

Bullying and the Children and Families Act 2014



A briefing from the Anti-Bullying Alliance and the Council for Disabled Children – September 2015



Introduction

On the 1st September 2014 the Children and Families Act came into effect, which includes new duties on local authorities for how services and support are delivered for disabled children and young people and those with Special Educational Needs (SEN).

As a result of these reforms the SEND Code of Practice was re-written. A disproportionate amount of disabled children and young people and those with SEN are bullied in schools¹ and the revised Code of Practice introduces new duties and guidance for local authorities and schools about bullying.

This briefing aims to explain these new duties and provide clarity around what effective practice looks like. It is written by the Anti-Bullying Alliance and the Council for Disabled Children. All references below are taken from the SEND Code of Practice.

Bullying and the Local Offer

Local Offer

4.32: The local authority **must set out in its Local Offer** an authority-wide description of the special educational and training provision it expects to be available in its area and outside its area for children and young people in its area who have SEN or disabilities...

and information about: ...

supporting the emotional, mental and social development of disabled children and young people and those with SEN (this should include extra pastoral support arrangements for listening to the views of pupils and students with SEN and measures to prevent bullying).

What does this mean?

- Every local authority **must** have a Local Offer which outlines what support is available in the local area for children and young people with SEND and their families.
- The local offer should include anti-bullying information for children and young people with SEND.

¹ <http://anti-bullyingalliance.org.uk/send-research/aba-research/>

What does effective practice look like?

Local offers should include information on

- Local area's strategic anti-bullying policies and procedures, including information targeted at children and young people, written in partnership with children and young people. These policies should highlight the specific bullying issues that disabled children and young people and those with SEN face, and what specific local and national support is available.
- School duties in relation to bullying.
- How the local area is implementing their legal responsibilities under the Equality Act 2010 with regards to protecting disabled children and young people and those with SEN against direct and indirect discrimination, harassment or victimisation.
- Young people's experiences of accessing services via the local offer.
- A range of different approaches and methods for tackling bullying of disabled children and young people and young people with SEN; and how these can be adapted to working with disabled children and young people and those with SEN. For example solution focused responses; methods to build confidence, resilience and positive identity around disability; mediation; peer mentoring; restorative approaches, conflict resolution etc.
- Mediation and complaints procedures with regards to complaints made about schools anti-bullying policies, procedures or practice. Separate, accessible, child-friendly information should be made available to children and young people and their parents.

Cyberbullying, internet safety and the Local Offer

4.55 Participating in the community should include information [in your local offer] about:

support in using the internet and social media to find information and develop and maintain friendships, including where they can go for guidance on using the internet safely and how to protect themselves against cyber-bullying and exploitation.

What does this mean?

- The Local Offer should include information for young people about how to use the internet safely and information about how to protect disabled children and young people and those with SEN against cyberbullying.

What does effective practice look like?

Local offers should include information on

- What cyberbullying is and isn't; tips for how to report cyberbullying, who to report it to (including named local services or professionals) and when to report it.
- How individual local area's needs reflects national guidance, for example linking to local area's safeguarding children's teams, community safety teams, local schools e-safety

policies and curriculum resources; local social networking groups, forums and chat rooms policies and procedures.

- National and local services and sources of support, for example ChildLine, Samaritans, Information, Advice and Support Services, and local parent or young people's forums.
- National guidance on internet safety including the Department for Education, ChildNet, Child Exploitation and Online Protection, and Think you Know resources.
- Continued professional development opportunities and training for professionals on how to deal with bullying of children and young people with special educational needs, including cyberbullying.
- Young people's experiences and understanding of cyberbullying, tips for how to deal with and report cyberbullying produced in partnership with young people and local young people's groups.

Taking bullying into account when identifying special educational needs

Identifying SEN

6.22 Professionals should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, **such as bullying** or bereavement. Such events will not always lead to children having SEN but it can have an impact on wellbeing and sometimes this can be severe...

What does this mean?

- When looking at the special educational needs (SEN) of children and young people, professionals should think about the impact that bullying can have on learning.
- Schools should also put measures in place to prevent bullying and/or respond to incidents if bullying is seen as an issue when identifying SEN

What does effective practice look like?

Local offers should include information on:

- Questions should be asked about pupil's wellbeing at school when schools are drawing up special educational provision – this should include information about their interactions with others and highlight any bullying that they may have experienced.
- The legal definition of SEN, what SEN does and doesn't include.

Definition of Special Educational Needs

The definition of SEN in the Children and Families Act 2014 is the same as under the old system.

A child or young person has SEN if they have a learning difficulty or disability requiring special educational provision. A learning difficulty or disability means that the child or young person EITHER

- Has a significantly greater difficulty in learning than the majority of their peers
- Or
- Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions
 - Services which support young people's emotional wellbeing and can support young people who may have been bullied such as after school clubs, support groups etc.
 - Services which young people with SEN are disproportionate users of including GP and health services, Information Advice and Support Services, CAMHS, looked after children's services, bereavement services, national and local campaigns for young people's mental health and emotional wellbeing.

School SEN Information Report and bullying

School SEN Information Report

6.79 ... schools must publish information on their websites about the implementation of the... policy for pupils with SEN.

The information published should be updated annually and any changes to the information occurring during the year should be updated as soon as possible. The information... must include:

support for improving emotional and social development. This should include extra pastoral support arrangements for listening to the views of children and young people with SEN and measures to prevent bullying.

What does this mean?

- Schools must publish information on their website about SEN in the form of an SEN Information Report. More details about what this should include can be found in the SEND Code of Practice.
- The SEN Information Report should include information about how schools prevent bullying

What does effective practice look like?

School SEN Information Reports should include information on

- Cross reference to the school's anti-bullying policy.
- How your school communicates with parents and young people about how they are tackling bullying of children and young people with SEN.
- Statistics on the prevalence of bullying of disabled children and young people and those with SEN in school and how this compares to the population as a whole.
- The school's initiatives to combat bullying of disabled children and young people and those with SEN, for example school wellbeing questionnaires, 'buddy' schemes etc.

- Information about reporting concerns about bullying in school.
- The schools disability responsibilities under the Equality Act 2010 to protect and prevent discrimination of disabled children and young people and those with SEN. This should include the specific requirements under the Public Sector Equality Duty, and how local provision is meeting these duties.
- Signposting to Information Advice and Support Services, and other national and local support services.

Providing accessible information

Information should be

- Available separately for professionals, parents, carers and children and young people
- Available in a range of accessible formats for disabled children and young people and those with SEN, for example Braille, Easy-Read, BSL interpreted.
- Easy to access for children and young people. This means that they should be easy to navigate, have a clear commitment to young people, be accessible, inclusive, and have a range of ways for young people to leave feedback and comments, which should be published for others to see and learn from young people's experiences.

Further reading/ references

- Children and Families Act 2014
<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
- SEN Code of Practice
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- Special Educational Needs and Disability regulations 2014
http://www.legislation.gov.uk/uksi/2014/1530/pdfs/uksi_20141530_en.pdf
- Further guidance on dealing with bullying issues can be found on the GOV.UK website
<https://www.gov.uk/bullying-at-school>
- Mott Macdonald's local offer information pack resource (version 6) including school SEN information reports guidance on page 19
<http://www.sendpathfinder.co.uk/local-offer-information-pack-resources>

Do you have examples of effective practice?

We are looking to champion examples of best practice and showcase good LA Local Offers and School SEN Information Reports in relation to bullying via the Anti-Bullying Alliance and the Council for Disabled Children. If you have an example and would like us to showcase it, please get in touch with Martha Evans at mevans@ncb.org.uk.