

## **NSPCC Safeguarding in Education Service**

Briefing: Roles and responsibilities of schools, academies and colleges in England for tackling bullying

**November 2011**

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### **Introduction:**

This briefing has been produced by the NSPCC's Safeguarding in Education Service (SiES). Its purpose is to help schools, academies and colleges to develop, evaluate and review their anti-bullying policies, procedures and practices.

In the Ofsted [Evaluation Schedule of Judgements](#) 2012 an outstanding school is described as one where:

*Instances of bullying, including cyber bullying and prejudice-related bullying related to special educational need, sexual orientation, sex, religion and belief, gender reassignment or disability are rare. Pupils are acutely aware of different forms of bullying and actively try to prevent it from occurring. The school has an active and highly effective approach to identifying and tackling bullying. All groups of pupils feel safe at schools at all times. They understand very clearly what constitutes unsafe situations and are highly aware of how to keep themselves and others safe.*

The NSPCC has produced a School Anti-Bullying Checklist and a School Anti-Bullying Policy Checklist to accompany this briefing.

### **Statutory responsibilities**

Schools, academies and colleges have statutory responsibilities with regard to bullying. [The Education Act 2002](#) gave schools a duty to "safeguard and promote the welfare" of pupils and this covers more than the contribution made to child protection and includes bullying.

[The Education and Inspections Act 2006](#) gave headteachers the responsibility for "preventing all forms of bullying". It also empowered headteachers to regulate the behaviour of pupils when they are off the school site and for members of staff to impose disciplinary penalties for inappropriate offsite behaviour.

DfE Advice 2011 states that the schools responsibility can "relate to bullying anywhere off the school premises, specifically school or public transport, outside local shops, or town or

*village centre*” and that if an incident of bullying is reported outside of school premises it should be investigated and acted on. This includes responding to cyber bullying.

In addressing bullying, schools must consider whether the behaviour may be a child protection issue or a criminal law offence. Under the [Children Act 1989](#) definition of a “*reasonable cause to suspect a child is suffering or likely to suffer significant harm*”, some types of harassment, threatening behaviour or communications may be a criminal offence and should be reported to the Police.

Schools, colleges and academies are responsible under the [Equality Act 2010](#) for eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. They must advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act covers eight “*protected characteristics*”: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity.

### **Key guidance**

The key document is the Department for Education’s (DfE) [“Preventing and Tackling Bullying: Advice for School Leaders, Staff and Governing Bodies”](#) published in 2011, and alongside this its [“Behaviour and Discipline in Schools Guidance”](#). Anti-bullying policy and practice must be developed in relationship to the school’s Behaviour Policy and be consistent with it.

Schools will also need to consult the Ofsted School Inspection [“Evaluation Schedule of Judgements”](#), to be introduced from January 2012.

Although no longer government policy, schools will find the Department for Schools, Children and Families (DCSF) [“Safe to Learn: Embedding anti-bullying work in schools”](#) a useful source of ideas on good practice, especially the supplementary guidance documents on bullying relating to “Race, religion and culture”, “Disabilities / Special Educational Needs”, “Homophobia”, and “Sexual, Sexist and Transgender”. There is also specific guidance on cyber bullying. These can be downloaded from the DfE Archive or from the Anti-Bullying Alliance’s website [www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk).

Schools will find the Anti-Bullying Alliance’s website an invaluable source of information, policy updates and good practice case studies. It has produced audit questionnaires for different age groups and a school anti-bullying assessment toolkit. Schools can become member of the ABA’s Schools and Colleges Network.

The NSPCC has produced a School, Academies and Colleges Anti-Bullying Checklist and this can be downloaded from [www.nspcc/inform](http://www.nspcc/inform)

### **Definition of bullying:**

DfE [\*“Preventing and Tackling Bullying – Advice for School Leaders, Staff and Governing Bodies”\*](#) defines bullying as *“behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally”*.

The key elements are intent, repetition, imbalance of power: the nature of relationship between the bullied and those bullying. It needs to be recognised that a single instance can in some cases be perceived as bullying by the victim. Sometimes the goal is not to harm, and the distress of the victim is not always recognised by those responsible for the bullying. There are different forms of bullying. There are those general forms that describe how the bullying was carried out, either direct (physical, verbal or non-verbal) or indirect (cyber bullying). Bullying can be described in terms of specific forms describing why it was carried out. These are based on difference, real or perceived, or prejudice.

Everyone in the school community needs to have a shared understanding of what constitutes bullying, and what does not, and schools need to have strategies to achieve this.

### **Anti-Bullying Policy**

Schools will need to ensure that they have in place a School Anti-Bullying Policy that is regularly reviewed, and that they are able to show it has been developed through consultation and a review of practice. DfE Advice 2011 states that successful schools have policies to deal with bullying and poor behaviour which are clear to parents, pupils and staff. Ofsted will expect schools to be able to demonstrate the impact of anti-bullying policies

The school anti-bullying policy must reference its relationship to the behaviour policy, and other related policies, for example, e-safety, equalities / diversity, child protection / safeguarding, and curriculum.

The responsibility for school policies lies with the governing body, and it must be able to demonstrate how it has been involved in the development and review of the anti-bullying policy. Many schools have a named governor with responsibility for bullying; this is often the governor with responsibility for behaviour, and sometimes safeguarding.

The NSPCC has produced a School Anti-Bullying Policy Checklist that can be downloaded from [www.nspcc/inform](http://www.nspcc/inform)

## **Preventing bullying**

DfE Advice 2011 states that the best schools develop an *“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”*. The schools which excel at tackling bullying have *“created an ethos of good behaviour --- values of respect ---- clear understanding of how our actions affect others”* and that these values *“permeate the whole school environment and are reinforced by staff and older pupils who set a good example to the rest”*. Schools need to understand how their ethos / culture helps to make pupils feel safe and supported and to be able to provide evidence of this.

The school anti-bullying policy needs to identify the range of strategies and activities that help to prevent bullying. The school should be continually engaged in anti-bullying awareness raising and reinforcing key messages. Part of this should be the school's involvement in the national [Anti-Bullying Week](#) which takes place in November of each year.

Pupils feel safe when they understand that the school's position is that bullying in any form is always unacceptable and that the school will always act when concerns are raised. They need to know acceptable and expected behaviour and the consequences when these standards are not met. Schools need to recognise good behaviour. The quality of supervision by staff in and out of the classroom is critical, and schools need to have identified those times and places when pupils feel most vulnerable.

Ofsted will consider how, through the curriculum the school helps its pupils to be able to *“assess and manage risk appropriately and keep themselves safe”*. This involves ensuring pupils understand the nature and impact of bullying, and have developed the necessary personal, emotional and social skills.

It is essential that all school staff receive regular anti-bullying training and that schools keep a record of this training.

## **Supporting vulnerable pupils**

Bullying has a negative impact on all those involved and the school needs to be able to recognise those who are most vulnerable, both in the sense that they are being or are at risk of being bullied, and those who are regularly engaged in bullying. Some pupils will fit both categories at the same time.

The Ofsted Framework states that in inspection *“it is important to test the school's response to individual needs by observing how well it helps --- those whose needs, dispositions,*

*aptitudes or circumstances require particular perspective and expert teaching and / or additional support”.*

Schools need to identify who in their particular context are vulnerable and to provide the necessary support for them. There are appropriate programmes for schools to use to address personal, emotional and social attitudes and skills. For those bullied they need to build self-protection through raising self-esteem and resilience: for those bullying through changing their behaviour. Schools should identify the support available to them from external agencies in their area.

### **Involving pupils**

Ofsted will expect schools to evidence that pupils are engaged in addressing and reporting bullying behaviour. This includes pupils participating in the development, review and evaluation of school anti-bullying policy, procedures and practice, and in many schools the School Council plays a key role play.

Pupils play a key role in preventing bullying, and all need to feel that they have “someone to turn to”. It is important that they know how to report concerns and that they are confident in the response. Peer support schemes can play a significant role in the early identification of concern as well as supporting those at risk. Those who “bystand” bullying need to know what is expected and how they should act to prevent bullying.

Schools need to provide pupils with details of local and national Helplines that can provide advice and support.

### **Intervention: responding to bullying behaviour**

All concerns about bullying need be addressed and the priority should be to support those being bullied and to stop the bullying. It is the school’s responsibility to assess the seriousness of the bullying and to determine the appropriate action that should be taken.

The DfE Advice 2011 states that schools *“should apply disciplinary measures to pupils who bully in order to show that their behaviour is wrong”* and that *any “disciplinary measures must be applied fairly, consistently and reasonably taking account of special educational needs / disabilities --- needs of vulnerable pupils”*.

Any action taken should match the severity, and to assess the severity it is necessary to consider the impact / hurt; the intent; the frequency; the duration and the imbalance of power: the nature of the relationship between the bullied and those bullying.

Schools will need to have a range of sanctions available, and to have these are understood by pupils, parents and staff.

It is also important to consider whether there was provocation. The DfE Advice 2011 states that it is *“important to consider motivations behind the bullying behaviour”* and *“whether it reveals any concerns for the safety of the perpetrator”*.

Schools must also work to help and support those responsible for the bullying so that they understand the impact of bullying and are helped to change their behaviour.

### **Working with parents**

Schools need to provide parents / carers with information so that they understand what constitutes bullying and what does not; are able to recognise the signs that their child might be being bullied or is bullying; and know how to report their concerns to schools. Schools do this through a range of methods, including statements on the school website, information leaflets, and holding parents' briefings.

Schools should stress the importance of sharing concerns as soon as possible, and emphasise the importance of working in partnership and supporting each other. Parents want schools to share information and provide regular feedback. Parents need a defined role and need to be consulted as to whether they feel issues have been resolved. They need to know how to address a complaint if feel there is not a satisfactory outcome.

Parents should be given information about where they can locally and nationally get advice and support.

### **Incident recording**

DfE Advice 2011 states it wants schools to exercise their own judgement as to whether they need written records. However it advises schools to *“apply disciplinary measures to pupils who bully”* and to *“regularly evaluate and update their approach”*. Incident records provide evidence to address complaints.

From Ofsted Inspection reports it is clear that there is an expectation that schools will have records. Bullying incident records should be part of behaviour incident recording.

Bullying incident records should include details of the nature of incident (outline of what happened, where, when, type); the names of those involved (those bullying, those being bullied and bystanders); an assessment of seriousness (based severity of impact, frequency,

duration, intent, imbalance of power, empathy / remorse); action taken; and details of monitoring including feedback from those involved including parents.

Schools will need to determine how they will record bullying incidents but it is important that whatever system is used it should part of, or compatible with, the Pupil Behaviour Management System. Ofsted School Inspectors will look at how the school analyses these records to assess the *“types, rates and patterns of bullying and the effectiveness of the school’s actions to prevent and tackle all forms of bullying and harassment, including cyber-bullying and prejudice-based bullying related to special educational need, sexual orientation, sex, race, religion and belief, gender reassignment or disability”*.

### **Monitoring, review and evaluation**

Schools must be able to demonstrate that there is regular monitoring, review and evaluation of their anti-bullying policy and strategy and that they are collecting and acting upon the views and opinions of pupils, parents / carers and staff. This needs to be at least an annual exercise, and in many schools this is done as part of Anti-Bullying Week in November.

### **National Helplines**

- [ChildLine](#) – 0800 1111
- [NSPCC Helpline](#) – 0808 800 5000
- [Family Lives](#) – 0808 800 2222

### **References: Websites / Organisations**

- [Anti-Bullying Alliance \(ABA\)](#)
- [Children’s Commissioner for England](#)
- [Kidscape](#)
- [Beat Bullying](#)
- [Cyber Mentors](#)
- [Bullying UK](#)
- [Scottish Anti-Bullying Network](#)
- [Child Exploitation and Online Protection Centre \(CEOP\) / Thinkuknow](#)
- [Stonewall](#)
- [Bullying Intervention Group](#)

## **NSPCC /ChildLine:**

The NSPCC has produced a number of resources for schools, academies and colleges.

These include:

- Schools, Academies and Colleges Anti-Bullying Checklist: Schools, Academies and Colleges Anti-Bullying Policy Checklist: and Anti-Bullying Reference Sheet.
- EduCare / NSPCC - "[Preventing bullying behaviour](#)" - four module anti-bullying awareness raising programme for all staff.
- [NSPCC School Organisers](#) will provide assemblies and workshops that address bullying as part of their fundraising for the charity.
- NSPCC Child Protection Consultancy ([Safeguarding in Education Service](#)) provides advice, consultancy and training that can include supporting the school to review and assess the effectiveness of school policy and practice.
- [ChildLine](#) has an informative interactive website for children and young people.
- ChildLine Schools Service works in primary schools providing assemblies and workshops for pupils.

To discuss how NSPCC may be able to support your school, academy or college please contact - [contactus@nspcc.org.uk](mailto:contactus@nspcc.org.uk).