

---

<b>Report To:</b>	<b>Education &amp; Communities Committee</b>	<b>Date:</b>	<b>20 May 2025</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities and Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/36/25/MR</b>
<b>Contact Officer:</b>	<b>Michael Roach Head of Education</b>	<b>Contact No:</b>	<b>01475 712891</b>
<b>Subject:</b>	<b>Education Service Anti-Bullying Policy</b>		

---

## 1.0 PURPOSE AND SUMMARY

- 1.1 ☐ For Decision ☒ For Information/Noting
- 1.2 The purpose of this report is to ask members of the Education and Communities Committee to note the Education Service's Anti-Bullying policy.
- 1.3 Our Educational Psychology team drafted the policy when it was last renewed in November 2021 and have reviewed it against updated national guidance.
- 1.4 There are some changes to the policy based on the refreshed national guidance cited above.

## 2.0 RECOMMENDATIONS

- 2.1 The Education and Communities Committee is asked to:
- note the Education Service's Anti-Bullying policy.

**Ruth Binks**  
**Corporate Director**  
**Education, Communities & Organisational Development**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 In November 2024 the Scottish Government issued refreshed guidance regarding bullying behaviour. This guidance evolves existing practice. This iteration of the policy in Inverclyde has been constructed in collaboration with Respect Me, the Scottish Government's nominated anti-bullying organisation. Furthermore, an extensive consultation took place with stakeholders to assist in the shaping of the policy.
- 3.2 The policy is designed to ensure schools continue to create climates that are aimed at prevention in the area of bullying behaviour. Furthermore, the policy provides a framework for responding to accusation that bullying behaviour has taken place.
- 3.3 The policy has been reviewed in consultation with a wide range of stakeholders, including pupils, parents and staff across a range of establishments, as well as the organisation Respect Me.
- 3.4 The policy will support all establishments to then review their own policies relating to Anti Bullying during the academic year 2025/26, alongside a training programme delivered by our Educational Psychology team, to further support leaders and practitioners.

### 4.0 PROPOSALS

- 4.1 This new iteration of the Anti-Bullying policy has been updated in line with new national documentation – Respect for All (2024), which has been produced by the Scottish Government: [Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People](#). It makes use of the new national template for Anti-Bullying policies that has been distributed to local authorities from the organisation Respect Me. Key changes are highlighted below.
- 4.2 There is a new national definition of bullying behaviour that replaces the previous one that was generated in 2015 and is central to the current policy.

*'Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face-to-face and online.'* (Respect Me, 2015).

*'Bullying is face-to-face and/or online behaviour which impacts on a person's sense of physical and emotional safety, their capacity to feel in control of their life and their ability to respond effectively to the situation they are in.' "The behaviour does not need to be repeated, or intended to cause harm, for it to have an impact. Bullying behaviour can be physical, emotional or verbal and can cause people to feel hurt, threatened, frightened and left out.'* (Respect for All 2024).

- 4.3 There are some process changes to the previous policy i.e.
  - In future all accusations of bullying behaviour must be investigated by schools – this is no longer discretionary. Again, this is in line with the new national guidance.
  - Advice from Respect Me has indicated that anti-bullying policies are best cited in the context of schools. Therefore, this policy will not be used in early years establishments. This is explained in the policy.
  - Following on from the launch of this local authority policy all schools are expected to work with staff, parents and pupils to generate a school-based policy that aligns to the local authority policy. This will provide greater detail on policy implementation within the school context e.g. reporting processes.

## 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk		X
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	x	
Environmental & Sustainability		X
Data Protection		X

### 5.2 Finance

N/A.

Annual recurring costs (savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

### 5.3 Legal/Risk

N/A.

### 5.4 Human Resources

N/A.

### 5.5 Strategic

N/A.

### 5.6 Equalities, Fairer Scotland Duty & Children/Young People

#### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

Y	YES – Assessed as relevant and an EqIA is required, a copy of which will be made available on the Council's website: <a href="https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments">https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments</a>
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
N	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

Y	YES – Assessed as relevant and a CRWIA is required.
	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

**5.7 Environmental/Sustainability**

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
N	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

**5.8 Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
N	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

**6.0 CONSULTATION**

6.1 N/A.

**7.0 BACKGROUND PAPERS**

7.1 [Equality Impact Assessments - Inverclyde Council](#)

# *Education Services*

## ANTI-BULLYING POLICY

DATE: 24<sup>th</sup> April 2025

**Copyright:**

***All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise without the prior permission of Inverclyde Council.***

## Contents

### Introduction.

1. The Agreed National Definition of Bullying Behaviour as Set Out in 'Respect for All' Adopted by Inverclyde Council.
2. Inverclyde's Stance, the Scope and Aims of this Policy.
3. Preventing and Responding to Bullying Behaviour.
4. Children's Rights (and supporting legislation)
5. Equality Duties and the Implications of these for Inverclyde Council.
6. Expectations and Responsibilities of Children and Young People, Staff/Volunteers and Parents.
7. Respectful Behaviour.
8. Labelling.
9. Reporting, Recording and Monitoring.
10. Evidence of Children and Young People's Involvement.
11. Evidence that Parents/Carers Have Been Included and Consulted.
12. Evidence that Staff/Volunteers Have Been Included and Consulted.
13. Policy Review and Communication Plan.
14. Commitment of Inverclyde Council to Training and Supporting Staff.
15. Appendices.

## Introduction

Inverclyde is located in the west of Scotland with a population of 78,400 people (Scottish Government, 2021). It has 9559 children and young people attending its schools.

Inverclyde Council prioritises the wellbeing of the children and young people in its education establishments as it recognises the centrality of this to the creation of responsible citizens, successful learners, confident individuals and effective contributors, key tenets of the Curriculum for Excellence (Scottish Executive, 2001). This prioritisation has recently been augmented through the commitment to embed trauma informed and responsive practices, which builds on a long history of supporting relationally based approaches within the local authority. This is the wider context within which Inverclyde's strategy for anti-bullying exists.

This policy replaces the Inverclyde Anti-Bullying policy that was launched in November 2021 and aligns to the document Respect for All (2024) that was created by the Scottish Government. Respect for All (2024) is an important reference point as it has widespread support across the Scottish educational landscape that includes:

- The Convention of Scottish Local Authorities.
- Education Scotland.
- RespectMe.
- The Association of Directors of Education in Scotland.
- The Association of Scottish Principal Educational Psychologists.
- The Scottish Secondary Teachers Association.
- School Leaders Scotland.
- The National Society for Prevention of Cruelty to Children.
- National Association of Schoolmasters Union of Women Teachers.
- The Educational Institute of Scotland.
- The Association of Heads and Deputies Scotland.
- Education Scotland.
- The Equality and Human Rights Commission.
- Police Scotland.
- Scottish Youth Parliament.

Furthermore, this policy has been informed as a result of an extensive consultation exercise that has involved Inverclyde's children, young people, teachers, parents and volunteers.

### **1. The Agreed National Definition of Bullying Behaviour as Set Out in 'Respect for All' - adopted by Inverclyde Council.**

Inverclyde Council considers that bullying should never be viewed as a normal or inevitable part of growing up. Adults are not expected to be the subject of abuse by colleagues or friends; therefore, it should not be any different for children and young people.

The local authority has adopted the national definition of bullying, as set out in Respect for All (2024), which is laid out in italics below:

*"Bullying is face-to-face and/or online behaviour which impacts on a person's sense of physical and emotional safety, their capacity to feel in control of their life and their ability to respond effectively to the situation they are in."*

*“The behaviour does not need to be repeated, or intended to cause harm, for it to have an impact. Bullying behaviour can be physical, emotional or verbal and can cause people to feel hurt, threatened, frightened and left out.”*

It is regarded as helpful to interpret the definition through the provision of exemplifications as this can provide further clarity and guidance to schools. As a result of this, Inverclyde Council recognises the examples set out below as being representative of bullying behaviour

- Being called names, teased, put down or threatened (face to face and/or online).
- Being hit, tripped, pushed or kicked.
- Having belongings taken or damaged.
- Being ignored, left out or having rumours spread about you (face-to-face and/or online).
- Sending abusive messages, pictures or images on social media, online gaming platforms or phones/tablets.
- Behaviour which makes people feel like they are not in control of themselves or their lives (face-to-face and/or online).
- Being targeted because of who you are or who you are perceived to be (face to face and/or online).
- Increasing the reach and impact of bullying or prejudice through the recruitment and/ or involvement of a wider group.

(Respect for All, 2024)

Inverclyde Council recognises that there are times when people enter disagreements that do not meet the criteria for bullying behaviour as set out above. Further information in respect of this can be found in Appendix 1 of this policy, entitled ‘*What is not bullying?*’ This Appendix focuses on the differences between bullying behaviour, conflict and criminal behaviours. It also contains a link to the Scottish Government document [Mobile Phone Guidance for Scotland's Schools](#), which has guidance on supporting pupils’ awareness of safe and secure use of mobile technology. Signposting to up to date advice in this area was a request that came from parent and staff questionnaires.

## **2. Inverclyde’s Stance, the Scope and Aims of this Policy.**

Inverclyde Council considers bullying behaviour in its schools to be unacceptable in all circumstances. All children and young people have the right to access learning environments in which they feel safe and free from all forms of abuse, bullying or discrimination. It has been recognised that the most effective intervention in tackling the issue of bullying behaviour is prevention. Resultingly, the importance of prevention will form a key strand that will be threaded throughout this policy. The policy also recognises that bullying behaviour is a violation of rights as set out in the United Nations Convention on the Rights of the Child, notably Articles 3, 12, 13, 19, 29 and 39.

The 2025 version of Inverclyde’s Anti-Bullying policy applies to Inverclyde’s schools; however, it does not apply to early years establishments. It is recognised that early years establishments play a significant role in creating the building blocks of the preventative approaches required in respect of an anti-bullying strategy through their work on social skill-building around



compromise, sharing, taking turns and showing respect. It is, however, not considered helpful to introduce bullying as a concept in the early years.

This policy aims to reinforce and extend existing practice within Inverclyde's schools. All schools in Inverclyde will create their own Anti-Bullying policy in collaboration with their pupil population, staff, volunteers and parents. Establishment policies must be submitted to the Head of Education by the end of academic session 2025-2026 to be approved in order to ensure alignment to national and local frameworks. Furthermore, it is also recommended that establishments engaging in this work base their policy on the [national template](#) developed by RespectMe. Alongside this, establishments will create 'pupil friendly' versions of their policy in collaboration with their pupil and parent population. This recommendation is a result of the consultation with pupils and parents alluded to earlier. This should ensure that policies are accessible to all and become embedded into day-to-day practice in education establishments. A detailed breakdown of expectations in this area can be taken from the consultations and can be found in Sections 10, 11 and 12 of this policy as well as Appendix 6. Further information on this recommendation can be found at [Respect Me - Guide to Practice CYP](#).

Having highlighted the importance of accessibility, through the recommendation set out in the previous paragraph, the consultations also brought forward the issue of publicity. There was a consistent theme that emphasised that both this policy and individual establishment versions of it should be augmented by a publicity strategy. As a result of this, it is envisaged that the Local Authority policy will be supported by the creation of a slogan and mascot. This was a clear proposal that emerged from the voices of Inverclyde's children and young people through the consultation process. In terms of establishments it is recommended that, as well as consulting with key stakeholders in the creation of their establishment anti-bullying policy, they ensure that this is supported by a proactive approach to publicising policies and practices.

It is also recommended that senior managers from all education establishments and in Education Services central teams undertake initial training to orient themselves to this policy. This will take place in August 2025. Further to this, members of staff can access training on an ongoing basis as laid out in Section 14 of this document.

### **3. Preventing and Responding to Bullying Behaviour.**

As stated in Section 2, prevention is the most effective intervention in relation to tackling bullying behaviours in education contexts. In Inverclyde it has long been recognised that a positive culture and ethos is central to the delivery of the Four Capacities as laid out in the Curriculum for Excellence. This has been achieved through the adoption of relational practices namely Restorative, Solution Oriented and Nurturing Approaches, which are embedded in Inverclyde's educational establishments. It has also made salient the development of approaches to listen to and act upon the voices of its children and young people and is active in its engagement of the Rights Respecting School approach. More recently Inverclyde has adopted the National Trauma Transformation Programme (NES, 2021) as a key driver for change across the local authority, including within its educational establishments.

Inverclyde has also promoted and embedded approaches to promote equality. For example, it has adopted the Scottish Government's guidance document *Supporting Transgender Young People in Schools* (Scottish Government, 2021), and training is available to all professionals working in Inverclyde's schools on its implementation.

Furthermore, the local authority will roll out the guidance document ‘*Guidance on LGBT Inclusive Education*’ (Scottish Government, 2024) to its education establishments commencing in March 2025. This document recommends that citizens from the LGBT community should have greater representation within the curriculum.

Inverclyde Council has also committed to achieving the goals of The Promise. This is an agenda that emphasises Scotland’s ambition and commitment to ensure that care experienced children and young people children grow up loved, safe and respected so that they realise their full potential. Work to realise the aims of The Promise is very visible throughout Inverclyde’s education establishments.

Moving on to examining anti-racism, Inverclyde is proud of its central role in the development and implementation of the Building Racial Literacy (BRL) course in its education establishments. Indeed, Inverclyde’s work in this area has been recognised nationally through being cited in Respect for All (2024) (see below).

**Newark Primary School, Inverclyde Council case study**

*Newark Primary School experienced an increase in prejudice-based bullying as the school community became more diverse. Senior leaders prioritised building racial literacy and provided staff with training to address and discuss race confidently. The school updated its curriculum to include diverse literature and anti-racist critical thinking. These efforts empowered children to identify and report racist behaviour, promoted cultural learning, and improved staff confidence in handling racial issues. Additionally, trauma-informed practices were implemented to support new learners, creating a supportive and inclusive environment.*

*(Respect for All, 2024)*

In conclusion, Inverclyde recognises that the most appropriate and successful ways to tackle bullying behaviour lie in the creation of education environments that have a culture and ethos based on prevention. These focus on inclusivity, mutual respect and a restorative approach to the management of conflict. This policy recommends that this vital work, operating at a preventative level, should continue and evolve in line with ongoing local and national developments.

**4. Children’s Rights (and supporting legislation)**

The United Nations Convention on the Rights of the Child (UNCRC) is an international treaty that protects children and young people’s rights. It is based on equality, dignity, respect, protection, development and participation. The UNCRC is now enacted in Scots’ Law. Inverclyde Council considers bullying behaviour to be a violation of children’s rights and to be incompatible with the UNCRC. Through this policy Inverclyde Council recognises that bullying behaviour violates the UNCRC in relation to the following articles:

Article 2

- *The right to ‘protection against discrimination’*

Article 12

- *The right ‘to an opinion and for it to be listened to and taken seriously’*

Article 13

- *The right to freedom of expression*

Article 19

- *The right to protection against all forms of violence – including physical or mental violence.*
- *The right to be kept safe from harm.*
- *The right ‘to be given proper care by those looking after them’*
- *The right ‘to contribute meaningfully to the decisions and circumstances that affect their lives’*

Article 29

- *Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment*

Article 39

- *The right to help to when inappropriately treated*

Appendix 2, which is taken from the Respect for All document (2024), contains further information about the UNCRC and connected policies and legislation that underpin the Inverclyde approach to tackling bullying behaviour.

## **5. Equality Duties and the Implications of these for Inverclyde Council.**

This policy recognises the equality duties that are placed on Inverclyde Council. The Public Sector Equality Duty (PSED) in the Equality Act (2010) requires organisations exercising public functions, such as schools, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations in the exercise of those functions. As a result of this it is imperative that all schools are aware of the ‘Protected Characteristics’ set out in law and, through their actions, seek to eliminate unlawful discrimination and advance equality of opportunity. These Protected Characteristics are as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

As well as these characteristics, Inverclyde does not condone bullying behaviour against people for the following reasons that are not covered by equalities legislation, which is in line with Respect for All (2024):

- Additional support needs
- Asylum seekers and refugees
- Body image and physical appearance
- Care experienced children and young people
- Family and household circumstances
- Family imprisonment
- Forces children
- Mental health stigma and discrimination
- Sectarianism
- Socio-economic/poverty prejudice
- Young carers

Appendix 3 provides information relating to both Protected Characteristics and the groups that are not covered by these, but which are covered above

#### **6. Expectations and Responsibilities of Children and Young People, Staff/Volunteers and Parents.**

The policy places specific expectations on children and young people, staff/volunteers and parents in respect of their responsibilities related to the anti-bullying agenda. These are derived from both the consultation exercise as well as an analysis of the Respect for All (2024) guidance.

Children and Young People will:

- be aware of the anti-bullying policy in place in their establishment and follow the processes contained within it, where necessary.
- understand that bullying behaviour is a violation of children's rights.
- treat all people with respect.
- participate in the creation of their education establishment's anti-bullying policy and the pupil friendly version of this, if they wish to do so.
- take part in publicity connected to the implementation of the policies above.
- challenge bullying behaviour, where safe to do so, through the use of skills gained from interventions such as Mentors in Violence Prevention and Restorative Practices.
- share concerns with a trusted adult and/or peers and work collaboratively with adults and peers to help create safe and positive environments where bullying cannot thrive.

Parents will:

- participate in the creation of their child's school anti-bullying policy and the child friendly version of this, if they wish to do so.
- listen and take children and young people's concerns seriously.

- be aware of anti-bullying policies and practices, including complaints procedures, in their child's education establishment.
- share any concerns about a child as early as possible with an adult in their child's education establishment.
- role model respect and promote safe, positive, supportive and respectful relationships for children and young people. Reflect this in all interactions with education staff.

Staff and Volunteers will:

- be aware of, and adhere to, the Inverclyde Anti-Bullying policy and school based version of it.
- listen to and take children and young people seriously.
- act in accordance with the relevant professional standards and codes of conduct, e.g. GTCS Standards, Common Core CLD/youthwork/volunteer adult SSSC.
- share concerns appropriately within their establishment and seek support where necessary.
- participate in the creation of their education establishment's anti-bullying policy and processes and the child friendly version of this, where appropriate.
- ensure that children and young people are aware of how to recognise and report an incident of bullying behaviour and are comfortable with the means of doing so;
- be aware of their responsibility to prevent and respond to prejudice-based bullying behaviour;
- embed the promotion of equality, diversity and children's rights in their own professional practice.
- role-model respect and promote safe, positive, supportive and respectful relationships.

## 7. Respectful behaviour

Scottish education has long recognised that there is a strong correlation between positive outcomes for children and young people and the culture and ethos of the education establishments that they attend. Furthermore, it has been asserted that the existence of an ethos based on relational approaches impacts positively on the prevalence of bullying behaviour (Better relationships, better learning, better behaviour, 2017). For this reason, Inverclyde Council has a Positive Relationships policy based on relational approaches, which aligns to this policy.

Positive role modelling from adults in education establishments is considered to be central to successfully implementing relational approaches. For this reason, the General Teaching Council for Scotland Standards for registration emphasise that teaching staff should:

- promote health and wellbeing of self, colleagues and the children and young people in their care.
- build and foster positive relationships in their learning community that are respectful of individuals.
- respect the rights of all learners as outlined in the United Nations Convention on the Rights of the Child (UNCRC) and their entitlement to be included in decisions regarding their learning experiences and have all aspects of their wellbeing developed and supported.
- commit to social justice through fair, transparent, inclusive, and sustainable policies and practices in relation to protected characteristics, (age, disability, gender reassignment,

marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation) and intersectionality.

- value and respect social, ecological, cultural, religious, and racial diversity and promote the principles and practices of sustainable development and local and global citizenship for all learners.
- demonstrate a commitment to motivating, and including all learners, understanding the influence of gender, social, cultural, racial, ethnic, religious and economic backgrounds on experiences of learning, taking account of specific learning needs and seeking to reduce barriers to learning.
- demonstrate a commitment to supporting learners who are experiencing or who have experienced trauma, children and young people from a care experienced background and understanding responsibilities as a corporate parent.
- understand and challenge discrimination in all its forms, particularly that which is defined by the Equality Act 2010.

Adapted from Respect for All (2024)

As a result of this, Inverclyde Council commits to its education staff, and volunteers working in its education establishments, role modelling respectful behaviour in all interactions with its pupil population.

## **8. Labelling**

The dangers of labelling people have been known for some time. There is recognition that this approach can lead to people assuming the attributes assigned by society to these labels. In relation to this policy, it is considered that labelling children and young people as ‘bullies’ or ‘victims’ or ‘perpetrators’ can be disempowering or confer status. Furthermore, it can be unhelpful in supporting people to change their behaviour or to recover from the impacts of bullying.

In light of this it is vital that adults maintain focus on the behaviour itself and the impact it has had, rather than simply applying labels. This approach assists children and young people to have a greater understanding of their behaviour and its impact and what is expected from them instead. The aim of this approach is to support all to achieve resolutions.

This policy, therefore, avoids the use of labelling language. Furthermore, it recommends that establishment based anti-bullying policies do likewise. As an alternative it is suggested that establishments use language such as ‘*people displaying bullying behaviour*’ or ‘*people experiencing bullying behaviour towards them*’. This language should be reflected in SEEMiS when recording incidents.

Adapted from Respect for All (2024)

## 9. Reporting, recording and monitoring

This section of the policy sets out the three stepped approach to the management of alleged incidents of bullying behaviour, namely *Reporting*, *Recording* and *Investigating*. It is important that all members of a school's community are aware of and follow these processes. The complaints procedure is also cited at the bottom of this section should there be dissatisfaction in respect of the process or outcome.

### Step 1: Reporting

There are different ways in which an establishment or organisation may become aware of potential bullying behaviour.

- It may be raised by the child or young person who believes they are being bullied.
- It could be raised by another child or young person who has witnessed behaviour they perceive as bullying.
- It could be raised by a parent or other family member.
- It could be observed by a member of staff or adult volunteers/youth leaders.

Education establishments should listen to their children and young people and, as a result of this, be creative in how they generate opportunities for reporting incidents of alleged bullying. Furthermore, it is crucial that each school ensures that children, young people and their parents have a full understanding of the mechanisms regarding how concerns can be raised. This includes provision being made to ensure that there are discreet or anonymous reporting mechanisms for pupils. Therefore, all education establishments must ensure that their anti-bullying policy has clear information relating to the processes through which allegations of bullying behaviour can be reported.

### Step 2: Recording the incident/concern

It is recommended that once an incident or concern has been raised, this should be logged on the SEEMIS Bullying and Equalities system as soon as possible by a key staff member and that the investigation should commence in a timely manner.

It is not necessary for an allegation to be substantiated before it is recorded. Rather details of the reported incident should be recorded, capturing information about the behaviour that took place, who was involved, where and when it is reported to have happened, any potential underlying prejudice, including details of any protected characteristics, and whether the impact indicates any wellbeing concerns or the need for additional support. An investigation into the incident should follow, as set out in the Section 3, with the recording system being updated throughout the process on the outcome of this investigation, and any action taken as a result.

What information should be recorded?

It is important that a thorough picture of the bullying incident be recorded. When recording potential bullying incidents, the following information must be included:

- the children and young people involved, as well as staff/volunteers or any other adults who witnessed the incident or were involved in the initial response;
- where and when bullying has taken place;
- the type of bullying experienced, e.g. name-calling, rumours, threats;
- any prejudice-based attitudes or behaviour presenting;
- details of any protected characteristic(s);

- consideration of personal or additional support needs and wellbeing concerns;
- the outcome, including if the issue was resolved, not resolved or unfounded;
- the impact of the incident, including consideration of personal or additional support needs and wellbeing concerns; and
- actions taken including resolution at an individual or organisational level.

In line with the UNCRC (including Article 12), children and young people have the right to an opinion and for it to be listened to and taken seriously, and Article 16, children and young people have the right to a private life), where possible, the content of this record should be agreed with the child or young person.

### Step 3: Investigation

In Inverclyde's education establishments it is recommended, that investigations should be concluded within three working days with the outcomes communicated to all those involved i.e. children, young people and their parents. All allegations of bullying behaviour must be investigated. Bullying is a combination of behaviour and impact and should be addressed with compassion and professional curiosity when investigating incidents. Although bullying is often persistent, a single incident can have a significant impact on the health and wellbeing of children and young people and instil a fear that it might happen again. Impact on the individual/group's health and wellbeing and/or learning and school environment can be established through an investigation of alleged, observed or reported bullying incidents.

The National Guidance for Child Protection in Scotland 2021 (updated 2023) makes clear that individual agencies are responsible for ensuring that their staff are competent and confident in carrying out their responsibilities for safeguarding and promoting children's wellbeing. We expect teachers and all those working with children and young people to identify and act on any concerns to ensure the safety and wellbeing of the child or young person concerned, in line with their local child protection procedures. A helpful approach would be to ask:

- what was the behaviour?
- what impact did it have?
- what does the child or young person want to happen?
- what do I need to do about it – for example, is there a child protection concern?
- what attitudes, prejudices or other factors may have influenced the behaviour?

Once an investigation has concluded, the SEEMIS Bullying and Equalities Module should be updated with the outcome. This should include whether the incident was considered to be resolved, not resolved or unfounded. Where an incident is found to be bullying, schools should record what supports/interventions were put in place for both for individuals/groups affected by the behaviour and those displaying the behaviour. If the incident is not bullying, but due to other factors such as changing friendship groups or interpersonal conflict, it can still be difficult for a child or young person and their parents. In these situations, it is important for those involved to understand that even though the incident is not bullying there will still be a response from staff who can work with the child or young person and potentially peers to improve the situation.

Adapted from (Respect for All, 2024)



It is the aim for all establishments to resolve investigations into allegations of bullying behaviour amicably for all involved. However, on occasion, this may not be the case. In these circumstances, schools should signpost to complaints process.

[How to make a complaint - Inverclyde Council](#)

## **10. Evidence of Children and Young People's Involvement.**

Consultation workshops were conducted with over 300 children and young people to develop this policy. These sessions were led by Inverclyde's Health and Social Care Partnership's Children's Rights Officer and the Children and Young People's Engagement and Development Officer from the organisation Your Voice, Inverclyde. Pupils explored how they wanted schools to manage situations involving bullying behaviour and what children and young people required from staff, parents and one another in these circumstances.

Key themes emerging from the consultations are cited below. They are set out under the themes of publicity, accountability and keeping the focus on the policy. This has help shape the development of this policy and should also support the development of school-based versions of it.

### **Publicity**

- all members of the school community should have easy access to the policy, which should be based on the template promoted by Respect Me.
- there should be a pupil friendly version of this policy that is actively promoted.
- the school-based version of the anti-bullying policy must use language that makes it accessible.
- there should be a proactive approach to the issue of publicising policies and procedures.

### **Accountability**

- all staff working in education, connected to schools, should be aware of the policy - including senior leaders in education.
- where a school or individual member of staff is not applying the policy, this must be addressed.
- it is important that pupils, parents and carers and staff are listened to and have opportunities to influence the school-based policy to prevent bullying.

### **Keeping the focus on the policy**

- there should be regular reminders for all in the school community of the expectations and processes contains within the school anti-bullying policy.
- all schools should participate in anti-bullying week each year and use this as an opportunity to continue to publicise their anti-bullying policy and strategies.

The pupil consultations also contained a theme that suggested that the local authority policy should have a mascot and slogan. This was considered as giving the policy a higher profile and level of recognition across the local authority. Work is now under way to enact this recommendation.

More detailed information from the pupil consultations can be found in Appendix 6

### **11. Evidence that Parents/Carers Have Been Included and Consulted.**

Inverclyde Parent Council Chairs were updated on the development of this policy. Following on from this, Parent Councils were encouraged to gather views from their parent body electronically using questions derived from the Scottish Approach to Service Design (2019). Key messages emerging from this consultation influenced the policy in relation to accessibility and publicity.

Further guidance can be found in Appendix 4 for education establishments engaging with parents in the creation of their own anti-bullying policies and practices.

### **12. Evidence that Staff/Volunteers Have Been Included and Consulted.**

Staff and volunteers had the opportunity to be involved in the development of this policy via distribution of the electronic consultation document used with parents cited above. This was distributed through the teacher union link to the policy and via the Additional Support Needs Leader network. Every education establishment in Inverclyde has a nominated member of this network who meet on a quarterly basis. This consultation brought forward the need for a pupil friendly version of the school-based policy, the need for publicity and for a citation in policy to advise staff in respect of electronic forms of bullying behaviour. This led to the link in Section 1 that signposts users to the most updated advice in this area from the Scottish Government.

Further guidance for staff can be found in Appendix 5 of this policy.

### **13. Policy Review and Communication Plan.**

As outlined in the Introductory Section this policy replaces the previous Anti-Bullying policy, which was launched in November 2021. Inverclyde Council recognises the importance of updating policies in order to keep them current. As such, it is envisaged that this policy will be reviewed starting in late 2027 in order to re-launched in August 2028.

It is anticipated that this new version of the policy will launch in August 2025 with a key recommendation that all schools work with staff, volunteers, parents and pupils to develop their establishment version of this policy and a pupil friendly version of it too. The creation of the establishment policy should be cited in the school-based improvement plans for session 2025-26. By the end of this session, it is expected that all education establishments will have developed their own version of this policy, which will have been signed off by the Head of Education in order to ensure alignment to the local authority version of this policy.

Publicity, accessibility and training are key elements of the communication strategy underpinning this policy. More information can be found in relation to these areas in Sections 10, 11, 12 and 14 of this policy as well as in Appendix 6.

#### **14. Commitment of Inverclyde Council to Training and Supporting Staff.**

One of the key messages derived from the consultation exercise was the need for Career Long Professional Learning in order to develop policy and practice in this area of work. Inverclyde Council has a productive relationship with Respect Me, which is Scotland's Anti-Bullying Service funded by the Scottish Government and jointly managed by the Scottish Action for Mental Health (SAMH) and LGBT Youth Scotland. Respect Me has produced a suite of training for education establishments, which can be accessed at [www.respectme.org.uk](http://www.respectme.org.uk). By working with Respect Me and using its key publications to shape policy, such as Respect for All (2024), Inverclyde Council commits itself to train and support its staff and volunteers going forward.

Further to this, bespoke training will be delivered to all Inverclyde's schools at the point of launch of this policy on its contents and the expectations in relation to its implementation. It is also envisaged that this policy will form a key focus of work being undertaken with ASN Leads going forward. Furthermore, there is also a commitment to continue to work with Inverclyde's Health and Social Care Partnership's Children's Rights Officer and the Children and Young People's Engagement and Development Officer from the organisation Your Voice in their ongoing engagement with children and young people in order to ensure that future training meets needs identified by children and young people themselves.

## Appendices

### Appendix 1

#### **What is not bullying?**

Establishments and organisations will deal with a variety of behaviours on a daily basis. However, while some of these behaviours may be reported or described by a child or young person, or their family, as bullying, it is important to recognise that not all such behaviour will be bullying or should appropriately be treated as such.

It is recognised that behaviour will be context specific and should be considered on a case-by-case basis. In identifying what response is appropriate, it will often be necessary for staff to use their professional judgement to identify the nuanced differences between types of behaviour. Each set of circumstances will be fact specific, and staff should ensure they have gathered all relevant information before making a determination, remembering that the nature of some behaviours may constitute criminal offences, and advice should be sought from Police Scotland where there are significant concerns.

There is added complexity in that some types of behaviour can overlap and/or without early intervention may escalate. For example, the normalisation of derogatory and pejorative language use or slurs about a social group, and the perpetuation of harmful social or cultural stereotypes or myths, if unaddressed can create a culture that can lead to more intense levels of behaviour, including violence or hate crime, for example. Similarly, bullying behaviour can mirror the absence of positive values, the presence of negative role-models, globally influential figures and social media trends prevalent across popular culture which can promote unhelpful and divisive messaging.

Early intervention and prevention are therefore essential for addressing these behaviours by disrupting the cycle, promoting understanding and empathy, and fostering a culture and ethos that values respect and inclusion. This proactive approach reduces the likelihood of behaviours escalating to more intense levels.

#### **Differentiating bullying from conflict**

It is important for children and young people to discuss how they feel and to help them develop the social competence and communication skills needed to help them to manage their relationships. We know that children and young people will fall out and disagree with each other as they form and build relationships. This is not considered to be bullying; this is considered to be a normal part of growing up.

It may be possible to differentiate conflict from bullying by having regard to the relationships and dynamics involved. Conflict is normal and can happen in healthy, happy, equal relationships. Usually at least one party involved doesn't want the conflict to continue unresolved, and will try to take early action to make amends and improve the situation. Healthy relationship conflict is not the same as bullying and is unlikely to lead to bullying as the people involved have a vested interest in restoring equilibrium and staying connected to each other.

Those working with children and young people may be faced with increasing conflict between peers. The Behaviour in Scottish Schools Research 2023, reported staff experiences of young people having less developed social skills compared to previous years following the Covid-19 pandemic. Early and mid-primary students (P1 to P5) who experienced disruptions in their

nursery and early school years were noted to lack essential language and social skills, negatively affecting their educational development and behaviour. Secondary school staff also reported deficits in social and communication skills among older students, though to a lesser extent, highlighting difficulties with social interactions and group work due to reduced socialising opportunities during lockdowns.

### **Differentiating bullying from potentially criminal behaviour**

There is no legal definition of bullying in Scotland and bullying is not, in itself, considered a crime. However, the nature of certain behaviour that could be perceived as, or reported as, bullying may include behaviour that is criminal in nature.

Understanding the individual facts and circumstances present in any situation is important to distinguish between bullying and potentially criminal offences. Examples include the following.

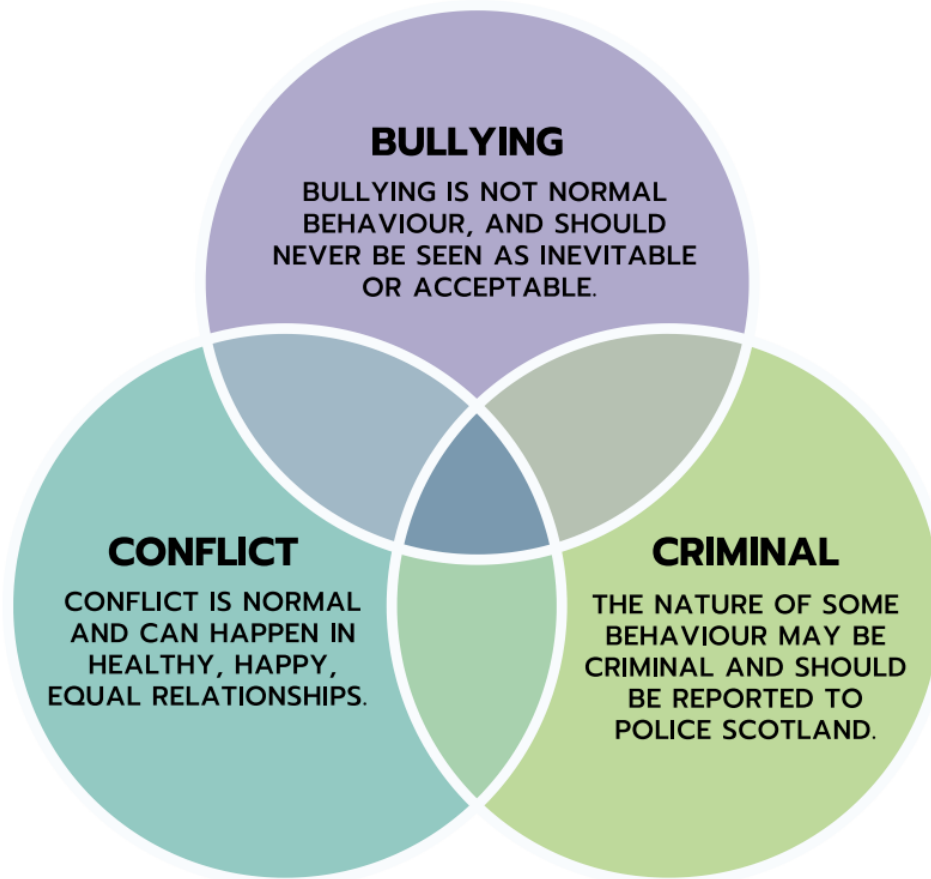
**Physical behaviour:** peer-on-peer violence can be verbal abuse, physical aggression and/ or physical violence, which can have both short- and long-term impacts on the mental and physical health and wellbeing of all involved. If there is an intent to cause harm, regardless of whether or not an injury occurs, this may amount to an assault.

**Sexual behaviour:** when someone is coerced or pressurised to do something sexual or is touched inappropriately, this is not bullying. This is sexual assault or abuse and a form of gender-based violence (GBV). More information about the legal framework surrounding GBV, and guidance for schools for responding to GBV incidents, is available within the Scottish Government's framework on preventing and responding to gender-based violence in schools.

**Online behaviour:** there are various legal provisions designed to protect individuals from online harassment, abuse, and harm. Some online behaviour may therefore be illegal; further guidance on supporting pupils' awareness of safe and secure use of mobile technology is contained within the Scottish Government's guidance on mobile phones in Scotland's schools.

**Hate Crime:** bullying can be motivated by prejudice similar to hate crime. The distinction between bullying and hate crime is that for hate crime, the behaviour aggravated by prejudice must be motivated by malice and ill-will towards a group of people due to a relevant characteristic or intended to stir up hatred, and be criminal in nature, such as assault, graffiti or a breach of the peace. For example, damage to property through graffiti may constitute a crime and this may be aggravated by prejudice towards an individual who possesses or appears to possess a relevant characteristic protected under the Hate Crime and Public Order (Scotland) Act 2021. Adults should seek immediate support from Police Scotland if they have reason to believe that a crime may have occurred or that a child or young person has been seriously harmed. Schools/organisations should follow national child protection procedures in these cases, and should work closely with their education authority and colleagues in core agencies (Social Work, Health and Police Scotland) to ensure the safety and wellbeing of children, young people, and staff. It should be noted that under The Age of Criminal Responsibility (Scotland) Act 2019, a child under the age of 12 cannot be arrested, charged or prosecuted for a crime. However, Police Scotland may still be involved

The diagram below shows the differentiating behaviours which can sometimes overlap and/or escalate in trajectory.



## ● **CONFLICT**

Usually at least one person doesn't want the conflict to go on unresolved, and will try to take action to improve the situation. It can highlight the importance of the relationship, providing a chance to build on strengths, solve problems, and move forward positively.

Healthy relationship conflict is not the same as bullying and is unlikely to lead to bullying as the people involved have a mutual interest in restoring equilibrium and maintaining connection.

## ● **BULLYING**

Bullying occurs within social relationships and typically involves an imbalance of power that allows a relationship of dominance and subordination to emerge. Bullying can be intentional or unintentional, occurring once or repeatedly.

Resolution usually requires adult support, meaningful intervention and a change of behaviour in the instigating person. There can sometimes be an escalation from bullying to violence.

## ● **CRIMINAL**

While bullying is not in itself a crime, some behaviour that may be reported or perceived as bullying could constitute a criminal offence, such as physical or sexual violence, online behaviours or hate crime.

It is not for staff to determine if behaviour is criminal; they should seek immediate support from Police Scotland if they have reason to believe that a crime may have occurred or that a child or young person has been seriously harmed.

Usually at least one person doesn't want the conflict to go on unresolved and will try to take action to improve the situation. It can highlight the importance of the relationship, providing a chance to build on strengths, solve problems, and move forward positively. Healthy relationship conflict is not the same as bullying and is unlikely to lead to bullying as the people involved have a mutual interest in restoring equilibrium and maintaining connection.

**CONFLICT** Bullying occurs within social relationships and typically involves an imbalance of power that allows a relationship of dominance and subordination to emerge. Bullying can be intentional or unintentional, occurring once or repeatedly. Resolution usually requires adult support, meaningful intervention and a change of behaviour in the instigating person. There can sometimes be an escalation from bullying to violence.

**BULLYING** While bullying is not in itself a crime, some behaviour that may be reported or perceived as bullying could constitute a criminal offence, such as physical or sexual violence, online behaviours or hate crime. It is not for staff to determine if behaviour is criminal; they should seek immediate support from Police Scotland if they have reason to believe that a crime may have occurred or that a child or young person has been seriously harmed.

**CRIMINAL** Differentiating bullying from structural and social inequalities It is important that the umbrella term "prejudice-based bullying" should not lead to the dilution or avoidance of the issue of structural inequalities, such as racism, sexism, homophobia, biphobia or transphobia, or prejudice and discrimination towards disability or faith. These can manifest themselves in many subtle and implicit behaviours, including microaggressions, misrecognition, implicit bias and othering,<sup>13</sup> as well as structural and social inequalities.

Adapted from Respect for All (2024)

## Appendix 2

### The legal framework and policy landscape

There are a number of legal obligations on education authorities and schools that must be considered as part of their approach to preventing and responding to bullying.

#### Legal framework:

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the “UNCRC Act”)

Following the introduction of the UNCRC Act, it is now unlawful for a public authority in Scotland, which is likely to include education authorities and some schools, to act (or fail to act) in connection with a relevant function, in a way which is incompatible with the UNCRC requirements. Although there is not an express right not to be bullied within the UNCRC, a number of rights are upheld through the furtherance of anti-bullying work. This includes the right of every child to live free from violence, abuse, and neglect, which includes protection from violence committed by other children, and places emphasis on their rights to education, health, and participation in decisions affecting their lives. Grounding anti-bullying efforts in this framework of rights ensures a holistic approach that respects and protects the dignity and wellbeing of every child, and reinforces the importance of creating safe, inclusive, and supportive environments where children can thrive.

The UNCRC requirements as incorporated by the UNCRC Act, should be considered by all public authorities in Scotland who are carrying out a relevant function, as set out in the Act. However, public authorities are encouraged to take a children’s rights approach regardless of the legal source of their duties. The UK has been a signatory to the UNCRC since 1991 and regardless of the scope of the legal duties in the UNCRC Act, the UNCRC is at the heart of GIRFEC and the Scottish Government’s commitment to ensuring that all children and young people have the best possible start in life.

Schools and education authorities should avoid basing policies on a single UNCRC article without considering broader implications. The UNCRC supports taking effective action against bullying to protect children’s health and safety, and education authorities should take all appropriate measures to protect children from violence, including peer violence.

#### **Equality Act 2010**

The Equality Act 2010 protects individuals with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) from discrimination, victimisation and harassment and supports progress on equality. The Equality and Human Rights Commission has published guidance on the Equality Act 2010.

Education authorities and some schools in Scotland are subject to the Public Sector Equality Duty (PSED).<sup>20</sup> This comprises the general equality duty as set out in the Equality Act 2010, and the Scottish specific equality duties which are set out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (2012 Regulations). The general equality duty requires due regard in the exercise of functions to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The purpose of the specific equality duties is to help public authorities better perform the general equality duty. Education authorities and the



schools that are subject to the PSED have an obligation to ensure that policies aimed at preventing bullying or responding to the consequences of bullying meet the needs of the general equality duty.

Not ensuring consideration of equality can lead to unlawful discrimination, greater inequality and worse outcomes for particular groups of people in our communities. The general duty requires equality considerations be built into the design of policies and practices and the delivery of services, and for these to be kept under review. The EHRC has issued guidance on the PSED for Scottish public bodies.

Listed authorities, including education authorities and some schools, have legal obligations under the PSED as service providers and employers. Of note when developing and implementing policies to address bullying is the specific duty requirement to assess the equality impact of proposed and revised policies and practices (regulation 5 of the 2012 Regulations).

Chapter 6 of the technical guidance on the Public Sector Equality Duty: Scotland describes what is required from public bodies in carrying out an equality impact assessment. It sets out a number of steps including assessing the potential impact by considering whether the equality evidence indicates potential differential impact on each protected characteristic group or provides an opportunity to improve equality in an area; taking account of results in developing proposals and ensuring due regard when making decisions about the policy and its implementation, documenting decisions, publishing results and monitoring the actual impact of the policy. Public Sector Equality Duty: specific duties in Scotland | EHRC

([www.equalityhumanrights.com](http://www.equalityhumanrights.com))

### **Online bullying**

There are various legal provisions designed to protect individuals from online harassment, abuse, and harm. Some online behaviour may be illegal under the following legislation:

1. The Equality Act 2010: this Act prohibits discrimination, harassment, and victimisation based on protected characteristics, such as race, disability, and sexual orientation, which can encompass certain forms of online bullying.
2. The Communications Act 2003: Section 127 of this Act makes it an offence to send grossly offensive, obscene, or menacing messages through public electronic communications networks.
3. The Malicious Communications Act 1988: this Act covers the sending of letters or other articles with the intent to cause distress or anxiety, including online communications.
4. The Protection from Harassment Act 1997: this Act provides protection against a course of conduct amounting to harassment, which can include repeated online bullying incidents.
5. The Defamation and Malicious Publication (Scotland) Act 2021: this Act modernises the law on defamation, allowing individuals to seek redress for harm caused by false and damaging online statements.
6. The Abusive Behaviour and Sexual Harm (Scotland) Act 2016: criminalises the non-consensual sharing of intimate images.

7. The Online Safety Act 2023: creates a number of new offences, including encouraging or assisting serious self-harm, cyberflashing, sending false information intended to cause non-trivial harm, threatening communications, intimate image abuse.

These legal provisions can empower parents, young people, schools, authorities, and Police Scotland to take action against online bullying. Understanding that these laws exist can help adults working with, or caring for, children and young people to recognise when behaviour crosses legal boundaries and to take appropriate steps to protect them.

Legislation relevant to aspects of online safety, including the safe and responsible use of mobile phones, can be found in Appendix C5 of the Scottish version of the online safety policy tool for schools, 360 Degree Safe Scotland. The 360 Degree Safe Scotland self-review tool is free to use and is intended to help schools review their online safety policy and practice. Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([legislation.gov.uk](https://legislation.gov.uk))

### **Hate crime**

Hate crime is the term used to describe behaviour which is both criminal and rooted in prejudice or which is intended (or can be considered) to stir up hatred. In Scotland, the Hate Crime and Public Order (Scotland) Act 2021 criminalises behaviour based on prejudice towards those with the following characteristics:

- age
- disability
- race
- religion
- sexual orientation
- transgender identity
- variations in sex characteristics.

Where bullying occurs that is also linked to prejudice towards one of the above groups, this could also constitute a hate crime, under certain circumstances based on conduct and motivation.

Bullying can be motivated by prejudice similar to hate crime. The distinction between bullying and hate crime is that the behaviour motivated in prejudice must be criminal in nature, such as assault, graffiti or a breach of the peace. For example, damage to property through graffiti may constitute a crime and this may be aggravated by prejudice towards a relevant characteristic. Sharing of discriminatory materials may, in some cases, constitute an offence of stirring up hatred.

The Lord Advocate has issued guidelines about which category of offence will be reported to the Procurator Fiscal for consideration of prosecution. Children who do not come within these guidelines may be referred to the Children's Reporter or made subject to Police direct measures, depending on the circumstances. The Procurator Fiscal and the Children's Reporter discuss cases which are subject to joint referral and the Procurator Fiscal will decide where the case is best dealt with.

### **Age of Criminal Responsibility**

Some behaviour displayed by a child or young person may constitute a criminal offence. School staff should have a general awareness of the Age of Criminal Responsibility (Scotland) Act 2019 which increased the age at which a child is considered to have the capacity to commit a crime from age 8 to 12. This means that children younger than 12 cannot accrue convictions or criminal records. The 2019 Act removes the ability to refer a child to a children's hearing on offence grounds and makes it possible to only refer a child under 12 to a children's hearing on welfare and protection grounds. It provides specific investigatory powers for the police, to enable incidents of seriously harmful behaviour by under-12s to be investigated.

### **Policy landscape**

This guidance takes account of the wider policy context that supports children and young people's health and wellbeing. Some of the other key drivers for the current guidance are:

- Getting it Right for Every Child
- National Child Protection Guidance for Scotland 2021 – Updated 2023
- Learning in Health and Wellbeing, including Relationships, Sexual Health and Parenthood (RSHP) Education
- Adverse Childhood Experiences (ACEs) and Trauma
- One Good Adult: Job Description

### **Professional Standards**

Many professionals who play a role in the lives of children and young people will be governed by a set of professional standards. These include:

- the General Teaching Council for Scotland – The Professional Standards for Scotland's Teachers and Code of Professionalism and Conduct (CoPAC)
- the Common Core of Skills, Knowledge and Understanding and Values for the 'Children's Workforce' in Scotland
- the Scottish Social Services Council Codes of Practice
- the Health and Social Care Standards

The values and principles set out by the Standards Council for Community Learning and Development for Scotland are in step with this revised National Approach

## Appendix 3

### Prejudice-based bullying

This section provides information regarding different forms of prejudice-based bullying behaviour. This includes those related to the protected characteristics in the Equality Act 2010 as well as broader characteristics or circumstances which may be the target of bullying behaviours.

#### Equality Act 2010

There are nine characteristics protected under the Equality Act 2010. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Part 6 (chapter 1) of the Equality Act 2010, which deals with school education, does not apply to the protected characteristics of 'age' and 'marriage and civil partnership'.

**Age:** Part 6 (chapter 1) of the Equality Act 2010, which deals with school education, does not apply to the protected characteristic of 'age', however, people are protected from discrimination on the grounds of age in other settings including workplaces and further education.

**Disability:** the Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. Increased knowledge and understanding about disability and the barriers and challenges they can face can help reduce bullying. The language and behaviour used may be a result of a lack of understanding about the nature of a person's disability. People who bully others may see disabled people as being more vulnerable and less able to defend themselves or tell an adult about the bullying.

**Gender reassignment:** the term 'gender reassignment' is a protected characteristic under the Equality Act 2010 and refers to those who propose to go through, are going through, or have gone through a process for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

The term 'transgender' or 'trans' is a term used to describe people whose gender is not the same as the sex they were assigned at birth. Gender identity is a person's innate sense of their own gender. 49 Transgender people face significant societal prejudice largely because they are perceived as not conforming to gender stereotypes, expectations and norms. As a result, transgender young people can be particularly vulnerable to bullying.

Transphobic bullying is behaviour or language which makes a young person feel unwelcome or marginalised because of perceived or actual transgender identity or transgender expression. This can manifest in many ways including verbal abuse and slurs or deliberately mis-gendering them. A young person may also experience transphobic bullying if someone is perceived to be transgender or someone they are associate with is transgender, i.e. a parent, relative or other significant figure. The Scottish Government has published guidance on Supporting Transgender Pupils in Schools, which includes information on transphobic bullying.

**Marriage and civil partnership:** Part 6 (chapter 1) of the 2010 Equality Act, which deals with school education, does not apply to the protected characteristic of ‘marriage and civil partnership’, however people are protected from discrimination on the grounds of marriage and civil partnership in other settings including workplaces and further education.

**Pregnancy and maternity:** young parents can experience bullying because of the stigma and judgement that is still associated with young parenthood. Staff should be aware of the increased possibility of bullying in relation to a young pregnant person or young parent and that this can occur face to face as well as online. Schools and organisations should be cognisant of their anti-bullying practice and approach and ensure young people receive adequate information and guidance around this topic. For those who are pregnant/young parents, this can add to what is already a potentially highly emotional and stressful time. The Scottish Government has published guidance on Supporting young pregnant women and young parents in school.

**Sexual orientation:** bullying based on sexual orientation is largely motivated by prejudice towards lesbian, gay or bisexual people, and those sexual orientations or gender identities which are not heterosexual or heteronormative. Homophobic or biphobic bullying is when a young person’s actual or perceived sexual orientation is used to exclude, threaten, hurt, or humiliate them.

Any young person can be homophobic bullied, irrespective of their actual sexual orientation. Sometimes young people can be homophobic bullied because others think that they are Lesbian, Gay, Bisexual and Transgender (LGBT), because they have LGBT family or friends or, often, because they are seen as different or not conforming to gender stereotypes. Transgender children and young people can therefore also experience homophobic bullying.

Homophobic or biphobic language and jokes around the school can create a climate of homophobia; for example, the use of the word ‘gay’ to mean substandard or have negative connotations. This type of language is prejudice-based and should therefore be addressed as part of a school culture and ethos which promotes equality and inclusion. Scottish Government and Time for Inclusive Education have produced guidance for school staff to support the implementation of LGBT Inclusive Education.

**Racism and race:** under the Equality Act 2010, race includes colour, nationality (including citizenship) and ethnic or national origins. Children and young people from groups who are at risk of experiencing racism may experience racist attitude and behaviour based on perceived differences which reflect wider societal patterns of inequality, power imbalance and discrimination. Prejudice towards the minority ethnic group a child or young person belongs to – or to which people assume they belong – in a school, community or organisation can often lead to a child or young person experiencing bullying behaviour. Racist behaviour and incidents can

arise from a misguided and learned belief that children and young people from minority ethnic groups are less valued and 'deserve' to be treated differently, or with less respect.

Children and young people from Gypsy/Traveller communities may be at greater risk of bullying. Some bullying behaviour against these groups may be of a racist nature which, given that race is a protected characteristic, can contravene equality legislation and have hate crime implications. Perceived risks about bullying and parents' own experiences of discriminatory and racist behaviour may lead to low levels of enrolment and poor attendance for Gypsy/Traveller children and young people as well as early exit from formal education. Other Traveller and Roma families may have similar concerns.

**Religion or belief:** people who have a religion or belief, as well as those who do not, are protected under the Equality Act 2010. Religious, belief- or faith-based discrimination may manifest through actions or words directed towards a person of faith or a faith community, for example, anti-Hinduism, antisemitism or anti-Sikh discrimination. Discrimination can also happen within groups who share the same religious belief, for example, Muslim or Christian sectarianism.

Prejudice may centre on aspects of traditions, beliefs and etiquette of different faiths and can lead to religious intolerance. Differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can result in misunderstandings and stereotyping, which may lead to bullying.

In some cases, racism is the underlying factor in religious discrimination against people from minority ethnic communities. For example, learners who are not Muslim may experience Islamophobic bullying or anti-Hinduism as a result of racially stereotypical assumptions linked to their skin colour or other aspects of their appearance.

**Sex (including sexual harassment, sexism and misogyny):** the Equality Act 2010 protects people from being treated differently because of their sex. Girls and young women can be subjected to a range of behaviours by boys and young men because of gender inequality. This includes sexism, misogyny, sexual harassment, and other forms of gender-based violence (GBV). Sexism is discrimination or discriminatory language which seeks to belittle women and girls. Misogyny is the hatred of women, often expressed with hateful, sexualised language which aims to imply that women are inferior. Sexism and misogyny create a context where GBV can thrive. Girls and young women often experience bullying which is based on sexism and misogyny. Girls experiencing more than one form of inequality are at higher risk of being subjected to misogyny, which can often be combined with racism, homophobia, transphobia, ableism, and other prejudices.

Sexual harassment is distinct from the behaviours above and can include catcalling, wolf whistling, sexual language and sexualised intimidation or threat. It is important that sexual harassment is treated as GBV. The Scottish Government has published guidance to support schools in preventing and responding to gender-based violence. [Preventing and responding to gender-based violence: a whole school framework](#)

Many of these behaviours are caused by gender inequality – unequal social power between girls and boys – and create a context which can allow serious forms of violence to take place. It is often unseen and unreported.

Bullying which draws on misogyny can also be directed against boys and young men. For example, 'you throw like a girl'. Even when directed at boys, it still draws on the degradation and belittling of women and thus causes girls further harm. It can be linked to homophobia.

### **Other characteristics**

The following characteristics may be the target of prejudice-based bullying; while they are not explicitly protected by law under the Equality Act 2010, there are aspects of the characteristics that may be caught depending on the circumstances. Irrespective of this, a robust response should be taken to any form of bullying. It is important for schools to consider whether there are patterns of bullying behaviour within their school communities which could be addressed by providing learning for children and young people about inequality and diversity.

**Additional Support Needs:** these can arise for any reason and be of short- or long-term duration. Additional support may be required to overcome needs arising from a school learning environment; health or disability; family circumstances or social and emotional factors, and therefore may relate to a protected characteristic. A child or young person may be bullied because they have an additional support need and crucially, being bullied can also lead to an additional support need. Some with additional support needs may be protected under the disability protected characteristic.

Children and young people with an additional support need may not realise that the behaviour happening to them is bullying. Staff should therefore be alert for behaviour that may constitute bullying, without the responsibility solely being on the child or young person to report it. Staff are able to report bullying incidents on SEEMiS without a child or young person reporting it.

**Asylum Seekers and Refugees:** children and young people who are asylum seekers or refugees may be at greater risk of bullying. Some bullying behaviour against these groups may be of a racist nature which, given that race is a protected characteristic, can contravene equality legislation and have hate crime implications. Stigma, due to lack of knowledge and reluctance to burden parents with extra worries can allow bullying to go undetected and continue.

**Body Image and Physical Appearance:** this can be hugely important to children and young people and significantly negatively impact their wellbeing. Body image and physical appearance can also be a highly sensitive area in which school staff will need to carefully consider their responses. In some cases, bullying relating to body image and physical appearance may intersect with a protected characteristic, such as race or disability, for example being bullied for female body/facial hair, facial deformities and scars (potentially from war/torture).

**Care Experienced Children and Young People:** [care experienced children and young people](#) can be particularly vulnerable to bullying. Children and young people can face bullying behaviour simply because they are care experienced and seen in some way as 'different'. Children and young people who are cared for away from home can also experience bullying behaviour in their residential care home, at school and in their community. Care experienced children and young people may not always have a stable support network to turn to when experiencing bullying. For some children and young people forming positive relationships with peers and adults can be more difficult due to their early childhood adversity. Developing trusting and supportive relationships between children, young people and practitioners is required to address bullying of all forms and in all settings.

**Family and household circumstances:** children and young people may experience discrimination for their family situation. For example, if the child or young person is from a single-parent family, a blended family or has a relative who is in a same-sex relationship. Bullying of children who endure parental substance use can also be prevalent.

**Family imprisonment:** children and young people affected by family imprisonment are at risk of bullying for a range of reasons. Keeping in contact with a family member in prison can mean children and young people miss time at school, clubs, and socialising with friends. Having to explain or make excuses for their absence can pose challenges for peer relationships. Children and young people affected by imprisonment can also often feel left out in peer discussions about parents or other family members. The stigma of having a family member in prison can lead to children and young people trying to keep the experience hidden from their peers. This can make it difficult to form and maintain peer relationships. Where children and young people choose to disclose their family member's imprisonment, or where this information is shared by others in the community or the media, the stigma of imprisonment can make them a direct target of bullying behaviour.

**Forces children:** children from armed forces and veteran families can face significant challenges due to forces life. They may experience frequent moves around the country which for some are challenging due to the loss of friendships and disruption to education. Deployments and separation from parents are also events that can happen due to forces life. Some families may move up to once every two years which means children and young people re-establishing themselves in a new school and some feel there is no point even trying to make new friends which can lead to isolation. This group can sometimes feel different from their classmates and can be bullied for a number of reasons such as having a different accent, or simply for being in a forces family. Having a parent being away can also add to the emotional difficulties a child or young person may feel as they may not want to open up about the difficulties they face to their non-serving parent. Research has shown that children who attend schools which are more educated about military life face less bullying and discrimination, so it is important schools understand their lives more and are able to support this group.

**Mental health stigma and discrimination:** children and young people may feel uncomfortable to speak about their mental health for fear of the consequences. Fear of stigma and discrimination can prevent an individual from sharing their mental health concerns. Judgemental preconceptions about mental health may endorse negative stereotypes which can impact someone who experiences mental health problems, potentially making them feel worse about themselves and hindering recovery.

**Sectarianism:** most people understandably associate sectarianism with religion, which is a protected characteristic. The reality of prejudice however means that family background, supporting particular football teams, where a child or young person lives, which school they attend or the colour of clothing they wear can be a target of sectarian abuse, regardless of the individuals' beliefs. In Scotland, sectarianism is most often related to Protestant and Roman Catholic divisions within Christianity but can also relate to other religions, for example, Sunni, Ahmadi and Shia Muslims within Islam, and Orthodox and Reform Jews within Judaism.

**Socio-economic/poverty prejudice:** poverty contravenes a number of articles laid out in the United Nations Convention on the Rights of the Child (UNCRC) and denies children and young people many of their rights.



Bullying due to socio-economic status can take place in any community. Small differences in perceived family income/family living arrangements/social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, accents, belongings, clothing, etc., can become widespread through those considering themselves to be in the dominant socio-economic group. Where poverty-related bullying is witnessed or experienced, it is based upon the consequences of poverty, such as: poor appearance or lack of school uniforms, shoes and PE kits; type of clothing worn on non-school uniform day; lack of money to socialise with friends, being in receipt of free school meals; and not being able to have 'sleepovers'. Schools and organisations need to be aware and compassionate around both the emotional and financial consequences of poverty and how it affects children and young people in all areas of their life.

**Young Carers:** the lives of young carers can be significantly affected by their responsibility to care for a family member or friend to illness, disability, mental health problems or an addiction. Young carers are at risk of bullying for a variety of reasons. Carers Trust survey work indicates that 36% of young carers who responded had been bullied about their caring role. Depending on their caring responsibilities, they may find themselves being unable to fully participate in school or after-school activities or 'fun stuff'. This can make it difficult for them to form and sustain relationships with peers; it can hinder successful transitions or lead to them not achieving their educational potential.

## Appendix 4

Including parent/carers in the policy development process is respectful of their rights and the role they play in the whole school community. It enables them to contribute to, and supportive of, the processes and measures in place to ensure safety for all children and young people, as well as what procedures are in place for complaints and escalation if dissatisfied. By including parent/carers in the process, it creates an opportunity to further encourage positive relations between all parties involved.

Ways to engaging parent/carer inclusion in the policy development process are set out below and exemplified in RfA:

- Collaboration and feedback
- Regular communication and support
- Transparency and reporting Inclusive
- and supportive events

All parents and carers can actively help to prevent bullying behaviour, and support the school/club endeavours, by:

- Being aware of potential signs of bullying behaviour such as distress, lack of concentration, feigning illness or other unusual behaviour
- Reporting all bullying incidents as quickly as possible
- Being vigilant to dangers online and encourage appropriate use of technology
- Understand that 'fall outs' and disagreements are a normal part of growing up, however bullying behaviour is not
- Seek support from the school or group the young person attends for themselves and their child(ren)

Evidence of involvement via parent councils, parent forum or surveys, etc., should be referenced in the policy document

## Appendix 5

Staff and volunteers have a direct role in the implementation of a school/club policy, making their views highly influential in anti-bullying policy consultations.

All teachers, and staff working in other settings with children and young people, have a responsibility to ensure that anti-bullying policy is in place to keep children safe. This aim can be achieved through engaging them in the policy development process to consider how they will be equipped to:

- Promote and role model positive relationships and positive behaviour
- Report any bullying incidents that they have been made aware of or have witnessed
- Record all incidents using the Bullying & Equalities module in SEEMiS which will be monitored by the authority through SEEMiS annual reports.
- Listen to children and young people and take their concerns seriously
- Ensure that children and young people have a right to express their views in matters that affect them, and for these views to be given due weight
- Act in accordance with the school values, professional Codes of Conduct and the values and principles of RfA
- Ensure that all children, young people, parents and carers are aware of the school's procedure to responding to anti-bullying incidents
- Ensure that the anti-bullying policy is followed and that the setting upholds its duty to promote the safety and well-being of all children and young people
- Refrain from using labels e.g. 'bully' and 'victim'
- Engage in anti-bullying policy development and undertake anti-bullying training
- Be vigilant to the signs of bullying behaviour and play an active role in measures to prevent bullying behaviour

Evidence of involvement via SLR, staff meetings, surveys, etc., should be referenced in the policy document.

## Appendix 6

Recommendations from the children and young people's consultation exercise contained the following themes:

- Establishment based policies and pupil friendly versions of these need to be bright and colourful.
- These should contain images and characters to make them more eye catching.
- The Local Authority policy should have a mascot and slogan/strapline.
- School badges should be displayed around the outside of establishment policy and all head teachers should be signing it on behalf of their pupils.
- A copy of the new policy and new charter should be emailed out to all staff and also all parents/carers to ensure that they have access to this. Schools should engage in anti-bullying week.
- QR code with links to Kooth and other mental health supports and also a link to a form to report bullying. (Link Tree) Could be a QR on the charter and within the document.
- Explore other countries policies and how they look at education reform and if there is anything that we could explore to help us here – some young people have offered to research this if required.

## Appendix 7

Overview of Policy Updates		
Anti-Bullying Policy		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Use of policy template provided by Respect Me.
3	The Agreed National Definition of Bullying Behaviour as Set Out in Respect for All	Statement that Inverclyde Council adopts the new definition of bullying behaviour, and exemplifications, as promoted by the Scottish Government through the Respect for All document (2024)
4	Inverclyde's Stance, the Scope and Aims of this policy.	The original policy did not have a scope section. This indicates that the policy is for schools only and does not apply to all educational establishments. This is on direct advice from Respect Me. It also states that each school will develop their own versions of this policy to match local context as well as pupil friendly versions of policy.
5	Preventing and Responding to Bullying Behaviour.	This section contains more information on the preventative approach.
8-9	Expectations and Responsibilities of Children and Young People, Staff/Volunteers and Parents.	This section has been updated to reflect new guidance within the Respect for All Document (2024) and to reflect feedback from consultations.
9	Respectful behaviour	This is a new section from the Respect for All (2024) template.

10	Labelling	This is a new section from the Respect for All (2024) template.
11	Reporting, recording and monitoring.	This is an updated section. This aligns Inverclyde to the Respect for All (2024) document. Now ALL accusations of bullying behaviour must be investigated. In the previous policy there was some leeway for staff judgement to be used.
13	Evidence of Children and Young People's Involvement.	Statement regarding the consultation exercise.
14	Evidence that Staff/Volunteers Have Been Included and Consulted.	Statement regarding the consultation exercise.
14	Evidence that Parents/Carers Have Been Included and Consulted.	Statement regarding the consultation exercise.
14	Policy Review and Communication Plan.	Refreshed guidance regarding timescales for review.
15	Commitment of Inverclyde Council to Training and Supporting Staff.	New section committing the local authority to training and support.
16-33	Appendices	<p>16-19 Appendix explaining bullying behaviour from conflict.</p> <p>20-23 Appendix providing an in depth look at the legal and policy framework behind the policy.</p> <p>24-29 Appendix focusing on prejudice based bullying.</p> <p>30 Appendix providing advice to schools on gaining parental/carers views as part of their policy development process.</p> <p>31 Appendix providing advice to schools on working with staff and volunteers in the development of policy and practice.</p> <p>32 Appendix providing further information regarding the pupil consultation.</p> <p>33 References.</p>

## References

Education Scotland (2015). *How good is our school?* (4<sup>th</sup> Edition). Livingston.

Education Scotland (2017). *Better relationships, better learning, better behaviour*. Livingston.

Inverclyde Council (2023). *Children's Service Plan 2023-26*.

NHS Education for Scotland (2021). *The National Trauma Training Programme*. Edinburgh.

Scottish Executive (2004). *A Curriculum for Excellence*. Edinburgh.

<http://www.scotland.gov.uk/Resource/Doc/26800/0023690.pdf>

Scottish Government (2019). *The Scottish Approach to Service Design*. Edinburgh.

Scottish Government (2021a). *Scotland's Census*. Edinburgh.

Scottish Government (2021b). *Supporting Transgender Pupils in Schools*. Edinburgh.

Scottish Government (2024). *Guidance on LGBT Inclusive Education (2024)*. Edinburgh.

Scottish Government (2024). *Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People*. Edinburgh