

Tackling School Bullying

Y Pwyllgor Deisebau | 12 Chwefror 2019
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Research Briefing:

Petition number: P-05-862

Petition title: Tackling School Bullying

Text of petition: We believe that bullying in schools is often ignored and the issue is not confronted in too many cases. Schools are required to have an anti bullying policy but too often this is merely a paperwork statement which is not acted upon.

We want the Welsh Assembly to produce a standard bullying framework which is enforceable by law. The after effects of school bullying often affects victims throughout their lives therefore changes are required as the current system is a failure.

Schools often fail to record bullying incidents as such for fear of damaging their reputation and victims who speak out often find themselves punished themselves, harming their self esteem even more. We insist that bullying is recorded and acted upon as such with better recording, cctv, reporting, compulsory parental interaction

1. Background

Legal duties

Every school in Wales is subject to a **legal duty to ensure that any form of bullying** is dealt with effectively. There is a range of legislation applicable to Wales that aims to protect children and young people from abuse, including bullying. Existing legislation with relevance to bullying includes: Equality Act 2010; Education and Inspections Act 2006; Children Act 2004; Education Act 2002; Government of Wales Act 1998; Human Rights Act 1998, the Rights of Children and Young Persons (Wales) Measure 2011.

Under section 89 of the Education and Inspections Act 2006 the headteacher of maintained schools is required to determine measures to encourage good behaviour and prevent all forms

of bullying amongst learners. Some schools choose to include this information in an anti-bullying policy whilst others include it in their behaviour policy. The 2006 Act requires that all schools must, by law, have a behaviour policy.

Guidance

In Wales, the legislation is supported by **Welsh Government guidance and circulars**. These do not directly impose legal duties, but give guidance to local authorities and schools on how to implement bullying policies on a day to day basis. The guidance is intended to support the discharge of the legal duties.

The Welsh Government's [Respecting Others: Anti-bullying Guidance](#) (September 2003) states that **headteachers and governing bodies must, by law, have a policy to prevent all forms of bullying among pupils**. The circular sets out the types of information that should be included within a school's policy and how schools can tackle bullying.

The circular also sets out that a senior member of staff should oversee the policy; that there is a regular renewal of the principles of the policy to remind both pupils and staff; and that the school governing body should review the policy on an annual basis to ensure that it is effective.

The circular suggests that schools should keep accurate records of incidents of bullying and the school's response.

In 2011, the Welsh Government built on the circular with [a series of anti-bullying materials](#) that provide guidance and practical solutions on preventing and responding to incidents of bullying in schools.

2. Welsh Government's current consultation

On 14 November 2018, the Welsh Government published a consultation on [draft guidance to challenge bullying in schools](#). The consultation period ends on 14 February 2019. The revised guidance aims to:

- Produce clearer, more user-friendly guidance targeted at the key audiences (schools, governors, local authorities, parents, children and young people);
- Explain the key aspects more clearly (including roles and responsibilities and recording and monitoring incidents);
- Ensure the guidance covers all types of bullying;
- Tackle bullying more holistically, ensuring the guidance reflects wider policy and reforms that have already taken place and which will occur in future;
- The inclusion of and signposting to anti-bullying resources within the guidance to help schools implement the policy at an operational level.

The draft, revised guidance includes a section on recording and monitoring. It states:

Schools should have in place mechanisms for reporting and recording bullying and bad behaviour. 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 an holistic and informed way. Monitoring incidents of bullying enables a school to identify patterns of behaviour and the extent of bullying, and then take pro-active steps to challenge it.

It goes on to state that schools should record all incidents of bullying outlining the specific types of bullying, including bullying around the protected characteristics which will help schools to support their Public Sector Equality Duty under the Equality Act 2010.

The guidance states that it is **for individual schools to determine what data and information they collect in the context of the specific issues within their school.**

3. Children’s Commissioner for Wales’ Report

On 16 July 2017, the Children’s Commissioner for Wales published [Sam’s Story, Listening to children and young people’s experiences of bullying in Wales](#). This included the following priorities for improvement for the Welsh Government:

- The Welsh Government should place a statutory duty on schools to record all incidences and types of reported bullying. This will require a clear definition of bullying, formed following full consultation with children and young people;
- The Welsh Government should make children’s human rights education a compulsory aspect of the curriculum.

The Welsh Government’s consultation states that the Children’s Commissioner’s report has informed the drafting of the revised guidance.

National Assembly for Wales action

In 2017, the Petitions Committee considered a petition, [P-05-752 Building Resilience To Cyber-Bullying In Children](#). Although the Committee received a response from the Cabinet Secretary for Education, the Petitioner did not provide any further response and the Committee agreed to close the petition.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.