

Recording and Reporting Incidents of Bullying Between Pupils, and Incidents of Abuse against School Staff

Consultation Response Form

The closing date for this consultation is: 4 March
2010

Your comments must reach us by that date.



THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

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If your enquiry is related to the policy content of the consultation you can contact the DCSF help-line on:

Telephone: 0870 000 2288

e-mail: info@dcsf.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dcsf.gsi.gov.uk

Please tick the box that best describes you as a respondent.

<input type="checkbox"/> School Governor	<input type="checkbox"/> School Welfare	<input type="checkbox"/> Teaching & School Staff
<input type="checkbox"/> Special Educational Needs and additional support	<input type="checkbox"/> Parents	<input type="checkbox"/> Children & Young People
<input type="checkbox"/> Pupil Referral Unit	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Union
<input type="checkbox"/> Other stakeholders with an interest in bullying	<input checked="" type="checkbox"/> Child protection	<input type="checkbox"/> Other

Please Specify:

The NSPCC

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 in the UK over future generations. In pursuit of our vision we will:

- Create and deliver services for children which are innovative, distinctive and demonstrate how to enhance child protection most effectively;
- Provide advice and support to ensure that every child is listened to and protected;
- Provide advice and support to adults and professionals concerned about a child and if necessary take action to protect the child;
- Work with organisations which work with children to ensure they effectively protect children and challenge those who do not;
- Campaign for changes to legislation, policy and practice to ensure they best protect children;
- Persuade everyone to take personal responsibility for preventing cruelty to children;
- Inform and educate the public to change attitudes and behaviours towards children;
- Use our statutory powers as necessary to protect children.

The NSPCC works across a range of education settings. This response draws on the experience of NSPCC education specialists working in England. NSPCC education specialists provide training and advice to teachers on a wide range of child protection-related areas. Their aim is to help school staff identify signs of possible abuse and give children the skills they need to protect themselves. They do this in a number of ways which include providing independent counselling, advice and support for children and young people and giving them the confidence to seek help. They also provide school staff with the opportunity

to talk to a trusted professional in confidence if required.

1 Do you agree that the new duty should be placed on governing bodies (or management committees in the case of PRUs); or do you think it would be better to place it on head teachers (teachers in charge in PRUs). Where do you think the new duty should be placed?

<input checked="" type="checkbox"/> Governing Bodies (or management committees in case of PRUs)	<input type="checkbox"/> Head Teachers (teachers in charge in PRUs)	<input type="checkbox"/> Other
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The NSPCC considers that the duty to report incidents of bullying should be placed upon the governing bodies of schools and the management committees of PRUs. Although it is likely that the responsibility for recording incidents will be delegated to the level of head teacher in most cases, the head teacher should be accountable to the governing body or management committee for fulfilling the duty.

2 Do you agree that the regulations should require that serious and persistent bullying incidents between pupils, racist incidents and incidents of verbal and physical abuse against school staff should be recorded?

<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input checked="" type="checkbox"/> Not sure
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We strongly support the proposed regulations which will require schools to report serious and persistent bullying incidents between pupils and verbal and physical abuse of staff. We also agree that bullying incidents should be recorded according to 'type.'

We recommend that the definition of bullying incidents as 'serious and persistent' should be amended to 'serious and/or persistent' bullying as this gives a much clearer description of the types of incident which should necessitate recording. This definition is also more consistent with the definition used in the *Safe to Learn* suite of guidance which defines bullying as "behaviour by an individual or group, *usually repeated over time*, that intentionally hurts another individual or group either physically or emotionally" (our emphasis).¹ In addition to this, schools will need training and guidance to help them determine how to interpret the term 'serious and/or persistent' as a threshold for recording.

We believe that introducing a duty which focuses only on physical and verbal bullying and cyberbullying is too restrictive. For example, there may be other forms of bullying, such as written threats, abusive graffiti or manipulative bullying, which are not covered by these definitions. More work is therefore needed to define the behaviours which will be covered under the new duty. If these forms of bullying are included, schools will need guidance on how to establish proof that these incidents have taken place.

Although the new duties will be applied only to maintained schools, we consider that the regulations should also apply to academies and independent schools. There is a need to ensure that all children are better protected from bullying in schools, regardless of how their schools are run.

It would be helpful at 2.2 in the consultation document to include the following: –

"Clear records enable schools to:

- Establish any patterns or trends in relation to bullying;
- Trace the previous behaviour of those involved in order to determine the seriousness of an incident and the appropriate action to take."

As the purpose of the new regulations is to make the reporting of bullying incidents more consistent across all schools, we recommend that the DCSF provides clearer guidance on exactly which types of bullying incident are covered and the level of seriousness needed to meet the threshold for recording. Currently, the consultation document states that some schools may choose to record all incidents as a matter of good practice (page 11), though others may choose to record fewer incidents. Establishing a consistent

1. Department for Children, Schools and Families (2007) *Safe to learn: Embedding anti-bullying work in schools* London: DCSF

standard for all schools would provide a more accurate understanding of bullying levels and allow for more effective benchmarking.

We are unsure as to why the consultation proposes that schools should also be placed under a duty to record all racist incidents, in addition to recording incidents of racist bullying. It is our understanding that schools are already obliged to record and report racist incidents as part of their Race Equality Duty under the Race Relations (Amendment) Act 2000 and as part of Ofsted inspection requirements (for more information see our response to question 8).

3 Should the duty require that statistical reports be sent annually to the local authority?

Yes

No

Not sure

The effectiveness of anti-bullying work in local authorities is seriously restricted when schools do not share information. We therefore agree that schools should be required to provide local authorities with data on bullying incidents. This data will enable the local authority to review and evaluate their anti-bullying strategies and also to identify priorities for action, e.g. providing specific training for staff on identifying and responding to homophobic bullying if this is identified as a particular problem. Local authorities should ensure that the data informs the development of their Children and Young People's Plan and the monitoring of this by the local Children's Trust. However, it is important to ensure that each local authority has the resources and capacity needed to collect and monitor reports of bullying effectively.

4 Should headline data also be made available to central Government?

Yes

No

Not sure

It is important that headline data should also be made available to DCSF for the purpose of statistical analysis, in particular for identifying regional and national trends in bullying. However, this data needs to be anonymised so that schools have the confidence to report incidents to the local authority without fear of repercussions. As the consultation document outlines, there should be no published 'league tables' of bullying as this may create a disincentive for schools to accurately report incident levels.

5 What safeguards can be put in place to ensure the confidentiality of records of bullying, racism and staff abuse?

Staff and pupils will need to be confident about the protection of personal confidentiality if the new duty is to be successfully fulfilled. If pupils and teachers have fears about confidentiality then this may reduce the likelihood of them reporting and seeking support following an incident of bullying. For this reason, the NSPCC would prefer that a separate incident 'log' is used to record incidents of bullying rather than adding reports on to individual staff and pupil records. Access to records of bullying incidents should then be restricted to senior members of the schools staff and should also comply with confidentiality and data protection principles. The principle of confidentiality should be strongly outlined in any accompanying guidance. Any data shared with the Local Authority and the DCSF should be fully anonymised.

Although the consultation document states that it is the responsible member of staff who decides whether to record an incident of bullying, the pupil or staff member who have experienced bullying must be involved in the process. This may include, for example, explaining to them in full exactly how the incident has been recorded including how this is to be kept confidential and anonymised. This will improve confidence in the systems used.

6 a) Is there any reason why recording bullying incidents by type and reporting these records in anonymised form to their local authority and to central Government, could be problematic for schools?

Yes

No

Not sure

Both teaching staff and non-teaching staff need to be able to identify specific types of bullying and respond to these in a sensitive and appropriate way. The 'responsible member of staff' needs the skills and knowledge required to identify when a bullying incident meets the threshold for recording under the new duty.

The NSPCC is aware that there are practical issues which may effect the protection of staff and pupil privacy when the data is transferred to the local authority. For example, when conducting statistical analysis of the data returned from schools, local authorities will be able to interpret this more effectively if they are aware of the context in which the data was gathered. Even where the names of those involved have not been provided, some limited background information about the source of the data may make it possible for the local authority to identify the school in question. It may then be possible to identify the individuals concerned. For example, if a small mainstream school has only a small number of disabled children it may not be difficult to identify potential victims of disablist bullying. Also, as primary schools contain very few teaching staff it may be fairly easy to identify the individual teachers from the descriptions provided in the data.

In order to reassure schools, pupils and teachers therefore, local authorities should be open and transparent about how the data provided will be used and the extent to which it will be anonymised. They should also treat the data supplied in the strictest confidence and not allow this to be published or shared with other organisations.

As the consultation document acknowledges, many schools may have legitimate concerns related to the new duty. For example, some schools may fear damage to their reputation, or sanctions from the LA, if the data identifies them as having a large bullying problem. To avoid any under-reporting as a result of these concerns, schools should be given assurances that no negative consequences will result from sharing their data. It will also be important to stress that schools who report higher levels of bullying are often those that take it seriously and most consistently recognise and respond to incidents of bullying. Schools should not be deterred from recording incidents because of fears that reporting higher levels of bullying will be perceived as negative by government or the local authority.

6 b) What measures could we take to support schools in this area?

Schools should be provided with a clear definition of bullying which is understood by different sections of the school community including pupils, parents/carers, staff and governors, in order for there to be a shared understanding of what constitutes bullying. DCSF should therefore establish a definition that should be applied. The NSPCC considers that the definition used throughout the *Safe to Learn* suite of guidance and quoted above in response to question 2 could be used for this purpose. Schools should then ensure that this is included in their anti-bullying policy.

Teaching staff and non-teaching staff need ongoing training about bullying. This training should help staff to develop an understanding of the nature and impact of bullying, how to respond to bullying incidents and how to identify specific types of bullying. We suggest that the DCSF should also consider whether this issue is covered adequately in Initial Teacher Training.

The 'responsible member of staff' in each school will need additional guidance and training on the thresholds used to determine when a bullying incident should be recorded. This will help to ensure that the level of data collection is consistent across schools and so will improve the accuracy of local authority benchmarking activities. The training should also stress the need to record how the school responded to individual incidents in order to support staff and pupils. Schools should also signpost to other sources of support such as the ChildLine service (0800 1111 or www.childline.org.uk), or the 'Help and Advice' section for children, parents and practitioners on the website of the Anti-Bullying Alliance (ABA) <http://www.anti-bullyingalliance.org.uk>.

The data systems developed to fulfil the new duty will need to enable schools to transfer data to the local authority in an anonymised way. Schools and Local Authorities also need much clearer information about how they should respond in the case of a Freedom of Information (FOI) request from the media or other organisations, as this will be an area of significant concern for schools. Local authorities should also clarify the support they can offer to schools in the event of FOI requests.

7 a) Is there any reason why recording incidents of abuse against school staff by type, and reporting these records to the local authority and to central Government, could be problematic for schools?

X Yes

No

Not sure

It can be more difficult to anonymise records of bullying incidents by type. This is particularly the case when schools provide details of bullying incidents against school staff, especially in smaller schools. Staff members will therefore need assurances that the information submitted to the LA and DCSF will not be used to identify the member of staff in question. To encourage and support the reporting of incidents against school staff, schools should also ensure that they are supporting them effectively when they have been bullied.

More thought is also needed about how to record incidents of bullying which fall into more than one category, for example bullying which is both sexist and homophobic. Schools should be able to record incidents related to more than one incident type as a single incident to accurately reflect the nature of the bullying without double counting.

7 b) What measures could we take to support schools in this area?

Schools should be provided with clear definitions of incidents that constitute verbal and physical abuse against school staff and abuse by 'type.' The DCSF should also consider whether incidents against staff should be recorded on a separate system to the one used for pupils. The NSPCC considers that a separate system governed by separate guidance would be less confusing for schools.

The DCSF should issue guidance for schools on supporting staff who are the victims of bullying. This should include guidance on responding to specific types of bullying as a member of staff's support needs may vary depending to the type of bullying experienced. Local Authorities also need to ensure that they effectively signpost to the services of their appointed member for grievances, who can offer counselling and support to teachers who have experienced bullying.

8 Should we take this opportunity to require schools to statutorily record all racist incidents whether they involve bullying or not?

Yes

No

Not sure

It is our understanding that schools already have a specific legal duty to have a written race equality policy and monitor its impact under the Race Relations (Amendment) Act 2000. Furthermore, schools cannot be deemed satisfactory in promoting equality by Ofsted if they fail to comply with statutory requirements through recording racist incidents and reporting these to the Local Authority.² For this reason we are unsure as to why the requirement to record racist incidents is being included as part of this consultation.

The NSPCC supports the principle of recording all incidents of racist bullying as part of the new duty, if this is deemed appropriate and fits with existing requirements. However, more guidance is needed to clearly distinguish between the requirement to record racist incidents in order to monitor the effectiveness of equalities and community cohesion duties, and the requirement to record racist bullying to monitor the effectiveness of anti-bullying policies.

In particular, there is a need to clarify definitions of 'racist bullying' and 'racist incidents' as this will affect whether schools will be obliged to record single incidents on two separate recording systems. For example, following the Stephen Lawrence Inquiry, the Home Office produced a code of practice which defined a racist incident as, "any incident which is perceived to be racist by the victim or any other person"³ and this is the definition currently used by schools. Arguably, all bullying incidents attributed to racism will also fit the definition of a racist incident so there will a large degree of cross-over between the two recording duties.

An example of this is contained in the consultation document which contains a description on of a fight between two racial groups as an example of an incident that is racially motivated, but does not include bullying. However, as such an incident involves physical violence and name calling, it could be argued that this is also a case of racist bullying. If the fight were preceded by other incidents between pupils then it could be argued that this was also a 'persistent' problem. This would also meet the definition of bullying used in the *Safe to Learn* guidance.

9 a) Should repeated incidents of serious verbal or physical abuse (including internet abuse) that cause harm or distress against school staff be covered by the new duty to record?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure
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² Ofsted (2010) *Equality and discrimination in schools: Inspecting equalities: Guidance for section 5 Inspectors* London: Ofsted

³ Home Office (2000) *Code of practice on reporting and recording racist incidents*

It is important that schools take a whole-school approach to bullying and this should include taking seriously incidents experienced by both pupils and teachers. However, it is important that support systems for staff are sufficiently rigorous following an incident of bullying otherwise they may be less likely to be willing to report it. Schools should therefore provide support to teachers who are the victims of bullying, including specialist support for specific types of bullying related to race, disability and sexuality.

9 b) If so, would a single recording system be able to deal with incidents occurring across these different relationships?

Yes

No

Not sure

We have no further comments on this issue.

9 c) Should schools be required to report these records in an anonymised form to their local authority?

Yes

No

Not sure

We consider these records should be reported in an anonymised form to the local authority but, as we state above, it is more difficult to guarantee anonymity when records refer to incidents of bullying against teachers and this requires further consideration.

9 d) Should schools also be required to report these records in an anonymised form to central Government?

Yes

No

Not sure

Schools should be required to report records in an anonymised form to central Government.

10 a) What fields do practitioners feel we should require schools to record, and which should we advise them to record in guidance?

The NSPCC considers that the list provided at 3.34 of the consultation document is very useful. Our Education Advisors recommend that schools record all of these fields in order to identify trends and monitor the effectiveness of the school's anti-bullying policy.

We strongly support the emphasis on bystanders as a field in the recording system, as this aspect of bullying is often overlooked. Bystanders can be pupils or school staff who observe an incident of bullying without intervening or seeking help. If mobilised against bullying, this group can have a key influence in reducing the level of bullying in schools.⁴

We believe that incidents against school staff which take place outside of school should be recorded and responded to by the school, provided the incidents can be linked to their position as a teacher. Where incidents of bullying of pupils outside of school come to the attention of school staff (e.g. one or more pupil being bullied by one or more pupil from the same school) these should also be recorded on the school's systems. However, we recognise that this is an area of considerable complexity and is further complicated by the inclusion of bullying through the use of new technologies in the new duty. Schools therefore need additional guidance on exactly what constitutes an incident 'outside of school' and in which circumstances this will need to be recorded.

10 b) Do practitioners have examples of how they have used a particular strand of information in a useful and effective way?

Yes

No

4. See http://www.anti-bullyingalliance.org.uk/pdf/Bystanders_and_Bullying.pdf

The NSPCC does not have any specific case studies to share.

11 Do practitioners have any other advice to give about what an effective recording system needs to be capable of? We would welcome any advice or best practice examples of what an effective recording system might look like across a variety of scenarios.

The data recorded by schools should be consistent and based on a common definition of bullying. The local authority should be able to aggregate the data in an anonymous form.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

 No

All DCSF public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DCSF consultations are conducted, please contact Donna Harrison, DCSF Consultation Co-ordinator, tel: 01928 794304 / email: donna.harrison@dcsf.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 4 March 2010

Send by post to:
Consultation Unit

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Department for Children Schools and Families
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