



Roar Like a Lion

Anti-Bullying Guidance for Schools and Services

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Preface

Leicester City LEA has a duty to safeguard and promote the welfare of children along with governing bodies of schools under Section 175 of 2002 Education Act. In support of this the LEA has worked with representatives of schools, parents and other agencies in producing this guidance to schools in establishing and regularly reviewing anti-bullying policies and practices in schools.

Schools can access further support from the LEA's maintained services

Particular thanks is given to those who contributed to the Working Group developing this guidance in 2005, including the following direct contributors:

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The title "Roar Like a Lion" originated from group-work commissioned by Leicester Children's Fund/NCH. These consultations¹ suggest schools' anti-bullying policies need to be powerful and uncompromising.

Particular thanks are given to the students and staff at Ellesmere College, Evington Valley Junior, Rushey Mead School and Crown Hills Community College for their comments on early drafts of this guidance.

This guidance will be regularly reviewed, initially no later than 2007, and reported on as an integral part of the LEA's strategy to avoid and reduce bullying incidents in the city's schools.

¹ "Service specifications and budget requirements to meet the five aims of each ECM outcome in Leicester - A consultation with children and young people" **Leicester Children's Fund/NCH 2005.**

Contents

1. PURPOSE	Page 7
2. INTRODUCTION	Page 9
2.1 The Legal Framework and National Context	
2.2 What should schools do to prevent and respond to bullying	
3. WHAT A POLICY MUST INCLUDE	Page 11
3.1 Statement of intent	
3.2 A definition of Bullying	
3.3 Aims and Objectives	
3.4 Practice and Procedures	
3.5 Policy Monitoring and Review	
4. ESTABLISHING A SCHOOL POLICY	Page 19
4.1 Introduction : A Whole School Approach	
4.2 Stage 1 Development, Awareness raising and consultation	
4.3 Stage 2 Implementation	
4.4 Stage 3 Monitoring, Review and evaluation	
5. AN EXEMPLAR POLICY	Page 23
5.1 Statement of Intent	
5.2 Definition of Bullying	
5.3 Aims and Objectives	
5.4 Practice and Procedures	
5.5 Policy Monitoring and Review	
6. APPENDICES	Page 29
1. General legislation relevant to bullying in schools	
2. School specific legislation and National Guidance	
3. Race relations and the MacPherson report into the Stephen Lawrence enquiry – Educational Implications	
4. Is a child being bullied?	
5. Effective Policy checklist	
7. USEFUL DOCUMENTS AND WEBLINKS	Page 43

Purpose

This guidance is intended to provide practical suggestions for responding to an issue that is central to the well being of the whole school community.

It is intended to assist schools in establishing and regularly reviewing their anti-bullying policies and practices.

It aims to help schools to: -

Meet relevant outcomes in “Every Child Matters”, namely that:

Every child (and member of the school community) should be:

- Safe from bullying and discrimination
- Safe from crime and anti-social behaviour in and out of school.

Take steps to provide children and young people with a safe environment.

Create an ethos of shared values in which the whole school community feels secure, highly valued and entitled to seek support.

Introduction

Leicester City LEA endorses the right of every pupil to be educated in an environment that is safe, secure and supportive. Leicester City LEA strives to eradicate all forms of bullying and harassment in schools.

This is in keeping with the United Nations Convention on the Rights of the Child which states, at Article 19, that adults should make sure that children are protected from all forms of physical or mental violence and injury or abuse. This is often referred to by Courts when considering legal rights and obligations.

Failure by schools to take any affirmative action against bullying is in breach of the articles of the UN Convention of the rights of the child, of which the United Kingdom is a signatory.

2.1. THE LEGAL FRAMEWORK AND NATIONAL CONTEXT

Some instances of bullying in schools are against the law. Victims of bullying and harassment in and around schools have sought redress using various aspects of legislation.

General legislation relevant to bullying in school (e.g. Human Right's Act) can be found in **Appendix 1**.

Legislation that is more school-specific and guidance relevant to bullying is to be found in **Appendix 2**. This includes:

- The schools Standards Framework Act 1998
- The Educations Act (1996)
- The role of OFSTED
- Every Child Matters and the 2004 Childrens Bill
- DfES Guidance to schools on bullying
- DfEE Circular 10/99
- The National Curriculum
- DfES initiatives regarding bullying.

The particular legal duties placed on school by the requirements of Race Relations legislation and the recommendations of the MacPherson enquiry are to be found in **Appendix 3**.

2.2. WHAT SHOULD SCHOOL DO TO PREVENT AND RESPOND TO BULLYING?

The Head Teacher of every school has a duty to determine measures to be taken with a view to preventing all forms of bullying among pupils.² This will involve developing an anti-bullying policy that states clearly what constitutes bullying and the range of sanctions that may be applied. This must be publicized in the form of a written document. At least once in every school year, steps must be taken to bring this to the attention of all such pupils and parents and all persons employed, or otherwise engaged to provide their services, at the school.

The policy needs to have a named person responsible for the monitoring of bullying incidents and the development of policy and practice related to anti bullying. Schools will benefit from developing anti bullying strategies through a whole school approach which includes regular high profile anti bullying campaigns, the development of a positive school ethos, the promotion of emotional well-being and appropriate curriculum initiatives as key elements in any anti bullying strategy.

² The LEA has issued guidance to Headteachers outlining measures that should be taken with respect to assaults on staff. Health and Safety Bulletin 47 "Dealing with Assaults on Staff in School and College environments March 2004".
<http://www.leicester.gov.uk/your-council--services/education--lifelong-learning/about-us/lea-services/health--safety-bulletins>

What a Policy must include

The purpose of this section is to provide schools with a recommended format for deciding upon the content of its anti-bullying policy.

3.1 STATEMENT OF INTENT

The Policy should begin with a statement which indicates the schools general philosophy with regard to bullying in school.

3.2 A DEFINITION OF BULLYING³

What is bullying?

The LEA adopts the following definition of bullying:

- 'A physical, psychological or verbal attack against an individual or group of individuals by a person or group of persons, causing physical or psychological harm to the victim'. Source: Don't Suffer in Silence DfES.
- Bullying is the use of aggression with the intention of hurting another person.
- Bullying results in pain and distress to the victim. It is usually conscious and wilful and commonly consists of repeated acts of aggression and/or manipulation.
- It can take a number of forms – both physical and non-physical, either in combination or in isolation.

Bullying can be:

- Emotional** - being unfriendly, excluding, tormenting (e.g. hiding books, threatening gestures)
- Physical** - pushing, kicking, hitting punching or any use of violence
- Racist** - racial taunts, graffiti, gestures
- Sexual** - unwanted physical contact or sexually abusive comments
- Homophobic** - because of, or focused on the issue of sexuality
- Verbal** - name-calling, sarcasm, spreading rumours, teasing
 - E-mail or text bullying
 - Bullying through a third party

³ What's the difference between bullying and harassment?

Many people are confused as to the difference between bullying and harassment and indeed both forms of behaviour are hurtful and harmful and should be acted upon immediately and both are treated very seriously by the LEA.

What is harassment?

A person commits the offence of harassment (under the Protection from Harassment Act 1997) if they intentionally cause another alarm, harassment or distress if they know, or ought to have known, that their behaviour would cause distress and there have been at least two occasions when they have done so. There must be a series of incidents and not just isolated unrelated incidents. This offence is arrestable.

A person commits the offence of harassment (under the Public Order Act 1986) if they use abusive, threatening or insulting words or behaviour, or disorderly behaviour, or displays any writing, sign or other visible representation which is threatening, abusive or insulting thereby causing that other person harassment, alarm or distress, or within the hearing or sight of a person likely to be caused harassment, alarm or distress. This offence is arrestable.

Note: Racially aggravated offences carry a heavier sentence.

Any bullying, whether physical or non-physical, may result in lasting psychological damage to the individual.

Bullying incidents may be dealt with under assault, duty of care or child protection legislation.

Examples of signs that a child may be a victim of bullying can be found in Appendix 4: 'Is a child being bullied?'

3.3 AIMS AND OBJECTIVES

(Schools may wish to refer to the model policy in section 5).

The school's policy should aim to:

- Present a shared definition of bullying.
- Outline what the school aims to do in terms of preventing bullying and explain some strategies to be used.
- State the school's aims with regard to creating a positive, mutually respectful and inclusive learning environment.

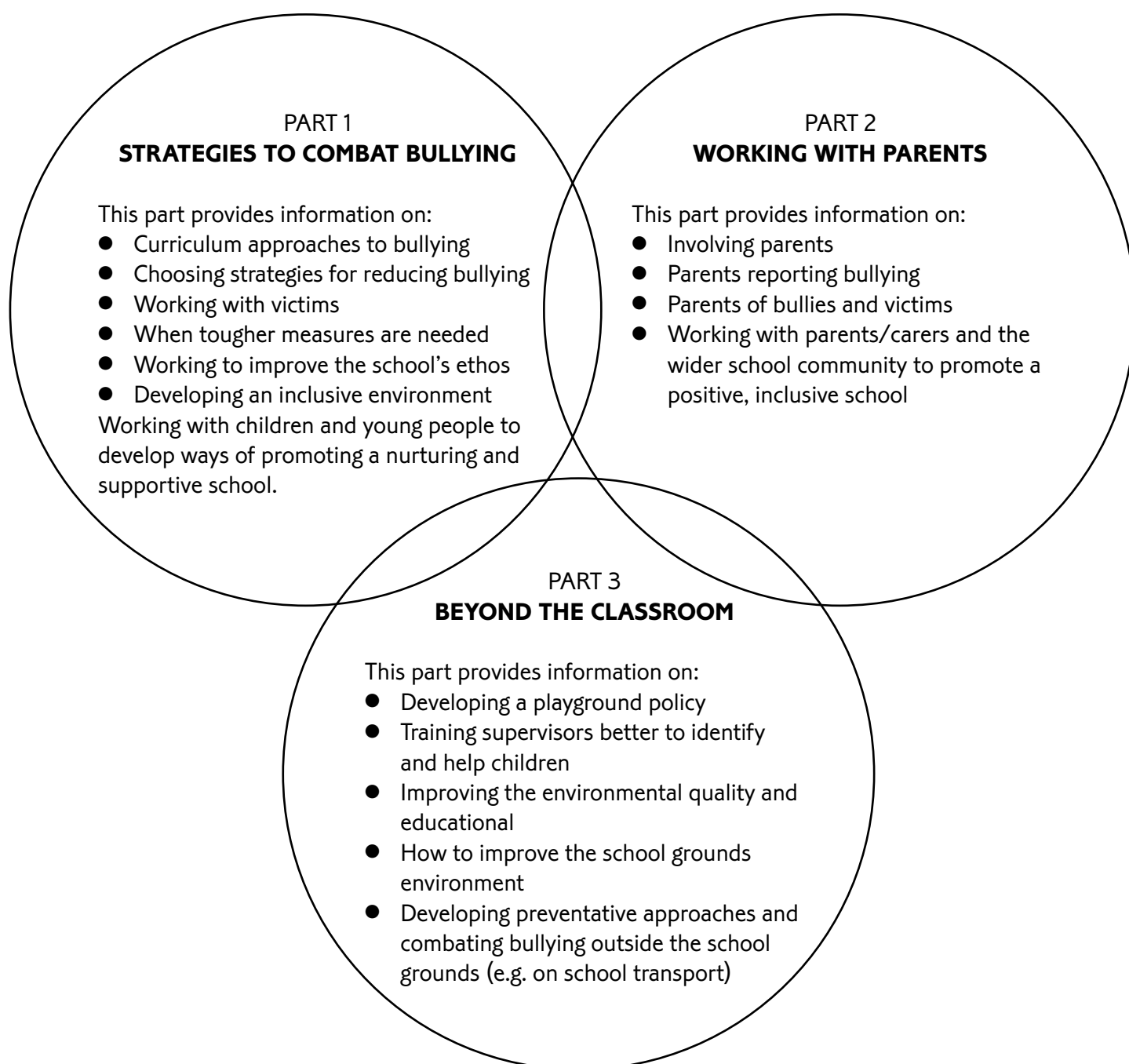
The aims should be followed by a number of objectives that outline how the broader aims will be put into operation.

3.4 PRACTICE AND PROCEDURES

What can be done to prevent bullying?

The policy should outline a number of proactive and reactive strategies the school aims to take in it's dealing with bullying. The diagram below provides a list of ideas (some drawn from the DfES guidance) which a school may choose to adopt. This list is by no means complete. There will be other methods and idea school will wish to adopt. It is offered as a starting point.

Derived from DfES guidance **“Don't Suffer In Silence”**



The LEA's support services (from the Pupil and Student Support branch e.g. Psychology Service and Behaviour Support Team) will be happy to offer advice and guidance to schools on these and other techniques and approaches.

School policy and procedures, as described in the following section, can reduce incidents of bullying and harassment. In addition there remains a need to teach pupils how to cope emotionally with and respond to bullying and harassment. Too often they are left feeling hurt and helpless with no support from anyone, particularly when they approach adults who either say, "Don't tell tales" or "Ignore it – they'll soon stop"!

Pupils and parents need to understand that the unwritten code of "not telling tales" fosters bullying and harassment. Not to tell is colluding – do nothing is colluding with the bullying.

Children need to learn from an early age what is anti-social behaviour. If this behaviour goes unchecked inside or outside the classroom the children will repeat the abuse. A lot of bullying and harassment is insidious; it is therefore vital to respond when any pupil feels they have been harassed or bullied.

This section should include the expectations of the school for the involvement of staff, students governors and parents. It should clearly outline what is expected of them in terms of their responsibilities and how they might contribute to the overall effectiveness of school's anti-bullying strategy, e.g. students participation in peer counselling or peer leadership training.

Reacting to a specific incident

The development of procedures that everyone understands is essential. Teachers/staff and other adults will have to exercise professional judgement in the application of these procedures depending on the severity or category of the incident.

Dealing with an incident

Every reported or observed incident requires action to prevent recurrence. These include:

- Act immediately to stop/prevent any incident of bullying/harassment or discrimination, - ignoring what happens is colluding.
- If an incident is "indirect" i.e. refusal to co-operate with, or avoidance of another pupil or member of staff because of their sex, ethnicity etc. restructure the groups carefully and discuss the issues that arise from this as part of your PSHE curriculum.
- Comfort/support the bullied child immediately making sure they feel safe. Work with the bullied child to restore their self-confidence. If necessary arrange for "counselling". Consider whether this should be by someone of the same sex or/and ethnic group, or someone of who could identify closely with the experience of the victim.

- Challenge and reprimand the bully aiming not to undermine their self-worth and confidence.
- Invoke agreed sanctions if necessary.
- Invoke Child Protection Procedures if appropriate⁴.
- Ensure any audience is aware that the act is wrong and has been dealt with.
- Ensure that any audience is aware that if they have done nothing to prevent the bullying then they too are culpable.
- Decide whether to talk about the incident with the victim and perpetrator together or separately.
- Record the incident in a logbook⁵ and report the action that has been taken (Take a written statement as appropriate).
- Follow up the incident with staff especially class teacher or form tutor.
- Follow up the incident with other pupils, discussing principles rather than specific incidents. Ensure all pupils know that procedures and policy exist to protect them.
- Work with the bully to help eliminate fears and insecurities that may have led to them bullying or harassing and to ensure that the offence is not repeated.
- Discuss incident with parents/guardians of the bullied person and bully (if appropriate) - bearing in mind the language used i.e. "has been accused of bullying NOT has bullied..." [Any accusation must be based on evidence and further investigation of the incident may be needed].

If, after extensive work has been carried out by the school, the bully continues to bully or harass then exclusion may be necessary.

The form of the action will be dependent upon school procedures and in some instances this may need to be negotiation with the "victim" as to what they feel should remain confidential and what should not.

The Corporate Director should be informed in the case of serious physical attacks either by individuals or groups. These must be reported using the Council's accident/incident reporting procedures, as follows: SO2 'Report of Accident/Dangerous Occurrence' report forms must be used for 'student on student' incidents, whilst SO1 'Record of Attacks on Employees' forms must be used for incidents involving employees.

⁴ In those cases where the bullying incident is alleged to have been caused by an adult who works with the child then a referral should be made to Social Care and Health dept as Ch 13 of the ACPC Child Protection Procedures will apply. – 'Allegations of abuse made against a professional foster carer or volunteer'

In those cases where the bullying incident is alleged to have been caused by any other adult then consideration should be made for a referral to Social Care and Health as a child in need of support s17 or in need of protection s 47 Children Act 1989.

In those cases where the bullying is described as sexual – unwanted physical contact or sexually abusive comments, consider a referral to Social Care and Health and the police as set out in Ch 9 of the ACPC Child Protection Procedures- 'Abuse by children and young people.'

⁵ School should be aware of the need to record incidents in a manner that makes it possible to separately identify racist incidents as a separate category, even if they are collected in the same way as other forms of bullying, as this is a requirement of DfES Circular 10/99. See monitoring of racist incidents on www.leicester.gov.uk/mce for more details.

Record keeping and monitoring

Monitoring and recording of all incidents and of school responses is particularly important. Schools are advised to err on the side of recording even minor incidents as these could be important indicators.

Why record and monitor?

Monitoring is an important means of enabling schools to:

- Understand why a child is bullying
- Identify whether problems are developing
- Analyse the full picture of frequency and nature of the incidents
- Monitor progress
- Evaluate whether measures are effective
- Review procedures
- Identify whether certain pupils or groups are particularly vulnerable
- Identify whether certain pupils or groups are responsible for the bullying or harassment.

There will obviously be some situations that do not fall easily into “categories” and staff will need to discuss just how these incidents should be recorded.

School will also need to decide:

- How and where this information is stored
- Who will have access to the information
- How long the forms will be kept, and
- When the forms should be destroyed.

What to record and monitor

Areas to consider monitoring in a school policy could include:

- The number of reported incidents of bullying and harassment. N.B. In large schools the logging of individual incidents is extremely important as, only in this way, can staff track particular pupils who may be experiencing bullying and harassment.
- How these incidents were addressed, the outcomes and feedback given.
- Where the incidents took place.
- The levels of parental involvement.
- Number of staff and governors undertaking training.
- Contact with external agencies and support services.
- What internal schemes and methods of support the school offers (e.g. peer mentoring schemes)
- Levels of bullying and harassment in relation to disability.

This list is not exhaustive and schools will wish to add their own areas of concern.

3.5. POLICY MONITORING AND REVIEW

The policy must be regularly reviewed. The use of a checklist is advisable.

Areas to consider in monitoring and reviewing the policy are:

- The date for the policy review.
- Those who will be involved in the policy review (students – who, how; parents-who, how; staff-who, how; governors-who, how).
- What specific areas of the policy will be examined in the light of the recorded information?
- How will the review recommendations be implemented?
- How will the review recommendations be communicated?
- A helpful checklist for checking a school policy is provided in **Appendix 5**.

Establishing a School Policy

The purpose of this section is to assist a school with the process of establishing or annually reviewing its anti-bullying policy.

4.1 INTRODUCTION: A WHOLE SCHOOL APPROACH

A range of strategies and approaches need to be developed to tackle bullying. Taking a whole school approach can build upon the work already underway in schools to involve everyone in making appropriate decisions. Support for this approach can be found in the National Healthy School Standard, Personal Social and Health Education and Citizenship.

A whole school approach ensures the involvement and participation of everyone as part of the development of policy related to supporting a positive ethos within the school – students, parents, staff, governors and the wider community. City schools' policies should seek to promote equality of opportunity and a positive attitude towards the diverse social, cultural and ethnic backgrounds of pupils, staff, governors and the community. Leadership that enables all staff and pupils to create a welcoming culture that celebrates diversity is likely to be particularly effective in combating bullying. Specific strategies for combating bullying are most effective where they are used as part of a whole school policy against bullying.

A whole school policy against bullying is a written document that sets out the aims of the school in relation to bullying behaviour and a set of strategies to be followed. It is backed up by systems and procedures within the organisation and management of the school. It is important to be aware of links with existing policies and procedure. For instance, there is already an LEA recommended procedure for dealing with racial incidents⁶ which should continue to be used. The school's bullying policy should build on effective behaviour and equal opportunities policies. Bullying affects teachers, families, non-teaching staff and governors as well as pupils. Schools should involve these groups of people and relevant outside agencies/support services throughout the policy making process. School should address the bullying of adults in their staff code.

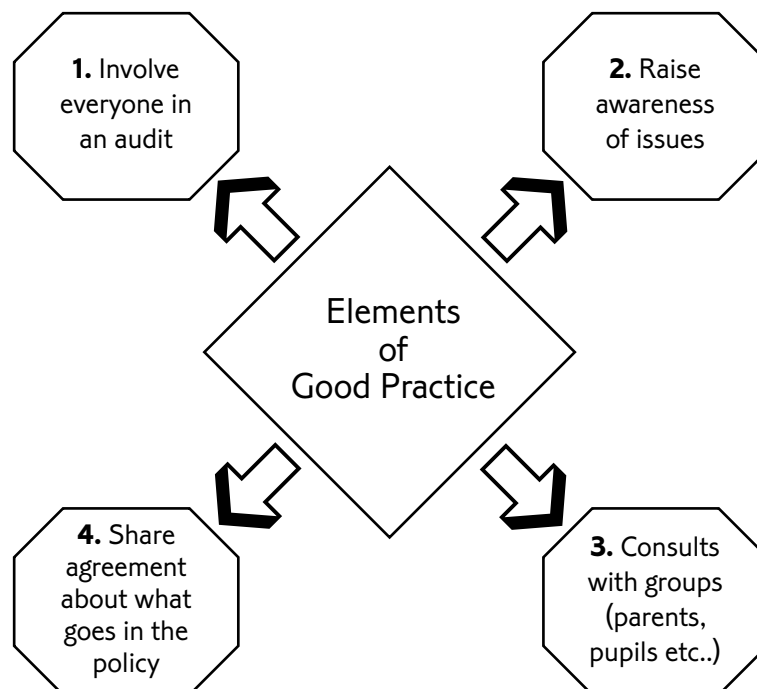
Establishing a whole-school policy involves three stages:

- Development, awareness raising and consultation
- Implementation
- Monitoring, Reviewing and Evaluating

⁶ See footnote 4.

4.2 STAGE 1: DEVELOPMENT, AWARENESS-RAISING AND CONSULTATION

Four activities characterise good practice when developing or reviewing a school's anti-bullying policy:



4.3. STAGE 2: IMPLEMENTATION

Communication

Everybody needs to understand the school's policy and know what they will be expected to do to put it into practice. Consequently, the policy should be concise and written in appropriate language for the audience.

It is particularly important to:

- Involve the Governing Body in the policy development, adopts the policy/guidance procedures.
- Ensure all staff (i.e. teaching and non-teaching) understand their responsibilities in this area so that they respond to bad behaviour whenever they see it.
- Ensure that all parents are aware of the policy and procedures.
- Give them information as to whom they should contact in the event of their child being bullied or harassed.
- Ensure new pupils, parents and staff need to be made aware of the policy and its implications as part of the school's induction of new entrants.
- Involve other services as necessary e.g. Education Welfare officers in identifying pupils who are absent or truanting because of bullying and harassment.
- Ensure staff and pupils are aware of the monitoring procedures.
- Ensure the governing body is regularly reported to.

Training/INSET

A range of activities will be required to assist everyone in school to know what their responsibilities are and how they are expected to put them into practice. Such activities will usually include:

A specific launch which brings together the school community to communicate and reinforce the policy and responsibilities. Some schools may find it helpful to follow up a launch with regular reminders and/or offer additional training opportunities for those staff who feel uneasy/unaware/ill-informed around these issues.

Establishing and monitoring robust procedures.

These are likely to include:

- Developing preventative policies, practices and procedures e.g. that cover break-times, ensure improved supervision – identify high-risk areas – improve vulnerable spaces.
- Identifying people and organisations from whom pupils and parents can seek support.
- Seeking to ensure that all staff are aware and prepared for dealing with bullying incidents
- Identifying strategies/systems that will help all involved in what has happened.
- Ensuring that all staff are supported and involved in dealing with bullying incidents.
- Appointing a member of staff to take responsibility for monitoring and evaluation.
- Ensuring that the procedure and sanctions are consistently applied.

Using the curriculum, PSHE and tutorial programme to support the policy and guidance. This will ensure everyone is clear how a planned approach to promoting confident and effective relationships is supported by the curriculum.

4.4 STAGE 3: MONITORING, REVIEWING AND EVALUATION

Monitoring procedures can be used:

- To identify patterns of bullying behaviour.
- To enable schools to follow up incidents and record progress.
- To identify whether or not the anti-bullying policy is being effective.

The monitoring process should be undertaken by a key member of staff who is responsible for identifying the progress and effectiveness of the policy.

The policy should make clear under what circumstances records should be used for monitoring, how long they will be kept, and who should have access to them.

Review and Evaluation

The information collected from monitoring incidents⁷, and from any feedback about the policy in practice provided by staff, families, pupils and governors, should be used to review and update the school's anti-bullying approach.

Careful monitoring and analysis provides a regular opportunity to link monitoring to action planning for the following school year.

⁷ Each school should establish a methodology for recording and reporting on incidents of bullying and harassment in its school. Governing bodies should annually inform the LEA of the pattern and frequency of any incidents. Records of racist incidents should be kept, in line with the LEA Racist Incidence Guidance, see www.leicester.gov.uk/mce

An Exemplar Policy

5.1. STATEMENT OF INTENT

Our vision at xxxxxx school is to have high standards of teaching and learning which challenge our pupils to achieve. Our anti-bullying policy supports this ideal by:

- Promoting respect and tolerance for each other and the school
- Helping pupils towards an understanding of what is right and wrong
- Supporting everyone in forming good relationships with adults and peers.

We believe that students should be fully involved in the writing, implementation, monitoring and review of an anti-bullying policy.

We believe in tackling incidents of bullying by encouraging an environment where individuality is celebrated and individuals can develop without fear. This involves including and engaging everyone's perception of bullying.

5.2. DEFINITION OF TERMS

What is bullying?

Xxxxxx School/College adopts the following definition of bullying:

‘ a physical, psychological or verbal attack against an individual or group of individuals by a person or group of persons, causing physical or psychological harm to the victim ’

Source: Don't Suffer in Silence DfES.

Bullying is the use of aggression with the intention of hurting another person. Bullying results in pain and distress to the victim. It is usually conscious and wilful and commonly consists of repeated acts of aggression and/or manipulation. It can take a number of forms – both physical and non-physical, either in combination or in isolation.

Bullying can be:

- Emotional** - e.g. being unfriendly, excluding, tormenting (e.g. hiding books, threatening gestures), being bossed, hurting people's feelings, being nasty, unfriendly, mean, blackmailing.
- Physical** - e.g. pushing, kicking, hitting, punching or any use of violence, pushing people around.
- Racist** - e.g. racial taunts, graffiti, gestures.
- Sexual** - e.g. unwanted physical contact or sexually abusive comments.
- Homophobic** - e.g. associated with or focused on the issue of sexuality.
- Verbal** - e.g. name-calling, sarcasm, spreading rumours, teasing, being cheeky.
E-mail or text bullying.
Bullying through a 3rd party.

Other concerns, that might not necessarily easily fit into these headings, will nevertheless be taken seriously e.g. being picked on, taking advantage of another person.

School is aware that it is a possibility that the bully may be an adult and will follow the local Child Protection procedures where this is the case.

5.3. AIMS AND OBJECTIVES

The aim of our anti-bullying policy is to:

- clarify for students and staff what bullying is and that it is always unacceptable. explain to staff, students and school community why bullying and harassment occur and their impact on individuals and the school as a whole.
- provide a secure, stimulating, positive and mutually respectful and inclusive environment for learning.

School also intends:

- To involve the Students' council in any planning, discussion and dissemination of any work related to anti-bullying.
- To have in place an anti-bullying support system, that all staff and students understand and to apply the system consistently.
- To regularly monitor and review the policy with the full involvement of staff, student, parents/carers and the wider school community.

5.4 PRACTICE AND PROCEDURES

A. What we do to prevent bullying

Everyone involved in the life of the school must take responsibility for promoting a common anti-bullying approach by being supportive of each other, providing positive role models and conveying a clear understanding that we disapprove of unacceptable behaviour (but **not** the pupil or student), and by being clear across the school that we follow school rules⁸. All members of the school community are expected to report incidents of bullying.

1. **Staff** have a vital role to play as they are at the forefront of behaviour management and supporting children's sense of well being in school. They have the closest knowledge of the children in their care and should build up a relationship involving mutual support, trust and respect.

We expect staff will:

- Provide children with a framework of behaviour including class rules which supports the whole school policy.
- Emphasise and behave in a respectful and caring manner to students and colleagues, to set a good tone and help create a positive atmosphere.
- Provide children with a good role model
- Raise awareness of bullying through stories, role-play, discussion, R-time, Peer support, School Council, PSHE, RE.
- Through the head teacher, keep the governing body well informed regarding issues concerning behaviour management.
- Provide a key staff member who is responsible for the monitoring of the policy.

2. Parents/Carers

We expect that parents/carers will understand and be engaged in everything that is being done to make sure their child enjoys and is safe at school:

- Support us in helping us meet our aims.
- Feel confident that everything is being done to make sure their child is happy and safe at school.
- Be informed about and fully involved in any aspect of their child's behaviour.
- Be informed about who can be contacted if they have any concerns about bullying.

⁸ e.g. In primary settings:

School rules

- a) Be kind
- b) Talk quietly
- c) Always walk
- d) Take care of your school

Playtime rules

- a) Be friends
- b) Play safely
- c) Take care of your school
- d) Say "please" and thank you

Dinner time rules

- a) Sit quietly
- b) Listen to your dinner-lady
- c) Use your knife and fork

3. **Governors**

We expect that governors will:

- Support the Head teacher and the staff in the implementation of this policy.
- Be fully informed on matters concerning anti-bullying.
- Regularly monitor incident reports and actions taken to be aware of the effectiveness of this policy.

4. **Students**

We expect that students will:

- Support the Head teacher and staff in the implementation of the policy. This might involve contributing to agreed approaches designed to reduce bullying or better deal with incidents that arise.(e.g. via pupils council, circle time etc)
- Be involved in the monitoring and review of the policy.
- Feel confident that everything is being done to make school a safe and secure environment for them to achieve and learn.
- Feel supported in reporting incidents of bullying.
- Be reassured that action regarding bullying will take place.

B. Reacting to a specific incident

Recording

All incidents in or out-of-class should be recorded on file or database, if in use . Incidents clearly identified as bullying must be reported to a senior member of staff (deputy head teacher /Head teacher) Parents (of both bully and person bullied) informed of what has happened, and how it has been dealt with. Records of discussions to be filed and minuted by a third person.

Dealing With An Incident

Whenever a bullying incident is discovered school will go through a number of prearranged steps. The exact nature of each step will depend in part on the nature of the incident and those involved.

1. The school community need to be aware that when a bullying incident has come to the attention of adults in the school it has been taken seriously and action has resulted.
2. School expects to support all involved by:
 - Talking through the incident with bully and person bullied
 - Helping the bully and victim to express their feelings
 - Talking about which rule(s) has/have been broken
 - Discussing strategies for making amends

3. Nevertheless sanctions may include:
 - Time away from an activity within the classroom.
 - Time out from the classroom.
 - Missing break or another activity
 - Formal letter home from the Head teacher expressing concerns, where the pattern of behaviour continues.
 - Meeting with staff, parent and child.
 - Pastoral Support Plan
 - Detention after school
 - Fixed-term exclusion
 - Permanent exclusion

4. Parents (of both bully and person bullied) are informed of what has happened, and how it has been dealt with.
 - Records of these discussions to be minuted by a third person and filed.
 - Failing face-to face discussion, parents/carers will be informed of any incidents by letter.

5. Child Protection procedures should always be followed when concerns arise⁹.

Monitoring

Trends and strategies are analysed for inclusion in the Headteacher's reports to governors.

Careful monitoring and analysis provides us with a regular opportunity to link monitoring to action planning for the following school year

5. POLICY MONITORING AND REVIEW

Date of policy amendment – January 2004.

Date of next review – January 2005.

The School Council reviews the policy each year.

Annual initiatives reported to Governors. Liaison with parents.

Data from the monitoring and recording scheme needs to be seen by governors once a term.

⁹ See details in footnote on page 13 of this guidance

Appendices

APPENDIX 1: GENERAL LEGISLATION RELEVANT TO BULLYING IN SCHOOLS

INTRODUCTION

The Human Rights Act 1998 has now been accepted into British law. Schools are required to exercise a legal duty of care to ensure that pupils come to no harm. The school would inevitably be the prime target for litigation claims should there be a breach of that duty

There are also increasing numbers of parents, staff and ex pupils who are referring cases to the Commission for Racial Equality or the Equal Opportunities Commission or the police for action covered by this legislation. Bullying on the grounds of Race/Ethnicity/Nationality, etc could constitute the offences of racial hatred and discrimination under Race Relations legislation. At present compensation for race discrimination is limitless.

HUMAN RIGHTS ACT (1998) – EDUCATIONAL IMPLICATIONS.

The European Convention on Human Rights is now enshrined in UK law in the Human Rights Act 1998. The most relevant Articles in relation to bullying are;

Article 2 - The right to life

- a school could be in breach in situation where a child is fatally injured or commits suicide.

Article 3 - Prohibition of torture or inhuman or degrading treatment

- a school may be in violation of this principle if it does not provide adequate safeguards to prevent bullying. The school may also be in breach of it's common law duty of care.

Article 8 - Right to respect for private and family life, home and correspondence

- has been held to include respect for individual's personal integrity.

Article 9 - right to freedom of thought, conscience and religion

- racist / sectarian bullying can obviously interfere with exercise of this right.

Article 14 - prohibition of discrimination

- enjoyment of ECHR rights to be secured without discrimination on grounds of race etc. -not free-standing right –e.g. inconsistent approach to bullying on grounds of religion, colour race etc.

Failure by schools to intervene when they have been notified of an incident, may be in breach of these Articles.

Additionally, Article 2 of Protocol 1 establishes that no one shall be denied the right to education –this has been held to mean an effective education. Consequently any pupil whose capacity to receive education is prejudiced through psychological effects of bullying and is withdrawn from school could potentially claim an interference with this right. Thus if bullying causes a pupil to stay away from the school through fear, the adverse impact on that child’s education may be in breach of this Article.

As such, there may be a human rights liability on a school or the LEA for non-intervention, once the facts have been drawn to its attention.

THE COMMON LAW PRINCIPLE OF NEGLIGENCE

Most of the litigation concerning bullying is based on alleged breaches of this duty by schools. Claimants need to establish that the school’s standard of care fell below that which could be reasonably be expected at the time of a competent responsible member of the teaching profession. The LEA has issued companion guidance in two Health and Safety Bulletins to cover those very rare instances when physical intervention may be required to control or restrain pupils.

If a school has failed in its duty of care to a pupil, by failing to protect her/him from harm, that pupil has a right to bring an action for negligence and claim compensation through the courts. When children have been bullied, damage might include physical injury, distress, interruption to and loss of education.

Those who might be sued for negligence in the case of bullying include teachers, non-teaching staff, governors, the Local Education Authority and possibly the child or children who have immediately caused damage through bullying.

SEX DISCRIMINATION LEGISLATION

The Sex Discrimination Act 1975 confers a general duty on LEA’s to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without sex discrimination and makes it unlawful to discriminate on the grounds of gender. Bullying on the grounds of gender could constitute unlawful discrimination under this Act but it is likely that LEA’s as opposed to schools would be subject to claims under this Act, as the general duty is conferred on them as a body to which this sub-section applies.

EXAMPLES OF THE ATTITUDE OF COURTS TOWARDS BULLYING

- **Layla Faulkner (2) Tracey Faulkner v (1) Enfield London Borough Council (2) Lea Valley High School (2002)** – Schools owe pupils a duty to take reasonable care to protect them from bullying and other mistreatment by other pupils when at school. Where parents were reasonably concerned about the continued safety of their children when at school, LEA's and schools owed them a duty to act reasonably by providing information that would enable them to make properly informed decisions about whether to continue permitting their children to attend school or to withdraw them.
- **Leah Bradford-Smart v West Sussex County Council (2002)** – The Court of Appeal recognised that a school might occasionally, and in extraordinary circumstances only, be in breach of its duty towards pupils for failing to take steps within its power to combat the harmful behaviour of one pupil towards another, even outside school. Otherwise, the duty of schools to prevent bullying is deemed by the Courts to stop at the school gates.
- **R v A: R v B: R v C (2003)** – The Court of Appeal, in justifying sentences given to three boys of 6 months detention and training orders, held that pupils who indulge in campaigns of intimidation and violence could expect severe punishment as this was the only way the Court could assist teachers in stamping out bullying.

OTHER RELEVANT LEGISLATION

Public Order Act (1986) & Criminal Justice and Public Order Act (1994)

Section 154 of the Criminal Justice and Public Order Act 1994 inserted section 4A (intentional harassment, alarm or distress) into the Public Order Act 1986.

These were added to the other offences against the person i.e. assault / battery, wounding with intent, unlawful wounding, racially aggravated offences etc.

All such incidents of serious bullying resulting in physical harm to the victim are criminal offences.

APPENDIX 2: SCHOOL - SPECIFIC LEGISLATION AND NATIONAL GUIDANCE

INTRODUCTION

The strengthening of legislation relating to schools' responsibility for addressing bullying and harassment, especially racial harassment, is now evident in most key educational policy and guidance documents. In order to reduce potential claims for liability, each school will have to define and enforce anti-bullying policies. Failure to implement policies and procedures for dealing with bullying may make schools susceptible to claims from pupils past and present.

THE SCHOOLS STANDARDS AND FRAMEWORK ACT 1998

This requires head teachers to set out and publicise their school's policy and action plans for encouraging good behaviour, respect and prevention of bullying. Head teachers are also required to ensure that measures are in place to prevent all forms of bullying among pupils. The act also requires each governing body to review annually its policy on bullying.

EDUCATION ACT 1996 (FORMERLY EDUCATION REFORM ACT 1988)

Failure to implement a system to tackle bullying may deny a child their right to have equal access to the National Curriculum. The Act also emphasises the importance of a school's duty to promote the spiritual, moral, cultural mental, and physical development of pupils.

THE ROLE OF OFSTED

“ Good school policies and training for staff analyse the different forms of bullying that pupils may experience. Unpleasant territory though it is, understanding bullying is the starting point for effective detection and response. Defining and analysing can help pupils, as well as staff to combat it. ”

(OFSTED/Bullying: effective action in secondary schools/2003)

“Inspecting Schools”, OFSTED, [1999] places increased and sharper emphasis on educational inclusion when schools are inspected.

Inspectors are now required to identify whether any children are excluded from making full use of the available opportunities offered by schools and evaluate the reason for this. Inspectors must judge how effective are the efforts made by schools to overcome barriers to pupils’ ‘full participation in learning’. The relevant section relating to bullying and harassment is 2.2 “Pupils’ attitudes, values and personal development:”

In determining their judgements, inspectors should consider the extent to which pupils:

- form constructive relationships with one another;
- work in an atmosphere free from oppressive behaviour, such as bullying, sexism and racism;
- respect other people’s differences, particularly their feelings, values and beliefs.

Attitudes, values and personal development cannot be judged satisfactory if there are more than isolated instances of:

- disruptive, aggressive or intimidating behaviour;
- racist attitudes or sexist language or behaviour.

In addition to the inspection criteria that judge the way in which schools deal with behavioural and discipline issues, OFSTED’s schedule for inspection of schools includes bullying as an important area for inspection in schools. It states that OFSTED inspectors must evaluate to what extent pupils work in an atmosphere which is free from oppressive behaviour such as bullying, sexism and racism. The schedule for Inspection includes bullying as an important area for inspection for schools.

“ prospectuses and other documents for staff, pupils and parents should explain arrangements for pupils to report bullying to staff and how staff will investigate them. ”

(OFSTED Schedule)

OFSTED will also inspect schools to ensure they carry out statutory duties including:

- the school's duties and obligations under the existing legislation concerned with sex discrimination, race relations, special educational needs and disability discrimination;
- ethical considerations related to values and social justice and how the school promotes pupils' spiritual, moral social and cultural development;
- the three inclusion principles that are essential to developing a more inclusive curriculum as outlined within the National Curriculum 2000;
 - Setting suitable learning objectives;
 - Responding to pupils' diverse learning needs;
 - Overcoming potential barriers to learning.
- OFSTED's role in responding to the recommendations of the Macpherson Report. [Evaluating Educational Inclusion, OFSTED 2001]
- The implications of race relations legislation and the Macpherson Report following the Stephen Lawrence enquiry are to be found in Appendix 3.
- Government policies including:
 - target setting by schools;
 - promoting the inclusion of pupils with special needs or a disability;
 - fostering better personal, community and race relations as highlighted in the Macpherson Report
 - and promoting social inclusion and race equality (e.g. via policies); and

EVERY CHILD MATTERS AND THE 2004 CHILDREN'S BILL

As the government consults on and moves towards the development of joint children's services there is increasing emphasis on agencies working together to identify and support vulnerable children and those at risk. Every agency (including schools and colleges) must have regard to the need to safeguard and promote the welfare of children.

DFES GUIDANCE TO SCHOOLS REGARDING BULLYING PRACTICES

Schools' and Governing Bodies Responsibilities

In developing their behaviour policies, schools should clearly state that any form of bullying, racial or other type or harassment will not be tolerated. The policy should indicate how staff and pupils should deal with such incidents. Schools should be aware that incidents can arise where the bully may be an adult and that child protection procedures may need to be invoked.

A record should be kept of all incidents racial or otherwise and governors and parents should be informed of these incidents and the course of action taken to deal with them. Those schools that are unable to demonstrate that they have operated a duty of care and safety towards their pupils might find themselves open to legal proceedings. In 1994 an Industrial Tribunal ruled that failure to act against incidents of harassment also constituted unlawful discrimination.

Department for Education and Employment – Circular 10/99 Social Inclusion: Pupil Support

Head teachers have a duty to take measures to prevent all forms of bullying amongst pupils and deal with racial and sexual harassment.

This circular indicates that “All school’s behaviour policies must make it clear that racial harassment will not be tolerated and say how staff and pupils should deal with it.”

In annex B paragraphs 9 and 10 it states “Head teacher should be put in place effective strategies against bullying which are developed and put into effect by everyone in the school, including pupils. Governing Bodies should regularly review their school’s anti-bullying policy.”

The National Curriculum

The revised National Curriculum [2000] requires schools to give more emphasis within the curriculum to **Personal, Social and Health Education and Citizenship**. A significant theme running throughout these areas is the development of anti-bullying and harassment strategies.

The **statutory inclusion statement** within the National Curriculum sets out three principles that are essential to developing a more inclusive curriculum:

- Setting suitable learning objectives -expanded
- Responding to pupils’ diverse learning needs
- Overcoming potential barriers to learning

Teachers are required, in their planning, to have due regard to all three principles. The following extracts are directly relevant in relation to bullying and harassment. These are:

- Responding to pupils’ diverse learning needs

“To ensure that they meet the full range of pupils’ needs, teachers should be aware of: the requirements of the equal opportunities legislation that cover race, gender and disability.”

“Teachers should take specific action to respond to pupils’ diverse needs by: creating effective learning environments [in which] all forms of bullying and harassment, including racial harassment, are challenged.”

- Overcoming potential barriers to learning and assessment for individuals and groups of pupils

“Teachers help individuals manage their emotions and take part in learning through: creating a supportive learning environment in which the pupil feels safe and is able to engage with learning.”

DFES AND OTHER INITIATIVES RELEVANT TO ANTI-BULLYING

DfES Anti-Bullying Pack for Schools “**Bullying: Don’t Suffer In Silence**” (DfES 0064/2000 – DfES publications 0845 602 2260), re- published in December 2003 (updated 2002) – reminds schools of the legal duty to draw up a policy to prevent all forms of bullying among pupils and offers detailed advice on anti-bullying strategies. The publication is intended to support schools through the process of developing a policy. It also provides case studies and strategies for implementation.

DfES **Audit for secondary and middle schools (DfES 0207 2003R)**. This in-depth document gives detailed advice on preparing for the audit, seeking the views of those involved, prompts for interviews or discussions, questionnaires and suggested next steps that schools may wish to consider. It is supported by the DfES toolkit on bullying.

National Healthy School Standard. Working towards this standard includes auditing in relation to bullying and support for the school to improve policy and practice.

Working together to identify and support vulnerable children and those at risk. Every agency (including schools and colleges) must have regard to the need to safeguard and promote the welfare of children.

DfES’s Key Stage 3 Strategy : Developing Emotional Health and well being.

This recognises that high levels of emotional security lead to better learning outcomes, improved attendance and more positive behaviour. Associated materials support the emotionally healthy school by strengthening school ethos, values, principles and beliefs and aligning teaching and learning to the development of positive relationships in the whole school community.

A key element of any school’s use of the **Inclusion Quality Mark**¹¹ – a self evaluation tool adopted by many Leicester schools - includes focusing on pupil

¹¹ Coles C. and Hancock R (2002).

attitudes, values and personal development. In particular, the IQM tool identifies it is important that school policies and procedures to manage bullying and harassment are clear to all pupils, and that pastoral and behavioural policies link to curriculum policies and procedures.

Additionally, cross-reference may be made to those other documents that identify specific groups of pupils/students whose needs should be considered in anti-bullying measures. These include, for example:

Aiming High: Understanding the Educational Needs of minority Ethnic Pupils in Mainly White schools.

Chapter, (page 12 on) particularly addresses Prejudice and Racism.

Gifted and Talented Pupils

Effective provision for gifted and talented pupils includes the development of measures to support their emotional and social welfare. Schools need to ensure that inclusive strategies are used to identify able pupils and that an ethos is developed which supports and celebrates all forms of success.

Specific action to promote the welfare of G&T pupils should be taken where it is under threat.

APPENDIX 3 RACE RELATIONS AND THE MACPHERSON REPORT INTO THE STEPHEN LAWRENCE INQUIRY – EDUCATIONAL IMPLICATIONS

RACE RELATIONS ACTS (1976) AND (2000)

The Race Relations Act makes a discrimination on “racial grounds” unlawful. “Racial grounds”, as defined by the Act, includes the grounds of race, colour, nationality, citizenship, and ethnic or national origin. The Act places a legal duty on Local Education Authorities and schools to provide services without discrimination and to eliminate unlawful racial discrimination, promote equality of opportunities and encourage good race relations. The LEA guidance on dealing with racist incidents gives further information.

Bullying on the grounds of Race/Ethnicity/Nationality, etc could constitute incitement into racial hatred and discrimination under this Act. At present compensation for race discrimination is limitless.

The following legislation and reports need to be born in mind in tackling bullying, though their brief is far wider.

THE RACE RELATIONS AMENDMENT ACT (2000)

“A racist incident is any incident which is perceived to be racist by the victim or any other person.” Macpherson Report.

The Race Relations (Amendment) Act 2000:

- identifies schools as public bodies and places a general duty on all public bodies to promote race equality; requiring public authorities to be proactive and seek to avoid unlawful discrimination before it occurs;
- makes provision for some specific duties to prepare and publish a race quality scheme and make arrangements for monitoring and review;
- sets out proposals to monitor the ethnic composition of the workforce – in relation to schools the LEA will be responsible for gathering and publishing the data;
- gives teeth to the 1976 Race Relations Act – making the general and specific duties enforceable through the Commission for Racial Equality which will have the power to issue compliance notices and, if necessary, seek a Court Order to enforce them;
- provides the CRE to issue Code of Practice, includes a specific guide for education, which came into effect on 31st May 2002.

The Act sets out specific duties for schools. The duties require governing bodies to:

- prepare a written statement on its policy for promoting race equality;
- have in place the arrangements for fulfilling, as soon as reasonably practicable, its duties;

- assess the impact of its policies, including its race equality policy, on pupils, staff and parents from different “racial” groups, including in particular, the impact on attainment levels of such pupils.
- monitor, by reference to the impact on pupils, staff and parents, the operation of such policies including, in particular, their attainment level of such pupils. And
- take steps as are reasonably practicable to publish annually the results of its monitoring under this article.

A key message from the Act is that race equality and the promotion of good race relations between persons of different racial groups must become an integral part of the plans and policies of all public bodies including schools. The public sector is expected to lead by example.

THE STEPHEN LAWRENCE INQUIRY REPORT

The Recommendations of the Stephen Lawrence Inquiry Report undertaken by Lord Macpherson outlined an expectation on Education to act in a preventative role: the following recommendations have been accepted by government and form part of the OFSTED Inspection Framework.

Recommendation 67 states that “consideration be given to amendment of the National Curriculum aimed at valuing cultural diversity and preventing racism, in order to reflect the needs of a diverse society”.

Recommendation 68 states that “Local Education Authorities and school Governors have the duty to create and implement strategies in their schools to prevent and address racism. Such strategies (from circular 10/99) might include:

- that schools record all racist incidents;
- that all recorded incidents are reported to the pupils, parent/guardians, school governors and the LEA;
- that the numbers and self-defined identity of “excluded” pupils are published annually on a school-by-school basis.

Recommendation 69 requires “that OFSTED inspections include examination of the implementation of such strategies”.

A copy of the LEA’s pro-formas, has been sent to all Leicester City schools along with the requirement to report racist incidents to the Corporate Director, Education and Lifelong Learning¹². All schools are required to return these on a termly basis. Serious incidents should be reported as soon as they occur.

APPENDIX 4: IS A CHILD BEING BULLIED?

A child may indicate by signs or behaviour that he or she is being bullied. Adults should be aware of these possible signs and that they should investigate if a child:

- Is frightened of walking to or from school
- Doesn't want to go on the school/public bus
- Begs to be driven to school
- Changes their usual routine
- Is unwilling to go to school (school phobic)
- Begins truanting
- Becomes withdrawn anxious, or lacking in confidence
- Starts stammering
- Attempts or threatens suicide or runs away
- Cries themselves to sleep at night or has nightmares
- Feels ill in the morning
- Begins to do poorly in school work
- Comes home with clothes torn or books damaged
- Has possessions go "missing"
- Asks for money or starts stealing money (to pay bully)
- Has dinner or other monies continually "lost"
- Has unexplained cuts or bruises
- Comes home starving (money/lunch has been stolen)
- Becomes aggressive, disruptive or unreasonable
- Is bullying other children or siblings
- Stops eating
- Is frightened to say what's wrong
- Gives improbable excuses for any of the above

These signs and behaviours could indicate other problems, but bullying should be considered as a possibility and should be investigated.

¹² See www.leicester.gov.uk/mce

APPENDIX 5: EFFECTIVE POLICY CHECKLIST

- Is there a shared understanding of what constitutes bullying across the school community (children, young people, staff, governors and parents)?
- Are pupil views on the extent and nature of bullying canvassed regularly and is it clear how pupils can contribute ideas about how to tackle bullying?
- Is there a safe and secure means of complaining about bullying?
- Do pupils feel able to tell a member of staff if they are being bullied, or if they have seen someone else being bullied, or that someone is bullying?
- Do pupils feel that there will be a consistent response whichever member of staff they tell?
- Is bullying dealt with promptly?
- Is bullying dealt with consistently and fairly?
- Are pupils aware of the sanctions that may be applied to cases of bullying?
- Are bullies supported to change their behaviour?
- Do victims feel supported?
- Are the policy and practice consistent with Equal Opportunities legislation and guidance?
- Is support at transition and for particularly vulnerable groups clearly identified?
- Do staff respond to racist, homophobic and gender/sexist bullying?
- Does the policy take into account the cultural diversity of the school community?
- Do all teaching and non-teaching staff respond in line with the whole school approach?
- Do all staff feel they have had adequate training about bullying and how to respond to it?
- Is it clear how the curriculum addresses bullying?
- Are there peer support schemes in place?
- Do school displays demonstrate non-tolerance of bullying and show what help is available in the school and from outside (e.g. help lines)?
- Are records kept of incidences of bullying and analysed for patterns (people, places, groups)?
- Does this analysis inform changes to practice?
- Do parents know who to contact if they are worried about bullying?
- Do parents know about the complaints procedure and how to use it?

Useful Documents and Web Links

ABA Web-Site:..... www.ncb.org.uk/aba

ACE Advisory Centre for Education:..... www.ace-ed.org.uk

ACPC Web-site:..... www.acpc-llr.org.uk

Protocols and practice guidance. Especially:

Chapter 9 - Children using sexually abusive behaviour

Chapter 13 - Allegations against professional, foster carer or volunteer.

Practice guidance on 'safeguarding children from abroad'.

Protocol and practice guidance 'safeguarding children involved in prostitution'

BBC Schools Online:..... www.bbc.co.uk/education/schools

Bully Online for all adult bullying:..... www.successunlimited.co.uk

Bullying Online:..... www.bullying.co.uk

The Children's Legal Centre:..... Advice Line - 01206 873820
www.childrenslegalcentre.com

Childline: Free 24 hour phone line: 0800 1111
www.childline.org.uk

Connexions: 080 800 13219
www.connexions-leics.org
www.connexions-lincsandrutland.co.uk
www.connexions-direct.com

Crimestoppers: 0800 555 111

DfES: www.dfes.gov.uk/bullying/

EACH homophobic bullied youngsters helpline: 0808 1000 143

Gay Issues:..... www.stonewall.org.uk

General Education issues:..... www.connexions.gov.uk

Girls and Violence: www.gla.ac.uk/girlsandviolence/

Kidscape:..... www.kidscape.org.uk

National Children’s Bureau:	www.ncb.org.uk
National Child Protection Helpline:	0808 800 5000
National Coalition Buidling Institute:	www.ncbiuk.org.uk
News and comment:	www.childrens-express.org
NSPCC:	www.there4me.com
OFSTED:	www.ofsted.gov.uk
Parents & Carers Council:	www.parentcarercouncil.co.uk
Parentline Plus:	0808 800 2222 www.parentlineplus.org.uk
Reporting racist incidents:	www.leicester.gov.uk/mce
Safe 4 u: young runaways scheme:	www.safe4u.co.uk
Samaritans:	08457 909 090
Stonewall:	www.stonewall.org.uk/education_for_all/
Times Educational Supplement:	www.tes.co.uk
Trust for the Safety of Adolescence:	www.tsa.uk.com
Young Minds Mental Health Charity:	www.youngminds.org.uk
Youth Info:	www.youthinformation.com
For cyber and text bullying:	www.nch.org.uk/itok/netsmart www.bullying.co.uk www.kidscape.org.uk www.wlredpatrol.org www.chatdanger.com
For other types of bullying:	www.bullying.co.uk www.childline.org.uk www.kidscape.org www.dontsufferinsilence.com www.there4me.com www.pupilline.co.uk