

**Monmouthshire County Council**

**Bullying and Discriminatory Incidents Prevention  
Guidance**

*for Children & Young People*

*and*

**Trellech Primary School Policy**



*Status: FINAL  
Ref: WB Group / MCC  
Date: March 2016  
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# Introduction

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Every child and young person in Monmouthshire has the right to learn in an environment where they feel safe, to be protected from harm; including all types of bullying whatever their race, religion, culture, language, gender, gender identify, abilities or needs. Bullying is one of the most damaging forms of discrimination. This guidance provides advice for schools in Monmouthshire on dealing with and reporting bullying and racial incidents.

## The Law / Guidance Relating to Bullying

Welsh Language (Wales) Measure 2011

Equality Act 2010

Education and Inspections Act 2006

Children Act 2004

Education Act 2002

The Government of Wales Act 1998

Human Rights Act 1998

United National Convention on the Rights of the Child (UNCRC) 1989

The Equality Act 2010 has replaced all existing equality legislation, including the Race Relations Act, Disability Discrimination Act, and Sex Discrimination Act. The three equality duties schools were required to show due regard to (Race Equality, Disability Equality and Gender Equality) have been replaced by the Public Sector Equality Duty (PSED). Under the PSED, schools must show due regard to the general duty and it's three "components" as well as complying with a set of specifications. The three components to the PSED are:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## Monmouthshire's Definition of Bullying

Bullying is a persistent, deliberate attempt to hurt or humiliate someone and often involves an imbalance of power where a person or group of people repeatedly and intentionally cause emotional and/or physical harm to another person or group of people.

All bullying behaviour usually has the four following features:

1. It is repetitive and persistent.
2. It is intentionally harmful.
3. It involves an imbalance of power.
4. It causes feelings of distress, fear, loneliness and lack of confidence in those who are at the receiving end.

Isolated incidents of hurtful behaviour, teasing, arguments or falling out between individuals of equal power should not be seen as bullying.

Bullying can take many forms, including name-calling, taunting, mocking, making offensive personal comments; threatening, intimidating; creating situations in which someone is humiliated, or made to look ridiculous, or gets into trouble; playing tricks and pranks; spitting, kicking, hitting; pushing and jostling, and 'accidentally' bumping into someone; hiding, damaging or taking belongings; sending malicious text messages, emails and photographs (cyber bullying through social networking sites); leaving people out of groups or games or social occasions; and spreading hurtful and untrue rumours.

Several of these behaviours plainly involve the use of words. Several, however, equally plainly, may be non-verbal, involving body language, gesture and facial expression. Non-verbal behaviours can be just as hurtful and intimidating as those which involve abusive language.

Bullying often takes place in the presence of bystanders or group of peers and can be a strategy to gain status and power in a peer group. Influencing the behaviour of bystanders can be a key element to reducing bullying behaviour in settings.

## **Definition of Discriminatory Incidents**

A discriminatory incident is any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a protected characteristic, listed below:

- Age
- Disability
- Gender identity (transphobic)
- Marriage and civil partnership
- Race
- Religion or belief
- Sex (sexist)
- Sexual orientation (homophobic or biphobic)
- Pregnancy and maternity
- Welsh Language (not officially a protected characteristic but treated as such by Monmouthshire County Council)

# Roles and Responsibilities

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## Role of the Local Authority

Through this guidance the Local Authority (LA) encourages all settings to promote bullying prevention approaches by developing their own policy statements that include the above definitions of bullying and discriminatory incidents and by monitoring policy and procedures. This document is intended to build on existing good practice.

### *Our aim is:*

- To encourage a climate where persons are able to feel confident if they report an incident it will not be ignored and will be dealt with effectively;
- For every setting to have a bullying prevention policy statement, which builds upon the modelling of positive behaviour and practices; this policy statement should be reviewed regularly (at least every two years);
- All settings to have effective policies and follow the LA procedures for tackling and reporting bullying and discriminatory incidents to the Local Authority;
- For every setting to measure and reduce the extent and nature of bullying;
- A reduction in exclusions caused by bullying;
- An increase in educational achievement;
- An increase in attendance.

### *The Local Authority will:*

- Oversee the monitoring of reported incidents;
- Use the information from reported incidents to provide support and recommendations on a termly and annual basis;
- Provide support and information on bullying prevention policies and strategies;
- Provide training where appropriate;
- Use this information to share good practice.

## The Role of Children and Younger People Settings in Bullying Prevention

Settings are required to take proactive steps to tackle discrimination, promote equality of opportunity and foster good relations under the Equality Act 2010. All members of the setting should be able to demonstrate their commitment to preventing bullying and discriminatory incidents as well as demonstrating their knowledge of how to respond when an incident occurs within a consistent approach.

### *In creating an ethos which prevents bullying, settings should:*

- Clarify what is meant by bullying and discriminatory incidents
- Have a bullying prevention policy that is known by the whole setting community
- Create an inclusive culture and environment

- Ensure participation of children and young people and their parents / carers
- Provide staff training where appropriate
- Use curriculum opportunities
- Teach about controversial issues
- Consistently challenge homophobic language and attitudes
- Develop learner support systems
- Promote positive and appropriate use of technology
- Share good practice, policy and procedures with other organisations connected with the setting

### *Responsive work*

Preventative work aims to minimise the occurrence of bullying, however some incidents will still occur. This is where responsive work should come into effect.

These include:

- Procedures are established to ensure that all incidents of bullying are dealt with fairly and consistently;
- Bullying and discriminatory incidents are reported to the Local Authority termly after the internal setting investigation has been completed;
- Implementing an on-going cycle of monitoring and analysis of data;
- Using data to prioritise for improvement;
- Supporting the person who has been harmed;
- Consider any wider Safeguarding / Child Protection issues;
- Holding the person to account who has caused the harm;
- Demonstrating to the setting community that bullying and discrimination is unacceptable;
- Repair, as far as possible, relationships between children and young people.

# Incidents

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## How to Identify Incidents

The setting should ask the following questions in relation to all types of incidents:

1. *Has this happened before?*
2. *Is there intent?*
3. *Is there an imbalance in power?*
4. *Is the person who has been targeted in some form of distress?*

**If you have answered yes to the above then bullying may have taken place. The setting must carry out its own internal investigation and report to the Local Authority termly, after the internal setting investigation has been completed.**

## Discriminatory Incidents

All incidents that are perceived to be discriminatory by the victim or another person need to be investigated and reported to the LA termly.

Failure to investigate, however even where an incident appears to be of a relatively minor nature, could be seen as condoning discrimination and could be used as evidence that a setting is not taking seriously its legal duties.

*During all internal investigations the setting may include the names of those involved in their records. When reporting to the LA, this must be anonymous and therefore not contain any personal information.*

## Good Practice for Dealing with Incidents

All forms of bullying and discrimination including cyber, homophobic, sexist, racist, bullying around special education needs or disabilities and racial incidents should not be tolerated and should always be acknowledged, investigated and appropriate action taken. Addressing all types of bullying and discriminatory behaviour is vital.

It is important that all staff, pupils and parents are aware of how incidents should be reported and dealt with and be informed of the outcome of action taken. Staff are more likely to see, and be told about, incidents of bullying. It is important that staff responses are swift, proportionate, discreet, influential and effective, and in line with setting policy.

- Respond promptly and calmly;
- Follow the setting agreed bullying prevention and safe guarding procedures;
- Listen to the child or young person without making judgements;
- Talk to the child or young person at their pace;
- Reassure the child or young person that they have done the right thing by telling someone;

- Help all children or young people who has been involved to feel safe again and assure them that the bullying will stop;
- Record all information, distinguishing between first and second hand information and observations;
- Keep a record or evidence of cyber bullying;
- If images are involved in cyber bullying it is important to ascertain if these might be illegal or raise child protection concerns. Indecent or sexual images of children (under 18) are illegal to produce, circulate or possess in the UK (for further guidance please refer to Welsh Government Respecting Others Guidance 057/2011);
- Make the child or young person aware of confidentiality issues but make sure that information that can be kept confidential is (e.g. if the pupil has told you they are gay);
- Children and young people have the right to report incidents to the Police.

## Setting Accountability

Settings should always seek to hold children and young people to account for their actions.

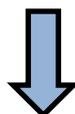
Schools are required to record reasons for fixed term and permanent exclusions. This could include exclusion for bullying or discriminatory incidents (recorded under 'other' on exclusion form).

Where a child or young person with Additional Learning Needs (ALN), or disability, bullies, accountability should be applied fairly, proportionately, consistently and reasonably. Bullying by children or young people with disabilities or ALN is no more acceptable than bullying by others, however, for a response to be lawful, schools must take into account the nature of the child or young person's disability or ALN and the extent to which the learner understands and is in control of what he or she is doing.

Where cyber bullying has taken place it is important to also refer to any acceptable use policy or agreement for internet and mobile phone use.

## Flow Chart for Dealing with Incidents

<b><i>Initial Response</i></b>
Incident is reported
Treat incident seriously
Listen and offer support in a confidential setting
Keep a record while it is still fresh



<b><i>Respond</i></b>
Investigate
Interview and take statements from those involved and bystanders
Complete setting incident report
Follow setting procedures



<b><i>Resolve</i></b>
Provide feedback
Resolve next steps (e.g. restorative work, mediation etc.)
Provide feedback to appropriate others (parents/carers, staff, pupils)



<b><i>Report</i></b>
Termly to the Local Authority (appendix 2)



<b><i>Monitor</i></b>
Monitor relationships (as frequently as necessary)
Monitor and evaluate the effectiveness of setting policy and practice

# Holistic Approach

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A holistic approach involves seeing an incident(s) in its context and dealing with it within an overall setting framework. This approach could encompass the following areas:

- Policy, Leadership and Communication
- Behaviour, Attendance and Wellbeing
- Curriculum
- Education
- Activity
- Teaching and Learning
- Professional Development
- Ethos and Environment
- Child and Young Person Participation
- Family and Community Involvement

## **Bullying and Discrimination Prevention Strategies**

There are a range of strategies and approaches that can be used as part of a holistic approach to bullying prevention. These include:

- Peer mentoring / buddying
- Peer mediation
- Restorative Approaches
- Improving social and emotional skills (SEAL)
- Circle of friends
- Strengths-based approaches
- Pupil surveys
- Worry boxes
- Circle time
- Transition
- Positive reward systems

# Trellech Primary School Bullying & Prevention Policy

Updated May 2016

This policy has been consulted on by Governors , school staff and pupils, through the School Council.

This policy acknowledges the Welsh Government's Respecting Others Guidance 2011 and complies with the Equality Act 2010.

This policy should be read in conjunction with the Behaviour Policy and Strategic Equality Plan.

## 1. A definition of bullying

***Bullying is "a persistent, deliberate attempt to hurt or humiliate someone and often involves an imbalance of power where a person or group of people repeatedly and intentionally cause emotional and/or physical harm to another person or group of people.***

***Isolated incidents of hurtful behaviour, teasing, arguments or falling out between individuals of equal power should not be seen as bullying."***

Bullying can take many forms, but the three main types are:

- Physical – hitting, kicking, taking belongings, sexual harassment or aggression
- Verbal – name calling, insulting, making offensive remarks
- Indirect – spreading nasty stories about someone, exclusion from social groups, non-verbal intimidation, being made the subject of malicious rumours, sending malicious e-mails or text messages on mobile phones (through social networking sites)

There are many important categories of bullying, including:

- Socio-Economic Status
- Gender Identity (transphobic bullying)
- Sexual Orientation (homophobic or biphobic bullying)
- Homophobic
- Faith-based
- ALN/Disability
- Gifted/Talented
- Cyber
- Racist

## Definition of Discriminatory Incidents

A discriminatory incident is any incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a protected characteristic, listed below:

- Age
- Disability
- Gender re assignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity
- Welsh Language (not officially a protected characteristic but treated as such by Monmouthshire County Council)

### 2. Whole Setting Approach to Bullying Prevention

In Trellech all members of our community should be able to feel safe and respected. We will challenge all forms of bullying and discrimination and such behaviour is unacceptable. This policy has a clear link to the Positive Behavior Policy.

The setting uses the following strategies:

- Buddying
- Peer Mediators
- Circle of Friends
- Peer Supporters
- Positive Rewards – whole school, House points and class rewards
- Restorative Approaches
- Supervision during break and lunch times
- National Anti-Bullying Week

These strategies are supported through the curriculum or educational activities in PSE / SEAL, circle time, creative writing, drama, history and RE to prevent bullying and to promote positive behaviour and good relationships within the setting.

### 3. Roles and Responsibilities

All members of the community have an active role to play in the prevention of bullying and discrimination behavior, to promote positive relationships and respect as well as responding to incidents when they occur. (*Suggested responsibilities*)

The Governing Body should:

- Ensure that every pupil has the right to learn, free from the fear of bullying or discrimination.

The Headteacher or Setting Manager should:

- Ensure that the Bullying Prevention Policy and reporting procedures are known to the whole staff, children and young people, parents/carers and outside agencies (where appropriate);
- Ensure that all staff have the opportunity to receive training;
- Ensure that there is suitable and sufficient opportunity in the curriculum and non-curriculum time through the school's PSE programme to explore issues relating to all types of bullying and discriminating incidents;
- Ensure that incidents are recorded, monitored and reported to the LA and inform the schools self-evaluation process;
- Report the Governing Body annually.

Staff should:

- Receive, respond, taking seriously and act upon information which is disclosed;
- Report any observed, suspected or disclosed incidents to the nominated member of staff.

Children and Young People should:

- Report incidents straight away, observing incidents can suggest support for the perpetrator;
- Tell someone you trust straight away;
- Ask parents/family or staff for advice and help. If you are too scared to tell an adult on your own, ask a friend to go with you.

Parents/carers should:

- Reassure their child that they are doing the right thing to tell you;
- Remember that you may be the first person to know of any bullying incident. Try to stay calm and make notes which may be useful later;
- Contact the setting;
- Work **with** the setting to draw up ideas that will help to support your child.

#### 4. The Management of Incidents

Child/ children report bullying or inappropriate behaviour to a staff member. The staff member deals with the incident according to the correct policy and procedures. The staff member needs to decide first if it is behaviour or bullying. Bullying is rare in Trellech Primary School - the vast majority of incidents are inappropriate behaviour. Bullying incidents must be referred to the Headteacher at the earliest possible opportunity.

<p><u>Inappropriate Behaviour</u></p> <p>Discuss with all involved</p> <ul style="list-style-type: none"> <li>❖ may be necessary to ask witnesses.</li> <li>❖ A warning or consequence may be put in place</li> <li>❖ A way forward agreed</li> <li>❖ If necessary parents need to be communicated with directly</li> <li>❖ For repeated inappropriate behaviour parents will be involved.</li> </ul> <p>Further sanctions may be necessary which are appropriate taken on a case by case basis</p>	<p><u>Bullying</u></p> <p>Refer to the definition</p> <p><b><i>“a persistent, deliberate attempt to hurt or humiliate someone and often involves an imbalance of power where a person or group of people repeatedly and intentionally cause emotional and/or physical harm to another person or group of people.</i></b></p> <p><b><i>Isolated incidents of hurtful behaviour, teasing, arguments or falling out between individuals of equal power should not be seen as bullying.”</i></b></p> <ul style="list-style-type: none"> <li>❖ Refer allegations to the headteacher</li> <li>❖ The headteacher will investigate</li> </ul>
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	<p>each allegation and record using the LA e form</p> <ul style="list-style-type: none"> <li>❖ The Head may seek advice from the LA officer Emma Taylor or Inclusion officer Richard Austin</li> <li>❖ Parents will be informed and a way forward agreed</li> <li>❖ Restorative justice strategies will be used when appropriate</li> <li>❖ Support for pupils involved given</li> <li>❖ Sanctions for pupils put in place</li> <li>❖ Monitoring</li> </ul> <p>Further sanctions may be necessary which are appropriate taken on a case by case basis</p>
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For further information please see the Cluster Behaviour Management policy, the Behaviour and Discipline Policy and the Strategic Equality Plan.

### 5. Incidents outside of School

A good deal of bullying can take place outside of school, to and from school, on school transport, school trips or on mobile phones and social networking sites. All pupils are expected to comply with the School Travel Code 2010 (see school Behaviour Policy and Acceptable Use of ICT Policy).

The school **may take reasonable** steps, at the discretion of the head teacher, to investigate incidents that have a negative impact on the orderly running of the school and/or might pose a threat to another pupil during school time or member of staff.

### 6. Working with the Police

The setting will cooperate with the police if a child or young person or parent/carer has reported an incident. Some forms of bullying behaviour may involve criminal offences. In the case of schools they may contact the Schools Community Police Officer (SCPO). If the matter is urgent and the SCPO is unavailable, the school will contact the police directly in order to protect the person experiencing the bullying and to respond appropriately to the incident (see All Wales School Crime Beat Policy). The school will also work in partnership with the SCPO as part of the schools bullying prevention work (see [www.schoolbeat.org](http://www.schoolbeat.org) ).

### 7. Monitoring and Evaluation

The setting will monitor incidents of bullying and discrimination in order to identify patterns of behaviour and the extent of the bullying. The setting will then use this data to review the effectiveness of current policy and practice. The setting will also take into consideration any findings or recommendations from inspection reports and/or independent reviews.

*[Insert brief text to explain the process including the arrangements for involving children and young people]*

### 8. Arrangements for reviewing the policy

This policy will be reviewed every two years or in light of new guidance or recommendations.

Signed ..... Headteacher / Setting Manager  
Signed ..... Chair of Governors (if applicable)  
Date .....

# Appendix 2

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The Local Authority Incident Record must be completed every term and returned to the following email address [Anti-bullying.reporting@monmouthshire.gov.uk](mailto:Anti-bullying.reporting@monmouthshire.gov.uk) no later than the last Friday of each term.

Equality Act 2010 Protected Characteristics
Age (does not apply to pupils in a school)
Disability
Transgender / Gender Reassignment
Marriage and civil partnership
Pregnancy and Maternity
Race
Religion or belief
Sex (gender)
Sexual Orientation

Additional 'risk factors' have been identified and are included in the incident recording form:
Appearance / personal hygiene
Cyberbullying
Gifted / talented
LAC
Poverty/ deprivation
SEN
Welsh Language (Welsh Language Act)
Young Carer
Friendship Group / Relationships

Recording 'one off' discriminatory incidents
Record all individual incidents involving pupils that take place in school that can be logged against one of the above protected characteristics, including racist incidents, or 'risk factors'. Only incidents that you would usually keep a record of in school should be recorded. Detailed information of the incident should be kept in school.

### Identifying Bullying

The school should ask the following questions in relation to all types of bullying including racial bullying:

How many times has the bullying occurred?

How long has it been going on?

Is there intent?

Is there an imbalance in power?

Is the person who has been targeted in some form of distress?

If you have answered yes to the above then bullying has taken place. The school must carry out its own internal investigation and complete the Local Authority Incident Record.

### Definition of Bullying

A persistent, deliberate attempt to hurt or humiliate someone and often involves an imbalance of power where a person or group of people repeatedly and intentionally cause emotional and/or physical harm to another person or group of people.

Isolated incidents of hurtful behaviour, teasing, arguments or falling out between individuals of equal power should not be seen as bullying and should be recorded as discriminatory incidents.

#### *Example Termly Report*

Behaviour Type	NCY	School	Action taken	Location	In	Month	Term
One off Incident SEN	4	<i>A school</i>	Discussion with pupils	Playground/yard	Break time		
Bullying Incident Sexual orientation	8	<i>A school</i>	Referral to other agency	Corridor	PM session		