

SAFEGUARDING CHILDREN

GUIDANCE FOR SCHOOLS

ANTI-BULLYING POLICY AND PRACTICES

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INFORMATION SHEET

Service area	Children & Young People Directorate
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Superseded document(s)	
File reference	

FOREWORD BY THE STRATEGIC DIRECTOR OF HALTON BOROUGH COUNCIL CHILDREN AND YOUNG PEOPLE'S DIRECTORATE

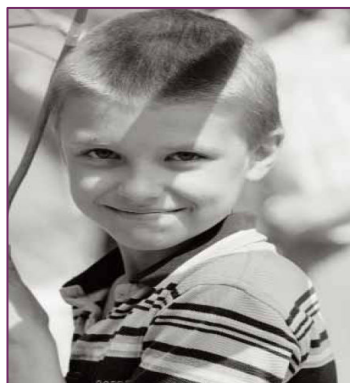
Halton's children and young people are a priority of the Halton Community Strategy. Halton's vision for children and young people is:

“To ensure that in Halton children and young people are safeguarded, healthy and happy and receive their entitlement of high quality services that are sensitive to need, inclusive and accessible to all”

This vision is important because our children and young people are our future.

The aim of the Children and Young People Directorate is to improve opportunities for all of Halton's children and young people and to safeguard and promote their welfare in order to allow them to take advantage of those opportunities. This guidance, on the development of anti-bullying policies and practice in schools that serve the needs of children, is an important part of the Directorate's safeguarding strategy as we want all our children and young people to grow up and thrive in safe environments, communities, homes and families.

All staff and volunteers who work within Halton schools are expected to work within this guidance so that children and young people feel confident about reporting bullying. We want them to know that actions will be taken to address their difficulties and to prevent them occurring in the future so that they feel safe, able to establish trusting relationships, to learn and to achieve the best outcomes they can whilst in our care.



No one deserves to be bullied.

No one is entitled to bully.

We want to know if bullying is happening

Everybody has the right to be treated with respect nationwide, bullying is the most common reason why children call Childline

**Gerald Meehan
Strategic Director of Children's Services**

Bullying



On Monday, you stared.

On Tuesday, you kicked my chair.

On Wednesday, you called me sad.

On Thursday, you hid my bag.

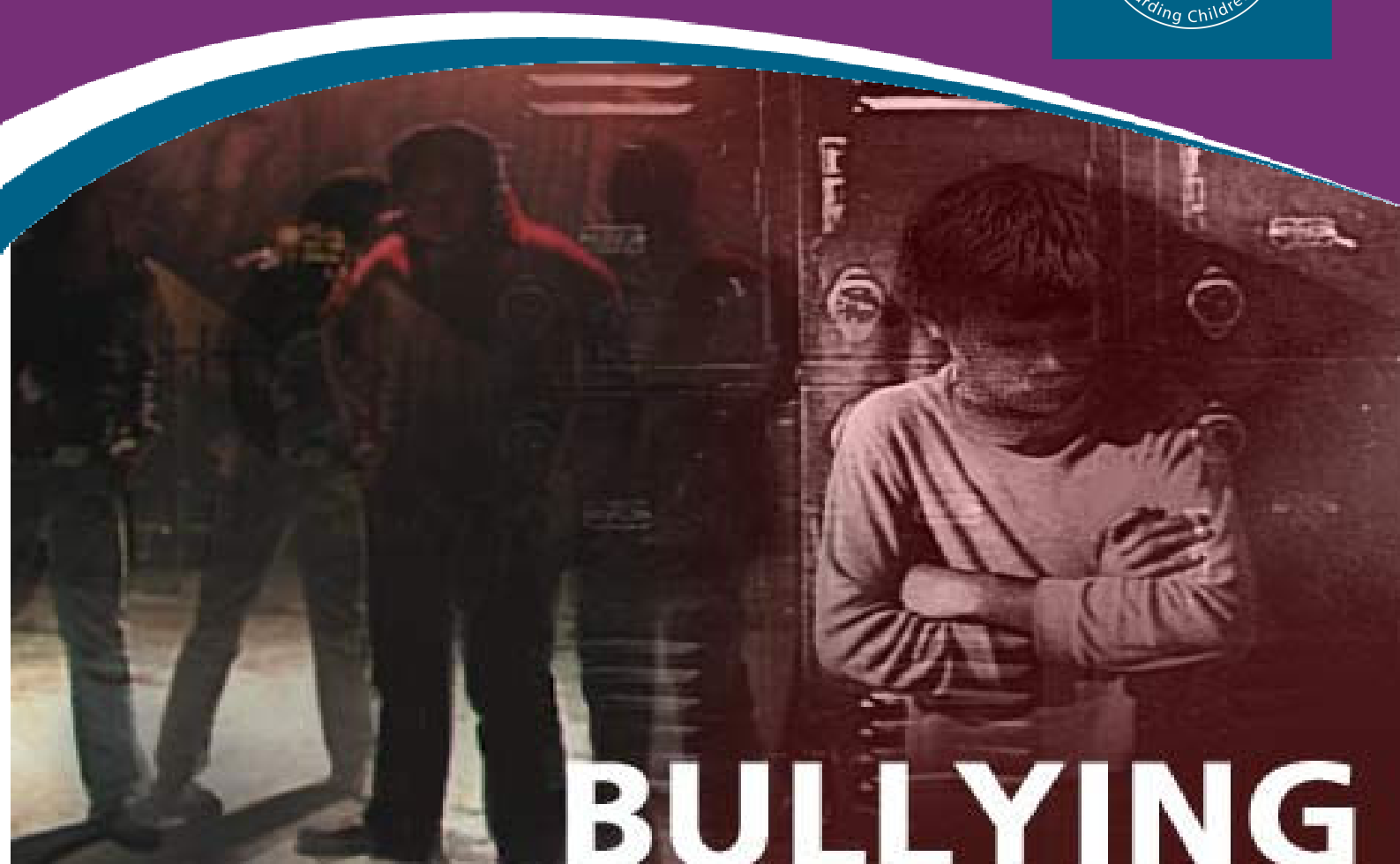
On Friday, you pulled my hair.

On Saturday, you made a dare.

Sunday came -

I wasn't there

Young Person involved in Canal Boat Project



PART 1 **CONTEXT**

INTRODUCTION

Bullying is a damaging social problem found in many walks of life. It can take many different forms and all of them are wrong. Halton Borough Council's Children & Young People's Directorate recognises that it can exist in our schools, beyond the school gates and beyond the school day.

We are committed to addressing bullying in our schools and playing a part in addressing bullying in our community by providing a secure and caring learning and living environment in which all members of the school community can thrive and succeed. Safe staff and volunteers have always recognised the damage bullying, racism and violent behaviour can cause, and have continually worked to challenge those attitudes, beliefs and behaviour that lead to a culture in which bullying can thrive.

We aim to:

- Raise the profile of bullying and its effects on children and young people's emotional health and well being, life chances and achievement
- Support a culture in which bullying is not acceptable by promoting policies and practices which prevent or reduce opportunities for bullying and deals swiftly, fairly and sensitively with any incidents which occur
- Promote a consistent approach to bullying for all members of a school.
- Ensure that all those who work with and support children have the skills and knowledge to address bullying effectively
- Involve parents, carers, children and young people in developing policies and implementing anti bullying strategies
- Celebrate diversity and be responsive to individual needs and differences
- Work collaboratively with all practitioners involved with children and young people in promoting positive outcomes for children and young people
- Promote good attendance at school and high achievement for all children and young people in Halton

AIMS OF THESE GUIDELINES

These Guidelines aim to:

- Advise and support Governors, Headteachers, staff¹, parents/carers, children and young people in the development, implementation, monitoring and reviewing of anti-bullying policies and practice.
- Inform Governors, Headteachers, and staff about their current legal responsibilities
- Celebrate success of anti-bullying work
- Build on the good practice that is present in schools
- Promote national and local priorities

¹ Throughout this Guidance 'staff' refers to all adults within a School who have responsibilities for the children and young people; teachers, teaching assistants, mid-day supervisors, etc. and to practitioners within all other settings and communities that meet the needs of children

THE CHILDREN ACT 2004

The Children Act 2004 (Section 10) sets out a requirement for agencies to co-operate to improve the well being of children. This states:

“Each children’s services authority must make arrangements to promote co-operation between the authority, each of its relevant partners and other persons or bodies as the authority considers appropriate.”

The Children Act 2004 introduced fundamental changes to the delivery of services for children through a range of organisational and cultural changes. It required the appointments in authorities of Children’s Directors, Lead Members for Children and Young People and the establishment of Children’s Trusts. These new structures are aimed at delivering improved support to children, parents and carers through early intervention; effective protection of children and improved accountability with the expectation that:

- Professionals will work together in more integrated front line services
- There will be common processes to underpin front line working
- A common planning and commissioning framework will bring the planning of agencies closer together, supported by the pooling of resources
- There will be interagency governance arrangements with shared ownership and clear accountability.

EVERY CHILD MATTERS

The government published Every Child Matters: Change for Children which sets out a framework of five outcomes under which services for children should be organised and evaluated. The five outcomes are:

- Being healthy
- Staying Safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic well-being

Dealing with bullying is significant in achieving aims in four of these five outcomes.

Outcome	Aim	Associated National Target	Associated Key Judgement
Being Healthy:	<ul style="list-style-type: none"> Children and young people are emotionally and mentally healthy 	<ul style="list-style-type: none"> Reduce the death rate of children and young people from suicide and undetermined injury 	<ul style="list-style-type: none"> Action is taken to promote children and young people's mental health
Staying Safe	<ul style="list-style-type: none"> Children and young people are safe from bullying and discrimination Children and young people are safe from crime and anti social behaviour in and out of school 	<ul style="list-style-type: none"> Reduce percentage of 11 – 15 year olds who state they have been bullied in the last 12 months Reduce fear of crime and anti social behaviour 	<ul style="list-style-type: none"> Children and young people and their carers are informed about key risks to their safety and how to deal with them Children and young people are provided with a safe environment Looked after children and those with learning difficulties and/or disabilities are helped to feel and stay safe
Enjoy and Achieve	<ul style="list-style-type: none"> Children and young people attend and enjoy school 	<ul style="list-style-type: none"> Reduce half days missed through absence 	<ul style="list-style-type: none"> Children and young people are enabled and encouraged to attend and enjoy school and to achieve highly
Making a Positive Contribution	<ul style="list-style-type: none"> Children and young people engage in law abiding and positive behaviour in and out of school Children and young people develop positive relationships and choose not to bully or discriminate 	<ul style="list-style-type: none"> Reduce level of offending Increase number of crimes brought to justice Reduce permanent and fixed term exclusions Reduce percentage of 10 – 19 year olds admitting to: <ul style="list-style-type: none"> a) bullying another pupil in the last 12 months b) attacking, threatening or being rude due to skin colour, race or religion 	<ul style="list-style-type: none"> Children and young people are supported in developing socially and emotionally Children and young people, particularly those from vulnerable groups are supported in managing changes and responding to challenges in their lives Children and young people are encouraged to participate in decision making and in supporting the community Action is taken to reduce anti social behaviour by children and young people Looked after children and those with learning difficulties and/or disabilities are helped to make a positive contribution

EDUCATION ACT 2002

Section 175 of the Education Act 2002 places a duty on the Governing Body of schools and on the Local Authority to:

- Make arrangements to carry out their function to safeguard and promote the welfare of children through rigorously enforced strategies;
- Take all reasonable measures to ensure that risks of harm to children's welfare are minimised;
- Take all appropriate action to address concerns about the welfare of a child, or children, working to agreed local policies and procedures in full partnership with other local agencies.

The Act states that safeguarding covers more than the contribution made to child protection in relation to individual children. It also encompasses issues such as pupil health and safety and bullying.

In relation to maintained schools, the duty is placed on governing bodies. A failure to have the required arrangements in place may be grounds for the Secretary of State to take action against an LA or governing body. Governing Bodies must produce an annual profile answering the question 'How do we make sure our pupils are healthy, safe and well supported'.

Also Governing Bodies must establish procedures for dealing with complaints about bullying and all matters relating to the school and publicise these procedures.

THE EDUCATION AND INSPECTIONS ACT 2006

This Act extends the power of schools to combat bullying or offensive behaviours not only in school but also at those times when the pupils are not in school. Schools, thus, have the power to regulate the conduct of pupils when they are not on school premises and not under the lawful control or charge of a member of staff "...to such an extent as is reasonable".

Every school must have a behaviour policy, including disciplinary measures determined by the Headteacher in the light of principles set by the governing body.

The Headteacher has a legal duty to establish detailed measures (rules, rewards, sanctions and behaviour management strategies) on behaviour and discipline that form the schools behaviour policy. It is suggested that the Anti bullying Policy is incorporated into the behaviour policy. The policy must include measures to be taken with a view to encouraging good behaviour and respect for others on the part of pupils and in particular preventing all forms of bullying among pupils.

DISABILITY DISCRIMINATION ACT 2005

Schools have a specific duty to ensure that children with a disability have access to education within an inclusive and safe environment. Section 49a of the Act outlines the general duty to have regard to:

- a) the need to eliminate discrimination that is unlawful under the Act;
- b) the need to eliminate harassment of disabled persons that is related to their disabilities;
- c) the need to promote equality of opportunity between disabled persons and other persons;
- d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- e) the need to promote positive attitudes towards disabled persons; and
- f) the need to encourage participation by disabled persons in public life.

The Governing Body needs to ensure that the school has a disability equality scheme and makes reasonable adjustments to avoid placing disabled pupils at a substantial disadvantage in comparison with pupils who are not disabled.

ANTI-SOCIAL BEHAVIOUR ACT 2003

The Education elements of this Act came into force in February 2004. The Act has implications for working in partnership with parents and carers and, with regard to interventions, using contracts. It states:

“The purpose of parent contracts is to address improved behaviour in school and any underlying causes”. An underlying cause may be related to bullying.

An Acceptable Behaviour Contract (also known as Acceptable Behaviour Agreement) may be used with a child who has been bullying. It is a written agreement made between a person who has been involved in anti-social behaviour and the local authority. It is an intervention designed to engage an individual in acknowledging his or her anti-social behaviour and its effect on others, with the aim of stopping that behaviour.

THE CHILDREN'S HOMES REGULATIONS 2001

Under Section 11 of the Regulations the registered person is required to promote the welfare of children and young people by making proper provision for the care, education, supervision and, where appropriate, treatment, of children accommodated there. The registered person must ensure that the home is conducted in a manner which respects the privacy and dignity of children accommodated there; and with due regard to their sex, religious persuasion, racial origin, cultural and linguistic background and any disability.

Although not specifically mentioned, promoting anti bullying practice and dealing with bullying will be included in this requirement to promote the welfare of the looked after children accommodated there.

THE LOCAL GOVERNMENT ACT 2000

Section 104 of the Local Government Act 2000 amended Section 28 of the Local Government Act 1988 by adding:

“nothing ...shall be taken to prevent the Head-teacher or Governing Body of a maintained school, or a teacher employed by a maintained school, from taking steps to prevent any form of bullying”.

RACE RELATIONS AMENDMENT ACT 2000 AND ACCOMPANYING GUIDANCE WRITTEN BY THE COMMISSION FOR RACIAL EQUALITY

Statutory organisations, including schools, must:

- Have a published race equality policy; and
- Monitor and assess the impact of their policies including their race equality policy on people of different ethnic minority groups
- Ensure that policies do not discriminate against ethnic minority groups

In addition to these specific requirements, schools/children’s settings are under a statutory duty to work toward the elimination of racial discrimination and to promote good race relations. If a school/children’s setting fails to address bullying of a racial nature, this will be contrary to the requirements to promote race equality and good relations between different ethnic groups. Where a child suffers racial bullying, the school/children’s setting should take it very seriously and not regard it as “normal” bullying. Any failure on the part of the school/children’s setting to deal with bullying which involves a racial element could be a potential breach of the Race Relations Amendment Act 2000.

SCHOOL STANDARDS FRAMEWORK ACT 1998

Under Section 61 of the School Standards Framework 1998 Head Teachers are required to:

- ‘Determine measures.... with a view to... encouraging good behaviour and respect for others on the part of pupils and, in particular these measures should aim to prevent all forms of bullying and racial harassment’.
- The measures must be published in writing to all parents, pupils and staff at school at least once a year i.e. the school should draft and publish an anti-bullying policy.

Some schools have chosen to draft a written anti-bullying policy as a part of their behaviour/discipline policy. If this is done, it must be clear which sanctions apply to bullying. For the purposes of clarity it is better to have a policy that is separate to the behaviour/discipline policy, but which cross-refers to the behaviour/discipline policy if necessary.

Under the 1998 Framework schools are also required to record all incidents of bullying and report them to the school governing body.

HUMAN RIGHTS ACT 1998

The Human Rights Act gives further weight to the rights and freedoms guaranteed under the European Convention on Human Rights and incorporates the United Nations Convention on the Rights of the Child (UNCRC) 1989. Children should be involved in drafting the school/children's setting policy, monitoring its use and evaluating its effectiveness. Involving children in this way is compatible with the children and young people's right to participate under Article 12 United Nations Convention on the Rights of the Child 1989.

Bullying is a children's rights issue and children's rights approaches have a significant role to play in tackling the problem of bullying behaviour.

HEALTH AND SAFETY AT WORK ACT 1974

The Act places a duty on employers to ensure the health, safety and welfare of those using their premises. This includes children and young people, parents and visitors. The same legislation also requires the employer to provide a safe place of work for employees and others using the establishment.

THE NATIONAL AND LOCAL CONTEXT

Effective Anti-Bullying Policies are consistent with a number of national and local priorities.

HALTON CHILDREN AND YOUNG PEOPLE'S PLAN 2006-2009

The Children Act 2004 further required Local Authorities to produce a Children and Young People's Plan, subject to annual review, setting out how services for children and young people in the local authority area will meet local needs and national standards.

In Halton's Children and Young People's Plan, a target has been included in relation to bullying. This target is aimed at:

- More children feeling safer from bullying and discrimination within schools by the continued implementation of anti bullying policies, the establishment of good local baseline information and systems for self reporting which are monitored and reviewed by 2009

CHILDREN AND YOUNG PEOPLE'S REVIEW OF THE CHILDREN AND YOUNG PEOPLE'S PLAN 2006 – 2009

In this review the question was posed 'Are we doing enough to deal with things like bullying?'

Generally groups who responded thought that not enough was being done. Examples included:

*'I don't think so, because some people still get away with this stuff'
'Older children in gangs outside shops worry us'.
'Schools say they will tackle bullying, but the issue continues'.*

NATIONAL STRATEGY FOR SCHOOL IMPROVEMENT

This strategy provides resources to support Social and Emotional Aspects of Learning (SEAL). Within the Primary and Secondary Behaviour and Attendance Strategies there are elements designed to support the development of social, emotional and behavioural skills of pupils and school staff. The SEAL curriculum element provides a spiral framework designed to complement other initiatives in this area such as the National Healthy Schools Standard and curricula designed to promote emotional and spiritual growth. Within the SEAL materials there are elements concerned with developing staff skills and support for parents as well as a structured approach to developing social and emotional aspects of learning. There are seven SEAL themes, and one of these focuses on Anti- Bullying. The 'Say No to Bullying' materials in primary and secondary SEAL comprise a structured week of activities ideal for use as a component of an anti bullying week within a whole school context.

Elements of the whole school audit for primary and secondary schools contained in the Primary and Secondary Behaviour and Attendance Strategies may be useful in supporting schools needing to look at bullying issues further.

Schools sign and implement the DfES Charter for Action on anti-bullying or Halton's locally-developed Charter that reflects its key principles. This Charter is evidenced by Ofsted and pupil reports, identifying the school's positive climate for learning.

NATIONAL HEALTHY SCHOOLS STATUS

The National Healthy Schools Programme is a partnership between Health and Education and has been central to the government's attempts to ensure that schools meet the all needs of children and young people. Emotional health and well being is a core theme of the Programme with schools needing to show that they have a clear policy on bullying which is owned, understood and implemented by the whole school community.

PSHE NATIONAL FRAMEWORK

The PSHE National Framework provides learning outcomes specific to bullying and which link to individual school improvement plans. In '*Developing good relationships and respecting the differences between people*' pupils should be taught to be aware of exploitation in relationships, to challenge offending behaviour, prejudice, bullying, racism and discrimination assertively, and to take the initiative in giving and receiving support.

INSPECTING SCHOOLS FRAMEWORK 2003

In undertaking school inspections, Ofsted Inspectors look at evidence of inappropriate behaviours such as bullying, and whether measures taken to combat these behaviours are effective, including the recording of bullying incidents. Through the section of the Self Evaluation Form –'Learners' Personal Development and Well-being' - schools are expected to routinely gather and analyse data on their practice and response to bullying.

COMMUNITIES THAT CARE AUDIT 2005

A detailed audit of local risk and protection factors in Halton was undertaken in 2005 as part of the Communities that Care initiative established by the Joseph Rowntree Foundation. The initiative aims to promote healthy personal and social development among young people while reducing the risk of different problem behaviours. The audit found that, when compared with the national picture, Halton pupils were **less likely** to say that:

- they had been bullied over the previous year.
- they had bullied others over the previous year.
- there were pupils in their class who were regularly picked on.

However, this is still a concerning picture of what life is like for children in Halton schools as:

- 12% of pupils said they had 'often' or 'very often' been bullied by fellow students in the past year
- 4% said they had 'often' or 'very often' bullied another student and 6% said they had 'sometimes' bullied another student in the past year
- Although less than the national average, there are still 50% of pupils in a class whom their fellow students recognise as being picked on
- 22% of Halton students said they had seen a student attack a teacher in the school. This figure is comparable with the national picture
- 17% did not feel safe at school
- 17% did not feel that their school had clear rules about bullying

These findings underline the need for the proactive implementation of this Anti - Bullying Strategy.

The government has not been prescriptive in the guidance it has issued but has, through guidance documents, tried to influence the policies of schools and children's settings and their commitment to addressing bullying.

1. DFES EXCLUSIONS GUIDANCE

"In cases where a Head-teacher has permanently excluded a pupil for...persistent and defiant misbehaviour including bullying (which could include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises, the Secretary of State would not normally expect the Governing Body or an Independent Appeal Panel to reinstate the pupil."

For current Exclusions Guidance see Teachernet

2. WORKING TOGETHER TO SAFEGUARD CHILDREN GUIDANCE 2006

All settings in which children are provided with services or are living away from home should have in place rigorously enforced anti-bullying strategies.

Schools play an important role in making children and young people aware of behaviour toward them that is not acceptable and how they can keep themselves safe. The non-statutory framework for Personal Social and Health Education (PSHE) provides opportunities for children and young people to learn about keeping safe. For example, children should be taught to recognise and manage risks in different situations and then decide how to behave responsibly; to judge what kind of physical contact is acceptable and unacceptable; to recognise when pressure from others (including people they know) threatens their personal safety and well-being and develop effective ways of resisting pressure

Children's homes and other settings for children need to have an ethos which values and respects all people and does not tolerate bullying in any form. Negative behaviours have to be challenged and addressed, victims supported and procedures to deal with any bullying incidents made known to all and effectively implemented.

3. ANTI BULLYING CHARTER 2003

A Charter for Action was issued to all schools summarising good practice in responding to incidents of bullying experienced by children and young people – A charter for Halton is proposed and included with this guidance.

4. DCSF 'SAFE TO LEARN – EMBEDDING ANTI-BULLYING WORK IN SCHOOLS 2007

This document identifies anti-bullying work as a school improvement issue and recommends that anti-bullying work follows the same processes as, and is integrated into the School Improvement Plan.

- Identify how the change programme should be managed.
- Audit – 'What do we do at the moment?', 'How well do we do this?', 'How do we know?' and 'How can we improve it further?'
- Consult and plan
- Prioritise – In what order should we make changes and why?
- Plan for change – Who is going to lead the change and how?
- Implement the change and communicate the change.

- Monitor and check the change is being implemented.
- Evaluate to check if the change is having the desired effect.
- Celebrate success achieved.

5. COMMON LAW DUTY OF CARE

Individuals from all walks of life have a duty to take reasonable care to avoid causing foreseeable harm. A person who breaches their duty of care may have to pay damages to anyone who suffers harm as a result.

It is foreseeable that the victim of a bully is likely to suffer harm.

6. THE BOLAM TEST

The Bolam Test is the duty to exercise the skill and care of a reasonable teacher on the basis of what would have been acceptable to reasonable members of the teaching profession at that time.

This is a complex law used to decide negligence cases. Teachers are advised to canvass colleagues in order to help them make decisions. They do not have to reach universal agreement but have to show that their decision was reasonable to other members of the profession. The test does not require best practice as, if you are aiming for best practice, you are likely to fall within “reasonable”. The decision also has to be relevant to time e.g. it would not be proper for someone bullied in the 1990’s to refer to the latest advice re cyber-bullying as it was not available at the time.

7. CASE LAW

a. Cotton v Trafford Borough (2000)

“..in a number of respects, the school fell down on its own procedures: there was, until right at the end a failure to investigate, a failure to keep colleagues informed a failure to try to collect evidence and a failure to monitor effectively the strategy which had been agreed.” **Judge Holman**

The judgement found the school liable. The case was found for the claimant and he was awarded a sum of money.

b. Hansen v Isle of Wight Council (2001)

“The criterion of what does or does not amount to bullying in any given circumstance is not to be solely judged by the subjective perception of the victim herself... but involves an objective assessment of the observed behaviour, taken in conjunction with any apparent vulnerabilities in the target of the behaviour complained of.” **Mr Justice Wright**

c. Bradford Smart v West Sussex County Council (2002)

“We accept that school may on occasion, be in a breach of duty for failure to take such steps as are within its power to combat harmful behaviour of one of its pupils toward another, even when they are outside school....” And “Where an incident between pupils outside school carries over into school, a reasonable head teacher should investigate if it had a deleterious effect upon the pupil” **Lord Justice Judge**

In this case a pupil was being bullied on the estate at home by the same person bullying extensively at school. The court had to decide whether school was liable and

decided that they were. This did not mean that school staff had to go out into the community but that they had to essentially educate someone and decide whether a reasonable person would do something about damaging interaction between pupils taking place outside school if they knew about it.

**d. Faulkener & Faulkener v LB Enfield and Lea Valley High School
(2002)**

One-off incidents lack the quality of persistence which are a pre-requisite for bullying and, if an incident is not foreseeable, then there will be no finding of a breach of duty. These sisters had been bullied 6 times on each occasion by a different perpetrator and unlinked. The court accepted that they had suffered physical and verbal abuse but that these did not meet the definition of bullying and were not foreseeable.

The school had not stuck to Don't Suffer in Silence Guidance but the court decided that their own approach was acceptable "Government guidance is not a prescriptive list to be used as a stick to strike schools developing their own approach to these matters."