

## DEPARTMENT FOR EDUCATION ADVICE: PREVENTING AND TACKLING BULLYING

### ADVICE FOR SCHOOL LEADERS, STAFF AND GOVERNING BODIES

#### ABOUT THIS ADVICE

This document has been produced to help schools prevent and respond to bullying as part of their overall behaviour policy, to understand their legal responsibilities in this area, and to understand the Department's approach.

#### WHO IS THIS ADVICE FOR?

This advice is primarily aimed at:

- school staff, school leaders and governors in schools, 6<sup>th</sup> forms and colleges including Academies, Free schools, Pupil Referral Units and alternative providers.

It may also be useful for:

- FE and community settings.

#### WHAT'S CHANGED?

This document replaces previous advice to schools. 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.

#### WHAT DOES THE LAW SAY AND WHAT DO I HAVE TO DO?

##### THE EDUCATION AND INSPECTIONS ACT 2006

There are a number of statutory obligations on schools with regard to behaviour which establish clear responsibilities to respond to bullying. In particular 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, school staff and parents;

- gives head teachers the ability to ensure that pupils behave when they are not on school premises or under the lawful control of school staff.

## **THE EQUALITY ACT 2010**

Under the Equality Act 2010, new duties on schools and other public bodies will come into force in April 2011. The Act strengthens and simplifies existing equality legislation. The Act brings together existing duties not to discriminate on grounds of race, disability and gender which schools are already bound to comply with, and it extends these to include duties not to discriminate on the grounds of age, sexual orientation, religion or belief, and gender re-assignment. It places a requirement on governing bodies and proprietors of schools to eliminate discrimination and promote equal opportunities, some of which they will already be doing. It will apply to school policies for tackling prejudice based bullying.

## **SAFEGUARDING CHILDREN AND YOUNG PEOPLE**

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should report their concerns to their local authority children's social care. 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 doing the bullying.

## **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 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.

## **BULLYING OUTSIDE SCHOOL PREMISES**

Head teachers have a specific statutory power to discipline pupils for poor behaviour outside of the school premises. Section 89(5) of the Education and Inspections Act 2006 gives head teachers the power to regulate pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff. 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 village centre.

Where bullying outside school is reported to school staff, it should be investigated and acted on. The head teacher should also consider whether it is appropriate to notify the police or anti-social behaviour coordinator in their local authority of the actions 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.

## **DEALING WITH BULLYING**

Bullying can be physical or emotional and it can take many forms (for example, cyber-bullying). Immediate physical safety and stopping violence come first but bullying can also be because of prejudice against particular groups (for example, because of Special Educational Needs, on grounds of race, religion, gender, sexual orientation or transgender status, or because of caring duties).

School staff, leaders 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.

Successful schools have clear 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.

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 taking into account 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 behaviour may need support themselves.

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. 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 – in the playground, corridors, classrooms, and beyond the school gates.

The knowledge and values that children are taught in lessons are reinforced by staff and older pupils setting an excellent example to others. Schools that achieve this are successful in preventing bullying from arising in the first place.

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 schools' 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 or sexuality. 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 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 cyberbullying;
- **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;
- **celebrate success.** Celebrating success is an important way of creating a positive school ethos around the issue.

## SCHOOLS' ACCOUNTABILITY

Pupils will learn best in a safe and calm environment that is free from disruption and in which education is the primary focus.

In 2012, the new Ofsted framework will come into force and will include 'behaviour and safety' as one of its key criteria for inspections. Schools should be able to demonstrate the impact of anti-bullying policies.

## **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 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 do schools with a religious character – or schools dealing with parents with particular religious beliefs – respond to prejudice based bullying?**

**A:** Notwithstanding the particular tenets of their faith, schools with a religious character should uphold the values of tolerance, non-discrimination and respect towards others and condemn all forms of bullying, as in any other school.

### **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**

### **DfE resources**

Link to Behaviour And Discipline In Schools - Guidance For Head Teachers And School Staff

Make Them Go Away (SEND DVD):

[http://www.youtube.com/user/educationgovuk#p/u/6/ug\\_8lY52B1Q](http://www.youtube.com/user/educationgovuk#p/u/6/ug_8lY52B1Q)

Lets Fight it Together (Cyberbullying DVD): <http://www.youtube.com/watch?v=dubA2vhlIrg>

### **Legislative links**

The statutory duty on schools to promote good behaviour Education and Inspections Act 2006  
Section 89 <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

The power to tackle poor behaviour outside of school Education and Inspections Act 2006  
Section 89(5) <http://www.legislation.gov.uk/ukpga/2006/40/section/89>

The Equality Act 2010 [http://www.equalities.gov.uk/equality\\_bill.aspx](http://www.equalities.gov.uk/equality_bill.aspx)

### **Resources from external organisations**

[The Anti-Bullying Alliance](#)  
[Mencap](#)

General bullying issues with expertise in SEND bullying.

[Stonewall](#)  
[EACH](#)  
[Schools Out](#)

Expertise in homophobic bullying and LGBT issues

[BeatBullying](#)  
[ChildNet](#)

Expertise in cyber-bullying