Nant-y-Parc Primary School

Anti-Bullying Policy
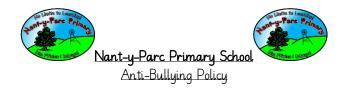
Statement

Everyone at Nant-y-Parc Primary School has the right to work in a welcoming, secure, and happy environment. Only if this is the case will all members of the school community be able to achieve their full potential. Bullying of any kind breaks down the school ethos and prevents equality of opportunity. Staff and pupils see it as our responsibility to prevent this happening and the purpose of this policy is to provide guidelines to support this ethos.

Bullying of any kind is unacceptable at our school. If bullying does occur, all pupils should be able to tell and know that incidents will be dealt with promptly and effectively. We are a *TELLING* school. This means that *anyone* who knows that bullying is happening is expected to tell the staff.

Aims of this Policy

- All governors, teaching and non-teaching staff, pupils and parents to have an understanding of what bullying is.
- All governors and teaching and non-teaching staff should know what the school policy is on bullying, and follow it when bullying is reported.
- All pupils and parents to know what the school policy is on bullying, and what they should do if bullying arises.
- To ensure all stakeholder understand that the school takes bullying very seriously.
- All governors, teaching and non-teaching staff, pupils, and parents to have an understanding of the legal requirements of the school in term of bullying.

Definition - What Is Bullying?

There is no legal definition of bullying in Wales or indeed in Great Britain. Therefore, the definition used in this policy builds upon widely used principles established in the UK since 19938.

For the purposes of this policy, bullying is defined as:

Behaviour by an individual or group, usually repeated over time, that intentionally hurts others either physically or emotionally.

Bullying is expressed through a range of hurtful behaviours: it can happen face-to-face or in the digital environment. It can be carried out by an individual or group but is generally executed in front of an audience to assert power or popularity. It may involve an element of secrecy so that adults are not aware of it.

The problems associated with bullying are well known. One of the major difficulties we have is with the perception of parents/carers and the children of the difference between bullying and other instances which are not systematic or where children fall out. It is recognised that a one-off incident can leave a learner traumatised and nervous of reprisals or future recurrence. The school will intervene immediately whether it is bullying or any other one-off negative behaviour. The school will handle incidents that do not appear to be the start of bullying as inappropriate behaviour and addressed under the school's behaviour policy.

All instances where 'bullying' is reported, however, must be investigated. It will be up to the judgement of the staff involved as to how far the investigation proceeds.

Bullying differs from an argument, a fight or a friendship fallout in that it:

✓   is deliberate

✓   is intentional

✓   is generally repeated over time

✓   involves a perceived imbalance of power between the perpetrator and the target

✓   causes feelings of distress, fear, loneliness, humiliation and powerlessness.

There are several distinctive elements associated with bullying. These include, but are not limited to:

✓   **intention to harm** – bullying is deliberate to cause harm. Those who bully others are often skilled at knowing exactly how to humiliate or hurt their target, picking on key aspects of their appearance, personality or identity that produce the effect wanted. They seek out the area in which they have power over their target

✓   **harmful outcome** – someone or a group is hurt physically or emotionally. They can be isolated, humiliated or made fearful. Their sense of self-worth is reduced

✓   **direct or indirect acts** – bullying can involve direct aggression such as hitting, as well as indirect acts such as spreading rumours, revealing private information about someone or sharing intimate images with people for whom the information/images were not intended

✓   **repetition** – bullying usually involves repeated acts of negative behaviour or acts of aggression. An isolated aggressive act, such as a fight, is not usually considered bullying. Yet any incident can be the start of a pattern of bullying behaviour which develops subsequently. That is why incident records are so valuable

✓   **unequal power** – bullying involves the abuse of power by one person or a group who are (perceived as) more powerful, often due to their age, physical strength, popularity or psychological resilience.

Bullying can take many forms, including:

✓   **physical** – kicking, tripping someone up or shoving them, injuring someone, damaging their belongings or gestures of intimidation

✓   **verbal** – taunts and name-calling, insults, threats, humiliation or intimidation

✓   **emotional** – behaviour intended to isolate, hurt or humiliate someone

✓   **indirect** – sly or underhand actions carried out behind the target's back or rumour-spreading

✓   **online** – using any form of technological means, mobile phones, social networks, gaming, chat rooms, forums or apps to bully via text, messaging, images or video

✓   **relational aggression** – bullying that tries to harm the target's relationships or social status: drawing their friends away, exploiting a person's special educational needs (SEN) or long-term illness, targeting their family's social status, isolating or humiliating someone or deliberately getting someone into trouble

✓   **sexual** – unwanted touching, threats, suggestions, comments and jokes or innuendo. This can also include sextortion, so-called 'revenge porn' and any misuse of intimate, explicit images of the learner targeted

✓   **prejudice-related** – bullying of a learner or a group of learners because of prejudice. This could be linked to stereotypes or presumptions about identity. Prejudice-related bullying includes the protected

characteristics10. Prejudice can and does also extend beyond the protected characteristics and can lead to bullying for a variety of other reasons such as social status and background.

Some cases of bullying might be a safeguarding matter or require the involvement of the police. 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 (or young person) is suffering, or is likely to suffer, significant harm'. Where this is the case, the school will report their concerns to their local authority's social services department.

What is not bullying?

Some behaviour, though unacceptable, is not considered bullying. The school will deal with these incidents following the school's behaviour policy to prevent an incident potentially escalating to bullying.

The following examples are cases which would not normally be considered bullying:

✓ **friendship fallouts** – a friendship feud may however deteriorate into bullying behaviour that is enabled by the fact that former friends have an intimate knowledge of the fears and insecurities of one another. Children and young people who are targeted by former friends feel the betrayal deeply and are frequently isolated from their former friendship group

✓ **a one-off fight** – the school address according to the school's behaviour policy unless it is part of a pattern of behaviour that indicates intentional targeting of another individual

✓ **an argument or disagreement** – between two children or young people is not generally regarded as bullying. Nevertheless, they may require assistance to learn to respect others' views

✓ **a one-off physical assault** – the school will stop and address immediately. Police involvement in cases where physical assault has happened may also be appropriate

✓ **insults and banter** – children and young people will often protest that an incident was a joke or banter. If two friends of equal power are in the habit of bantering with one another it is not deemed to be bullying. If one learner uses banter to humiliate or threaten another who is powerless to stop it and made fearful by the act, the border between banter and bullying is likely to be crossed

✓ **one-off instance of hate crime** – unless this behaviour is repeated it would not usually be regarded as bullying, but it would be criminal behaviour, which the school would expect to be dealt with by the school's behaviour policy and other relevant policies. If considered necessary, the school would also need to involve the police.

These examples illustrate the need to deal with the incident reported and record it. The school will reveal any previously recorded incidents and allow a considered assessment to be made.

The school will ensure hate incidents are accurately recorded to enable schools to monitor patterns and prevent discrimination. Local authorities will frequently monitor hate incidents and will require the school to report these to evidence how they are complying with the public sector Equality Duty (PSED) under the Equality Act 2010.

What motivations lie behind acts of bullying?

Children and young people who engage in bullying can have a range of motivations. They may have prejudices against certain groups in wider society. These prejudicial opinions may be informed by a wide range of factors including the following influencers: media, community and/or family values, or previous personal experience. Perpetrators' motivations may also include a desire:

- ✓ for power, pride, and popularity
- ✓ to belong to a strong in-group with a robust sense of identity and self-esteem
- ✓ to avoid being a target of bullying themselves
- ✓ to compensate for humiliations, which they have suffered in the past.

The school will consider motivations when working with children and young people who bully others. This will help our understanding and identify the root cause of the unacceptable behaviour, as well as help to change it, preventing further bullying from happening.

Prejudice in context

Acts of prejudice-related behaviour often contain or express ideas, stereotypes, and prejudices to do with discrimination and inequality that are present in wider society. These ideas and attitudes involve hostility towards people who have protected characteristics, such as learners who are disabled (which can include those with SEN), who are lesbian, gay or bisexual; or who are questioning their gender or who are transgender; or whose ethnicity, race, appearance, religious heritage or gender is different from the perpetrators of the prejudice-related behaviour. Prejudice-related behaviour can also be directed towards those without protected characteristics, including those who have additional learning needs (ALN) that do not meet the definition of disability under the Equality Act 2010. This can lead to bullying for a variety of other reasons such as social status and background.

There are many examples of prejudice-related behaviour. Some of these might include:

- ✓ stigmatising a learner with a disability or ALN using homophobic, biphobic, transphobic, sexist or racist language actively trying to remove any religious clothing such as a hijab, kippah, turban, cap or veil

- ✓ using sexist comments, unwanted touching or the taking of images without permission

- ✓ commenting on someone's appearance such as their weight or hair colour

All forms of prejudice-related behaviour connected with the protected characteristics have certain basic features in common. Therefore, the same essential principles apply when preventing and challenging them. None of the protected characteristics are less important than any of the others. Sometimes individuals may have more than one protected characteristic and may be subject to prejudice-related behaviour for several reasons.

Prejudice-related behaviour of any kind is unacceptable and could be considered as, or escalate into, incidents of hate crime. If the action is a one-off occurrence and is not repeated, the incident is not usually considered bullying. The school will challenge any one-off form of prejudice using the school's behaviour policy.

Where prejudice-related behaviour is repeated by a perpetrator, whether directed towards a single individual or a group of learners, the action becomes bullying. Other terms used widely in society to describe prejudice-related bullying include: 'identity-based bullying', 'discriminatory bullying'; 'hate-related bullying'; or 'inequality-based bullying'.

Specific types of bullying linked to protected characteristics

There are specific types of bullying related to protected characteristics. These can broadly be categorised into:

- ✓ bullying connected with age
- ✓ bullying involving learners with disabilities, which can include ALN
- ✓ homophobic, biphobic and/or transphobic bullying
- ✓ bullying connected with race, religion and/or culture
- ✓ sexist and/or sexual bullying.

Key issues for learners with disabilities and/or ALN experiencing bullying

Reports from Mencap and the Anti-Bullying Alliance show that children and young people with disabilities and/or SEN are more likely to experience bullying than their peers. A study by the Institute of Education16 in 2014 found that even after controlling other factors that might influence the likelihood of a child being bullied, at age seven a child with an ALN is twice as likely to be bullied as a child with no ALN. The school will be proactive in countering this trend.

Learners with a disability and/or those learners with ALN may be more vulnerable to bullying because:

- ✓ of negative attitudes towards disability or perceived disability
- ✓ lack of understanding of different disabilities and conditions
- ✓ they may not recognise they are being bullied
- ✓ they may be doing different work or have additional support at school
- ✓ they may be more isolated than others due to their disability or condition
- ✓ they may find it harder to make friends as a result of their disability or condition
- ✓ they may exhibit perceived bullying behaviour due to their disability or condition, e.g. autistic learners may not be aware of other people's personal space, or learners with attention deficit hyperactivity disorder (ADHD) may interrupt conversations or talk over other learners
- ✓ they may experience lots of change, e.g. moving from a mainstream to a special school or pupil referral unit, or spending periods in a hospital.

Disabled and/or learners with an ALN may also find it more difficult to resist perpetrators because they have fewer friends to defend them and have difficulties telling someone if it occurs. They can be extremely adversely affected by bullying. In addition to being distressing, it can isolate them further and set back their social and educational development.

The bullying of learners with a disability and/or an ALN can take the form of any of the traditional forms of bullying. However, there are additional forms of bullying that ALN/disabled learners may experience.

Conditional friendship

In these cases, a group will allow a target to believe they are accepted into the friendship group. The group may however be using the target or place conditions on them to be part of the group. They might make the target the subject of their jokes, use them to run errands or even engage in criminal activity for them.

Exploitative

In these cases, the bullying takes the form of deliberately subjecting a target to something they cannot tolerate. For example, if a target is especially sensitive to sounds or smells, exploitative bullying might be

where the perpetrator repeatedly spreads food over their work or makes loud noises to startle them. The eventual aim is to get the target child or young person into trouble because they will gradually become more stressed until they have an outburst of anger and/or retaliate.

Manipulative

In these cases, the perpetrator manipulates the target, who at first may not realise what is happening. They might believe the other child/young person or group of children/young people like them, and they are friends. However, the perpetrator might manipulate the target into high-risk relationships where the bullying becomes very controlling.

Positive action

While research suggests children and young people with disabilities and/or ALN are more likely to experience bullying than their peers, it is important to remember that not all disabled children/ those with an ALN are bullied.

The school will address bullying holistically while also taking into account the individual needs and circumstances of learners with disabilities and/or ALN; under the PSED, the school will ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners due to their disabilities or ALN.

Homophobic, biphobic and transphobic bullying

Homophobic, biphobic and transphobic bullying are specific forms of bullying motivated by prejudice against lesbian, gay, bisexual, or transgender (LGBT) people (including those questioning their sexuality), someone with an LGBT relative or simply because a learner is different in some way). It is not characterised by specific acts but by the negative attitudes and beliefs towards LGBT people that underlie these.

When a perpetrator identifies someone as 'different' this can be because the target does not conform to the 'expected' or 'gender appropriate' behaviour expected of someone. It is the learner's identity which is attacked. Homophobic, biphobic and/or transphobic bullying can therefore be experienced by a child or young person regardless of gender or sexual orientation.

The school expects will incorporate anti-bullying work in the wider context of an equalities and social justice approach to respectful and healthy relationships and violence prevention. This is done as part of a whole-school approach to celebrating difference, including embedding LGBT issues across the curriculum when appropriate.

Homophobic, biphobic and transphobic insults are used in place of other insults or indirectly

In schools where learners believe they will not be challenged when using homophobic insults and/or actions, they may use such language or actions towards others they are targeting for other reasons, such as SEN or race, religion, or culture. Homophobic insults are being used as a proxy for the language and/or actions they know they are likely to be challenged for using, such as racist insults. This behaviour can be observed through incident records or learner surveys, e.g. if learners with SEN report higher than average incidents of homophobic bullying.

In schools, homophobic, biphobic and transphobic language and actions can be wide-ranging and used directly or indirectly to:
- ✓ deride or disparage someone considered inferior or risible

- ✓ insult a learner with a lesbian, gay or bisexual parent/carer or relative
- ✓ use sexual orientation to denigrate the actions of another
- ✓ imply something is unacceptable

- ✓ intimidate someone or make them feel uncomfortable through insinuation
- ✓ undermine and bully a learner by suggesting that they are lesbian, gay or bisexual, including by spreading rumours and malicious gossip
- ✓ bully a male or female learner considered effeminate or masculine respectively18
- ✓ put down a learner with a gender-non-conforming friend or family member
- ✓ imply gender variance is unacceptable
- ✓ verbally bullying a target considered gender-fluid.
- ✓

Positive action

Homophobic, biphobic and transphobic bullying cases require very sensitive responses. The family of the target may respond in ways that distress the child or young person further due to community pressure, homophobic, biphobic and/or transphobic views, or possibly through being unaware of their child's sexual orientation.

The school will work with families to ensure the right support, at the right time, is provided for the learner to ensure the best outcomes for that child or young person. Under the PSED the school will ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners due to their having protected characteristics.

Sexist and sexual bullying

Sexist bullying is based on sexist attitudes repeatedly expressed in ways that demean, intimidate and/or harm another person because of their sex or gender. It may sometimes be characterised by repeated inappropriate sexual behaviours including harassment, groping, 'upskirting', 'downshirting' and the use of humiliating sexist language. In rare cases, violence may be used.

Sexual bullying may be physical, verbal, or psychological. Behaviours may involve suggestive sexual comments or innuendo including offensive comments about sexual reputation or using sexual language that is designed to subordinate, humiliate, or intimidate. It may involve the sharing of explicit images online, sometimes by multiple people, coercion, or unwanted sexual touching.

It is also commonly underpinned by sexist attitudes or gender stereotypes. Sexual bullying and sexual harassment are terms which are often used interchangeably in schools, with sexual bullying often regarded as a type of sexual harassment. Whether the incident is considered sexual bullying or sexual harassment, the school will address the issue through our anti-bullying, behaviour, or safeguarding policy (whichever is deemed most appropriate). Sexual bullying can affect boys and girls.
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Positive action

Girls and young women are most frequently harmed by sexist and sexual bullying; however, boys and young men can also suffer sexist and sexual bullying and humiliation, e.g. by a group of girls. Where this happens, the school will not treat these cases any differently or less seriously than those involving girls and young women.

The school will treat all learners as potentially at risk of sexist or sexual bullying, particularly where they are perceived by others to not conform to dominant or stereotypical gender roles. Under the PSED, the school will ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners owing to their protected characteristics.

Bullying linked to race, religion and culture

This form of bullying describes a range of hurtful behaviour, both physical and psychological, that makes a person feel unwelcome, marginalised, excluded, or powerless because of their colour, ethnicity, culture, faith (including lack of faith), national origin or national status.

Racism is defined as –

Conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin.

A racist incident is defined as '**Any incident which is perceived to be racist by the victim or any other person**'.

Forms of racism

Historically, the term 'racism' has been used in situations where colour and physical appearance are considered to be significant markers of difference. However, there has almost always been a cultural element as well.

Racism around skin colour continues to be prevalent, and as a school, we will continue to be alert to it and challenge it. But also, there are forms of racism which are primarily to do with culture, customs, religion and heritage. These will be addressed and countered by schools.

As a school, we will consider the following:

- ✓ misleading and harmful stereotypes, many of which are deep-rooted in the public consciousness in the UK. Negative representations in the media further exacerbate the prejudice experienced by these individuals. It has even been suggested that discrimination towards Gypsies and Travellers remains 'permissible' in the UK. A consequence of this environment is that the task of winning the trust of children and young people of Gypsy and Traveller backgrounds is rendered even more difficult and sensitive.

Anti-refugee prejudice – The political discourse and media reporting around immigration have heightened tensions between communities and created a challenging climate for refugees and asylum seekers in the UK. There is a trend of using dehumanising language when discussing immigration, e.g. words such as 'swarming' and 'invasive'. Refugees and asylum seekers are often represented as a threat or a drain to public funds, and their motives for settling in the UK are regularly questioned. Schools must be alert to these influences and ready to counter negative narratives around refugees and asylum seekers. Schools should also be aware that some refugee and asylum-seeking children and young people may have endured traumatic experiences in their country of origin or during their journey to the UK, and of the further harm that could be caused by incidents of bullying.

Anti-Semitism – Hostility, dislike or fear of Jews and Jewish things, manifested in discriminatory attitudes and actions. As is also the case with Islamophobia, it is frequently exacerbated in Britain by events and underlying conflicts elsewhere in the world, particularly in the Middle East.

Islamophobia – Hostility towards Islam which results in discrimination against Muslim individuals and communities and excludes Muslims from mainstream political and social affairs. The term itself is not ideal, but undoubtedly the Welsh Government expects schools to play a part in countering anti-Muslim prejudice and hostility within their spheres of influence. Islamophobia does not necessarily have to do with hostility to Islamic religious beliefs, but with denying equal rights and respect to people of Islamic heritage.

The school will consider, when recording incidents of racist bullying, that there should be distinct and separate categories for noting the basis of the racist bullying, e.g. based on religious heritage or on the basis that they are Gypsies and Travellers or refugees. The school will report any incidents in line with Local Authority guidance.

We know bullying is very often motivated by hostility or prejudice based on a person's actual or perceived race, religion, or culture. At the root of such bullying is the view that some people are different or 'other'. By 'othering' them through remarks and insults it becomes easier to see any group as set apart and to dehumanise them. This can remove all compassion. As a school we will ensure that we help every learner feel they belong is of immense value in building a cohesive society. Very young children do not see the difference until they learn or adopt attitudes and prejudices which may be present around them.

Positive action

The school will to work with learners, their families, and communities to ensure the right support, at the right time, is provided to learners to ensure the best outcomes for that child or young person. Under the PSED, we will ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners owing to their having protected characteristics.

Online bullying and aggression

Understanding children and young people's lives in a digital age is a complex task, and considering the implications for education is often a fine balance. On one hand, there are calls to recognise the sophistication of children and young people's everyday uses of digital media, and for much greater integration of technology in education to equip learners effectively for their current and future lives. On the other hand, there are anxieties about the implications of extensive screen time and online harms that are hard to regulate and difficult to confine. Moreover, while many children and young people gain an understanding and experience of digital environments from birth, their access to devices and experience of using technologies varies considerably. This disparity is not just linked to economic circumstances but to the different ways in which digital toys and resources are taken up within different families.

Often digital technologies simply provide new ways of doing the same kinds of things people were doing already, e.g. socialising online rather than through face-to-face engagement.

Where a technological future is inevitable, we will consider the digital impacts from which children and young people need to be protected while gaining digital competence, preparing them for the world ahead.

While technology facilitates traditional bullying behaviours such as insults or rumour-spreading it also provides additional ways to bully and humiliate others such as through the misuse of images or videos, live-streaming, using anonymous messaging apps or harassing someone online. Online bullying often occurs at the same time or follows traditional bullying but can occur in isolation.

The perception of being able to act anonymously online often leads to disinhibited and cruel behaviour that would be less likely face-to-face21. Technology may help those who lack power or popularity offline to have power over others or bully online. In this way, learners who find themselves targeted offline may retaliate anonymously online.

Online bullying behaviour can take different forms including:

✓ **profile** – people do not have to be physically stronger, older, or more popular than the person they are bullying online

✓ **location** – online bullying is not confined to a physical location and it can take place at any time. Incidents can take place in a learner's own home, intruding into spaces previously regarded as safe and private

✓ **audience** – online content can be hard to remove and can be recirculated and reposted. The potential number of people who can see content posted online is very large. Single incidents of online abuse can quickly escalate into bullying, e.g. by reposting, sharing and through comments

✓ **anonymity** – the person being targeted by bullying may not necessarily know the identity of the perpetrator(s) of the bullying behaviour. The target also will not know who has seen the abusive content. If the perpetrator actively hides their identity from the target this may be considered a form of passive aggression and, if repeated, this could constitute bullying

✓ **motivation** – online bullying is typically carried out on purpose. However, initial incidents may have unintended consequences and can escalate through the involvement of others. An individual may not feel that by endorsing or reposting someone else's post they are actively participating in bullying. The instigator may not have intended an offensive or hurtful comment to be repeated. A single incident – one upsetting post or message – may escalate into bullying involving several people over time.

Why online bullying is uniquely distressing

Although offline bullying remains more common than online bullying learners report that the features of online bullying, stated below, make the experience uniquely distressing.

✓ The audience can be unlimited.
✓ It can occur anywhere and at any time, there is no respite from it.
✓ It can involve unknown people, although most cases involve known peers.
✓ Technology facilitates the storage of images and messages for repeat viewing.

What is the role of schools?

Digital competence will be a cross-curricular responsibility, together with literacy and numeracy, within Curriculum for Wales 2022. The Digital Competence Framework (DCF) is the first element of Curriculum for Wales 2022 and was made available in September 2016. The DCF has four strands of equal importance ('Citizenship', 'Interacting and collaborating', 'Producing', and 'Data and computational thinking').

The focus of the 'Citizenship' strand is on learners developing the skills and behaviours to contribute positively to the digital world around them, which includes protecting themselves online. The strand includes the elements of 'Identity, image and reputation', 'Health and well-being', 'Digital rights, licensing and ownership', and 'Online behaviour and cyberbullying' (online bullying). These skills will help learners to critically evaluate their place within the digital world so that they are prepared to encounter the positive and negative aspects of being a digital citizen.

The 'Interacting and collaborating' strand also allows learners to explore both formal and informal methods of communication, including social media and instant messaging. Learners will not only look at how to store data, but they will also consider the implications of data laws and how to share information appropriately.

The fast-changing digital environment offers boundless positive opportunities for children and young people. At the same time, there are added risks and new forms of bullying and aggression. To stay up to date, our school will regularly check the Online Safety Zone (at hwb.gov.wales/zones/online-safety) within the Hwb digital learning platform.

Schools will discipline learners for incidents taking place off the premises and have powers to search or confiscate mobiles as a disciplinary penalty where learners have contravened the school behavioural policy and/or anti-bullying policy.

Positive action

The school will address online bullying which has an impact on the well-being of learners at the school. Where necessary, the school will refer a case to the appropriate agency or service. Schools will act in cases that involve a safeguarding concern.

Online and mobile communications leave a digital trail. Keeping evidence is essential. Schools should be mindful that evidence can be taken down or disappear from viewer online platforms at any time, whether removed by individuals or at the request of corporate administrators of social media platforms. Screen-grabbing is a useful route to preserve evidence. The school will log and record incidents as part of its wider safeguarding monitoring practice and impact evidence. In some cases, further evidence may come to light at a later point and it may become necessary to review the entire history of the case again.

The law relating to bullying

Legislation applies in Wales, the UK and internationally that aims to protect the rights of children and young people to a life free from abuse and harm including bullying. Existing legislation and international conventions with relevance to bullying in Wales include, set out in chronological order, the following:

- ✓ Protection of Children Act 1978 (as amended)
- ✓ Malicious Communications Act 1988
- ✓ Criminal Justice Act 1988
- ✓ Children Act 1989
- ✓ Education Act 1996
- ✓ Protection from Harassment Act 1997
- ✓ Human Rights Act 1998
- ✓ Education Act 2002
- ✓ Sexual Offences Act 2003 (as amended)
- ✓ Children Act 2004
- ✓ United Nations Convention on the Rights of the Child (UNCRC)
- ✓ United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- ✓ Education and Inspections Act 2006
- ✓ Learner Travel (Wales) Measure 2008
- ✓ Equality Act 2010
- ✓ Rights of Children and Young Persons (Wales) Measure 2011

- ✓   Social Services and Well-being (Wales) Act 2014
- ✓   Serious Crime Act 2015
- ✓   Counter-Terrorism and Security Act 2015.

Human Rights Act 1998

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.

The 1998 Act requires our school to respect and protect individuals' human rights.

United Nations Convention on the Rights of the Child (UNCRC)

In 2004, the National Assembly for Wales adopted the United Nations Convention on the Rights of the Child (UNCRC) as a basis of all policymaking for children and young people in Wales. This school is a Rights Respecting School (RRS).

Rights of Children and Young Persons (Wales) Measure 2011

In 2011, the National Assembly for Wales passed the Rights of Children and Young Persons (Wales) Measure ('the 2011 Measure'), which strengthened and built on the rights-based approach. The 2011 Measure underpins the framework and values for our school. Children and young people have a right to be safe and a right to an education.

Disabilities (UNCRPD)

The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The principles of the UNCRPD are:
- ✓ respect for the inherent dignity, individual autonomy (including the freedom to make one's own choices) and independence of persons
- ✓ non-discrimination
- ✓ full and effective participation and inclusion in society
- ✓ respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- ✓ equality of opportunity
- ✓ accessibility
- ✓ equality between genders
- ✓ respect for the evolving capacities of children and young people with disabilities and respect for the right of children and young people with disabilities to preserve their identities.

Education Act 2002

Under the Education Act 2002 we will safeguard and promote the welfare of children and young people.

Some incidents of bullying may also be, or reveal, a child protection issue. A bullying incident will be addressed as a child or young person protection issue under the Children Act 1989 when there is 'reasonable cause to suspect that a child or young person is suffering, or is likely to suffer, significant harm'. These concerns will be reported to the designated senior person for child and young person protection and then reported to the local authority's children's social services. This responsibility now extends to bullying incidents online where it has an impact on the well-being of learners at the school.

Education and Inspections Act 2006

5.14 Under section 89 of the Education and Inspections Act 2006 ('the 2006 Act') headteachers of maintained schools are required to determine measures to:

(a) promote learners' self-discipline and proper regard for authority

(b) encourage good behaviour and respect for others on the part of learners and, in particular, prevent all forms of bullying among learners

(c) secure that the standard of behaviour of learners is acceptable, secure that learners complete any task reasonably assigned to them in connection with their education, and otherwise regulate the conduct of learners.

In determining such measures, the headteacher will act following the behaviour policy. The Welsh Government expects a school's anti-bullying policy to set out clearly how it will address bullying and strategies for challenging bullying behaviour.

Learner Travel (Wales) Measure 2008

The headteacher will require learners at the school to comply with the All-Wales Travel Behaviour Code ('the Code') statutory guidance made by the Welsh Ministers under section 12 of the Learner Travel (Wales) Measure 2008. The Code sets out specific requirements regarding the behavioural conduct of learners when travelling. The Code requires all learners to 'never bully other learners' and 'respect others (including the bus driver)'.

The purpose of the Code is to promote safety when travelling, by laying down a set of behavioural standards across Wales, for all learners, irrespective of the mode of travel. This includes contract buses, public buses, public trains, walking, taxis, scooters, and motorbikes, cycling and journeys in cars. It applies to all learners in our school.

There may be circumstances where the behaviour of the learner is not appropriate to be addressed through the Code and in these cases, schools will work with their local authority, with the parents/carers, and with other services such as health professionals, the police, social services, etc. Bullying may be an example of this.

The Equality Act 2010

The Equality Act 2010 ('the 2010 Act') protects from discrimination, harassment and victimisation of learners who have one of the protected characteristics set out in the 2010 Act.

As a school, we will act to improve outcomes for learners with different protected characteristics.

The general duty has three aims, each of which has clear links to anti-bullying. It requires our school to have due regard to the need to:

- ✓ eliminate discrimination harassment and victimisation
- ✓ advance equality and opportunity
- ✓ foster good relations across all protected characteristics.

To fulfil the three aims of the general duty, we have three sets of specific duties:

- ✓ to collect, analyse and publish information about their progress in achieving the three aims of the 2010 Act

- ✓ to decide on certain specific and measurable objectives that they will pursue over the coming years to achieve the three aims and publish these objectives

- ✓ and when undertaking the first two sets of specific duties:

  - ✓ to engage with people who have a legitimate interest — including all staff, all parents/carers and learners, and local groups, organisations and individuals as appropriate.

  - ✓ The school's governing bodies has the duty to enable better performance of the general duty.

  - ✓ School governing bodies must:

  - ✓ publish the school's 'equality objectives' and review them within four years

  - ✓ publish a statement which sets out the steps it has taken or intends to take in order to achieve each equality objective

  - ✓ make appropriate arrangements to monitor its progress and effectiveness (when planning equality objectives)

  - ✓ give due regard to relevant information that it holds and seek the involvement of those persons that it considers represent the interests of persons who share one or more of the protected characteristics.

Criminal offences legislation

Some online bullying activities could be criminal offences under a range of different laws, including the Malicious Communications Act 1988 and the Protection from Harassment Act 1997. The school will seek advice from relevant bodies if it feels these laws have been broken.

Malicious Communications Act 1988

Section 1 of the Malicious Communications Act 1988 makes it an offence to send an indecent, grossly offensive, or threatening letter, electronic communication or other article to another person with the intention that it should cause them distress or anxiety. The school will seek advice from relevant bodies if it feels these laws have been broken.

Protection from Harassment Act 1997

The Protection from Harassment Act 1997 is relevant for incidents that have happened repeatedly (i.e. on more than two occasions). Section 1 prohibits behaviour amounting to harassment of another. Section 2 provides a criminal offence and section 3 provides a civil remedy for breach of the prohibition on harassment in section 1. Section 4 provides a more serious offence of someone causing another person to

fear, on at least two occasions, that violence will be used against them. A civil court may grant an injunction to restrain a person from conduct which amounts to harassment and, following conviction of an offence under sections 2 or 4, restraining orders are available to protect targets of the offence.

Under the **Protection of Children Act 1978 (as amended)** and the **Criminal Justice Act 1988** it is illegal to make, circulate or possess indecent images of a child or young person under the age of 18 years.

Section 67 of the **Serious Crime Act 2015** inserts a new offence into the **Sexual Offences Act 2003**, at section 15A, criminalising sexual communication with a child. Under the new law, it is illegal for anyone over 18 years of age in Wales and England to send a sexually explicit message to a child or young person or attempt to encourage the child or young person to send something explicit.

As a school, we will ensure that if staff or parents/carers feel that an offence may have been committed they will seek assistance from the police.

Terrorism and Security Act 2015

The Counterterrorism and Security Act 2015 places a duty on schools in relation to the Prevent duty. Our school protects children from being drawn into terrorism by having a robust safeguarding policy. This is relevant in the context of bullying because children and young people who are isolated, victimised and/or who otherwise feel they do not belong can be more likely to fall prey to recruitment and grooming.

Effective anti-bullying strategies

- ✓ The school has an anti-bullying team, which is known as the behaviour team. The key responsibilities of the team are:

- ✓
- ✓ anti-bullying policy creation, review, and ongoing development. This will involve all learners, all staff, parents/carers, school governors and relevant local authorities
- ✓
- ✓ implementation of the policy. This will include scheduled assessments and monitoring of its effectiveness and the progress being made
- ✓ ensuring evaluation of every procedure takes place and this informs policy reviews. This will include documenting all reviews in procedures, documentation, etc.
- ✓ managing bullying incident processes, such as intervention used, reporting, recording, monitoring, etc.
- ✓ coordinating and managing training and support for staff and parents/carers where appropriate
- ✓ research, evaluate and appraise strategies for preventing bullying behaviour.

Prevention

Our school promotes 6 values selected by staff and pupils. These values include respect, friendship and individuality. These are taught through PSE lessons and assemblies. Pupils are also made aware of bullying through Anti-Bullying Week and posters around the school. ICT lessons offer pupils an understanding of how to be a good digital citizen and how to collaborate effectively online.

Pupils are aware that they should report incidents of bullying/arguments to an adult within the school. They are aware that the Headteacher will be immediately involved. They are also aware of their duty to report incidents of potential bullying.

All reported incidents of bullying are taken seriously and investigated by the Headteacher / Deputy Headteacher and taken very seriously.

All staff and pupils are aware of the signs and symptoms of bullying these include but are not limited to a child:

- ✓ is frightened of walking to or from school
- ✓ doesn't want to go on the school / public bus
- ✓ begs to be driven to school
- ✓ changes their usual routine
- ✓ is unwilling to go to school (school phobic)
- ✓ begins to truant
- ✓ becomes withdrawn anxious, or lacking in confidence
- ✓ starts stammering
- ✓ cries themselves to sleep at night or have nightmares
- ✓ feels ill in the morning
- ✓ begins to do poorly in school work
- ✓ comes home with clothes torn or books damaged
- ✓ has possessions which are damaged or " go missing"
- ✓ asks for money or starts stealing money (to pay the bully)
- ✓ has dinner or other monies continually "lost"
- ✓ has unexplained cuts or bruises
- ✓ comes home starving (money/lunch has been stolen)
- ✓ becomes aggressive, disruptive or unreasonable
- ✓ is bullying other children or siblings
- ✓ stops eating
- ✓ is frightened to say what's wrong
- ✓ gives improbable excuses for any of the above
- ✓ is afraid to use the internet or mobile phone
- ✓ is nervous & jumpy when a cyber message is received

These signs and behaviours could indicate other problems, but bullying should be considered a possibility and should be investigated.

The school will also help pupils recognise the importance of good health and well-being and how to be ethical informed citizens to help prevent bullying by:

- ✓ making positive choices, and learning how these affect their own and others' health and well-being
- ✓ interacting with others within different social situations
- ✓ engaging with different social influences and appreciating the importance of respecting others
- ✓ Consider the social and ethical issues that impact the health and well-being of others.

All teachers will discuss with their pupils in their class the " school rules" which is a positive statement of acceptable and unacceptable forms of behaviour. The pupils will be made aware that instances of bullying will be deemed serious breaches of the school rules, and as such they will receive punishment as appropriate to the offence following the school's behaviour policy. The school's assemblies will promote an atmosphere of

trust and caring and reinforce the school's rules and values. All pupils are to be encouraged to notify the class teacher/lunchtime supervisor etc. of any incidents of bullying when it occur.

Responding when bullying occurs

The school will comply with their legal duty to safeguard and promote the welfare of learners and any other legal duties. The headteacher and school governing bodies will ensure all teachers and administrative staff are aware of their school's anti-bullying policy and the procedures to follow if a learner reports being bullied.

<u>When dealing with instances of bullying, the following procedures should be adhered to:</u>
- ✓ The complainant's account must be listened to. This discussion will be conducted sensitively, calmly and quietly.
- ✓ Proposed action must be discussed with the child. This may mean that the child does not want anything to happen at this stage but should be made aware that any further instances must be reported to an adult.
- ✓ On no account should bullies and victims be talked together unless the victim is happy to do so.
- ✓ If the child wants action to be taken, then the other's account must be listened to separately. This will often result in hearing an entirely different story and can make resolving the problem by taking action against one child very difficult. Where it is clear cut, the person/people in question should be made aware that further instances will not be tolerated and that parents/carers will be involved. A written note of this will be made.
- ✓ Where possible, the account of eyewitnesses should be sought especially where two different stories are given above.
- ✓ Where further action is required, the parents/carers of both children should be informed.
- ✓ All incidents reported to use by parents/carers must be investigated and the action to be taken agreed upon with them. The results of this action should then be communicated to them by word of mouth, telephone, or letter.
- ✓ Staff will refer to the school's behaviour policy for guidance where appropriate. This can also be clarified with the Deputy Headteacher.
- ✓ In an instance where a safeguarding concern is identified all staff will follow the school's safeguarding policy.

<u>Outcomes</u>
1. The pupil/pupils involved will be verbally warned and the incident logged and dated. The situation is monitored regularly to ensure that there is no reoccurrence.
2. The pupil/pupils in question may be asked to genuinely apologise. Other consequences may take place.
3. If possible, the pupils will be reconciled.
4. If the bullying is continued their parents are notified and invited to an interview in school to seek their support, cooperation, and an agreement on the appropriate course of action following the establishment of a case.
5. In serious cases, suspension or even exclusion will be considered.
6. A DTR may be sent to social services if a safeguarding concern is raised – the outcome of this form will be determined by children's services.

The right of parents/carers to escalate the matter

Having reported an issue regarding bullying to the school, if a learner or their parent/carer does not feel that the school has taken it seriously or has not addressed their concern to a satisfactory standard, they can make a formal complaint following the school's complaints policy, which is available on the school website and a hard copy available on request.

Per the principles of the UNCRC, our school will ensure children and young people are listened to and treated with respect. The school will ensure a learner/parent/carer making a complaint has fully understood what is on the complaint form and any decisions that may flow from this.

Monitoring, evaluation and review
The school will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

In drawing up this Anti-Bullying Policy the following were consulted – All teaching and support staff.

It was approved by the Governing Body on _____

Signed:

Chair of Governors_____

Headteacher _____

Date to be reviewed: _____