themselves from cyberbullying and how to tackle it if it happens.

## Frequently Asked Questions

### **Q: Should we prioritise tackling some types of bullying over others?**

**A:** Immediate physical safety obviously comes first. All bullying, whatever the motivation or method, is unacceptable and should not be tolerated. Some issues will be more familiar to schools than others and this guidance points to other specialist organisations for further information about how to tackle specific types of bullying. Please see 'Further Sources of Information' at the end of this document.

### **Q: Should I discipline pupils for bullying outside the school?**

**A:** Yes. If an incident of bullying outside the school premises or online is reported to the school, it is important that it is investigated and appropriate action is taken. This will send a strong signal to pupils that bullying will not be tolerated and perpetrators will be held to account.

### **Q: How can we involve parents more in our anti-bullying work?**

**A:** Schools should talk to parents about their anti-bullying policy and make it available to them and prospective parents as part of their behaviour policy. Schools should ensure that parents know what measures are being taken to prevent bullying, as well as how incidents are responded to, and may also encourage positive messages about good behaviour and respect for others at home.

### **Q: Should I record incidents of bullying?**

**A:** Staff should develop a consistent approach to monitoring bullying incidents in their school and evaluating whether their approach is effective. For some schools, that will mean recording incidents so that they can monitor incident numbers and identify where bullying is recurring between the same pupils. Others do not want to keep written records. We want schools to exercise their own judgment as to what will work best for their pupils.

## Further sources of information

### Other departmental advice and guidance you may be interested in

[DfE Behaviour and Discipline in Schools Guidance](#)

[Mental health and behaviour in schools advice for school staff](#)

[Counselling in schools a blueprint for the future: advice for school leaders and counsellors](#)

[Keeping Children Safe in Education \(KCSIE\)](#)

[Working together to safeguard children](#)

### Legislative links

Schools' duty to promote good behaviour: [Section 89 Education and Inspections Act 2006](#) and [Education \(Independent School Standards\) \(England\) Regulations 2014](#)

[Power to tackle poor behaviour outside school](#)

[The Equality Act 2010](#)

### Specialist organisations

The following organisations provide support for schools and parents dealing with specific bullying issues including the social, mental or emotional affects caused by bullying.

[The Anti-Bullying Alliance \(ABA\)](#): Founded in 2002 by NSPCC and National Children's Bureau, the Anti-Bullying Alliance (ABA) brings together over 100 organisations into one network to develop and share good practice across the whole range of bullying issues.

The ABA has also put together a fact sheet outlining the range of support that is available to schools and young people from the anti-bullying sector which can be accessed [here](#).

[The Diana Award](#): Anti-Bullying Ambassadors programme to empower young people to take responsibility for changing the attitudes and behaviour of their peers towards bullying. It will achieve this by identifying, training and supporting school anti-bullying ambassadors.

[Kidscape](#): Charity established to prevent bullying and promote child protection providing advice for young people, professionals and parents about different types of bullying and how to tackle it. They also offer specialist training and support for school staff, and assertiveness training for young people.

[The BIG Award](#): The Bullying Intervention Group (BIG) offer a national scheme and award for schools to tackle bullying effectively.

[Restorative Justice Council](#): Includes best practice guidance for practitioners 2011.

## Cyber-bullying and online safety

[ChildNet International](#): Specialist resources for young people to raise awareness of online safety and how to protect themselves. Website specifically includes new [cyberbullying guidance and a practical PSHE](#) toolkit for schools.

[Digizen](#): provides online safety information for educators, parents, carers and young people.

[Intenet Matters](#): provides help to keep children safe in the digital world.

[Think U Know](#): resources provided by Child Exploitation and Online Protection (CEOP) for children and young people, parents, carers and teachers.

[The UK Council for Child Internet Safety \(UKCCIS\)](#) has produced a range of resources for schools, colleges and parents about how to keep children safe online, this includes advice for schools and colleges on responding to incidents of 'sexting.'

## LGBT

[Barnardos](#): through its LGBTQ Hub, offers guidance to young people, parents and teachers on how to support LGBT students and tackle LGBT prejudice-based bullying

[EACH](#): (Educational Action Challenging Homophobia): provides a national freephone Actionline for targets of homophobic or transphobic bullying and training to schools on sexual orientation, gender identity matters and cyberhomophobia.

[Metro Charity](#): an equality and diversity charity, providing health, community and youth services across London, the South East, national and international projects. Metro works with anyone experiencing issues related to gender, sexuality, diversity or identity

[Proud Trust](#): helps young people empower themselves to make a positive change for themselves and their communities through youth groups, peer support, delivering of training and events, campaigns, undertaking research and creating resources.

[Schools Out](#): Offers practical advice, resources (including lesson plans) and training to schools on LGBT equality in education.

[Stonewall](#): An LGB equality organisation with considerable expertise in LGB bullying in schools, a dedicated youth site, resources for schools, and specialist training for teachers.

## SEND

[Mencap](#): Represents people with learning disabilities, with specific advice and information for people who work with children and young people.

[Changing Faces](#): Provide online resources and training to schools on bullying because of physical difference.

[Cyberbullying and children and young people with SEN and disabilities](#): Advice provided by the Anti-Bullying Alliance on developing effective anti-bullying practice.

[Anti-bullying Alliance SEND programme of resources](#): Advice provided by the Anti-bullying Alliance for school staff and parents on issues related to SEND and bullying.

[Information, Advice and Support Service Network](#): Every Local area has an information, advice and support service, providing information, advice and support to disabled children and young people, and those with SEN, and their parents.

## **Mental health**

[MindEd](#): Provides a free online training tool for adults that is also available to schools. It can be used to help school staff learn more about children and young peoples mental health problems. It provides simple, clear guidance on mental health and includes information on identifying, understanding and supporting children who are bullied.

[PSHE Association](#) – [guidance and lesson plans](#) on improving the teaching of mental health issues

## **Race, religion and nationality**

[Anne Frank Trust](#): Runs a schools project to teach young people about Anne Frank and the Holocaust, the consequences of unchecked prejudice and discrimination, and cultural diversity.

[Educate Against Hate](#): provides teachers, parents and school leaders practical advice and information on protecting children from extremism and radicalisation.

[Show Racism the Red Card](#): Provide resources and workshops for schools to educate young people, often using the high profile of football, about racism.

[Kick It Out](#): Uses the appeal of football to educate young people about racism and provide education packs for schools.

[Tell MAMA](#): Measuring Anti-Muslim Attacks (MAMA) allows people from across England to report any form of Anti-Muslim abuse, MAMA can also refer victims for support through partner agencies.

[Anti-Muslim Hatred Working Group](#): Independent members of this group are representatives from the Muslim community and will assist and advice on all relevant issues.

*Please note that internal servers may block access to some of these sites. Schools wishing to access these materials may need to adjust their settings*

## **Sexual harrassment and sexual bullying**

[Ending Violence Against Women and Girls](#) (EVAW): [A Guide for Schools](#). This guide from the End Violence Against Women Coalition sets out the different forms of abuse to support education staff to understand violence and abuse of girls, warning signs to look for, and how to get your whole school working towards preventing abuse.

[Disrespect No Body](#): a Home Office led campaign which helps young people understand what a healthy relationship is. This website includes teaching materials to be used in the classroom.

[Anti-bullying Alliance](#): advice for school staff and professionals about developing effective anti-bullying practice in relation to sexual bullying.



Department  
for Education

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