



Llywodraeth Cymru  
Welsh Government

Challenging bullying

# **Rights, respect, equality:** Statutory guidance for governing bodies of maintained schools



# Rights, respect, equality: Statutory guidance for governing bodies of maintained schools

## Audience

School governors; schools<sup>1</sup>; local authorities; diocesan authorities; social workers; healthcare professionals; Estyn; police; voluntary and third sector organisations involved with school children and young people, and learner well-being and safeguarding; parents/carers; children and young people.

## Overview

This document forms part of a series of statutory and advisory guidance documents providing information for all involved in preventing and challenging bullying in schools. Each document within this series provides tailored advice specifically aimed at key audiences. This statutory guidance provides statutory guidance and advice to the governing bodies of maintained schools.

This guidance replaces: Respecting others: anti-bullying guidance (circulations 2003 and 2011).

## Action required

This statutory guidance should be brought to the attention of school governors and all managers, staff and relevant professionals working within a school environment to assist in developing and implementing anti-bullying policies and strategies. Governing bodies must have regard to this statutory guidance when exercising their functions relating to the conduct of a school and making arrangements for safeguarding and promoting the welfare of children and young people who are learners at the school. Governing bodies must have regard to this statutory guidance when exercising their functions relating to promoting good behaviour and discipline at schools.

## Further information

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 [Facebook/EducationWales](https://www.facebook.com/EducationWales)

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<sup>1</sup> See 'Terms used in this document' for the definition of school.

### **Additional copies**

This document can be accessed from the Welsh Government's website at [gov.wales/anti-bullying-guidance](http://gov.wales/anti-bullying-guidance)

### **Related documents**

*Inclusion and pupil support* (2016)

*Keeping learners safe* (2015)

*Thinking positively: Emotional health and well-being in schools and Early Years settings* (Welsh Assembly Government, 2010)

*School-based Counselling Operating Toolkit* (Welsh Assembly Government, 2011)

*Learner Travel (Wales) Measure 2008: All-Wales Travel Behaviour Code Statutory Guidance* (2017)

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## Ministerial foreword

Challenging bullying in schools is a key priority for this government. We are committed to ensuring all our learners feel safe, secure and are supported to achieve their full potential. All young people have a right to an education and to be treated equally.

As a government, we remain committed to challenging bullying holistically. This is achieved by addressing the root causes of unacceptable behaviour and creating an inclusive and engaging environment, with priority placed on well-being so learners feel safe and are ready to learn. It is imperative children and young people are taught, both at home and in school, about building and maintaining respectful relationships; this is the cornerstone on which positive behaviour is based.

We all need to ensure the values of respect, tolerance and kindness form part of our school communities and cultures.

I am adamant we must challenge all bullying in our education system and that is why 'Rights, respect and equality' is statutory guidance. The guidance is for governing bodies of maintained schools and local authorities with responsibility for young people's safety, well-being and education. It forms part of a suite of guidance that includes advice and support directly to children, young people and their parents/carers.

It is only by working together towards this common aim that we will truly make a difference and minimise bullying in our schools.



A handwritten signature in black ink that reads "Kirsty Williams". The signature is written in a cursive, flowing style.

Kirsty Williams AM  
Minister for Education

# Terms used in this document

For the purposes of this statutory guidance, the following terms are defined.

## Additional learning needs (ALN)

A learning difficulty or disability (whether the learning difficulty arises from a medical condition or otherwise) that calls for additional learning provision (see section 2 of the Additional Learning Needs and Educational Tribunal (Wales) Act 2018).

## Bystander

A person who is present, whether online or offline, at an event or incident of bullying but does not take part.

## Children and young people

People under 18 years of age, in line with the definition of 'children' within the Children Act 1989.

## Disability and disabled person

A person has a disability if a) the person has a physical or mental impairment, and b) the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. A reference to a disabled person is a reference to a person who has a disability (see section 6 of the Equality Act 2010).

## Estyn

The education and training inspectorate for Wales. It provides an independent inspection and advice service on quality and standards in education and training provided in Wales.

## Gender

Often used to refer to whether someone identifies as female, male or non-binary (see 'gender identity'). It can also be used more broadly to refer to the ways that social and cultural forces create differences and inequalities between women, men and non-binary people, including through social norms, gender roles and gender stereotypes.

## Gender identity

Refers to a person's internal sense of their own gender, whether male, female or something else (e.g. non-binary). People's gender identity does not always align with the sex they were assigned at birth (see 'transgender/trans').



## Hate crime

A term that can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards a characteristic of the target, which could include the target's disability, race, religion, sexual orientation or transgender/trans identity. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the target for financial gain or some other criminal purpose.

## LGBT

Refers to lesbian, gay, bisexual/bi and transgender/trans people. Other letters can be added to the acronym to include other groups and identities, such as I (intersex), Q (queer or questioning) and A (asexual/aromantic).

## Online bullying

Describes all bullying via technology, also known as cyberbullying.

## Otherness

Refers to being or feeling different in appearance or character from what is familiar, expected or generally accepted.

## Perpetrator

Refers to children and young people who exhibit bullying behaviour towards others.

## Prejudice-related bullying

Refers to any form of bullying related to characteristics considered to be part of a person's identity or perceived identity group. Prejudice-related bullying includes the protected characteristics but 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.

## Protected characteristics

Under the Equality Act 2010, it is against the law to discriminate against someone because of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. These are called protected characteristics.

## Public sector Equality Duty (PSED)

The duty on public authorities to consider under the Equality Act 2010 to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under that Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Race

Includes colour, nationality and ethnic or national origins (see section 9 of the Equality Act 2010).

## Restorative justice

A restorative approach is a way of addressing conflict with a focus on repairing the harm that has been done. It includes all parties involved.

## School

Means an educational institution which is outside the further education sector and the higher education sector and is an institution for providing:

- (a) primary education
- (b) secondary education
- (c) both primary and secondary education

whether or not the institution also provides part-time education suitable to the requirements of junior learners or further education.

## Sex

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Some people's gender identity does not match up with the sex they were assigned at birth (see 'transgender/trans'). Sometimes the terms 'sex' and 'gender' are used interchangeably to refer to whether someone is female, male or non-binary.

## Sexual orientation

Describes the sexual, romantic or emotional attraction of one person to another. People might use the terms gay, bisexual/bi, lesbian or straight to describe their sexual orientation.

## Special educational needs (SEN)

Children and young people have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them. Children and young people have a learning difficulty if they:

- (a) have a significantly greater difficulty in learning than the majority of children or young people of the same age
- (b) have a disability that prevents or hinders them from making use of educational facilities of a kind generally provided for children and young people of the same age in schools within the area of the local authority
- (c) are under compulsory school age and fall within the definitions at (a) or (b) above or would do so if special educational provision was not made for them.

Special educational provision means:

- (a) for children or young people of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children or young people of their age in schools (other than special schools) maintained by the local authority in the area
- (b) for children under two, educational provision of any kind.

(See section 312 of the Education Act 1996.)

## Targets

Refers to children and young people who are bullied.

## Transgender/trans

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

# Status of this guidance

This is statutory guidance. The Welsh Ministers have exercised their powers in section 175 of the Education Act 2002 (duties of local authorities and governing bodies in relation to welfare of children) and section 88 of the Education and Inspections Act 2006 (responsibility of governing body for discipline) to give this guidance. Governing bodies must have regard to this statutory guidance when exercising their functions relating to the conduct of a school and making arrangements for safeguarding and promoting the welfare of children and young people who are learners at the school, and when exercising their functions relating to promoting good behaviour and discipline at schools.

This statutory guidance refers to legal duties, and to matters to which persons must have regard. It identifies Welsh Government expectation, outlines good practice and makes recommendations. In this guidance the Welsh Government uses the following terms to indicate the status of a point made in this statutory guidance.

- 'Must' means that there is a legal duty to do or refrain from doing the specified action.
- 'The Welsh Government expects' means that the Welsh Ministers have indicated a course of action or approach they expect to be followed. Schools should follow the course of action or approach unless they identify a good reason to depart from it, which they may be asked to justify to Welsh Ministers, ombudsmen, independent commissioners or other such parties.
- 'The Welsh Government recommends' means that the Welsh Ministers have indicated a course of action or approach they expect to be followed. Schools should consider the recommendation, but it is a matter for their discretion whether or not they follow the recommended course of action or approach.
- 'The Welsh Government advises' means that the Welsh Ministers have set out advice for schools on issues relating to bullying.



- 1.1 Despite work by schools and other services, as well as local, Welsh and UK government initiatives, bullying remains a desperately worrying problem for many. Online spaces and social media continue to provide new tools and opportunities to bully others.
- 1.2 The United Kingdom has been found to be one of the worst countries for children and young people's life satisfaction, and bullying is mentioned as a cause of this<sup>2</sup>. Bullying behaviour can signal that there are other disadvantages in a child or young person's life, reflecting low overall life satisfaction<sup>3</sup>.
- 1.3 Bullying is a widespread aggressive human behaviour and can be influenced by fear of others who are different, anger, prejudice or revenge. In some cases, bullying is a learned self-preservation behaviour. Factors and attitudes in the news and media, the community, within families and in each one of us can trigger the urge to bully others.
- 1.4 In the face of rising digital threats and broader prejudices expressed online and offline, a focus on challenging bullying is perhaps more vital than ever before. In Wales and England, there is an increase in reported hate crime<sup>4</sup> revealing the need to challenge discrimination. Thousands of children and young people in Wales have said bullying remains their top priority<sup>5</sup>. One of the reasons it regularly tops surveys as a primary concern, is that it affects so many. Children and young people's calls for action to be taken by adults is supported by an array of research that shows the devastating and long-lasting impact bullying can have, not only to targets but to perpetrators of bullying and bystanders too. Severe impacts can be long-term, including poor mental health and reduced well-being.
- 1.5 Bullying can also lead to children and young people becoming lonely and socially isolated. The growing evidence on adverse childhood experiences (ACEs) demonstrates the ways in which childhood experiences can have significant impacts on a person's ability to form and maintain relationships in childhood or adolescence and with long-lasting impacts into adulthood. This is why it is so important to ensure children and young people have positive relationship experiences.
- 1.6 In July 2018, the National Society for the Prevention of Cruelty to Children (NSPCC) reported that Childline had carried out 4,636 counselling sessions for loneliness in 2017–18, a 14 per cent increase on the previous year. Girls received almost 8 out of 10 of the counselling sessions. The most common reasons cited for their increased feelings of loneliness were bullying, mental health issues and social media use. This can also

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<sup>2</sup> Children's Worlds Project [www.isciweb.org](http://www.isciweb.org)

<sup>3</sup> The Children's Society *The Good Childhood Report 2017*

[www.childrenssociety.org.uk/what-we-do/resources-and-publications/the-good-childhood-report-2017](http://www.childrenssociety.org.uk/what-we-do/resources-and-publications/the-good-childhood-report-2017)

<sup>4</sup> Home Office statistics show a 15 per cent increase in recorded hate crimes across Wales compared to 2016–17 – see [www.gov.uk/government/statistics/hate-crime-england-and-wales-2017-to-2018](http://www.gov.uk/government/statistics/hate-crime-england-and-wales-2017-to-2018).

<sup>5</sup> In 2016 children told the Children's Commissioner for Wales that bullying remained their top priority.

be seen in the 2018 UK Youth report *A place to belong*, which noted that when asked to identify the major causes of youth loneliness, one of the top three answers provided by youth workers was bullying (83 per cent)<sup>6</sup>.

- 1.7 Stigma and discrimination around mental ill-health can be a cause of bullying; though equally, bullying can also contribute to the targeted person developing poor mental health and well-being. Tackling the root cause of bullying is often the precursor to improving the child or young person's mental well-being.
- 1.8 If bullying becomes dominant in a school, no learner can fully enjoy their rights under the United Nations Convention on the Rights of the Child (UNCRC), including to be safe and to receive an education<sup>7</sup>.
- 1.9 Bullying behaviour:
  - is harmful for all the individuals involved
  - becomes the focus of a learner's experience of daily life
  - undermines safety, well-being and attainment
  - damages school ethos
  - is detrimental to the school and the wider community
  - affects bystanders and those who know it is prevalent in their school.
- 1.10 New learners enter the social world of schools every year and new forms of bullying are also constantly developing. In an environment where children and young people's interests and activities are changing, helped by new technology, this is not surprising. That is why we need to frequently renew our efforts to understand and challenge this complex behaviour and evaluate what we do. It is important to remember most children or young people do not bully others and positive caring behaviour can be the norm if the right school culture is developed.
- 1.11 Effective schools take a proactive approach to preventing all bullying and to mitigating its effects when it occurs. The Welsh Government expects all schools to adopt this approach. This includes teaching children and young people and training staff about respect, positive behaviour, stereotypes and addressing prejudice, building confidence to challenge unacceptable language and addressing it in accordance with the school protocols. It also involves effective supervision between lessons with safe places provided for vulnerable learners during these times.
- 1.12 This document is part of a suite of statutory and advisory guidance covering the roles and responsibilities of governing bodies of maintained schools, school staff, local authorities, parents/carers plus children and young people.

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<sup>6</sup> <https://ukyouth.org/wp-content/uploads/2018/08/A-Place-To-Belong-The-role-of-local-youth-organisations-in-addressing-youth-loneliness.pdf>

<sup>7</sup> UNCRC, Articles 19 and 28, which the UK signed in 1991.

- 1.13 The suite of guidance is accompanied by an online toolkit providing resources to support implementation of the guidance at an operational level. Where the following symbol appears within this guidance it indicates toolkit resources are available.



## Governing bodies of maintained schools

- 1.14 School governing bodies are accountable for ensuring effective policies are in place to safeguard and promote the welfare of children and young people in accordance with Welsh Government guidance and for monitoring its compliance.
- 1.15 The Welsh Government expects school governing bodies and individual school governors to act at all times with honesty and integrity and be ready to explain their actions and decisions to staff, learners, parents/carers and anyone with a legitimate interest in the school.
- 1.16 The school governing body decides what they want the school to achieve. The Welsh Government expects that it should establish the strategic framework by:
- setting aims and objectives for the school
  - adopting policies for achieving those aims and objectives
  - setting targets for achieving those aims and objectives
  - reviewing progress towards achieving the aims and objectives.

- *Welsh Government: School governors' guide to the law*

[hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/3](https://hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/3)



- 1.17 The school governing body sets out a statement of principles for promoting positive behaviour. School governing bodies are required to have regard to guidance from the Welsh Government when making and reviewing the written statement of general principles on school discipline. The headteacher will use this statement of principles to lead work with the school community as a whole to determine the more detailed measures that make up the school behaviour policy.



## The power of language

- 1.18** There is a debate about the language used when talking about bullying behaviour. Using language that includes bullying or aggressive words such as ‘stamp out’, ‘kick out’ or ‘combat’ bullying has been challenged. It has not been shown to reduce bullying effectively. Instead it entrenches the notion that the powerful have power over the weak, leading learners to aim to be one of the ‘powerful’ rather than the ‘weak’ group. This can encourage weaker members of a group to begin bullying others weaker than themselves to assert some ascendancy. In contrast, the aim is to create a respectful community whose members learn to live alongside one another with aggression reduced.
- 1.19** When referring to the roles played in bullying incidents it is preferable not to label children and young people as a ‘victim’ or ‘bully’ because:
- learners are often encouraged to ‘hate bullying’ which can then translate into hating individuals who bully. It is a label a child or young person can internalise and live up to, or it can impede their ability to change their behaviour. By not labelling someone a bully, space opens up to help them change their unacceptable behaviour and use their power or leadership in other ways. It is helpful to separate the person from the behaviour to allow the person to change. Their behaviour is disliked or unacceptable, but they are not hated as individuals
  - labelling learners ‘victims’ can entrench their ‘otherness’ and ensure they are not accepted by their peers. They are seen as weak and many children and young people avoid them for fear of being seen in the same way. Some targeted children or young people begin to believe it is their fault they are bullied and see themselves as a victim.
- 1.20** To reflect this the guidance uses the terms ‘target’ and ‘perpetrator’. There are many roles played by all who are involved, including bystanders who witness bullying. It is not always clear-cut.

## Defining bullying behaviour

- 2.1 There is no legal definition of bullying in Wales or indeed in Great Britain. Therefore the definition used in this guidance builds upon widely used principles established in the UK since 1993<sup>8</sup>.
- 2.2 For the purposes of this guidance, bullying is defined as:

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

The Welsh Government expects schools to use this definition as the foundation for developing their own definition, or a learner-friendly version. It is essential that schools define what is meant by bullying because this will form the basis of their anti-bullying policy and everyone, including all staff and learners, should understand what is meant.

- 2.3 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.
- 2.4 Bullying differs from an argument, a fight or friendship fallout in that it:
- is deliberate or intentional
  - is generally repeated over time
  - involves a perceived imbalance of power between perpetrator and target
  - causes feelings of distress, fear, loneliness, humiliation and powerlessness.

It is recognised that a one-off incident can leave a learner traumatised and nervous of reprisals or future recurrence. The Welsh Government expects intervention to be immediate whether it is bullying or any other one-off negative behaviour. The Welsh Government expects one-off incidents that do not appear to be the start of bullying to be handled as inappropriate behaviour and addressed under the school's behaviour policy.

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<sup>8</sup> Olweus, D (1993) *Bullying at School: What we know and what we can do*. Blackwell

- *Anti-Bullying Alliance: What do we mean by an imbalance of power in bullying?*
- *Department for Education in England: Evidence from LSYPE 2, Wave 3 – Data on characteristics of bullying*
- *Anti-Bullying Alliance: Focus on: Bullying*

[hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/4](https://hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/4)



## The importance of a clear definition of bullying

- 2.5 Clarifying what is meant by bullying behaviour is an essential starting point. Agreeing a definition provides an opportunity for a school to align its values and vision and create a consistent framework of policies and procedures. The Welsh Government expects the definition to be used in staff training, in day-to-day anti-bullying work with learners and to clarify the position for parents/carers. This will help to make the policy clear and consistent for the whole school community.
- 2.6 The Welsh Government expects learners to be consulted in the development of their school's definition of bullying and the associated policy for how their school challenges bullying. The Welsh Government also expects learners to be given a version of their school's policy with the definition explained clearly and simply.

## The distinctive elements of bullying behaviour

- 2.7 There are a number of distinctive elements associated with bullying. These include, but are not limited to:
- **intention to harm** – bullying is deliberate with the intention 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 produces 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<sup>9</sup>. 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.

## How is bullying expressed?

2.8 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 characteristics<sup>10</sup>. 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.

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<sup>9</sup> Where fights occur but are not considered acts of bullying, the Welsh Government expects them to be managed using the school behaviour policy.

<sup>10</sup> Including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## Bullying and safeguarding

2.9 Some cases of bullying might be a safeguarding matter or require involvement of the police<sup>11</sup>. 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 must report their concerns to their local authority's social services department.

## What is not bullying?

2.10 Some behaviour, though unacceptable, is not considered bullying. The Welsh Government expects these instances to be dealt with in accordance with the school's behaviour policy to prevent an incident potentially escalating to become bullying.

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

- **friendship fallout** – 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 Welsh Government expects it to be addressed 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 Welsh Government expects it to be stopped and addressed 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

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<sup>11</sup> The police should be notified as soon as possible if it is suspected that a criminal offence has been committed against a child or young person.

- **a 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 Welsh Government would expect to be dealt with in accordance with the school's behaviour policy and other relevant policies, such as the school's 'Prevent' policy. If considered necessary, the school would also need to involve the police.

2.12 These examples illustrate the need to deal with the incident reported and record it. The Welsh Government expects this to reveal any previously recorded incidents and allow a considered assessment to be made. Further information on reporting, recording and monitoring incidents is provided in section 11.

2.13 The Welsh Government expects all hate incidents to be accurately recorded to enable schools to monitor patterns and prevent discrimination. Local authorities frequently monitor hate incidents and may require schools 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?

2.14 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 themselves have suffered in the past.

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

2.16 Bullying behaviour may reflect attitudes held in society or expressed in the media. Schools will sometimes find they need to challenge these attitudes with the wider school community beyond the case they are addressing.



## Prejudice-related bullying

### Prejudice in context

3.1 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.

- *Estyn: Action on bullying*
- *Equality and Human Rights Commission – Secondary school assembly plans*
- *Equality and Human Rights Commission – What the Equality Act Means for You as an Education Provider in Wales*
- *Equality and Human Rights Commission: Tips for tackling discriminatory bullying*
- *Equality and Human Rights Commission: Using data to inform and evaluate anti-bullying strategies*
- *Welsh Government: Challenging racism in schools factsheets*
- *Children’s Commissioner for Wales: Sam’s Story, identity-based bullying; what teachers need to know and tips for using the public sector Equality Duty (PSED)*
- *Anti-Bullying Alliance/Equality and Human Rights Commission Resources: Tackling identity-based bullying*
- *Stonewall: School Report*
- *Welsh Government: Special Educational Needs Code of Practice for Wales*
- *Mencap: ‘Am I making myself clear?’*
- *Trans\*Form Cymru Toolkit*

[hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/5](https://hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/5)



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

- stigmatising a learner with a disability or SEN
- 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.

The Welsh Government expects all forms of prejudice to be challenged equally.

**3.3** 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 a number of reasons.

**3.4** 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; this does not mean the incident should not be addressed. The Welsh Government expects all forms of prejudice to be challenged in their school using the most appropriate school policy<sup>12</sup>.

**3.5** Where prejudice-related behaviour is repeated by a perpetrator, whether directed towards a single individual or towards 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'.

**3.6** The Welsh Government expects learners:

- with SEN or disabilities
- who are lesbian, gay, bisexual, transgender (trans) or questioning (LGBTQ)
- from an ethnic minority
- from a religious background
- who are new to English- or Welsh-based educational systems (NEWBES)<sup>13</sup>
- with emotional health and well-being issues

to be carefully considered in a school's bullying prevention strategy. The Welsh Government expects schools to assess local and school populations for any recent and rapid changes to keep their prevention work fresh.

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<sup>12</sup> Such as the school's behaviour policy, safeguarding policy, Prevent policy or anti-bullying policy.

<sup>13</sup> The term 'newly arrived learner' is used to describe children, often of minority ethnic backgrounds, for whom neither English nor Welsh is their home language.

## Specific types of bullying linked to protected characteristics

- 3.7 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 SEN
  - homophobic, biphobic and/or transphobic bullying
  - bullying connected with race, religion and/or culture
  - sexist and/or sexual bullying.

## Bullying involving learners with disabilities and/or SEN – defining disability and SEN

- 3.8 The definition of disability under the Equality Act 2010 is not the same as the definition of special educational needs (SEN) under the Education Act 1996 or the definition of additional learning needs (ALN) under the Additional Learning Needs and Education Tribunal (Wales) Act 2018. (Please see 'Terms used in this document' section.) There will be some children and young people who are covered by the Equality Act but not by the Education Act or Additional Learning Needs and Education Tribunal (Wales) Act and vice versa, although a significant number of children and young people are likely to be covered by all these acts.

## Key issues for learners with disabilities and/or SEN experiencing bullying

- 3.9 Reports from Mencap<sup>14</sup> and the Anti-Bullying Alliance<sup>15</sup> 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 Education<sup>16</sup> 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 SEN is twice as likely to be bullied as a child with no SEN. The Welsh Government expects schools to be proactive in countering this trend.
- 3.10 Learners with a disability and/or SEN learners may be more vulnerable to bullying because:
- of negative attitudes towards disability or perceived disability
  - of a lack of understanding of different disabilities and conditions
  - they may not recognise they are being bullied

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<sup>14</sup> See [www.mencap.org.uk/learning-disability-explained/research-and-statistics/children](http://www.mencap.org.uk/learning-disability-explained/research-and-statistics/children)

<sup>15</sup> See [www.anti-bullyingalliance.org.uk/tools-information/all-about-bullying/sen-disability/what-does-research-say](http://www.anti-bullyingalliance.org.uk/tools-information/all-about-bullying/sen-disability/what-does-research-say)

<sup>16</sup> Chatzitheochari, S, Parsons, S, Platt, L (2014) *Bullying experiences among disabled children and young people in England: Evidence from two longitudinal studies*, Institute of Education, University of London <http://repec.ioe.ac.uk/REPEc/pdf/qsswp1411.pdf>

- 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 of time in hospital.

**3.11** Disabled and/or SEN learners 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.

**3.12** Bullying of learners with disability and/or SEN can take the form of any of the traditional forms of bullying. However there are additional forms of bullying that SEN/disabled learners may experience.

### Conditional friendship

**3.13** 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 in order 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

**3.14** 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 smell, 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

**3.15** 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

- 3.16 While research suggests children and young people with disabilities and/or SEN are more likely to experience bullying than their peers, it is important to remember that not all disabled and/or SEN children and young people are bullied.
- 3.17 The Welsh Government expects schools to address bullying holistically while also taking into account the individual needs and circumstances of learners with disabilities and/or SEN; under the PSED, schools are also under an obligation to ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners due to their disabilities or SEN.

## Social model

- 3.18 In 2002 the Welsh Assembly Government adopted the social model of disability as the foundation of its work on disability in Wales.
- 3.19 The social model of disability offers a different perspective on disability, whereby disability is caused by the way society is organised, rather than by a person's impairment or difference. The social model of disability looks at ways of removing barriers that restrict life choices for people with impairments or differences. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.
- 3.20 The social model of disability makes the important difference between impairment and disability. It recognises that people with impairments are disabled by barriers that commonly exist in society.
- 3.21 It is not the inability to walk that prevents a person entering a building unaided, but the existence of stairs that are inaccessible to a wheelchair user. Disability is socially constructed and the social model of disability requires society to remove the barriers so all people have equality. In schools this ethos is a key element of developing a truly inclusive environment and an effective disability equality scheme and anti-bullying policy.

## Homophobic, biphobic and transphobic bullying

- 3.22 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 a LGBT relative or simply because a learner is different in some way (see paragraph 3.26). It is not characterised by specific acts but by the negative attitudes and beliefs towards LGBT people that underlie these.

**3.23** 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.

### Key issues for LGBT learners experiencing bullying

**3.24** A 2017 Stonewall<sup>17</sup> report found that nearly three in five LGBT learners in Welsh schools who took part in a survey reported that their schools say homophobic and biphobic bullying is wrong, while just one in three report that their schools say transphobic bullying is wrong. The report also found that more than four in five LGBT learners report that they have never learned about or discussed bisexuality at school, making bisexual children and young people feel even more isolated, especially where sexual orientation can sometimes wrongly be conceived as a binary of being straight or gay/lesbian, and bisexual people's identity and experiences sometimes dismissed.

**3.25** The Welsh Government expects schools to incorporate anti-bullying work in the wider context of an equalities and social justice approach to respectful and healthy relationships and violence prevention. This should be done as part of a whole-school approach to celebrating difference, including embedding LGBT issues across the curriculum.

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

**3.26** 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. The 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.

**3.27** 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

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<sup>17</sup> School Report Cymru [www.stonewallcymru.org.uk/schoolreportcymru](http://www.stonewallcymru.org.uk/schoolreportcymru)

- 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 respectively<sup>18</sup>
- put down a learner with a gender non-conforming friend or family member
- imply gender variance is unacceptable
- verbally bully a target considered gender-fluid.

## Positive action

- 3.28 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.
- 3.29 The Welsh Government expects schools to 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 schools are also under an obligation to 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

- 3.30 In 2015 Girlguiding UK found that 75 per cent of girls and young women said anxiety about potentially experiencing sexual harassment affects their lives in some way. The same survey found that 90 per cent of young women aged 13–21 agreed that the UK Government should make sure all schools are addressing sexual harassment and bullying in schools<sup>19</sup>.
- 3.31 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 use of humiliating sexist language. In rare cases violence may be used.
- 3.32 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 sharing of explicit images online, sometimes by multiple people, coercion or unwanted sexual touching.

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<sup>18</sup> Material in this section is adapted with permission of the publishers (Jessica Kingsley Publishers) from *That's So Gay! Challenging Homophobic Bullying* by Jonathan Charlesworth.

<sup>19</sup> Girls' Attitudes Survey [www.girlguiding.org.uk/girls-making-change/girls-attitudes-survey](http://www.girlguiding.org.uk/girls-making-change/girls-attitudes-survey)

**3.33** 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 Welsh Government expects schools to address the issue through their anti-bullying, behaviour or safeguarding policy (whichever is deemed most appropriate). Sexual bullying can affect boys and girls.

### Positive action

- 3.34** 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/young women or a former girlfriend. Where this happens, the Welsh Government expects that schools will not treat these cases any differently or less seriously than those involving girls and young women.
- 3.35** The Welsh Government expects schools to consider 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, schools are also under an obligation to ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners owing to their having protected characteristics.

### Bullying linked to race, religion and culture

- 3.36** 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.
- 3.37** Most public bodies in the UK, including schools, use the working definitions of racism and a racist incident that were proposed in the report of the Stephen Lawrence Inquiry in 1999<sup>20</sup>.

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<sup>20</sup> The Macpherson inquiry into the death of Stephen Lawrence contained recommendations for public services, including schools, on how racism should be addressed. BBC summary and link to full report at <http://news.bbc.co.uk/1/hi/uk/285537.stm>

3.38 The report defined racism as:

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

And a racist incident as:

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

### Forms of racism

3.39 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.

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

3.41 The Welsh Government expects schools to consider, for example, the following.

**Anti-Gypsyism** – Gypsies and Travellers are the target of a number of 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 has 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 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 own spheres of influence. Islamophobia is not necessarily to do with hostility to Islamic religious beliefs, but with denying equal rights and respect to people of Islamic heritage.

- 3.42 The Welsh Government expects schools to 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. on the basis of religious heritage or on the basis that they are Gypsies and Travellers or refugees. Section 11 provides information on reporting, recording and monitoring arrangements.
- 3.43 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 a 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. The role of schools in helping every learner feel they belong is of immense value in building a cohesive society. Very young children do not see difference until they learn or adopt attitudes and prejudices which may be present around them.

### Positive action

- 3.44 The Welsh Government expects schools 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, schools are also under an obligation to ensure appropriate and effective action is taken to remove or minimise disadvantages encountered by learners owing to their having protected characteristics.

# 4

## Online bullying and aggression

4.1 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 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.

- *Internet Matters: Focus on cyberbullying*
- *UKCCIS: How to address sexting in schools and colleges*
- *IWF: 5 steps to removing online child sexual abuse material*
- *Welsh Government: Keeping learners safe*
- *Childnet: Star toolkit for learners with SEN*
- *Welsh Government: Online Safety Zone on Hwb*

[hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/10](https://hwb.gov.wales/playlists/view/57976d4f-7a52-4733-9bf6-c316120ea30e/en/10)



4.2 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.

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

4.4 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 on from traditional bullying, but can occur in isolation.

4.5 The perception of being able to act anonymously online often leads to disinhibited and cruel behaviour that would be less likely face-to-face<sup>21</sup>. 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.

<sup>21</sup> Suler, J (2004) 'The Online Disinhibition Effect', *Cyberpsychology and Behavior*, 7(3), pp.321–326.

#### 4.6 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 numbers 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 that 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 a number of people over time.

### Why online bullying is uniquely distressing

4.7 Although offline bullying remains more common than online bullying<sup>22</sup> 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?

4.8 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’).

<sup>22</sup> Przybylski, A, Bowes, L (2017) ‘Cyberbullying and adolescent well-being in England: a population-based cross-sectional study’. *The Lancet, Child and Adolescent Health*; 4; Young Minds and The Children’s Society (2018). *Safety Net: Cyberbullying’s impact on young people’s mental health – Inquiry report*.

- 4.9 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.
- 4.10 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, they will also consider the implications of data laws and how to share information appropriately.
- 4.11 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, schools should regularly check the Online Safety Zone (at [hwb.gov.wales/zones/online-safety](http://hwb.gov.wales/zones/online-safety)) within the Hwb digital learning platform.
- 4.12 Schools have powers to discipline learners for incidents taking place off the premises and powers to search or confiscate mobiles as a disciplinary penalty where learners have contravened the school behavioural policy and/or anti-bullying policy. Further information on legal powers is provided in section 5.

### **Positive action**

- 4.13 The Welsh Government expects schools to address online bullying where it has an impact on the well-being of learners at the school. Where necessary, the Welsh Government expects schools to refer a case to the appropriate agency or service. Schools must act in cases that involve a safeguarding concern. All staff should receive regular training in safeguarding and online safety.
- 4.14 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 Welsh Government expects schools to log and record incidents as part of their 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. Further information and guidelines on recording information is provided in section 11.



## The law relating to bullying

- 5.1 There is no legal definition of bullying in Great Britain, but broader legislation can be applied to address certain acts of bullying.
- 5.2 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.

- *Welsh Government: Inclusion and pupil support guidance*
- *Welsh Government: Education in Wales: Our national mission, Action plan 2017–21*
- *Welsh Government: The Future of the Sex and Relationships Curriculum in Wales*
- *Welsh Government: Keeping learners safe*
- *Welsh Government: All-Wales Child Protection Procedures*
- *Equality and Human Rights Commission: Is Wales Fairer? 2015*
- *Welsh Government: School governors' guide to the law – Behaviour and Attendance*
- *Welsh Government: Digital Competence Framework*
- *Welsh Government: Personal and social education framework for 7 to 19-year-olds in Wales*
- *Welsh Government: Respect and resilience guidance 2016*
- *Welsh Government: All-Wales Travel Behaviour Code guidance*
- *Welsh Government: Safeguarding children and young people from sexual exploitation*
- *National Assembly For Wales: The Emotional and Mental Health of Children and Young People*
- *Equality and Human Rights Commission: Towards a Fairer Wales 2018*
- *Schools and the Prevent duty (Counter-Terrorism and Security Act 2015)*
- *Estyn: Action on bullying 2014*
- *Estyn: Common inspection framework*
- *Welsh Government: Special Educational Needs Code of Practice for Wales*

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## Human Rights Act 1998

- 5.3 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.
- 5.4 The 1998 Act requires all public bodies, including schools and local authorities, and other bodies carrying out public functions, to respect and protect individuals' human rights.

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

- 5.5 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.

## Rights of Children and Young Persons (Wales) Measure 2011

- 5.6 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. It placed a duty on Welsh Ministers to have due regard to the requirements of the UNCRC when exercising any of their functions.
- 5.7 The 2011 Measure underpins the framework and values for education settings. Children and young people have a right to be safe and a right to an education.
- 5.8 Public authorities have duties that contribute towards the realisation of the rights of children and young people stated in the UNCRC and the 2011 Measure.

## United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

- 5.9 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.
- 5.10 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.
- 5.11 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

- 5.12 The Education Act 2002 places a legal duty on maintained schools and local authorities to safeguard and promote the welfare of children and young people.
- 5.13 Some incidents of bullying may also be, or reveal, a child protection issue. A bullying incident should 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 must be reported to the member of staff in school responsible 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:
- promote among learners self-discipline and proper regard for authority
  - encourage good behaviour and respect for others on the part of learners and, in particular, prevent all forms of bullying among learners
  - 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 must act in accordance with the behaviour policy, which all schools are required by the 2006 Act to have. 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. The Welsh Government expects these measures to be communicated to all learners, school staff and parents/carers. The headteacher must follow through and adopt the policy and the Welsh Government expects all learners, parents/carers and teachers to be notified of it once it has been decided.

- 5.15 Under the 2006 Act headteachers can determine measures that regulate the conduct of learners when they are off-site or not under the control or charge of a member of staff. This is of particular significance to online bullying, which often takes place out of school but can impact very strongly on the school life of those learners involved.
- 5.16 The 2006 Act also provides a defence for school staff in confiscating items, such as mobile phones, from learners as a disciplinary penalty if they are being used to cause a disturbance in class or they are being used to contravene the school behaviour and/or anti-bullying policy. School staff may request a learner reveal a message or show them other content on their phone for the purposes

of establishing if bullying has occurred. A refusal to comply might lead to the imposition of a disciplinary penalty for failure to follow a reasonable instruction. Where the text or image is visible on the phone, staff can act on this. Where the school's behaviour policy expressly allows it a member of staff may search\* through the phone themselves where the learner is reasonably suspected of involvement. However, it is advisable to never to do so without another appropriate staff member present. This is best done with the designated safeguarding lead or the ICT manager and a careful written note taken of the date, time, who was present and the purpose of the search and any evidence that it was necessary. It is vitally important that these matters are well covered in the school's anti-bullying and/or behaviour policy.

## **Learner Travel (Wales) Measure 2008**

- 5.17 The headteacher must 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)'.
- 5.18 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 under the age of 19 years (or who have reached 19 but started a course when under 19 and continue to attend that course).
- 5.19 The Code guidance sets out the framework for the sanctions regime within the Code, which provides for the removal of free or subsidised transport for set periods of time if a learner misbehaves on learner transport.
- 5.20 There may be circumstances where the behaviour of the learner is not appropriate to be addressed through the Code and in these cases the Welsh Government expects schools to 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.
- 5.21 The Welsh Government expects the Code to form part of a school's behaviour and anti-bullying policies. The Welsh Government expects any misbehaviour, including bullying, on the journey to and from school should be dealt with using the most appropriate policy, such as the school's behaviour/anti-bullying policies or by enforcement of the Travel Code.

## The Equality Act 2010

- 5.22 The Equality Act 2010 ('the 2010 Act') provides protection from discrimination, harassment and victimisation of learners who have one of the protected characteristics set out in the 2010 Act.
- 5.23 The PSED requires schools to take action to improve outcomes for learners with different protected characteristics. It is a legal requirement, under the 2010 Act, which schools in Wales must follow. It can be used as a helpful mechanism to tackle prejudice-related bullying and implement a whole-school approach.
- 5.24 The general duty has three aims, each of which have clear links to anti-bullying. It requires schools in Wales to have due regard to the need to:
- eliminate discrimination and harassment and victimisation
  - advance equality and opportunity
  - foster good relations across all protected characteristics.
- 5.25 To fulfil the three aims of the general duty, schools 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.
- 5.26 Under the PSED there are also specific duties on school governing bodies 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 represents the interests of persons who share one or more of the protected characteristics.
- 5.27 Further information setting out the Welsh Government's expectation of schools' compliance with this provision is outlined in section 11.

## Criminal offences legislation

5.28 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.

### Malicious Communications Act 1988

5.29 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.

### Protection from Harassment Act 1997

5.30 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.

5.31 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.

5.32 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.

5.33 If school staff or parents/carers feel that an offence may have been committed they should seek assistance from the police.

5.34 Chapter 5.5 of the All Wales Child Protection Procedures<sup>23</sup> covers indecent images of children and the internet.

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<sup>23</sup> The All Wales Child Protection Procedures are currently under review.

## Counter-Terrorism and Security Act 2015

- 5.35 The Counter-Terrorism and Security Act 2015 places a duty on schools in relation to the Prevent duty. Schools must demonstrate that they are protecting children and young people from being drawn into terrorism by having robust safeguarding policies in place to identify children and young people at risk, where necessary intervening as soon as possible. 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.
- 5.36 The Welsh Government expects schools to have clear safeguarding procedures which deal with matters linked to the Prevent duty.



## Effective anti-bullying strategies

### What works when launching new strategies?

6.1 Successful implementation of an effective anti-bullying strategy to challenge and prevent bullying in schools must involve the whole school community. Taking a whole-school approach is more likely to succeed than a single initiative by a teacher or group of learners.

- *Children's Commissioner for Wales: Sam's Story*
- *Equality and Human Rights Commission: Redhill School case study*
- *Equality and Human Rights Commission: Trinity School (SEN) case study*
- *Welsh Government: Challenging racism in schools factsheets*
- *Welsh Government: Family and Community Engagement (FaCE) toolkit*

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6.2 The most effective interventions are sustained over the long term, developed with staff, learners, parents/carers and partners in the community. These are monitored, evaluated and revised regularly to reflect changes in circumstances or context. Interventions are supported by a school ethos that inhibits bullying and promotes empathy and respect. A single intervention or initiative is unlikely to provide a solution to bullying and the most effective anti-bullying strategy will usually include a range of tools that can be adapted to suit particular incidents and form part of the school's wider whole-school approach to well-being.

6.3 The Children Act 2004 places a statutory duty on all authorities delivering children's services to work together with stakeholders and partner agencies to deliver integrated services and improve preventative and early interventions for children and young people and their families.

6.4 The Welsh Government recommends that schools establish an anti-bullying lead within their schools as a designated role for an individual or a team. The key responsibilities of the role 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.

6.5 The Welsh Government expects an effective anti-bullying strategy to set out how the school intends to coordinate its anti-bullying work within its whole-school approach. The Welsh Government expects it to include developing a holistic range of interventions, which include preventing, identifying, responding to and challenging incidents of bullying.

6.6 To achieve a whole-school approach, the Welsh Government expects schools to:

- have a strong moral leadership from the headteacher, other senior leaders and the governing body, which models values and high expectations, thereby 'leading by example' by valuing health and well-being
- embed a climate and culture where learners feel safe, secure and valued, promote the UNCRC and, in particular, seek and listen to the voice of the child or young person
- have in place a secure understanding of the health and well-being of their learners and effective methods to monitor and evaluate this
- provide a curriculum that meets the needs of learners (both now and for their future), implemented with learning experiences that support and challenge learners about their health and well-being
- establish and maintain strong and responsive care, support and guidance
- create an environment that promotes health and well-being (e.g. space to play and relax maximising the benefits of outdoor learning where possible, suitable toilet facilities, support healthy food and drink, ensure site security, etc.)
- ensure effective communication and partnership working with parents/carers
- support professional learning for all staff, tailored to meet their needs and responsibilities.

6.7 Before launching a new anti-bullying strategy, the Welsh Government expects schools to:

- engage widely with the school community to ensure their policies and procedures are relevant and update them periodically. The Welsh Government expects schools to review the policies at least every three years or sooner in light of new initiatives or wider relevant policy change

- set clear and realistic objectives about what the strategy aims to achieve (the Welsh Government expects awareness-raising activities to be undertaken to promote these objectives among staff and learners)
  - if needed, provide training on how to implement the objectives of the strategy.
- 6.8 Information on what governance arrangements the Welsh Government expects schools to have in place is provided in section 7.
- 6.9 The Welsh Government expects prevention to be fully embedded. Further information on prevention is provided in section 8.

### **How will a school know their strategy is effective?**

- 6.10 When a strategy is introduced a cycle of reflective practice begins measuring the situation at that point, providing a baseline against which progress can be benchmarked. The Welsh Government advises that schools should carry out a self-evaluation exercise seeking feedback from both staff and learners to measure the extent of bullying behaviour present. Surveys provide a useful method of collecting this information; sample surveys can be found in the toolkit.
- 6.11 The Welsh Government expects schools to regularly measure the views of learners, parents/carers and staff. In this way they will be able to measure effectiveness.
- 6.12 Monitoring incidents of bullying enables a school to identify patterns of behaviour and the extent of bullying which in turn enables them to take proactive steps to challenge unacceptable behaviour and bullying. Section 11 provides information on reporting, recording and monitoring arrangements. Schools that use monitoring processes are best placed to be able to modify their anti-bullying policies effectively to respond to specific trends and issues.
- 6.13 Data contributes to self-evaluation and the school development plan, helping schools to:
- understand the current situation and show where to focus their efforts
  - assist in achieving the equality goals schools have set
  - measure and demonstrate success
  - meet their general and specific obligations under the PSED.
- 6.14 Where schools collect data about bullying incidents, much of which would be personal data as defined under data protection legislation such as the EU General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018 (DPA), the Welsh Government expects schools to work with their Data Protection Officer to ensure that all personal data is processed lawfully and with appropriate protection for the individual's rights.



## Why is it important to involve learners in developing and implementing an anti-bullying strategy?

- 6.15** Without the wholehearted involvement of the children and young people in their school, anti-bullying strategies are not likely to succeed. The Welsh Government expects schools to consult learners as an essential step in all stages of anti-bullying work.
- 6.16** It is recommended that the school governing body appoint a link governor to liaise with the school council. Schools in Wales must ensure that the school council has the opportunity to nominate up to two learners from Years 11, 12 and/or 13 from its membership to be associate learner governors on the school's governing body<sup>24</sup>.
- 6.17** To determine how effective a school strategy is, it is important to consult with all those involved in implementing the strategy – this includes the learners. In some schools, staff may believe it works well, while the majority of learners may say the opposite. For strategies to be most effective there needs to be a general consensus that the strategy is working. This involves ongoing dialogue between staff and learners. A key question which should be asked continually is 'Are there ways in which it could be improved?'. Some approaches might work better in some circumstances. Good ideas may not be working well because small, but significant, changes are needed.
- 6.18** An example of this is a school that had gone to considerable trouble to train peer supporters and then found that not a single report was received for two terms. It found that the room allocated for children to meet and talk to the peer supporters was nicknamed 'the fishbowl' by learners because it made them highly visible owing to glass panels. They stayed away, not because the peer support offered was inadequate but simply because the facility provided was unsuitable.
- 6.19** Useful questions schools might ask prior to implementing anti-bullying strategies include:
- do learners understand what is meant by bullying?
  - do learners understand that they can report other types of incidents which are not bullying?
  - how can learners report a concern or a bullying case and are these strategies effective and being used?
  - have learners' suggestions and observations been considered when developing this strategy?
  - have learners been fully prepared for the launch of a new strategy?

<sup>24</sup> The School Council (Wales) Regulations 2005 amends the Government of Maintained Schools (Wales) Regulations 2005 to allow for appointment of associate learner governors to the governing body of all maintained secondary schools.

## Why is it important to involve parents/carers in developing and implementing an anti-bullying strategy?

- 6.20** It is imperative that children and young people are taught, both at home and in school, about building and maintaining respectful relationships. This is the foundation on which positive behaviour is based.
- 6.21** Parents/carers have an important role to play, as part of the school community, in taking responsibility for their child's behaviour inside and outside school; so too do schools (paragraph 6.25 provides more information about schools' responsibilities for the behavioural conduct of learners outside of school).
- 6.22** Partnership working between the school and parents/carers to maintain high standards of behaviour and to encourage respect and kindness towards other people is vital.
- 6.23** The Welsh Government expects schools to engage with parents/carers, taking into account the following considerations when developing and rolling out their anti-bullying strategy.
- Are parents/carers aware of the new or existing strategy? Do they know how the school would like them to report any concerns and how to appropriately escalate matters should they not be satisfied with the outcome of their initial concern?
  - Do parents/carers know who to speak to when raising a concern about bullying and what evidence to provide?
  - Have parents/carers been engaged to support their children and support the vision and values of the school?
  - If parents/carers are aware prejudice and discrimination are unacceptable within the school community this can help a school deal with incidents when they occur.
  - If parents/carers are not satisfied with the way the school has dealt with a case of bullying that they reported they should be aware of the school's complaints procedure.
- 6.24** There are a variety of techniques schools can employ to achieve effective parental/carer engagement, including:
- online feedback forms
  - group meetings with staff and parents/carers
  - parents/carers evenings to help families provide support for learning as well as allowing parents/carers the opportunity to provide quality feedback on their child's progress and learning environment.

Take advantage of other opportunities to communicate to families the most effective ways in which they can support their child's learning and well-being, and support them to act on this, e.g. designing homework tasks that learners work on with their families, providing messages in homework or home-school books/e-learning books, etc.

## Behaviour and conduct outside of school

- 6.25** Section 89(5A) of the Education and Inspections Act 2006 gives headteachers a statutory power to regulate learners' behaviour in these circumstances 'to such extent as is reasonable'. Bullying may be an example of where headteachers used this power. Individual schools are best placed to make judgements about what is reasonable in their particular circumstances. However, paragraph 6.26 suggests factors that a school could take into account in making such judgements.
- 6.26** While schools are able to regulate certain conduct off school premises, such as bullying behaviour, they can only impose sanctions when the learner is on the school site or under the lawful control or charge of a member of staff. A sanction could be imposed while a learner is on a school trip, but not while the learner is on their journey home from school for instance. In such circumstances, the member of staff could indicate to the learner that they have been seen misbehaving and/or engaging in bullying behaviour and will receive a sanction; however, the member of staff must wait until the learner is next in school to apply the sanction.

## Dealing with incidents of misconduct on and off school premises

- 6.27** The Welsh Government expects effective policies on school behaviour, anti-bullying and discipline will clearly set out expectations for positive behaviour of learners off the school site. This includes behaviour on activities arranged by the school such as work experience placements, educational visits and sporting events, as well as behaviour on the way to and from school and behaviour when wearing school uniform (if any) in a public place.
- 6.28** Schools must act reasonably both in relation to expectations of learner behaviour and in relation to any measures determined for regulating behaviour by learners when off the school site and not under the lawful control or charge of a school staff member. The Welsh Government expects schools to decide what to take into account in deciding whether a rule or sanction in a particular case is reasonable; challenging bullying behaviour may be an example of when schools implement this provision. A school could sensibly take account of the following factors (which may not all apply to every incident):
- the severity of the misbehaviour
  - the extent to which the reputation of the school has been affected
  - whether the learner/learners in question was/were wearing the school uniform or was/were otherwise readily identifiable as a member/members of the school
  - the extent to which the behaviour in question would have repercussions for the orderly running of the school and/or might pose a threat to another learner or member of staff (e.g. bullying another learner or insulting a member of the staff)
  - whether the misbehaviour in question was on the way to or from school; the Welsh Government expects schools in collaboration with their local authority

to consider whether to impose sanctions under the travel behaviour code or school behaviour policy when addressing misconduct on the journey to and from school (paragraphs 5.17–5.21 provide more information relating to this provision)

- whether the misbehaviour in question was outside the school gates or otherwise in close proximity to the school
- whether the misbehaviour was while the learner was on work experience, taking part in a further education course as part of a school programme or participating in a sports event with another school (i.e. when the learner might be expected to act as an ambassador for the school) which might affect the chance of opportunities being offered to other learners in the future
- whether the learner/learners were truanting.

**6.29** Applying such factors, there would, for example, be a strong case for disciplining a learner for harassing and/or bullying a member of staff off school premises, including through the internet. There would also be a strong case for disciplining a learner for verbally abusing other people, including members of the public, while travelling on the way to/from school. However, the case for disciplining a learner for verbally abusing somebody who had no connection with the school at a weekend would be much weaker. This is not of course to say that schools should take no interest in behaviour they do not regulate. Liaison between the school, parents/carers and those in the local authority and wider community responsible for tackling antisocial and bullying behaviour may be particularly relevant in this context.

**6.30** Schools may find it helpful to relate whatever factors they decide to use to a set of overall objectives that make clear why a policy for regulating behaviour, including strategies for challenging bullying behaviour and promoting respectful relations off school premises, is being applied. Such objectives might be to:

- maintain good order on transport and while walking or cycling to and from school, educational visits or other placements such as work experience or college courses
- ensure behaviour does not threaten the health or safety of learners, staff or members of the public
- provide reassurance to learners who may feel threatened or intimidated by the behaviour of a small minority of their peers or from 'stranger danger'
- provide reassurance to members of the public about school care and control over learners and thus protect the reputation of the school
- provide protection to individual staff from harmful conduct by learners of the school when not on the school site.

**6.31** Many extended school activities take place off school premises. Behaviour during such activities may be dealt with in the same way as for any other on-site activity. It would be logical to deal with behaviour during off-site extended school activities which are not supervised by school staff in the same way as behaviour during

further education, college or work experience placements. Further information and guidelines on regulating behaviour and conduct outside of school is provided in section 5, 'Education and Inspections Act 2006'.

## Involving all school staff in developing and implementing the anti-bullying strategy

- 6.32** Staff should be well prepared and feel confident to handle any incidents reported to them. This includes teaching and non-teaching staff. They should expect more reports than usual when a new strategy is launched. It is considered a positive sign when children and young people come forward.
- 6.33** Schools who report they have no bullying may not have the trust of their learners. Where schools report they have no bullying, this may be as a result of the reporting mechanisms or responses being ineffective. Learners do not feel safe in raising their concerns. Schools reporting zero cases of bullying may be challenged through the inspection process to clarify what mechanisms the school employs to ensure learner well-being and inclusivity.
- 6.34** If children and young people lack confidence that they will achieve a good outcome when they report what is happening to them, they tend to stay silent. The Children's Commissioner for Wales found that 'trust' was a recurring theme raised by children. Having a trusted person to talk to emerged as a key pathway to address bullying<sup>25</sup>.
- 6.35** Schools can find that the most challenging aspect of reducing bullying is to obtain a good resolution to cases. If learners come forward only to find that interventions either make no difference, or worsen the situation, trust is lost. Evaluations frequently reveal that this is the weakest point in a school's strategy<sup>26</sup>.
- 6.36** A resource in the toolkit for this guidance provides more information on effective approaches to responding when instances of bullying are reported.
- 6.37** An effective anti-bullying strategy works best when it is part of a broader school framework, specifically a whole-school approach to health and well-being, which includes cross-cutting policies and procedures that help deliver the strategy in a consistent and coherent manner.
- 6.38** Section 7 provides more information on effective approaches to governance and policy development.

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<sup>25</sup> Children's Commissioner for Wales, 2017, 'Sam's Story' [www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf](http://www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf).

<sup>26</sup> Evaluation for Make A Noise programme.

## Policy

7.1 The Welsh Government expects schools to develop their anti-bullying policy as a separate policy document, but that it should link to the school behaviour policy, which schools must have by law.

- *Anti-Bullying Alliance: Anti-bullying policy guidance*
- *Kidscape: Anti-bullying policy checklist*
- *Equality and Human Rights Commission: What Equality Law Means for You as an Education Provider in Wales*
- *Equality and Human Rights Commission: Using data to inform and evaluate anti-bullying strategies*
- *Welsh Government: Special Educational Needs Code of Practice for Wales*
- *Welsh Government: Professional standards for education professionals*
- *Welsh Government: Keeping learners safe guidance*
- *Welsh Government: All-Wales Child Protection Procedures*
- *Welsh Government: All-Wales Travel Behaviour Code guidance*
- *About the Contextual Safeguarding Network*

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7.2 The Welsh Government expects school anti-bullying policies to outline:

- the vision and values of their school
- their definition of what is meant by bullying
- why it is important to prevent and challenge bullying
- how awareness of bullying will be raised
- how anti-bullying work will be embedded in the curriculum rather than an isolated annual event (such as during anti-bullying week)
- involvement of staff, learners, parents/carers and school governors in development and implementation of the policy
- signs a child or young person might be experiencing bullying
- how bullying will be prevented, including on journeys to and from school
- when the school will take action in relation to bullying outside the school
- how the school will respond to incidents
- how to report bullying
- what learners can expect
- what parents/carers can expect

- how incidents will be recorded and monitored
- how learners and/or parents/carers can appropriately escalate the matter if they do not feel that their concerns are being taken seriously
- how the school will evaluate and review their policy and strategy.

## Making the policy effective

- 7.3** The Welsh Government expects the overall approach taken by the school to be clear to all readers, with fair and consistent consequences and sanctions explained. The policy should clearly support the vision and values of the school and set out the school's equality objectives to meet their PSED under the Equality Act 2010.
- 7.4** The Welsh Government expects the policy to be regularly updated. The Welsh Government expects reviews of the policies and any relevant updates at least every three years or sooner in light of new initiatives or broader policy change. As part of the review, it is recommended that all members of the school community be consulted, including staff, learners, parent/carers and support agencies and organisations, such as the school nursing service and police 'All Wales School Liaison Core Programme'. Following a serious incident of bullying, schools may wish to review their policy and strategy and make relevant adjustments.
- 7.5** The Welsh Government expects the anti-bullying policy to be user-friendly and be made known to all teaching and support staff, to learners and parents/carers. The Welsh Government expects schools to publish the policy on their websites. Where this is not an option, the Welsh Government expects schools to outline clearly how staff, learners and parents/carers can access the policy. Schools may also adopt an approach whereby the policy, or specific elements of it, are included in homework books/e-learning books such as an index code on the inside cover. This may help to embed the policy into their school culture and extend the message to learners' homes too.
- 7.6** As part of the school's approach to ongoing training and development the Welsh Government recommends staff should receive regular training on their anti-bullying policy and procedures, including in relation to any new trends or concerns arising within their school. The Welsh Government expects that on induction all new staff will be made aware of the policy, the approach taken by their school and how the procedures are administered. The Welsh Government expects playground, lunchtime and school transport supervisors and school administrators to be fully aware of the policy and the procedures they should follow.

7.7 The Welsh Government expects the anti-bullying policy to not just align with the school's behaviour policy, but to interlink also with broader school policies such as safeguarding, attendance, acceptable use of ICT, online safety, travel behaviour and exclusions. Aligning policies will help schools ensure a whole-school approach is taken to multifaceted issues. For example, where a learner is absent from school, the Welsh Government expects schools to work with the learner and their parents/carers to determine the nature of the absence. If it is determined the learner does not wish to attend school because of bullying, the Welsh Government expects the school's first priority to be to address the root cause of the absence, namely the bullying. Where various policies within a school are written by different individuals or groups, the Welsh Government expects checks to be made to ensure they do not result in conflicting advice and inconsistencies. The Welsh Government expects all policies to interact seamlessly and consistently using the same definitions, terminology and values. The Welsh Government expects various policies to contribute to their whole-school approach to health and well-being.





## Planning: what does the Welsh Government expect schools to consider?

- 8.1 Before deciding on which of the many effective approaches they should use it is important that each school has some structure in place across its whole setting. Prevention is a vital component of a school's strategy.

- *Children's Commissioner for Wales: The Right Way*
- *Department for Education in England: Approaches to preventing and tackling bullying*
- *Mencap: Am I making myself clear?*
- *Mencap: Communicating with people with a learning disability*
- *Equality and Human Rights Commission: Prejudice and stereotypes – class activity*
- *AGENDA: Making Positive Relationships Matter*

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- 8.2 The Welsh Government expects schools to adopt a whole-school approach for promoting positive, respectful behaviour between staff and learners as part of their whole-school approach to health and well-being. The Welsh Government expects this approach to be woven through all school activity, creating an environment that encourages positive behaviour and addresses the root causes of unacceptable behaviour. This will help create an inclusive, engaging environment where learners feel safe and are ready to learn.

### Effective communication

- 8.3 The Welsh Government expects schools to be very mindful of the behaviours being promoted in their settings. The Welsh Government expects focus to be made on positive behaviour and action, emphasising what learners should be doing, rather than concentrating on negative behaviour underpinned by a 'must not' culture.
- 8.4 All schools encounter negative behaviour in their settings, which needs to be addressed. However, the Welsh Government expects schools to consider whether negative behaviour is receiving too much attention. If this is happening, the Welsh Government expects schools to create a sense that the norm is positive behaviour by keeping a high profile for pro-social behaviour, kindness, loyalty and team spirit, in contrast to a low profile for negative behaviour, such as bullying. While the unwanted behaviour continues to be addressed as rigorously as before, the message is not constantly about what learners should not do.

## Tailoring intervention

- 8.5** Young children who bully others by using insults may not always understand the hurt they have caused and may be repeating what they have heard at home or in the community. Sensitive restorative work and education can be effective in these cases. Group activities exploring why some words are unacceptable can be used along with meetings with parents/carers who should be reminded about the values of the school. Effective engagement with parents/carers in developing the values and anti-bullying strategy in their school from the outset may also encourage learners and their families to adopt the shared values in the wider community.
- 8.6** When young people become adolescents they are more likely to be influenced by their peers and therefore the Welsh Government expects interventions to adopt a whole-school approach, addressing the whole group or class so the majority opinion is heard.

## Curricular approaches

- 8.7** One-off lessons or short 'blitz'-type activities are less likely to succeed than work embedded in the curriculum that progressively addresses relationships, positive behaviour and resilience.
- 8.8** Our new curriculum – Curriculum for Wales 2022 – will be introduced in September 2022 by primary schools and for Year 7, and then rolled out on a year-by-year basis in secondary schools. It looks to equip all our children and young people for life. It has four key purposes to support all learners to become ethical, informed, healthy and confident individuals who are ready to learn throughout their lives as they become citizens of Wales and the world.
- 8.9** Curriculum for Wales 2022 will have six areas of learning and experience. There will be opportunities across all six areas of learning and experience to embed positive behaviour and respect, not limited to the Health and Well-being Area of Learning and Experience.
- 8.10** Recognising good health and well-being as a key enabler of successful learning the Health and Well-being Area of Learning and Experience will support learners to develop and maintain not only their physical health and well-being, but also their mental health and emotional well-being. It will also support learners to develop positive relationships in a range of contexts. Drawing on subjects and themes from mental, physical and emotional well-being, learning in this area of learning and experience also links to how the school environment supports children and young people's social, emotional, spiritual and physical health and well-being.
- 8.11** The key characteristics outlined, which will support learners to become ethical, informed members, include:
- 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 to appreciate the importance of respecting others
- considering the social and ethical issues that impact on the health and well-being of others.

**8.12** The draft version of Curriculum for Wales 2022, including the proposed framework for the Health and Well-being Area of Learning and Experience, can be found at [hwb.gov.wales/draft-curriculum-for-wales-2022](http://hwb.gov.wales/draft-curriculum-for-wales-2022).

**8.13** While Curriculum for Wales 2022 provides further opportunities for schools to embed health and well-being at the heart of all learning, the Welsh Government expects schools, under the parameters of the current curriculum, to adopt and maintain a whole-school approach, working across the existing curriculum to build a supportive school culture and shared values. Implementing this approach can be instrumental in enabling and empowering learners to acquire and maintain the social skills that will allow them to manage their relationships with others and equip them to respond to bullying in an appropriate and if necessary, assertive way. This approach to bullying enables the issue to be introduced progressively in an appropriate way and not treated as a 'one-off' lesson. It allows learners to make use of preferred and appropriate learning styles and can include the use of literature, audio–visual material, drama, music, debates and outside visitors<sup>27</sup>.

**8.14** Targeted initiatives provide an opportunity to reinforce a positive and inclusive school culture. This can include awareness days, workshops, sign-posting and drop-in sessions, as well as involving the wider neighbourhood and utilising a variety of organisations.

**8.15** Schools should not be restricted to embarking on targeted initiatives only within dates set aside for planned prevention activities. In fact, limiting discussion of equality or discrimination issues solely to publicised or scheduled events misses numerous opportunities for 'teachable moments' such as what is topical in the news.

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<sup>27</sup> Suckling, A, Temple, C (2002) *Bullying: A Whole-School Approach*. Jessica Kingsley Publishers.



## Responding when bullying occurs

- 9.1 Schools must comply with their legal duty to safeguard and promote the welfare of learners and any other legal duties. The Welsh Government expects all headteachers and school governing bodies to 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.

- *Children's Commissioner for Wales: Sam's Story*
- *Welsh Government: Challenging racism in schools factsheets*
- *Anti-Bullying Alliance: Restorative practice*
- *Welsh Government: Handling allegations of abuse against teachers and staff*
- *Welsh Government: School complaints procedures*
- *Welsh Government: School governors' guide to the law*

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- 9.2 Staff should be mindful that a learner may approach any member of staff they trust. Staff training and regular updates will increase their readiness and confidence to notice and respond when issues of bullying present. The Welsh Government expects school procedures outlining the steps to take for addressing bullying to be understood by all staff and applied in a consistent and fair manner. This will help to ensure that when a learner reports an issue of bullying to staff, irrespective of which staff member the learner approaches, the same procedure is followed.
- 9.3 Successful strategies provide a consistent framework with options to suit the situation. Bullying is complex behaviour and the Welsh Government expects the response to be appropriate, while also following standardised framework guidelines. The Welsh Government expects a school's anti-bullying strategy to be child-centred and not lose sight of the needs of the learner, irrespective of whether they are a target or perpetrator of bullying, or a bystander. If the response is too generic, heavy-handed or lacks sincerity, it can have the opposite effect from that intended. The Welsh Government expects schools to develop their anti-bullying strategy in collaboration with learners and parents/carers to ensure procedures for responding when instances occur are understood, agreed to and implemented by all those in the school community.
- 9.4 Effective schools use each incident as a learning opportunity. The school's role is to nurture and support learners to understand they are in the process of learning to be informed citizens of the future.

## The Welsh Government expects work to be undertaken with all parties

- 9.5 Alongside the support provided to targets of bullying, the Welsh Government expects schools to recognise that those who perpetrate bullying of others also need help, support and opportunities to change their behaviour and to ensure that they receive these. Effective listening can be used along with teaching relationship skills to those who bully others. The Welsh Government expects them to be guided to recognise and handle their difficult feelings and to learn positive communication skills. Bullying behaviour can be a sign of some bigger problem at school, home or elsewhere in a child or young person's life. Domestic violence, punitive parenting, neglect, bereavement or parents/carers parting can be revealed when working with learners who bully. The Welsh Government expects staff to be appropriately prepared for such disclosures as part of broader training, such as safeguarding. Schools with an open culture and good safeguarding protocols will be responsive to all parties involved in bullying. (See the reference to 'Bullying and safeguarding' in paragraph 2.9.)
- 9.6 The Welsh Government expects schools to support bystanders of bullying. Children and young people who witness bullying and do nothing to help the target or stop the situation may feel bad or guilty about it later. Bystanders who laugh or join in the bullying are at risk of becoming bullies themselves. The Welsh Government expects schools to ensure children and young people who are bystanders to bullying understand that they have the power to challenge the bullying, either by intervening – if they feel safe to do so – or by reporting it immediately to a member of staff or trusted adult.
- 9.7 Educating learners by helping them to develop resilience by practicing the problem-solving and assertiveness skills they need to challenge unacceptable behaviour, stand up for themselves and for their peers and feel safe, is important.

## Routes to report

- 9.8 The Welsh Government expects schools to offer a range of ways for learners to report bullying. These can include:
- trained peer supporters or 'buddies'
  - a quiet and private space to talk
  - anti-bullying pastoral leads and staff available at key times
  - school nurses or counsellors
  - feedback boxes.

## Effective listening

- 9.9 Those who are targets of bullying behaviour tend to feel powerless. One of the first steps when responding to incidents is to work to restore their capacity to make choices for themselves. Using effective listening techniques, staff (or a peer supporter where these are used) can help the targeted learner to feel they are doing something about the problem. Acknowledge calmly the anger or distress of the targeted child or young person speaking. If they need time to process their thoughts or articulate the story, try not to rush them. Staff should be mindful that it may have required considerable courage to come and report what is happening. Thank the learner for reporting the problem. Explain to them the next steps of how their concerns will be taken forward. This will help to reassure them that their concerns are being taken seriously.

## Consider the setting

- 9.10 The Welsh Government expects staff to consider the environment where discussions with learners about bullying take place. Ensuring the setting is neutral and offers suitable levels of privacy can make the difference between a learner engaging in discussion or not. Staff are recommended to sit at the same level as the learner reporting their experience of bullying. Placing chairs at a slight angle rather than directly opposite each other can also help reduce any conscious or unconscious sense of confrontation or opposition. Ensure privacy to avoid other learners overhearing what is said or seeing a meeting taking place, but for safeguarding best practice, it should be possible for other staff to observe the meeting.

## Saving evidence

- 9.11 The Welsh Government expects learners who are bullied to be encouraged, where possible, to keep evidence of the activity. Evidence may be threats or images sent on or offline by messaging, conversations, notes or images, damaged clothing or other belongings, online conversations or notes. Bystanders may also be able to provide witness statements or additional evidence. Dates and times when things happened should be noted. Screen grabs can be saved as online evidence.





## Particular types of intervention

10.1 The Welsh Government expects schools to have a consistent approach to challenge bullying, one that utilises a range of tools to deliver the anti-bullying policy. This will enable staff to select the interventions they feel are best suited to address the individual needs of each case in a timely fashion.

- *Children's Commissioner for Wales: The Right Way*
- *Olweus Bullying Prevention Program*
- *KiVa*
- *The Diana Award*
- *Red Balloon*
- *Kidscape: ZAP Programmes*
- *Welsh Government: School complaints procedures*
- *Welsh Government: Keeping learners safe*
- *Welsh Government: Handling allegations of abuse against teachers and staff*
- *Education Workforce Council: Code of Professional Conduct and Practice*
- *Welsh Government: Professional standards for educational professionals*

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10.2 Bullying damages healthy self-esteem, replacing positive beliefs about oneself and beliefs linked to shame, disgust, criticism, incapacity, powerlessness and helplessness. The Welsh Government expects that when deciding on next steps to increase the self-efficacy of the learner who reports being bullied, staff will try to include decisions made by the learner themselves where appropriate. Staff may wish to offer some choices unless, in doing so, there is a risk of evidence of significant harm. In that case the Welsh Government expects staff to apply their school safeguarding procedures. Choices offered to the targeted learner may include:

- how the incident could be handled
- whether changes to the learner's current journey to and from school should be considered in more detail
- whether the learner would like help from a peer or wants to join a club or lunchtime activity.

10.3 Interventions may be at a class level, year group level or only with the individuals involved in the bullying incident.

- 10.4 There are a variety of intervention methods schools may choose to use. Examples of these include:
- **mediation** – this involves helping the perpetrator and target of bullying talk about the issue and agree on a solution
  - **restorative approaches** – built on values, which separate the person from the behaviour. They promote accountability and seek to repair any harm caused in a situation
  - **building resilience** – strengthening the learner’s ability to effectively cope, adjust or recover from being bullied or facing other sources of trauma, stress or adversity; equipping learners with a solid foundation or emotional resilience by ensuring that they feel accepted
  - **peer support** – is about children and young people feeling accepted and included by other learners. It can help individuals feel like they belong in a school and can be an important factor in reducing bullying and conflict. It can be encouraged in schools in both informal and formal ways
  - **school sanctions** – schools can use disciplinary sanctions, as set out in their school policies, to address bullying. The consequences of bullying reflect the seriousness of the incident so that others see that bullying is unacceptable.
- 10.5 There are various programmes schools can adopt to address bullying. It is for individual schools to determine the most effective way to address bullying and implement anti-bullying policies in their school setting; this includes which, if any, programmes they choose to employ to support this provision.
- 10.6 There are, frequently, learning opportunities for the whole class or year group, which can be implemented without mentioning the name of the person who reported the bullying. This protects against retaliation.
- 10.7 The Welsh Government expects a school to address the perpetrator(s) of bullying according to the procedures and agreed approach in the school if they are found to have acted inappropriately; but perpetrators must be allowed to put their side of the story and given a fair hearing before any decisions are made.
- 10.8 When determining the most appropriate response or sanctions for addressing bullying, the Welsh Government expects schools to consider the impact a response may have more broadly and long-term on all parties involved. The Welsh Government expects schools to consider whether this is likely to help address the root causes for the bullying happening and how interventions might have the greatest impact on preventing the issue from continuing or recurring.
- 10.9 The Welsh Government expects schools to consider short- and longer-term interventions and give careful consideration as to whether the action is addressing the issue or simply delaying the issue happening again. For example, isolating a learner, whether the perpetrator or target of bullying, may provide a very short-term achievement of safeguarding the learner from further immediate

harm, but this intervention does not rebuild the self-belief of the targeted learner nor help change the behaviour of the perpetrator, and is therefore not a suitable strategy for addressing the root cause of the issue or providing a medium- or long-term solution.

## What happens when the intervention is not working?

- 10.10** It is not productive to continue using an intervention to address a case of bullying if the approach has failed to work. If an intervention is not working as intended, the Welsh Government expects alternative approaches to be tried. Schools must not consider the issue resolved on the grounds that the intervention is completed, if the outcome is not successful.
- 10.11** If a case is persistent or the same perpetrator is consistently reported for bullying others a different response is required. Some approaches may not be suitable for certain cases. For example, where there is an imbalance of power so great that the target is afraid of the perpetrator restorative approaches may be unwise until sometime later when work has been undertaken to address the power balance.

## When interventions fail or struggle to have an impact

- 10.12** Resistant cases can cause immense distress to learners and their parents/carers. Where a school's response is that it has followed its anti-bullying policy, there may be stalemate. The school insists they are addressing the matter, but the target and their parents/carers are not seeing any improvement in the situation.

### Positive action

- 10.13** When this happens, and evidence suggests the current action plan is not working, the Welsh Government expects schools to work with the learners involved and their parents/carers to review the case, and the Welsh Government expects that if deemed necessary a new intervention will be tried. Where cases are resistant to resolution, regular reviews and ongoing communication between all parties is vital to ensure interventions are working properly.
- 10.14** Difficult behaviour does not always improve in a steady progression. It might improve for a time and then slip back. This may not indicate the approach is not working but that it should be continued, reinforced or slightly altered. If it is not working at all the Welsh Government expects a new plan to be made.
- 10.15** Plans can include work for the family to do at home. Schools may wish to remind parents/carers that they should support the school's values. If the source of the prejudice-related behaviour is in the home or community, this should be acknowledged and help sought in the local area.

## The right of parents/carers to escalate the matter

- 10.16** 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.
- 10.17** Under section 29 of the Education Act 2002, school governors are required to have and publicise a complaints procedure ensuring anyone with an interest in the school can raise a complaint, confident it will be considered properly and without delay.
- 10.18** A school complaints policy must be available on the school website and/or made available on request from the school or school governing body. The policy must explain the process for raising a complaint to enable the complainant to understand how the school governing body will deal with the issue.
- 10.19** In accordance with the principles of the UNCRC, the Welsh Government expects all children and young people to be listened to and treated with respect. The Welsh Government expects schools to ensure a learner making a complaint has fully understood what is on the complaint form and any decisions that may flow from this.
- 10.20** The Welsh Government expects information to be recorded to enable the school to:
- be clear about the nature of the complaint
  - keep the complainant informed of the progress of their complaint
  - make reasonable adjustments to timescales if the complaint is complex
  - keep an accurate record of the complaint and process followed
  - monitor the progress of a complaint
  - document what has been done and what needs to be done
  - provide evidence that the complaint was considered properly
  - record information for future reference given that bullying cases can reoccur so a full picture should be available
  - identify trends or recurring themes in complaints cases, to inform wider school improvement processes
  - compile reports to school governors and others on complaints.
- 10.21** All complaints must be handled fairly, openly and without bias. The Welsh Government expects schools to investigate the concerns raised and make a decision quickly.
- 10.22** Further information on complaint procedures can be found in the Welsh Government's guidance on complaint procedures for school governing bodies in Wales.

## Reporting, recording and monitoring

11.1 The Welsh Government expects schools to have in place mechanisms for reporting and recording bullying which are clearly communicated to the whole school community. The Welsh Government expects the information schools record and monitor to relate directly to their school's definition of bullying and broader provisions outlined in their school's anti-bullying strategy and policy.

- *Estyn: Common inspection framework*
- *Estyn: A review of healthy relationships education*
- *Estyn: Guidance handbook all-age schools*

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11.2 Effective record maintenance enables schools to review an incident, check whether there are other reports concerning the learners involved and make a decision in the light of what is recorded in a holistic and informed way. Monitoring incidents of bullying enables a school to identify patterns of behaviour and the extent of bullying; the Welsh Government expects schools to then take proactive steps to challenge it.

11.3 Schools must ensure that the information they record, maintain and monitor complies with data protection laws, such as the EU GDPR and the UK DPA 2018.

11.4 By law all schools are required to have in place a data protection officer (DPO) to ensure that the school is aware of and able to meet their obligations under GDPR and DPA 2018. The Welsh Government and the Information Commissioner's Office (ICO) expect schools to work with their DPO to ensure that all personal data is processed lawfully and with appropriate protection for individuals' rights.

11.5 As part of schools' broader responsibilities regarding the collection and monitoring of data, schools will need to determine an appropriate lawful basis from those listed in GDPR Article 6 and – if data is special category – Article 9, before beginning the processing of information on bullying. Schools will also need to ensure that they are not collecting more data than they need and have a clear retention schedule for the information. Processing of information for anti-bullying measures will need to be reflected within each school's fair processing information. Data protection impact assessments (DPIA) will be required by individual schools in determining what data they need to collect to ensure that it is proportionate and that any appropriate steps that may be necessary to mitigate risks to individuals' rights are taken.

- 11.6** Since April 2011, all public bodies, including schools and local authorities, have obligations under the PSED. In Wales, there are specific duties on public bodies to develop and publish equality objectives and a strategic equality plan and to collect, analyse and publish information about the progress they are making in achieving their obligations under the PSED.
- 11.7** The Welsh Government expects schools to record all incidents of bullying, outlining the specific types of bullying, including bullying around the protected characteristics. The Welsh Government expects schools to monitor processes regularly. This will enable schools to modify their bullying policies to respond to specific trends and emerging issues in a swift and effective manner. Schools are likely to find this helpful in the context of their PSED under the Equality Act 2010. This information could also be used by schools when reviewing their equality objectives and monitoring the impact of their anti-bullying policies<sup>28</sup>.
- 11.8** It is for individual schools to determine what data and information they collect in the context of the specific issues within their school and in compliance with data protection law. The Welsh Government expects this to be done by:
- implementing an ongoing cycle of school-level data recording, monitoring and analysis of anti-bullying information
  - using school-level anti-bullying data to identify priority areas for implementing whole-school improvement
  - taking action to make those improvements, ensuring the cycle of improvement continues through analysing data as part of self-evaluation.
- 11.9** Estyn highlights that, historically, self-evaluation has been the weakest area in school inspections. All schools have areas on which they can improve. The Welsh Government expects self-evaluation and improvement processes underpinned by an open and honest collaborative culture to be an integral and ongoing feature of the work in all schools, regardless of current performance/situation. This is a constructive process and the Welsh Government expects it to be embedded into the culture and embraced by staff to improve for the future.
- 11.10** Through regular evaluation schools will be responsive to the trends in their school and community. It will be easier to be aware of improvements needed or the changes in procedures required if schools are in touch with changes in context.
- 11.11** The Welsh Government expects their school anti-bullying policy and strategy to be regularly reviewed and involve consultation with school staff, learners and parents/carers.

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<sup>28</sup> Children's Commissioner for Wales, 2017, Sam's Story, p.27, [www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf](http://www.childcomwales.org.uk/wp-content/uploads/2017/11/Sams-Story.pdf)

- 11.12 Surveys and group discussions can be used to identify which aspects of the school's current policy and strategy work well and any areas for improvement.
- 11.13 Effective schools use surveys of learners' experiences asking whether or not a learner, if bullied, reported it and the subsequent outcome. This gathering of feedback in order to learn lessons and continuously improve is, more than any other, of importance to establish trust among learners. Learners need to believe it is worthwhile to report being bullied and trust action will be taken.
- 11.14 When evaluation procedures are transparent it allows learners to engage with and influence the policies and processes of the school. If learners feel 'ownership' of the anti-bullying strategy they are more likely to abide by it. It also allows them to influence decisions on matters that affect them, in line with their rights under the UNCRC. As respected members of the school learners are more likely to feel a sense of belonging.
- 11.15 Successful anti-bullying work respects every member of the school community and demonstrates this respect rather than imposes a set of rules onto learners without any reference to how well the school's approach for addressing bullying is working. The Welsh Government expects that staff and parents/carers should also help to inform anti-bullying strategies and procedures.
- 11.16 If schools measure only the level of incidents reported, a false sense of success may be obtained if the figure is low, leading them to believe bullying is not happening. That is unlikely to be the case.

### **Positive action**

- 11.17 The Welsh Government expects school governing bodies to monitor the following in relation to bullying:
- that schools maintain an overview of recorded bullying incidents in their setting to see how long it takes on average for cases to be resolved
  - the recurrence rates
  - whether learners who have reported bullying incidents believe they got a satisfactory outcome
  - whether there are any emerging trends or groups being discriminated against
  - whether there are online cases that suggest work is required with the learners, parents/carers and staff to counter new forms of bullying
  - absenteeism rates
  - that the regularly collected data on reported incidents is showing progress towards the equality objectives.



- 11.18** If there is a good level of awareness in the whole-school community about unacceptable behaviour, it is likely that more learners will come forward to report it. A high number of incidents alone is not therefore an indicator that the school is ineffective. It could be the result of recent awareness-raising work or anti-bullying activities.
- 11.19** Where schools have high levels of recorded bullying, but the school can demonstrate they are taking action to challenge bullying, address unacceptable behaviour and improve learner well-being, these schools may be rated stronger in self-evaluation than schools who report no or little bullying in their settings but are unable to explain why.



# Appendix

## Where to find further help and advice

### Bullying

**Bullies Out** – Anti-bullying charity based in Wales that works with individuals, schools, colleges, youth and community settings. E-mentors offer online support (e-mail [mentorsonline@bulliesout.com](mailto:mentorsonline@bulliesout.com)).

[www.bulliesout.com](http://www.bulliesout.com)

e-mail: [mail@bulliesout.com](mailto:mail@bulliesout.com)

**Anti-Bullying Alliance** – Information for schools, parents/carers and children and young people on all aspects of bullying.

[www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

**Kidscape** – Anti-bullying charity that runs workshops for children and young people who have been bullied.

[www.kidscape.org.uk](http://www.kidscape.org.uk)

**The Diana Award** – Trains young anti-bullying ambassadors to help others.

[www.antibullyingpro.com](http://www.antibullyingpro.com)

## Helplines and support services

### General

**Samaritans** – Charity dedicated to reducing feelings of isolation and disconnection that can lead to suicide. E-mail, live chat and other services available.

[www.samaritans.org](http://www.samaritans.org)

Tel: 116 123 (English-language line – free to call)

Tel: 0808 164 0123 (Welsh-language line – free to call)

**Rethink Mental Illness** – Advice and information for people with mental health issues.

[www.rethink.org](http://www.rethink.org)

Tel: 0300 500 0927

**Mencap Cymru** – Advice and information about learning disabilities.

<https://wales.mencap.org.uk>

Tel: 0808 8000 300

### Children and young people

**Meic** – Information advice and advocacy for young people.

[www.meiccymru.org](http://www.meiccymru.org)

**Childline** – Provide counselling for anyone aged under 19 in the UK.

[www.childline.org.uk](http://www.childline.org.uk)

Tel: 0800 1111

**Kooth** – Online counselling and emotional well-being platform for children and young people.

[www.kooth.com](http://www.kooth.com)

**CALL (Community Advice and Listening Line)** – Emotional support and information/literature on mental health and related matters for the people of Wales.

[www.callhelpline.org.uk](http://www.callhelpline.org.uk)

### Parents/carers

**Family Lives** – Support and advice for parents/carers.

Tel: 0808 800 2222

**ParentZone** – Support and advice for parents/carers.

[www.parentzone.org.uk](http://www.parentzone.org.uk)

**YoungMinds** – Support to help improve the mental health of children and young people.

[www.youngminds.org.uk](http://www.youngminds.org.uk)

Tel: 0808 802 5544 (parents'/carers' helpline)

### Schools/professionals

**Professionals Online Safety Helpline** – For those working with children and young people who require help for an online issue.

Tel: 0344 381 4772

e-mail: [helpline@saferinternet.org.uk](mailto:helpline@saferinternet.org.uk)

## Advice and support networks

### General

**Internet Watch Foundation** – For reporting online images of child sexual abuse.

[www.iwf.org.uk](http://www.iwf.org.uk)

**Victim Support** – Report hate crime in Wales.

[www.reporthathe.victimsupport.org.uk](http://www.reporthathe.victimsupport.org.uk)

**CEOP (Child Exploitation and Online Protection)** – If child sexual abuse or exploitation is suspected.

[www.ceop.police.uk](http://www.ceop.police.uk)

**NSPCC** – National Society for the Prevention of Cruelty to Children.

[www.nspcc.org.uk](http://www.nspcc.org.uk)

Tel: 0808 800 5000

**Mental Health Matters Wales** – Works with people who have a mental health-related issue.

[www.mhmbcb.com/index.htm](http://www.mhmbcb.com/index.htm)

## Children and young people

**Heads Above The Waves** – Support for children and young people suffering depression or self-harming.

<http://hatw.co.uk/straight-up-advice>

## Parents/carers

**Internet Matters** – Advice on online issues for parents/carers and children and young people.

[www.internetmatters.org.uk](http://www.internetmatters.org.uk)

## Resources for schools

**EACH (Educational Action Challenging Homophobia)** – Provide services to inspire lesbian, gay, bisexual and trans equality.

<https://each.education>

**Show Racism The Red Card** – Training and resources to tackle racism in society.

[www.theredcard.org](http://www.theredcard.org)

**The ACE Support Hub Wales** – Toolkit for school staff on ACEs.

[www.wales.nhs.uk/sitesplus/888/page/88504](http://www.wales.nhs.uk/sitesplus/888/page/88504)

**South West Grid for Learning (SWGfL)** – Self-evaluation tool for schools and guidance.

[www.swgfl.org.uk](http://www.swgfl.org.uk)

## Other

**School Beat** – All Wales School Liaison Core Programme.

[www.schoolbeat.org/en/parents/know-the-programme/national-events/what-is-the-all-wales-school-liaison-core-programme](http://www.schoolbeat.org/en/parents/know-the-programme/national-events/what-is-the-all-wales-school-liaison-core-programme)

**Children in Wales** – [www.childreninwales.org.uk/our-work/bullying](http://www.childreninwales.org.uk/our-work/bullying)

**Children's Commissioner for Wales** – [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

**Time to Change Wales** – Campaign for young people, which aims to change attitudes towards mental health, ending stigma and discrimination.

[www.timetochangewales.org.uk/en/mental-health-stigma/young-people/wecanwewill](http://www.timetochangewales.org.uk/en/mental-health-stigma/young-people/wecanwewill)

## Online issues

**Childnet International** – Support on all aspects of online safety.

[www.childnet.com](http://www.childnet.com)