



Department
for Education

Preventing and tackling bullying

**Advice for head teachers, staff
and governing bodies**

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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?

Some of this advice is primarily aimed at:

- school staff, head teachers and governors in schools, Sixth forms and colleges including Academies, Free schools, Pupil Referral Units and alternative providers.
- This guidance also applies to independent schools, but their statutory obligations are different as noted in relevant sections.

It may also be useful for:

- FE and community settings.

What's changed?

This document replaces previous advice – “Safe To Learn: embedding anti-bullying work in 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 discipline pupils for poor behaviour that occurs even when the pupil is not on school premises or under the lawful control of school staff.

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

The legislation outlined above does not apply to independent schools.

The Equality Act 2010

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. A key provision is a new public sector Equality Duty, which came into force on 5 April 2011. It replaces the three previous public sector equality duties for race, disability and gender, and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty has three aims. It 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; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

Schools are required to comply with the new Equality Duty.

The Act also 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 the Act applies to all maintained and independent schools, including Academies and Free Schools, and maintained and non-maintained special schools.

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 engaging in 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 Communications 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 legislation does not apply to independent schools*). 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 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.

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 or the internet), and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, or because a child is adopted 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.

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 wider search powers included in the Education Act 2011 give teachers stronger powers to tackle cyber-bullying by providing a specific power to search for and, if necessary, delete inappropriate images (or files) on electronic devices, including mobile phones. Separate advice on teachers' powers to search (including statutory guidance on dealing with electronic devices) is available – see below for a link to this document.

For more information on how to respond to cyber-bullying and how pupils can keep themselves safe, please refer to the Childnet International and Beatbullying links under 'further resources'.

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, head teachers 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.

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. 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.

Intervention

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 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.

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 or sexuality. 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 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; and
- **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.

The new Ofsted framework which came into force in January 2012 includes '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

Should we prioritise tackling some types of bullying over others?

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.

Should I discipline pupils for bullying outside the school?

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.

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

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.

How can we involve parents more in our anti-bullying work?

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.

Should I record incidents of bullying?

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

Department for Education resources:

DfE Behaviour and Discipline in Schools Guidance:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076803/advice-for-headteachers-and-school-staff-on-behaviour-and-discipline>

Make Them Go Away (A video resource about bullying involving young children with disabilities)

Let's Fight it Together (A video resource about Cyber-bullying)

Legislative links:

Schools' duty to promote good behaviour (Education and Inspections Act 2006 Section 89)

Power to tackle poor behaviour outside school (Education and Inspections Act 2006 Section 89(5))

The Equality Act 2010

Specialist organisations:

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.

Beatbullying: A bullying prevention charity with an emphasis on working directly with children and young people. In addition to lesson plans and resources for parents, Beatbullying have developed the Cybermentors peer support programme for young people affected by cyber-bullying.

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.

Restorative Justice Council: Includes best practice guidance for practitioners 2011.

Cyber-bullying:

ChildNet International: Specialist resources for young people to raise awareness of online safety and how to protect themselves.

LGBT:

EACH: A training agency for employers and organisations seeking to tackle discrimination on the grounds of gender and sexual orientation.

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.

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.



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