Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from ChildLine in Scotland

ChildLine is the free, confidential service for any child with any problem\(^1\). Tens of thousands of children contact ChildLine every year about a wide range of problems impacting on their lives including family relationship problems, bullying and abuse. As well as offering a service to every child who needs it, ChildLine in Scotland is committed to representing the concerns children bring, unsolicited to the service, with those who can make a difference in their lives. Our brief response to the current bill is based on what we hear from children and young people.

CHILDREN 1\(^{ST}\) supports ChildLine’s submission. For over 125 years, CHILDREN 1\(^ {ST}\) has been working to build a better future for Scotland’s vulnerable children and families. We listen, we support and we take action by delivering services in homes and communities across Scotland. We work to safeguard children and young people, to support them within their families and to help them recover from abuse, neglect and violence. Formerly known as the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC), we provide 39 local services across Scotland and four national services – ParentLine Scotland which provides advice and support to anyone with a concern about a child; Safeguarding in Sport, which works with sporting bodies to keep children safe and having fun in sport; Kinship Care, the national training, outreach and helpline service for kinship care families and ChildLine in Scotland, which we manage on behalf of the NSPCC.

ChildLine hears a great deal about offensive and threatening behaviour, including at times physical and emotional violence, meted out to young people by other young people in the form of bullying behaviour. Between 1st April 2010 and 31st March 2011 there were 30439 counselling interactions UK wide with a Primary Concern of Bullying. This represents 11% of the total counselling interactions undertaken in the UK by ChildLine during that period. Children also increasingly talk to us about cyberbullying, with 2250 last year seeking help because they were being bullied and threatened via the phone and/or the internet. The vast majority of bullying behaviour children talk to us about involves the child being singled out because of some kind of perceived ‘difference’. Children talk to us about being bullied because of their appearance, their race, their perceived ability, their choice of clothes, their gender, their family problems, their perceived sexual orientation, their religion, the football team they support . . . . etc. Children tell us bullying impacts on every area of their lives: their self esteem, their

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\(^1\) ChildLine is a service provided and funded by the National Society for the Prevention of Cruelty to Children (NSPCC). CHILDREN 1\(^ {ST}\) (RSSPCC) delivers the ChildLine service in Scotland on behalf of the NSPCC. NSPCC registered charity numbers 216401 and SC037717.
confidence, their school life, their home. Sometimes children are driven to self harming or thinking about suicide.

ChildLine in Scotland is firmly of the view that the issues of religious intolerance and sectarianism are one reason amongst many that children in Scotland are bullied and assaulted on a regular basis. We also know from what young people tell us that whilst this sometimes happens at football matches, it far more commonly happens at school, in the community and with some young people, in the form of abuse at home – either witnessing domestic violence or being physically or emotionally abused themselves.

ChildLine in Scotland understands that sectarianism and religious intolerance needs to be taken very seriously in Scotland and addressed at a variety of levels. However we would question whether the measures in the current bill are those needed to tackle the problem and also whether the bill is a proportionate response to the issue. More specifically, we would like to raise several key concerns in relation to children and young people.

- ChildLine in Scotland notes that the process included the bill being subjected to a business impact analysis and would ask if any analyses was undertaken to assess the potential impact on children’s rights. We note that in its concluding observations the UN Committee stated that: “Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation”. We also noted and enormously welcomed the Scottish Government’s stated interest in using children’s rights impact assessment in the development of Scottish Policy (Do the Right Thing). ChildLine in Scotland would strongly urge such an analyses being undertaken on the current bill, given its potential to impact on children’s rights.

- ChildLine in Scotland is concerned that the lack of any age threshold in the draft bill means there is a real danger of it ‘catching’ a wide range of behaviours that children and young people might become engaged in. The calls we receive on sectarian related bullying and violence in children’s lives means we understand the potential for children to get involved in such behaviour. Although we know all too well how traumatic and damaging this behaviour can be, we do not believe that criminalising large numbers of children is a helpful response to the problem.

- As ChildLine in Scotland understands it, the provisions in the bill at section 5 and 6 relating to threatening communications could also result in large numbers of children being criminalised for cyberbullying, if they are threatening violence or if that bullying is of a religious or sectarian nature. We do not consider this to be the best way to deal with the problem of cyberbullying and are highly concerned at the implications for an already strained Children’s Hearings System if legislation is created that catches an increasingly common form of children’s bullying behaviour. We would strongly recommend that any accompanying
guidance to the Act made clear that any children under 18 would only be referred to the Hearings System or prosecuted under this legislation in the most exceptional circumstances.

This is not to say that ChildLine in Scotland does not believe measures are needed to help address the problem of cyberbullying. We are acutely aware of the issue and the impact on children’s lives, based on what they tell the ChildLine service when seeking help. Our substantial experience in working with these children convinces us that children do need to be better protected from all kinds of cyber-bullying - whether it is of a religious nature, whether it threatens ‘serious violence’ or indeed whether it represents the potential to cause serious emotional harm. ChildLine in Scotland believes that the impact on a child looking at a webpage set up to communicate the message ‘we hate you’ (with hundreds of signatures attached), is no less damaging to that child’s wellbeing than a threat of violence. However as stated above, we are not convinced that legislation that would create a ‘blanket offence’ for certain forms of cyber-bullying by children as young as twelve is the way forward.

- Two decades of listening to children talk about their experiences of bullying (including cyberbullying), the sometimes devastating impact it has upon their lives and the regular failure of schools, education authorities, communities and families to deal with the problem in a helpful manner convinces us that there is insufficient protection for children against all kinds of bullying in the law. ChildLine in Scotland believes measures are required to better protect all children from all forms of bullying. We refer the Committee to previous NSPCC recommendations around tackling bullying behaviour\(^2\), most specifically a duty being placed on education authorities and schools to develop and implement anti-bullying policy, where children and young people are actively consulted and involved in the development of said policy and Her Majesty’s Inspectorate of Education (now Education Scotland) required to inspect schools on the school’s consultation and the policy’s implementation, including from the child’s point of view.

ChildLine also fully endorses the recent calls to further delay the progress of the bill to allow more time for scrutiny and reasoned debate, given the far reaching implications of this draft legislation.

We hope you find these comments useful.

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\(^2\) ChildLine Casenote: Children talking to ChildLine about bullying. NSPCC, 2008.