**Equalities and Human Rights Commission Scotland**

Written submission to the Equalities and Human Rights Committee for a scoping session on bullying and harassment of children and young people in schools.

The Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales. We work to eliminate discrimination and promote equality across the nine protected grounds set out in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We are an “A Status” National Human Rights Institution (NHRI) and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

In this submission the Equalities and Human Rights Committee (EHRiC) has asked us to set out our thinking on three specific issues:

- The nature and extent of prejudice and bullying in schools?
- How do schools respond to bullying and how are they supported in that role?
- What needs to change to ensure schools can deal with cases of bullying and promote inclusivity in schools?

**The nature and extent of prejudice and bullying in schools.**

It is impossible to give an accurate answer to the question as no data is required to be collected by Education Authorities on the nature and extent of bullying or identity based harassment in Scottish schools. This is an issue which we have raised with the Government on a number of occasions because we believe that bullying and identity based harassment have a significant negative impact on individual pupils’ performance, on rates of absences, on attainment, and for the view of the schools as an inclusive, safe, and supportive environment conducive to education.

In research conducted for the EHRC by RespectMe and LGBTI Youth, published in 2015, we found that one in four of the pupils surveyed said that they were aware of peers in their school experiencing prejudice-based bullying, while just over half of pupils who had themselves experienced bullying said they had reported it to their school. The most commonly experienced forms of prejudice-based bullying included race,
disability, sexual orientation and perceived socio-economic status. Pupils who had been bullied were 20% less likely to report feeling safe at school, or that they felt supported, respected, included or simply happy.¹

Earlier this year Tavish Scott MSP published the findings of an FOI exercise conducted with Scottish Education Authorities to assess the extent of their data collection on racially motivated harassment in Scottish schools. Mr Scott’s survey, completed by 75% of Scottish Authorities found significant variations in practice across Scotland, with some Education Authorities reporting recording only 1 or 2 incidents a year to others who reported capturing over 100 per annum. Significantly his figures showed Edinburgh City Council recorded 279 racist incidents in primary schools over two years, with a further 114 incidents in secondary schools in the capital in contrast to Aberdeen, who could not produce any data, Glasgow who only have data for the last 2 years, and North Lanarkshire who did not record any incidents at all.²

Further community based studies by CRER, LGBTi Youth and others have suggested that significant numbers of ethnic minority and LGBTi pupils have experienced bullying or identity based bullying in schools. More recently the issue of sexualised bullying in schools has been raised as a significant gender equality issue.³

Commenting on Anti Bullying Alliance data SecEd stated that “…disabled primary school pupils are twice as likely to suffer from persistent bullying as their non-disabled classmates, and more than twice as many children with SEN said they experienced bullying “all the time” at age seven, than those without SEN. In secondary school, 15-year-olds with SEN were significantly more likely to be frequent victims of threats or acts of physical violence and theft, even when other factors that increase the risk of bullying were taken into account.”⁴

How do schools respond to bullying and how are they supported in that role?

² Scottish Liberal Democrat press release, 27 /7/16
³ http://www.rapecrisisscotland.org.uk/blog/sexual-bullying-a-euphemism-for-harassment-and-assault/
As above in our answer to question 1 we can only state that it is impossible to make any meaningful analysis of schools response to prejudice-based bullying due to an absence of meaningful data. We note that a schools response to bullying, or the operation of anti-bullying work, are not areas of inspection by Education Scotland. Therefore there is no incentive or disincentive to record incidents.

In our own research (see 1 below) we found that whilst 26 Education Authorities said that they had a formal policy which required monitoring of all prejudice-based bullying complaints, only 14 of them could produce evidence of how they were being recorded.

Taken together with the evidence produced above we are concerned that too many Education Authorities have at best policies which are not being adhered to meaningfully by schools in their areas. We therefore particularly welcome the Committee’s current focus on this issue as it is one which has sat under the radar of education policy for too long.

**What needs to change to ensure schools can deal with cases of bullying and promote inclusivity in schools?**

We remain concerned that until the recording and publication of data on bullying and identity based harassment is placed on a statutory footing, practice is likely to remain uneven across Scotland, both within and between Education Authorities.

We are also concerned that too many Education Authorities and/ or schools, fail to share this (anonymised) data with other relevant statutory agencies. 25% of racially motivated crime reported to the Police every year is committed by under 16 year olds. We feel that incidents within and outside the schools gates are often connected and fit a pattern of offending. The EHRC feels that sharing this data with other local agencies, particularly the Police and Community Safety practitioners would be of benefit, so that an accurate “map” of incidents across any one area can be considered for preventative purposes. Again, we doubt that this will occur without Education Authorities being required to do so because of (misplaced) concerns about individual schools reputations. For clarity, we do not propose that this information is publically available but is handled like others sensitive personal data, and used solely for the purposes of detection and prevention.