



# Tackling bullying

A practical guide to parents' legal rights



# What does it mean?

In this guide we use:

- **must** when the law says something has to happen.
- **should** when the government expects something to happen

## Other things you need to know

A **local education authority (LEA)** is a department of the local council .

The **governing body**, with the headteacher, has overall responsibility for the school. In a secondary school the Deputy Head often has responsibility for dealing with behaviour including 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 and if so could possibly be sued for negligence.

## ACE advises:

**From ACE:** Free advice 0808 8005793

ACE publications list includes guides on **school choice, bullying, disability discrimination, special education needs, attendance and complaints** available from address on page 12 and on our website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**From the Government:**

**Bullying: don't suffer in silence**

Available from the Stationery Office: 0870 600 5522

**Circular 10/99 Social inclusion: pupil support**

**Bullying: don't suffer in silence** (separate free leaflets for parents and children)

Available from the Department for Education and Skills: 0845 6022260

**Free advice and/or help for:**

Parents and schools: **Kidscape 020 7730 3300**

Parents, children and young people:

**Samaritans** (local number in the telephone directory)

**Anti-bullying Campaign 020 7378 1446**

Children and young people: **Childline 0800 1111**

Complaints about racial harassment **Code of Practice on the Duty to Promote Race Equality**, Commission for Racial Equality 020 7828 7022; [www.cre.gov.uk](http://www.cre.gov.uk)

# My child is being bullied

## What can I do?

Many children are bullied at school. This is very worrying for parents. Often a phone call to the school will be enough to make sure the bullying stops. But sometimes parents feel the school should do more.

In this guide we show you how to tell the school about the bullying and give some ideas of what the school can do.

## Step 1: What is bullying?

Here is what the Government says:

Bullying is meant to be hurtful and keeps happening.

Bullying can be direct:

- physical  
and/or
- spoken

Bullying can be indirect:

- leaving a child out, not talking to them.

## Examples of bullying:

Hitting, kicking, teasing, racist or sexist name-calling and jokes, whispering in front of someone, telling nasty stories about someone, locking them in or out of rooms, sending nasty notes or text messages, writing things on walls about people, ignoring people or not letting them take part in games. Bullying is often hidden.

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## ACE advises

Remember: bullying is meant to hurt: It is started by the pupil who is doing the bullying. They are not replying to nastiness from another child. When pupils with the same power, numbers and strength fight or argue from time to time, this is not bullying.

### Where can it happen?

On the way to, or back home from, school

- in the playground
- in the toilets
- in the classroom or corridors
- during school dinners.

### How does it feel to be bullied?

Bullying hurts!

It is painful, upsetting, frightening. It can lead to a fear of school.

It reduces children's confidence.

Children often feel weak and friendless.

Children often think it is their fault.

If it is not stopped children feel helpless because no one can protect them.

### Who is bullied?

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

### What can happen to bullied children?

School work can suffer. Worry and fear can lead to illness, refusing to go to school or truancy (bunking off). Sometimes the bullied child is blamed or punished by the school for fighting back. Friendships, playing and hobbies can be affected – children do not want to mix with others. Some children get very depressed – this can last into adult life. Every year some young people commit suicide as a result of bullying.

## ACE advises

If you think that your child is being bullied, your next step is to talk to your child, then speak to the school and perhaps say what you feel the school could do for your child.

### Step 2: Check what the Government says

Is your school doing what it must and should do to tackle bullying?

- bullying must be in the school's behaviour policy which should also include how the school deals with racial and sexual harassment
- anti-bullying strategies should also cover play and breaktime
- governors should regularly review the anti-bullying policy
- pupils should be encouraged to report bullying to older pupils or staff
- the policy should explain how to report bullying
- all teaching and non-teaching staff should be alert to bullying and act quickly
- schools should record all racial incidents – parents and governors should be told about them and any action taken
- schools must have a race equality policy and promote good relations between different racial groups.

### Step 3: Making a Bullying Report

Before you speak to the school, be as clear as possible about the details of what has happened.

*Start in rough with this bullying checklist.*

Try to remember every bullying incident. Jot each one down. Then go through your list, try to remember every detail:

1. What happened?

Who did it?

Who saw it?

How did it affect your child at the time?

Were there any later effects?

2. Did you tell the school?
3. What exactly did the school do?
4. When did it happen? – day and time – if you cannot remember, think of things that happened at the same time.
5. Did things improve, stay the same or get worse?

*Now write out the list of incidents, in date order, with all the above details.*

Can you see any patterns emerging? If so make a note.

What do you think may happen if the bullying does not stop?

This is very important.

If you think the bullying 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?**

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.

**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 can back you up? If so ask them to write a report.

Do not wait for the reports before contacting the school.

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## Step 4: Writing to the school

To make sure that there are no misunderstandings, write to the school, describing the bullying and ask for a meeting using this letter.

Model letter for a complaint on bullying:

Dear *(name of teacher or Head)*

Date

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. *(See Step 3)*

I understand that the school has a duty of care towards my child. To stop the bullying, I feel the school could...

*(Suggest what the school could do for your child - for ideas see Steps 7 and 8.)*

I would like a copy of my child's school record. 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. See Step 2)*

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

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

Yours sincerely,

*Parent*

Send a copy to the Director of Education.

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## Step 5: Meeting the school

Parents often worry about meeting teachers. If you prepare yourself well, there is a better chance that the meeting will 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 up 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.

### After the meeting

Send the school a copy of your notes to make sure everyone is clear about what was agreed.

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## **Step 6: If you are unhappy with the meeting or if the person you wrote to refuses to meet you**

You could ask for a meeting with a more senior person in the school  
*and/or*

keep a bullying diary and set your own personal deadline to go back to the school if the bullying does not stop (*see Step 9*)

*and/or*

consider making a complaint or taking legal steps (*see Step 11*).

## **Step 7: Action – the school tackles the bullying**

In most cases it is best if schools try to change the bullying behaviour.

Schools will do this in different ways:

In some schools your child may be asked to describe how they feel. The teacher will use your child's words or a drawing to show some of your child's classmates (including the one who is bullying) how your child feels. They will be asked to help your child feel happier and safe. This is sometimes called the 'no blame' approach.

In other schools, the teacher will speak to the pupil who is bullying and perhaps take some action.

The school may try some of these with the pupil:

- asking them to say sorry to your child
- keeping them in at breaks or lunchtime
- moving them to a different place in the classroom
- not letting them go to certain areas of the school
- giving them some special work to do – writing a story about bullying and how it can hurt
- stopping them going on a school trip
- moving them to a different class
- detention

And if the bullying is serious:

- fixed-period or permanent exclusion.

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Children who bully are often unhappy or are being bullied themselves. Help for the pupil may stop the bullying. If the pupil's behaviour is generally poor they may have a special educational need needing special educational help.

The school may speak to the pupil's parent. They can ask you to be there, but cannot force you. You can ask to be told what happened but may not get full details.

## ACE advises

It is reasonable for you to be told what the school plans to do. If you think their action may cause problems for your child – say so.

### Step 8: Action – the school supporting your child

Often children who are bullied suffer in silence for a long time or are not taken seriously when they complain. Make sure the school knows if your child fears the bullying could get worse because they have spoken up.

It is important that the school:

- shows your child they take the bullying seriously
- tells your child what they are going to do
- agrees with your child which teacher they can go to if anything else happens
- makes sure all staff keep an eye on those pupils, places and times where bullying has happened.

As part of the support for your child the whole school could take up the issue of bullying. If there is no anti-bullying policy, now is the time for one to be written, involving the whole school in the discussion.

#### What has worked in schools:

Anti-bullying policies often help everyone understand what bullying is – asking all pupils about what hurts children is a good way to start.

Having a bullying box where pupils can secretly report any bullying can work well. It is not wrong to tell about bullying.

Having assemblies or class discussions at circle-time on bullying shows that the whole school is against bullying behaviour.

Drama can be used – either with the pupils or an outside theatre group.

Posters made by the pupils can send a powerful message to the bullies.

Using older pupils (often called mentors) to support bullied children and to talk to those who are bullying works well in some schools.

## **Step 9: Keeping a bullying diary**

It is a good idea to keep a diary until the bullying stops.

*Write down every incident as soon as possible after it happens:*

- Date
- What happened?
- Who did it?
- Who saw it?
- How did it affect your child at the time?
- Did your child tell anyone at the school: what exactly did the person say or do and what effect did it have?
- Were there any later effects?
- Do you now have any new worries?
- Tell the school each time. Write down what they say or do and any effect their actions have. If your child is hurt, take photographs and see your doctor.

*Add the diary to your Bullying Report*

## **Step 10: Emergencies**

If bullying is so serious that you fear for the safety of your child, mentally or physically, you will want to meet the Head very quickly. Send the letter in Step 4. Say you fear for your child's safety and explain why.

If bullying is so bad that your child is too frightened to go to school or you fear so much for your child's safety that you decide not to send them until the bullying is dealt with, remember that legally you must send your child to school regularly. If they are too upset, get a doctor's note to send with the letter. The education welfare department at your LEA may offer support but remember they also prosecute parents whose children fail to attend school.

## Step 11: Taking further action

ACE often hears from parents who say that the schools's actions have stopped the bullying.

It is always best to try to sort things out with the school. But if the bullying continues and you feel the Head is not doing enough, you could complain that the school may be failing in its duty of care towards your child.

Follow the school complaints procedure which usually involves writing to the governing body. Include a copy of your original letter and Bullying Report (*Steps 3 and 4*).

The local education authority also has a duty of care for pupils at most schools so send them a copy as well.

You could ask a solicitor to write your letter of complaint.

If the school still does little, you could complain to the Secretary of State for Education and Skills. See *ACE's Taking Matters Further* guide.

If the bullying, either physical or spoken, is extremely serious, you may involve the police. The laws that they can use against pupils of ten and over are laws against assault or harassment (the anti-stalking laws).

If the police will not act, you could speak to a solicitor about legal action. This could include a claim of negligence against the school and the local education authority for failure in their duty of care. See *page 2*.

Please note: Many children are bullied but there are very few legal actions. The first case in which a local education authority was successfully sued for negligence in a bullying case was in October 2000. The court awarded £1,500. Some cases are settled out of court.

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