

The NSPCC response to *Bullying in Schools: A Review of the Current Complaints System and a Discussion of Options for Change*

(Office of the Children's Commissioner)

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Introduction

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC believes that, given the will, most cruelty can be prevented. In order to achieve this, it is vital that all children, whatever their needs, have a range of services that are flexible and offer them support and protection. The NSPCC has more than 180 services in the UK and the Channel Islands. These services aim to:

- Prevent children being abused by working with parents and carers in vulnerable families to improve their knowledge and skills in safeguarding, and giving children and young people someone to turn to through the provision of our Listening Services.
- Protect vulnerable children and young people from abuse by providing direct services in a number of settings, including schools and young people's centres. We also protect them by providing Listening Services for adults to ensure they have someone to turn to with their concerns; by ensuring that abused children and young people are identified and effective action is taken to protect them, and by working with young people and adults who pose a risk to children and young people to reduce the risk of abuse.
- Help children and young people who have been abused overcome the effects of abuse and achieve their potential.

The NSPCC's comments on this consultation document are based on our expertise in safeguarding children and promoting their welfare. In particular, we have drawn on our practice experience of NSPCC education, schools and family support specialists working in England. We have also consulted with CHIPs (ChildLine in Partnerships), which works in schools, and staff involved in developing NSPCC work with disabled children.

ChildLine in Partnerships

CHIPS works with schools and other youth settings to provide a range of services, including helping them set up sustainable peer support schemes tailored to the needs of each individual setting. In 2005/2006 CHIPS worked with over 75,000 children and young people across almost 1000 schools in the UK. CHIPS works with primary and secondary age groups and is also beginning to develop services and resources to help specialist and hard-to-reach groups of young people, children with learning difficulties, young people excluded from mainstream school, young offenders and young people who are seeking asylum or who have refugee status.

CHIPS believes that children and young people can help each other, can play a part in making changes to improve their own lives, and have a right to be listened to and respected. CHIPS develops a working relationship with young people and their schools or youth groups, and provides a range of services.

We would be happy to arrange for the Children's Commissioner and staff to visit a CHIPS service to learn more about the work it does.

General comments

We welcome the Office for the Children's Commissioner's review of the current complaints systems for bullying and a discussion of options for change.

Despite initiatives from government, and efforts on the part of many teachers and schools, bullying remains a serious problem for many children. The NSPCC study of the prevalence of abuse and neglect (2000)¹, which surveyed the childhood experiences of almost 2,900 young adults, showed that bullying and discrimination by young people, especially in school, is one of the most common forms of harmful aggression experienced by children and young people. A quarter of those bullied by other young people (1 in 10 of all respondents) reported that they had suffered long-term harmful effects from being bullied.

Recent research carried out by the Anti-Bullying Alliance has also shown that up to one in five pupils have experienced bullying on mobile phones or via the internet. The research also showed that bullying using phone picture and video clips and phone calls were perceived as having more impact on the victim than traditional forms of bullying.²

Bullying breaks children down. It is humiliating and frightening, and young people often feel powerless to stop it. And it doesn't just affect children's social lives. Concentration lapses and skipped lessons are not uncommon for bullied children, even those who have always performed well in school. Sometimes the thought of going to school is so terrifying that children pretend they are ill or refuse to attend. A very few find life so unbearable that they attempt suicide. Many more carry the effects of bullying long into their adult lives.

In 2005-2006, 37,074 children who called ChildLine were counselled because of bullying. For the last ten years, bullying has been the single biggest reason for children to call ChildLine.

'The things they say feel like a dagger in my back.' Mark, 10

'What hurts me so much is that she used to be my friend.' Louise, 15

'I am at the stage of wanting to die instead of going to school.' Alex, 11

Calls to ChildLine

Research commissioned by ChildLine has shown that no single factor makes a school more likely to have a bullying problem than others³. It doesn't matter whether the school is a small rural primary school or a sprawling inner-city comprehensive. It is therefore important that all schools take bullying seriously and that an effective, robust and speedy complaints process is implemented to provide redress to children and parents when their complaints about bullying are not satisfactorily dealt with or remedied.

Articles 2 and 19 of the United Nations Convention on the Rights of the Child⁴ state, respectively, that all children have the right to be protected from any form of discrimination, and from being abused and neglected. Article 12 of the Convention

¹ Cawson, P., Wattam, C., Brooker, S., Kelly, G. (2000) *Child Maltreatment in the UK: A study of the prevalence of child abuse and neglect*, London: NSPCC.

² Smith, P., Mahdavi, J., Carvalho, M., Tippett, N. (2006) *An investigation into cyberbullying, its forms, awareness and impact, and the relationship between age and gender in cyberbullying*, London, University of London

³ Oliver, C and Candappa, M (2003) *Tackling Bullying: Listening to the Views of Children and Young People*, London, Thomas Coram Research Unit

⁴ United Nations Convention on the Rights of the Child (1989). Ratified by UK Government in 1992.

states that children have the right to be listened to and have a say in decisions that affect them.

Although by law schools must have an anti-bullying policy in place⁵ and they have a duty to make arrangements to safeguard and promote the welfare of children⁶, it is apparent that the options for a child or parent who wish to complain about bullying or the failure of the school to address the bullying are limited. Therefore an effective complaints system should not be viewed as an option: it is essential. It is important that the current complaints system for bullying is reformed to make greater use of independent mediation, a right to a hearing before a Governors Committee and the creation of an independent Presenting Officer role. We particularly welcome the proposal for children to have the right to make complaints on their own behalf at each stage of the complaints process.

While we welcome the review and proposals to improve the complaints process, it is important to remember that they must be regarded as an element of a holistic approach to bullying in schools. The most effective anti-bullying initiatives are those that form part of a whole school strategy. Practices and principles such as participation of children and young people in developing anti-bullying strategies, clear guidelines and procedures on how to respond to all incidents of bullying, monitoring and reviewing policies and preventative methods such as teaching personal, social and health education (PSHE) are essential. The complaints system should be seen as part of this approach, to provide another tool to tackle the problem of bullying in schools.

⁵ School Standards and Framework Act 1998, Section 61 (4) (b)

⁶ Education Act 2002, Section 175

1. In principle, do you agree that mediation should be available to children, parents (guardians or carers) and schools where there is a bullying dispute that cannot be resolved by schools?

Yes. We agree that mediation should be available to children, parents (guardians or carers) and schools where there is a bullying dispute that cannot be resolved by the processes that schools have in place. Some of these cases can become very intractable.

We are not aware of research on independent mediation in bullying disputes that cannot be resolved by schools. However, evaluations of peer mediation schemes have shown that although they do not stop bullying, participation in such schemes does increase children's self-esteem and enables them to deal better with bullying, partly by providing them with coping strategies⁷. They also help schools: conflict-resolution skills complement a whole-school policy on discipline and positive behaviour, and develop a climate in which everyone knows that bullying is unacceptable, and both the bully and the victim know that they will receive support.

Headteachers and class teachers who have been involved in conflict resolution and peer mediation schemes have commented that: some former bullies have become accomplished mediators; children have become more mutually supportive; there was less conflict in the playground; mediators were able to stop minor conflicts escalating; staff were spending less time dealing with conflicts, and children were more tolerant of each other.

It is important that mediation schemes are kept live and continually refreshed. Unless mediation schemes are properly supported they can easily wither and quickly become out of date.

2. With respect to disputes between parents etc and a school, are there any forms of dispute that you would exclude from mediation?

Yes. There are two types of incident where we do not think that mediation should be offered in disputes between parents and a school. These are bullying incidents where there is either police involvement and/or an investigation or where criminal charges are pending, or incidents that have been referred to relevant agencies as a possible child protection case.

In bullying disputes involving either the police or other agencies it would be inappropriate for the victim of bullying to face the alleged perpetrator and to understand the perpetrator's point of view.

3. With respect to disputes between children, do you agree with the use of independent mediation?

Yes. Independent mediation should be offered alongside peer support schemes where all parties to the dispute between children are in agreement. A child's agreement to the use of independent mediation should be sought independently to avoid any peer or adult pressure being unfairly exerted. Formal parental consent should be obtained where children are unable to give their own informed consent.

The use of independent mediation is particularly beneficial where bullying is taking

⁷ Lawrence E (2000) Conflict resolution and peer mediation in primary schools. In M Liebmann (ed) *Mediation in Context*. London: Jessica Kingsley.

place within a community or as part of disputes between families. It is also useful in situations where the school's internal procedures have been, or are likely to be, unable to resolve things positively, in the opinion of two or more of the interested parties.

It should be clear how the mediation process fits into the school's behaviour management procedures. Mediators must be fully trained and supervised and the process must be designed to meet the needs of children and young people.

4. If mediation is to be used, *at what stage* should it be offered?

We support the recommendation contained in the consultation document that mediation should be made available at all stages of the formal complaints process, even where an appeal is pending before the independent body.

5. Do you agree, in principle, that there should be legislation giving parents and/or children a right to a hearing before a Governors Committee where a complainant is not satisfied with the decision of the Headteacher?

Yes. We support the introduction of legislation to give parents and/or a child a right to a hearing before a Governing Committee where a complainant is not satisfied with the decision of the Headteacher.

We recommend that to assist the Governing Committee in carrying out this role, specific guidance should be written and disseminated setting out the composition of the committee and the training Governors will need to carry out this role. Funding will need to be made available for this training.

6. Do you agree, in principle, with the appointment of an independent Presenting Officer to collate and present evidence to the Governors Committee?

In principle we agree with the appointment of an independent Presenting Officer to collate and present evidence to the Governors Committee.

However, the jurisdiction and operation of the role needs to be clearly stipulated. We recommend that an agreed code of practice for the role should be published covering how the officer will operate within the school in dispute cases. In particular, the code of practice should cover speaking to and interviewing pupils and gathering information about the dispute. It should also include how the officer operates with teaching staff and unions, professional bodies and any legal representation a parent, carer or guardian may seek.

7. Do you agree that teachers against whom bullying complaints are made should be required to attend and give evidence at a Governors Committee?

Yes. Teachers who have bullying complaints made against them should be required to attend and give evidence at a Governors Committee. We recommend that caretakers, lunchtime supervisors, learning support assistants and transport escorts and drivers should also be required to attend and give evidence as they can also be involved in bullying pupils.

A range of other professionals, such as nurses, physiotherapists, occupational therapists, community paediatricians and interpreters, work in some specialist and residential schools for pupils with disabilities or special educational needs. Although

they are employed by other agencies, we recommend that they should be added to the group of staff who are required to attend and give evidence to a Governors Committee, as they may also have been involved in bullying pupils.

The Governors Committee should also consider whether the complaint made against the teacher is a child protection matter. If the matter is a child protection issue, the school's child protection policy and procedures would need to be followed and referrals made as appropriate to children's social services and the police. In determining whether the matter is a child protection issue, Governors should undertake training about child protection to ensure they have the knowledge and information needed to perform their functions and understand their responsibilities.

We would welcome clarification on how the Governors Committee would link with any staff disciplinary procedures following a bullying complaint. A flow chart may help to elucidate this process.

8. Do you agree that teachers who are witnesses to bullying between children should be required to give evidence at a Governors Committee hearing following a complaint by a parent?

Yes. We further recommend that other school staff including Caretakers, Lunchtime Supervisors, Learning Support Assistants and anyone else on the school premises, even if temporarily, should also be required to give evidence at a Governors Committee if they too have witnessed bullying between children and young people.

Teachers, Caretakers, Lunchtime Supervisors and Learning Support Assistants should be offered professional and personal support if requested.

9. Do you agree, in principle, that there should be an Independent Complaints Panel where the child, parent or carer remains dissatisfied with the result of the Governors Committee hearing?

Yes. In principle we support the establishment of an Independent Complaints Panel where the child, parent or carer remains dissatisfied with the result of the Governors Committee hearing. However, the Independent Complaints Panel should be used only as a last resort, if all other possibilities to resolve the situation have been exhausted.

We recommend that the Independent Complaints Panel should also have a monitoring and reporting role. This role could highlight cases where there have been a number of complaints against the same school or a case of particular concern. This information should be passed on to the local education authority or Ofsted and should trigger a monitoring visit or an inspection of school policy, procedure and practice around bullying. This is a vital service and would assist with school improvement.

10. Should there be a right of appeal to the Independent Complaints Panel as a matter of right, or should complaints be screened to determine whether there is any merit in the application?

We recommend that complaints should be screened for merit to determine if there is any merit in the application. Parents should be informed why their application has been rejected.

We also recommend that parents should have the right to appeal or to re-submit their application if they have additional information or grounds to make a complaint.

11. Do you agree in principle that children should have the right to make complaints on their own behalf at each of the stages (i.e. to the Headteacher, the Governors Committee and the Independent Complaints Body)?

Yes. We strongly support the principle that children should have the right to make complaints on their own behalf at each of the stages in a dispute.

However, it is essential that children are offered the support and guidance of an independent party who is trained in children's participation and advocacy. Children and young people involved in bullying disputes should have access to an independent advocate and the opportunity to present their concerns in a variety of ways, including in person, by video, in a written personal account or through an interpreter.

The access and support needs of disabled children and/or those with special educational needs, and vulnerable groups such as children in care, refugee children and children being bullied because of their sexuality should be a particular focus for such support. They may be both more likely to experience bullying and to have difficulties in making a complaint on their own behalf. Staff should thus be trained to work with children with a range of a specific needs and access requirements.

Further Information

For further information, or to arrange a visit to a CHIPs service in a school, please contact Emily Arkell, Policy Adviser – Safeguarding on 020 7825 1352 or earkell@nspcc.org