



## ***GOVERNORS' GUIDE***

***ON***

## ***PREVENTING BULLYING***

***A Practical Guide for School Governors***

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# GOVERNOR GUIDE ON PREVENTING BULLYING

## A Practical Guide for School Governors

### WHAT IS BULLYING?

Most consider bullying to be behaviour that is:

- deliberately hurtful
- often repeated over a period of time, whilst recognising that a one-off incident can also amount to bullying
- difficult for victims to defend against.

#### ***Respecting Others: Anti-Bullying Guidance – National Assembly for Wales 2003***

*“Any form of wilful behaviour which repeatedly inflicts upon another fear and threat of physical or emotional harm designed to undermine the confidence, security and self-worth of the subject of the bullying”*

***Governors Wales 2006***

*“Bullying is aggressive or insulting behaviour by any individual or group, often repeated over a period of time that intentionally hurts or harms”*  
***‘Tackling Bullying in schools: A survey of effective practice’ – Estyn 2006***

*“Bullying is an unequal power relationship”*  
***TES School Governors Year Book 2006***

### BULLYING OF PUPILS

*(Almost anything applicable to the bullying of pupils could be applied to the bullying of staff)*

Every pupil in school has the right to learn, free from the fear of bullying. It is therefore essential that schools develop a strong inclusive and respectful culture where bullying and prejudice are not accepted. This culture or ethos is the foundation upon which all bullying can be effectively addressed.

### How do children perceive bullying?

- “Someone being mean to you ... making you feel bad!”
- “being threatened, tripped up in the playground”
- “being punched if I didn’t give him my dinner money!”
- “name calling”

## Why do pupils become victims of bullying?

Usually, because they are perceived by the bully to be in some way “different”, for example:

- physically different, that is, small or thin or overweight or, in some way, disfigured;
- belonging to a different cultural, racial or ethnic group to the majority;
- having, or being perceived to have, a sexual orientation that is different from the majority;
- coming from a different social class, for example, being perceived as “posh”;
- being hardworking at school, bright or talented;
- having a different religion;
- having special education needs or a disability;
- in any way, being seen as weak, vulnerable and defenceless.

## How does it feel to be bullied?

- Bullying hurts (both physically and/or mentally)
- It is painful, upsetting, frightening. It can lead to a fear of school.
- It reduces confidence and diminishes the person.
- The victims of bullying may often end up feeling weak and isolated.
- The victim may often think that what has happened is, in some way, their fault.
- If bullying is not prevented, the consequence is that the victim feels helpless because no one can offer them protection.
- School work can suffer.
- The worry and fear of bullying can lead to illness, refusal to go to school or truancy.

*Adapted from “tackling bullying – a practical guide to parents legal rights” published by the Advisory Centre for Education (ACE).*

## What can school governors do to minimise bullying in their school?

- Don't make the mistake of believing that bullying is not happening in your school; it's more realistic to assume that it is. Bullying generally occurs, to some degree, in most schools.
- Ensure that the subject of bullying is discussed regularly in meetings of the governing body.
- Design, adopt and consistently implement a comprehensive anti-bullying policy compliant with the appropriate legislation including, amongst others, the Human Rights Act 1998, the Protection from Harassment Act 1997 and the Equality Act 2010. The Equality Act 2010 replaces the previous discrimination legislation in Great Britain concerning sex, race, disability, sexual orientation, religion or belief and age. The Equality Act 2010 is concerned with discrimination in respect of the specific "protected characteristics" being: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- Ask the school council to look at the school's anti-bullying policy and, if necessary, suggest ways for it to be improved.
- Consult both parents and pupils so that any behaviour or anti-bullying policies take into account their views and experiences.
- Discuss a range of strategies that the school can use to implement its anti-bullying policy. Effective school-based counselling, that is independent, safe and accessible, can form a key part of a whole-school approach to preventing and responding to bullying.
- Ask for regular reports from the headteacher about the effectiveness of the school's anti-bullying strategies.
- Make sure that systems are in place to identify and report incidents of bullying, and that everyone in the school knows about them
- Set up a section on the school website to help pupils learn more about cyberbullying, including tips on what to do if they are or know of someone who is being cyberbullied.
- Start a scheme where people 'buddy up' to share their experiences of bullying.

## A CHECKLIST FOR GOVERNORS

### Are you able to answer these questions about bullying and your school?

1. Were you involved in drawing up your school's anti-bullying policy ... and have you read it recently?
2. Is there a common understanding in the school of what bullying means? There are different forms of bullying, for example (this list is non-exhaustive):
  - (i) Cyberbullying
  - (ii) Homophobic bullying
  - (iii) Bullying around race, culture and religion
  - (iv) Bullying around SEN and disabilities
  - (v) Sexist, sexual and transphobic bullying

3. Are pupils and staff actively engaged in making their school a safer place and what can be done to make journeys to and from school safe?
4. Is the school aware of what is happening in the “playground”? Is there sufficient supervision during break and lunch times, and have supervisors been appropriately trained and aware of the need to look out for behaviour which could suggest that bullying is taking place.
5. Does the whole-school ethos create an environment where victims of bullying are helped to disclose their experiences and are empowered to protect themselves and their peers?
6. Where there is clear evidence of acts of bullying, has the governing body determined the sanctions to be applied against the bully, and are they consistently implemented? Or does the school’s ‘firm anti-bullying policy’ constitute merely an empty threat?
7. Do governors monitor parents’/carers’ complaints about bullying ... and could the governing body justify the school’s responses in Court?
8. Have governors and members of staff attended training on preventing bullying?

## **BULLYING OF MEMBERS OF STAFF**

Governors of schools are not only responsible for the welfare of pupils, they also have legal duties of care towards school staff particularly with regard to health which may be placed at risk as a result of excessive and sustained levels of stress. One of the sources of stress of this kind experienced by members of staff arises when they are subject to bullying or harassment by a colleague (which may often, but not always, be carried out by the member of staff’s line manager). Alternatively, a member of staff can experience harassment and bullying arising from the pursuit of a complaint by one or more parents. Members of staff may also experience bullying by pupils in different forms, including cyberbullying.

Any unwanted verbal, non-verbal or physical conduct which another individual considers violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment can constitute harassment. Harassment is regulated primarily by discrimination legislation. Unlawful harassment can involve conduct of a sexual nature (sexual harassment) or it may be related to colour, race, nationality, ethnic or national origin, sex, sexual orientation, gender reassignment, transsexualism, marital or civil partner status, disability, or religion/belief, pregnancy or maternity and age. Unlawful harassment can result in discrimination claims.

However, it is important to remember that harassment is unacceptable even if it does not fall within any of the above categories.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct where the conduct is known, or ought to be known, to cause someone alarm or distress.

## What kinds of bullying may occur in the work place?

### Examples might include (this list is non-exhaustive):

- overbearing and/or intimidating level of supervision or other misuse of power or position;
- deliberate undermining of a competent teacher or support staff member by overloading of work and constant criticism;
- exclusion or victimisation;
- unfair treatment by comparison with the treatment of other similar colleagues, for example being deliberately excluded from meetings and or communications without good reason;
- preventing the potential for progress by withholding training opportunities or blocking promotion by other means (for example, by unnecessary stringent prerequisite conditions when applying for internally advertised positions);
- by unwarranted threats or comments about job security which are without foundation;
- any behaviour which may be perceived by an employee as an unwelcome sexual advance;
- any other form of behaviour that is perceived by the victim as bullying or harassment.

## Governors' legal responsibilities for the welfare of employees

- the Health and Safety at Work Act 1974 requires employers to ensure, as far as is reasonably practicable, the health, safety and welfare at work of employees. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work. The Management of Health and Safety at Work Regulations 1999 require employers ... to manage health and safety at work.
- a failure by an employer to exercise reasonable care constitutes negligence.
- the failure of an employer to protect staff from bullying and harassment can result in claims of constructive dismissal and/or discrimination claims on the grounds set out above being upheld by an employment tribunal.
- Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.
- As recently publicised in the high profile case of *Majrowski v Guy's & St Thomas' NHS Trust*, claims may now be brought under the Protection from Harassment Act 1997, against harasser and employer alike, provided that the harassment concerned is sufficiently closely connected with the employer's business and the employee concerned knows, or ought to know, that their behaviour amounts to harassment. Therefore an employer can be held vicariously liable under the Protection from Harassment Act 1997 for harassment committed by an employee in the course of employment.

- The Public Order Act 1986, and Protection from Harassment Act 1997 also create criminal offences in respect of intentional harassment where, with intent to cause a person harassment, alarm or distress, a person uses threatening, abusive or insulting words or behaviour, or displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that, or another, person harassment, alarm or distress.

### **Implications for governing bodies**

- a school's anti-bullying policy should include bullying and harassment with regard to staff, or a separate policy should be drafted in this respect of harassment;
- governors must take measures to ensure that everyone at school is treated with dignity and respect;
- all reported incidents of bullying must be treated seriously, and when an employee of the school complains of bullying or harassment, the governing body must deal with the complaint under the appropriate procedure (bullying or disciplinary).
- governing bodies who fail to put measures in place to guard against and manage workplace harassment face the risk of any number of different claims, and with no cap on damages for harassment linked to discrimination claims, the potential economic consequences may be significant.

### **What must the governing body do about bullying and harassment?**

- agree and publish a clear statement of commitment;
- acknowledge that bullying and harassment are issues for every workplace, including schools (every school!)
- adopt a policy making clear that bullying and harassment are not to be tolerated;
- consider examples of behaviour deemed to be unacceptable;
- consider whether it is appropriate to maintain confidentiality for any complainant;
- specify the steps to be taken by the school to prevent bullying and harassment;
- explain how the policy is to be implemented and monitored.

It is worth noting that employers improve their chances of successfully defending harassment claims based on discrimination if they can show they took "reasonable steps" to avoid the discrimination occurring. This goes further than putting together a policy on bullying and harassment (although this is a key part of the process) and involves training, effective implementation of the policy and ongoing review.

### **Whistle-blowing**

Governing bodies should also implement a separate policy for whistle-blowing. Appropriate guidance is available from the Welsh Assembly Government and includes a model policy.

## **Guidance and Information**

### **Respecting Others: Anti-Bullying Guidance (Circular No: 23/2003).**

<http://www.governorswales.org.uk/publications/2003/03/01/respecting-others-draft-anti-bullying-guidance/>

This document provides information on tackling bullying in schools. It offers direct practical solutions to both prevention and dealing with incidents of bullying and gives the legal background and an explanation of the roles of all involved. A list of reference material on bullying is also noted in this circular guidance.

Additional guidance to complement the above circular is currently being produced by the Welsh Assembly Government and will be available in due course.

### **Welsh Assembly Government Anti-Bullying Web pages and documents**

<http://new.wales.gov.uk/topics/educationandskills/schoolhome/wellbeing/antibullying/?lang=en>

### **Procedures for Whistleblowing in Schools and Model Policy**

<http://www.governorswales.org.uk/publications/2007/12/03/procedures-whistleblowing-schools-and-model-policy/>

### **School-based Counselling Services in Wales a National Strategy**

<http://new.wales.gov.uk/topics/educationandskills/publications/guidance/counsellingservicesstrategy/?lang=en>

## **The following organisations are examples of where additional information and guidance can be obtained:**

Advisory Conciliation and Arbitration Services (ACAS)

[www.acas.org.uk](http://www.acas.org.uk)

Association of Teachers and Lecturers (ATL)

[www.atl.org.uk](http://www.atl.org.uk)

National Association of Headteachers (NAHT)

[www.naht.org.uk](http://www.naht.org.uk)

National Association of Schoolmasters/Union of Women Teachers (NASUWT)

[www.nasuwat.org.uk](http://www.nasuwat.org.uk)

National Union of Teachers (NUT)

[www.nut.org.uk](http://www.nut.org.uk)

Voice

[www.voicetheunion.org.uk](http://www.voicetheunion.org.uk)

Association of School and College Leaders

[www.ascl.org.uk](http://www.ascl.org.uk)

Undeb Cenedlaethol Athrawon Cymru

[www.athrawon.com](http://www.athrawon.com)

Governors Wales Helpline

Tel: 0845 60 20 100

[www.governorswales.org.uk](http://www.governorswales.org.uk)

Teacher Support Cymru

Tel: 08000 855 088

[www.teachersupport.info](http://www.teachersupport.info)

Local Education Authorities - Employee Assistance Programmes (EAPs)

Diocesan Authorities