



## Anti-Bullying and Harassment Policy

Date Last Reviewed: June 2023

*This policy needs to be read in conjunction with the following policies: admissions, safeguarding, whistleblowing, behaviour, on-line safety (including the acceptable use agreement), equality and diversity and the MCS complaints policy and procedure. This policy also needs to be read in conjunction with the staff disciplinary policy, whistleblowing and staff code of conduct*

*This policy will take into full consideration the DfE guidance Preventing and tackling bullying Advice for headteacher's, staff and governing bodies July 2017.*

**The law:** Some forms of bullying are illegal and should be [reported to the police](#). These include:

- violence or assault
- theft
- repeated harassment or intimidation, for example name calling, threats and abusive phone calls, emails or text messages
- hate crimes
- **Call 999 if you or someone else is in immediate danger**

It is the expectation of the school that any member of staff will bring to the attention of the Headteacher any pupil act that they consider to be of an illegal nature which will lead to an informed discussion around the behaviour being exhibited and determine a route for necessary action.

#### **Schools and the law:**

- By law, all state (not independent) schools must have a behaviour policy in place that includes measures to prevent all forms of bullying among pupils
- This policy is decided by the school
- All teachers, pupils and parents must be told what it is

**The Magdalen Court School Behaviour policy is published on the school's website**

#### **Anti-discrimination law:**

- Schools must also follow [anti-discrimination law](#). This means staff must act to prevent discrimination, harassment and victimisation within the school. This applies to all schools in England and Wales, and most schools in Scotland.

#### **What does the law say and what does each school have to do?**

*'Every school must have measures in place to prevent all forms of bullying' (DfE July 2017).*

Our School upholds its statutory obligations outlined in **The Equality Act 2010**. This Act 2010 is the Public Sector Equality Duty (PSED), which came into force on 5 April 2011 and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Maintained schools and Academies are required to comply with the PSED which requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

In addition, Part 6 of the Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil in relation to admissions, the way it provides education for pupils, provision of pupil access to any benefit, facility or service, or by excluding a pupil or subjecting them to any other detriment.

### **Keeping Children Safe in Education:**

ALL Staff need an awareness of safeguarding issues that can put children at risk of harm and be aware that safeguarding issues can manifest themselves via peer on peer abuse (bullying including cyberbullying); as a result, all staff should be clear as to the schools' policy and procedures with regards to Keeping Children Safe in Education Child Protection and Safeguarding Policy.

When there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm' a bullying incident should be addressed as a child protection concern under the Children Act 1989. Where this is the case, the school staff should discuss with their designated safeguarding lead to report their concerns to their local authority children's /adult social care and work with them to take appropriate action; (full details can be found in Keeping Children Safe in Education).

### **Criminal law:**

Although bullying in itself is not a specific criminal offence in the UK, the Magdalen Court School considers it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If any member of school staff feel that an offence may have been committed they should seek assistance from the police.

### **What is bullying?**

*Bullying is behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can take many forms (for instance, cyber-bullying via text messages, social media or gaming, which can include the use of images and video) and is often motivated by prejudice against particular groups, for example on grounds of race, religion, gender, sexual orientation, special educational needs or disabilities, or because a child is adopted, in care or has caring responsibilities. It might be motivated by actual differences between children, or perceived differences.*

*In addition to the duties in relation to pupils with disabilities under the Equality Act, schools also have duties under Part 3 of the Children and Families Act 2014 to ensure that pupils with special educational needs engage in the activities of the school together with children who do not have special educational needs. (DfE July 2017).*

### **Cyberbullying:**

*The rapid development of, and widespread access to, technology has provided a new medium for 'virtual' bullying, which can occur in or outside school. Cyberbullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience, and more accessories as people forward on content at a click.*

Section 89 of the Education and Inspections Act 2006 which clearly states the 'every school must have measures to encourage good behaviour and **prevent all forms of bullying**'.

*Bullying is defined as 'a behaviour by an individual or a group usually repeated over time that intentionally hurts another individual or group either physically or emotionally' (Safe to learn – Bullying of children with Special Educational Needs and disabilities – Embedding Anti-bullying work in school - 2008)*

This policy will additionally consider the Education Act 2011 which amended the power in the Education Act 1996 that when an electronic device, such as a mobile phone, has been seized by a member of staff who has been formally authorised by the Headteacher, that staff member can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

*If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable ground to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable.  
(DfE July 2017)*

## **INTENT:**

Our school is completely opposed to any form of bullying and will not tolerate it. It is entirely contrary to the values and principles we work and live by. We strongly believe that every person in our Trust should be able to learn/ work in an environment free from bullying of any kind and they should feel safe and supported. We are therefore committed to providing a caring, friendly and safe environment for all of our pupils/ staff, so they can learn/ work in a secure atmosphere without anxiety.

We acknowledge that by providing a safe and happy place to learn and ensuring the wellbeing of all members of our school community these are seen as essential elements to achieving school improvement, raising achievement, promoting equality and diversity and contributing effectively to well-being, thus leading to improved pupil outcomes.

All staff within our school community (the community consists of parents/ carers, Governors, Trustees and all staff) have a role in creating a culture where all types of bullying are considered unacceptable; this applies both to the bullying of pupils and teachers'/ learning assistants. We recognise that staff are important role models for the children. The behaviour of adults towards each other and towards the children is potentially a highly effective tool for creating a positive environment from which our children can learn acceptable social behaviours and adopt good social skills through positive relationships.

School staff with the support of parents/ carers, the wider community, the local authority and young people themselves, need to take effective action to prevent bullying happening in the first place. We aim to make all those connected with the school aware of our opposition to bullying as we strongly believe that a preventative approach helps our schools safeguard the well-being of our pupils and staff as well as creating a community in which we all treat each other with dignity and respect.

We recognise all staff have a responsibility to contribute, in whatever way they can, to uphold the intent of this policy and remain vigilant in the monitoring of pupils who may bully/ be bullied; we will therefore collectively take an active approach to promoting good behaviour, respect for others and to tackling any form of bullying, including prejudice driven bullying and cyber bullying. We recognise that the nature of some of our pupils' disability means that some of our children may not have the sufficient understanding or awareness that certain behaviours directed towards others may be undesirable or that they might be construed as bullying. This means that all staff have a duty to not only be aware of such behaviours and of any child involved, but also to respond appropriately to instances of 'bullying' behaviour.

A fundamental aspect of this policy is a focus upon pupil behaviour and the development of appropriate communication/ interaction with others. School will use (where relevant) identified outcomes from pupils' EHCP forming these into Progress Reviews. Pupil behaviour towards others may also be addressed via communication plans, wellbeing plans or behaviour plans; all plans will be personalised to meet the needs of the pupils involved. Monitoring of all plans including Progress reviews will happen over the day/ school week/ year to ensure the impact of such plans impact upon the skill development of our young people.

In consideration of our anti-bullying policy we identify fundamental principles which uphold our values for our school community; we strongly believe:

- All pupils have a right to learn free from intimidation and fear
- The needs of the victim are paramount
- Any of our school providers will not tolerate bullying behaviour
- Pupils who consider they have been bullied will be listened to
- Every member of the school community has the right to feel comfortable, safe, secure, equally valued and respected
- Every member of the school community has the right to grow and change, free from prejudice, stereotyping, harassment and negative discrimination
- All staff have the right to work in an environment that is conducive to their well-being
- Any reported incidents will be taken seriously and thoroughly investigated

### **Defining bullying behaviours:**

We recognise that bullying is an act of aggression, causing embarrassment, pain or discomfort to someone. It can take a number of forms and is an abuse of power. It can be planned and organised, or it may be unintentional. It may be perpetrated by individuals or by groups of pupils. To be bullying, action must be persistent rather than on a single occasion.

### **Racist bullying:**

A range of hurtful behaviour, both physical and psychological, that makes a person feel unwelcome, marginalised, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status. It is characterised by an imbalance of power which can be short term or continuous over long periods of time. The Department for Education *Racist Bullying (March 2011)*.

### **Physical bullying:**

Physical bullying can include hitting, kicking, pushing, taking belongings or any use of violence, spitting, unwanted sexual contact or sexually abusive comments. It can also include interfering with another pupils' property, by stealing, hiding or damaging it or forcing someone to do something against their will.

### **Homophobic bullying:**

Homophobic bullying occurs when bullying is motivated by a prejudice against lesbian, gay or bisexual people or young people who are thought to be lesbian, gay or bisexual. It can also include young people who have gay friends, or family, or their parents/carers are gay.

### **Verbal bullying:**

Name calling, teasing, taunting, intimidation, exclusion from a group, insulting, racist or discriminatory remarks attributed to gender or sexual orientation, belittling another pupils' abilities and achievements, ridiculing another persons' appearance, way of speaking or personal mannerisms

### **Indirect/Emotional:**

Spreading stories/rumours, teasing, excluding from groups, being ignored, intimidation, tormenting or threatening behaviour/gestures

### **Cyberbullying\*:**

Misusing technology (particularly the internet which includes social networking sites and mobile phones), to deliberately upset/hurt, humiliate someone (includes the misuse of associated technology; i.e. – camera/mobile phone/video etc). Cyberbullying can be an extension of face-to-face bullying with technology providing the bully with another route to harass their target. \*The school will make reference to the UK Council for child internet safety 'Education for a connected world' (a framework to equip children and young people for digital life) to assist teaching/ learning regarding on-line safety.



## **Aims:**

The aims of the SPT anti-bullying policy **intends** to:

- Provide a robust framework for dealing with incidents of bullying if they occur (pupils/ staff)
- Underpin the school ethos
- Provide clear systems for the management of any bullying within school
- Create an environment in which all types of bullying are considered unacceptable
- Encourage openness in which pupils, staff and parents/ carers act immediately if there is any suspicion of bullying reacting to any bullying incidents in a reasonable, proportionate and consistent way
- Encourage parents to report concerns about bullying and to support the school in tackling it
- Create an open and transparent recording system where any incidents of bullying are recorded, outlining how the information obtained will be acted upon (pro-active response) ensuring all concerns about bullying will be taken seriously and investigated thoroughly
- Provide a structure for reporting incidents of bullying to Trustees/ LGB/ QA advisors for their scrutiny and challenge

## **Pupils:**

- Ensure all children feel able to express their concerns about bullying to a member of staff, knowing that it will be addressed
- Remember that pupils who are being bullied may not necessarily report it
- Ensure that pupils learn in a supportive, caring and safe environment
- Prevent, de-escalate and/ or stop any continuation of harmful behaviour
- Educate children in resisting bullying/ responding to it in appropriate ways
- Ensure the Quality of Education (curriculum) teaches pupils about the importance of effective communication, the development of respectful relationships and appropriate ways to interact particularly if they find themselves in any situation which causes them upset/ harm
- Ensure all teaching/ learning remains part of a well-planned sequence securing pupil skill acquisition/ building long term memory
- Aid the staff in deciding when behaviour is bullying, i.e. *deliberately hurtful behaviour*, rather than behaviour springing from the perpetrator's difficulties in effective communication, learning or understanding (whilst acknowledging that such behaviour will need to be addressed through the implementation of effective strategies) and recorded accordingly
- Determine sanctions/ ways forward appropriate to the child's level of understanding and intention if they have bullied others which may include seeking, using and implementing the guidance of multi-agency teams' in addressing the development of pupil behaviours – e.g. – SaLT communication plan
- Relay such sanctions to parents/ carers outlining that any identified sanction will always work towards being solution focused
- Use specific organisations or resources to help with particular problems drawing upon the experience and expertise of anti-bullying organisations with a proven track record and/ or specialised expertise in dealing with certain forms of bullying
- Work effectively with parents/ carers to gain a further understanding of a pupils' behaviour, agreeing to implement agreed initiatives collectively

## **Staff:**

- Ensure that any member of staff knows they are able to raise/ express their concerns with their Leadership team or whistleblowing governor if they feel behaviour towards them by any employee in school is considered by them to be unacceptable
- Ensure any incidents raised are thoroughly investigated and feedback of key actions identified are provided to the member of staff concerned
- Seek advice and guidance from their line manager if they feel behaviour by a pupil is considered threatening/ menacing which impacts upon their wellbeing

## **Responding to reports about bullying:**

The school commits itself to investigate any allegations of any form of bullying made by pupils, parents/ carers/ staff promptly and to feedback back the outcome of such investigations. Our schools will take the following steps when dealing with concerns about bullying:

### **Pupils:**

- If bullying is suspected or reported, it will be dealt with immediately by the member of staff who has observed it/ been made aware of it
- A clear account of the concern (behaviour exhibited *towards* the victim) will be recorded via CPOMS (peer to peer abuse) which alerts the DSL/ Deputy DSL; the account will be recorded as soon as possible and at least by the end of the school day
- Following the alert, the DSL/ Deputy DSL will investigate/ delegate the investigation – e.g. – behaviour lead
- The staff investigating will interview everyone involved detailing within CPOMS behaviour the nature of the bullying exhibited *by* the perpetrator (the incident of bullying reported)
- When discussing any incident with pupils, the investigation lead will be accompanied by a member of staff who knows the child well (who may need to encourage the pupil to communicate via their preferred method – e.g. – signs/ symbols) noting down responses/ answers to information gathering questions
- Parents and other relevant parties will be notified/ kept informed; where bullying occurs outside school, any other relevant schools or agencies will be informed and advice/ support obtained
- All incidents/ concerns reported by parents/ carers/ staff will again be recorded via CPOMS/ Arbor where investigation routes previously outlined will be followed
- Conclusions of investigations and responses to bullying incidents will be discussed with the DSL/ Deputy DSL following the investigation to ensure the schools works in a pro-active way to the information obtained; outcomes will be shared with relevant people – e.g. – parents/ carers/ class teams
- Following investigation discussion will additionally centre upon updating any relevant plans – e.g. – well-being plan, communication plan etc to ensure the school is able to address the continued development of key skills by the pupil involved
- If the bullying incident has been concluded as a significant incident with the probability it may happen again, a detailed action plan will be developed which may include punitive measures; decisions will involve all parties including parents

Any pupil who continues to demonstrate behaviour which constitutes bullying may also be discussed with members of a multi-agency team who supports them – e.g. – CAMHS to ensure all parties are in receipt of up to date information which enables them/ the multi-agency team who support to make informed responses/ suggestions of ways to proceed which are in the pupils' best interests.

### **Pupils who have been bullied will be supported by:**

- Being offered an immediate opportunity to communicate their experience to an adult of their choice
- Reassuring the pupil
- Offering support to the pupil
- Careful monitoring; staff will provide additional support if/ as required dependent upon the well-being presentation of the pupil involved

### **Pupils who have bullied will be helped by:**

- Discussing where possible what happened
- Discovering why the pupil became involved
- Establishing with the pupil the wrong doing and the need for change in behaviour
- Informing parents/ carers to help improve the attitude/ behaviour of the pupil where this is possible arranging a face to face meeting if/ as appropriate
- Update of any positive behaviour plan/ well-being plan/ communication plan or IEP to outline positive strategies/ targets to assist the pupil in understanding of how to act/ behave towards others
- Referring the pupil to any external agency if this is deemed suitable (e.g. – SaLT, OT)

### **Staff:**

Harassment and bullying at work is totally unacceptable. It is important that schools take measures to prevent and tackle bullying among pupils and make it clear that bullying of staff, whether by pupils, parents or colleagues, is unacceptable deeming it to be unprofessional conduct.

If any bullying incident reported by a member of staff identifies any other employee within the school, it will act in accordance to the whistleblowing policy and the incident will be fully investigated; the Headteacher will contact the HR department to discuss potential investigation routes which may include the disciplinary route.

The Headteacher will act upon the advice and guidance received from HR recording all such advice for future reference. The school will contact the Trustees and the Whistleblowing governor and continue to update them as the investigation proceeds; any investigation will reach a conclusion. This again, will be discussed with the HR department and information relayed to the Trustees and Whistleblowing governor. All notes made regarding investigation and conclusions reached will be stored within staff personnel files; copies of all documentation will always be available to the member of staff concerned.

If through investigations any member of staff has been considered as acting unprofessionally or outside of the school code of conduct the school will act in accordance to HR advice provided and initiate the implementation of alternative policies – e.g. – disciplinary policy/ grievance procedure.

Staff who have been bullied will be supported by:

- Offering an immediate opportunity to discuss the experience with a member of staff of their choice outlining that all discussion will be documented which maintains confidentiality of which they will be provided a copy
- Be provided reassurance that the bullying in the workplace reported will be addressed via an investigation and offered continuous support
- The staff investigating will interview everyone involved (if bullying has occurred in the workplace) and will keep a detailed record (this will be held in accordance to the school's data protection policy/ practice)
- Signposting/ use of specialist support/ interventions and/ or referrals to other agencies e.g. police involvement/ occupational health
- Providing help and advice on how to remove online material

### **Parents:**

Most concerns about bullying will be resolved through discussion between home and school. However, where a parent feels their concerns have not been resolved, they are encouraged to invoke the complaints policy which is published on each schools' website. Where a pupil is involved in bullying others outside school, i.e. in the street or through the use of internet at home, parents will be asked to work with the school in addressing their child's behaviour, for



example, restricting/ monitoring their use of the internet or mobile phone. The school will signpost/ refer the family to external support agencies for further support if/ as required.

## **Preventative measures**

Our school will:

- Ensure the school's PSHE offer implemented identifies sequenced learning which focuses upon the development of pupils' interpersonal skills and relationships, and includes personal safety
- Ensure the curriculum offer secures effective awareness of the nature of bullying and the impact this can have; such coverage will also be included in assemblies, and across the school day/ week via timetabled sessions which may include tutorials, golden time, drama, theatre workshop in an attempt to eradicate any such behaviour/ raise pupils' awareness of acceptable/ unacceptable behaviours
- Maintain a safe learning environment in which everyone's voice is recognised and listened to ensuring pupil voice is sought, acknowledged and acted upon particularly through views obtained via EHCPs, pupil questionnaires and the work of the school council
- Consider the use of specific strategies which support the identified personalised learning needs of our pupils which will include bespoke target setting/ Progress reviews
- Provide structured learning opportunities for all pupils to interact with their peers
- Seek to develop links with the wider community that will support inclusive, anti-bullying education
- Participate in local and national initiatives such as Anti-Bullying Week; cascade to staff information received regarding such initiatives
- Refer to the guidelines on 'Bullying in the Workplace' where an adult in the community believes that he/ she is being bullied by another adult
- Continue to monitor the bullying log identified via CPoms ensuring any/ all incidents of bullying are fully investigated and concluded acting upon any planned developments required within the time frames specified
- Monitor the impact of this policy measuring the success of it on the examination of the data obtained via pupil, parent and staff questionnaires undertaken over each academic year
- Ensure staff training and general awareness training covers all aspects of bullying
- Publish the whistleblowing policy and the name of the whistleblowing Governor upon the schools' web site and across the school building

Through such work we can (**Impact**):

- Foster in our pupils' further opportunities to develop/ promote their self-esteem, self-respect and respect for others
- Demonstrate by example, the high standards of personal and social behaviour we expect of our pupils
- Discuss bullying with all classes; identify rules/ codes which encourage pupils to continue to develop fundamental skills via their communication and interactions with others including the way we treat others, so that every pupil learns/ has a further awareness about the damage bullying can cause and the importance of telling a member of staff about bullying if it happens
- Be alert to distress and other possible indications of potential bullying
- Listen to children if they feel they have been bullied, take what they say seriously and act according to the school's protocols
- Deal with any observed instances of bullying promptly and effectively reporting any concerns directly to line managers
- Follow up any complaint by a parent/ carer about potential bullying and report back promptly and fully on the action that has been taken including the information received via any information gathering process used if this does not breach confidentiality

## **Sanctions**

The following sanctions can be used within the school, and will be adjusted to take into account the level of understanding of the pupil; the school will endeavour to maintain support for the pupils even when sanctions have been applied:

- 5.1 Parents informed
- 5.2 Official warnings to cease bullying behaviour
- 5.3 Exclusion from certain areas of the school
- 5.4 Minor fixed-term exclusion
- 5.5 Major fixed-term exclusion
- 5.6 Permanent exclusion

Before any exclusion takes place the school will liaise with the LA SEND caseworker and social care officer (if there is active involvement) to discuss any potential outcomes. If any behaviour does result in a fixed term/ permanent exclusion the school will adhere to the protocols/ timeframes outlined within the school's behaviour policy.

## **Promotion of this Policy**

The policy and methods for reporting bullying concerns will be promoted in school, for example in induction packs new staff and through regular awareness raising activities with existing staff.

The school will remind all members of the school community to be alert to the possibility of breaches of this policy and will take appropriate action; each school will additionally uphold the aims and outcomes of the school's Prevent policy.

## **Recording & Reporting:**

The Headteacher will be responsible for the implementation of this policy and how it is upheld across the school; such monitoring will enable the Headteacher to determine the effectiveness of this policy and help them provide recommendations to ensure it continues to meet its fundamental intent. The Headteacher will hold all data in relation to the number of bullying incidents reporting this to Trustees/ LGB each term; reports made will use data from the previous term.

This policy will be update in accordance with any revised advice and guidance received by the school. This policy will be formally monitored by the Headteacher and Safeguarding Trustee/ Governors.