

Bullying Involving Children with Special Educational Needs and Disabilities

Safe to Learn: Embedding anti-bullying
work in schools



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Summary

'Every child is unique – in characteristics, interests, abilities and needs; and every child has the ability to enjoy his or her rights without discrimination of any kind.' (Thomas Hammarberg, 1997)

Bullying is one of the most damaging forms of discrimination. This guidance provides advice on dealing with bullying involving children with special educational needs (SEN) and disabilities. It is designed to help schools to:

- Support learners with SEN and disabilities.
- Understand, prevent and respond to bullying of children with SEN and disabilities.
- Eliminate disability based discrimination and harassment.
- Develop a non-bullying ethos.

And by doing so

- Raise achievement and participation in safe, positive environments.
- Meet legal safeguarding obligations and comply with the Disability Discrimination Acts and other legislation.
- Build on the requirements of the SEN Code of Practice.
- Uphold the fundamental human right of children to be free from abuse.

It is relevant to all types of school.

Safe to Learn defines bullying as: Behaviour by an individual or group usually repeated over time, that intentionally hurts another individual or group either physically or emotionally.

Bullying can involve verbal taunts, name calling, physical injury, damage to property, rumour spreading, shunning or ridicule. It can be manipulative, making the disabled pupil do something they should not, or deliberately engineering their discomfort or isolation. It can be done through mobile phones, websites and email (cyberbullying).

Some children with SEN and disabilities may not recognise that they are being bullied or that their own behaviour may be seen by someone else as bullying.

'In the classroom, if you ask for help it's like, they laugh at you. They scribble on your work 'n then you take it back to the teacher and you get blamed for scribbling over your work.' (Boy with learning difficulties)

SEN and disability; who do we mean?

Two main definitions are used to inform decisions about supporting children with SEN and disabilities. They are the Disability Discrimination Act 1995 definition of a disabled person as someone who has *'a physical or mental impairment which has a substantial and long-term adverse effect*

on his or her ability to carry out normal day-to-day activities.' and the special educational needs definition of children who have learning difficulties or disabilities that make it harder for them to learn or access education than most children of the same age.

According to the social model of disability, 'disability is caused by the way society is organised, rather than by a person's impairment or difference. This approach looks at ways of removing barriers which restrict life choices for people with impairments or differences' www.childreninthepicture.org.uk/au_socialmodel.htm

Why issue additional guidance for children with SEN and disabilities?

Reports from the Children's Commissioner, the National Autistic Society and Mencap show that children with SEN and disabilities are more likely than their peers. A 2007 Mencap survey found that eight out of ten respondents had been bullied and six out of ten had been physically hurt.

Children with SEN and disabilities are a diverse population. They have many skills and talents. They also have a wide range of very different needs. This includes children with complex health needs, children with learning disabilities, children with sensory impairments and children with social and behavioural needs. Some of these children will require support in school, some will not. For all children with SEN and disabilities discrimination based on their needs can be a challenge. Children with SEN and disabilities may;

- be adversely affected by negative attitudes to disability and perceptions of difference;
- find it more difficult to resist bullies;
- be more isolated, not have many friends;

- not understand that what is happening is bullying;
- have difficulties telling people about bullying.

This needs to be addressed across the school and particularly in the school anti bullying policy. Duties for schools and local authorities established through the Disability Discrimination Act 2005 have helped make tackling this a priority.

It is also important to recognise that all children are potentially vulnerable to bullying and that learners with SEN and disabilities may be bullied for a range of other reasons too. Many disabled people also experience bullying in adult life. This makes developing a positive culture and anti bullying message in school even more important.

'Bullying's just... like I've only got 2 friends in this entire school... everyone else just like runs away from me or gives me abuse. Everything they do to me is abuse. Well, they sort of swear at me, hit me, throw stuff at me.'

Anti-bullying approaches

Anti-Bullying work takes two tracks. Preventative work is ongoing and sustained, providing a consistent ethos and framework, while responsive work comes into effect in dealing with bullying behaviour. Preventative work involves the whole school community in agreeing a set of standards on behaviour in school.

To achieve this, it is essential that all learners, parents and staff understand what is meant by bullying. Some learners with SEN and disabilities are less likely than others to recognise and report bullying behaviour. They may need help to do this. There are many effective approaches to address bullying behaviour, these should be used within a whole school approach to maximise their effectiveness. More information at: www.anti-bullyingalliance.org.uk

Because learners with SEN and disabilities will have varied needs, selecting the right approach needs sensitivity and awareness of the strengths of the children involved. For example;

- Learners with language difficulties are less likely to find verbal fogging techniques work for them.
- Some learners will struggle to remember details of an incident several days later. This means that in their case, action should be taken at once if it is to be meaningful.
- Some learners with SEN and disabilities cannot recognise bullying behaviour nor identify the child who is using bullying behaviour. In such circumstances, work with bystanders and ongoing proactive work will be most productive.

Moving between settings

For learners who use a mix of special and mainstream provision, bullying can be a particular concern as they are repeatedly moving in and out of different environments. This can either be between schools, between school sites, or from a specialist unit into mainstream classrooms. These moves can be one off or regular and often lead to children being exposed to new people and environments which can be daunting. Learners with autism often find change difficult and may be particularly anxious at these times.

All of these transfers require preparation and support. They may make learners vulnerable to bullying if not handled with care. Learners report that where they are seen as outsiders they are more at risk. Their safety can rely on bystander support and proactive strategies already in place. Some schools set up the following:

- Induction Groups for new learners.

- Opportunities to view the other site on a webcam or DVD.
- Prepare Welcome booklets.
- Provide support groups of peers in school.
- Have trained peer supporters visit primary or special schools before the proposed move.

'You can't do anything about it. You can't tell. 2 reasons – 1... you don't know their name [said due to size of the school] so they'll get away with it, 2... you'll get bullied even more cos they'll call you a grasser.'

Prevention: actions

A whole school approach develops and reviews a strategy by regularly consulting the entire school community. Learners with a range of needs including learning disability, sensory impairment and behavioural, emotional and social difficulties, (BESD) may require specific communication support to state their views. Also in reporting bullying, staff will need to check their understanding. Many children with autism for example are assumed to understand much more than they do in social situations.

A range of tools can be developed with learners to counter prejudice and foster a positive ethos. These include;

- Posters.
- Films on DVD;
- anti-bullying songs.
- drama productions about bullying or difference.
- PowerPoint presentations.
- Online activities including researching topics and producing information for their school.
- Assemblies with a focus around different needs.

'They don't always believe you when you tell'

Where learners with SEN and disabilities are concerned, communication across the staff team is essential. All staff working with children need to know of their individual needs, although will not need to have detailed information on a particular child's SEN and disability unless there is a specific reason. This could be a reasonable adjustment to support their needs. They will need to know the extent to which a learner's SEN and disability may lead them to bully others or display disruptive behaviour.

Staff need to be alert to changes in learners' behaviour and make sure they understand the cause. Often it is due to factors not related to their SEN or disability. Some learners with SEN and disabilities may be unable to recognise that they are being bullied and may not be able to report it. They may have been threatened or feel that they will not be believed. A preventative programme challenges prejudice and works with the majority of learners to reinforce messages that bullying is not to be tolerated.

The list below highlights what to consider to make sure all learners feel confident they can report bullying and be heard.

- Is there a quiet place in school to go to and talk?
- Does the staff member understand the child's communication needs?
- Can the child understand the staff member?
- Are their personal communication tools available to them?
- Have they had time to calm down and fully tell what they want to?
- Does the child need a supporter?
- Are staff visible and available to all learners out of the classroom?

Responding: Actions

Bullying should not be tolerated and should always be followed by an immediate and appropriate response. This response should be selected from a menu of tools within consistently applied framework. A 'one size fits all' approach is unhelpful when supporting children with a range of SEN and disabilities who experience bullying.

When choosing an approach, knowledge of the learner's particular needs and the impact on their social development is essential. For example for some children with learning difficulties who have been bullied, it may be necessary to act very quickly while the child can remember what took place. In other cases allowances may need to be made because a learner with BESD demonstrates anti-social behaviour but did not intend to bully.

'Listen to the child even if it takes them all day to tell you what the problem is.'

"I may not have speech, but I have a voice – I can give my opinions, I can even argue!!"

Action Summary

Celebrate the anti-bullying work of the school and all of its pupils.

Adopt a rights-based approach to bullying – children with SEN and disabilities have the same right to be safe as other children.

Have a robust and consistent whole-school approach to bullying, which makes it clear that bullying on the grounds of disability will not be tolerated.

Schools can also:

Embrace the Disability Equality Duty and pro-actively promote equality. Work to eliminate harassment and discrimination and produce a Disability Equality Scheme.

Ensure the school environment is welcoming, supportive and inclusive of children with SEN and disabilities.

Make disability equality training available to all staff.

Listen to the views of children with SEN and disabilities on bullying

Promote their participation in developing and reviewing policies and practice using appropriate communication systems.

Establish appropriate, comfortable and safe support mechanisms to help Children with SEN and disabilities who are being bullied.

Use a variety of methods to explore the issues of disability, SEN and bullying in a supportive and non-threatening way within the curriculum to underpin an inclusive and positive school ethos involving all learners.

Ensure learners with SEN and disabilities have opportunities to participate in school clubs and groups, to develop friendships and take an active part in all aspects of school life.

Support learners with SEN and disabilities and prevent bullying, with schemes such as befriending and buddying schemes, peer mentoring and circle of friends.

Avoid making learners feel powerless, helpless or passive.

Legal duties and guidance – what do schools have to do?

The Disability Discrimination Act

The Disability Discrimination Act 1995 (as amended), section 49A, requires schools to take a more proactive approach to promoting disability equality and eliminating discrimination. Among its provisions are requirements on schools to promote positive attitudes towards disabled people and to

eliminate harassment. There are obligations for governors and head teachers.

The Act sets out two duties:

- ▶ a **general** duty to promote disability equality, which applies to all public authorities and schools.
- ▶ a **specific** duty on publicly-funded schools to prepare and publish a disability equality scheme showing how they are meeting the general duty.

The **general duty** requires schools, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled people and others.
- Eliminate unlawful discrimination.
- Eliminate harassment of disabled people that is related to their disability.
- Take steps to take account of disabled people's disabilities, even where that involves treating them more favourably.
- Promote positive attitudes towards disabled people.
- Encourage participation by disabled people in public life.

Schools may need to:

- Raise awareness amongst staff and pupils of disability-related harassment.
- Understand the nature and prevalence of bullying and harassment.
- Recognise and address bullying and harassment.
- Involve pupils themselves in addressing bullying.

The **specific duty** requires schools to:

- Prepare and publish a disability equality scheme.

- Involve disabled people in its development.
- Implement the scheme.
- Report on it.

The need to eliminate harassment of disabled people should impact directly on disabled pupils' experience of bullying in schools. The resource pack '*Implementing the DDA in schools and Early Years Settings*' offers further information and can be found at: www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

Governors have a responsibility to:

- Lead on shaping the ethos of the school.
- Review the school's behaviour policies, set the agenda for making these effective; publish and review a disability equality scheme and ensure that staff and pupils are protected from discrimination on the grounds of disability.

Head teachers' legal responsibilities are to:

- Determine and publicise the more detailed measures (rules, sanctions, rewards and behaviour management strategies) on behaviour and discipline that form the school's behaviour policy, acting in accordance with the governing body's statement of principles. The measures must be determined with a view to encouraging good behaviour and respect for others by pupils and, preventing all forms of bullying among pupils.
- Consider whether any adjustments are needed to the policy to take account of the needs of children with SEN and disabilities.

As school policies are updated in line with disability equality duties, head teachers and the senior management team should ensure that they

are understood and followed by the whole school community to enhance the experience of school life for learners with SEN and disabilities. It is a legal requirement to consult with the head, staff, parents and pupils when making or revising the statement of principles and to involve disabled people in developing the disability equality scheme.

The **SENCO** has a particular role to play in ensuring the well being of children with SEN and disabilities.

As well as being champions of inclusion, SENCOs can:

Encourage staff training in disability equality and raise awareness of the disability equality duties.

Contribute to policy development and review and enable the participation of disabled children in consultations.

Ensure learners with SEN and disabilities who are bullied receive support and help in preventing and dealing with it.

Monitor the impact of anti-bullying interventions on individual learners with SEN and disabilities.

Ensure learners with social and behavioural needs receive appropriate support to prevent bullying behavior where needed.

For more information see: www.anti-bullyingalliance.org.uk/ and www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/

'If you see someone who has obvious differences, look past that and see what they CAN actually do. People see the wheelchair and don't actually see the person. Don't assume what they can do – actually talk to someone.'

(Laura 15)

Section 1

Introduction

'Even if we look different, we've all got the same blood.' (Primary pupil)

Safe To Learn is a suite of guidance materials for mainstream and special schools.¹

It consists of an overarching document, *Safe to Learn: Embedding anti-bullying work in schools*, and supplementary guidance on the following specific forms of bullying:

- racism, religion and culture
- homophobic bullying
- cyberbullying
- special educational needs (SEN) and disability.

This document forms the supplementary guidance on identifying and dealing with bullying involving children and young people with SEN and disabilities (SEND). Practical guidance on dealing with allegations of bullying is provided in Section 4 of *Safe to Learn*. Teachers and others working in schools will find it helpful to use this Guidance as a supplement to *Safe to Learn* and to cross-reference back to it when necessary.

For ease of reading, we have used 'children' to mean 'children and young people' throughout the text.

To reflect legal terms, we have used Special Educational Needs and Disability (SEND) to describe the range of physical, learning, behavioural and sensory needs children and young people may have.

This guidance is designed to help schools support learners with SEN and disabilities to:

- understand, prevent and respond to bullying of children with SEN and disabilities
- increase the participation of all learners in the life of the school
- promote equality and diversity
- develop a non-bullying ethos.

And by doing so:

- raise achievement and participation in safe, positive environments
- take actions which meet their legal safeguarding obligations and comply with the Disability Discrimination Act 1995 (DDA) and other legislation
- build on the requirements of the SEN Code of Practice

¹ Safe to Learn (2007) www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn/

- uphold the fundamental human right of children to be free from abuse.

What do we mean by bullying?

'Bullying's just... like I've only got two friends in this entire school... everyone else just like runs away from me or gives me abuse. Everything they do to me is abuse. Well, they sort of swear at me, hit me, throw stuff at me.'

Definitions of bullying

The publication *Safe To Learn: Embedding anti-bullying work in schools* describes bullying as:

'Behaviour by an individual or group usually repeated over time that intentionally hurts another individual or group either physically or emotionally.' [para 1.6]

Bullying includes:

name calling; taunting; mocking; making offensive comments; kicking; hitting; pushing; taking belongings; inappropriate text messaging and emailing; sending offensive or degrading images by phone or via the internet; producing offensive graffiti; gossiping; excluding people from groups; and spreading hurtful and untruthful rumours.

Although sometimes occurring between two individuals in isolation, it quite often takes place in the presence of others. [para 1.7]

The Anti-Bullying Alliance has produced this easy-to-read definition of bullying:

*People doing nasty or unkind things to you on purpose, more than once, which it is difficult to stop.*²

The DDA places additional duties on schools. The DDA requires schools to have due regard to a range of actions, which include:

- eliminating discrimination that is unlawful under the DDA
- eliminating harassment of disabled people that is related to their disability.

More information on these duties can be found in Appendix 1.

For all children and young people, bullying can be a barrier to education and a fulfilled life. With this in mind, the government has made tackling bullying in schools a priority. This guidance addresses particular issues for learners with SEN and disabilities. Sections 2 and 3 examine prevention and responses in detail.

SEN and disability, who do we mean?

'We all act strange at some time in our lives and we all need friends. Remember, you don't know if it could happen to yourself one day. I know I could never see it happening to me but it did.'

Public bodies, local authorities and schools use two key definitions to inform their decisions about providing support to disabled children and those with SEN. One definition is from the DDA and the other is from the Education Act 1996. The extract below, from *Implementing the Disability Discrimination Act in schools and early years settings*, sets them out.

The DDA defines a disabled person as someone who has *'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'*

The term 'physical or mental impairment' also includes sensory impairments and hidden impairments. In the DDA 'substantial' means 'more than minor or trivial'. 'Long-term' means that it has lasted or is likely to last more than 12 months or for the rest of the life of the person affected.

The definition is broad and includes children with a wide range of impairments, including learning disabilities, dyslexia, diabetes or epilepsy where the effect of the impairment on the learner's ability to

2 Anti-bullying Alliance Audit Tool Group and Smith, PK (2006)

carry out normal day-to-day activities is adverse, substantial and long-term. A significant number of learners are included in the definition.³

The term “special educational needs” (SEN) has a legal definition, referring to children who have learning difficulties or disabilities that make it harder for them to learn or access education than most children of the same age.’⁴

Many children who have SEN will also be defined as having a disability under the DDA, particularly those at School Action Plus, Early Years Action Plus, or who have a statement of SEN. This should be considered for planning purposes and for the avoidance of discrimination.⁵

For further information on these definitions see www.teachernet.gov.uk and www.equalityhumanrights.com

The social model of disability offers a different perspective on disability stating that:

‘disability is caused by the way society is organised, rather than by a person’s impairment or difference. The Social Model of Disability looks at ways of removing barriers which restrict life choices for people with impairments or differences. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.’ (www.childreninthepicture.org.uk/au_socialmodel.htm)

The social model of disability definition was further set out in a policy context in the Cabinet Office report *Improving the Life Chances of Disabled People* (2005) as follows.

‘Disability should be distinguished from impairment and ill health. For the purposes of this report, disability is defined as:

- *disadvantage experienced by an individual...*
- *... resulting from barriers to independent living or educational, employment or other opportunities ...*
- *... that impact on people with impairments and/or ill health.’*

In schools this ethos is a key element of developing a truly inclusive environment and an effective disability equality scheme and anti-bullying policy.

The Cabinet Office report goes on to outline a range of barriers that disabled people face, which is equally pertinent to schools.

The types of barriers faced by disabled people include:

- **attitudinal**, for example among disabled people themselves and among employers, health professionals and service providers
- **policy**, resulting from policy design and delivery which do not take disabled people into account
- **physical**, for example through the design of the built environment, transport systems, and
- those linked to **empowerment**, as a result of which disabled people are not listened to, consulted or involved.⁶

Why issue additional guidance for children and young people with SEN and disabilities?

As the Cabinet Office report above shows, disabled children and those with SEN face a range of entrenched, institutional barriers, which schools are at the forefront of tackling.

3 ‘Implementing the DDA in schools and early years settings’. (2007) See www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

4 www.direct.gov.uk

5 ‘Implementing the DDA in schools and early years settings’. (2007) See www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

6 Cabinet Office (2005) *Improving the Life Chances of Disabled People* report

In addition to these wide-reaching barriers, evidence shows that children with a range of needs are more likely to experience bullying than their peers.⁷ A report from the Children's Commissioner in 2006⁸ and another by the National Autistic Society in 2007⁹ demonstrate that children with SEN and disabilities are more likely than their peers to be bullied. In a 2007 survey of children with learning disabilities, Mencap found that eight out of 10 respondents had been bullied and six out of 10 had been physically hurt.¹⁰

Like any group of children, those with an SEN or disability are a diverse population. They have many skills and talents. Between them, they also have a wide range of needs. The group includes children with complex health needs, children with learning disabilities, children with sensory impairments and children with behavioural needs. Some of these children will require a level of support in school, some will not. For all children with SEN or disability, bullying is a real issue. The common difficulties which some groups of children encounter need to be addressed in the school's anti bullying policy. For example, they may find:

- negative attitudes to disability
- negative perceptions of difference
- it is more difficult to resist bullies due to their disability
- they are more isolated due to their disability
- they do not understand that what is happening is bullying

- they have difficulties telling people about bullying.

Bullying involving children with SEN and disabilities has – until recently – received limited attention at a national and local level. New duties for schools and local authorities established through the DDA 2005 have helped make tackling this a priority.

It is also important to recognise that all children are potentially vulnerable to bullying but that learners with SEN and disabilities may be bullied for a range of other reasons too. Furthermore, many disabled people experience bullying in adult life. This makes developing a positive culture and an anti-bullying message in school even more important.

Who is this guidance intended for?

This document is part of the Department for Children, Schools and Families (DCSF) *Safe to Learn* suite of anti-bullying guidance materials for schools. It is aimed at maintained schools (including maintained nursery schools), maintained special schools and Pupil Referral Units; although it is relevant to all types of school in England.

Increasingly schools are required to work in partnership with a range of agencies, organisations and bodies, for example, in clusters, with local authorities, youth services and extended service providers. Increasingly, schools are expected to work in partnership with a range of other agencies. These agencies may also find this guidance useful. For example:

Children and Young People's Strategic Partnership Board

7 Parent Partnership Survey of parents of children and young people with SEN, Oxfordshire, 2007. Dawkins 1996; Thompson, D, Whitney, I & Smith, PK (1994) Nabuzoka, D & Smith, PK 1993; Martlew, M & Hodson, D, Dawkins, JL (1996) 'Bullying, physical disability and the paediatric patient', *Developmental Medicine and Child Neurology*, 38, 7, 603-12; Thompson, D and others (1994) 'Bullying of children with special needs in mainstream schools', *Support for Learning*, 9, 3, 103-6; Nabuzoka, D and Smith, PK (1993) 'Sociometric status and social behaviour of children with or without learning difficulties', *Journal of Child Psychology and Psychiatry*, 34, 1435-48; Martlew, M and Hodson, D (1991) 'Children with mild learning difficulties in an integrated and in a special school: Comparisons of behaviour, teasing and teachers' attitudes', *British Journal of Educational Psychology*, 61, 355-72; (1991).

8 *Bullying Today* (2006) Report for the office of The Children's Commissioner (now known as 11 million).

9 *It is for Bullied* (2006) National Autistic Society

10 Mencap (2007) *Bullying Wrecks Lives: the experiences of children and young people with a learning disability*

Children's Trusts/Services Authorities
 Community safety teams
 Educational psychology teams
 Extended Schools remodelling advisors and
 Extended Schools clusters
 Local Children's Safeguarding Boards (LCSF)
 Local multi-agency anti-bullying groups
 The National Strategies
 Residential and secure settings
 Safer School partnerships
 Voluntary and community sector groups
 Youth Offending Services
 Youth services.

The National Context: Every Child Matters

The Every Child Matters programme focuses the education sector and the wider children's sector on supporting children to achieve positive outcomes. Learners who may be experiencing impairment-related bullying are less likely to meet the outcomes of Every Child Matters.

- **Being healthy:** children with complex health needs may need extra support to access the curriculum and have a degree of independence from support staff to make friends.
- **Staying safe:** disabled children may experience physical or mental harm when bullied because of their impairment. They may also be more at risk of bullying because of their impairment (for example, they may be less able to move away or vary journeys to or around school because of mobility problems; have problems with communication or 'looking different'; have cognitive or other impairments which make anticipation and avoidance very difficult; and of course need, in some cases, personal support). They are also likely to have contact with far more people in their

everyday lives, which may also increase the risk of bullying by staff as well as learners.

- **Enjoying and achieving:** children with SEN and disabilities may need extra support to access a full range of activities and the curriculum, and to achieve their full potential. Fear of bullying may prevent their full participation in school activities.
- **Achieving economic well-being:** children with SEN and disabilities often have fewer expectations placed upon them in accessing vocational qualifications and work. Being bullied could further contribute to their decision not to stay on in education.
- **Making a positive contribution:** children experiencing bullying related to their impairment will be discouraged from making a positive contribution to their school life and to their community.

Most recently, the government has published the *Children's Plan; Aiming High for Disabled Children; Aiming High for Young People: A ten year strategy for positive activities; and Aiming High for Children: Supporting families*. These documents set out government's intentions across a range of work areas on improvements for all children and young people. More information can be found at: www.dfes.gov.uk/publications/childrensplan and www.everychildmatters.gov.uk

Conclusion

Anti-bullying work is a key consideration in behaviour management and pastoral care. It has every child's right to be safe as a cornerstone and, additionally, offers unique opportunities to demonstrate an ethos of equality while developing social skills, responsibilities and relationships

among all learners. It also encourages creativity and fosters a sense of belonging and citizenship.

In order to achieve this, learners with SEN and disabilities require particular attention. Schools and local authorities have specific duties under education- and rights-based legislation concerning disability. These duties are to ensure that learners' special educational needs are identified, assessed and provided for and that they are not discriminated against because they have an impairment. The Disability Equality Duty provides a clear legal framework for tackling bullying and harassment of children with SEN and disability.

Section 2: Legal duties and guidance relating to learners with SEN and disabilities – what this means for your school

For information on general legislation regarding bullying, please see *Safe To Learn: Embedding anti-bullying work in schools* accessible at: www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn

For information on the Human Rights Act, and the United Nations Convention on the Rights of the Child (UNCRC), go to www.crae.org.uk

Beyond the general requirements set out in *Safe to Learn*, there is further legislation and guidance for supporting schools to embed effective practice when supporting learners with SEN and disabilities. The following pages give a summary of the key responsibilities of governors, headteachers and teachers.

These duties and policies are covered in detail in *Appendix 1* and in the resource: *Implementing the DDA in schools and early years settings – a training resource for schools and local authorities*. See www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0 for further information.

Governors

Governing bodies have a responsibility to shape the ethos of a school. Creating an inclusive ethos so that all members of the school community feel safe and valued represents the most powerful

intervention governors can make. While achieving an inclusive school requires a team effort, there are a number of ways governing bodies must take the lead: by developing policies and practice; and consulting the school community.

Develop policies and practice

Determine and keep under review the statement of principles that shapes the schools' behaviour policies.¹¹

- Set the agenda for effective behaviour and anti-bullying policies, which take account of all members of the school community.
- Publish and keep under review a disability equality scheme which sets out how the general disability equality duties¹² will be implemented
- Review all school policies in line with disability equality duties and remain aware that staff as well as pupils are protected in law from discrimination on the grounds of disability.
- Be proactive in eliminating harassment of disabled people that is related to their disability.¹³ As well as reacting to bullying and harassment of disabled pupils, governing bodies must act positively to

11 Education and Inspections Act 2006, Sections 88 and 89.

prevent it. The disability equality duties provide a framework for this, requiring governing bodies to promote positive attitudes towards disabled pupils.

- Make reasonable adjustments to avoid placing disabled pupils at a substantial disadvantage in comparison with pupils who are not disabled.¹⁴ This is an anticipatory duty which means that governors and staff cannot wait until a pupil is attending the school before making adjustments. It may mean focusing resources on a particular aspect of school development such as staff training or changing a policy which impacts unfairly on particular groups of disabled pupils.
- Be proactive in improving access to teaching and learning for disabled pupils and increase their participation. Improve communication with them and make changes to the physical environment in ways which could prevent bullying.¹⁵

Consulting the school community

By consulting and involving all members of the school community, governors can ensure that policies are informed by and responsive to learners' experiences of bullying. It is a legal requirement to consult with the headteacher, staff, parents and learners when developing or revising the statement of principles; and to involve disabled people, who appear to have an interest in the way it carries out its functions, in the production of the disability equality scheme. See Section 3 for

information on successful consultation and participation of learners with SEN and disabilities.

Headteachers

Headteachers have day-to-day responsibility for turning the governing body's vision for the school into reality. They should lead in building the school's ethos, making the school welcoming, supportive and inclusive of disabled pupils and staff to ensure they are at the core of planning and their needs are considered as a priority. This should be an expectation of the whole school community and of the services provided by and associated with the school.

Headteachers' legal responsibilities are as follows.

- To determine and publicise the more detailed measures (rules, sanctions, rewards and behaviour management strategies) on behaviour and discipline that form the school's behaviour policy, acting in accordance with the governing body's statement of principles.¹⁶ The measures must be determined with a view to encouraging good behaviour and respect for others on the part of the learners and, in particular, preventing all forms of bullying among learners.
- To consider whether any adjustments are needed to the policy to take account of disabled children.

As school policies are updated in line with disability equality duties, headteachers and the senior management team must ensure that they are understood and followed by the whole school

12 The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005, SI No. 2966

13 Disability Discrimination Act 1995 (as amended), Section 49A

14 Disability Discrimination Act 1995 (as amended), Part 4.

15 Disability Discrimination Act 1995 (as amended), Sections 28D and 28E.

community to enhance the experience of school life for disabled learners.

Action on bullying

Initial steps schools should consider to tackle bullying and harassment of disabled pupils include:

- ensuring staff receive appropriate training in disability equality, and how to recognise and deal with bullying
- developing a system of recording incidents of bullying of learners with SEN and disabilities and ensuring staff know of and use it consistently (see *Safe to Learn*, para 5.7, for specific information)
- determining and ensuring the implementation of a policy for the pastoral care of learners that considers the particular needs of disabled learners
- celebrating the anti-bullying work of the school and its learners
- ensuring disabled learners have opportunities to participate in school clubs and groups, to develop friendships and take an active part in all aspects of school life
- involving disabled learners when reviewing policy documents, including the disability equality scheme and behaviour and anti-bullying policies, by ensuring that they are supported to participate
- ensuring 'pupil voice' policies enable the school to capture all aspects of their learners' communications, including behaviour-related information
- providing structures and systems that respond effectively to the 'pupil voice', so

that the views of learners are known to be significant

- demonstrating and acknowledging a range of success measures, beyond those of the academic achievement traditionally valued by schools, so that all learners feel valued.

Teaching staff

The National Curriculum Inclusion Statement sets out three principles of inclusion, which teachers are expected to consider at all levels of curriculum planning. These go beyond the boundaries of subject learning, looking at the wider context of learning. The three principles are:

1. Setting suitable learning challenges
2. Responding to pupils' diverse learning needs
3. Overcoming potential barriers to learning and assessment for individuals and groups of pupils.

Teachers should ensure that all learners feel secure and valued and consequently are able to learn and contribute to school life. Among the ways teachers can achieve this are by:

- promoting the well-being of individual learners and ensuring, as far as possible, that learners are free from bullying and harassment
- ensuring that learners who have experienced bullying are taken seriously
- helping learners to take responsibility for their actions
- helping learners to take a positive view of difference and challenging stereotypical views

- celebrating the successes of disabled learners
- helping learners to articulate their views and experiences
- modelling the behaviour and values they are trying to instil
- taking advantage of training opportunities to increase their understanding of disability and improve their ability to recognise bullying and manage behaviour
- providing well-differentiated accessible learning opportunities so that all learners experience the self-esteem and confidence that comes with success and achievement.
- ensure that learners with SEN and disabilities who are vulnerable to bullying receive support and help in preventing and dealing with it
- monitor the impact of anti-bullying interventions on individual learners with SEN and disabilities
- ensure learners with particular social and behavioural needs receive appropriate support to prevent bullying behaviour.

The government has recently consulted on regulations designed to strengthen the role of SENCOs in schools. For more information see www.tda.gov.uk/teachers/sen/nationalstandards.aspx and www.teachernet.gov.uk

Special educational needs coordinators (SENCOs)

Being responsible for coordinating provision for children with SEN and disabilities, the SENCO has an important and central role in ensuring their well-being. They are in close contact with learners with SEN and disabilities and the staff that teach them. They report regularly to parents on their children's progress. All school staff have a responsibility to support all learners who are bullied. SENCOs can contribute to this as they will often be aware of concerns in relation to bullying of children with SEN and disabilities.

As well as being champions of inclusion, SENCOs can:

- encourage staff training in disability equality and raise awareness of the disability equality duties
- contribute to policy development and review

Support staff

All school staff have a responsibility to support all learners. Learning support assistants are commonly working with one or a small group of learners with SEN and disabilities; and therefore have a key role in ensuring learners access the curriculum and in encouraging them to take part in wider school activities, like games at break times and making friends. Support staff who work closely with learners with SEN and disabilities may often have an important role in picking up signs that a child is being bullied, this is particularly important where a child may find it more difficult to report that they are being bullied.

Some schools are developing the role of Inclusion Mentor. More can be found on this at: www.teachernet.gov.uk

A note on the Education and Inspections Act (2006)

This Act brings together existing and new provisions on school discipline into a single chapter of education law to make it easier for

teachers and school staff to understand their powers. Amongst other things, the Act creates a clear, statutory power for members of school staff to impose disciplinary powers for inappropriate behaviours; enables headteachers to regulate the behaviour of learners when they are off the school site; and reiterates the power of school staff to use physical force in certain circumstances.

For more detailed information on duties please see Appendix 1 or *Implementing the DDA in schools and early years settings* at www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

Summary: action on bullying

Some steps to tackle bullying and harassment of disabled learners:

- Ensure staff receive appropriate training in disability equality and how to recognise and deal with bullying.
- Develop a system of recording incidents of bullying of learners with SEN and disabilities and ensure staff it is used consistently. Safe to Learn [para 5.7] has specific information
- Determine and ensure the implementation of a policy for the pastoral care of pupils which considers the particular needs of disabled pupils.
- Celebrate the anti-bullying work of the school and its pupils.
- Ensure disabled learners have opportunities to participate in school clubs and groups, to develop friendships and take an active part in all aspects of school life.
- Ensure disabled learners are supported to participate when policy documents, including the disability equality scheme and behaviour and anti-bullying policies, are reviewed.
- Ensure 'pupil voice' policies enable the school to capture all aspects of their learners' communication, including behaviour-related information.
- Ensure structures and systems are in place to respond to 'pupil voice' so that the views of learners are known to be significant.
- Demonstrate and acknowledge a range of success measures, beyond those of academic achievement traditionally valued by schools, so that all learners feel valued.

Section 3: Prevention

'In the classroom, if you ask for help it's like, they laugh at you. They scribble on your work 'n then you take it back to the teacher and you get blamed for scribbling over your work.' (Boy with learning difficulties)

Anti-bullying work takes a two-track pathway. Preventative work is ongoing and sustained, providing a consistent ethos and framework, while responsive work comes into effect when bullying occurs. This section looks at preventative approaches as part of a comprehensive, whole-school, anti-bullying strategy.¹⁷

Responses to individual incidents work more effectively within a consistent whole-school approach.¹⁸ It is essential to develop a strong inclusive ethos where bullying and prejudice is not tolerated. This is the foundation upon which bullying of children with SEN and disabilities can be effectively addressed.

Headteachers must determine measures on behaviour and discipline that form the school's behaviour policy, acting in accordance with the governing body's statement of principles. The DCSF recommends that anti-bullying policies are developed as part of the school's wider behaviour

policy. This policy should include references to learners with SEN and disabilities.

Developing a whole-school approach to anti-bullying

Safe to Learn sets out advice on developing a whole-school approach to preventing and dealing with bullying. The DCSF anti-bullying charter underpins this approach and can be found at:

www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/anitbullyingcharter

An adapted version of the charter with a focus on disability and further tools can be found at: www.anti-bullyingalliance.org

Children who may not be able to report incidents themselves are particularly dependent on a whole-school proactive approach. Bullying usually requires an audience. The majority of learners are a powerful group who form bystanders, supporters and reinforcers, but they could become defenders.¹⁹ Without their tacit or active support, bullying diminishes. A strong anti-bullying programme is likely to provide other benefits, such

¹⁷ This work will help to achieve PSA 13 and National Indicator 69 and will contribute to achieving Healthy School Status.

¹⁸ *Safe to Learn* www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn/

¹⁹ Salmivalli, C, Lagersetz, K, Bjorkqvist, K, Osterman, K, Kaukiainen, A (1995); Cowie, H. (2002) 'Not bystanding, but standing by: strategies for pupils to cope with bullying', *New Era in Education*, 83, 2, 41-43.

as happier, more confident learners, a fall in truancy or school refusal²⁰ and a rise in attainment.

Children with autism spectrum disorders (ASD) are particularly vulnerable as their difficulties with social interaction with peers may leave them isolated or unaware of the impact of their behaviour on others.²¹ Children with learning difficulties tend to have fewer friends than other children²² and a lack of friends puts children at a greater risk of being bullied.²³ A whole-school approach should promote positive images of disability. Alongside this, practical steps should be taken, such as setting up lunchtime clubs that offer new friendship groups and quiet spaces, trained peer supporters and well-trained staff.

Children with learning difficulties are less likely to seek help than their peers.²⁴ This may be due to difficulties they may have with reporting bullying, for example, learners with communication needs. Additionally, some children, particularly those with ASD and learning difficulties, may also find it hard to understand when they are being bullied.²⁵ This could make them an easier target, as bullies may realise they can more easily avoid detection. A proactive prevention programme will consider these challenges and provide supportive and easy pathways to reporting and defending.

Clarifying what is meant by 'bullying'

In order to fully recognise the scale of the challenge faced by learners with SEN and disabilities, it is necessary to ensure that all children understand what bullying is. Children need help to distinguish between different behaviours. For some learners their impairment will mean that they will find it very difficult to identify bullying behaviour or may not be able to report it.²⁶

In Section 1, bullying is defined and a child-friendly version provided.

Accepted definitions include three elements. It is behaviour which:

1. intentionally hurts another person either physically or emotionally
2. is usually repeated over time
3. is an abuse of power leaving the victim defenceless.

Occasionally an incident is a one-off example of bullying and an intervention is required to avoid a repetition taking place. Some incidents require action from an outside agency such as police, fire service or community safety. Where a learner has retaliated after months of persistent bullying, we advise that this be considered differently from an unprovoked attack.²⁷

20 Hawker, DSJ and Boulton, M (2000) 'Twenty years' research on peer victimization and psychosocial maladjustment: A meta-analytical review of cross-sectional studies', *Journal of Child Psychology and Psychiatry*, 41, 441-5, showed that bullying can exacerbate outcomes such as low self-esteem, depression, mistrust of others and school refusal. Coie, JD and Dodge, KA 'Aggression and anti-social behaviour', in Eisenberg, N (ed) (1998) *Handbook of Child Psychology*. New York: Wiley (vol. 3, pp 779-862), showed that good peer relations have been linked to positive adjustment to school life and academic success. Pellegrini, AD and Blatchford, P (2002) 'Time for a break', *The Psychologist*, 15, 2 60-2, showed that 53% of parents surveyed for the National Autistic Society (2006) said bullying had caused their child to miss school or change schools.

21 Smith, PK, & Tippett, N (2007) *Bullying and Disability Research Briefing*. Anti-bullying Alliance, available online at: www.anti-bullyingalliance.org.uk/downloads/pdf/spotlight_brief_issue9.pdf,

22 Martlew, M and Hodson, J (1991). Children with mild learning difficulties in an integrated and in a special school: Comparisons of behaviour, teasing and teachers' attitudes. *British Journal of Educational Psychology*, 61, 355-372

23 Hodges, EVE Malone, MJ and Perry, DG (1997) Individual risk and social risk as interacting deterrents of victimization in the peer group. *Developmental Psychology*, 33, 1032-1039

24 Wenz-Gross, M and Siperstein, GN (1997). Importance of social support in the adjustment of children with learning problems'. *Exceptional Children*, 63, 183-193

25 National Autistic Society website www.autism.org.uk

26 Heinrichs, R (2007) *Perfect Targets. Asperger syndrome and bullying: Practical solutions for surviving the social world*. Kansas: Autism Asperger Publishing Co.

27 DCSF (2008) *Safe To Learn: Embedding anti-bullying work in schools*, 24.

Group sessions, drama, posters and assemblies can be regularly used to explore how everyone would like to be treated and to define bullying, so that every member of the school community knows what it is and, equally, what would not be considered bullying (including, for example, a serious incident of another sort). Work to define bullying can be done in the classroom, Circle Time, PSHE and Citizenship lessons and by the school council. Learners can help make PowerPoint presentations or DVDs, perform in assemblies or design posters. Learners should be provided with safe and frequent opportunities to talk about what they think about bullying. Displays of work around the school will act to raise everyone's awareness.

A clear understanding prevents learners over-reporting any unpleasant remark or disagreement and also helps them to recognise and take action if they are being bullied. Through this activity, they may realise that their own behaviour is seen as bullying. Others may develop resilience when they realise that bullying is not tolerated.

Certain vulnerable young people may have difficulties judging what is socially acceptable behaviour and may be 'led' by other learners into behaviour which is unacceptable according to the school's behaviour policy. This manipulative behaviour may be viewed as a form of bullying

The next step in a whole-school approach is to gather information. This should include all learners, staff, support staff and parents.

Participation of learners with SEN and disabilities

For a school anti-bullying policy to be meaningful and effective it needs to be developed in partnership with other groups and agencies who use the school building and with the full involvement of all learners, including those with SEN and disabilities.

To assess the effectiveness of any actions and strategies, schools need to consult children with a range of needs. Children with SEN and disabilities who participate in developing the school policy will be more likely to 'own' observe and implement the policy. They will feel listened to and valued; they will be aware of bullying and what to do about it. As a result they are likely to feel safer and more confident in the school's commitment to confront bullying.

To gather information regularly, school staff can use a range of methods including questionnaires, technology, drama, music sessions and circle time. More information on participation and consultation is available at

www.anti-bullyingalliance.org

www.participationworks.org.uk

<http://sites.childrensociety.org.uk/disabilitytoolkit/>

Simple adaptations to questionnaires can enable wider participation for some children. For example, a recorded questionnaire can be provided for learners with a sight impairment. Illustrations or smiley/sad faces, and graphics or simple scales from one to five, can assist learners with learning disabilities to give their views. Learning support assistants may be asked to help.

New technology offers touch screens, voice-activated software and custom-designed equipment, all of which are valuable in offering opportunities for learners with physical disabilities to participate and give views in their own way.

Further information can be found at: www.anti-bullyingalliance.org and www.ncb.org.uk/cdc

The involvement of all learners not only shows commitment to a whole-school approach to bullying and strengthens the inclusive ethos of the school, it also underpins the school's fulfilment of its duties under the DDA. In addition, school councils should be reviewed to ensure all children have a voice and are fully participating in the

school council process (see www.schoolcouncils.org). There is a wealth of excellent resources available to support the participation of children and young people from:

www.participationworks.org.uk;

www.disabilitytoolkit.org.uk and www.nya.org.uk.

Disabled children and young people highlighted the following as key in developing **effective participation practice**.

Involve us from the start

- *'You can find out what's best for us by involving us'*
- *'Don't guess what we want'*

Respect us

- *'If you give us respect – we'll give you respect'*
- *'Trust us – we need to trust you'*

Listen to us

- *'Listen to me, no one else, listen to me. It's my body. Listen to me, it's my life, listen to me'*
- *'If you don't listen to what we want – how can you give us what we want?'*

Be open and honest with us

- *'We ask questions to help us understand our world and to grow as people!'*
- *'Frustrating when you don't tell us stuff'*
- *'We all make mistakes'*

Make it fun!

- *'We're teenagers, we're young, we want to learn.'*

Prove you're listening to us

- *'Show us you want to listen'*
- *'My voice is my power'*
- *'Tell us what's changed'*

Involve all of us!

- *'Don't judge a book by its cover – we can all make choices'*
- *'I may not have speech, but I have a voice – I can give my opinions, I can even argue'*

Make sure we get something out of it

- *'Participation is a great way to help us learn how to make decisions and understand the choices we may face in the future!'*
- *'Empower us!'*
- *'Gives us new skills'*

Give us time

- *'Help us make decisions by giving your time – enough time'*
- *'I know what I want to say – give me time'*
- *'Give me time to get my message ready'*

Support us to make our own decisions

- *'I want more choice'*
- *'If you listen to us you can help us get a positive outcome'*

The poster, 'Top Tips for Participation: What disabled young people want' is available from www.ncb.org.uk/cdc_moh

Role of parents

Schools are expected to engage parents as well as pupils and school staff in their delivery of the Disability Equality Duty and the development of their Disability Equality Scheme. Through this scheme, the school will be working to develop and maintain a whole school approach to effectively prevent and deal with discrimination and harassment of disabled pupils.

Parents are the experts on their children's behaviour and their physical and mental well-being. They have a key role to play in supporting their children if they bully others or experience bullying themselves. They can offer advice to

school staff on extra support their child might need or any creative solutions that may help to resolve conflict. Parents have a wealth of knowledge schools will want to call upon when developing or reviewing their anti-bullying policy. It is important that schools listen to and respond to parents concerns and keep good communication going between them when dealing with bullying incidents relating to their children.

Parents may want to contact other organisations for support to discuss particular situations involving bullying and their child. Schools can pass on details of the local Parent Partnership Service, Contact a Family or other sources of local support. www.parentpartnership.org.uk and www.cafamily.org.uk.

Some schools will also have parent advisor roles as part of the delivery of the Children's Plan, which may be a further source of support: www.dfes.gov.uk/publications/childrensplan/

Where and when does bullying occur?

'They get you everywhere, even in class 'n' sometimes teachers laugh as well.'

Learners report that ongoing 'low level' harassment takes place in the classroom every day.²⁸ This suggests that the presence of adults alone is not sufficient to stop bullying. While playtime activities are often supervised and some learners with complex needs may be accompanied by an assistant, for others the corridors, lunch queues, toilets and playgrounds represent areas and periods when bullying is most likely to occur.

Moving between settings

For learners who use a mix of special and mainstream provision, bullying can be a particular

concern as they are repeatedly moving in and out of different environments. This can either be between schools or from a specialist unit into mainstream classrooms. These moves can be one-off or regular and often lead to children being exposed to new people and environments, which can be daunting. Learners on the autism spectrum often find change difficult and may be particularly anxious at these times.²⁹ One of the most common fears learners report is that they will be bullied.

The learner below attends a special school. He goes to college two days a week. While in school he feels safe, but at college he is vulnerable.

Learner: I get called nasty names. Two girls on a different course to me.

Inquirer: When does this happen?

In the canteen.

Has it been going on long?

He nods strongly.

Have you told anyone?

Member of staff.

Did they do anything?

Had words with them.

Did it stop?

No. It keeps carrying on. In my breaks and when I come to the canteen.

I eat in the sandwich room now instead of the canteen. They call me gay at dinner.

Strategies developed to support all learners in the move from primary school to secondary school can usefully be applied here. Programmes which address concerns and help to prepare and then integrate learners are being used successfully in many schools. This type of structured support may

28 Jennifer, D (2007) and interviews for this guidance; Research for Oxfordshire 2007 by Children's Rights Partnership and Educational Psychologist; The National Autistic Society (2006) *B is for Bullied*.

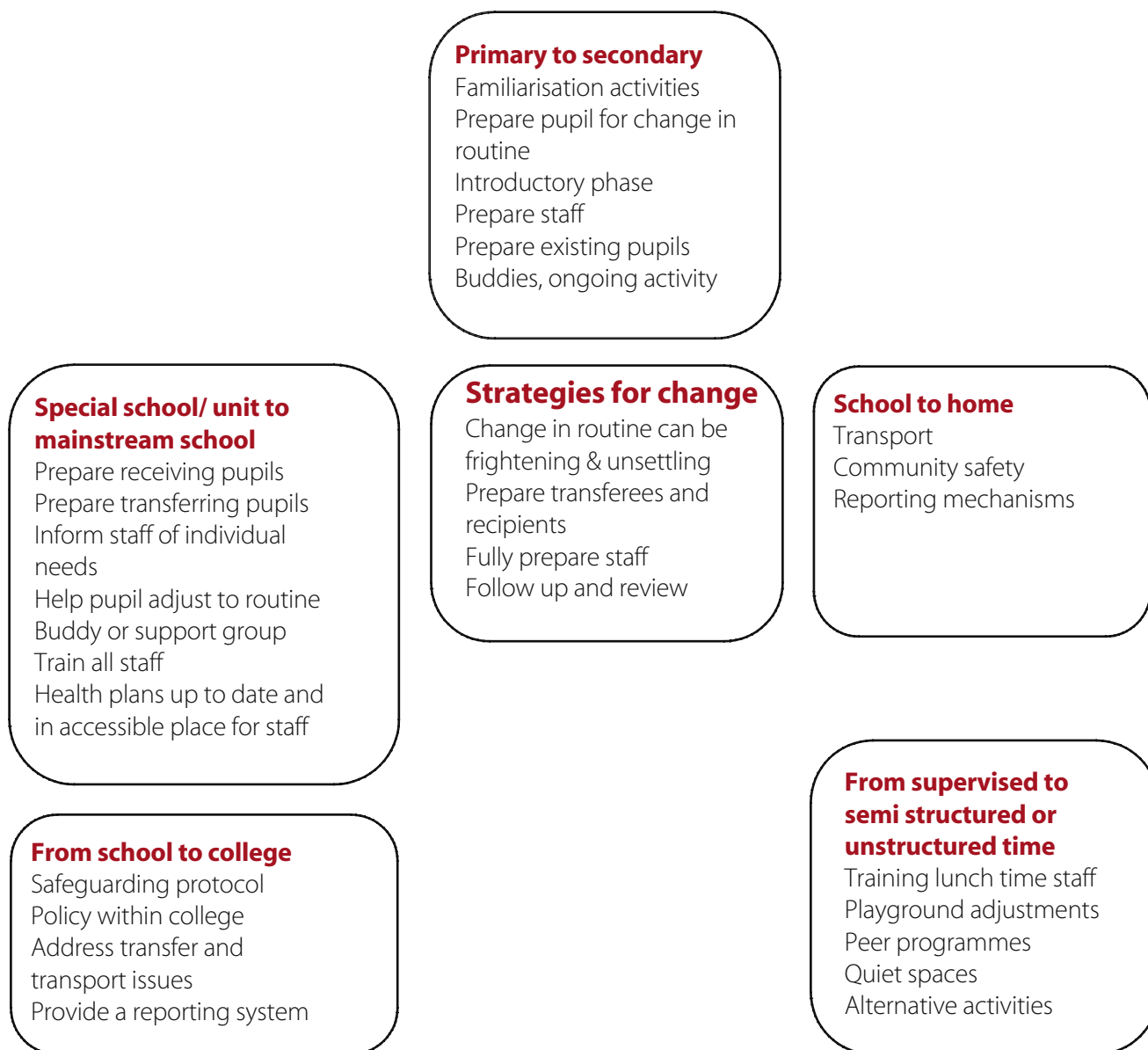
29 Attwood, T 'Strategies for improving the social integration of children with Asperger's Syndrome', *Autism*, 4, 85-100 (retrieved 2.2.08 <http://www.tonyattwood.com.au/children.html>).

be particularly useful for those learners who depend on routine.

'We have an inclusion unit at the school so that students can be gradually integrated – this includes children with behavioural problems and SEN. They may start out being there 100% of the time and be gradually integrated into school. This happened with one boy who had ADHD [attention-deficit hyperactivity disorder]. He enjoyed the activities in the inclusion unit – very hands-on activities, sport, less structure. He bonded well with two TAs who helped to gradually integrate him into school. He now spends very little time in the unit – he has completely turned around.'

Increasingly, schools are operating beyond the confines of one site. Schools can be creative and proactive in developing anti-bullying strategies that are effective across a range of sites and have sign-up from all partner agencies. Additionally, the Education and Inspections Act 2006 provides powers for a headteacher to take action on behaviour incidents out of school.

As the chart below illustrates there are a considerable number of potential moves which learners may experience.



Checklist

The checklist below illustrates some key areas of action for multi site operations.

- All site managers signed up to anti-bullying policy.
- Access and support for all learners in place for all sites.
- Transport included in sign-up to anti-bullying policy.
- Agreement reached on who deals with incidents of bullying on each site.
- Consistent use of sanctions across sites.
- Clarity achieved on who liaises with after-school clubs, extended activities, and homework clubs.
- Partner agencies using school premises to deliver services now all signed up to anti-bullying policy.
- Person identified at each site as responsible and key contact point for issues on bullying; everyone, children and staff, know who this is at each site.

Addressing a culture of discrimination

'I told my teachers at school and they said that I had special needs so I should get used to it as I would be bullied all my life. They also told me to stop playing out at break times then I would not get bullied.'

(Mencap 2007)

A whole-school policy will directly address a culture of discrimination.

Research has found that children who believe that the bullying they experience is due to some internal unchangeable fact about themselves have been found to be the most vulnerable.³⁰

It is essential that they are led to understand that bullying behaviour is wrong, and that their impairment is not a valid cause.

The Social Model of Disability states that *'disability is caused by the way society is organised, rather than by a person's impairment or difference. This approach looks at ways of removing barriers which restrict life choices for people with impairments or differences. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.*

(Taken from www.childreninthepicture.org.uk/au_socialmodel.htm)

A culture of discrimination can be very subtle. In interviews to inform this guidance, parents stated that they often felt that their child was being unfairly blamed for being bullied due to their characteristic or difficult behaviour.

The school had an irritated/impatient/cynical response and passed the blame on to the victim.

[They said] 'If you had done this or that instead...'

(Parent)

This was a particular concern for parents who had children with SEN and disabilities who had used bullying behaviour on other children. A child can acquire a reputation for being troublesome if they are acting out frequently – or presenting with difficult behaviour. They can be seen as the cause of all disruption.

They used to blame my child for it. My child has now got a reputation so that sometimes he has been blamed for things when he wasn't even present.'

(Parent of child with ASD)

Many learners with a range of emotional or behavioural impairments will know their own 'triggers' and will manage them well in a classroom environment with the support of staff. Others will not. Knowing the needs of each individual and how

30 Salmivalli, C. (2004) Consequences of school bullying and violence. University of Turku, Finland

they may need to be supported can make a huge difference to their acceptance in the group and their confidence and feelings of safety as part of it. Furthermore, in research for this guide we found that generally, children respond well to having factual information about impairments and this can encourage them to respond positively to the needs of others. Use of the SEAL (Social and Emotional Aspects of Learning) materials, adapted to take account of impairments, could underpin this. For further information on SEAL, see www.standards.dfes.gov.uk/primary/features/primary/873235

Meeting the requirements set out in the DDA to ensure the school environment is accessible – physically, intellectually and sensorily (for example, it has improved acoustics, hearing loops, and colour contrasts to support visual clarity) – will empower individuals and may reduce the risk of developing feelings of victimisation and occurrences of bullying. Confident and happy learners who feel part of their school are much less likely to experience or take part in bullying.

Informal or inadvertent exclusions

Learners with SEN and disabilities and their parents report experiencing informal exclusion from school activities. This is most common when learners with SEN and disabilities are not permitted to go on a school trip or event because reasonable adjustments are not made to support them. This limits opportunities for social development and the peer group will knit together even further without this excluded learner, further reinforcing their outsider status. The DDA requires schools not to treat disabled learners 'less favourably' and to increase access for disabled children and young

people. They are to 'make reasonable adjustments to ensure that disabled learners are not at a substantial disadvantage.'³¹

'Everyone should understand everyone's different, but they should all be included in everything. Like I haven't done P.E for ages.'

(Young person who uses a wheelchair)

Casual exclusions

Casual exclusions are those, for example, where a peer group sits together to watch a performance or a film and a learner with SEN and disabilities is placed away from the others, next to a teacher or assistant, giving them no opportunity to socialise with their peers. Both learners with and without SEN and disabilities observe that this can hinder attempts by all parties to build friendships. This illustrates that there is a sensitive balance to be struck between keeping someone safe and undermining their own potential for social development with peers. Good practice consists of assisting integration and acceptance by peers, including widening participation with and access to them.

This practice of keeping learners with SEN and disabilities with staff means that many disabled children spend the vast majority of their time with adults rather than children. This means they often miss out on opportunities for age-appropriate behaviour and the exercise of autonomy.³² The most important protective factor in response to being bullied is that the student responds actively rather than passively.³³ Children who can exercise some control over their own situation feel competent and effective. They experience significant psychological and social advantages.³⁴

31 *Implementing the DDA in schools and early years settings.* (2007) See www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

32 Barnes, C and others (2000) *Lives of Disabled Children.* ESRC.

33 Sharp (1996) 'Self-esteem, response style and victimization possible ways of preventing victimization through parenting and school-based training programmes', *School Psychology International*, 17, 4, 347-57.

34 Bandura (1989) 'Human Agency in Social Cognitive Theory'. *American Psychologist* vol 44, no 9. 1175-1184; Bandura, A., and others (1998) 'Self Efficacy: Pathways to Childhood Depression' *Personality Processes and Individual Differences* and Skinner (1995).

Planning and reviewing the policy – including learners with SEN and disabilities

'In class discussions ask everyone for their opinion and make sure everyone understands. Include the quiet ones as well. [My school] sometimes uses a 'no hands up' rule and the teachers pick people to answer. Another way of getting different people to answer is to use a 'Lucky Dip' if your name comes up – you have to answer.'

(A 15-year-old)

Anti-bullying policies are most effective when they make reference to the needs of all groups of learners within the school. Below are ideas on how to ensure that the needs of learners with SEN and disabilities are considered in the policy document and its implementation.

Staff actions

Governors should review the school's behaviour policies and disability equality scheme. It is a legal requirement to consult with the headteacher, staff, parents and learners when making or revising the statement of principles and to involve disabled people in the making of the disability equality scheme.

Senior Leadership teams and those with responsibility for pastoral care, inclusion and SEN should carry out all anti-bullying policy reviews and updates with the participation of all learners, staff and parents. Adjustments should be made to enable the participation of learners with SEN and disabilities and their parents. For example, by using parents' forums, Parent Partnership Services, questionnaires, school councils, facilitated groups.

Senior teams should work to change the school ethos and to move learners and staff away from any cultural perception that some children 'deserve' to be bullied or will 'inevitably' be bullied due to their impairment. The policy should include responses and sanctions. Training will be required for staff.

Staff should be informed about any learners' SEN and disabilities that might make them either vulnerable or likely to behave aggressively towards others. Any allowances or responses that are required for an individual should be known to all staff. Arrangements for transport and outings should ensure reasonable adjustments are made to ensure all children can participate.

Partner services (health and social workers) should work with schools to adapt and align their working practices. Any health professional should be encouraged to consider whether a learner presenting with any signs of injury or damage to personal belongings might be being bullied. Share any knowledge of particular conditions – such as those that make up the ASD spectrum, Behavioural, Emotional and Social Difficulties (BESD) or other SEN and disabilities – with schools in order to increase the understanding of the staff. Many local children's services will have a cross-agency information-sharing protocol that may be useful to include as part of the anti-bullying policy.

A note on recording bullying incidents

Safe to Learn clearly sets out schools' obligations to record bullying related to children with SEN and disability, as follows.

'Schools also have a specific duty to eliminate disability-related harassment under the Disability Discrimination Act 1995. To record that strategies are effective in achieving these goals, it is recommended that schools monitor and record incidents of bullying as described above.'

(para 5.7)

These records will inform the development of an effective Disability Equality Scheme, as well as making it easier to evaluate the actions that the school takes to deal with bullying.

Support for staff

'Listen to the child even if it takes them all day to tell you what the problem is.'

Demonstrate commitment

All staff need to know that there is a real commitment in school to uphold an effective anti-bullying ethos and that staff will be fully supported to achieve this. A named senior member of staff should have responsibility for overseeing the development, implementation and monitoring of an anti-bullying policy to underline the school's commitment to address this issue. If they are to prevent and respond to bullying, teachers, learning support assistants, managers, SENCOs, inclusion mentors, heads and governors all need to feel confident that they understand the needs of all learners and can work with and support their families. Non-teaching staff require support to observe and intervene where needed if bullying takes place. Their role is crucial, as much bullying happens outside of the classroom.

To support staff and promote learning, some local authority services are developing training about specific SEN and disabilities, for example, the education psychology team in Norfolk³⁵ have developed resources and training with a focus on autism and bullying. *Safe to Learn* contains a section on professional development for staff (para 6.1). Additionally, specific legal duties are outlined in Section 2 of this document and there is a range of existing materials available for staff at www.teachernet.gov.uk and www.anti-bullyingalliance.org.uk

Checklist: staff support

- All staff know how to access specialist support and further information for themselves, learners and their families.
- Staff have time to work with families on particular bullying issues where needed.
- All staff know of clearly identified specialist staff who can provide support and advice on aspects of a learner's SEN and disabilities, to enhance their support of that learner. These include SENCOs and Inclusion Mentors.
- All staff are familiar with the SEN Code of Practice and resources such as communication tools and the pack *Implementing the Disability Discrimination Act in schools and early years settings*.³⁶
- Staff induction focuses on the strong inclusion ethos of the school.
- Teachers and learning support assistants are given time to meet all new learners who have an SEN or disability, so that they are confident and familiar with their needs.

35 www.schools.norfolk.gov.uk/go/bullying

36 See: www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

- All staff – including governors – have their training needs reviewed annually in relation to disability equality training;³⁷ and more specific training is in place on how to support learners with SEN and disabilities in relation to bullying.
- Mainstream schools use the expertise of specialist and special school staff to support staff and learners in developing an inclusive environment.
- Staff are offered training and opportunities in which to gain experience and competence to prevent bullying of, and by, learners with SEN and disabilities.
- Ongoing training and development opportunities on disability and bullying are available to all staff with the full support of the school.

In interviews carried out to inform this work, parents said:

'(Staff need) more information, training and opportunity to put it into practice with mentoring from staff who work with pupils/students who have special needs.'

'There needs to be more training particularly for staff that work with the child – they could make arrangements with other schools and staff secondments.'

Further support for schools

When planning anti-bullying strategies, particular emphasis should be placed on the needs of learners with a range of SEN and disabilities; and a variety of methods should be developed to support them. Anti-Bullying Alliance regional advisors can help local authorities and schools to

develop their policy and strategy, they offer training and updates on best practice.

(See www.anti-bullyingalliance.org.uk.)

There is also a wealth of voluntary and private agencies who can provide further advice and support on the needs of learners with particular disabilities or SEN. (See the resources section for further details.)

There is a range of support networks through which schools can share effective practice on interventions and appropriate, consistent approaches such as those outlined in *Safe to Learn*. Support can be provided through: the National Strategies; educational psychology services; inclusion teams; local authority anti-bullying groups; Healthy Schools teams; and local children's safeguarding boards, which are responsible for children's safety, including victimisation and bullying, across all children's services.

Schools can also share expertise and network effectively, for example, through their local authority, school clusters, specialist teacher networks, special schools, and childminder networks. Also, the specific support outlined in *Safe to Learn* is available:

'The Department [DCSF] is working through the National Strategies Regional Advisers to spread good practice and work with identified schools to support and challenge them in improving their anti-bullying policies and strategies. As part of this, Regional Advisers and local authority Behaviour and Attendance Consultants will help these schools to identify any specific training needs.' [para 6.3]

Whole-school approach – summary of steps to reviewing the policy

- Define bullying.

³⁷ Disability Equality Training should be delivered by trained disabled equality trainers and start from the 'social model' perspective. This will help schools to meet their disability Equality Duty by examining barriers in the school and developing solutions by changing policies and practices of the school. More information is available from www.diseed.org.uk

- Gather accurate information on incidents, specifically those involving learners with SEN and disabilities. Examine how the policy is applied and the results of these incidents.
- Involve all learners, parents and staff, including support staff and governors, in the review.
- Provide a range of times and ways in which people can contribute, e.g. online, by post, talking in groups, film or drawing.
- Make sure governors and headteachers are committed to the process and let everyone know they think it's important.
- Promote positive images of disability and equality for all learners.
- Increase ways to report bullying for learners of all abilities and their parents.
- Evaluate and reflect on the effectiveness of interventions.
- Embed the work throughout the curriculum and school life.
- Plan collaboratively with any special school or unit and mainstream school that are sharing learners.
- Train staff and peer mentors or supporters.
- Focus on transitions through thorough preparation and integration.
- Adapt the strategy to the needs of all children.

'When everyone joins the school, they should agree to the rules about bullying that we've written as kids. They should be in reception, in classrooms, on walls.'

School approaches and activities – what works?

The practical activities described here have been contributed by schools, children and young people with SEN and disabilities. Their active participation models the recommendation that they are fully involved in the development of an anti-bullying policy. They prioritise the question of seeking help and feeling helpless.

Seeking help

'You can't do anything about it. You can't tell. 2 reasons – 1... you don't know their name [said due to size of the school] so they'll get away with it, 2... you'll get bullied even more cos they'll call you a grasser.'

'If you tell they'll beat you up more.'

'Grassing makes things worse – makes you scared to tell – like blackmail.'

Where learners with SEN and disabilities are concerned about bullying, communication across the staff team is essential. All staff working with children need to know of the risks, although they will not need to have detailed information on a particular child's impairment unless there is a specific reason, such as a reasonable adjustment to support their needs. They will need to know the extent to which learners' SEN and disabilities may lead them to bully others or display disruptive behaviour. Staff need to be observant to changes in learners' behaviour and make sure they understand the cause; often it is due to factors not related to their SEN or disability. Further, they will need to know the best way of communicating with each child, and the child's capacity to understand the nuances of behaviour and interaction.

'They don't always believe you when you tell'

Children with SEN and disabilities interviewed for this guidance maintain that they are often not believed or that they have been threatened and

are too scared to tell a teacher what is happening to them. A recent report from Mencap found young people they interviewed had similar experiences.³⁸

Learners go through a complex decision-making process when deciding whether or not to report bullying. They will consider the risk, the extent to which they trust that effective action will be taken, and the procedures in place to enable them to do so. A number of learners with SEN or other SEN and disabilities may not recognise that they are being bullied, be unable to report that they are being bullied, or be fearful after receiving threats concerning reporting bullying. This makes preventative strategies and a strong anti-bullying ethos all the more important. *Safe to Learn* (para 5.1) illustrates a range of approaches that schools have taken to give learners a range of ways to report bullying, for example, by using questionnaires, bullying boxes and nominating particular staff to be available to help.

The following list highlights what to provide and to consider in order to ensure that learners feel confident they can report bullying and be heard.

- A quiet place to communicate
- What are the child's communication needs?
- Can they understand you?
- Are their communication tools available to them?
- Have they had time to calm down and fully tell what they want to?
- Allow plenty of time
- Do they need a supporter?
- Are staff visible and available to all learners?

- Learners with a range of needs including learning disability, sensory impairment and Behavioural, Emotional and Social Difficulties (BESD) will require specific communication tools, and staff will need to check their understanding. Many children with autism, for example, are assumed to understand much more than they do.
- Do staff know about and understand how to use communication passports?³⁹

'Doesn't matter how many rules are in place. Teachers can't do owt about it, bullies are everywhere'

'They don't always believe you when you tell'

Pre-arranged signals to support learners who are bullied

In this simple but personal approach, a teacher agrees that a check will be made several times a day or week. The teacher will simply give this signal to the learner who will signal back in return showing whether things are going well or not:

'Thumbs up, means things've been good, thumbs down mean it's been bad.'

'(If children report bullying, someone checks on the child each day by giving discreet thumbs up. If child gives a thumbs up it means it is a good day, if thumbs down, they go and talk to the child in private. Children who are bullying are also talked to.'

(Learner in Mainstream Primary)

Further examples of how staff can support learners is available from:

www.anti-bullyingalliance.org.uk

38 Mencap (2007) *Bullying Wrecks Lives: The experiences of children and young people with a learning disability.*

39 More information on communication passports can be found at: www.personalpassports.org.uk and www.communicationpassports.org.uk

Playground and lunchtimes

If learners are consulted about bullying 'hot spots', and playtimes are identified as a particular problem, supervision can be increased at playtimes, or varied games offered. Some children may be particularly vulnerable to bullying at these times, especially if they do not have many friends or they find unstructured time difficult, as is the case with many learners on the autism spectrum. Clubs and quiet rooms or re-designed playgrounds are responses that have made substantial changes to the experience of learners at unsupervised times. Chess and computer clubs are popular alternatives to physical play. Certain learners who have particular sensory sensitivities may need to have a quiet retreat away from noise, close contact with others and even smells.

'We actually try not to call it a unit, more another resource base that children can use. We have an open-access policy. Able-bodied children can also choose to go in there. Any child is free to go into the unit – it can serve a purpose for them also – can be a safe place to play. There are lots of different things to do that children enjoy – such as a computer room. There are some parts that are only suitable for severely disabled children but if at all possible, all children are allowed in. Our work is inclusive high-level integration work.'

Curriculum

Curriculum-based activities are successfully used in many settings to improve social relationships. PSHE and Citizenship offer explicit opportunities to explore bullying and discrimination. The Social and Emotional Aspects of Learning (SEAL) primary resources include a unit on bullying structured across key stages, 'Say No to Bullying', which is widely used. Some special schools are adapting the SEAL resources to meet some of the specific needs of their children. Secondary SEAL is also being used in secondary schools now, and

bullying-related SEAL material will be available in June 2008. *Safe to Learn* (page 44) identifies a number of lessons that can be used to raise awareness of issues, explore difference, facilitate understanding of bullying and resolve issues. Further information on using the curriculum to support learners with SEN and disabilities can be found in *Implementing the DDA in schools and early years settings* available at www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

Music and drama workshops are popular with children and young people and offer group work opportunities to develop songs against violence and bullying.

Drama offers the tools to rehearse situations and ask the audience to help by telling the characters what to do next. 'Hot seating' can be used to enable learners to experience situations in turn. Learners can be helped by watching, then acting out, scenarios and rehearsing in advance what they could say or do if an incident occurs. This can also help some children with SEN and disabilities understand what bullying is and put their own experiences into context. This work is inclusive and many can join in. Successful work with learners who use bullying behaviour has involved specially written plays reflecting back at them how their own behaviour comes across (Durham Anti-Bullying Service); and deploying them to help other younger or vulnerable learners and, in some cases, other learners with SEN and disabilities (Marlborough School) in whole-class drama and music workshops. These workshops publicly examine how the whole class feels about bullying, without identifying individuals by name. Drama and music distance participants from the situation and allow them to talk about how they feel and what the reasons might be for the bullying actions. For more information see: www.anti-bullyingalliance.org.uk

Rewarding positive behaviour

'Learners should be aware that there are consequences for their behaviour – with the focus on positive behaviour management and explaining to children and young people the impact of their behaviour.' (Secondary school)

Rather than a focus on the undesirable behaviour, this approach provides attention, praise and rewards for positive behaviour. It also uses group management techniques.

'For every negative comment that is made we make sure that there are at least three positive statements made about that child's behaviour.'

(Teacher)

Managing the way teams or partners are picked can change the dynamics of the group as the following learner explains.

'In my primary school, we did this sports day team thing, where they picked these teams so you could work together but loads of people didn't get picked cos they didn't have any friends, so like what I thought was everybody should just pick different people and give them a chance so they could show what they could do, not what they couldn't do, then they could all work together and help each other.'

More influential than a focus on negative behaviour are simple activities that reinforce loyalty, trust or kindness, while offering rewards for positive behaviour.

Learner: 'We've got WOWs in class... miss can you explain?'

Teacher: 'If the students behave well, they get a WOW sticker.'

Learner: 'Makes us feel great [when we get one] like we've really achieved something. At the end of the week we count em all up and on Friday we get all our WOWs out and we get to choose something.'

'...it's like you get stamps, and when you get a certain amount of stamps you get a merit and what you could do you could do is you could get a card if you'd been reported to bullying, and you could get a stamp if you didn't bully, you'd get a big reward.'

Strategies to reinforce positive behaviour can exert pressure from the whole class on each member to achieve the promised reward. These may not be long lasting where children have Behavioural, Emotional and Social Difficulties (BESD), but are effective for the duration of the activity.⁴⁰

Step aside: exploring consequences

Assisting young people to explore and identify the consequences of particular actions and behaviour may help some learners when tackling bullying. Below is a description of a technique for choosing an action and thinking through the consequences. Described here by a 10-year-old boy with autism, he clearly understood that he had to 'count to 10 and look at my options – if I don't step aside then I don't have time to think about what might happen next'.

'We do this book about someone who has a dog that gets lost. We draw these footsteps. Two going forward and two going to the side. You see what happens if you choose to go straight forward or if you step aside to have a think. If you don't choose to step aside a whole lot of other awful things happen. You need to take the time to think about what might happen before you decide what to do.'

⁴⁰ Evans, J and other (2003) *How Effective are Interventions with Pupils with EBD?* NFER.

Section 4: Responding to bullying – actions and afterwards

'The children and their needs are so different that the approaches must also be tailored differently.'
(Shepherd School)

Introduction

Bullying should not be tolerated and should always be followed by an immediate and appropriate response. But a 'one size fits all' approach is unhelpful when supporting children with a range of SEN and disabilities who experience bullying. By having a set of resources available, the appropriate method may be selected to deal with the specific case. When choosing an approach it is essential to know of the pupil's impairment and its impact on their social development. For example, in the case of some children with learning difficulties who have been bullied, it may be necessary to act very quickly while the child can remember what took place. In other cases, allowances may need to be made because a learner with Behavioural, Emotional and Social Difficulties (BESD) demonstrates anti-social behaviour but did not intend to bully.

Sanctions

'[Bullies should be given] a taste of their own medicine – see how it makes them feel. Show 'em like what's happening 'n' how it feels so they know.'

'They just play up again if they think you are just going to punish them.'

Safe to Learn says:

'The Department [DCSF] advises that sanctions are applied fairly, proportionately, consistently and reasonably, taking account of any special educational needs (SEN) or disabilities that pupils may have and taking into consideration the needs of vulnerable children. Bullying by children with disabilities or SEN is no more acceptable than bullying by other children and it should be made clear that their actions are wrong and appropriate sanctions imposed. However, for a sanction to be reasonable and lawful, schools must take account of the nature of the child's disability or SEN and the extent to which the child understands and is in control of what he/she is doing.'
(Para 4.16)

More on the general principles of these approaches can be found in *Safe to Learn* at www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn The duties under disability discrimination legislation are anticipatory, which means that reasonable adjustments and support should be put in place before issues arise to prevent learners with SEN and disabilities being disadvantaged as a result of their disability.

Responding to common types of bullying

The following case studies and resources are designed to give ideas on how to effectively support learners with a range of needs. Many schools shared excellent practice and gave examples of how to deal effectively with bullying and create a culture of inclusion and participation. The examples below are based on practice from these settings.

Case Study 1 – Long-term, ‘low level’ bullying

‘Low level’ persistent bullying, name-calling, pushing, or spreading rumours can seem mild or even invisible to an outsider. In discussions with children with impairments, they described situations in which they have experienced persistent low-level bullying for long periods of time – eventually ‘snapping’ and in some cases responding with violence.⁴¹ This may be particularly likely where learners have impairments which affect their communication or their social or emotional skills so that they find it difficult to deal appropriately with the bullying when it first starts.

Simon

Simon is a bright 14-year-old student in a mainstream secondary school. He has Asperger’s syndrome which means he sometimes finds it difficult to socialise with other students. Last year, Simon’s form teacher had noticed he was becoming more withdrawn in his tutor group and was spending more time using his laptop at lunchtime club rather than taking part in games and activities which he previously enjoyed. His teacher had asked Simon a few times if everything was alright. Simon always replied that everything was fine with him.

A few weeks later, Simon physically attacked three other boys from his year. Simon was very upset and would not speak about the incident to staff. The school contacted his parents to tell them about the incident. Simon told his parents about the bullying he had experienced from the three boys. Over the year they had often asked him to join in discussions then made fun of his understanding of things, taken items from his bag and frequently jostled him as they passed in corridors. As a result of this constant, low-level bullying, Simon had become insecure, anxious and withdrawn. This eventually led to him feeling frustrated and led to his aggressive behaviour.

The school followed its policy and took the following action: immediately following the incident, Simon was taken from class and his teacher explained he would remove three stars from Simon’s good behaviour book. The three boys were required to miss out on a class outing. Simon and the boys were also encouraged to take the opportunity to train as ‘friends’ for younger children, using the extended school activities.

The Bully Rep recognised that although the school had an active anti-bullying policy in place, Simon did not feel confident enough to tell someone directly about the bullying. To address this, the school asked the school council to consult all learners on changes to the anti-bullying strategy. The headteacher and Bully Rep (a teacher with specific responsibility for preventing and responding to bullying), made a commitment to work with the council and take their ideas seriously, and to contact parents and ask for their participation in this work. A range of multi-media projects were carried out, which produced an anti-bullying poster and a song, both of which were used in assemblies and around the school. The

41 Reports from pupil interviewees for this guidance, by Council for Disabled Children and Young Voice. Also described by the National Autistic Society. www.autism.org.uk/nas/jsp/polopoly.jsp?d=240&a=13621

school also worked with parents to make sure they had access to information about bullying when they needed it and that they knew how the school dealt with bullying by following its published policy.

Case study 2 – Conditional friendships

'People pretending to be your friends.'

'And also if you're out they try and make you steal from the shop.'

A confusing form of bullying is one which alternates phases of friendliness with phases of derision and ridicule. This on/off form of bullying can be used in a group context to manage and maintain social status within the group. Children are courted away from their friends; and membership of the group is made to appear desirable. When members become dependent on the group, the group turns against them and they are effectively isolated.⁴² This can be very difficult to understand for any child who finds themselves experiencing this behaviour. In turn, it may not be visible to an adult and is often underestimated because the apparent friendship is 'turned on' again under their gaze. A child, for example, with learning or social difficulties may be bewildered by this pattern and unable to counter it. Some learners report that they are coerced into stealing something from a shop or other unwanted activities by the perpetrators.⁴³

Zafirah

Zafirah is 10 years old and attends a mainstream primary school. She has Down's syndrome. She experienced bullying when a group of four girls in her class alternated phases of friendliness with making fun of her. The girls invited her to play at breaks then pretended not to know what Zafirah

was talking about when she tried to join in. Zafirah was keen to make friends with the group and her impairment meant she found it difficult to make sense of their behaviour.

The girls eventually persuaded Zafirah to steal a CD from another learner's bag during the lunch break. Zafirah was seen by another girl who told a teacher. The teacher confronted Zafirah who became upset. The teacher took Zafirah away from the others and gave her plenty of time to calm down and explain what she thought had happened. The teacher knew about Zafirah's impairment and made sure she was very clear with her what would happen next. The teacher acted straight away as she understood it was important for Zafirah to remember that what was happening was a consequence of her recent actions. Zafirah was asked to immediately give the CD back and apologise. The teacher explained that she would also lose her merits for that week and a note would be made on her report book. The other girls were given a detention.

Zafirah and the girls took part in peer mediation [see page xx for more details] to resolve the issues. Zafirah was offered her own peer mentor to support her. Parents were informed of the school's actions and asked to support them. The class teacher did some work on friendship in SEAL and PSHE lessons. The teacher also agreed with Zafirah's parents to set an Individual Education Plan target concerning better understanding of boundaries.

'I was called in to school as a result of my child misbehaving, but actually it was other children telling her to do things. She hasn't got the ability to tell them this. They will ask her – did you do this? And she will say yes, but not that she was told to do this.'

(Parent of child with Down's syndrome)

42 Described in Sharp, S (2001) Reducing School Bullying: What works? NAPCE, University of Warwick; Smith Miles, B 'Foreword' in Heinrich, R (2007) *Perfect Targets. Asperger syndrome and bullying: Practical solutions for surviving the social world*. Kansas: Autism Asperger Publishing Co.

43 In interviews with children and young people for this guidance.

Case study 3 – Cyberbullying

They text you... make you think they're gonna do something bad to you.'

As children turn increasingly to the internet and new technology for social networking, there is both an exciting opportunity for children with SEN and disabilities and a threat to their safety. Children need help to handle offensive messages, rumours or images that may be circulated about them. They also need to be shown how to act responsibly and safely in terms they can understand.

Shola

Shola is 15 and attends a unit attached to a mainstream school. She has cerebral palsy and limited use of her arms and legs. She uses assisted technology in class and to communicate. Shola really enjoys using IT equipment and is a keen member of a number of social networking sites. The school set up its own intranet for learners to use and Shola was on the school planning group who designed and built the site. To launch the site, the school used an assembly. When Shola approached the stage to do her bit of the presentation another student shouted out a derogatory remark. The remark was not challenged by staff. Soon after the intranet went live, pictures of Shola began to appear with comments about her physical appearance and her personal life.

The school had a software programme enabling the IT department to identify the person who posted these pictures. They traced the student and promptly removed the pictures. The student's parents were immediately called in and the law of harassment explained to them; the school also reminded them of the school's code of conduct for anyone using the intranet signed by learners and parents. This had clearly been breached in this case so the school acted upon its written policy and excluded the boy for one day.

It was agreed through discussion with Shola, her parents, the student and his parents that he would prepare an assembly in which he would demonstrate the achievements of learners with disabilities and their use of technology to the whole school. Shola was consulted on this and was able to give her own views. The police community liaison officer was invited to the school to talk to learners about the seriousness of harassment.

The headteacher also began a review of staff training to make sure all staff felt confident in challenging discriminatory language and bullying in the school.

A note on exclusions

They alienate your child rather than deal with the bully. They took my child out of the classroom because that's the only way they felt that she could stay safe.'

(Parent of child with complex health needs).

'I got excluded because all the winding up, like, it happened so often that I just got really angry and couldn't control myself anymore, eventually I ended up taking my anger out on someone... and as a result I ended up getting excluded... because I was considered a health and safety matter by the school.'

(Secondary school pupil with BESD)

In some schools where learners with SEN and disabilities have been bullied, the child experiencing bullying is instructed to stay at home for a fixed time or removed from their class. This is incorrectly perceived to be an acceptable way of keeping them safe from further bullying. However DCSF guidance is clear that this is not a solution.

Safe to Learn states:

'Pupils must not be excluded from school for being bullied, even if the school believes they are doing so for the child's benefit. The legislation on exclusion makes clear that "exclude... means exclude on

*disciplinary grounds”.*⁴⁴ *Exclusions guidance explicitly says that children should only be sent home for health and safety reasons where “because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other pupils and staff”. Behavioural problems, even when related to a diagnosed condition such as ADHD or ASD, do not normally fall into this category.’*

(para 4.22)

The following case study looks at more creative approaches to ensuring all learners have access to every aspect of the school day.

Case study 4 – Joining in

‘The reason [that we are getting bullied is] because you’re in a wheelchair and they pick on you because you’re not like them, do know what I mean?’

(12-year-old boy in mainstream secondary school)

Jay

Jay is an active young man who enjoys sport but was excluded by other learners in his mainstream school from participating at break times and activity times as he uses a wheelchair. Teachers noticed when, one lunchtime, other students started calling Jay names and telling him to go away when they were playing, then began jostling him when he didn’t comply. Alternative activities were available inside the school but Jay made it clear to staff that he wanted to use the outside space like everyone else. Jay’s teacher worked with him to look at options. The other boys were kept in for one break time and staff used that session to work with them on looking at the consequences of their actions. The teacher followed this up with the whole class in circle time (see box below).

The whole school, led by Jay’s class and the school council, did a piece of work on looking at improvements to break time activities. The

students were supported in looking at options by youth staff from the local authority. Their ideas were presented to the governors, who approved some work to improve the layout of the playground and the purchase of a range of sports equipment. The PE teacher with others then worked with learners to devise a range of group games which were accessible. For more information on making activities accessible see: <http://www.efds.co.uk/> <http://www.direct.gov.uk/en/DisabledPeople/Everydaylifeandaccess/>

Circle time

A useful way of asking questions is to use Circle Time and to ask learners to complete the following sentences:

‘I don’t like it when...’

‘I wish I could help friends when...’

Bullying is a topic that inevitably comes up when these questions are raised.

‘My child had severe eczema and the other kids were teasing her about it going “Uurrrgh don’t touch her ‘cos you’ll catch it!” They used circle time to discuss what eczema is and how you can’t catch it and explored how teasing made people feel. This helped a lot.’

Case study 5 – Provoked behaviour

‘My son’s behaviour is very reactive, children target him and try to get him to blow. They try to get a response.’

(Parent of boy with Behavioural, Emotional and Social Difficulties (BESD))

‘I feel sad inside and I do cry when the tics get bad as they can hurt my body, it’s like going to the gym 24/7. I don’t go out except when I go to school as people treat me horribly and they copy my tics which I hate.’

(11-year-old learner with Tourette’s syndrome)

44 Education Act 2002, Section 52, (10).

As with Case Study 1, the following scenario describes the reaction of a learner with particular communication needs reacting violently to sustained bullying. This kind of bullying and the reactions it can provoke are well documented; and the main *Safe to Learn* guidance gives the following advice.

'Some pupils who have been subjected to bullying are provoked into violent behaviour. A pupil can be excluded for violent behaviour; it is a matter for the headteacher's judgement, taking account of the evidence available, all the circumstances of the case and the need to balance the interests of the pupil concerned against those of the whole-school community. However, before deciding to exclude a pupil, the Department [DCSF] recommends that the headteacher always allow him or her to state their case, and check whether the incident may have been provoked by, for example, racial or sexual harassment or a child's SEN or disability. Where a pupil has retaliated after months of persistent bullying, we advise that this be considered differently from an unprovoked attack.' (para 4.23)

In addition, the DCSF Guidance on School Discipline and Pupil Behaviour Policies [s3.9] has practical advice on the ways schools might take account of a learner's impairment when applying the school behaviour policy. This may mean making reasonable adjustments or considering what additional or different action may need to be taken. The Guidance sets it out as follows.

'Any lawful use of sanctions must be reasonable and proportionate to the circumstances of the case [taking account of] the pupil's age, any special educational needs, any disability and any religious requirements affecting the pupil.' (para 3.6.3)

Paragraph 3.6.14 advises that schools should avoid sanctions becoming cumulative and automatic, as this is unlikely to enable their application in a way which always takes account of individual needs, age and understanding. Paragraph 3.6.17 adds that staff should also consider, when using sanctions, whether an apparent behaviour difficulty is in fact a manifestation of unidentified learning difficulties or other type of SEN.

In addition, where a child with SEN and disabilities has been bullied, they need to see what sanction has been applied and what the follow-up will be.

Tom

Tom reported to his teacher that he was being bullied by three other boys at a residential school for boys with emotional and behavioural difficulties. The bullying had been going on for some time and included repeated incidents of name-calling, shoving and intimidation, particularly between lessons; and culminated in a fight between the boys. Following the report, the teacher referred this straight to the year's Bully Rep (a teacher with specific responsibility for preventing and responding to bullying).

After spending time speaking with Tom, the Bully Rep liaised with the head of year and agreed that the three boys would receive a detention for their actions. To address bullying in the longer term, the Bully Rep used the detention to discuss the incident with the boys, both separately and as a group, to explore what had been happening, how this would make Tom feel and what they should do to resolve the issues. The boys each wrote letters of apology and it was agreed that they would meet with the Bully Rep for several sessions to explore bullying further and work on how to manage their behaviour and emotions. This included identifying a safe place to go, to calm

down and 'let off steam' as they said they often felt angry and frustrated and needed to 'take this out on something'; this was communicated to all staff.

To effectively support Tom, following the initial time spent discussing the incident, how it made him feel and what would make him feel safe, it was agreed that at several times during the day, the Bully Rep would discreetly check he was OK by giving the thumbs-up sign. If Tom responded with his thumbs down, the Bully Rep would ensure time was set aside to speak to Tom. The rep was concerned about any form of retaliation that might follow.

In class groups, teachers facilitated discussion around dealing with feelings and emotions, bullying and what should be done to help stop it. Each class developed these into posters, which were then displayed in the classrooms and continued to be discussed regularly to keep the issue of bullying on the school's agenda.

The bullying described in these case studies may result from a combination of factors, such as other prejudice-based bullying, in addition to the learner's impairment. Where racist views are held, a disabled child from a minority group may be singled out for either or both of these differences or any other prejudice-based victimisation, simply because he or she may be an 'easy target'. There is some evidence from learners that homophobic insults and name-calling related to disability are used more frequently to members of ethnic minority populations, without using explicitly racist terms which learners know they should not employ. In this way, perpetrators believe they are less likely to be caught.⁴⁵ *Safe to Learn* promotes a whole-school approach to bullying which aims to change the entire school environment and reduce all forms of bullying. All prejudice-driven bullying

should be tackled with an effective approach that changes attitudes.

Different methods used in schools as sanctions – suggestions from children

'They could give them a detention or suspension or something... maybe they could give them some sort of rehabilitation class in the detention.'

(Learner in mainstream secondary school)

'We get R cards as well which say what you've done right or wrong. Like you get one with an ear on it in red if you haven't been listening or one with legs on if you've been wandering around.'

(Learner in special school)

'We have a Timeout card', counting to 10, Golden Time – a worry box and Bully Box.'

(Learner in mainstream primary school with unit)

'Children get a red card if they break a rule, but they're given a warning first.'

(Learner in mainstream primary school)

Actions after bullying

Safe to Learn offers a range of general approaches schools can take to reinforce messages after bullying has taken place. Below are some approaches and resources that have proved successful in schools where bullying has involved learners with SEN and disabilities. These are used alongside sanctions and immediate actions a school might take.

Resource 1 – Strengths based approaches⁴⁶

'If you see someone who has obvious differences, look past that and see what they CAN actually do. People see the wheelchair and don't actually see the person. Don't assume what they can do – actually talk to someone.'

45 Katz, A and others (2002) *Islington & You*, a study of pupils' experience of their neighbourhood. Young Voice.

46 <http://cecp.air.org/interact/expertonline/strength/sba.asp>

Recognising and identifying individual strengths can be one of many tools to empower someone who has been bullied. This method can also help aggressive children and young people to avoid becoming labelled only by their behaviour or difficulties. Use of Strengths Cards or other activities to identify what everyone is good at offer positive opportunities.

Some schools are supporting learners with behavioural difficulties to work with learners with SEN and disabilities. This appears to be mutually beneficial – both for mentors, who are recognised and praised for their behaviour helping to raise their self-esteem, and for the mentored, who feel safer at school. This is closely supervised.

'We have started to try to recruit "characters" as peer mentors (those who might bully or who have behavioural difficulties, or who are not achieving well), these [young people] are heavily monitored by staff. Some of these young people have been turned around by the recognition that they are given for this – it has had a really positive effect on their behaviour and has improved the self-esteem of the peer mentor and the child that is mentored. They will help them with group work or help to teach them games such as chess.'
(Deputy headteacher)

Resource 2: peer mentoring

Peer mentoring schemes are used widely in schools, where a group of young volunteers are trained to provide a specific anti-bullying service such as support, listening or mediation. Learners with various SEN and disabilities volunteer for the training alongside their peers; and their involvement in the scheme not only indicates a strong commitment to inclusion in the school, but can also provide specialist knowledge to the peer support team. These schemes require good training followed by sustained support from adults.

'One boy with behavioural problems used to mentor a boy with SEN who was bullied – he used to walk him to lessons – this helped to protect the boy from being bullied. [The peer mentor] shone that day [when he first did this] he was took to the head of year to congratulate him on his behaviour and it made a huge difference to him and the other boy who felt safer and more protected – the other children were not likely to mess with [the peer mentor]. So he [the child with SEN] felt very safe.'

(Teacher)

'Peer mentors can play a part in welcoming new pupils to the school or unit. They are taken to visit Year 6 pupils in feeder primary schools to reassure them about secondary school. Disabled peer mentors are enabled to undertake this work.'

For more information on peer support see www.ChildLine.org.uk

Resource 3: activities that help to improve children's social and emotional skills

SEAL is a comprehensive approach to promoting the social and emotional skills that underpin effective learning, positive behaviour, regular attendance, staff effectiveness and the emotional health and well-being of all who learn and work in schools. For more information see:

www.standards.dfes.gov.uk/primary/features/primary/873235/

Guidance booklets on Primary and Secondary SEAL are available from: www.bandapilot.org.uk/secondary/resources/welcome_page/sns_ssealguidance0004307.pdf (for Secondary SEAL); and

www.bandapilot.org.uk/primary/seal/downloads/pns_seal137805_guidance.pdf (for Primary SEAL).

Activities that target attitude and behavioural change should be developmentally specific and take into account cognitive, emotional, behavioural and academic factors. Visual aides and concrete activities are helpful.

'We do work on social problem solving, anger management and activities to promote self-esteem and small group work.'

Activities to promote social skills such as empathy, anger management and social problem solving can be conducted in small group work sessions with targeted individuals or with the whole class during circle time activities. These may be particularly helpful for learners with social impairments such as autism. Learners are helped to consider the consequences and weigh up the different outcomes of certain actions. They are prepared and helped to know how to react to different challenges. An evaluation of multi-session social skills programmes, delivered by a regular teacher to children with Behavioural, Emotional and Social Difficulties (BESD), showed short-term positive effects, but that social skills were not maintained in the long term.⁴⁸ Nevertheless, for many learners this work presents opportunities to explore and agree both what constitutes the boundaries of acceptable behaviour and the importance of working within these boundaries if good outcomes are to be achieved in adult life.

For more information, see:

<http://www.nfer.ac.uk/research-areas/pims-data/summaries/coc-interventions-for-pupils-with-emotional-and-behavioural-difficulties.cfm>

Resource 4 – solution focused brief therapy⁴⁸

Solution focused brief therapy is an approach to counselling. It is brief, future-focused and works with the strengths of those who come by making the best use of their resources.

Young and Holdorf, who work within a Special Needs Support Service as the Anti-Bullying team,

have shown that both the solution focused Support Group and SFBT for individuals can be 'effective strategies that work quickly when a learner needs help in a bullying situation... These strategies are useful because they do not "take sides", or presuppose any judgement about the cause of the difficulties, which so often takes place beyond the view of adults and is not open to "proof". Practitioners do not have to label learners "victims" or "bullies" – if a learner feels in need of help, that is enough.' This study is a useful, if small example of a local anti-bullying team evaluating their interventions. It also offers an assessment of the use of support groups, recommending them in a primary school setting.

The Anti-Bullying Service in the Special Needs Support Unit of Kingston Upon Hull has carried out useful evaluations of solution focused brief therapy and the Support Group Approach used in their service. Staff should be encouraged to 'embrace teachable moments' for bystanders when bullying incidents occur.⁴⁹

For more information on Young and Holdorf: <http://www.blackwell-synergy.com/>

More from Rebekah Hienrichs can be found at <http://isc.sagepub.com/cgi/content/abstract/38/4/195>

Resource 5: peer mediation

Peer mediation differs from other methods of peer support (such as mentoring, listening and befriending) in that mediators offer help and support the children involved in bullying after an incident has taken place. It can help everyone involved to resolve the issues; the mediators are

47 Evans, J and others (2003) 'How Effective are Interventions with Pupils with EBD?' NFER.

48 Young, S and Holdorf, G (2003) 'Using solution-focused brief therapy in individual referrals for bullying', *Educational Psychology in Practice*, 19, 4, 271-82. To link to this article: DOI: 10.1080/0266736032000138526 Educational Psychology in Practice.

49 Heinrichs, R (2003) 'A whole-school approach to bullying: Special considerations for children with exceptionalities', *Intervention in School and Clinic*, 38, 195-204.

there to help facilitate this but not to take over and sort it out themselves.

Peer mediation empowers trained learners to resolve low-level conflicts between the peers themselves.⁵⁰ Peer mediators are trained to listen and respond to both sides as a neutral third party and to try to encourage the learners to come to a resolution themselves. A follow-up meeting is conducted with the mediators to see whether the conflict has been successfully resolved and to decide whether any further steps need to be taken. Mediators are supported and trained by adults and are advised to seek help from them if the dispute is of a more serious nature or if they have difficulties with resolving a conflict.⁵¹

An evaluation of a scheme run in a special school for students with moderate learning difficulties has been carried out. The author concluded that learners with moderate learning difficulties could be taught to mediate successfully; and that they learnt valuable new social skills as a result of the training.⁵² One of the children interviewed for this guidance was very positive about his experience of peer mediation.

Child: What we did in my primary school about bullying, we did this peer mediation thing, where there were two people, the bully 'n' the one being picked on, 'n' if they had like a fight, we would sit 'em down 'n' let them decide what they thought they could do to sort it out.

Interviewer: Why do you think it worked so well?

Child: Because if you just tell 'em they often think that 'I don't wanna do that' 'n' its unfair, whereas if they decide together, they can like, form it as an

agreement. I was a peer mediator 'n' it was really good 'n' if there was like a lot of 'em fighting I would take some 'n' my partner would take the other 'n' let them decide 'cos if you forced them to do something it might just aggravate 'em 'n' it'd carry things on.

Cartwright (2005) describes one peer scheme run in a special school. Learners had a range of SEN and disabilities. Teachers reported that the scheme was very successful and helped to empower the counsellors and support victimised children.⁵³

Resource 6: restorative approaches

'Last year there was a girl who had a kidney transplant and she was bullied by a group of girls – she wanted to talk to the girls and "explain how it feels to be me".' (Finham Park School)

'I reckon they should get someone in there with the bully 'n' show 'em like a little video of what they're doing so they can see what they're doing 'n' how it feels.' (Learner)

'Could speak to you, could say don't bully the person – [could say] "how would you feel?" And remember we should treat others the way you want to be treated.' (Learner)

'Restorative Justice' brings together all children involved in the bullying with those who experienced bullying behaviour to look at their actions in a safe and supported environment. A meeting is conducted which involves all parties and a support group made up of 'people who respect and care most about these two'.⁵⁴

A restorative approach allows bullies and victims to meet in a safe and supported environment, to listen to one another, acknowledge the effects of

50 Cowie, H. and Naylor, P. (2000) *Peer Support Challenges Bullying in Schools*. Newsletter.

51 Cowie, H. and Hutson, N. (2005) 'Peer support: A Strategy to Help Bystanders Challenge School Bullying'. *Pastoral Care*, 40-44

52 Warne, A. (2003) 'Establishing Peer Mediation in a Special School Context'. *Pastoral Care*, 27-33

53 Cartwright, N. (2005) Opt cit. www.peersupportworks.co.uk/

54 Morrison, B. (2001) *Restorative Justice and School Violence: Building Theory and Practice*. *The European Observatory of Violence in Schools*.

55 Besag, V. E. (2006) *Understanding Girls' Friendships, Fights and Feuds*. Open University Press

their behaviour and to make reparation.⁵⁵ Schools and young people we interviewed gave positive reports about this approach.

'We use Restorative Justice which works well with some SEN pupils – consequences of behaviour are explained. We work together with the victims and the bully to try to reach a solution to the problem. Sometimes the solution may be that because the pupils really don't like each other they may just agree to try to stay away from each other and give each other some respect. This approach can empower the victim as they have input on what is said to the bully (how much information is given) and what should be done.'

Catering for a diverse ability range, different circumstances and age groups requires a consistent approach, capable of flexible adjustments. Interventions are most successful when there is a combination of whole-school preventative work in place as well as agreed plans for reactive interventions when bullying occurs.

For more information, see:

http://www.thorsborne.com.au/conference_papers/RJandSchool_Discipline.pdf

Resources section

Further resources can be found at:

www.anti-bullyingalliance.org

www.ncb.org.uk/cdc

plus [teachernet?](http://teachernet.gov.uk)

www.teachernet.gov.uk

Journal articles

'Bullying'

A summary of the findings and recommendations from the Education and Skills Committee report on bullying.

Special Children, no. 177 (March/April 2007)

'Facing the issues'

This article outlines strategies for dealing with bullying and includes ideas which incorporate drama, poetry, board games and art.

Bradshaw, S. *Special!* National Association for Special Educational Needs (Summer 2005)

'Focus on ... bullying'

Explores the lack of information about bullying, particularly in respect of children with special educational needs.

Special Children, no. 172 (April/May 2006)

Publications

The Anti-bullying Handbook

This book explores what bullying is and how to stop or prevent it. The first part of the book provides an overview of what is understood by bullying. The second part focuses on preventative strategies and interventions.

Sullivan, K. Oxford University Press (2004)

B is for Bullied: The experiences of children with autism and their families

The National Autistic Society (2006)

www.autism.org.uk/content/1/c6/01/18/57/bullying.pdf

Bullying of children with autism in secondary schools

Research Autism Research report 2008

www.researchautism.net

Bullying and Deaf Children: A guide for schools

Provides a checklist and a starting point for introducing a strategy for dealing with bullying into existing school policies. It is useful for planning a policy on behaviour specifically aimed at meeting the needs of deaf children.

National Deaf Children's Society (2006)

www.ndcs.org.uk

Bullying and Disability

This briefing looks at evidence of the increased vulnerability of children and young people to bullying and the impact this can have on them. It suggests what further action can be taken by schools and those working with disabled children and young people to ensure that they are providing inclusive, safe and positive environments.

National Children's Bureau (April 2007)

www.anti-bullingalliance.org.uk

Children on Bullying: A report by the Children's Rights Director for England

Ofsted (2008)

www.rights4me.org/content/beheardreports/159/bullying_report.pdf

Educating Children with Facial Disfigurement: Creating inclusive school communities

Offers practical advice for teachers and others working in education on how to foster inclusive attitudes towards learners with facial disfigurements. Includes advice on how to deal with teasing, name-calling and bullying.

Frances, J. Routledge Falmer (2004)

Education and Skills Committee Report on Bullying

The House of Commons (27 March 2007)

www.publications.parliament.uk/pa/cm200607/cmselect/cmmeduski/85/85.pdf

Excellence and Enjoyment: Social and Emotional Aspects of Learning

DFES and Sure Start (May 2005). Ref: DfES 1378-2005 G

www.bandapilot.org.uk/primary/seal/downloads/pns_seal137805_guidance.pdf

Guidance on the Education of Children with Behavioural, Emotional and Social Difficulties (BESD)

Revised guidance has been published to help schools and LAs consider what support and provision are most likely to help remove barriers to the achievement, health and emotional well-being of children and young people experiencing BESD.

www.teachernet.gov.uk/_doc/12604/BESD%202008%20guidance.doc

How to: Involve children and young people with communication impairments in decision-making

Part of the 'how to' series of guides from Participation Works 2008.

www.participationworks.org.uk/

Implementing the DDA in Schools and Early Years Settings

A training resource for schools and local authorities.

www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

School Councils for All: Including disabled learners and learners with special educational needs

Offers practical support for an existing school council to become more inclusive or for new school councils to build on a foundation of inclusive practice.

Simon, J and Stone, J. School Councils UK (2005).

www.schoolcouncils.org

They Won't Believe Me

A booklet about why children with a learning disability are more likely to be bullied and tips for preventing bullying.

Mencap (2005)

www.mencap.org.uk

Bullying wrecks lives

A report about the experiences of bullying of children and young people with a learning disability.

Mencap (2007)

www.mencap.org.uk

Useful websites

Anti-Bullying Alliance

ABA brings together over 65 organisations into one network with the aim of reducing bullying and creating safer environments in which children and young people can live, grow, play and learn.

www.anti-bullyingalliance.org.uk

ChildLine

ChildLine is the free helpline for children and young people in the UK. Children and young people can call on 0800 1111 to talk about any problem.

www.childline.org.uk

Contact a Family

A UK-wide charity providing advice, information and support to the parents of all disabled children – no matter what their disability or health condition. It also enables parents to get in contact with other families, both on a local and national basis.

www.cafamily.org.uk

Council for Disabled Children

CDC is the umbrella body for the disabled children's sector in England. It works to influence national policy that impacts upon disabled

children and children with special educational needs (SEN) and their families.

www.ncb.org.uk/cdc

Don't Stick it, Stop It!

Mencap's website that campaigns against the bullying of young people with a learning disability.

www.dontstickit.org.uk

Foundation for People with Learning Disabilities

The Foundation for People with Learning Disabilities works to promote the rights, quality of life and opportunities of people with learning disabilities and their families. They also host the 'Choice Forum' at www.choiceforum.org.

www.fpld.org.uk

I CAN

I CAN works to support the development of speech, language and communication skills in all children, with a special focus on those who find this hard: children with a communication disability.

www.ican.org.uk

In the Picture

In The Picture (Scope) aims to encourage publishers, illustrators and writers to embrace

diversity – so that disabled children are included alongside others in illustrations and storylines in books for young readers.

www.childreninthepicture.org.uk

Kids

Information and resources on supporting children with SEN and disabilities in accessing play, leisure, education and family support.

www.kids-online.org.uk

Making Ourselves Heard

Making Ourselves Heard is a project that aims to ensure the active participation of disabled children and young people in all decisions directly affecting them; in the development of their local communities; in the strategic planning of services; and in all aspects of the work of the Council for Disabled Children.

www.ncb.org.uk/cdc_moh

Mencap

Mencap is the UK's leading learning disability charity working with people with a learning disability and their families and carers.

www.mencap.org.uk

National Autistic Society

The National Autistic Society champions the rights and interests of all people with autism and aims to provide individuals who have autism, and their families, with help, support and services.

www.autism.org.uk

National Children's Bureau

NCB is the umbrella body for organisations working with children and young people in England and Northern Ireland.

www.ncb.org.uk

Transition Information Network

TIN is an alliance of organisations that aim to improve disabled young people's experience of the transition to adulthood.

www.transitioninfonetwork.org.uk

Appendix 1:

Legal duties and guidance; what this means for your school

For a guide to general legislation regarding bullying, please see *Safe To Learn: Embedding Anti-Bullying work in schools*. Section 2.

For information on:

The Human Rights Act, please visit www.dca.gov.uk/peoples-rights/human-rights/publications.htm

The UNCRC, please visit www.everychildmatters.gov.uk/uncrc/

For legislation in relation to Cyberbullying, please visit <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00685-2007>

For legislation in relation to Homophobic bullying, please visit teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/homophobicbullying

For legislation on bullying related to race, religion and culture, please visit www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/racistbullying

Key action points for schools from the specific legislation

Legal duties

There are four main areas of law affecting disabled pupils in school, each of which can impact on the prevention or management of bullying:

- the disability equality duties (sections 49A to 49D of the DDA, inserted by the Disability Discrimination Act 2005)
- the disability discrimination duties (sections 28A to 28C of the DDA, inserted by the Special Educational Needs and Disability Act 2001 (SENDA))
- the planning duties (sections 28D to 28E of the DDA, inserted by SENDA)
- the SEN legal framework (Part IV of the Education Act 1996)

The Disability Equality Duty and the Disability Discrimination Act 2005

The Disability Discrimination Act 2005 amended the DDA by inserting a new section 49A which requires schools to take a more proactive approach to promoting disability equality and eliminating discrimination. Among its provisions are requirements on schools to promote positive attitudes towards disabled people and to eliminate harassment.

The Act sets out:

- a general duty to promote equality of opportunity between disabled persons and other persons, which applies to all public authorities
- a specific duty on publicly-funded schools to prepare and publish a disability equality scheme showing how they are meeting the general duty.

Responsibility for the general duty lies with:

- the governing body of a maintained primary or secondary school
- the proprietor of a city technology college, city college for technology of the arts, or an academy
- the governing body of a community special school or a foundation special school
- the local authority with respect to its pupil referral units.

The general duty

The general duty requires schools, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and others
- eliminate unlawful discrimination
- eliminate harassment of disabled people that is related to their disability
- take steps to take account of disabled people's disabilities, even where that involves treating them more favourably
- promote positive attitudes towards disabled people

- encourage participation by disabled people in public life.

Each of the elements of the general duty could impact directly or indirectly on disabled pupils' experience of bullying at school. For example, in its statutory *Code of Practice on the Duty to Promote Disability Equality*, the Disability Rights Commission (DRC) stated that schools can promote positive attitudes towards disabled people in lessons such as citizenship and by ensuring that the views and contributions of disabled children are valued.

These approaches help create a positive ethos about disabled people and a climate where bullying of disabled pupils becomes less likely as a result.

The need to eliminate harassment of disabled people should impact directly on disabled pupils' experience of bullying in schools. Section 6 of *Implementing the DDA in Schools and Early Years Settings, Promoting Disability Equality in Schools*, points out that such bullying is more prevalent than is often thought.⁵⁶

Schools may need to:

- raise awareness amongst staff and pupils of disability-related harassment
- understand the nature and prevalence of bullying and harassment
- recognise and address bullying and harassment
- involve pupils themselves in combating bullying
- ensure that disability-related harassment of disabled staff, parents, carers and other users of the school is identified and addressed.

⁵⁶ This is borne out by research showing that teachers tend to underestimate the extent of the victimisation. i.e. Thompson, D and others (1994) 'Bullying of children with special needs in mainstream schools', *Support for Learning*, 9, 3, 103-6.

The specific duty

Regulations made under Part 5A of the DDA⁵⁷ set out a specific duty on publicly-funded schools, requiring them to prepare and publish a disability equality scheme, which sets out how the school is going to meet the disability equality duty and duties under the regulations themselves.

The main requirements of the specific duty are to:

- prepare and publish a disability equality scheme
- involve disabled people who appear to the governing body to have an interest in the way it carries out its functions in its development
- implement the scheme
- report on it.

Disabled people with an interest in the way the governing body carries out its functions include disabled pupils, staff and parents. This provides a powerful mechanism for concerns about bullying linked to disability to be raised. The Code of Practice recognises that the views of disabled pupils will be crucial in identifying key issues and prioritising future action such as anti-bullying initiatives. Disability-related bullying and harassment is not restricted to pupils. Disabled staff, parents, carers and other users of the school may also experience it and under the disability equality duty schools need to consider what steps they may need to take to identify and address disability-related harassment for them too.

The need to involve disabled pupils, staff and parents does not stop there; the regulations also require schools to set out in their schemes how they will gather and use information to support the review of action plans and to inform

subsequent schemes. For example, feedback from disabled pupils on anti-bullying initiatives or how the school's behaviour policy affects them might usefully inform future action.

Schools must look at a wide range of data when considering the impact of their policies and practices on disabled pupils. If they find there is low participation of disabled pupils in a particular school activity, they may need to look more deeply for causes, for example, whether disability-related bullying is a barrier to participation.

Schools also need to undertake a detailed analysis of outcome data for disabled pupils including broader outcomes such as those set out in *Every Child Matters* (see below).

Disability discrimination duties

Part 1 of the DDA defines disability. The definition is broad and includes more pupils than many people think. In effect it means that:

A disabled child has a physical or mental impairment which has a substantial, long-term, and adverse effect on their ability to carry out normal day-to-day activities.

SENDA, (the Special Educational Needs and Disability Act 2001) amended Part 4 of the DDA by extending anti-discrimination legislation on the grounds of disability to education. SENDA made it unlawful to discriminate, without justification, against disabled pupils and prospective pupils in all aspects of school life. The principle behind the legislation was that wherever possible disabled people should have the same opportunities as non-disabled people in their access to education.

Every aspect of school life is covered by the duties. Responsible bodies must not discriminate:

57 The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005, SI No. 2966

- in admissions
- in relation to education and associated services
- by excluding a learner.

There are two key duties for schools in relation to discrimination. These are:

1. Not to treat a disabled person, for a reason which relates to the person's disability, less favourably than it treats or would treat others to whom that reason does not or would not apply, without justification
2. To take such steps as it is reasonable for it to have to take to ensure that:
 - (a) in relation to the arrangements it makes for determining the admission of pupils to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled
 - (b) in relation to education and associated services provided for, or offered to, pupils at the school by it, disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled.

This is known as the reasonable adjustments duty. It means that schools must anticipate where barriers to learning lie and take action to remove them as far as they are able.

The DRC has produced a *Code of Practice for Schools* to explain and illustrate the disability discrimination duties. The Code explains terminology such as 'substantial' and 'reasonable' and gives further explanation of the definition of

disability. Section 1 of DCSF guidance *Implementing the DDA in Schools and Early Years Settings* explains the definition in the context of schools.

Less favourable treatment

Less favourable treatment must be for a reason related to a child's disability if it is to constitute disability discrimination. For example, if a school provides less help to a bullied disabled learner, for the reason they believe that bullying of disabled pupils is inevitable and therefore too hard to combat, then this treatment would be for a reason related to the bullied learner's disability. The comparison would be with the support provided to other bullied pupils without that disability, to whom that reason did not apply. Schools need to consider whether reasonable adjustments could be made before attempting to justify less favourable treatment. For example, they could review their anti-bullying policies to check that they address bullying linked to disability; take whole-school action to raise the issue of bullying and disability; provide individual support for the bullied child and work with the bullies to improve their behaviour towards disabled pupils.

The reasonable adjustments duty

If a school fails to make reasonable adjustments without lawful justification and this results in the disabled child being at a substantial disadvantage compared with other non-disabled pupils, then this would be disability discrimination. Failing to make reasonable adjustments can only be justified if there is a reason which is both material to the circumstances of a particular case and substantial. Treating a disabled learner less favourably may be justified on the same grounds. Factors which may be taken into account are described in chapter 6 of the *DRC Code of Practice for Schools*.

The duty to make reasonable adjustments does not include providing auxiliary aids and services (see SEN framework below) or making major alterations to the physical features of the school. Bullying is sometimes able to thrive because of the design of playgrounds and buildings and these may be addressed under the planning duties set out in the DDA.

The planning duties

Planning duties in the DDA were introduced by SENDA. They overlap with the reasonable adjustments duty and the disability equality duties described above. Section 28D of the DDA requires maintained schools, independent schools and non-maintained special schools to produce an accessibility plan.

Schools must have an accessibility plan which addresses:

- improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school (for example, increasing access to teaching and learning and also to wider participation in after-school clubs, sporting and cultural activities)
- improving communication of information to disabled pupils.

Disabled children who fear they may be bullied or isolated because of their disability may be put off taking advantage of facilities even if physical barriers are removed. *Promoting Disability Equality in Schools*, (Section 6 of DCSF guidance *Implementing the DDA in Schools and Early Years Settings*) recommends asking disabled pupils to identify such issues, which can be addressed in the school accessibility plan.

Accessible Schools: planning to increase access to schools for disabled pupils (LEA/0168/2002) suggests curriculum access should be considered at a 'whole school' level and gives the examples of schools using flexible grouping arrangements where disabled pupils can work with their peers, and encouraging peer support by setting up buddying or mentoring arrangements. These can act as powerful bulwarks against bullying.

Section 28E of the DDA requires schools to have regard to the need to allocate adequate resources to implementing the plan.

The SEN legal framework

The reasonable adjustments duty in the DDA does not require the responsible body to provide auxiliary aids and services. These should be provided under the special educational needs framework in Part IV of the Education Act 1996.

Section 312 of that Act gives a definition of when a child has SEN. There is considerable overlap between children with a disability and those with SEN although not all disabled pupils have SEN, and not all pupils with SEN have a disability.

How help is provided under the SEN framework is described in the *SEN Code of Practice*. Extra help, such as pastoral support, to deal with or prevent bullying could be provided for a child receiving help at any level described by the Code. If disabled children themselves bully, perhaps because behaviour problems are linked to their disability, then it may be appropriate to provide help with social skills or mentoring, for example, as part of their package of support.

For further information about effective practice in implementing the DDA in schools and early years settings, see: *Implementing the DDA in schools and early years settings*. www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0

Other relevant policies and guidance

Staying Safe

Produced by DCSF, Staying Safe is a cross-government strategy for improving children and young people's safety, and covers the full span of the Every Child Matters staying safe outcome. Its main aims are to:

- raise awareness of the importance of safeguarding children and young people
- promote better understanding of safeguarding issues, encouraging a change in behaviour towards children and young people, and their safety and welfare
- ensure work in this area is coherent, and effectively coordinated across government
- reinforce existing activity by implementing a range of new commitments.

It includes a focus on children who are bullied and can be found at:

www.everychildmatters.gov.uk/resources-and-practice/search/IG00312

The SEN Strategy

The government's policy for special educational needs was set out in *Removing Barriers to Achievement* (DfES/0117/2004). It included a commitment to develop practical ways of consulting and involving children both in terms of decisions about their own learning, including ways of removing barriers to learning and the development of school policies. *Working Together* (DfES/0134/2004) gives examples of how young people's involvement in policy and practice can have practical benefits in terms of reducing or preventing bullying. This guidance provides a basis

for involving children and young people in decisions affecting all aspects of the life of the school. It includes examples of good practice for schools to use and adapt as they choose.

It supports learner involvement and personal development through opportunities that already exist in Citizenship Education, Personal, Social and Health Education and in other school activities, for example the National Healthy School Standard (NHSS) and the Connexions service. Ofsted also now gives pupils opportunities to give views about their education as part of the inspection process. It also supports Article 12 of the United Nations Convention on the Rights of the Child (UNCRC), gives children the right to put forward their views and ensures that those views are taken seriously.

The National Curriculum Inclusion Statement

Is part of the national curriculum and the requirements set out in it are equivalent of requirements in the rest of the curriculum and in the DDA. The inclusion statement sets teachers the task of overcoming potential barriers to learning including those, such as bullying, which are linked to pupils' special educational needs and disabilities.

www.teachernet.gov.uk/management/atoz/n/nationalcurriculum

School Discipline and Behaviour Policies guidance

Schools are advised to take account of a range of individual learner needs, particularly those of pupils with SEN and disabilities, when developing and implementing their behaviour policies.

The school's statement of principles, made by school governing bodies under section 88 of the Education and Inspections Act 2006, should reflect a commitment to improving outcomes for all pupils and eliminating all forms of discrimination, harassment and bullying, as well as promoting equality of opportunity, the welfare of pupils and

good relations across the whole school community.

The school discipline and behaviour policies guidance points out that the statement of principles should also ensure that vulnerable pupils – including those with special educational needs, physical or mental health needs – receive behavioural support according to their need.

The guidance recommends that communications about the behaviour policy should take appropriate account of individual learner's special educational needs and/or disability. Staff should also monitor any emerging patterns in relation to special educational needs and disability among other factors and take appropriate action to avoid bias.

www.teachernet.gov.uk/wholeschool/behaviour/schooldisciplinepupilbehaviourpolicies

Ofsted self-evaluation forms

Schools are required to evaluate the extent to which pupils feel safe and adopt safe practices and as part of this are prompted to consider whether pupils feel safe from bullying and confident to talk to staff and others when they feel at risk. Bullying is one of the issues that inspectors will look for in a school and Ofsted inspectors will routinely seek views from pupils about their experience, including whether they feel free from bullying and harassment.

<https://forms.ofsted.gov.uk/>

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