

Education and Young People Improvement and Scrutiny Committee

Improvement and Scrutiny Review of Bullying

Final Report

1. Introduction

In September 2009 the Education and Young People Improvement and Scrutiny Committee agreed to undertake a review of the anti-bullying and e-safety work being undertaken in schools and also the wider environment.

1.1 Terms of Reference for the Review

The Committee agreed that in broad terms the review will “examine the effectiveness of existing strategies and practices of the County Council and its partners to prevent and respond to bullying both inside and outside the school environment. Attention will be given to the extent to which existing strategies and practices manage “new” forms of cyber bullying such as bullying by text message, email or through social networking sites”¹.

1.2 Anti-bullying Working Group

The Committee in agreeing to undertake the review, established a Member Working Group to oversee the conduct of the review including the production of this report and the associated recommendations. The Working Group comprises Councillors G D Wharmby, W Major, J E Patten, J N Blake, P Murray, G A Farrington, A Western, A F Charles, D Chapman, R L Hosker and E Atkins

1.3 Evidence

During the course of the review, the Working Group has met with the following:

Tim Bancroft – Anti-Bullying Strategic Manager, Children and Younger Adults Department

John Gibb – Acting Assistant Director (Engagement and Skills), Children and Younger Adults Department

Phil Rogers – Preventative Services Manager, Children and Younger Adults Department

Marrianne Rawson – Derbyshire Healthy Schools Co-ordinator

¹ Review of Bullying Scoping Report – Children and Young People Improvement and Scrutiny Committee – 23 September 2009.

John Coxhead – Derbyshire Constabulary
Brian Richards – Senior Advisor, Children and Younger Adults
Department
Paul Saunders – Safeguarding Manager, Children and Younger Adults
Department
Steve Boyd – Family Support Officer, Children and Younger Adults
Department
Erin Bower – Community Safety Officer, Chief Executive’s Office
Anita Astle – Operations Manager (Residential Care), Children and
Younger Adults Department
John Wilcoxson - Deputy Unit Manager, Disabled Children's Resource
Team South, Children and Younger Adults Department
Lynn Grainger, Inclusion Date Information Officer, Children and
Younger Adults Department

In addition to meeting with the above, two surveys have been undertaken. The first was of all Derbyshire Schools and the second was of all secondary school aged children in the County. The review also asked members of the previous Youth Council to provide information in support of the review.

2. Background

The Government has made tackling bullying both inside and outside the school environment a key priority. In 2007, the Government published guidance for schools on bullying entitled “Safe to Learn: embedding anti-bullying work in schools”. Similarly, in 2009, the Government also produced guidance aimed at local authorities and other strategic community leaders entitled “Safe from bullying”. These follow on from the Every Child Matters Green Paper, the Change for Children Agenda and the subsequent Children’s Act 2004. This gave schools and local authorities a duty to meet the five Every Child Matters outcomes: stay safe, be healthy, enjoy and achieve, achieve economic well-being and make a positive contribution.

It is noted that the Education Improvement and Scrutiny Committee previously undertook a review of the Council’s anti-bullying policies, the final report of which was agreed by Cabinet in 2005.

2.1 What is bullying?

The Government has defined bullying as “Behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally”.² Defining bullying is not easy in practice however. What one person believes to be bullying

² Safe to Learn: Embedding anti-bullying work in Schools - Department for Children, Schools and Families 2007.

another may believe to be banter. It is about the perception of those involved, the bully, the victim and parents and those dealing with bullying will be faced in many cases with difficult decisions as to what action they take to address the problems.

Bullying can take several forms. It can include name-calling, taunting, mocking, offensive comments, kicking, hitting, taking belongings, offensive graffiti, rumour spreading, leaving someone out of groups and forcing people to act against their will. There is also an increasing trend of bullying using new technology such as text messaging, emails, posting on social networking sites or malicious use of degrading images and videos. E-safety relates to how children and young people can be protected from these technological forms of bullying.

Bullying can also occur because people belong to a particular group, what they look like or where they come from. This type of bullying can be racist or religious, sexual, sexist and transphobic, homophobic and disablist.

2.2 Where does bullying take place?

Bullying can take place almost anywhere, it is not simply confined to the school environment. It can happen whilst children are partaking in leisure activities, during extended school services, in children's homes, at youth activities, at Further Education Colleges and on public and school transport.

"There is a two-way flow of influences on bullying behaviour between the community and schools. Bullying in schools is often influenced by factors at home and in the community and in turn, bullying within schools can spill out on the local community. It cannot be successfully tackled in isolation"³.

2.3 Legislation

The main pieces of legislation covering bullying are detailed below.

2.3.1 Education Act 2002

The Act introduces a new statutory duty on maintained schools, local authorities and Further Education establishments to ensure that their responsibilities under previous Education Acts are carried out with a view to safeguarding and promoting the welfare of children.

³ Safe from bullying - Department for Children, Schools and Families 2009.

2.3.2 The Children Act 2004

The Children Act 2004 set out the national framework for delivering children's services, and identified the Every Child Matters five outcomes for children and young people, which all professionals must work towards namely; be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being. Challenging bullying, discrimination and harassment is a key element in outcome 2: Stay safe and bullying also is explicitly referenced in Outcome 4: Make a positive contribution. However the impact of bullying and e-safety relates to all five outcomes.

2.3.3 Education and Inspections Act 2006

The Act gave schools responsibility for 'encouraging good behaviour and respect for others on part of pupils and, in particular, preventing all forms of bullying among pupils' and it established the duty to promote the well-being of pupils. It also 'empowers headteachers, to such extent as is reasonable, to regulate the behaviour of pupils when they are off school site and empowers members of staff to impose disciplinary penalties for inappropriate behaviour'.

Section 6 of the Act places a duty on local authorities to promote the well-being of persons aged 13 – 19 (and up to 25 for persons with learning difficulties) by securing access to educational and recreational leisure-time activities and facilities.

2.3.4 Article 17 of the Human Rights Act 2000

The Act outlines freedom from discrimination as a basic human right. Schools and other establishments can be accused of "degrading treatment" if inadequate action is taken to protect children and young people within their care from bullying.

2.3.5 Other Legislation

Listed below are other Acts of Parliament which also can impact on anti-bullying and e-safety provision:

The Disability Discrimination Act 2005
The Equalities Act 2000
The Crime and Disorder Act 1998
The Discrimination Act 2005

2.3.6 The Importance of Teaching: Schools White Paper 2010

In November 2010, the Government published the Importance of Teaching White Paper. The White Paper proposes a radical reform programme for the schools system, with schools freed from the constraints of central Government direction and teachers placed firmly at the heart of school improvement.

Some of the proposals relate to bullying. The Paper stresses the need for schools to take prejudiced bullying seriously and also proposes to significantly reduce the amount of guidance on bullying given to schools whilst at the same time promoting outside organisations such as Stonewall and the Anti-bullying Alliance for the provision of advice and support and information on best practice. Ofsted inspections will also look for evidence of bullying in the classroom and also at the effectiveness of anti-bullying policies.

2.3.7 Article 19 of the UN Convention on the Rights of a Child

The UN Convention stipulates that children and young people have the right to be protected from all forms of physical or mental violence.

2.4 Government Guidance

The legislation is supported by a range of Government Guidance including;

- Safeguarding Children and Safer Recruitment in Education, 2006
- Safe to Learn: embedding anti-bullying work in schools, 2007
- Improving behaviour and attendance: guidance on exclusions from schools and pupil referral units, 2008
- Safe from Bullying: guidance for local authorities and other strategic leaders on reducing bullying in the community, 2009
- Working Together to Safeguard Children, 2010
- Children's Trusts: statutory guidance on inter-agency cooperation to improve the well-being of children, young people and their families, 2008

2.5 The role of local authorities

The Children Act 2004 requires children's services authorities to promote cooperation between the authority, its partners and others with a view to improving the well-being of children in their area; this includes the children's physical and mental health, emotional well-being, protection from harm, and educational and social well-being. Local authorities are also responsible for ensuring that their functions

are discharged having regard to the need to safeguard and promote the welfare of children and tackling bullying is a key part of fulfilling this duty.

The law requires that the Local Safeguarding Children Board, all the partners comprising the Children's Trust along with all organisations providing services to children must share information and work together to safeguard and promote the welfare of children and young people. The law also stipulates that children and young people should be consulted on issues that affect them as individuals and also collectively.

2.6 The role of schools and governing bodies

Governing bodies must ensure that schools have a written statement of general principles – the behaviour policy, to guide the headteacher on measures to promote good behaviour. This statement must be reviewed regularly and it must be produced following consultation with staff, parents and pupils.

Governing bodies also have duty to promote the well-being of pupils in their schools and to exercise their functions with a view to safeguarding and promoting the welfare of pupils. If the behaviour statement does not make specific provisions on bullying, schools should also adopt a bullying policy. In reality, most schools have both.

Legislation also requires schools to adopt race equality and disability equalities schemes as well as having procedures for dealing with complaints about bullying.

Headteachers are required to determine the more detailed measures (rules, rewards, sanctions 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 in so doing. The policy determined by the headteacher must include measures to be taken with a view to 'encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils'⁴. These measures must be drawn to the attention of pupils, parents and staff at least once a year.

2.7 Children's Trusts

Children's Trust are statutory bodies established under the provisions of the Children Act 2004 with a view to improving children's well-being as part of the 5 Every Child Matters outcomes.

⁴ Section 89 of the Education and Inspection Act 2006

Trusts bring together the local authority and other bodies, including some statutory partners, in to a local partnership to improve the commissioning and delivery of services for all children, young people and families the area. Trusts are governed by the statutory Children's Trust Board which comprises representatives of all statutory partners and other interests. The Board does not deliver services itself, but agrees what has to be done in practical terms by everyone to improve outcomes for local children.

In particular, the Board is responsible for preparing and publishing a children and Young People's Plan, the joint strategy which sets out how the partners will work together to improve children's lives, and for monitoring its delivery and success. This formalises and reinforces existing good practice including work on bullying.

2.8 Safeguarding Children Boards

Safeguarding Children Boards are a key statutory body established to determine how relevant organisations co-operate to safeguard and promote the welfare of children and how effective are the services they provide. It has an active role in developing procedures, protocols and projects that address the needs of vulnerable children and their families. It also has a role in monitoring safeguarding activity and promoting the need to prioritise the welfare and safety of children. The recently published Munro Report proposes a role for Safeguarding Boards which is more focussed on child protection rather than its current wider remit which includes work on anti-bullying.

The Board is made up of representatives of the main agencies involved in the safeguarding and welfare of children. Until recently, the Derbyshire Board was chaired by Bruce Buckley, Strategic Director for Children and Younger Adults. Lynn Harris an independent member has now taken over as Chair. The Board reports to the Children's Trust and it has various Sub-committees along with 7 District Safeguarding Management Teams across the County.

3.0 The Local Context

3.1 Anti-bullying

3.1.1 Strategic Bullying Group

In 2008, the Strategic Bullying Group was established to provide a strategic focus for the anti-bullying work being undertaken by the Council and its partners. The Group is chaired by the Assistant Director, Engagement and Skills and Acting Chair of Strategic Group and it meets every two months to support the work of the Anti-Bullying Manager in developing and delivering the anti-bullying strategy. The

Group has a wide ranging membership including CAYA, Community Safety, School Improvement, Education Welfare Service, health Promoting Schools, Educational Psychologist and Health Promoting Schools. Sub-groups of the main group have been formed to work on specific issues such as the review of the Anti-Bullying Commitment and the reporting and recording of complaints relating to bullying.

3.1.2 The provision of anti-bullying services

The provision of anti-bullying services is in a period of transition given the decision agreed by Cabinet in September 2010 to create Multi-Agency Teams (MATs) to provide wrap around services for children and young people aged 0-19.

At the start of the review, the main dedicated responsibility for anti-bullying work for the County Councils rested with the Anti-bullying Strategy Manager. The Strategy Manager reports to the Preventative Services Manager who in turn reports to the Assistant Director (Safeguarding and Specialist Services). All three posts are based in the Children and Younger Adults Department. Other officers with responsibility for anti-bullying work both within the County Council and also its partners, do so as part of a range of other duties.

The proposals to establish Multi-Agency Teams have been agreed and are in the process of being implemented. Under the MATs proposals 6 localities will be established each with a Locality Manager who will manage the MATs. Each locality will have between 4 and 8 MATs serving a defined community. Localities will also have a Safeguarding Manager.

MATs will include core staff and partner team members from a range of services. Core team members will include:

- Family resource workers
- Education welfare officers
- Connexions
- Youth workers
- Children's centre staff

Partner team members will include:

- Primary mental health workers
- School nurses
- Police and SNT staff
- Voluntary and community sector.

Core team members will be directly managed by the MAT Managers and partner team staff will be employed by other agencies but linked to the Teams.

Each MAT will have access to social workers to provide support and advice. They will link with specialist teams and services such as education psychologists, behaviour support teachers, disability services, youth offending teams etc. MATs will be part of a wider community team that will link with schools, community organisations, job centre plus, housing and adults services to provide wrap around services.

MATS will offer support, advice and access to universal services for children, young people and their families. This will include the identification of, and support for emerging and additional needs, and provision of family support. They will also ensure appropriate specialist services for children and their families are brought in, as and when they are needed. MATs will also be responsible for delivering anti-bullying work and implementing policies such as the Anti-bullying Commitment at a local level. Practice Guidelines will be produced which will clearly identify the roles and responsibilities of officers in respect of anti-bullying work.

In addition to the Locality Managers and MAT Managers there will be a support structure of Managers, which will include 4 Service Improvement Managers and two assistants. These posts will support the Locality Managers with local commissioning arrangements, and lead on strategic service improvement across priority areas. One of these priority areas will be Vulnerable Children and Young People under which anti-bullying work will obviously sit.

3.1.3 Anti-Bullying Policies

The Council does not promote a generic anti-bullying policy for schools instead recommending that each school develops its own policies and practices which “reflect individual needs, acknowledge and reflect the views of all connected with the school and promote ownership by the school community”⁵.

It does however, encourage use of the Department for Children, Schools and Families standard definition of bullying (See section 2.1). It cannot require schools to use this definition the result being that schools across Derbyshire use different definitions of bullying and have adopted differing policies.

Anti-Bullying policies are in place in all residential children’s homes and Youth Service settings. The County Council obviously has a greater degree of control over such establishments although it is still the intention that young people should be involved in the development of policies.

Under the provisions of the Anti-Bullying Commitment the minimum requirement is for schools to have a policy which includes measures to

⁵ Developing an effective whole school anti-bullying policy – Derbyshire County Council 2005.

prevent, deal with and record incidents of bullying. At the enhanced level the requirement is for the policies to be developed in consultation with children and young people, parents and carers.

3.1.4 Anti-bullying Commitment

The Council's original Anti-Bullying Commitment (The ABC Scheme) Quality Assurance Scheme was set up in 1996 to encourage schools to introduce strategies to prevent and deal with bullying issues. The majority of primary, secondary and special schools had signed up to the ABC Scheme which had Initial, Intermediate and Excellence awards that recognise the progress made to introduce and implement effective anti-bullying strategies.

In recognition that bullying is an issue that does not take place solely in schools, the focus of CAYA's anti-bullying work has been widened to include children's homes, the Youth Service, voluntary organisations and community settings. The ABC Scheme has been updated in to a tool through which all settings can demonstrate their commitment to anti-bullying work and to safeguarding children and young people in general.

The Anti-Bullying Commitment provides a framework to support anti-bullying work in all settings and provides managers with assistance to audit practice and identify future strategies. The Commitment was launched on 22 June at the Annual Anti-Bullying Conference.

The Commitment is divided in to 2 sections. The first section sets out essential practice and minimum standards for safeguarding children and young people from bullying. The second section is designed to extend the work of settings by "putting in place actions to develop understanding, self awareness and empathy".⁶ Such measures apply to all settings within CAYA and should be viewed as additional and complementary to actions taken under section 1 of the Commitment.

The Commitment stipulates that in all establishments a member of staff or volunteer should be nominated to have responsibility for the implementation of anti-bullying work (the Anti-Bullying Co-ordinator). The principal role of the Anti-Bullying Co-ordinator is to ensure that the standards set out in section 1 are met and that children and young people are kept safe from bullying.

The Commitment also stresses that it is the responsibility of all adults working with children and young people to understand bullying and its many forms and to deal with cases appropriately. This will inevitably involve training and professional development issues (standard 5 stipulates that all staff receive two hours annually) for employees and

⁶ Derbyshire County Council's Anti-Bullying Commitment

volunteers in order that anti-bullying work and processes become fundamental staff practice.

Section 1 of the Commitment involves achieving 8 minimum standards considered to be essential safeguarding practice. Each level has a minimum standard of activity acceptable (which equates to the Ofsted inspection grade) for keeping children and young people safe from bullying and also an extended and enhanced level. The latter level is a standard extended to the point where children and young people are able to take a proactive role in the management of bullying. It should be noted that there are several intermediate stages between the minimum and enhanced levels of the Commitment. Establishments can also move both forwards and backwards between the various levels.

The 8 standards are:

Minimum Standard	Enhanced/Extended Standard
Standard 1 – Identifying vulnerability	
Identifying vulnerability – systems are in place to identify vulnerable children and young people, and all adults must take responsibility for monitoring their physical and emotional well-being.	Children and young people are aware of their vulnerabilities and their views are included in the development of systems which set out the strategies and actions to keep the young person safe.
Standard 2 – Procedures and policies	
The setting has an up to date written policy on keeping children and young people safe from bullying, to include measures for preventing and dealing with bullying and a system for recording and reporting incidents and complaints to the local authority.	The setting's policies and procedures are developed in consultation with children and young people, parents and carers.
Standard 3 – Location	
Locations are safe for all children and young people. Hotspots for bullying have been identified and strategies put in place to reduce the risk.	Children and young people are supported in taking responsibility for the development of safer premises.

Standard 4 – Provision of identified adults	
All children and young people have a named person responsible for their safety in the event of any bullying related concerns. All children and young people understand that they must tell a responsible adult if they have any concerns around bullying to themselves or others.	Children and young people take on a lead role as peer mentor and understand which cases can be resolved by them and which must be passed on to a responsible adult.
Standard 5 – Development of knowledge and understanding	
All adults working with children in the setting undertake at least two hours training annually, in anti-bullying strategies and safeguarding procedures.	Children and young people are enabled to become 'champions' for anti-bullying through the acquisition of specific skills to keep themselves and others safe e.g. peer mentoring.
Standard 6 – Communication	
The setting has a system to fully investigate all incidents and complaints. The setting communicates the outcomes of investigations into incidents of bullying to all appropriate parties, including parents and carers, taking into account the duty of confidentiality.	Children and young people are involved and participate in the communication of outcomes. Restorative practices are utilised.
Standard 7 – Consultation	
Consultation with children and young people occurs on a regular basis (at least every six months) to maintain their safety and security	The consultation process is led by children and young people and involves all stakeholders, including parents and carers.
Standard 8 – Restorative practices	
Staff and volunteers are aware, model and support others in using restorative practice.	Restorative Practice is a core part of the ethos of the setting; demonstrated by children and young people actively initiating restorative practice.

Section 2 of the Commitment details extension work to further develop anti-bullying practice and the framework should be used annually to assess the quality of anti-bullying work and to inform action planning.

It has been designed to enable all settings to develop the standard of their anti-bullying work, and builds on the essential safeguarding practice established in Section One.

In this section of the framework there are 18 standards divided into 5 areas:

- Continuing Professional Development
- Application of Learning
- Ethos
- Procedures and Communication
- Monitoring, Evaluation and Research

The level of work within each standard is measured using a continuum of development across four bands:

- Establishing – indicating the minimum performance for the standard. (The objective at this stage is to be aware of what needs to be done and to establish the foundations for development)
- Developing – indicating that progress has been made with further development opportunities highlighted.
- Enhancing – indicating that more effective practice is established and impact can be measured.
- Extending – indicating that outstanding practice is evident.

Accreditation in schools will be carried out by the Healthy Schools Team. The Healthy Schools Team is partly funded by the County Council and partly by the PCT and its aim is for all schools to achieve the National Healthy Schools Status. The achievement of the award means that schools have satisfied 41 criteria relating to the health and well-being of its pupils. The County Council and the Team have entered in to a service level agreement to commit the Team to one visit to schools to accredit anti-bullying practice. The Team will use a set of questions to determine whether or not each standard has been met and which can also be used to provide pointers to improve school practice.

Section 2 standards will obviously require a more robust accreditation than in Section 1. Establishments will be required to demonstrate that all 18 standards have been met and this will need to be backed up by evidence. Section 2 also requires establishments to make an annual return to the authority demonstrating with evidence that they have met each of the 18 standards. Those that demonstrate that they have met at least the “Establishing” level for each standard will be awarded Anti-

bullying Commitment Certificate of Good Practice which will be renewed annually.

Currently there are 132 schools who have signed up to the revised scheme. Another 153 have expressed an intention to join. Responsibility for encouraging those schools not currently signed up to the Scheme to do will transfer from the Anti-Bullying Strategy Manager to the MATs after 1 April 2011.

In Children's Homes each home has an identified anti-bullying co-ordinator. To deliver accreditation of the Anti-bullying Commitment, anti-bullying co-ordinators will take responsibility for the quality assurance process in a neighbouring home. Appropriate questions have been developed for the accreditation process in homes.

Work is in progress to develop accreditation processes for youth service settings and also voluntary sector providers. The Anti-Bullying Strategy Manager is also in the process of developing a pilot study at a Derbyshire Dales District Council leisure centre on utilising the Commitment. Community Safety Officers are also in discussions with Derbyshire Sports regarding promoting the Commitment for use with local sports clubs.

3.1.5 Reporting bullying

There is currently no requirement on schools to report the majority of incidents of bullying to the LA. They are required to report racist bullying although the County Council has extended this to include all prejudice related bullying. This is done through an electronic form available on the Derbyshire Net for Learning.

In 2009, the previous Government published a consultation document entitled "Recording and Reporting Incidents of Bullying Between Pupils, and Incidents of Abuse against School Staff". The consultation document states that "it has become clear that keeping formal records of bullying incidents is an essential part of any successful anti-bullying strategy."⁷ It therefore proposed that a new duty be placed on schools to record serious and persistent incidents of bullying between pupils, racist incidents and incidents of verbal and physical abuse against school staff. The paper also sought views as to whether the data collected should be made available to local authorities and also to central Government. The consultation period closed in March 2010. The results of the consultation are not yet known and it is unclear as a result of the change of Government, whether any recommendations will be forthcoming.

⁷ Recording and Reporting Incidents of Bullying Between Pupils, and Incidents of Abuse against School Staff".

The County Council has decided that it is important that it gathers robust information on bullying incidents in schools in the County in order to facilitate more informed decision-making. To this end, officers from CAYA have been in discussions with schools to develop pilot projects on the recording of bullying incidents. Following consideration of the various options, it was considered that the most effective means of recording bullying incidents in schools would be to utilise the SIMS and facility management information systems used by schools. Work is on-going to develop these systems to enable them to be used for this purpose. The pilot projects to be run in 14 schools across the County, will be up and running by the end of March 2011. Hopefully the new systems will be rolled out to all schools in June with a view to schools starting using them for recording all bullying incidents from September 2011.

It is noted that the proposals to collect data on bullying incidents does not include those incidents of bullying against school staff. A considered view has been taken that these incidents are more than adequately covered through existing school health and safety procedures.

In other settings and establishments such as children's homes and youth services there are established procedures in place for reporting and recording bullying incidents. These procedures will be reviewed to ensure that information received is consistent and useful in terms of planning purposes.

It is also important for children and young people to have alternative means of reporting concerns if they do not feel able to use formal recording mechanisms. A direct link to the CEOP reporting system will be available from the virtual learning platforms that all children and their parents will have access to. In addition it is proposed to also have the link directly available from computers based in libraries.

There are two current pilot projects at Alfreton Grange School and Anthony Gel School, Wirksworth which aim to promote a whole community based approach to tackling bullying and other problems such as anti-social behaviour. The projects involve the Police and Schools working closely with young people to "map" those areas of the local community where young people feel safe and also unsafe. This not only has the benefit on engaging young people and the community in tackling local problems but it also helps the relevant agencies identify problem areas and target action accordingly.

3.1.6 Data on Bullying

Until relatively recently there has been very little reliable data available on bullying which meant that it has been very difficult to assess the

extent of the problems and to take action in response. However, at national level the Tell Us survey been undertaken and at a local level the Council has commissioned the Schools Health Education Unit to undertake a bi-annual survey in support of the Every Child Matters agenda.

(i) The “Tell Us” Survey and National Performance Indicator 69

The Tell Us 3 and 4 surveys were undertaken across England by Ofsted in Spring 2008 and 2009, to ask children and young people from years 6, 8 and 10 for their views about their local area. Ofsted carried out the Tell Us surveys in order to ensure that the first-hand views of children and young people were taken into account as part of each local authority’s inspection process, and to provide data to compare at a national level.

Data collected from the surveys has in the past been used to calculate 5 former National Indicators, one of which is NI 69 which sought to “Reduce the number of children who have experienced bullying.” Recently, the Government has announced the removal of the National Indicator set.

Between 2009 and 2010 the figures show that in respect of NI 69 the numbers of children who have experienced bullying have fallen from 54.1% to 30.6%. The significant reduction which is largely mirrored in other authorities is due for the most part to a change in methodology between the Tellus 3 and Tellus 4 surveys. As comparative information therefore, the results of these surveys proved not very useful.

(ii) Every Child Matters Surveys

In 2007 and 2009, the Children and Younger Adults Department commissioned the Schools Health Education Unit to undertake surveys of almost 500 Y6 pupils on a range of subjects, one of which was “Staying Safe” which included questions specifically on bullying.

(iii) Schools Health Education Unit

Also in 2009, the Schools Health Education Unit undertook a survey commissioned by the Anti-bullying Strategy Manager with questions specifically on bullying. Some of the results are set out below:

- 18% of pupils reported they had been bullied at or near school in the last 12 months. (Interestingly in the survey of secondary school aged children carried out as part of this review, the answer to the same question was 31%. This survey did however, have a far smaller survey sample).

- 30% of pupils reported they felt afraid of going to school because of bullying at least 'sometimes'.
- 89% of pupils reported they think their school takes bullying seriously.
- 3% of pupils reported they thought others may fear going to school because of bullying.

(iv) Children's Home Survey 2009

In 2009, the Deputy Strategic Director for CAYA requested that a survey on bullying was carried out in Derbyshire County Council Children's Homes. A survey consisting of 17 questions was developed and children from 9 out of the 11 children homes were invited to complete the questionnaire following a visit from the Anti-bullying Strategy Manager and a safeguarding officer.

The results provided local managers with information on a variety of bullying including where bullying occurs, why and how often it occurs, who it was reported to and what happened.

3.1.7 Playground Pals

Playground Pals is a scheme whereby children act as playground mentors to resolve problems such as bullying themselves up to a certain point before issues may be reported formally to teachers. The scheme operates in junior and primary schools but not in infant schools and secondary schools. The scheme uses a red, amber, green system of dealing with problems. Red means pupils deal with matters themselves. Green means the matter is referred to an adult immediately.

The County Council employs a Youth Justice Mentoring Officer whose role is to work in schools training children, mainly Year 5 and 6 pupils, to become Playground Pals. Capacity issues have meant that recently Midday Supervisors and other staff have been trained in order that they can cascade training down to children in their schools. The idea is to increase the numbers of pupils becoming Playground Pals and also the number of schools participating in the scheme.

There are currently some 58 schools operating the scheme across the County. Some schools who do not participate in the scheme do use other schemes provided by church and voluntary groups. The advantage of the Playground Pals scheme is that it is free.

3.1.8 Restorative Practices and Restorative Justice

Restorative practice and restorative justice is about people telling the truth, taking responsibility for their actions and acknowledging that their actions may have caused harm to others. It is about using alternatives to the formal systems to “punish” those responsible for low level crime. It is also about a whole community response to a problem, not just the Police or the school. Restorative practices can include a variety of measures ranging from face to face meetings, victim offender mediation, peer mediation by pupils, indirect communication of restitution or reparation payments made through the courts.

In bullying terms it may mean that the victim and the bully (subject to both parties agreeing) coming face to face. The bully can at first hand hear how his/her behaviour has affected the victim(s). The victim can hopefully, after listening to the perpetrator, understand the reasons for their behaviour.

In less serious cases of bullying the bully may avoid exclusion from school, or in more serious cases where the Police are involved, the bully may not be prosecuted through the justice system. In the latter case this avoids the bully being tainted for life by having a Police record. The matter may still be recorded as a crime but no further formal action is taken. It is increasingly being seen as a useful and effective tool in dealing with low level offending and as an essential tool of community policing.

Evidence shows that victims, particularly younger victims, are likely to gain greater satisfaction from crimes being dealt with in this manner than through the more formal justice system and there is also evidence of significantly reduced re-offending rates.

Restorative practice is one of the 8 key standards required of the revised Anti-Bullying Commitment. The minimum requirement is that “Staff and volunteers are aware, model and support others in using restorative practice”. At the enhanced and extended level it is “a core part of the ethos of the setting; demonstrated by children and young people actively initiating restorative practice”. It is not about schools or the Police working in isolation, the best results in implementing restorative practices are likely to be achieved by adopting a wider community based approach.

In Derbyshire, the Police have trained all front line officers and PCSOs in restorative justice. The training has been undertaken in-house by the Learning and Development Department. The Police see PCSOs as having a major role in forging links between them and local communities and schools. Local PCSOs should be regularly seen in schools in order to develop relationships with both staff and pupils and they are key to

dealing with bullying issues that may occur in and around school through restorative practice. It is the intention that schools will be more greatly involved in the work of Safer Neighbourhood Teams (SNTs) and that where schools have identified issues of bullying these issues should be raised at SNTs meeting and identified as a priority for the local area.

The use of restorative practices in schools is not new, although the extent to which they are deployed will vary from school to school. Fully utilising restorative practices will require schools to change their ethos in terms of discipline. Traditional forms of punishment such as exclusion and detentions remain in place at schools but at the same time there should be restorative alternatives. A study by the Youth Justice Board in 2004, indicated that the greatest benefits from restorative practice is gained where a whole school approach is followed⁸. The survey found that where whole school approaches to restorative practice had been implemented there had been less bullying behaviour than in other schools and that there had been a general improvement in student behaviour.

Implementing restorative practices in schools requires different levels of action and intervention. At the lowest level this will involve teachers dealing with day to day discipline issues in the classroom. At the next level pupil conferences may be required which may be dealt with by Heads of Year. At the apex there will be cases which would otherwise have been dealt with by exclusion that are dealt with by fully trained restorative justice practitioners. The level of training in restorative practice will depend on the responsibilities required of staff but not all teachers will require training to the highest level. The two pilot projects at Alfreton Grange School and Anthony Gell School referred to in Section 3.1.5, use restorative practices as part of the whole community based approach to dealing with problems such as bullying and anti-social behaviour.

In 2006, 8 Behaviour Support Teachers, 3 Educational Psychologists, 1 Education Welfare Officer and 1 BIP Co-ordinator undertook a five day residential training course restorative practices. This training is expensive at £7,880.00 (at current costs) for a group of 16.

3.1.9 Advice and Information on bullying

Local authorities and their partners have a clear duty to safeguard and promote the well-being of children within their areas. Part of this duty includes the provision of information on where children and young people can access support to tackle bullying. This includes information on web pages for children and young people, directories of useful

⁸ Restorative Justice in Schools Programme Evaluation – Youth Justice Board for England and Wales 2004.

contacts and information on voluntary agencies. It can also include the use of billboards, bus shelter panels and other public spaces. Information should also be available for parents on what to do to help prevent bullying and what to do if their child is being bullied.

The County Council has produced the “Silence won’t beat bullying” poster to support the Anti-Bullying Commitment and also the “Being Safe and Happy – your guide to tackling bullying” leaflet. The Council has also recently produced the “5 Whys?” leaflet and poster which aims to assist in identifying how a child’s behaviour may demonstrate they are having problems. One of the 5 Whys asks the question: “Is the child being bullied?”

The Council has also recently established the “OK” website which provides young people with a range of information on bullying issues. Information on bullying is also available on the Council’s b_line website and also the Derbyshire Children’s Safeguarding Board website. Links to both websites can be found on the County Council’s main website.

A range of information to support schools and governors is available from the Derbyshire Net for Learning. Work is currently being undertaken by the Community Safety Division to develop a Hate Crime package for primary schools, the learning objectives of this will focus on how some people are treated badly because they are different.

There is also a wealth of good and useful independent advice for children, parents and schools on bullying available from a variety of organisations such as Childline, Bullying on-line, Anti-bullying Alliance, Beat Bullying, Anti-bullying Network, Stonewall and Kidscape. (DCC is a Stonewall Education Champion) The County Council encourages schools, children’s homes and youth services to make use of this information and advice.

3.2 E-Safety

3.2.1 E-safety Task Group

It is a local authority responsibility to ensure that children are instructed in the safe use of information technology not just in schools but also in fostering, children’s homes and other settings.

In 2008, the Derbyshire Safeguarding Children Board identified the need to develop a Derbyshire Strategy for e-safety. To this end an E-Safety Task Group was established to work on the Strategy. The Task Group have used the BECTA (Bringing Educational Creativity to All) E-Safety Standard as the basis for the Strategy. BECTA role is to provide services to schools on the use of ICT including research, evaluation of ICT services and advice on the use of ICT in general. In May 2010, the

Government announced that BECTA was to be abolished as part of the spending cuts. It is unclear at this stage as to what will happen to the services currently provided by BECTA.

The BECTA standard involves a 23 category strategy under four headings: Policy and Practice, Infrastructure and Technology, Education and Training and Standards and Inspection. The Standard will be used to measure progress in safeguarding children against the misuse of information technology. The Task Group has developed an action plan based on the BECTA standards.

At present the Group has a mainly council based membership. The Task Group's remit is to engage with other partners on e-safety and to mainstream e-safety activity to ensure compliance with the Council's corporate responsibility rather than considering it as a specific topic. The Group has not yet engaged with young people in the development of the Strategy.

3.2.2 E-safety Establishment

The County Council does not employ a dedicated e-safety officer to co-ordinate activity across all disciplines. The Safeguarding Children Board identified the Safeguarding Manager and the Strategy Officer, Safeguarding Children to work on the development of the e-safety strategy for the County. The two officers report to the Assistant Director (Safeguarding and Specialist Services) in the Children and Younger Adults Department. Other officers from a range of other disciplines also work on e-safety for the Council. The team dealing with e-safety currently includes 8.5 whole time permanent employees.

3.2.3 E-Safety/Acceptable Use of IT Policy

The County Council has an Acceptable Use of IT Policy which it recommends is used in all establishments and its settings. It is acknowledged that the policy in its current form is somewhat dated. It does not for example, refer to cyber bullying. Those working on e-safety also acknowledge that the development of the policy needs to be undertaken in consultation with children and young people in order that their needs and experiences are taken in to account.

As with the anti-bullying policies, the extent to which the County Council can impose a policy on schools is limited. The County Council has identified several good practice e-safety policies which it provides to schools and encourages them to adopt.

3.2.4 Monitoring e-safety

Children are most at risk in terms of e-safety when they are outside of school. Schools, children's homes and the youth services use of the internet is monitored through the East Midlands Broadband Consortium

(EMBC). Young people in corporate settings are well protected with use of IT well monitored and audited. Previously identified weaknesses in fostering and residential care have been rectified. In these settings adults' use of ICT is also monitored.

Where young people are found to have been abusing ICT and putting themselves at risk, the policy is not to ban them from using it. The idea is to increase their understanding of the dangers through use of ICT.

3.2.5 Advice and information on e-safety

Work is on-going through a sub-group of the Strategic Bullying Group to develop guidance for parents and schools on internet usage in order to raise awareness of the potential issues.

Links to advice and useful websites can be found on the Kaleidos and EMBC virtual learning platforms. This includes a link to the Child Exploitation and On-line Protection (CEOP) website. CEOP is a multi-agency quango established to help safeguard children. The Government has recently announced that CEOP's work is to be assimilated in to the National Crime Agency, a move which has caused some controversy.

CEOP has a website which provides a range of information for both children and their parents. CEOP endorses a dual approach to e-safety. Firstly, all agencies should alert children and young people to the dangers of ICT use. At the same time agencies should seek to make the reporting of internet abuse as easy as possible through the incorporation of the CEOP logo button on web pages accessed by young people. Parents have access to the learning platforms so it is a useful mechanism through which messages on anti-bullying work and e-safety can be disseminated.

The County Council has recognised the importance of communicating the message about safe use of the internet and technology to parents and carers. It encourages schools to ensure that parents are made aware of e-safety policies and advice. Events have been arranged in schools specifically to look at e-safety with mixed success. A large secondary school arranged a parents evening but only 3 parents attended. Lady Manners School however, arranged a market place style event which was very well attended and included key messages around e-safety.

In 2008, the Derbyshire ICT Conference was convened in conjunction with CEOP which resulted in 140 Derbyshire schools registering with CEOP and having an e-safety trained "Ambassador" to co-ordinate activities within their schools. In addition, the ICT Summer School

CEOP provided a training session on e-safety for all Education Improvement Advisors and Consultants.

3.2.6 Equalities

There are obvious equalities issues relating to bullying which are covered by legislation and which require the Council and its partners to have measures in place to respond to and prevent problems. All the partners involved in the provision of anti-bullying measures have well established equality policies and equal opportunities practices are embedded in Council work and the service provided. .

Children can be bullied for a variety of reasons which include race, sexual orientation, gender and disability. The bullying survey for instance, showed that whilst the main causes of bullying were the way people looked, bullying relating to race, sexuality, gender and disability was reported although the numbers involved were low in a small survey sample.

As previously detailed, legislation requires the County Council to have regard to bullying occurring on equality related grounds. The Council has recognised this requirement in the provisions of the Anti-bullying Commitment “bullying is addressed through teaching about on line safety, racism and prejudiced related bullying, including homophobia. The guidance provided by the Council to schools on the development of anti-bullying policies has a section on the legal framework of anti-bullying work including equalities issues. It also has a specific section on bullying by race, gender, sexual orientation and disability. Equality processes are embedded in the policies and procedures of all County Council establishments.

4.0 Issues and Recommendations

4.1 Bullying

4.1.1 Resources/Capacity

The move to the new Multi-Agency Team arrangements which will be implemented with effect from 1 April will have a significant impact on the delivery of anti-bullying work in the County. Under the new arrangements the post of Anti-bullying Manager has been disestablished and the work mainstreamed and undertaken through the 6 MATs with one of the four Service Improvement Officers taking the strategic lead on vulnerable children and young people which includes bullying.

One of the concerns raised by those giving evidence to the Working Group was that prior to the creation of the MATs, the majority of the

work of the County Council on anti-bullying was undertaken by the Anti-Bullying Strategy Manager with other officers with responsibility for anti-bullying measures both within the County Council and also in respect of partners, sharing the work with other duties. There was a view that in some instances anti-bullying work was not given sufficient priority resulting in the majority of anti-bullying work falling to the Anti-Bullying Strategic Manager to deliver.

The Working Group considers that the creation of the MATs presents both an opportunity and a threat to the delivery of anti-bullying work in Derbyshire. The threat being that under the new arrangements, members of the MATs will pick up anti-bullying work along with other duties resulting in the delivery of such work being diminished and diluted as day to day work pressures may mean that priority is given to other work. The opportunity is that the new arrangements provide a chance to clearly define the various roles and responsibilities for delivering anti-bullying work and to ensure that the work is shared more equally both within the County Council and also with partners. The Working Group noted that Practice Guidelines for the MATs are in the process of being developed. The Guidelines will set out the roles and responsibilities of officers making up the MATs. Responsibilities for anti-bullying work need to be clearly defined in these Guidelines.

The Working Group accepts that there will inevitably be changes to the delivery of anti-bullying work as a result of the introduction of the MAT arrangements. It would however, request the Children's Trust reaffirm its commitment to deliver effective anti-bullying and e-safety work.

Several of those giving evidence to the review indicated that they felt that bullying did not have a significantly high enough profile both within the County Council and its partners. Whilst bullying was taken seriously by all concerned, there was also a view that often work was undertaken in isolation and without co-ordination.

The establishment of the Anti-Bullying Strategic Group as a means of co-ordinating anti-bullying work across the County has helped to address some of these issues and the Working Group considers that it should play a key role in driving forward anti-bullying work in the future under the new MAT arrangements. It is clear that its establishment is appreciated by those directly involved in anti-bullying work. The Group has a wide membership and brings together a range of people with anti-bullying responsibilities. The work of the sub-groups has also assisted in developing a broader base of responsibility for implementing and co-ordinating anti-bullying work and it has also enabled clear lines of communication to be established between CAYA and partners agencies. The review recommends that the Service Improvement Officer with responsibility for vulnerable children and young people and

a representative of the Locality Managers should sit on the Group in order to provide a direct link to those delivering anti-bullying work.

The Strategic Group is able to report on its work to the Safeguarding Children's Board as necessary. The notes of meetings however, are not reported to the Board or to the senior management teams of CAYA and other partners represented on the Group. There is a danger that a lot of the good work undertaken by the Group is not considered by senior managers within CAYA and partners.

As a means of both raising the profile of anti-bullying work and also their co-ordination, it is also recommended that the notes of meetings of the Anti-Bullying Strategic Group should be received by appropriate senior management teams and the Board. By doing so, it will enable senior managers and Members of the County Council and its partners to have a greater knowledge and understanding of the range of work being undertaken on anti-bullying measures. A key role of the Strategy Group should be to identify best practice and innovative means of delivering anti-bullying work and to ensure that these practices are implemented.

The Working Group would request that the Anti-Bullying Strategic Group produce a revised action plan for anti-bullying measures which prioritises projects in the short, medium and long-terms the implementation of which to be monitored by the Trust. As part of the process of developing the revised action plan, the Working Group would ask the Trust to address the issue of roles and responsibilities with a view to spreading the burden of delivering anti-bullying work more equally across the Council and its partners.

Recommendation 1

- (a) The review would request that the Children's Trust Board reaffirm its commitment to deliver effective anti-bullying and e-safety work.
- (b) The Board should produce a revised action plan for anti-bullying measures which prioritises projects in the short, medium and long-terms.
- (c) The Board should clarify the roles and responsibilities of all partners in respect of anti-bullying work.
- (d) The membership of the Anti-Bullying Strategy Group to be revised to include the Service Improvement Manager with responsibility for vulnerable children and young people and also a Locality Manager.
- (e) The notes of meetings of the Anti-bullying Strategy Group should be received by the Children's Trust Board and appropriate Departmental Senior Management Teams.
- (f) the Anti-Bullying Strategy Group to identify and deliver best practice and innovative ways of dealing with bullying.

4.1.2 Anti-bullying Policy

The County Council does not promote the use of a model anti-bullying policy in schools and other establishments. It prefers schools and other establishments to develop their own policies and procedures for dealing with bullying. By doing so, it requires those responsible for dealing with bullying and to give consideration to the content of the policy and how it will be delivered. If a model policy was used, there is a view that establishments would adopt it without having due regard to importance they should be giving to bullying issues, how to deal with them and how to involve pupils, parents and the whole school community in their development.

From looking at a sample of anti-bullying policies, it is clear they vary from school to school. Some are very brief one page documents others are far more lengthy and detailed. The Council does however, promote the use of the current Department for Education, Schools and Families definition of bullying.

The survey of schools indicated that 39% of schools who responded did not have pupil friendly versions of their anti-bullying policies. At the same time only 17% of schools provided pupils with a copy of the policy. The preferred means of communicating information on Anti-Bullying policies was by providing a copy to parents and via the school website.

From the survey of secondary school aged pupils, 76% indicated that they knew of their schools Anti-Bullying Policy. This means that almost one in four pupils were not aware of the policy. The survey also showed that over 42% of pupils said they had not been involved in the development of their schools anti-bullying policy and a further 35% didn't know whether pupils had been involved. 50% of those surveyed said their school had a pupil friendly version of the policy but 45% said they were unaware as to whether their school had such a policy.

The current guidance on developing school anti-bullying policies is somewhat out of date and needs revising now that the new Anti-Bullying Commitment has been developed and introduced. A useful starting point may be the Policy Content Analysis document produced by Northamptonshire County Council and the East Midlands Anti-Bullying Alliance which was trialled in Leicestershire. The revised guidance should stress the need for child friendly version of the anti-bullying policies and will need to take account of the provisions of the Education White Paper if enacted.

Concern was also expressed over the lack of awareness of bullying policies in schools and also the lack of pupil friendly versions of policies. It was considered that the promotion of bullying policies in schools

should be a key role of school governing bodies and LA Governors in particular. (See recommendation 4(c))

It is also recommended that the Guidance be adapted for use in other establishments.

Recommendation 2

- (a) The guidance on developing school anti-bullying policies be revised and should include reference to child friendly versions of the policy.
- (b) Guidance should be produced for the development of policies in other establishments.

4.1.3 Anti-Bullying Commitment

The Working Group welcomes the recent development from the old Anti-Bullying Scheme to the Anti-Bullying Commitment. The new Commitment provides a flexible framework through which anti-bullying can be developed in schools and other settings. It is noted that 135 schools are signed up to the Commitment with the numbers increasing all the time. As detailed in section 4.1.2 above, however, there are concerns about the capacity to deliver the Commitment to schools, particularly assessments of schools to level 2.

The majority of the work on the Commitment has to date been undertaken by the Anti-Bullying Strategic Manager. There is a concern that the disestablishment of this post will impair the delivery and development of the Commitment in the future. The Working Group would recommend that the Anti-Bullying Strategy Group be given responsibility for ensuring the future delivery of work on the Commitment.

The Anti-Bullying Commitment is open to all schools to participate in. In practice however, efforts to sign schools up to the Commitment are concentrated mainly on Primary and Junior Schools with some infant schools already using the Commitment. The Working Group would like to more extensively promote the use of the Commitment in all schools including infant schools. It was considered that there may be increasing numbers of schools wishing to sign up to the Commitment given the new emphasis to be given to bullying in future Ofsted inspections.

Recommendation 3

- (a) The Anti-Bullying Strategy Group be responsible for future work on the Commitment.
- (b) The Anti-Bullying Commitment to be promoted in all schools.

4.1.4 Recording Incidents of Bullying

The Working Group notes and supports the work undertaken to date to facilitate the recording of bullying incidents in schools. Without reliable data it is difficult to plan services effectively for the future. Subject to the successful completion of the pilot projects, the review supports the proposal to roll out the reporting process across all schools in September 2011. The recording system is more than simply details of the number of reported bullying incidents. It is designed to provide information on the outcomes of bullying incidents with the aim of minimising the gap between those who say that they have been bullied and the number of successful outcomes.

The information has a number of benefits for schools and the LA including providing data for governors, uses for school planning purposes, identification of bullying trends and “hot spots”, monitoring and evaluation of anti-bullying policies and the promotion of the schools anti-bullying work. If data on bullying incidents is not collected, schools and the Council will only have data on prejudice related bullying. Whilst this is important, it is only one element and it does not enable schools and the Council to look at the wider aspects of bullying. It also could be perceived that schools and the Council does not take other forms of bullying as seriously as prejudice related bullying even though the consequences can be equally significant.

Whilst officers did not anticipate that many schools would refuse to provide the information to the Council (and evidence from other councils who already collect such data supports this), it is considered that the idea when extended to cover all schools would need to be positively promoted to headteachers and governing bodies to try to ensure that the numbers of schools participating was maximised. The survey of schools demonstrated some interesting results when answering the question about the number of bullying incidents in schools. The table below shows a sample of the responses from schools and demonstrates the different practices in recording bullying incidents.

School	Pupils on roll	Incidents 2008/9	Incidents 2009/10 (to date)
A	768	56	28
B	402	6	3
C	350	0	1
D	243	0	0

Comments received as part of the survey also show the difficulties and sensitivities of schools' reporting information on bullying. One school commented “100% of pupils report that they don't have any problems with bullying” whilst a second school commented “Incidents of bullying

are only recorded when they are judged by staff to be genuine. Parent's complaints are usually concerning occasional incidents of children falling out or related to parental disagreements outside school”.

The Working Group is concerned that some schools do not appear to acknowledge bullying as an issue. Whilst it accepts that there are some schools with this attitude, it believes that the County Council needs to ensure that such examples are minimised. It is noted that the new emphasis of Ofsted inspections may mean that some schools attitude to bullying will have to change.

It is considered that school governors can play an important role in ensuring that schools take a proactive stance on bullying. In particular, it is felt that this message can be portrayed by Local Authority (LA) Governors as representatives of the County Council. The Working Group would recommend that LA Governors be offered training in anti-bullying policies and practices. Such training may present an opportunity to use IT based packages as an alternative to the usual training provided to governors.

Whilst it is accepted that governing bodies cannot be required to do so, it is also recommended that governing bodies appoint a governor with specific responsibility for bullying. Such an appointment would assist the promotion of anti-bullying work in schools and would also demonstrate a commitment to tackle bullying problems which may be important given the new emphasis of Ofsted inspections.

As detailed on page 13, the previous Government published a consultation document entitled “Recording and Reporting Incidents of Bullying Between Pupils, and Incidents of Abuse against School Staff”. The consultation paper proposed to place a duty on schools to record serious and persistent incidents of bullying between pupils, racist incidents and incidents of verbal and physical abuse against school staff. At this stage it is not clear whether or not the new Government intend to adopt the duty to record incidents.

The Working Group considers that even if a duty is not placed on the Council and its partners, that data on bullying incidents should be collected in order to inform decision-making. Clear and accurate data across all settings on bullying will also enable assessments to be made of the effectiveness or otherwise of the measures put in place to combat bullying such as the Anti-Bullying Commitment. It will also assist in planning and developing further measures to combat bullying.

Although the bullying survey and the Youth Council information did not show any dramatic figures for bullying on the grounds of race, sexual orientation, gender or disability, there are no grounds for complacency. The review concludes that the reporting of bullying incidents needs to

include information on why the reasons why bullying takes place in order that responses to the issues can be shaped.

The Working Group notes that work is on-going to introduce formal and consistent reporting mechanisms in other County Council settings and also community based organisations. Section 4.1.1 highlighted the capacity issues impacting on the delivery of anti-bullying work. In line with Recommendation 1(c), the Safeguarding Board will need to ensure that those responsible for these settings, give a commitment to introduce appropriate reporting procedures.

Recommendation 4

- (a) Subject to the successful completion of the pilot schemes in schools, the review supports the roll out of the new reporting procedures to all schools in September 2011.
- (b) Clear and consistent procedures for the recording of bullying incidents be introduced across all settings involving children and young people.
- (c) LA Governors be given training in anti-bullying policies and practices in order that they can promote anti-bullying measures in schools.
- (d) Schools be encouraged to appoint governors with specific responsibility for promoting anti-bullying in schools.

4.1.5 Bullying Surveys

The Improvement and Scrutiny review of bullying conducted in 2005 recognised the importance of information being available on bullying to inform decision-making. The review recommended that “all pupils should be surveyed annually about their experiences in relation to bullying”.⁹

Surveys were undertaken in line with the Scrutiny recommendations. However, since then other surveys namely the TellUs survey and the SHEU Every Child Matters survey have also been undertaken. The new Government has decided not to undertake the TellUs 5 survey due to be held in 2010. The next SHEU Every Child Matters survey is due to be undertaken in 2011. It is unclear at this stage however, whether funding will be available to do this.

If these surveys are not undertaken, it is likely that the Council will have limited information available to it on which to base its decision-making on anti-bullying measures. As with the reporting of bullying incidents, information from the surveys helps support a number of Council planning measures including school improvement planning, inform the Council’s planning, deployment of resources and training requirements,

⁹ Improvement and Scrutiny Review of School Bullying – February 2005

monitoring of the Anti-Bullying Commitment and identifying any trends or hotspots relating to bullying and safeguarding in general.

The Tell Us and SHEU surveys are both primarily focussed on schools. The Working Group concludes that it is important that the Council has information on bullying in relation to children's homes, youth services and other community settings. Information on these areas will also be invaluable in planning and monitoring services.

The Working Group considers that it is important that the Council has access to such consistent information in order to assist the planning and monitoring processes in relation to anti-bullying. It is recommended therefore, that the Safeguarding Board should explore cost effective means of undertaking bullying surveys in-house for all settings, not just schools regardless of whether the possible SHEU survey in 2011 is funded or not.

Recommendation 5

The Children's Trust should explore cost effective means of undertaking an annual bullying in-house survey for schools and all other settings involving children and young people.

4.1.6 Dealing with bullying complaints

Complaints about bullying are usually dealt with and addressed by management within the establishments where the bullying is considered to be occurring. In schools for instance, this will be the Headteacher and Governing Body, who have statutory responsibility for resolving bullying complaints. In children's homes this will be management in line with agreed procedures.

As bullying is such an emotive subject, it is inevitable that some complaints will be taken further. Currently, the majority of these complaints are directed to the CAYA Departmental Complaints Administrator. Whilst the Complaints Administrator was able to deal with the majority of these matters, inevitably some ended up with the Anti-Bullying Strategy Manager to resolve. It was estimated that around 100 complaints were received by the Strategy Manager each year. Obviously these complaints cannot be ignored and they need to be addressed but they are a considerable burden on the Manager given the other workload issues associated with the post.

The County Council has no specific guidance on dealing with complaints of bullying in schools and the result is that there are a multitude of different complaints policies used each involving differing procedures and timescales. It is clear that in some instances, cases are referred to the Anti-Bullying Strategy Manager by parents seeking other

avenues of complaint where others have been exhausted. In others complaints are referred on to the Council without internal complaints procedures being concluded. There are also examples of issues being referred to the County Council that are never formally recorded as complaints.

The Anti-Bullying Strategy Manager has worked with Safeguarding Colleagues to develop a protocol for dealing with complaints by the Council. This will include defining clear pathways for dealing with complaints; including utilising other services e.g. Educational Welfare Service, Behaviour Support Service to resolve complaints. The Anti-Bullying Manager has held discussions with the Children's Rights Officer to develop a protocol for using advocates in cases where this would lead to positive outcomes for children and young people. This is welcomed by the Working Group.

There is a need to ensure that school's complaints procedures are transparent and clear to parents and carers; in some cases the complainant refers immediately to the LA without any recourse to the schools processes. This should help ensure that cases only come to the LA at the point at which every stage of a school's complaints process has been exhausted. This is particularly important given the proposal to disestablish the post of Strategic Bullying Manager as most of the complaints currently fall to this officer to resolve,

The Working Group concludes that there are too many issues relating to bullying that are referred to the County Council to resolve. It is recommended that the County Council should review its guidance to schools to give clearer advice on timescales and procedures to be adopted. The Council should also make it clear to schools and to parents that they will only get involved in cases where local avenues of redress have been fully exhausted.

Recommendation 6

- (a) The County Council should produce guidance on dealing with bullying complaints provided to schools and other establishments to give clearer advice on timescales and procedures.
- (b) The County Council should investigate bullying complaints in schools and other establishments only where internal processes have been exhausted.

4.1.7 Publicity/Communications Strategy on Anti-Bullying

As detailed in Section 3.1.9, the County Council provides a range of both hard copy and web based information for schools, children and parents relating to bullying.

The recently established OK? website provides information on how young people can stay safe including sections specifically on bullying and e-safety. It is too early to judge the success of the OK? site although it would seem to be a useful tool for children and young people to have access to.

The Working Group considered however, that the presentation of information on bullying and e-safety on other websites such as the County Council website, the Derbyshire Safeguarding Children Board website and the Derbyshire Net for Learning could be improved. It was felt that the information could be better presented and could benefit from having dedicated web pages. It was noted for instance that the Children and Young People's Derbyshire Safeguarding Board web pages only has links to the following despite there being a wealth of other information and websites in existence:

- An interactive quiz on internet safety
- A copy of the Being Safe and Happy - Your Guide to tackling bullying which is produced by the County Council and which is aimed at parents.
- The suite of DCSF guidance on bullying

Similarly, the Safeguarding Board web pages for parents and carers provide links to the Parenting Handbook 2007 which contains one page summaries on both bullying and e-safety. Again, on both the Children and Young People's page and the Parents and Carers page there are no links provided to other useful web pages of which there are many.

The Working Group notes the importance of engaging with parents on matters relating to bullying and e-safety. The survey of pupils showed that over 70% of children would go to their parents or carers for advice on bullying. Likewise, 74% of children indicated that they would turn to their parents if they were being bullied outside of the school environment. Over 64% said they received no advice other than that provided by the school. Interestingly, one of the surveys undertaken by the Youth Council, albeit a relatively small survey, indicated that a significant proportion would use the services of an external independent body such as Childline as a means of accessing support. The need "sign post" information on bullying and e-safety for parents is important.

The survey of schools showed that over 91% of schools found the anti-bullying and e-safety materials provided by the County Council either very useful or useful. The information for schools on the Derbyshire Net for Learning on bullying and e-safety is contained within a list of other information. Again the Working Group consider that the information on the Derbyshire Net could be better presented, not just for bullying but for all subject areas, to make it more easily accessible.

As already mentioned there is a vast amount of information available from external resources such as Childline, Anti-bullying Alliance, Beat the Bully and Kidscape. Given the wealth of external information available, the Working Group considers that the Council should seek to maximise these sources of information and advice which will help alleviate some of the pressure on the Anti-bullying Strategic Manager and others involved in anti-bullying work.

The Working Group considers that there would be benefit in a joint communication strategy for anti-bullying and e-safety being developed and driven by the Anti-Bullying Strategy Group. The development of a strategy by the Safeguarding Board will help co-ordinate communications and publicity activity more efficiently as well as identify improvements in the provision of web based information and advice on bullying and e-safety not just to children and young people but also to parents and carers.

Recommendation 7

The Anti-bullying Strategy Group be recommended to develop a joint communications strategy for anti-bullying and e-safety on behalf of the Children's Trust which includes making greater use of existing means of advice and support such as Childline and the Anti-Bullying Alliance and also of providing advice and information to parents and carers as well as children and young people.

4.1.8 Community based approaches to dealing with bullying

The Working Group very much supports the principles of restorative practice and justice to resolve bullying cases and other issues in schools and the wider community. Whilst there is a lack of hard evidence, it is generally accepted that restorative practices can provide a more cost effective and value for money way of dealing with problems than more formal alternatives. Excluding pupils from schools may require local authorities to consider expensive alternative means of educating children. Likewise, pursuing prosecutions through the court system is very costly. A hypothetical example is set out below:

Two teenage boys were engaged in the persistent bullying and harassment of two younger girls living within the same community. Over a period of 18 months, their behaviour became more regular and widespread, eventually taking place not only in public places but within the local school. Parents from all families became involved and the situation was beginning to escalate. Police were called a total of 234 times. A restorative conference was held and since that time there has been no further police involvement. It was estimated that each call to the police involved attendance and administrative time of 1.5 officers totalling approximately 1 hour of police time per call. This has been

costed at £7,188.80. The total time in setting up and delivering the conference was 4 hours 50 minutes. This has been costed at £157.37. Assuming that the situation would have continued for another 12 months at the same level of intensity, the total time for the police in dealing with the incidents would have been 156 hours and at a cost of £4,792.53. It is reasonable to assert that the restorative intervention saved this amount of overall resource. If the incidents had been addressed after 3 repeat calls then savings could have amounted to £14,285.12 over the same total time period¹⁰.

The training of all front-line Police Officers and PCSOs and the fact that in some areas, the Police, schools and communities are working together to promote restorative practices is welcomed. It is noted that there are pockets of excellence in the County such as at Anthony Gell School in Wirksworth and at the Alfreton Grange School where community based approaches to tackling local problems are used.

The survey of schools showed that 80% of those responding used restorative practices as a means of dealing with bullying issues. It is not clear however, to what extent this is a community based approach to problems or simply a matter of school policy in isolation.

The provision of training is important if the delivery of effective community based restorative practices is to be achieved. Such training can be expensive particularly given the current financial climate. As detailed in Section 3.1.8, some training of Behaviour Support Teachers and other staff was undertaken. This training was however, limited and a one-off. Over time as the trained staff cease employment in Derbyshire for whatever reason, their expertise in restorative practices will be lost.

Towards the conclusion of the review, discussions were taking place with a view to the Restorative Practice Development Group providing support to schools in delivering Standard 8 of the Anti-Bullying Commitment which relates to restorative practices. This support if forthcoming, is welcomed by the Working Group.

The Working Group is concerned that initiatives to drive forward the use of community based restorative practices appear to be largely dependent on the enthusiasm of those responsible for delivery at a local level, be that the Police or schools. It is recommended that the Restorative Processes Development Group should develop a more strategic approach to the delivery of consistent community focussed restorative practice across the County.

¹⁰ Restorative Solutions (2009) RAIN – using Restorative Approaches to Reduce Police Costs for Dealing with Repeat Call Outs

Recommendation 8

The Restorative Practices Development Group develop a strategic approach to the delivery across the County of community based restorative practice.

4.2 E-Safety

4.2.1 E-Safety Resources/Capacity

The County Council is doing the minimum required to maintain BECTA e-safety standards within the County. No standard is totally unmet but there are many where standards fall short. BECTA guidance for instance, recommends that every Local Safeguarding Children's Board "should appoint a responsible officer for developing an e-safety agenda across the full range of children's services within its remit. This officer should act as the single point of contact for e-safety issues within the local area and also with national bodies..."¹¹

The Working Group notes that BECTA is to be abolished under Government spending plans. Having spoken to those delivering e-safety, it is clear that the guidelines issued by BECTA are well valued and it is felt that they should continue to be used as a measure of performance on e-safety.

In Derbyshire, responsibility for providing services on e-safety rests with a number of officers working within various sections of the CAYA Department for whom e-safety is forms only a part of the duties of their posts. The team dealing with e-safety currently consists of 8.5 whole time equivalents.

The BECTA standards also recommend that "Each organisation must have lead person to co-ordinate and focus activities at a local level and to act as a contact point for the Local Safeguarding Board E-Safety Officer"¹². In Derbyshire, lead officers from partner organisations have not been identified to date and partner organisations are not represented on the E-Safety Task Group.

The Working Group considers that e-safety work with the Council and its partners needs to be undertaken on a more strategic, coherent and consistent basis. The fact that an officer has not been appointed to work under the Safeguarding Board solely on e-safety as recommended by the BECTA guidelines is unfortunate and is a missed opportunity

¹¹ Safeguarding Children on-line – A Guide for Local Authorities and Local Safeguarding Children's Boards, BECTA

¹² Safeguarding Children on-line – A Guide for Local Authorities and Local Safeguarding Children's Boards, BECTA

particularly as the Working Group accepts that in the current financial climate, it is unlikely that funding for such a position could be afforded at present or in the immediate future.

The result will be that progress against the BECTA standards will be minimal and slow. The Working Group would recommend that consideration be given to the secondment of an officer for a fixed period (say a year), to work solely on e-safety in order to make significant progress towards achieving the BECTA standards on e-safety.

If a co-ordinated mainstream e-safety strategy is to be fully developed it will require a joint approach from partners. This will not be achieved if partners are working in isolation. At present not all partners are engaged in the E-Safety Task Group and not all take responsibility for the e-safety within their area of work. To address this safeguarding partners should nominate representatives to serve on the E-Safety Task Group to help drive forward a joint approach to the strategy and compliance with the standards. Lead officers should also be identified from all disciplines and organisations involved in e-safety.

As with anti-bullying measures, the Working Group would recommend that the Children's Trust review the e-safety action plan to prioritise measures against the BECTA standards and ensure that partners share the responsibility for e-safety.

Recommendation 9

- (a) The Children's Trust to continue to use the BECTA e-safety standards to assess progress in delivering e-safety policies.
- (b) The Children's Trust to give consideration to a fixed period secondment in order to allow significant progress to be made towards achieving the BECTA e-safety standards.
- (c) The Children's Trust review the e-safety action plan to prioritise measures against the BECTA standards and ensure that partners share the responsibility for e-safety.
- (d) Partners should nominate representatives to the E-Safety Task Group and also all disciplines should nominate lead e-safety officers.

4.2.2 E-safety and Safe Use of the Internet Policies

It was noted by the review that Council's model E-Safety Policy and the acceptable use of Information Technology Policy had not been updated for several years and are in need of urgent updating to take account of developments. The latter for instance, does not refer to cyber bullying. The Working Group is concerned that these policies have been allowed to become out of date and it is considered that in future, they should be subject to review annually to reflect the rapid pace of developments in technology.

In addition to the need to update the e-safety policy, officers spoken to as part of the review process highlighted the need to engage with children and young people in the development of e-safety measures and policies in order that their experiences and needs are reflected in the overall strategy. At present this was not happening. The Working Group supports the need to engage with children and young people in the development of safety policies and practices and it was considered that the Youth Council would be an ideal starting point for such involvement.

Recommendation 10

- (a) The E-Safety Policy and the Acceptable Use of IT Policy be updated as a matter of urgency and in future they should be reviewed annually.
- (b) As part of the development of the revised policies, children and young people should be engaged in the process in order to reflect their experiences and needs.

5.0 Conclusions

The County Council clearly undertakes a considerable amount of good quality work on anti-bullying and e-safety of which the recently launched Anti-Bullying Commitment is a good example. The Commitment recognises that bullying is not just a problem that occurs in schools but is one that can happen in just about every environment and in the wider community. It also recognises the various forms bullying can take, the reasons why it occurs and the need for children and young people as well as their parents and carers to be aware of the dangers and to have access to advice and support.

A major obstacle to the delivery of both anti-bullying and e-safety work is resources and capacity. During the latter stages of the review the Strategic Director for Children and Younger Adults put forward proposals for change which would create multi-Agency “wrap around” services for 0-19 year olds. The proposals include the disestablishment of the current post of Anti-Bullying Strategy Manager, a key post to date in the delivery of anti-bullying work. Under the new arrangements, one of the Service Improvement Managers will be responsible Strategically for the delivery of anti-bullying work. Day to day responsibility will rest with the MAT Locality Managers.

Similarly, with e-safety, the BECTA guidelines recommend that authorities should appoint a single officer with overall responsibility for delivering e-safety across the range of disciplines. In Derbyshire this has not happened and responsibility is shared between a number of officers for whom e-safety only forms a part of their duties.

The Working Group obviously accepts that the Council and its partners have to operate in exceptional circumstances with significant reductions in public spending which will impact greatly on services including those relating to e-safety.

It is concerned however, about how effectively anti-bullying and e-safety measures will be delivered in the future. Bullying can have a serious and detrimental impact on victims and their families as it can also on the perpetrators. As a way forward, the Working Group would like those responsible for delivering services to re-affirm their commitment to delivering anti-bullying and e-safety work. At the same time, the review would recommend that the Safeguarding Board should prioritise the delivery of these services in order that the services delivered are the most effective in achieving anti-bullying and e-safety outcomes. The Board should also clarify the roles and responsibilities of those involved with the delivery of services.

The Working Group would like to thank all those who have contributed to the review process.

6.0 Summary of Recommendations

Recommendation 1

- (a) The review would request that the Children's Trust Board reaffirm its commitment to deliver effective anti-bullying and e-safety work.
- (b) The Board should produce a revised action plan for anti-bullying measures which prioritises projects in the short, medium and long-terms.
- (c) The Board should clarify the roles and responsibilities of all partners in respect of anti-bullying work.
- (d) The membership of the Anti-Bullying Strategy Group to be revised to include the Service Improvement Manager with responsibility for vulnerable children and young people and also a Locality Manager.
- (e) The notes of meetings of the Anti-bullying Strategy Group should be received by the Children's Trust Board and appropriate Departmental Senior Management Teams.
- (f) the Anti-Bullying Strategy Group to identify and deliver best practice and innovative ways of dealing with bullying.

Recommendation 2

- (a) The guidance on developing school anti-bullying policies be revised and should include reference to child friendly versions of the policy.
- (b) Guidance should be produced for the development of policies in other establishments.

Recommendation 3

- (a) The Anti-Bullying Strategy Group be responsible for future work on the Commitment.
- (b) The Anti-Bullying Commitment to be promoted in all schools.

Recommendation 4

- (a) Subject to the successful completion of the pilot schemes in schools, the review supports the roll out of the new reporting procedures to all schools in September 2011.
- (b) Clear and consistent procedures for the recording of bullying incidents be introduced across all settings involving children and young people.
- (c) LA Governors be given training in anti-bullying policies and practices in order that they can promote anti-bullying measures in schools.
- (d) Schools be encouraged to appoint governors with specific responsibility for promoting anti-bullying in schools.

Recommendation 5

The Children's Trust should explore cost effective means of undertaking an annual bullying in-house survey for schools and all other settings involving children and young people.

Recommendation 6

- (a) The County Council should produce guidance on dealing with bullying complaints provided to schools and other establishments to give clearer advice on timescales and procedures.
- (b) The County Council should investigate bullying complaints in schools and other establishments only where internal processes have been exhausted.

Recommendation 7

The Anti-bullying Strategy Group be recommended to develop a joint communications strategy for anti-bullying and e-safety on behalf of the Children's Trust which includes making greater use existing means of advice and support such as Childline and the Anti-Bullying Alliance and also of providing advice and information to parents and carers as well as children and young people.

Recommendation 8

The Restorative Practices Development Group develop a strategic approach to the delivery across the County of community based restorative practice.

Recommendation 9

- (a) The Children's Trust to continue to use the BECTA e-safety standards to assess progress in delivering e-safety policies.
- (b) The Children's Trust to give consideration to a fixed period secondment in order to allow significant progress to be made towards achieving the BECTA e-safety standards.
- (c) The Children's Trust review the e-safety action plan to prioritise measures against the BECTA standards and ensure that partners share the responsibility for e-safety.
- (d) Partners should nominate representatives to the E-Safety Task Group and also all disciplines should nominate lead e-safety officers.

Recommendation 10

- (a) The E-Safety Policy and the Acceptable Use of IT Policy be updated as a matter of urgency and in future they should be reviewed annually.
- (b) As part of the development of the revised policies, children and young people should be engaged in the process in order to reflect their experiences and needs.