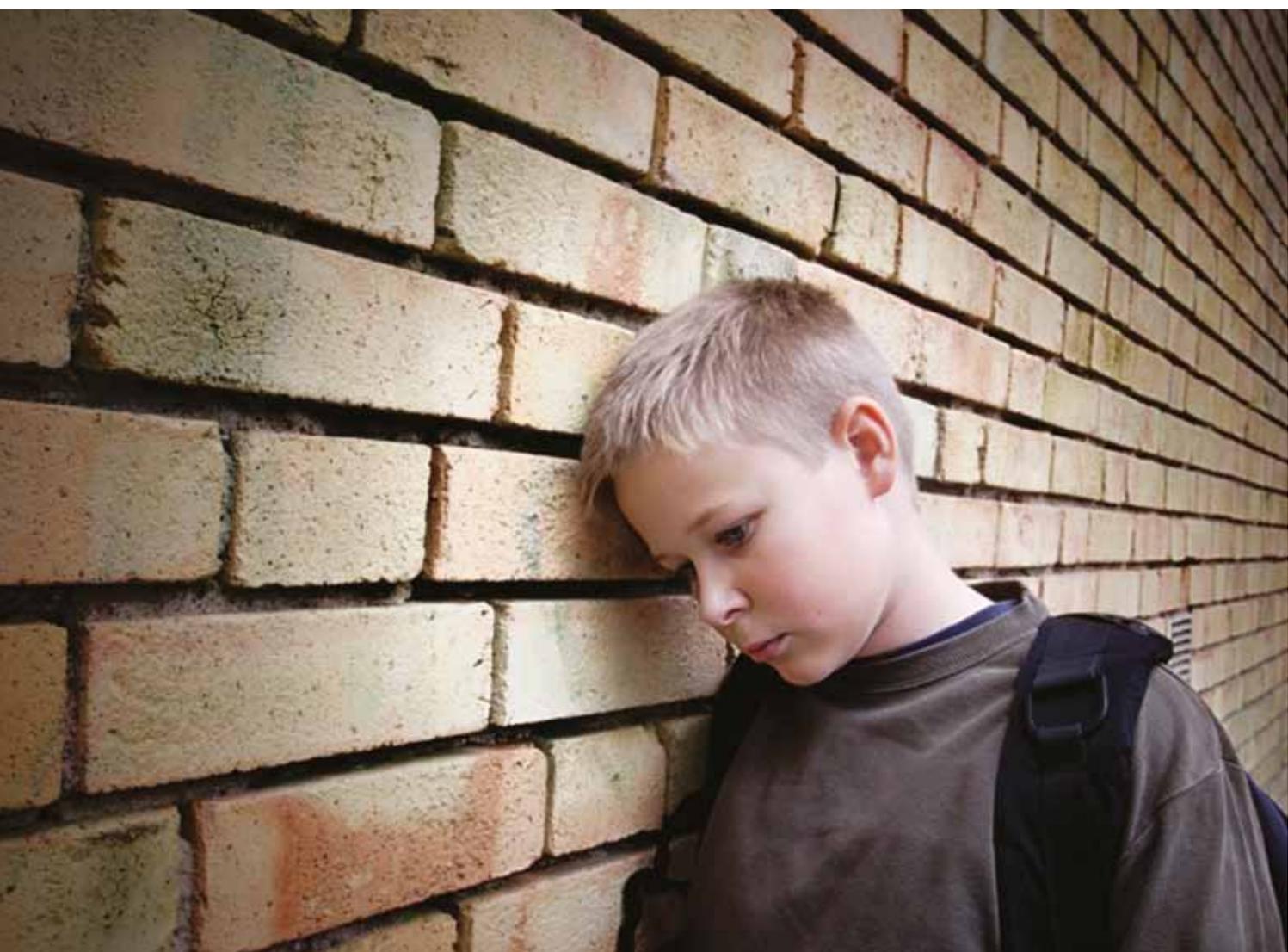




Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

# Respecting others: Bullying around special educational needs and disabilities



## Guidance

Guidance document No: 052/2011

Date of issue: September 2011

# Respecting others: Bullying around special educational needs and disabilities

<b>Audience</b>	Schools, local authorities, parents/carers, families, learners and school governors; social workers, health professionals and voluntary organisations involved with schoolchildren.
<b>Overview</b>	This guidance provides information for all involved in tackling bullying in schools. Local authorities and schools should find it useful in developing anti-bullying policies and strategies, and responding to incidents of bullying. This document forms part of a series of guidance materials covering bullying around race, religion and culture; sexist, sexual and transphobic bullying; homophobic bullying; and cyberbullying.
<b>Action required</b>	For use in developing anti-bullying policies and strategies.
<b>Further information</b>	Enquiries about this guidance should be directed to: Pupil Engagement Team Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2080 1445 Fax: 029 2080 1051 e-mail: PETshare@wales.gsi.gov.uk
<b>Additional copies</b>	This document is only available on the Welsh Government website at <a href="http://www.wales.gov.uk/educationandskills">www.wales.gov.uk/educationandskills</a>
<b>Related documents</b>	<i>Respecting Others: Anti-Bullying Guidance</i> National Assembly for Wales Circular 23/2003 (2003) <i>National Behaviour and Attendance Review (NBAR) Report</i> (2008) <i>Inclusion and Pupil Support</i> National Assembly for Wales Circular 47/2006 (2006) <i>School-based Counselling Services in Wales</i> (2008) <i>School Effectiveness Framework</i> (2008)

# Contents

<b>Introduction</b>	<b>2</b>
<b>Section 1: Understanding bullying around special educational needs (SEN) and disabilities</b>	<b>4</b>
Defining SEN and disability	4
Key issues for learners with SEN and disabilities in Wales	6
The level of bullying around SEN and disabilities in Wales	8
<b>Section 2: The law relating to bullying around SEN and disabilities</b>	<b>9</b>
Equality Act 2010	10
Planning duties	13
The public sector equality duty	13
The SEN legal framework	15
Powers of schools to exclude for bullying around SEN and disabilities	16
<b>Section 3: Preventing bullying around SEN and disabilities</b>	<b>17</b>
The importance of a whole-school approach to preventing bullying around SEN and disabilities	18
Creating an inclusive culture and environment	19
Clarifying with all learners what is meant by bullying	21
Gathering accurate information on incidents of bullying	22
Ensuring participation of learners with SEN and disabilities, and their parents/carers	22
Managing the implication of multi-site settings	24
Avoiding all 'informal' and 'casual' exclusions	26
Involving all staff and partner services	27
Providing support for staff	30
Examples of school approaches and activities	30
<b>Section 4: Responding to bullying around SEN and disabilities</b>	<b>36</b>
Monitoring and recording bullying incidents around SEN and disabilities	36
Choosing an appropriate response	36
Case studies on responding to common types of bullying around SEN and disabilities	37
A range of approaches to responding to bullying around SEN and disabilities	44
<b>Section 5: Resources and further reading</b>	<b>53</b>
Journal articles	53
Publications	53
Useful websites	57
<b>Acknowledgements</b>	<b>60</b>

## Introduction

**“Every child is unique – in characteristics, interests, abilities and needs; and every child has the ability to enjoy his or her rights without discrimination of any kind.”**

(Thomas Hammarberg, 1997)

Bullying is one of the most damaging forms of discrimination. This guidance provides advice on dealing with bullying around special educational needs (SEN) and disabilities. It is part of the Welsh Government’s series of anti-bullying guidance materials for schools. Other guidance in the series includes:

- anti-bullying overview
- bullying around race, religion and culture
- cyberbullying
- homophobic bullying
- sexist, sexual and transphobic bullying.

This guidance is aimed at all maintained primary and secondary schools in Wales, including maintained special schools and pupil referral units. Increasingly schools are expected to work in partnership with a range of other agencies, organisations and bodies who may also find this guidance useful.

### **Terminology**

For ease of reading, the term ‘children’ is used to mean ‘children and young people’ throughout the text. To reflect legal terms, ‘special educational needs and disability’ is used to describe the range of physical, learning, behavioural and sensory needs children and young people may have.

The definition of a ‘parent’ or ‘carer’ for the purpose of this guidance is broadly drawn and includes any person who has parental responsibility (which includes the local authority where they have a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives and/or the child’s birth parent(s).

Reference to ‘school’ in this guidance means ‘responsible body of a school’.

Information on bullying in general can be found in the following documents.

- *Respecting Others: Anti-Bullying Guidance* National Assembly for Wales Circular No: 23/2003 which includes schools policies, definitions and strategies  
[www.wales.gov.uk/respectingothers](http://www.wales.gov.uk/respectingothers)
- *Evaluation of Anti-Bullying Policies in Schools in Wales* commissioned by the Welsh Assembly Government in 2006  
[www.wales.gov.uk/topics/educationandskills/schoolshome/wellbeing/antibullying/publications/evaluationbullyingschools/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolshome/wellbeing/antibullying/publications/evaluationbullyingschools/?lang=en)
- *Tackling Bullying in Schools: A survey of effective practice* published in 2006 by Estyn  
[www.estyn.gov.uk](http://www.estyn.gov.uk)

# Section 1: Understanding bullying around special educational needs (SEN) and disabilities

Even if we look different, we've all got the same blood.

(Primary school learner)

For all children and young people, bullying can be a barrier to education and a fulfilled life. With this in mind, the Welsh Government has made tackling bullying in schools a priority. This guidance addresses particular issues for learners with SEN and disabilities, and is designed to help schools support these learners to:

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

and by doing so:

- raise achievement and participation in safe, positive environments
- take actions that meet their legal safeguarding obligations and comply with the Equality Act 2010 and other legislation
- build on the requirements of the *Special Educational Needs Code of Practice for Wales* (Welsh Assembly Government, 2004)
- uphold the fundamental human right of children to be free from abuse.

## Defining SEN and disability

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

(Secondary school learner)

Local authorities and schools use two key definitions to inform their decisions about providing support to learners with SEN and/or a disability. One definition is from the Education Act 1996; the other is from the Equality Act 2010.

The Education Act 1996<sup>1</sup> says that a child has special educational needs if he or she has a learning difficulty which calls for special educational provision to be made for him or her. A child has a learning difficulty if he or she has a significantly greater difficulty in learning than the majority of children of his or her age or has a disability, which prevents or hinders them from making use of education facilities of a kind generally provided for children of his or her age in schools within the area of the local authority. Special educational provision is provision that is additional to, or otherwise different from, that normally made available in the area to children of the same age in schools maintained by the local authority.

The definition includes more children than those who have learning difficulties in the commonly accepted sense. This is because the definition of learning difficulties in the Education Act 1996 includes children who have a disability and who need something additional or different to be provided for them. Therefore the term 'learning difficulties/disabilities' is often used. So, for example, a child with a visual impairment who needs materials to be provided in an enlarged font is defined in the legislation as having a learning difficulty even if they are not behind in their learning.

The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. For the purposes of the Act, 'substantial' means more than minor or trivial; 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering progressive, recurring or fluctuating conditions); and 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

The definition of disability under the Equality Act 2010 is not the same as the definition of SEN under the Education Act 1996 so there will be some children who are covered by the Equality Act but not the Education Act and vice versa, although a significant number of children are likely to be covered by both.

The Social Model of Disability offers a different perspective on disability stating that:

. . . disability is caused by the way society is organised, rather than by a person's impairment or difference. The Social Model of Disability looks at ways of removing barriers which restrict life choices for people with impairments or differences. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives<sup>2</sup>.

<sup>1</sup> Section 312 of the Education Act 1996

<sup>2</sup> [www.childreninthepicture.org.uk/au\\_socialmodel.htm](http://www.childreninthepicture.org.uk/au_socialmodel.htm)

In 2002 the Welsh Assembly Government adopted the Social Model of Disability as the foundation of its work on disability in Wales.

The Social Model of Disability makes the important difference between impairment and disability. It recognises that people with impairments are disabled by barriers that commonly exist in society. In simple terms, it is not the inability to walk that prevents a person entering a building unaided, but the existence of stairs that are inaccessible to a wheelchair user. In other words disability is socially constructed. The Social Model of Disability requires society to remove the barriers in order that all people have equality.

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

Disabled children face a range of barriers in schools and society in general which include:

- attitudinal barriers, particularly negative attitudes towards disabled people by non-disabled people, including employers, health professionals and service providers that prevent disabled people from achieving their full potential
- policy, resulting from policy design and delivery that do not take disabled people into account
- physical, e.g. through the design of the built environment, transport systems
- those linked to empowerment, as a result of which disabled people are not listened to, consulted or involved.

## **Key issues for learners with SEN and disabilities in Wales**

All children are potentially vulnerable to bullying, for a variety of reasons. However, learners with SEN and disabilities may be bullied for a range of additional reasons.

Evidence shows that children with a range of needs are more likely to experience bullying than their peers<sup>3</sup>. A report by the National Autistic Society in 2007<sup>4</sup> found that two out of five children on the autistic spectrum had been bullied at school. In a 2007 survey of children with learning disabilities, Mencap found that eight out of ten respondents had been bullied and six out of ten had been physically hurt<sup>5</sup>.

---

<sup>3</sup> Parent Partnership Survey of parents of children and young people with SEN, Oxfordshire (2007)

<sup>4</sup> *B is for Bullied*, National Autistic Society (2006)

<sup>5</sup> *Bullying Wrecks Lives: the experiences of children and young people with a learning disability*, Mencap (2007)

Contact a Family have produced *A guide to dealing with bullying: for parents of disabled children* (2010) in which it suggests that disabled children are more vulnerable to bullying because:

- of negative attitudes towards disability
- of a lack of understanding of different disabilities and conditions
- they may be seen as 'different'
- they may not recognise that they are being bullied
- they may be doing different work or have additional support at school
- they may be more isolated than others due to their disability
- they may have difficulties telling people about bullying
- they may find it harder to make friends as a result of their condition
- they may exhibit bullying behaviour
- they may experience lots of transitions which means they have to settle into new environments. Examples of transitions are moving from a special unit to a mainstream school, spending periods of time in hospital and returning to school.

Additionally their situation can be ignored by adults who think that changed behaviour, signalling bullying, is just part of the child's condition. These issues can be compounded by attitudes and perceptions of people with disabilities.

A 2007 study by Barnardo's pointed out that:

'Generally young people did not know how to appropriately talk about people with learning difficulties or disabilities and comments that were made were expressions of sympathy for disabled young people couched in discriminatory language which was applied equally to people with physical or learning impairments.'

## **The level of bullying around SEN and disabilities in Wales**

*A Survey into the Prevalence and Incidence of School Bullying in Wales* (Welsh Assembly Government, 2010) indicated the following.

### **Disability**

The proportions of learners in Years 4, 6, 7 and 10 reporting being bullied on the basis of their disability, within the last two months, were:

- 1 per cent of learners in Year 4
- 4 per cent of learners in Year 6
- 2 per cent of learners in Years 7 and 10.

The proportion of learners reporting seeing others being bullied due to their disability was 20 per cent for Year 6 and 19 per cent for Year 7, increasing to 24 per cent in Year 10.

### **Learning difficulties**

The proportions reporting bullying due to their learning difficulties, within the last two months, were:

- 2 per cent of learners in Year 4
- 9 per cent of learners in Year 6
- 7 per cent of learners in Year 7
- 4 per cent of learners in Year 10.

(These rates appear to be high when compared to the estimated proportion of learners with special educational needs (0.5%–1%). However, 'learning difficulties' may have been interpreted broadly by learners, and learners without special educational needs may still have additional learning needs.)

The proportion of learners reporting seeing others being bullied due to their learning difficulties was 29 per cent for Year 6 and 30 per cent for Year 7, increasing to 36 per cent in Year 10.

The main and summary reports are available on the Welsh Government's website at

[www.wales.gov.uk/topics/educationandskills/publications/researchandevaluation/research/surveyschoolbullying/?lang=en](http://www.wales.gov.uk/topics/educationandskills/publications/researchandevaluation/research/surveyschoolbullying/?lang=en)

## Section 2: The law relating to bullying around SEN and disabilities

Legislation applicable to Wales which aims to protect the rights of children and young people to live a life free from abuse and harm, and which includes bullying, includes the following.

- The Equality Act 2010 – Chapter 1 of Part 6 of the Act prohibits discrimination, harassment and victimisation in schools.
- Education and Inspections Act 2006 – requires schools to establish policies to promote good behaviour and, in particular, prevent all forms of bullying among pupils. It also gives headteachers the power to impose disciplinary sanctions for inappropriate behaviour.
- Children Act 2004 – requires a local authority to promote cooperation between itself and various other bodies and persons with a view to improving the well-being of children in its area so far as it relates to education, training and recreation.
- Education Act 2002 – requires schools to have a complaints procedure. This is particularly important for parents and carers who feel that their school has not adequately dealt with a case of bullying.
- Human Rights Act 1998 – requires schools to have policies that comply with the Act, in particular, Part 1 of Schedule 1 to the Act which provides that no one must be subjected to torture or to inhuman or degrading treatment or punishment.
- The Education Act 1996 – Part 4 of the Act makes provision in relation to children with special educational needs.
- United Nations Convention on the Rights of the Child (UNCRC).
- United Nations Convention on the Rights of Persons with Disabilities 2009.

See also *Respecting Others: Anti-Bullying Guidance* National Assembly for Wales Circular No: 23/2003 available at [www.wales.gov.uk/respectingothers](http://www.wales.gov.uk/respectingothers)

This section focuses specifically on legislation relating to pupils with SEN and disabilities. The main areas of law affecting pupils with SEN and disability in school, each of which can impact on the prevention or management of bullying are the:

- disability discrimination duties (Sections 85 to 87 of the Equality Act 2010)
- planning duties (Section 88 of, and Schedule 10 to, the Equality Act 2010)
- SEN legal framework (Part 4 of the Education Act 1996).

## Equality Act 2010

The Equality Act 2010 (Equality Act) harmonises discrimination law and strengthens the law to support progress on equality. The Act protects pupils from discrimination, harassment and victimisation based on 'protected characteristics'. Disability is a protected characteristic.

Chapter 1 of Part 6 of the Equality Act states that a school must not discriminate against a disabled pupil or a prospective disabled pupil:

- in the way it provides education for the pupil
- in the way it affords the pupil access to a benefit, facility or service
- by not providing education for the pupil
- by not affording the pupil access to a benefit, facility or service
- by subjecting the pupil to any other detriment.

In addition, a school must not harass or victimise a pupil.

This encompasses all activities covering school life, including bullying. It means that everything a school does must be non-discriminatory and may require schools to regularly review their practices, policies and procedures to ensure that they do not discriminate against disabled learners.

The key duties for schools in relation to discrimination are as follows.

- Not to treat a learner, because of the learner's disability, less favourably than it treats a non-disabled learner. This is direct discrimination and cannot be justified.
- Not to apply a provision, criterion or practice (such as an arrangement, rule or procedure) that applies to all learners if it has the effect, or would have the effect, of putting disabled learners at a substantial disadvantage in comparison with non-disabled learners and the provision, criterion or practice cannot be justified as a proportionate way of achieving the legitimate aim. This is indirect discrimination. The Act defines 'substantial' to mean more than minor or trivial. An example is where a school has a rule that all learners must demonstrate physical fitness before being admitted to the school. This would be unlawful unless the school can justify the rule.

- Not to treat a disabled learner less favourably because of a reason connected to their disability and where such treatment cannot be justified as a proportionate way of achieving the legitimate aim. This is discrimination arising from disability. The motive for the treatment does not matter. An example is where a teacher rearranges her classroom so learners are in small groups sitting around tables. This is to encourage group work which she thinks will be particularly useful for the next piece of work. Unfortunately the rearrangement results in a hearing impaired learner sitting sideways to the front of the classroom and so he is unable to easily lip-read when the teacher is speaking. Unlike direct discrimination, the learner does not have to show that the reason for the treatment is his disability. To show discrimination arising from disability he must instead show that the rearrangement of the classroom decision results in unfavourable treatment because of something arising in consequence of his hearing impairment.
- To take such steps, as it is reasonable to take, to avoid as far as possible by reasonable means, the substantial disadvantage which a disabled learner experiences because of disability. This is known as the reasonable adjustment duty. It means that schools must anticipate where barriers to learning lie and take action to remove them as far as they are able.

The duty to make reasonable adjustments does not include making major alterations to the physical features of the school because this must be considered as part of the school's planning duties.

The reasonable adjustment duty under the Equality Act operates slightly differently to the duty under the Disability Discrimination Act 1995 and has been extended to cover the provision by a school of auxiliary aids and services. The new duty under the Equality Act sits alongside the schools' and local authorities' duties under Part 4 of the Education Act 1996. While the new duty applies in relation to all disabled pupils, many will have a SEN statement that provides for auxiliary aids under the Education Act 1996. However, if a disabled pupil does not have a SEN statement or the statement does not provide for auxiliary aids, then under the Equality Act, the school will have a duty to make reasonable adjustments and provide auxiliary aids. At the time of issuing this guidance, the UK Government had not brought the new duty on schools into force.

## Less favourable treatment

### Direct and indirect discrimination

To decide whether a school has treated a learner 'less favourably', a comparison must be made with how the school has treated non-disabled learners or would have treated them in similar circumstances. If the school's treatment of a disabled learner puts that learner at a disadvantage compared with non-disabled learners then it is likely that the treatment will be less favourable. For example, if a school provides less help to a bullied disabled learner, because they believe that bullying of disabled learners is inevitable and therefore too hard to combat, then this treatment would be because of the bullied learner's disability. The comparison would be with the support provided to, or that would be provided to, non-disabled bullied learners.

### Discrimination arising from disability

In these circumstances there is no need to compare a disabled learner's treatment with that of another learner. It is only necessary to demonstrate that the less favourable treatment, which puts the disabled learner at a disadvantage, is because of something arising in consequence of their disability.

### Harassment

The Equality Act defines harassment as:

' . . . unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.'

This covers unpleasant and bullying behaviour. For example, a teacher ridicules a learner and mimics him in class because of a disability he has. This could constitute harassment.

### Victimisation

Victimisation occurs when a learner is treated less favourably than they would have been because of something they have done ('a protected act') in connection with the Equality Act. For example, if a learner made a complaint that a teacher is bullying him because he is disabled. It is also unlawful to victimise a learner because of something done by their parent/carer or a sibling in connection with the Equality Act, for example, a learner must not be made to suffer in any way because his parent/carer has made a complaint of disability discrimination against the school.

## Positive action

Disabled learners may experience bullying as a result of their disability. Bullying is known to affect academic performance and increase the likelihood of learners dropping out of education. To address this issue, the Equality Act contains 'positive action' provisions which enables schools to take positive action to overcome barriers for disabled learners or to widen participation. Positive action may involve treating disabled learners more favourably than non-disabled learners and will be lawful if the aim of the treatment is to remove or minimise the disadvantage encountered by the disabled learner, such as bullying behaviour, and the treatment achieves a legitimate aim.

## Planning duties

Under Section 88 of, and Schedule 10 to, the Equality Act, a local authority must prepare and implement an accessibility strategy in relation to the schools for which it is responsible and a school must produce and implement an accessibility plan. Both of these must be kept under review.

The purpose of the accessibility strategy and plan is to increase disabled learners' access to the school curriculum, to improve the physical environment of the school for such learners and to improve the provision of information to them, for example, increasing access to teaching and learning and also to wider participation in after-school clubs, sporting and cultural activities. Bullying is sometimes able to thrive because of the design of playgrounds and buildings. This may be addressed under the school's planning duties.

## The public sector equality duty

### General duty

Section 149(1) of the Equality Act introduced a new single public sector equality duty. This 'general duty' applies to the public authorities listed in Schedule 19 to the Act and includes local authorities and schools.

In relation to disability, the general duty requires a public authority when exercising its functions to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act
- advance equality of opportunity between disabled persons and non-disabled persons
- foster good relations between disabled persons and non-disabled persons.

Having 'due regard' means consciously thinking about the three aims of the general duty as part of the process of decision making. This means that consideration of equality issues must influence the decisions reached by local authorities and schools in how they act as a responsible body; how they develop, evaluate and review policy; how they design, deliver and evaluate services; and how they commission and procure from others.

Having 'due regard' to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by learners due to their disability
- meet the needs of learners with a disability
- encourage disabled learners to participate in school life where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between disabled and non-disabled learners. Complying with the general duty may involve treating disabled learners more favourably than non-disabled learners (positive action).

Each element of the duty could impact directly or indirectly on disabled learners' experience. For example, the duty could lead to a school reviewing its anti-bullying strategy to ensure that it addresses the issue that it is meant to address.

### **Specific duty**

Local authorities and schools in Wales also have specific duties set out in regulations to enable them to perform the general duty more effectively.

Further information on the specific duties for Wales is available to download from the Welsh Government website at [www.wales.gov.uk/equality](http://www.wales.gov.uk/equality)

The Equality and Human Rights Commission has published guidance to the Equality Act for schools and intends to publish a code of practice for schools in due course. Further information and guidance can be downloaded from their website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## The SEN legal framework

The reasonable adjustment duty under the Equality Act requires schools to provide auxiliary aids and services. This duty sits alongside the school's and local authority's duties under Part 4 of the Education Act 1996. There is considerable overlap between learners with a disability and those with SEN, although not all disabled learners have SEN, and not all learners with SEN have a disability.

How help is provided under the SEN legal framework is described in the *Special Educational Needs Code of Practice for Wales* (Welsh Assembly Government, 2004). Extra help, such as support, to deal with or prevent bullying could be provided for a child receiving help at any level described by the Code. If disabled children themselves bully, perhaps because behaviour problems are linked to their disability, then it may be appropriate to provide help with social skills or mentoring, for example, as part of their package of support.

## Inclusion and pupil support

*Inclusion and Pupil Support* National Assembly for Wales Circular No: 47/2006 provides advice and sets out responsibilities for maintaining high levels of attendance and positive behaviour in schools, and the need to support learners with additional learning needs (ALN) to ensure they receive suitable education and avoid becoming disengaged from education. It recognises that the health, emotional and social needs of children and young people are significant factors in supporting their access to learning.

It covers a number of areas with specific relevance for bullying. It advises that schools:

- present a framework for inclusion to promote access to education for all and remove any barriers to learning
- adopt the term 'additional learning needs (ALN)' to cover those learners whose needs are greater than the majority of their peers
- bring attendance, behaviour and anti-bullying policies together within a whole-school approach.

It also provides extensive guidance on providing support to learners with additional learning needs. The circular is available from [www.wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/?lang=en)

## **Powers of schools to exclude for bullying around SEN and disabilities**

Guidance from the Welsh Government indicates that there are some instances where schools may consider exclusion in cases of serious bullying.

A decision to exclude a learner permanently should be taken only:

- in response to serious breaches of the school's behaviour policy
- if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

There will be exceptional circumstances where it is appropriate to permanently exclude a learner for a first or 'one-off' offence. These might include:

- serious, actual or threatened violence against another learner or a member of staff
- sexual abuse or assault.

Other than in the most exceptional circumstances, schools should avoid permanently excluding learners with statements of special educational needs. They should also make every effort to avoid excluding learners who are being supported at school action or school action plus.

For more detail see *Exclusion from Schools and Pupil Referral Units* (National Assembly for Wales Circular No: 1/2004, revised March 2006, reprinted February 2008) available on the Welsh Government's website at

[www.wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/exclusion/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/exclusion/?lang=en)

## Section 3: Preventing bullying around SEN and disabilities

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

(Boy with learning difficulties)

There are two main elements to anti-bullying work:

- preventative work – which is ongoing and sustained, providing a consistent ethos and framework for a school's actions (this is looked at in this section, and includes training and learning in both formal and informal ways)
- responsive work – which comes into effect when bullying occurs, and is most effective within a consistent whole-school approach to preventative work (this is looked at in the next section).

### **A whole-school approach to preventing bullying – Ysgol Gymraeg Bro Ogwr, Carmarthenshire**

The school has an anti-bullying policy which is closely linked to other policies, in particular the discrimination policy, and creates individual action plans to deal with the various forms of bullying.

We have an annual anti-bullying week to draw attention to all the issues associated with bullying. A bullying-focused assembly, for the whole school, explains the definition of bullying and explains the school policy on bullying. This is followed up by classroom work and activities.

There is a 'Bullying box' in every class and one outside the headteacher's office. The boxes are checked regularly and acted upon when necessary. This has proved to be very successful with the learners and can lead to actions or sanctions if required – so learners see it as effective.

## The importance of a whole-school approach to preventing bullying around SEN and disabilities

*Respecting Others: Anti-Bullying Guidance* National Assembly for Wales Circular No: 23/2003 sets out general advice on developing a whole-school policy on bullying. This section focuses on preventing bullying around SEN and disabilities.

There are a range of key factors that need to be considered as part of a whole-school approach to preventing bullying around SEN and disabilities. Each of these is looked at in the subsections that follow. These include:

- raising awareness among learners and school staff in order to help foster positive attitudes towards learners with SEN and disabilities
- creating an accessible and inclusive culture and environment
- clarifying what is meant by bullying
- gathering accurate information on incidents of bullying and monitoring these incidents
- ensuring participation of learners with SEN and disabilities, and their parents/carers
- ensuring the communication needs of learners with SEN and disabilities are met
- training all staff in approaches to identifying and tackling bullying
- managing the implication of multi-site settings
- avoiding all 'informal' and 'casual' exclusions
- involving all staff and partner services
- providing support for staff.

Learners who may not be able to report incidents themselves are particularly dependent on a whole-school proactive approach. Bullying usually requires an audience. The majority of learners are a powerful group who form bystanders, supporters and reinforcers, but they could become defenders<sup>6</sup>. Without their tacit or active support, bullying diminishes.

---

<sup>6</sup> Salmivalli, C, Lagerseptz, K, Bjorkqvist, K, Osterman, K, Kaukiainen, A (1995); Cowie, H. (2002), *'Not bystanding, but standing by: strategies for pupils to cope with bullying'*, *New Era in Education*, 83, 2, 41–43

Learners with autism spectrum disorders (ASDs) are particularly vulnerable as their difficulties with social interaction with peers may leave them isolated or unaware of the impact of their behaviour on others<sup>7</sup>. Those with learning difficulties tend to have fewer friends than others<sup>8</sup> and a lack of friends puts them at a greater risk of being bullied.

Those with learning difficulties are less likely to seek help than their peers<sup>9</sup>. This may be due to difficulties they have with reporting bullying, for example, learners with communication needs. It may also be because they have accepted bullying as the norm or have 'given up' on speaking out, as earlier experience may have shown that they will not be listened to. For these reasons efforts need to be made to ensure that these learners are confident enough to report incidents of bullying. Additionally, some, particularly those with ASD and learning difficulties, may also find it hard to understand when they are being bullied. This could make them an easier target, as bullies may realise they can more easily avoid detection. A proactive prevention programme will consider these challenges and provide supportive and easy pathways to reporting and defending.

### Creating an inclusive culture and environment

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

(Mencap, 2007)

A whole-school policy must directly address a culture of discrimination and seek to create an inclusive culture and environment.

Research has found that learners who believe that the bullying they experience is due to some internal unchangeable fact about themselves, have been found to be the most vulnerable<sup>10</sup>. It is essential that they are led to understand that bullying behaviour is wrong, and that their impairment is not a valid cause. The wider school population also need to understand that all bullying behaviour is wrong and that no impairment or difference is a valid cause.

<sup>7</sup> Smith, PK and Tippett, N (2007), Bullying and Disability Research Briefing, Anti-bullying Alliance, available online at [www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

<sup>8</sup> Martlew, M and Hodson, J (1991), *Children with mild learning difficulties in an integrated and in a special school: Comparisons of behaviour, teasing and teachers' attitudes*, British Journal of Educational Psychology, 61, 335–372

<sup>9</sup> Wenz-Gross, M and Siperstein, GN (1997), 'Importance of social support in the adjustment of children with learning problems', *Exceptional Children*, 63, 183–193

<sup>10</sup> Salmivalli, C (2004), 'Consequences of school bullying and violence', University of Turku, Finland

The Social Model of Disability states that:

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

(Taken from [www.childreninthepicture.org.uk/au\\_socialmodel.htm](http://www.childreninthepicture.org.uk/au_socialmodel.htm))

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

**The school had an irritated/impatient/cynical response and passed the blame on to the victim. [They said] If you had done this or that instead . . .**

(Parent)

This was a particular concern for parents/carers who had children with SEN and disabilities and who had used bullying behaviour on other children. A child can acquire a reputation for being troublesome if they are presenting with difficult behaviour and this can be seen as the cause of any disruption.

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

(Parent of child with ASD)

Many learners with a range of emotional or behavioural impairments will know their own 'triggers' and will manage them well in a classroom environment with the support of staff. Others will not. Knowing the needs of each individual and how they may need to be supported can make a huge difference to their acceptance in the group and their confidence and feelings of safety as part of it. Furthermore, research shows that generally, children respond well to having factual information about disability and impairments, and this can encourage them to respond positively to the needs of others who have those disabilities or impairments.

Ensuring the school environment is accessible – physically, intellectually and sensorily, e.g. it has improved acoustics, hearing loops, and colour contrasts to support visual clarity – will empower individuals and may reduce the risk of developing feelings of victimisation and occurrences of bullying. Confident and happy learners who feel part of their school are much less likely to experience or take part in bullying.

Schools should also seek to acknowledge a range of success measures, beyond those of the academic achievement traditionally valued by schools, so that all learners feel valued. Schools may also find appropriate ways of celebrating the anti-bullying work of the school and its learners.

### **Clarifying with all learners what is meant by bullying**

In order to fully recognise the scale of the challenge faced by learners with SEN and disabilities, it is necessary to ensure that all learners understand what bullying is and that there will be no tolerance of it within the school. Group sessions, drama, posters and assemblies can be regularly used to explore how everyone would like to be treated and to define bullying, so that every member of the school community knows what it is and, equally, what would not be considered bullying. Work to define bullying can be done in the classroom, circle time, personal and social education (PSE) lessons and by the school council. Learners can help make PowerPoint presentations or DVDs, perform in assemblies or design posters. Learners should be provided with safe and frequent opportunities to communicate about what they think about bullying. Displays of work around the school will act to raise everyone's awareness.

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

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

## **Gathering accurate information on incidents of bullying**

Information should be gathered specifically about those involving learners with SEN and disabilities. The best information will be gathered by providing a range of times and ways in which people can contribute, e.g. online, by post, talking in groups, film or drawing. Schools should also look to increase ways to report bullying for learners and their parents/carers.

## **Ensuring participation of learners with SEN and disabilities, and their parents/carers**

Local authorities and schools have a general duty under the Equality Act when exercising their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act
- advance equality of opportunity between disabled persons and non-disabled persons
- foster good relations between disabled persons and non-disabled persons.

Local authorities and schools also have specific duties set out in regulations. These specific duties require, among other matters, local authorities and schools to publish information about engagement they have undertaken with people who have an interest in furthering the three aims of the general duty and also require them to publish details of the engagement undertaken in developing their equality objectives.

### **Learners**

To assess the effectiveness of any actions and strategies, schools need to consult with a range of learners. If disabled learners and those with SEN participate in developing the school policy, they will be more likely to 'own', observe and implement the policy. Not only will they feel listened to and valued; they will be aware of bullying and know what to do about it. As a result they are likely to feel safer and more confident in the school's commitment to confront bullying.

Simple adaptations to questionnaires can enable wider participation for some learners. For example, a recorded questionnaire can be provided for learners with a sight impairment. Illustrations or smiley/sad faces, and graphics or simple scales from one to five, can assist learners with learning disabilities to give their views. Learning support assistants may be asked to help. New technology offers touch screens, voice-activated software and custom-designed equipment, all of which are valuable in offering opportunities for learners with physical disabilities to participate and give views in their own way.

The involvement of all learners not only shows commitment to a whole-school approach to bullying but it strengthens the inclusive ethos of the school. School councils should be reviewed to ensure that all learners, including disabled learners and those with SEN, have a voice and participate fully in the school council process.

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

- **Involve us from the start** – You can find out what's best for us by involving us. Don't guess what we want.
- **Respect us** – If you give us respect – we'll give you respect. Trust us – we need to trust you.
- **Listen to us** – Listen to me, no one else, listen to me. Listen to me, it's my life, listen to me. If you don't listen to what we want, how can you give us what we want?
- **Be open and honest with us** – We ask questions to help us understand our world and to grow as people! It's frustrating when you don't tell us stuff. We all make mistakes.
- **Make it fun!** – We're teenagers, we're young, we want to learn.
- **Prove you're listening to us** – Show us you want to listen. My voice is my power. Tell us what's changed.
- **Involve all of us!** – Don't judge a book by its cover, we can all make choices. I may not have speech, but I have a voice – I can give my opinions, I can even argue.
- **Make sure we get something out of it** – Participation is a great way to help us learn how to make decisions and understand the choices we may face in the future! Empower us! Gives us new skills.

- **Give us time** – Help us make decisions by giving your time – enough time. I know what I want to say – give me time. Give me time to get my message ready.
- **Support us to make our own decisions** – I want more choice. If you listen to us you can help us get a positive outcome.
- **Remember** – Never do anything about us without us!

More information on participation and consultation is available at  
[www.anti-bullyingalliance.org](http://www.anti-bullyingalliance.org)  
[www.participationworks.org.uk](http://www.participationworks.org.uk)  
[www.childrensociety.org.uk](http://www.childrensociety.org.uk)

The poster, 'Top Tips for Participation: What disabled young people want' is available at [www.ncb.org.uk/cdc\\_moh](http://www.ncb.org.uk/cdc_moh)

### **Parents/carers**

Parents/carers are the experts on their children's behaviour and their physical and mental well-being. They have a key role to play in supporting their children if they bully others or experience bullying themselves. They can offer advice to school staff on extra support their child might need or any creative solutions that may help to resolve conflict. Parents/carers have a wealth of knowledge schools will want to call upon when developing or reviewing their anti-bullying policy. It is important that schools listen to and respond to parents'/carers' concerns and keep good communication going between them when dealing with bullying incidents relating to their children. Parents/carers may want to contact other organisations for support to discuss particular situations involving bullying and their child. Schools can pass on details of the local Parent Partnership Service, Contact a Family or other sources of local support.  
[www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)  
[www.cafamily.org.uk](http://www.cafamily.org.uk)

### **Managing the implication of multi-site settings**

Increasingly, schools are operating beyond the confines of one site. In addition, for learners who use a mix of special and mainstream provision, bullying can be a particular concern as they are repeatedly moving in and out of different environments. This can either be between schools or from a specialist unit into mainstream classrooms. These moves can be one-off or regular and often lead to learners being exposed to new people and environments, which can be daunting. Learners on the autism spectrum often find change difficult and may be particularly anxious at these times. One of the most common fears learners report is that they will be bullied.

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

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

**Inquirer:** *When does this happen?*

**Learner:** In the canteen.

**Inquirer:** *Has it been going on long?*

She nods strongly.

**Inquirer:** *Have you told anyone?*

**Learner:** Member of staff.

**Inquirer:** *Did they do anything?*

**Learner:** Had words with them.

**Inquirer:** *Did it stop?*

**Learner:** No. It keeps carrying on. In my breaks and when I come to the canteen. I eat in the sandwich room now instead of the canteen. They call me gay at dinner.

Strategies developed to support all learners in the move from primary school to secondary school can usefully be applied here. Programmes that address concerns and help to prepare and then integrate learners are being used successfully in many schools. This type of structured support may be particularly useful for those learners who depend on routine.

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

Respecting others:  
Bullying around special  
educational needs and  
disabilities

September 2011

The checklist below illustrates some key areas of action to prevent bullying for multi-site operations.

- All staff (teachers, receptionists, dinner ladies, governors, etc.) and learners on all sites receive disability awareness training and are able to communicate effectively with learners with SEN or a disability.
- All sites to create an inclusive environment, taking account of any specific needs for learners with SEN or a disability.
- All site managers signed up to anti-bullying policy.
- Access and support for all learners in place for all sites.
- Transport included in sign-up to anti-bullying policy.
- Agreement reached on who deals with incidents of bullying on each site.
- Consistent use of sanctions across sites.
- Clarity achieved on who liaises with after-school clubs, extended activities, and homework clubs.
- Partner agencies using school premises to deliver services now all signed up to anti-bullying policy.
- Person identified at each site as responsible and key contact point for issues on bullying; everyone – learners and staff – knows who this is at each site.

### **Avoiding all 'informal' and 'casual' exclusions**

Learners with SEN and disabilities and their parents/carers report experiencing informal exclusion from school activities. This is most common when learners with SEN and disabilities are not permitted to go on a school trip or event because reasonable adjustments are not made to support them, for example, a deaf child who requires a communication support worker. This limits opportunities for social development, and the peer group will knit together even further without this excluded learner, further reinforcing their outsider status. The Equality Act requires schools not to treat disabled learners 'less favourably' and to increase access for disabled children and young people. They are to 'make reasonable adjustments to ensure that disabled learners are not at a substantial disadvantage.'

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

(Young person who uses a wheelchair)

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

This practice of keeping learners with SEN and disabilities with staff means that many disabled learners spend the vast majority of their time with adults rather than peers. This means they often miss out on opportunities for age-appropriate behaviour and the exercise of autonomy<sup>11</sup>. The most important protective factor in response to being bullied is that the learner responds actively rather than passively<sup>12</sup>. Children who can exercise some control over their own situation feel competent and effective. They experience significant psychological and social advantages<sup>13</sup>.

Schools should ensure disabled learners have opportunities to participate in school clubs and groups, to develop friendships and take an active part in all aspects of school life.

## Involving all staff and partner services

All staff should be informed about any learner's SEN and disabilities that might make them either vulnerable or likely to behave aggressively towards others. Any allowances or responses that are required for an individual should be known to all relevant staff and appropriate training provided for those staff on communicating with those learners and reducing their vulnerability. Arrangements for transport and outings should ensure reasonable adjustments are made to ensure all learners can participate.

<sup>11</sup> *Lives of Disabled Children*, Barnes, C and others, ESRC (2000)

<sup>12</sup> 'Self-esteem, response style and victimization: possible ways of preventing victimization through parenting and school-based training programmes', *School Psychology International*, 17, 4, 347–57, Sharp (1996)

<sup>13</sup> Bandura (1989), 'Human Agency in Social Cognitive Theory', *American Psychologist* vol 44, no 9. 1175–1184; Bandura, A and others (1998), 'Self Efficacy: Pathways to Childhood Depression' *Personality Processes and Individual Differences* and Skinner (1995)

## **Governors and senior leadership**

Governing bodies and senior leadership have a responsibility to shape the ethos of a school. Creating an inclusive ethos so that all members of the school community feel safe and valued represents the most powerful action. They may need to:

- raise awareness amongst staff and learners of SEN and disability-related bullying; in order to do this, governors and senior leadership should be provided with information and training on the specific needs of learners with a SEN/disability
- ensure that SEN and disability-related bullying of disabled staff, parents/carers and other users of the school is identified and addressed
- regularly emphasise the zero tolerance stance to bullying that the school is taking, and be prepared to challenge incidents where bullying has been ignored or not treated seriously.

## **Teaching staff**

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

- promoting the well-being of individual learners and ensuring, as far as possible, that learners are free from bullying and harassment
- helping all learners to take a positive view of difference and challenging stereotypical views
- ensuring that all learners who have experienced bullying are taken seriously and that they are able to comfortably report incidents of bullying
- helping all learners to take responsibility for their actions
- celebrating the successes of learners with SEN and disability
- helping learners to articulate their views and experiences
- modelling the behaviour and values they are trying to instil
- taking advantage of training opportunities to increase their understanding of SEN and disability
- providing well-differentiated accessible learning opportunities.

## **Special educational needs coordinators (SENCOs)**

Being responsible for coordinating provision for learners with SEN and disabilities, the SENCO has an important and central role in ensuring their well-being. They are in close contact with learners with SEN and disabilities and the staff that teach them. They report regularly to parents/carers on their children's progress. As well as being champions of inclusion, SENCOs can:

- encourage all staff and learners to receive training in disability equality and raise awareness of the disability equality duties
- contribute to policy development and review
- ensure that learners with SEN and disabilities who are vulnerable to bullying receive support and help in preventing and dealing with it
- ensure learners with particular social and behavioural needs receive appropriate support to prevent bullying behaviour
- monitor the impact of anti-bullying interventions on individual learners with SEN and disabilities.

## **Support staff**

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

## **Partner services**

It is important that all partner services work with schools to adapt and align their working practices. Any health professional should be encouraged to consider whether a learner presenting with any signs of injury or damage to personal belongings may have been, or may be being, bullied. Knowledge of particular conditions, e.g. those that make up the autistic spectrum disorder (ASD), behavioural, emotional and social difficulties (BESD) or other SEN and disabilities, should be shared with schools in order to increase the understanding of the staff. Additionally many local children's services will have a cross-agency information sharing protocol that will be useful as part of the anti-bullying policy.

## Providing support for staff

All staff need to know that there is a real commitment in school to uphold an effective anti-bullying ethos and that staff will be fully supported to achieve this. A named senior member of staff should have responsibility for this.

A checklist for staff support might include the following

- All staff know how to access specialist support and further information for themselves, learners and their families.
- Staff have time to work with families on particular bullying issues where needed.
- All staff know of clearly identified specialist staff, for example, a teacher of the deaf, who can provide support and advice on aspects of a learner's SEN and disabilities.
- All staff are familiar with the *Special Educational Needs Code of Practice for Wales*.
- Staff induction focuses on the strong inclusion ethos of the school.
- Teachers, and other school staff are given time to meet all new learners who have an SEN or disability, so that they are confident and familiar with their needs.
- Mainstream schools use the expertise of specialist and special school staff to support staff and learners in developing an inclusive environment.
- Staff are offered training and opportunities in which to gain experience and competence to prevent bullying of, and by, learners with SEN and disabilities.
- Ongoing training and development opportunities on disability and bullying are available to all staff with the full support of the school.

## Examples of school approaches and activities

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

## Encouraging learners to seek help

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

If you tell they'll beat you up more.

Where learners with SEN and disabilities are concerned about bullying, communication across the staff team is essential. All staff working with learners need to know of the risks, and should, ideally, have information on a particular learner's impairment. All staff should be trained to be aware that disabled learners can be vulnerable to bullying. Staff should also be mindful not to reinforce the belief (as noted in the quotes above) that nothing will be done, that the learner's views will not be taken seriously, or that speaking out will make it worse.

Staff will need to know the extent to which learners' SEN and disabilities may lead them to bully others or display disruptive behaviour. Staff need to be observant to changes in learners' behaviour and make sure they understand the cause; often it is due to factors not related to their SEN or disability. Further, they will need to know the best way of communicating with each learner, and the learner's capacity to understand the nuances of behaviour and interaction.

They don't always believe you when you tell.

Learners with SEN and disabilities maintain that they are often not believed or that they have been threatened and are too scared to tell a teacher what is happening to them. A recent report from Mencap found young people they interviewed had similar experiences<sup>14</sup>. Learners go through a complex decision-making process when deciding whether or not to report bullying. They will consider the risk, the extent to which they trust that effective action will be taken, and the procedures in place to enable them to do so. Having a range of ways to report bullying can be very effective, e.g. by using questionnaires, bullying boxes and nominating particular staff to be available to help.

<sup>14</sup> *Bullying Wrecks Lives: The experiences of children and young people with a learning disability*, Mencap (2007)

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

- Do you have a quiet, suitable place to communicate?
- What are the learner's communication needs?
- Can they understand you?
- Can you understand them?
- Are their communication tools available to them?  
(Learners with a range of needs including learning disability, sensory impairment and behavioural, emotional and social difficulties (BESD) will require specific communication tools, and staff will need to check their understanding. Many children with autism, for example, are assumed to understand much more than they do.)
- Have they had time to calm down and fully tell what they want to?
- Do they need a supporter?
- Are staff visible and available to all learners?

### **Pre-arranged signals to support learners who are bullied**

In this simple but personal approach, a teacher agrees that a check will be made several times a day or week. The teacher will simply give this signal to the learner who will signal back in return showing whether things are going well or not – thumbs up means things have been good, thumbs down mean it's been bad.

If learners report bullying, someone checks on the learner each day by giving discreet thumbs up. If the learner gives a thumbs up it means it is a good day, if thumbs down, they go and talk to the learner in private. Learners who are doing the bullying are also talked to.

### **Playground and lunchtimes**

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

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

## Curriculum

Curriculum-based activities are successfully used in many settings to improve social relationships. A strategy dealing with SEN and disability bullying will need to align with existing anti-discrimination work, curriculum delivery within PSE, and the work undertaken on social and emotional competence (see Section 1 of the overview document for more information).

Music and drama workshops are popular with children and young people and offer group work opportunities to develop songs against violence and bullying. Drama offers the tools to rehearse situations and ask the audience to help by telling the characters what to do next. 'Hot seating' can be used to enable learners to experience situations in turn. Learners can be helped by watching, then acting out scenarios and rehearsing in advance what they could say or do if an incident occurs. This can also help some learners with SEN and disabilities understand what bullying is and put their own experiences into context. This work is inclusive and many can join in.

Successful work with learners who use bullying behaviour has included specially written plays that reflect back at them how their own behaviour comes across to others. They may also be deployed to help younger or vulnerable learners, which can include learners with SEN and disabilities, in whole-class drama and music workshops. These workshops publicly examine how the whole class feels about bullying, without identifying individuals by name. Drama and music distance participants from the situation and allow them to talk about how they feel and what the reasons might be for the bullying actions.

## Rewarding positive behaviour

Learners should be aware that there are consequences for their behaviour - with the focus on positive behaviour management and explaining to children and young people the impact of their behaviour.

(Secondary school)

Rather than a focus on the undesirable behaviour, this approach provides attention, praise and rewards for positive behaviour. It also uses group management techniques. For every negative comment that is made we make sure that there are at least three positive statements made about that child's behaviour.

(Teacher)

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

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

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

**Learner:** We've got WOWs in class . . . Miss, can you explain?

**Teacher:** *If the learners behave well, they get a WOW sticker.*

**Learner:** Makes us feel great [when we get one] like we've really achieved something.

Strategies to reinforce positive behaviour can exert influence from the whole class on each member to achieve the promised reward. These may not be long lasting where learners have behavioural, emotional and social difficulties (BESD), but are effective for the duration of the activity<sup>15</sup>.

### **Step aside: exploring consequences**

Assisting young people to explore and identify the consequences of particular actions and behaviour may help some learners when tackling bullying. Below is a technique described by a 10-year-old boy with autism. He clearly understood that he had to count to 10 and look at his options – ‘if I don’t step aside then I don’t have time to think about what might happen next.’

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

---

<sup>15</sup> *How Effective are interventions with Pupils with EBD?*, Evans, J and others, NFER (2003)

## Section 4: Responding to bullying around SEN and disabilities

Preventative work should aim to minimise the occurrence of bullying. However, even where effective preventative work is undertaken some incidents will still occur. This is where responsive work should come into effect, but it is most effective within a consistent whole-school approach to preventative work, as looked at in the previous section.

### **Monitoring and recording bullying incidents around SEN and disabilities**

Schools have a duty to eliminate disability-related harassment under the Equality Act 2010. To record that strategies are effective in achieving these goals, it is recommended that schools develop a system of monitoring and recording incidents of bullying of learners with SEN and disabilities, and ensure all staff know of and use it consistently. These records will inform the development of effective disability equality policies, practices and procedures, as well as make it easier to evaluate the actions that the school takes to deal with bullying.

Schools can use the self-evaluation framework to make improvements in all areas of equality, including tackling racist incidents by:

- implementing an ongoing cycle of monitoring and analysing data
- using data to decide what their priorities for improvement are
- taking action to make those improvements, ensuring the cycle of improvement continues.

### **Choosing an appropriate response**

Bullying should not be tolerated and should always be followed by an immediate and appropriate response. But a 'one size fits all' approach is unhelpful, especially when supporting learners with a range of SEN and disabilities who experience bullying. By having a set of resources available, the appropriate method may be selected to deal with the specific case. When choosing an approach it is essential to know of the learner's impairment and its impact on their social development. For example:

- in the case of some learners with learning difficulties who have been bullied, it may be necessary to act very quickly while the learner can remember what took place

- in other cases, allowances may need to be made because a learner with behavioural, emotional and social difficulties (BESD) demonstrates anti-social behaviour but did not intend to bully
- where a learner has retaliated after months of persistent bullying, it would be advisable to consider this differently from an unprovoked attack.

Where a learner with SEN or disability bullies, sanctions should be applied fairly, proportionately, consistently and reasonably, taking account of any SEN or disabilities that learners may have and taking into consideration the needs of vulnerable learners. Bullying by learners with disabilities or SEN is no more acceptable than bullying by others and it should be made clear that their actions are wrong and appropriate sanctions imposed. However, for a sanction to be reasonable and lawful, schools must take account of the nature of the learner's disability or SEN and the extent to which the learner understands and is in control of what he or she is doing. Efforts should also be made to explore why the learner has been acting in this way.

The duties under disability discrimination legislation are anticipatory, which means that reasonable adjustments and support should be put in place before issues arise to prevent learners with SEN and disabilities being disadvantaged as a result of their disability.

## **Case studies on responding to common types of bullying around SEN and disabilities**

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

### **Case study 1 – Long-term, 'low-level' bullying**

'Low-level' persistent bullying, name-calling, pushing, or spreading rumours can seem mild or even invisible to an outsider. In discussions with learners with impairments, they described situations in which they had experienced persistent low-level bullying for long periods of time – eventually 'snapping' and, in some cases, responding with violence<sup>16</sup>. This may be particularly likely where learners have impairments that affect their communication or their social or emotional skills so that they find it difficult to deal appropriately with the bullying when it first starts.

<sup>16</sup> Reports from learner interviewees for this guidance, by Council for Disabled Children and Young Voice. Also described by the National Autistic Society. [www.autism.org.uk](http://www.autism.org.uk)

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

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

The school followed its policy and took the following action. Immediately following the incident, Siôn was taken from class and his teacher explained he would remove three stars from Siôn's good behaviour book. The three boys were required to miss out on a class outing. Siôn and the boys were also encouraged to take the opportunity to train as 'friends' for younger learners.

The Bully Rep (a teacher with specific responsibility for preventing and responding to bullying) recognised that although the school had an active anti-bullying policy in place, Siôn did not feel confident enough to tell someone directly about the bullying. To address this, the school asked the school council to consult all learners on changes to the anti-bullying strategy. The headteacher and Bully Rep made a commitment to work with the council and take their ideas seriously, and to contact parents/carers and ask for their participation in this work. A range of multi-media projects were carried out, which produced an anti-bullying poster and a song, both of which were used in assemblies and around the school. The school also worked with parents/carers to make sure they had access to information about bullying when they needed it and that they knew how the school dealt with bullying by following its published policy.

## Case study 2 – Conditional friendships

People pretending to be your friends. And also if you're out they try and make you steal from the shop.

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

Zafirah is 10 years old and attends a mainstream primary school. She has Down's syndrome. She experienced bullying when a group of four girls in her class alternated phases of friendliness with making fun of her. The girls invited her to play at breaks then pretended not to know what Zafirah was talking about when she tried to join in. Zafirah was keen to make friends with the group and her impairment meant she found it difficult to make sense of their behaviour.

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

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

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

(Parent of child with Down's syndrome)

### Case study 3 – Cyberbullying

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

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

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

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

It was agreed through discussion with Carys, her parents, the learner and his parents that he would prepare an assembly in which he would demonstrate the achievements of learners with disabilities and their use of technology to the whole school. Carys was consulted on this and was able to give her own views. The police community liaison officer was invited to the school to talk to learners about the seriousness of harassment. The headteacher also began a review of staff training to make sure all staff felt confident in challenging discriminatory language and bullying in the school.

#### Case study 4 – Left out of activities

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

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

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

the school council, did a piece of work on looking at improvements to break time activities. The learners were supported in looking at options by youth staff from the local authority. Their ideas were presented to the governors, who approved some work to improve the layout of the playground and the purchase of a range of sports equipment. The PE teacher, with others, then worked with learners to devise a range of group games which were accessible.

For more information on making activities accessible see  
[www.efds.co.uk](http://www.efds.co.uk)  
[www.direct.gov.uk/en/DisabledPeople/Everydaylifeandaccess](http://www.direct.gov.uk/en/DisabledPeople/Everydaylifeandaccess)

### Case study 5 – Provoked behaviour

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

(Parent of boy with behavioural, emotional and social difficulties (BESD))

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

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

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

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

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

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

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

The bullying described in these case studies may result from a combination of factors, such as other prejudice-based bullying, in addition to the learner's impairment. Where racist views are held, a disabled learner from a minority group may be singled out for either or both of these differences or any other prejudice-based victimisation, simply because he or she may be an 'easy target'.

There is some evidence from learners that homophobic insults and name-calling related to disability are used more frequently to members of ethnic minority populations, without using explicitly racist terms that learners know they should not employ. In this way, perpetrators believe they are less likely to be caught<sup>17</sup>. This is why it is so important that schools adopt a whole-school approach to bullying which aims to change the entire school environment and reduce all forms of bullying. All prejudice-driven bullying should be tackled with an effective approach that changes attitudes.

### **A range of approaches to responding to bullying around SEN and disabilities**

*Respecting Others: Anti-Bullying Guidance* National Assembly for Wales Circular No: 23/2003 offers a range of general strategies for combating bullying. Below are some approaches and resources that have proved successful in schools where bullying has involved learners with SEN and disabilities. These are used alongside sanctions and immediate actions a school might take. The approaches considered are:

- strengths-based approaches
- peer mentoring
- improving social and emotional skills
- solution-focused brief therapy<sup>18</sup>
- peer mediation
- restorative approaches.

#### **Strengths-based approaches**

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

<sup>17</sup> *Islington & You*, Katz, A and others (2002). A study of learners' experience of their neighbourhood. Young Voice

<sup>18</sup> 'Using solution-focused brief therapy in individual referrals for bullying', *Educational Psychology in Practice*, 19, 4, 271–82, Young, S and Holdorf, G (2003). To link to this article: DOI: 10.1080/0266736032000138526 Educational Psychology in Practice.

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

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

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

(Deputy headteacher)

### Peer mentoring

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

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

(Teacher)

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

(Teacher)

For more information on peer support see [www.childline.org.uk](http://www.childline.org.uk)

### **Improving social and emotional skills**

Social and emotional aspects of learning (SEAL) is a comprehensive approach to promoting the social and emotional skills that underpin effective learning, positive behaviour, regular attendance, staff effectiveness and the emotional health and well-being of all who learn and work in schools.

When a school implements SEAL effectively across the whole school, it establishes strong foundations to its work to prevent bullying. At the core of SEAL are the social and emotional skills, which are all important because high levels of these skills create a social climate that does not tolerate bullying behaviour of any kind. Learners are encouraged to develop the skills associated with empathy which drives them to refrain from hurting others and to challenge those that do so. They are encouraged to build a learning community where they feel responsible for including their peers, and can develop and practice the skills associated with building positive relationships. They are supported to learn and practice the skills of assertiveness so they become more able to resist negative peer pressure, and are taught strategies to help them resolve conflicts before relationships are damaged or ill feeling escalates into bullying.

For more on SEAL go to [www.wales.gov.uk/topics/educationandskills/schoolhome/curriculuminwales/pseal/?lang=en](http://www.wales.gov.uk/topics/educationandskills/schoolhome/curriculuminwales/pseal/?lang=en)

A number of other whole-school approaches have been shown by rigorous evaluations to promote the development of personal and social skills at primary level. These include the Incredible Years Dinosaur Social and Emotional Skills Curriculum for Children and Teacher Classroom Management programmes, and Promoting Alternative Thinking Strategies (PATHS). For both primary and secondary there is the Olweus Bullying Prevention Programme and the KiVa Anti-bullying Programme.

[www.incredibleyears.com](http://www.incredibleyears.com)  
[www.olweus.org/public/index.page](http://www.olweus.org/public/index.page)  
[www.kivakoulu.fi/frontpage](http://www.kivakoulu.fi/frontpage)

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

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

(Teacher)

Activities to promote social skills such as empathy, anger management and social problem solving can be conducted in small group work sessions with targeted individuals or with the whole class during circle time activities. These may be particularly helpful for learners with social impairments such as autism. Learners are helped to consider the consequences and weigh up the different outcomes of certain actions. They are prepared and helped to know how to react to different challenges.

An evaluation of multi-session social skills programmes, delivered by a regular teacher to learners with behavioural, emotional and social difficulties (BESD), showed short-term positive effects, but that social skills were not maintained in the long term<sup>19</sup>. Nevertheless, for many learners, this work presents opportunities to explore and agree both what constitutes the boundaries of acceptable behaviour and the importance of working within these boundaries if good outcomes are to be achieved in adult life.

For more information, see [www.nfer.ac.uk](http://www.nfer.ac.uk)

### **Solution-focused brief therapy<sup>20</sup>**

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

Young and Holdorf, who work within a special needs support service as the anti-bullying team, have shown that both the solution-focused support group and SFBT for individuals can be 'effective strategies that work quickly when a pupil needs help in a bullying situation. These strategies are useful because they do not 'take sides', or presuppose any judgement about the cause of the difficulties, which

<sup>19</sup> 'How Effective are Interventions with pupils with EBD?', Evans, J and others (2003), NFER.

<sup>20</sup> Young, S and Holdorf, G (2003), 'Using solution-focused brief therapy in individual referrals for bullying', *Educational Psychology in Practice*, 19, 4, 271–82. To link to this article: DOI: 10.1080/0266736032000138526 *Educational Psychology in Practice*.

so often takes place beyond the view of adults and is not open to 'proof'. Practitioners do not have to label pupils 'victims' or 'bullies' – if a pupil feels in need of help, that is enough.' This study is a useful, if small, example of a local anti-bullying team evaluating their interventions. It also offers an assessment of the use of support groups, recommending them in a primary school setting. For more information on Young and Holdorf see [www.onlinelibrary.wiley.com](http://www.onlinelibrary.wiley.com)

### **Peer mediation**

Peer mediation differs from other methods of peer support (such as mentoring, listening and befriending) in that mediators offer help and support the learners involved in bullying after an incident has taken place. It can help everyone involved to resolve the issues. The mediators are there to help facilitate this, but not to take over and sort it out themselves.

Peer mediation empowers trained learners to resolve low-level conflicts between the peers themselves. Peer mediators are trained to listen and respond to both sides as a neutral third party and to try to encourage the learners to come to a resolution themselves. A follow-up meeting is conducted with the mediators to see whether the conflict has been successfully resolved and to decide whether any further steps need to be taken. Mediators are supported and trained by adults and are advised to seek help from them if the dispute is of a more serious nature or if they have difficulties with resolving a conflict<sup>21</sup>.

An evaluation of a scheme run in a special school for learners with moderate learning difficulties has been carried out. The author concluded that learners with moderate learning difficulties could be taught to mediate successfully, and that they learned valuable new social skills as a result of the training<sup>22</sup>. One of the learners interviewed for this guidance was very positive about her experience of peer mediation.

---

<sup>21</sup> Cowie, H. and Hutson, N. (2005), 'Peer Support: A Strategy to Help Bystanders Challenge School Bullying', *Pastoral Care*, 40–44

<sup>22</sup> Warne, A. (2003), 'Establishing Peer Mediation in a Special School Context', *Pastoral Care*, 27–33

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

**Interviewer:** *Why do you think it worked so well?*

**Learner:** Because if you just tell them they often think that 'I don't wanna do that' and it's unfair, whereas if they decide together, they can like, form it as an agreement. I was a peer mediator and it was really good and if there was like a lot of them fighting I would take some and my partner would take the other and let them decide cos if you forced them to do something it might just aggravate them and it'd carry things on.

### **Restorative approaches**

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

A restorative approach allows bullies and victims to meet in a safe and supported environment, to listen to one another, acknowledge the effects of their behaviour and to make reparation. Schools and young people frequently give positive reports about this approach.

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

Respecting others:  
Bullying around special  
educational needs and  
disabilities

September 2011

### **Youth Offending Service (Restorative Justice in Schools Coordinator), Bridgend**

The Restorative Justice Project which has existed for approximately three years uses the principles of mediation to address instances of bullying and help minimise and reduce further incidents of bullying between the protagonists and more widely by establishing self-awareness among young people. It is an independent, impartial and consent-led process that is totally confidential.

For example, two young people in school were taken to the head of year for a bullying-related incident in the yard. Restorative justice was promoted and a self-referral was made. Independent, confidential initial assessments were carried out with each learner, identifying the needs, emotions and interests of each party. In these assessments, a restorative conference was agreed to, and the participants were brought together in a safe, controlled, structured environment for a face-to-face meeting. The meeting was facilitated by an independent third party (a Restorative Justice Coordinator). The conference resulted in an agreement being reached, made up resolutions agreed by both young people written by themselves and signed by all involved.

The Restorative Justice Coordinator, supported by staff, has processed 248 referrals involving two or more young people. The project relies upon voluntary participation. The process involves direct involvement with young people, families and other agencies in order to undertake the mediation.

The project has expanded to include the training of peer mediators in school settings. Peer mediators are young people from 11 to 17 who actively help to resolve issues such as bullying in the school community. The peer mediation training results in an OCN Level 2 accreditation.

There are five steps in the process undertaken in a restorative justice conference.

- Introduction and Ground Rules – Mediators and participants are introduced.
- Storytelling – All participants share their side of the story without interruption. The mediators actively listen to each person in turn and help them feel understood.
- Identifying issues and needs – Participants examine and define their own issues and needs.

- Finding a solution – Participants create their own solutions to resolve the conflict.
- Final agreement – Mediators write the solutions into an agreement and participants sign it.

The expected outcome of the mediation process is that the young people take ownership of the decision making and they have a stake in the outcomes. The young people very often develop the final mediation contract themselves.

Outcomes include the following.

- For the victims – The majority of young people have been able to develop the shared outcomes themselves thus reducing bullying in those specific situations; there is also identification of improved life skills and transferable skills.
- For schools – There has been a reduction in the number of young people accessing schools' internal referral units by up to 35 per cent; attendance of individuals has increased by up to 80 per cent; increased referrals by teachers who recognise that they are in a conflict situation with others.
- For families – Feedback from families indicates a 90 per cent positive engagement rating.
- For other agencies – Recognition of the success of the procedures that has encouraged wider referral network and saturation of capacity.

Overall the restorative justice approach has the following positive outcomes.

- Makes school a safer and happier place.
- Reduces exclusions and suspensions from school or the need to implement them.
- Creates a culture of inclusion, not exclusion.
- Raises self-esteem and morale.
- Tackles bullying and unacceptable behaviour throughout school.
- Allows learners to speak about their problems without apportioning blame.

Key messages for others include the following.

- Mediation is all-encompassing – it is community cohesive and socially inclusive.
- Mediation through restorative justice relies upon a multi-agency partnership approach and emphasises the rights of the child. The outcomes are positive and long lasting.
- Restorative justice is sustainable through the training of peer mediators.
- It can make a difference.

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

## Section 5: Resources and further reading

The Welsh Government does not necessarily endorse all the views expressed by these publications, websites and organisations.

### Journal articles

- 'Bullying' – A summary of the findings and recommendations from the Education and Skills Committee report on bullying, *Special Children*, no. 177 (March/April 2007)
- 'Facing the issues' – This article outlines strategies for dealing with bullying and includes ideas that incorporate drama, poetry, board games and art.
- Bradshaw, S., *Special!*, National Association for Special Educational Needs (Summer 2005)
- 'Focus on . . . bullying' – Explores the lack of information about bullying, particularly in respect of children with special educational needs, *Special Children*, no. 172 (April/May 2006)

### Publications

#### ***Accessible Schools: Planning to increase access to schools for disabled pupils***

[www.education.gov.uk/schools](http://www.education.gov.uk/schools)

#### ***A guide to dealing with bullying: for parents of disabled children***

Collaboration between Contact a Family and Parentline Plus. Available to download at [www.cafamily.org.uk/pdfs/bullying.pdf](http://www.cafamily.org.uk/pdfs/bullying.pdf) or to order a copy contact the helpline on 0808 808 3555.

#### ***Anti-Bullying Alliance***

- Participation and how to enable it – This resource is designed to help children and young people with special educational needs be more involved in anti-bullying work.
- Activities – Activities and questions to help learners with SEN and disabilities to talk about bullying.
- Staff development – A guide to staff development in regard to bullying involving learners with special educational needs and disabilities.
- Adapted charter – Sample adapted anti-bullying charter. This version of an anti-bullying charter has been adapted to consider the needs of children with SEN and disabilities.  
[www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

### ***The Anti-bullying Handbook***

Sullivan, K., Oxford University Press (2004)

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

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

The National Autistic Society (2006)

[www.autism.org.uk](http://www.autism.org.uk)

### ***Bullying and autism spectrum disorders: a guide for school staff***

Written by Alice Stobart for the National Autistic Society, this booklet aims to provide school staff with an understanding of autistic spectrum disorders (ASDs), why pupils with ASDs can be at greater risk of being bullied, and how to address such bullying.

[www.autism.org.uk](http://www.autism.org.uk)

### ***Bullying of children with autism in secondary schools***

Research Autism Research Report, 2008.

[www.researchautism.net](http://www.researchautism.net)

### ***Bullying and deaf children: A guide for schools***

Provides a checklist and a starting point for introducing a strategy for dealing with bullying into existing school policies. It is useful for planning a policy on behaviour specifically aimed at meeting the needs of deaf children. National Deaf Children's Society (2006)

[www.ndcs.org.uk](http://www.ndcs.org.uk)

### ***Bullying and Disability***

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

National Children's Bureau (April 2007)

[www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

### ***Bullying wrecks lives: the experiences of children and young people with a learning disability***

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

Mencap (2007)

[www.mencap.org.uk/document.asp?id=164](http://www.mencap.org.uk/document.asp?id=164)

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

Ofsted (2008)

[www.rights4me.org/content/beheardreports/159/bullying\\_report.pdf](http://www.rights4me.org/content/beheardreports/159/bullying_report.pdf)

***Common Knowledge (CKUK)***

Common Knowledge (CKUK) provide online learning, accessible information and social networking for people with learning difficulties. CKUK have a website for young people with learning difficulties to give them information and advice about how to say no to bullying and hate crime. CK Respect features online photo stories, quizzes, games and information.

[www.ckuk.org.uk](http://www.ckuk.org.uk)

***Educating Children with Facial Disfigurement: Creating inclusive school communities***

Frances, J., Routledge Falmer (2004)

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

***Education and Skills Committee Report on Bullying***

The House of Commons (27 March 2007)

[www.publications.parliament.uk](http://www.publications.parliament.uk)

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

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

[www.education.gov.uk/popularquestions/childrenandfamilies/specialeducationalneeds](http://www.education.gov.uk/popularquestions/childrenandfamilies/specialeducationalneeds)

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

Part of the 'How to' series of guides from Participation Works (2008).

[www.participationworks.org.uk](http://www.participationworks.org.uk)

### ***Make Them Go Away***

DVD and supporting materials to help schools prevent and tackle bullying of young people with special educational needs (SEN) and disabilities. Aimed at children from 7 to 14 to raise awareness of their peers with SEN and disabilities, including strong messages about how bullying affects their lives.

[www.education.gov.uk/schools](http://www.education.gov.uk/schools)

### ***Safe: personal safety skills for deaf children***

DVD-ROM from NSPCC designed to help give deaf children the knowledge, awareness and language they need to stay safe and make better-informed life choices.

[www.nspcc.org.uk/inform/publications/safe\\_wda58697.html](http://www.nspcc.org.uk/inform/publications/safe_wda58697.html)

### ***School councils for all: Including disabled pupils and pupils with special educational needs***

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

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

[www.schoolcouncils.org](http://www.schoolcouncils.org)

### ***Schools and the Disability Equality Duty in England and Wales***

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

This guidance from the Disability Rights Commission is for governors, headteachers, teaching and support staff, and explains the responsibility that they are under to promote equality of opportunity for all disabled people, including the elimination of harassment and bullying.

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

### ***They won't believe me . . . Bullying of children with a learning disability***

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

Mencap (2005)

[www.mencap.org.uk](http://www.mencap.org.uk)

## Useful websites

### Websites for children and young people

#### Anti-bullying Alliance

The ABA brings together over 130 organisations into one network with the aim of reducing bullying and creating safer environments in which children and young people can live, grow, play and learn.

[www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

#### CLIConline

The Welsh Government's national information and advice service for young people aged 11 to 25, provides information on bullying.

[www.cliconline.co.uk](http://www.cliconline.co.uk)

#### ChildLine

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

[www.childline.org.uk](http://www.childline.org.uk)

#### Contact a Family

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

[www.cafamily.org.uk](http://www.cafamily.org.uk)

#### Council for Disabled Children

CDC is the umbrella body for the disabled children's sector in England. It works to influence national policy that impacts upon disabled children and children with special educational needs (SEN) and their families.

[www.ncb.org.uk/cdc](http://www.ncb.org.uk/cdc)

#### Directgov – section for disabled people

Issues affecting disabled people.

[www.direct.gov.uk/DisabledPeople](http://www.direct.gov.uk/DisabledPeople)

#### Don't Stick it, Stop It!

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

[www.dontstickit.org.uk](http://www.dontstickit.org.uk)

#### Equality and human rights commission

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

### **Foundation for People with Learning Disabilities**

The Foundation for People with Learning Disabilities works to promote the rights, quality of life and opportunities of people with learning disabilities and their families. They also host the 'Choice Forum' at [www.choiceforum.org](http://www.choiceforum.org)  
[www.fpld.org.uk](http://www.fpld.org.uk)

### **I CAN**

I CAN works to support the development of speech, language and communication skills in all children, with a special focus on those who find this hard – children with a communication disability.  
[www.ican.org.uk](http://www.ican.org.uk)

### **In the Picture**

In The Picture (Scope) aims to encourage publishers, illustrators and writers to embrace diversity – so that disabled children are included alongside others in illustrations and storylines in books for young readers.  
[www.childreninthepicture.org.uk](http://www.childreninthepicture.org.uk)

### **Kids**

Information and resources on supporting children with SEN and disabilities in accessing play, leisure, education and family support.  
[www.kids.org.uk](http://www.kids.org.uk)

### **Making Ourselves Heard**

Making Ourselves Heard is a project that aims to ensure the active participation of disabled children and young people in all decisions directly affecting them – in the development of their local communities; in the strategic planning of services; and in all aspects of the work of the Council for Disabled Children.  
[www.ncb.org.uk/cdc\\_moh](http://www.ncb.org.uk/cdc_moh)

### **Meic**

The Welsh Government-funded bilingual national advocacy service for children and young people in Wales.  
[www.meiccymru.org](http://www.meiccymru.org)

### **Mencap**

Mencap is the UK's leading learning disability charity working with people with a learning disability and their families and carers.  
[www.mencap.org.uk](http://www.mencap.org.uk)

### **National Deaf Children's Society**

NDCS is the leading national charity dedicated to creating a world without barriers for deaf children and young people.  
[www.ndcs.org.uk](http://www.ndcs.org.uk)

### **National Autistic Society**

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

[www.autism.org.uk](http://www.autism.org.uk)

### **NASUWT: Prejudice-related bullying**

Guidance on prejudice-related bullying, including homophobic bullying, racist bullying, faith-based bullying, disability bullying, sexist bullying and transphobic bullying.

[www.nasuwat.org.uk](http://www.nasuwat.org.uk)

## Acknowledgements

The Welsh Government would like to thank those who provided case studies and information for this document, as well as others in the anti-bullying guidance series.

- Cardiff Council working in partnership primarily with Safer Wales, LGBT Excellence Centre and Cardiff Against Bullying
- Cathays High School, Cardiff
- Duffryn High School, Newport
- Gorseinon Infant School, Swansea
- Hafod y Wern Primary School, Wrexham
- Markham Primary School, Caerphilly
- Ogmore Comprehensive School, Bridgend
- Pembroke Comprehensive School, Pembrokeshire
- Saundersfoot Community Primary School, Pembrokeshire
- Sketty Primary School, Swansea
- St Richard Gwyn Catholic High School, Flintshire
- St Teilo's Church in Wales School, Cardiff
- Terrence Higgins Trust
- Torfaen County Borough Council
- Valley and Vale Community Arts
- Youth Offending Service (Restorative Justice in Schools Coordinator), Bridgend
- Ysgol Gymraeg Bro Ogwr, Carmarthenshire