

Make bullying and harassment in schools a criminal offence from the age of criminal responsibility

Y Pwyllgor Deisebau | 16 Gorffennaf 2021
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Reference: SR21/0189

Petition Number: P-06-1164

Petition title: Make bullying and harassment in schools a criminal offence from the age of criminal responsibility

Text of petition: Too many children are suffering in silence, self harming or committing suicide. Encouraging children to be kind to each other is not working. Bullies do not face the consequences of their actions. Make bullying and harassment a criminal offence for children of the age of criminal responsibility (10 years+)

More often than not it is the victims and their families that deal with the consequences of bullying, not the bullies. Many children commit suicide or have their lives destroyed, but bullies live the rest of their lives without facing any repercussions or consequences for their actions. Children will often not speak out because they feel powerless and believe that the bullying can't be stopped. If it was made law then children may feel more confident in speaking out against their bullies. Bullying and harassment in the workplace is protected under the Equality Act 2010. Why can't children have those same protections?



1. Background

1.1. Legal duties

A range of legislation applicable to Wales aim to protect children and young people from abuse, including bullying:

- The Education Act 2002 places a duty of care on schools to protect all their learners and provide a safe, healthy environment.
- The Equality Act 2010 places obligations on schools to eliminate discrimination, harassment and victimisation, advance equality of opportunity between persons who share a protected characteristic and persons who do not, and foster good relations between persons who share a protected characteristic and persons who do not.
- 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.
- The Education and Inspections Act 2006 requires the headteacher of a maintained school to determine measures to encourage good behaviour and respect for others and prevent all forms of bullying amongst learners.

In addition, some online bullying activities could be criminal offences under a range of different laws, including the Malicious Communications Act 1988 and the Protection from Harassment Act 1997.

The age of criminal responsibility in England and Wales is 10 years old. Children between 10 and 17 can be arrested and taken to court if they commit a crime.

2. Welsh Government action

In Wales, the legislation is supported by Welsh Government guidance. The Welsh Government published **Challenging bullying Rights, respect, equality: Statutory guidance for governing bodies of maintained schools** in November 2019. This replaced the previous non-statutory guidance, Respecting Others.

Governing bodies must have regard to the 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 the statutory guidance when exercising their functions relating to promoting good behaviour and discipline at schools. The guidance states:

the headteacher must act in accordance with the behaviour policy, which all schools are required by the [Education and Inspections] 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 guidance also states that some cases of bullying might be a safeguarding matter or require involvement of the police and states that:

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.

3. Welsh Parliament action

Between 2019 and 2020, the Petitions Committee considered a petition, [P-05-862 Tackling school bullying](#) that called for a standard bullying framework enforceable by law and that bullying be recorded and acted upon. The Committee heard oral evidence from the then Minister for Education, Kirsty Williams and sought written evidence from the Children's Commissioner for Wales and childrens' charities. The Children's Commissioner was satisfied with the statutory status of the new anti-bullying guidance. The Committee agreed that there was little further that the Committee could achieve at that time and agreed to close the petition.

4. UK Parliament action

In 2018, the UK Parliament Petitions Committee considered a petition, [Make Bullying a Criminal Offence](#). The UK Government responded that:

Laws are already in place to protect people when bullying behaviour constitutes a criminal offence. The government does not plan to introduce additional legislation for bullying behaviour.

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