December 2016

Respect for All: The National Approach to Anti-bullying for Scotland’s Children and Young People

Following my letter of 11 November 2016, I would like to reiterate my thanks to the Committee for taking the time to consider this important issue. In this correspondence, I have provided further information on the background to ‘Respect for All’; the consultation process undertaken; and the main points covered in the refreshed guidance. I understand the Committee will be writing to a number of organisations to seek their views and I welcome this course of action. As already indicated, I would very much welcome all feedback to ensure the guidance can be effective in delivering an approach to the issue of prejudice-based bullying that is broadly supported within Scotland.

The Scottish Government is clear that bullying of any type is unacceptable and must be addressed quickly. We now understand more about how children and young people’s confidence, resilience, participation and attainment can be affected by bullying both in the short term and long term; how and where they experience bullying; how they can be supported; and most importantly, how it can be prevented.

Our policies are designed to give all our children the best start in life. The defining mission of this Government is to deliver excellence and equity in Scottish education to raise the bar for all our children and young people and close the attainment gap. This Government’s focus on challenging inequity for every child to succeed in school and gain the skills for life, is being recognised through the Attainment Challenge and the National Improvement Framework for Education.
The purpose of the refreshed strategic guidance should be to ensure that all sectors and communities, at a local and national level, are consistently and coherently contributing to a holistic approach to anti-bullying, regardless of the type of bullying. However, the guidance must make clear that all local anti-bullying policies developed by local authorities, schools and organisations explicitly mention the protected characteristics and other forms of prejudice-based bullying, to ensure that is addressed effectively.

Central to this, the guidance must be underpinned by the values of fairness, respect, equality and inclusion. This will ensure that children and young people feel safe and secure and are able to build up strong and positive relationships with peers and adults. Our aim is that ‘Respect for All’ will ensure that all those working with children and young people fulfil their responsibility to support their health and wellbeing. In order to thrive, children and young people need environments that are safe, nurturing, respectful and free from fear, abuse and discrimination.

An anti-bullying policy is a clear commitment to develop a respectful, equitable and inclusive culture and ethos within an organisation or establishment. Environments that promote respect, celebrate difference and promote positive behaviour as less likely to see bullying as acceptable behaviour.

**Background**
The Scottish Government launched ‘A National Approach to Anti-bullying for Scotland’s Children and Young People’ in 2010. The approach forms part of our wider attempts to improve the health and wellbeing of our children and young people. It fits in with our ongoing work to ensure children and young people feel safe and secure and are able to build up strong and positive relationships with their peers and with adults as well as our work to promote positive behaviour.

There have been many policy developments since the publication of the National Approach including the United Nations Convention on the Rights of the Child (UNCRC); Equalities Act 2010; the implementation of the Getting It Right For Every Child (GIRFEC) and Children and Young People (Scotland) Act 2014; development of positive relationships and behaviour policy ‘Better Relationships, Better Learning, Better Behaviour’; and the respective research Bullying in Schools 2014. It was important: to ensure the National Approach remained current and a working group was established in January 2015 to refresh the approach.

**Working Group**
The working group was made up of a wide range of expert stakeholders working in the field including: the Association of Directors of Education in Scotland (ADES); Education Scotland; respectme, Scotland’s anti-bulling service; Convention of Scottish Local Authorities (COSLA); YouthLink Scotland; sportscotland; Centre for Excellence for Looked after Children in Scotland (CELCIS); Association of Directors of Education in Scotland (ADES); NSPCC (Childline); Police Scotland; Children and Young People’s Commissioner for Scotland (CYP/CS); LGBT Youth Scotland; Stonewall Scotland; and ENABLE.

Officials from across relevant government departments including the Getting It Right Unit and the Equality Unit (to ensure that all protected characteristics under the Equality Act 2010 were considered) and also contributed to the guidance.
The working group considered the findings from:

a) **The Equality and Human Rights Commission (EHRC) report Prejudice-based bullying in Scottish schools: A research report** which was carried out by LGBT Youth Scotland and respectme. The research was conducted using several methodologies, producing a rich source of information on prejudice-based bullying:
- Literature review to identify key documents and research that shape national understanding.
- Interviews with strategic LA leads on anti-bullying or equalities, and a representative from Education Scotland.
- Surveys with both secondary school teachers and pupils.
- Focus groups with secondary school pupils.

The EHRC report also considered recent data and evidence from reports about bullying produced by Coalition of Racial Equality and Rights (CRER), Stonewall Scotland and LGBT Youth Scotland.

The recommendations were considered by the working group and incorporated into the guidance where appropriate.

b) **Technical Guidance** (published by the EHRC) which outlines the requirements of the Equality Act 2010 for schools in relation to the provision of education and access to benefits, facilities or services, both educational and non-educational. It provides an authoritative, comprehensive and technical guide to the detail of the law.

The guidance states:
“Schools must also ensure that any policies that are designed to protect pupils do so without discrimination. The Act does not cover pupil-to-pupil bullying, but a school is required to ensure that it does not discriminate in the way in which it deals with bullying in school. Bullying because of a protected characteristic should be dealt with very seriously and there should be no differentiation between the seriousness with which a school deals with bullying for reasons arising from a protected characteristic and the bullying for reasons not connected with a protected characteristic”.

The guidance further states:
“The harassment provisions of the Act do not protect pupils from harassment by other pupils. However, the provisions on discrimination mean that schools have an obligation to ensure that bullying by pupils that is related to a protected characteristic is treated with the same level of seriousness as any other form of bullying”.

It would be our intention that this messaging and language should be reflected in the draft refreshed ‘Respect for All’.

c) **respectme - Scotland’s anti-bullying service** – funded by the Scottish Government since its inception in 2007 to build confidence and capacity to address bullying effectively, aligned to the ‘National Approach to Anti-bullying for Scotland’s Children and Young People’. respectme has a great deal of experience in this area of work.

d) “Bullying in Scotland 2014” respectme research. This research obtained the views of over 8000 children and young people and how they experienced bullying in 2014.
e) The "Behaviour in Scottish School Research 2012" (BISSR). The overall aim of the research was to provide a clear and robust picture of behaviour in publicly funded mainstream schools and of current policy and practice in relation to managing behaviour. There were three strands to the research:

- quantitative surveys of heads, teachers and support staff (4,898 staff in total took part)
- qualitative depth interviews with local authority representatives (one representative from 31 of the 32 local authorities)
- qualitative research with pupils, heads, teachers and support staff in 12 case study schools.

The 2016 BISSR survey is already underway.

Consultations
As this was refreshed, rather than new guidance, a formal consultation did not take place. However, it was crucial that we were able to engage with as many people as possible to ensure that the guidance is fit for purpose. Therefore, in addition to the valuable input of the working group, it was agreed that the consultation process included the following:

• Children and young people
  Working group members CELCIS, Youthlink Scotland and CYPCS, established a Young Expert Group made up of a diverse group of young people who were experienced in youth-led policy to direct the programme of work around the children and young people’s consultation process. This resulted in an electronic questionnaire being issued to children and young people in schools, through Education Scotland, respectme and other members of the work group using social media platforms. Around 1700 children and young people responded to this questionnaire. Dr Allan (previously Minister for Learning, Science and Scotland’s Languages) met with the Young Expert Group in January 2016 to thank them for their contribution.

• Parents and carers
  A parental focus group was hosted by the National Parent Forum of Scotland (NPFS) in January 2016. Around 20 parents/carers attended this event. Following this, a questionnaire was disseminated to parents and carers through the NPFS, working group members, Education Scotland and also colleagues in the Equality Unit who distributed this through their stakeholders. Around 1400 responses were received.

• Practitioner events
  Three practitioner events attended by senior local authority officials, educational establishment officials and other organisations took place in Edinburgh, Glasgow and Elgin.

• Further consultations
  A draft version of “Respect for All” was also shared with the Strategic Advisory Group for Relationships and Behaviour in Schools (SAGABIS) which was chaired by the previous Minister for Learning, Science and Scotland’s Languages, Dr Alastair Allan, in March 2016. Members of the Advisory Group include all the teaching unions, the Association of Directors of Education, COSLA and the Association of Principal Educational Psychologists (ASPEP) who all provided positive feedback on the guidance. SAGABIS met again in October, this time chaired by the Deputy First Minister, and members of the group expressed that they would be keen for ‘Respect for All’ to be published soon due to the demand from local authorities in having up-to-date guidance, which would allow them to develop their own local policies, to be inclusive of prejudice-based bullying.
CRER and the EHRC were invited to comment on the guidance at the final stages of development. Feedback from the questionnaires, consultation with parents/carers, practitioner events, SAGRABIS and the comments from the EHRC and CRER were all considered and, where appropriate, included in the guidance.

Main proposed changes to the refreshed guidance
The purpose of the refreshed national approach is to communicate and promote a common vision; and aims to make sure that work across all sectors and communities is consistently and coherently contributing to a holistic approach to anti-bullying in Scotland.

The refreshed guidance is intended to provide an agreed definition of bullying and makes clear that bullying is a much broader issue and not just the responsibility of schools - but all adults involved in the lives of children and young people who have a role in preventing and responding to bullying.

The guidance should include strengthened messages and strategic guidance on:

- **online/offline bullying** (helping adults to understand that online bullying shouldn’t be viewed differently but is the same type of behaviour that takes place face-to-face);
- **labelling** (labelling children themselves as ‘bullies’ or ‘victims’ can be disempowering and unhelpful in changing their behaviour; instead, labelling an action as bullying is more effective);
- **the impact and outcomes of bullying** (bullying affects individuals, families and relationships as well as a child’s education and participation. The impact on wellbeing is clear for both the child causing bullying and the child being bullied and their wellbeing needs in accordance with the eight indicators of wellbeing need to be considered);
- **recording and monitoring of bullying incidents** (more detail below); and
- **when it is not bullying** (ranging from playground fallouts to hate crime).

Importantly, and of particular relevance to the Equality and Human Rights Committee, is that the draft refreshed ‘Respect for All’ makes clear about the importance of preventing and tackling prejudice-based bullying (which is at the forefront of the document and reinforced throughout). Through our engagement with stakeholders it was felt important to outline what prejudice-based bullying is as well as the need to address the root cause of the prejudice and effectively respond to incidents as they arise. The draft guidance outlines the Equality Act 2010 and relevant public sector equality duty; and describes the protected characteristics as well as other prejudices which are not outlined in the Equality Act – for example, prejudice arising from socio-economic background or a child or young person’s appearance.

Specifically, the draft guidance is clear that all recording systems should include information on a variety of factors, including where there is an underlying prejudice and/or protected characteristic, where relevant. The recording, monitoring and analysis of bullying is best carried out locally where it can be understood and acted upon by local organisations, as well as providing feedback on the effectiveness of anti-bullying policy and practice.

In addition, the draft guidance outlines what is expected of local authorities, organisations and practitioners, individual services that are part of a governing body; independent voluntary organisations/services, parents and carers and children and young people; and what these organisations/individuals can expect from others when preventing and responding to bullying, including prejudice-based bullying.
Current support available
The Scottish Government recognises that any guidance will only be successful if it is implemented effectively and there is ownership of the policy amongst those implementing and those in receipt of the policy. Therefore, we have put in place a raft of support for local authorities, schools and youth organisations.

respectme, Scotland’s Anti-bullying Service will continue to provide support to all adults working with children and young people to give them the practical skills and confidence to deal with all types of bullying behaviour aligned to “Respect for All”. respectme is jointly managed by LGBT Youth Scotland and Scottish Association for Mental Health (SAMH). A priority for this service will continue to be a holistic and inclusive approach to anti-bullying which include prejudice-based bullying and takes consideration of protected characteristics.

We expect that all schools will develop and implement an anti-bullying policy, which should be reviewed and updated on a regular basis in consultation with children and young people, parents and carers and teachers/coaches. respectme offer strategic level support to local authorities and organisations to review/develop anti-bullying polices to be cascaded to schools and services. respectme ensure these policies are in-step and reflect the principles and the values contained within the “National Approach to Anti-bullying for Scotland’s Children and Young People”. This means protected characteristics, equality and Children’s’ rights are part of each policy.

respectme will continue to build confidence and capacity to all those working with children and young people to address bullying effectively, aligned to the existing National Approach to Anti bullying for Scotland’s Children and Young People and also “Respect for All” when it is published.

In addition, Education Scotland will continue to provide support to schools on promoting positive relationships with children and young people, which includes support and resources around anti-bullying strategies. The self-evaluation tool ‘How Good is Our School 4’ was launched in September 2015 and came into force in August 2016. This includes a Safeguarding quality indicator and a specific quality indicator on ensuring wellbeing, equality and inclusion. This will support schools to effectively evaluate their own practice and support self-improvement.

The draft guidance “Respect for All” is clear that bullying takes place in the context of relationships. Promoting respectful relationships, repairing relationships where appropriate and ensuring we respond to all forms of prejudice will help create an environment where bullying cannot thrive. There are a range of strategies and programmes being used throughout Scotland that can improve relationships and behaviour, promote equality and challenge inequality, and develop emotional wellbeing to help prevent and address bullying. These focus on:

- Anti-bullying professional learning (including respectme)
- Recognising and Realising Children’s Rights
- Restorative Approaches
- Creating inclusive and supportive learning environments
- Solution oriented Approaches
- Nurturing Approaches
- Mentoring and peer support (including Mentors in Violence Prevention [MVP])

Education Scotland, with local authorities will continue to support the implementation of these positive relationship and behaviour approaches and embed children’s rights.
Scottish Parliament’s Equalities and Human Rights Committee

I would value any feedback from the Committee on this subject. It would also be useful to receive the Committee’s views in relation to prejudice-based bullying that it considers the Scottish Government should explore to inform its approach to anti-bullying.

I trust that you and the members of the Committee will find this information useful for the purposes of your inquiry. It is important that we take the necessary time to ensure that ‘Respect for All’ is fit for purpose; and that local authorities, schools, youth organisations, parents and carers, and children and young people themselves, have the necessary strategies and skills to prevent and address all types of bullying effectively.

I welcome all feedback received from the Committee and look forward to receiving your response, which will be considered in advance of the publication of ‘Respect for All’.

Yours,

[Signature]

JOHN SWINNEY