

### Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education and Inspections Act 2006
- Equality Act 2010
- Protection from Harassment Act 1997
- Malicious Communications Act 1988
- Public Order Act 1986
- Communications Act 2003
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Education Act 2011
- DfE (2017) 'Preventing and tackling bullying'
- DfE (2018) 'Mental health and wellbeing provision in schools'
- DfE (2023) 'Keeping children safe in education 2023'
- [DCMS, DSIT, and UK Council for Internet Safety (2020) 'Sharing nudes and semi-nudes: advice for education settings working with children and young people'

### ANTI-BULLYING STATEMENT

The entitlement of all in SWRAC is to be equally valued and respected. It is the responsibility of all to show understanding and respect for others. Bullying in any form has no place in SWRAC and will not be tolerated.

#### General introduction

**It is very important to be clear about what is, and is not, bullying. There are many definitions and perceptions of bullying, but all recognise that bullying is sustained and takes place where there is an imbalance of power.**

#### Two useful and comprehensive definitions are:

A bully is an individual who tends to torment others either through verbal harassment or physical assaults, or through more subtle methods of coercion.

Bullying is the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted (cyber bullying), or emotional abuse, or through attacks on the property of another. It may include, but not be limited to, actions such as verbal taunts, name-calling and put-downs, including ethnically based or gender-based verbal put-downs, and extortion of money or possessions.

For the purpose of this policy, “bullying” is defined as persistent behaviour by an individual or group with the intention of verbally, physically, or emotionally harming another person or group. Bullying is generally characterised by:

- **Repetition:** Incidents are not one-offs; they are frequent and happen over an extended period of time.
- **Intent:** The perpetrator means to cause verbal, physical or emotional harm; it is not accidental.
- **Targeting:** Bullying is generally targeted at a specific individual or group.
- **Power imbalance:** Whether real or perceived, bullying is generally based on unequal power relations.

Vulnerable students are more likely to be the targets of bullying due to the attitudes and behaviours some young people have towards those who are different from themselves. Vulnerable students may include, but are not limited to:

- Students who are adopted.
- Children in Care or Looked after Children
- Students suffering from a health problem.
- Students with caring responsibilities.
- Students from socioeconomically disadvantaged backgrounds.

Students with certain characteristics are also more likely to be targets of bullying, including, but not limited to:

- Students who are LGBTQ+ or perceived to be LGBTQ+.
- Black, Asian and minority ethnic (BAME) students.
- Students with SEND.

### **Types of bullying**

Many kinds of behaviour can be considered bullying, and bullying can be related to almost anything. Teasing another student because of their appearance, religion, ethnicity, gender, sexual orientation, home life, culture, or SEND are some of the types of bullying that can occur. Bullying is acted out through the following mediums:

- Verbal
- Physical
- Emotional
- Online (cyberbullying)

**Racist bullying:** Bullying another person based on their ethnic background or skin colour. Racist

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bullying is a criminal offence under the Crime and Disorder Act 1998 and Public Order Act 1986.

**Homophobic and biphobic bullying:** Bullying another person because of their actual or perceived sexual orientation.

**Transphobic bullying:** Bullying based on another person's gender identity or gender presentation, or for not conforming to dominant gender roles.

**Sexist bullying:** Bullying based on sexist attitudes expressed in a way to demean, intimidate or harm another person because of their sex or gender. Sexist bullying may sometimes be characterised by inappropriate sexual behaviours.

**Sexual bullying:** Bullying behaviour that has a physical, psychological, verbal or non-verbal sexual dimension or dynamic that subordinates, humiliates or intimidates another person. This is commonly underpinned by sexist attitudes or gender stereotypes.

**Ableist bullying:** Bullying behaviour that focusses on another person's disability or support needs; this can include mocking the individual's disability or their needs, using derogatory words or slurs in relation to an individual's disability, or deliberately excluding an individual because of their disability.

**Prejudicial bullying:** Bullying based on prejudices directed towards specific characteristics or experiences, e.g. religion or mental health issues.

**Relational bullying:** Bullying that primarily constitutes of excluding, isolating and ostracising someone – usually through verbal and emotional bullying.

**Socioeconomic bullying:** Bullying based on prejudices against the perceived social status of the victim, including, but not limited to, their economic status, their parents' occupations, their health or nutrition level, or the perceived "quality" of their clothing or belongings.

**Cyber bullying** is bullying through the use of communication technology like mobile phone text messages, e-mails or websites. This can take many forms, for example:

- Sending threatening or abusive text messages or e-mails, personally or anonymously
- Making insulting comments about someone on a website, social networking site (e.g.: Facebook) or online (blog or YouTube)
- Making or sharing derogatory or embarrassing videos of someone via mobile phone or email (such as „Happy Slapping" videos)

**“Sexting”** is the sending and receiving of sexually inappropriate images or messages, using a mobile phone or the internet. It is illegal for children under the age of 18 to do this and will be referred to both the police and social care. An investigation will be undertaken, and appropriate action taken.

It is illegal for a student to retain a sexually inappropriate image of another student and show it to other students. Again, this will result in a referral to the police and social care. It is likely that any student doing this will be excluded for a fixed period.

**The aims and objectives of SWRAC in relation to bullying are to:**

- Ensure all students, teachers and parents know that bullying will not be tolerated.

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- Ensure clarity and agreement about what is and is not bullying.
- Ensure whole college awareness of the rights and responsibilities of all students with regard to bullying.
- Involve all members of SWRAC, staff and students in helping to prevent bullying and to confront it when it occurs.
- Encourage students to report instances of bullying.
- Ensure that all students, parents and staff know what preventative steps SWRAC takes and how these are implemented.
- Ensure all students, staff and parents know the procedure to follow when bullying occurs.
- Encourage students, staff and parents to use Whisper app to report incidents, this can be anonymously if required.

### **In dealing with bullying, we aim to:**

- Eliminate the bullying itself.
- Support the victim by resolving the problem and by building up his/her self-esteem and where appropriate developing strategies to avoid bullying.
- Bring the perpetrator to realise the unacceptability of his/her behaviour and the consequences should it continue.
- Investigate the cause of the bullying behaviour and where appropriate work with him/her to modify his/her behaviour.
- Reconcile the perpetrator and the victim.

### **Statutory requirements**

SWRAC understands that, under the Equality Act 2010, it has a responsibility to:

- Eliminate unlawful discrimination, harassment, including sexual harassment, victimisation and any other conduct prohibited by the act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not share it.

SWRAC understands that, under the Human Rights Act (HRA) 1998, it could have charges brought against it if it allows the rights of students to be breached by failing to take bullying seriously. The headteacher will ensure that this policy complies with the HRA; the headteacher understands that they cannot do this without fully involving their teaching staff.

Although bullying itself is not a criminal offence, some types of harassment, threatening behaviour and/or communications may be considered criminal offences:

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- Under the Malicious Communications Act 1988, it is an offence for a person to electronically communicate with another person with the intent to cause distress or anxiety, or in a way which conveys a message which is indecent or grossly offensive, a threat, or contains information which is false and known or believed to be false by the sender.
- The Protection from Harassment Act 1997 makes it an offence to knowingly pursue any course of conduct amounting to harassment.
- Section 127 of the Communications Act 2003 makes it an offence to send, by means of a public electronic communications network, a message, or other matter, that is grossly offensive or of an indecent, obscene or menacing character. It is unlawful to disseminate defamatory information through any media, including internet sites.

Other forms of bullying which are illegal and should be reported to the police include violence or assault, theft, repeated harassment or intimidation, and hate crimes.

### **SWRAC's response to bullying is achieved in various ways:**

**Ready to Learn and Daily Reflection** sessions will be used to highlight the issue from time to time. These focus on:

- Clarifying and defining what is and is not bullying, raising awareness of the difference between disputes, endings of friendships and bullying behaviour.
- Cyber bullying as part of safety.
- Encouraging zero tolerance of bullying behaviour, encouraging a sense of social responsibility and the courage to speak out when necessary, and ensuring students know what they can do if they or someone else is being bullied.
- Discussing further what is and is not bullying, and what students feel could or should be done. Work and ideas emanating from these lessons will be fed into the system to inform and add to the strategies already being used. We will also focus on the positive nature of well-being, self-esteem and confidence.
- There will be a **"post box"** where bullying and bullies can be reported. This is strategically placed with confidentiality in mind and is monitored by staff. Students can discuss the issues raised without knowing the identities of the students concerned and suggest strategies.

**"Anti-Bullying Week"** will be held once a year and will form the focus of discussion on the issue in lessons and other sessions.

Key pastoral staff will always mediate between the bully and the victim, where appropriate. The victim will be encouraged to tell the bully how the bully's actions made them feel. The bully will be given an opportunity to apologise.

### **Record keeping**

Incidents of bullying are recorded on the SWRAC management system and/or the student file by the member of staff investigating the incidents. Serious concerns about bullying will result in the parents of the student being invited into college to meet with the Centre Manager, Head of Learning or Managing Director.

Students who feel they are being bullied will be asked to keep a detailed record of incidents.

### **Sanctions**

The varying nature and varying degrees of bullying require a range of responses and a range of sanctions.

Anyone who bullies someone will be seen and spoken to about this by the Centre Manager or Head of Learning.

In appropriate cases, (and particularly, though not exclusively, where the perpetrators do not attend SWRAC and the bullying occurs elsewhere), the police liaison officer is involved, to advise the victim on what steps can be taken. Where the perpetrator is part of SWRAC he/she would stress the seriousness of the matter and the possible consequences if it were to continue.

In the cases of a first and minor incident an informal warning from the Centre Manager may be sufficient. This would be recorded as a detention for bullying on the Access database. Where a student is found to persist in acts of bullying, despite warning, it may be necessary for the student to be removed from lessons for a fixed period or, in certain extreme circumstances, it may be necessary to recommend a fixed term exclusion to the Managing Director.

A fixed period exclusion might also be given even if there have not been previously recorded warnings if the seriousness of the bullying warrants it.

### **Related Policies & Documents**

This policy links to the following policies and procedures:

- Child Protection & Vulnerable Adult Safeguarding Policy
- Staff Harassment Policy
- Searching, Screening and Confiscation Policy
- Staff code of conduct
- Student code of conduct