



*What can I do
about...?*

Bullying

There are many ways in which your child can experience bullying at and outside of school. The headteacher has certain duties to prevent bullying among the students.

Due to the recent changes in the way legal aid is organised and delivered **legal aid no longer covers education law**, except Special Educational Needs.

This leaflet is designed to be a practical guide for parents and guardians to help them deal with the issues related to their children's education when they cannot access legal advice.

The Law



All schools have a **duty of care** over their pupils. This means that they must act as a **reasonably careful parent** to make sure that children are **safe from harm**.

Also:

- ! The headteacher must determine measures to **encourage good behaviour and respect for others** (School Standards and Framework Act 1998).
- ! Headteachers must have a **policy** that includes measures “**to prevent all forms of bullying** among pupils” (Education and Inspections Act 2006).
- ! The **local authority also has a duty of care** for pupils at community or controlled schools.



What can a parent do?

- ☑ Contact the school immediately when they become aware of the bullying.
- ☑ **Keep a record** of their child's reports of bullying incidents. Also, record the effect bullying is having on their child, with regard to their school work or any illness or physical, psychological or social changes that occur.
- ☑ **Keep a record of all contact** that they or their child have **with teachers and school** about the bullying.
- ☑ **Put everything in writing to the school.**
- ☑ Remind the school about their duty of care towards the child.
- ☑ Try to resolve the difficulty through **negotiation** by meeting with school and making sure that the school has a clear picture of what is happening.
- ☑ If the bullying is affecting the child: seek support for the child or put them in contact with anti-bullying organisations (see the *Useful contacts* section).
- ☑ If you can, **involve a solicitor**: where negotiations failed, some parents find that a solicitor's letter detailing the actions by the school and reminding the school or local authority of their duty of care leads to more effective action by the school.

It is always best for a parent to try to sort things out with the school directly. If, after trying, the parent feels that the head is not doing enough to stop the bullying, they can complain to higher levels in the education system.



Follow the school's complaint procedure.

All state maintained schools **must have a complaints procedure**. Request a copy from the school. For most schools, after complaining to the head, the next stage is to complain to the **school governors**. If this does not bring a satisfactory resolution the parent can **pursue their complaint to the Local Authority**. Send a **copy** of the complaint letter and any relevant supporting documents to the **Director of Education at the local authority** if it is a community, community special or voluntary controlled school.



Report a crime to the police.

If the bullying, either physical or spoken, is **extremely serious**, the parent may want to involve the police. Generally **children over 10 years old are considered responsible for the crimes they commit**. The police may investigate and individuals could be prosecuted.

Parents may also consider a **private prosecution**. If the police will not act, the parent could speak to a solicitor who specialises in criminal law. **Private prosecutions are very unusual**.

What if the school still does nothing?

The parent can **complain to the Local Authority or the Secretary of State for Education or take legal action**.

If the school knows the child is being bullied and does not take reasonable action to protect them, the school and also (for community, community special and controlled schools) the local authority could be failing in its duty of care. They could be sued for negligence.



For a claim to succeed the **child must have suffered some damage** (i.e. physical or psychological harm) and the court has to be convinced that the school or Local Authority **could have foreseen the risk and could have taken action to prevent it.**

REMEMBER...

...schools need to be **clear in their policies** about strategies to deal with the prevention of and sanctions against bullying behaviour, which often takes place at break times.

Schools have jurisdiction over behaviour outside school hours and off school premises.

This extends to behaviour of pupils towards other pupils of the school, at least where there is an element of bullying or assault.

The Bully

It is not enough that the school only takes disciplinary action against the perpetrators - there needs to be an **ethos of care** not only for the individual child victim, but also **one that considers the reasons why pupils should adopt anti-social behaviour.**

Sometimes the **bully or aggressor may be suffering some form of physical or emotional deprivation** or even abuse. However, if a school is going to tackle bullying effectively it must consider all these factors.



The school's disciplinary code needs to be applied in the interests of good order, discipline and morale throughout the school. **In particular the school has duties to all pupils with special educational needs, including any who are bullying.**

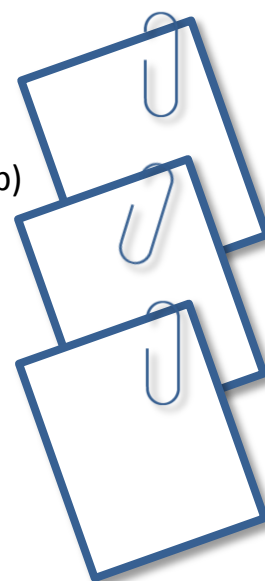
What legal documents are relevant?

- ❖ The School Standards and Framework Act 1998 (SSFA) – section 61 (4)(b)
- ❖ Education and Inspections Act 2006

Criminal law and the law of negligence may apply to school bullying cases.

Also, see the following Guidances:

- ❖ DFES Pack (file and video) Bullying: don't suffer in silence.
- ❖ Safe to learn: embedding anti-bullying work in schools, DCSF 2007
- ❖ Homophobic bullying 2007, DCSF
- ❖ Cyber bullying 2007, DCSF



Useful contacts

Childline

www.childline.org.uk

Helpline: 0800 1111

Safenetwork

www.safenetwork.org.uk

Bullying UK

www.bullying.co.uk

Helpline: 0808 800 2222

BeatBullying

www.beatbullying.org

Childnet International (internet safety)

www.childnet.com

Kidscape

www.kidscape.org.uk

Helpline: 08451 205 204

Anti-Bullying Alliance

www.anti-bullyingalliance.org.uk

(Children with Learning Difficulties) **Mencap**

www.mencap.org.uk

Helpline: 0808 808 1111

Stonewall (LGBT children and young people)

www.stonewall.org.uk

Helpline: 08000 502 020

You and your child may also wish to visit the National Archives to familiarise yourselves with the campaign 'Don't suffer in silence':

<http://webarchive.nationalarchives.gov.uk/20050302035856/dfes.gov.uk/bullying/>



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