

my child in school



Tackling Bullying

a practical guide to
parents' legal rights



Contents

1 About bullying	1
What is bullying? – definitions and examples	1
Who gets bullied?	1
How does it feel?	2
Where does it happen?	2
2 What the government says	3
What the law says	3
What the guidance says	3
3 What can you do?	5
Keeping a bullying record	5
Write to the school	6
Meet with the school	8
Follow up	9
4 What can the school do?	10
Actions to prevent and stop bullying	10
Actions against the bully	10
Actions to support the victim of bullying	11
Follow up	11
5 Taking the matter further	12
Making a complaint	12
Further help	13

Important notes

- The information in this booklet is based on the laws of England.
- This booklet applies to children in state-funded schools.

Definitions and abbreviations

LA The Local Authority deals with the administration of a local council. The education department may be part of the LA's children's services authority or trust.

Governing body/Governors with the headteacher, has overall responsibility for the school. This includes agreeing school policies that cover behaviour and bullying.

School record schools must keep a record on each pupil. It must include school reports and other information. Parents have a right to have a copy.

Duty of care Your child's school has a legal duty to try to make sure your child is safe from harm. If a school knows that a child is being bullied and does not take reasonable action to protect them, the school may be failing in their duty of care. You would need to seek legal advice on this.

If there is
anything in this booklet
you don't understand or if
you would like more information,
please call our free advice line
on 0808 800 5793.

“My child is being bullied – what can I do?”

All parents want their children to be happy and safe at school, but sometimes other children's behaviour towards them can lead to unhappiness, anxiety and distress.

In this guide we have set out the sort of things that you can do if you think your child is being bullied.

1 About bullying

What is bullying?

Government guidance on bullying called *Safe to Learn* defines bullying as: 'Behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally.'

They say that bullying can include name-calling, taunting, mocking, making offensive comments, pushing, taking belongings, inappropriate text messaging and emailing, sending offensive degrading images by phone or via the internet, producing offensive graffiti, gossiping, excluding people from groups, spreading hurtful and untruthful rumours.

Bullying can occur in isolation between two individuals but frequently takes place in the presence of others.

Cyberbullying is a method of bullying rather than a type of bullying. It includes bullying via text message, via instant messaging services and social network sites, via email and via images or photos posted on the internet or spread via mobile phone.

Who gets bullied?

Many children may have experienced bullying at school. Some children who are bullied are different in some way but often there is no difference. The problem lies with pupils who are bullying, not with the bullied child.

Some groups of children are more vulnerable to bullying and and specific guidance has been produced for some types of bullying. (See Further help page 13). If your child has suffered bullying related to special educational needs, disability, race, culture, sex, sexual identity or homophobia you must mention this to the school.

How does it feel?

Bullying hurts! It is painful, upsetting and frightening. It can lead to a fear of school. It reduces children's confidence. Children often feel weak and alone. They frequently feel it is their fault. If it is not stopped it can lead to a child feeling helpless and have longer term consequences for their confidence, self esteem and longer term emotional health.

School work can suffer. The worry and fear of bullying can lead to illness, refusal to go to school or truancy. Friendships, social activities and hobbies can be affected as the bullied child does not want to mix with others.

Some children can get very depressed and this can have effects lasting into adult life. Every year some young people commit suicide as a result of bullying.

Where does it happen?

Bullying can happen anywhere, at school or on the way to or from school and of course via text messages, email and social network sites. At school, the playground, corridors, toilets and school lunch halls are all places where young people may feel unsafe. Increasingly, young people need to be very careful when sharing their contact details to avoid being subjected to cyberbullying.

Research shows that the way schools approach the problem of bullying makes a difference. Having an active approach to preventing bullying and responding quickly and effectively when it occurs will lead to less bullying and happier and safer pupils

2 What the government says

What the law says

Governors must have a statement of principles to guide the headteacher in determining measures to promote good behaviour. They must promote the well being of pupils and exercise their functions with a view to safeguarding and promoting the welfare of pupils. They must also have a procedure for dealing with complaints. (Education and Inspections Act 2006)

Headteachers must produce the school's behaviour policy which includes the rules, rewards, sanctions and behaviour strategies. The policy agreed must include measures to encourage 'good behaviour and respect for others on the part of pupils and in particular **preventing all forms of bullying**. Headteachers must publicise the measures in the behaviour policy and draw them to the attention of pupils, parents and staff at least once a year. (Education and Inspections Act 2006)

The law requires that the headteacher should ensure the maintenance of good order and discipline at all times during the school day. The law requires that teachers must promote the general progress and well being of individual pupils and of any class or group of pupils assigned to them. This will include ensuring as far as possible that pupils are free from bullying and harassment. (School Teachers Pay and Conditions Document 2010)

The law empowers headteachers to such extent as is reasonable to regulate the behaviour of pupils when they are off the school site. This is particularly relevant to cyberbullying. (Education and Inspections Act 2006)

What the guidance says

The main guidance for schools is called *Safe to Learn: Embedding Anti-bullying Work in Schools*. It sets out what schools should do about bullying, in order to promote the well being of young people and ensure they stay safe.

It says that the **aims of school systems for dealing with bullying** should be to:

- Prevent, reduce and stop the continuation of bullying.
- React to bullying incidents in a reasonable, proportionate and consistent way.
- Safeguard the pupil who has been bullied and offer support.
- Apply a disciplinary sanction to the bully and ensure they learn from the experience.

The *Safe to Learn* guidance strongly recommends to schools that:

- They have a clear anti-bullying policy as part of their behaviour policy.
- They must make clear that all forms of bullying must not be tolerated and that any bullying should always incur a disciplinary sanction.

- The anti-bullying policy covers all forms of bullying by anyone in the school community, pupils, parents and staff. The school behaviour policy should include any form of harassment or victimisation against another on grounds of race, sex, gender reassignment, disability, religion or belief or sexual orientation. Parents and pupils should know that the school has an equal opportunities policy and is committed to equality.
- Anti-bullying policies must include cyberbullying and the different strategies required to deal with it.
- They should look at the effects of their policies and procedures on different groups. There is specific guidance on bullying related to race, sexist, sexual and transphobic bullying, homophobic bullying, and bullying related to disability and special educational needs. (See Further help on page 13) If you feel any of these are a factor in your child's bullying then you must mention it to the school.
- Anti-bullying policies and strategies cover the whole school day and can, where reasonable, cover the behaviour of pupils when they are off the school site e.g. cyberbullying.
- Pupils should be encouraged to report bullying to school staff in varied and confidential ways.
- All staff must know about the school's anti-bullying policy and strategies and be able to act quickly and effectively.
- They record all incidents of bullying.
- All racial incidents should be recorded.
- There should be a senior member of staff who is responsible for anti-bullying work.
- No bullied pupils should be sent home for their own protection.
- Anti-bullying work should be part of the curriculum in subjects such as Personal, Social and Health Education and Citizenship and be a regular message in assemblies.

ACE advises

If you think your child is being bullied you should speak to your child, get all the details you can, then speak to the school. Sometimes children worry that the bullying will get worse if the school speaks to the pupils who are bullying. Talk to your child before speaking to the school. Keeping quiet protects the bullies not the victims of bullying. Don't suffer in silence!

3 What can you do?

Keeping a bullying record

If you feel your child has been bullied then be very clear about the details before you speak to the school. For each incident try to remember every detail and write it down:

1. What happened?

- Who did it?
- Who saw it?
- How did it affect your child at the time?
- Were there any later effects? You could include photos of injuries.

2. Did you tell the school?

3. What exactly did the school do?

4. When did it happen – day and time?

5. Did things improve, stay the same or get worse?

Now write out a list of all the incidents with the above information for each one. If you see any patterns make a note and say what you think will happen if the bullying does not stop. If you think it will get worse say why and how it may affect your child:

- At school?
- In their school work?
- With the family?
- With other people?
- In themselves?

Put together everything you have written in a Bullying Report.

Bullying report

My child is: (Describe your child in a few lines. If they have changed, start with how your child was before the bullying started and how they are now.)

Bullying incidents to date: (Add everything from points 1–5 in the Bullying Checklist.)

I have noticed patterns in the bullying: (Describe)

If this does not stop I am worried that: (Add all your points.)

If you think the school may not believe you:

- Have you any photos?
- Can anyone else back you up? If so ask them to write a report. Do not wait for the reports before contacting the school.

Write to the school

To make sure that there are no misunderstandings write to the school using one of the letters below. If this is the first time you have seriously complained use letter 1. If you have complained before, use letter 2.

Model letter 1

Date

Dear (name of teacher or Head)

I believe my son/daughter is being bullied. This is upsetting her/him very much. I would very much like to meet you to discuss what the school can do to stop the bullying.

(If you have spoken to the school before) I have spoken to the school about my child being bullied (give name of person you spoke to and dates) but no action has been taken/the bullying has not stopped/the bullying is getting worse. (Use any of these points or add your own.)

Please find attached a report of the bullying giving the details of what has happened.

I understand that the school has a duty of care towards my child and do not feel that it is following the law and/or guidance. To stop the bullying, I feel the school could... (Suggest what the school could do for your child.)

I would like a copy of my child's school record. Please pass on this request to the chair of governors. I would also like copies of the school's behaviour, anti-bullying and (if relevant) race equality policies. (If the school is not doing what it must or should do, give details.)

I am available for a meeting on (give dates).

I would like to bring a friend or adviser with me (give name).

Yours sincerely,

Parent

Model letter 2

Date

Dear (name of teacher or Head)

I believe my son/daughter is being bullied. This is causing her/him great anxiety. I would like to meet you to discuss what the school can do to stop the bullying.

I have spoken to the school about my child being bullied (give name of person you spoke to and dates if known). No action has been taken/the bullying has not stopped/the bullying is getting worse. (Use any of these points or add your own.) I fear for my child's safety and/or welfare and/or education.

Please find attached a bullying report that I have written giving the details of what has happened.

I understand that the school has a duty of care towards my child and do not feel that it is following the law and/or guidance. To stop the bullying, I feel the school could... (Suggest what the school could do for your child.)

I would like a copy of my child's school record. Please pass on this request to the chair of governors. I would also like copies of the school's behaviour, anti-bullying and (if relevant) race equality policies. (If the school is not doing what it must or should do, give details.)

I am available for a meeting on (give dates).

I would like to bring a friend or adviser with me (give name).

Yours sincerely,

Parent

ACE advises

Make sure you get a copy of the school's anti-bullying policy and its behaviour policy to see how the school should be dealing with incidents of bullying.

Meet with the school

Parents are often worried about going to meet teachers. If you are well prepared there is a better chance that the meeting will go well and be useful.

Before the meeting

- write down any questions
- note useful points from school policies
- mark where you agree or disagree with your child's record
- collect together any useful reports
- think about what you want to achieve by the meeting.

At the meeting

Many schools take parents' worries seriously and act quickly and the bullying stops. But sometimes parents feel that teachers did not fully listen to their fears or allow them to explain. Some parents tell ACE that they did not understand all the points the teachers made.

To avoid misunderstandings

1. Take a copy of your letter and Bullying Report, and a list of any other worries, questions and points
2. Read out your report and all your extra points or questions
3. Tick each point and question as it is dealt with to make sure everything is discussed, and make notes of what is said
4. Do not be afraid to go back to a question (either during the meeting or after) if you feel it has not been fully answered
5. If you do not understand anything, ask for it to be explained. If you still do not understand, ask again!
6. Go back over each point at the end of the meeting so everyone leaves with the same understanding and is clear what actions have been agreed
7. Set a date for a follow up meeting where you can review the situation

After the meeting

Send the school a copy of your notes to make sure everyone is clear about what was agreed and when you will meet again. If you are unhappy with the meeting or if the person you wrote to refuses to see you, you could

- Ask for a meeting with someone more senior in the school
- Continue to keep your bullying diary and go back to the school if the bullying does not stop
- Consider making a formal complaint or taking legal action (See Taking matters further page 12)

ACE advises

After you have told the school about the bullying, it is reasonable for you to be told what the school plans to do. If you think their actions may cause problems for your child then say so. Ask what disciplinary sanctions will be taken against the bully or bullies.

Follow up

ACE advises

If you have ideas and suggestions of what the school could do to deal with the bullying and prevent it happening again, then tell the school.

Keeping your child off school

If the bullying continues you may feel that your child is at risk of harm by attending school. It is unwise to just keep your child at home as you do have a legal duty to send them to school and could be fined or prosecuted if you fail to do so.

If the bullying is making your child too anxious to attend school, you could take your child to the doctor who may provide a sick note to say that your child is not well enough to go to school because of the stress or anxiety caused by the bullying.

4 What can the school do?

Actions to prevent and stop bullying

We do not advise parents to try to deal with the bullying themselves by speaking to the bully or their parents. This very often makes the situation worse. In nearly all cases it is best if the school tries to deal with the bullying behaviour and change it. Schools will do this in different ways depending on the age of the pupils, the school's policies and the individual circumstances of the bully or bullies and their victim or victims. However you can reasonably expect the school to do the following:

- Investigate the incident or incidents, speaking to all the participants
- If the school agrees that bullying is taking place:
 - Impose sanctions on the bully or bullies
 - Monitor the situation further
 - Advise your child what to do if bullying continues
 - Give your child a key person to speak to should the bullying happen again

Parents and schools do not always agree on what is bullying and what is not. If the school does agree that bullying is taking place, ask them to monitor the situation while you continue to keep a bullying record. Set a date for a review meeting where you can get together to discuss the situation again.

Actions against the bully

- Sanctions can include the following:
 - Asking the bully to apologise
 - Detentions at breaks or lunchtime
 - Moving them to a different place in the classroom
 - Moving them to another class
 - Not letting them go to certain areas of the school
 - Stopping them going on a school trip
 - Bringing the bully's parents into school to discuss their actions
 - For more serious bullying fixed term or permanent exclusion
- The school may well put in place strategies to help the bully learn the effects of their bullying to help change their future behaviour.

ACE advises

Ensure that it is agreed which teacher your child reports to if anything else happens. Ideally it should be one person who follows up and deals with the bullying. One person is more likely to know the full situation. If your child is reporting to a number of different people no one person might realise how serious the bullying could be. Make sure that the supervision arrangements are adequate to keep your child safe from the bully at the times and in the places where bullying is more likely to occur.

Actions to support the victim of bullying

Ensure that the needs of your child are understood by the school following the bullying. These will depend on the child and the nature and severity of the bullying incidents. If necessary it is reasonable to ask

- How and when the school intends to follow up any actions they have taken to ensure that the bullying has stopped.
- How often someone will check with your child that the bullying has stopped and that they are happier with the situation?
- What support and supervision staff will undertake for your child?
- Whether counselling is available if required?
- Whether there is any training available to help your child, such as: work on self esteem, expressing emotions or assertiveness training?

Pupils must not be sent home for their own protection because they are being bullied. This would be an unofficial exclusion.

Follow up

ACE advises

After 6 to 8 weeks it is worth checking with the school to ensure that there has been no further bullying and that your child feels safe again. Also ask how the school is recording the bullying and where any bullying report is kept. It is important that a report is kept for future reference. Remember that the teachers in the school can change and new teachers may know nothing of your child's difficulties with bullying.

5 Taking matters further

Making a complaint

If after speaking to the school you are not happy with the outcome, you may want to take the matter further by making a formal complaint. If you feel the head is not doing enough to stop the bullying you can complain to the school that it is not meeting its duties under the law and guidance given to the school. If the school is not following its own anti-bullying policy you can complain about that. Ask the school for a copy its complaints policy – they must have one. Follow the procedure in the complaints policy. You can download a copy of the ACE *Making a Complaint* booklet from our website.

You may be able to complain to the local authority. Some local authorities have advisory staff who focus on bullying in the local authority's schools. The local authority has duties to make arrangements to improve the well-being of children in the authority. This includes their physical and mental health and emotional well-being. They also have responsibilities to safeguard and promote the welfare of children. (Children Act 2004) A letter of complaint to the Director of Children's Services at the local authority may well be appropriate.

The remit of the Local Government Ombudsman has recently been extended to cover complaints about the internal management of schools and this can include bullying. Currently this is at a pilot stage in a limited number of LAs and may be extended more widely in the future. To check whether your area is covered contact the LGO.

If the bullying is very serious you may want to involve the police who can act under laws of assault or harassment if the pupils are ten years of age or above.

Some parents consider taking legal action but very few cases have ever come to court and been successful. You may wish to pay for a letter from a solicitor about the bullying and mention a breach of the school's duty of care in not following the law and/or recommended government guidance without good reason. You may be able to get help with this at a local law centre.

Further help

From ACE

ACE freephone advice line **0808 800 5793**
Information and free advice booklets can be downloaded from www.ace-ed.org.uk

From the Local Government Ombudsman (LGO)

The LGO handles complaints about local authorities. The LGO is extending its remit to cover complaints about schools. See the website or ring for a list of areas covered by this.
Advice Team: **0300 061 0614**
or **0845 602 1983**
Website: www.lgo.org.uk

From Kidscape

Helpline: **08451 2050204**
Website: www.kidscape.org.uk

From Bullying UK

Visit their website at www.bullying.co.uk for information, articles, resources and ideas.

From Childline

Helpline: **0800 1111**
Website: www.childline.org.uk

From the Department for Education

Free publications to download from <http://publications.education.gov.uk>

- Safe to Learn: Embedding anti-bullying work in schools (DCSF 2007)
- Guidance for schools on preventing and responding to sexist, sexual and transphobic bullying (DCSF 2009)
- Bullying around racism and culture (DCSF 2006)
- Homophobic bullying (DCSF 2007)
- Cyberbullying (DCSF 2007)
- Bullying involving children with special educational needs and disabilities (DCSF 2008)

Ring DfE orderline **0845 60 222 60** to check availability of printed copies

From Young Minds

Charity dealing with parents' concerns about their child's emotional problems or behaviour.
Parent Helpline: **0808 802 5544**
Website: www.youngminds.org.uk

From Parentline Plus

A national charity working with and for parents.
Parent Helpline: **0808 800 222**
Website: www.parentlineplus.org.uk

ACE is a charity and depends on grants and donations to operate our advice services. If you have found our advice helpful and would like to make a donation please visit www.ace-ed.org.uk
Thank you.

Whilst ACE has made all reasonable efforts to ensure that the information contained in this booklet is accurate and up-to-date at the time of publication, it does not constitute legal advice and should not be relied upon as a substitute for legal advice. ACE cannot accept any responsibility for any loss or damage suffered as a consequence of any reliance placed upon it.

© Advisory Centre for Education (ACE) Ltd. 2010

ACE, 1C Aberdeen Studios, 22 Highbury Grove, London N5 2DQ
Telephone: 020 7704 3370 (Admin only). Fax: 020 7354 9069
Registered Charity: 313142. Registered Company: 663126

Designed by Grasshopper Design Company
Printed by Wyndeham Gait, Castle Press, Victoria Street, Grimsby