

Preventing and Responding to Bullying and Prejudice Amongst Children and Young People in CEC Residential Houses

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DEPARTMENT RESPONSIBLE

Department:	Education and Children's Services
Division:	Children Services
Section:	Example
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VERSION HISTORY

VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1.1	Steve Harte	Jan2025	Version1	

PURPOSE

This procedure reflects our commitments to preventing and responding to bullying and prejudice amongst children and young people in CEC residential houses. It outlines procedure relating to the protection of children and young people from bullying and prejudice by other children and young people and also aims to prevent bullying and prejudicial behaviours and attitudes in the CEC residential houses.

SCOPE

This procedure covers all of the children and young people living in the City of Edinburgh Council's residential houses. Where relevant and possible, the procedure extends beyond establishments; for example, online bullying which takes place outside of the establishment.

DEFINITIONS

TERM	DEFINITION

PROCEDURE

Preventing and Responding to Bullying and Prejudice Amongst Children and Young People

The CEC is strongly committed to providing a safe environment for all people in its residential establishments. We are committed to ensuring positive relationships. Bullying, prejudice and discrimination are never acceptable and children and young people have the right to reside and be cared for in a safe, fair and secure environment. City of Edinburgh Council is committed to the key themes of promoting positive relationships, resilience, restorative approaches and developing Rights Respecting homes for our young people at the heart of our communities Welcoming diversity and ensuring equality underpin the ethos of our establishments and create the right environment to prevent bullying and discrimination. To promote respect, positive attitudes and relationships City of Edinburgh Council uses a variety of preventative, protective and responsive approaches, some of which are detailed in Appendix 2.

This procedure is based on 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People' (Scottish Government 2017). It exists to protect all children, young people and staff from all forms of unacceptable behaviours by other children, young people and staff.

The Procedure for Preventing and Responding to Bullying and Prejudice Amongst Children and Young People in CEC Residential Houses addresses all forms of bullying, discrimination and prejudice and includes the right of protection from discrimination for any of the nine protected characteristics in the Equality Act 2010.

This procedure sits within the overarching context of City of Edinburgh Council's 'Included, Engaged and Involved' policy. Edinburgh Children's Partnership's core principles guide our working and define our service culture, specifically the vision 'Edinburgh's children and young people enjoy their childhood and achieve their potential'. Sections 5.7 and 6.2-6.4 of our 'Included, Engaged and Involved' policy are particularly relevant.

Supplementary Guidance

A series of supplementary documents will provide specific guidance for staff who work within the residential services on preventing and responding to incidents of prejudice and discrimination related to six of the protected characteristics under the Equality Act 2010.

- Tackling Racist Incidents / Creating an Anti-Racist Culture (October 2020)
- Homophobic, biphobic and transphobic discrimination (planned)
- Faith-related discrimination (planned)
- Disability-related discrimination (planned)
- Gender-related discrimination (planned)

2.2 Everything that we do in our residential houses should be in keeping with the ethos set by Scotland's Promise. Our core practices reflect our commitment to the development of positive relationships at all levels. The foundations of the Promise are based on what care experienced people said needs to change in Scotland. They show what's important for any child to grow up loved, safe and respected. The five foundations are:

- Family
- Voice
- Care
- People
- Scaffolding

2.3 This procedure compliments the commitments that are made in The United Nations Convention on the Rights of the Child (UNCRC). The UNRC is an international human rights treaty that grants all children and young people a comprehensive set of rights. Examples of these rights include the right to health and education, fair and equal treatment, protection from exploitation and the right to a voice in decisions that affect them.

2.4 A commitment to developing positive relationships with all members of the residential estate and partnerships is instrumental to our approach to getting it right for every child, creating communities that allow children to be Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible and Included.

3. DEFINITIONS

3.1 **Bullying.** The Council has adopted the definition in Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People (Scottish Government, 2017):

“Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online”.

This behaviour can harm people physically or emotionally and, although the actual behaviour may not be repeated, the threat may be sustained over time, typically by actions, non-verbal communication, messages, confrontations, physical interventions, or the fear of these.

- 3.2 **Bullying behaviour** is a more useful phrase than ‘bully’. The term bully labels an individual with a fixed trait, whereas bullying behaviour can be transient and temporary and can be changed/corrected.
- 3.3 **Person being bullied/picked on/isolated or person on the receiving end of bullying behaviour** are more useful phrases than ‘victim’. The label victim can be disempowering. The term victim labels an individual with a fixed trait whereas bullying experiences can be temporary. There can also be a complex interplay between those involved and there may not be a clear beginning and end.
- 3.4 **Online bullying or cyberbullying** is bullying behaviour that takes place via mobile phone or over the internet through email, messaging, social networking websites or online gaming and should be taken as seriously as any other form of bullying
- 3.5 **What is not bullying behaviour?**

“You don't have to like me...agree with me...or enjoy the same things I do. But you do have to respect me.” (respectme, 2018). In order to work effectively, positively and diligently to prevent and respond to all forms of bullying and allegations of bullying behaviour, it is important to distinguish between what is and is not bullying behaviour.

Anyone can make a mistake or behave in a way that is inappropriate but not every action that has a negative impact on someone else is ‘bullying behaviour’. Part of our responsibility and duty is to support our children and young people to develop resilience. We cannot condone the overuse or misuse of the term ‘bullying’ or react disproportionately to children and young people’s behaviours. To do so would be counterproductive.

We know that children and young people will fall out and disagree with each other as they form and build relationships. This is a normal part of development and most children and young people have the ability to bounce back from these experiences. It is important to discuss how they feel and help them to develop resilience to manage their relationships. This is in line with guidance from the Promise .

All bullying behaviours and prejudicial language must be challenged, regardless of intention or apparent impact in order to create and maintain a positive, inclusive and safe environment.

Respectme state “Bullying can affect people in different ways and this should be taken into consideration. If you are unsure if behaviour is bullying, look at the effect it is having on the child or young person. If they are unable to respond effectively and regain their sense of self and control in the situation, adults need to intervene to help restore it. Keeping the focus on impact reduces the emphasis on issues of persistence and intent. What you do about bullying is more important than how you define it.” (2018)

Incidents may be perceived as bullying when they are, in fact, criminal in nature. It is important to ensure that criminal offences such as hate crime, child sexual exploitation and gender-based violence are clearly distinguished from bullying. For example, when someone is coerced or pressurised to do something sexual or is touched inappropriately, this is not bullying. It is sexual assault, sexual abuse or gender-based violence. There are laws to protect children and young people from this very serious behaviour.

3.6 Hate crime, equalities and prejudice-based bullying

'Respect for All' states: 'Prejudice-based bullying is when bullying behaviour is motivated by prejudice based on an individual's actual or perceived identity; it can be based on characteristics unique to a child or young person's identity or circumstance.'

A Hate Crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity. All potential hate crimes should be reported to Police Scotland.

Hate crime is a crime motivated by malice or ill-will towards individuals because of their actual or perceived disability, race, religion, sexual orientation or transgender identity. Hate crime can take a number of forms. Advice and guidance from Police Scotland should be sought if a hate crime may have taken place.

A hate incident is any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on any of the above characteristics. In the case of serious hate incidents, the designated member of staff / Equality Co-ordinator should seek advice from the house Team Leader.

The City of Edinburgh Council is committed to advancing equality of opportunity for all. Groups or individuals who experience or who have previously experienced bullying behaviours could be further disadvantaged than those who have not had these adverse experiences. The Equality Act (2010) explains that having due regard for advancing equality involves: There needs to be a link here between the EA and the bullying procedure. Context needed.

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The protected characteristics covered by the Equality Act (2010) are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

We recognise that children and young people can also experience bullying in relation to: asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members.

We recognise that children and young people can experience disadvantage, prejudice or discrimination because of any of these individual factors or a combination of factors.

Definitions of the protected characteristics and other factors can be found in Appendix 1.

3.7 Parents/carers

Parents/carers are defined as a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of Section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person, for example:

- Non-resident parents who are liable to maintain or have parental responsibilities in respect of a child.
- Carers who can be parents.
- Others with parental responsibilities, e.g. foster carers, relatives and friends who are caring for children and young people under supervision arrangements.
- Close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision arrangements.
- All councillors / Residential Workers as corporate parents, have a responsibility for the wellbeing of children in the Council's care.

Throughout this document the term parent(s) will be used to apply to anyone with parental responsibility, including carers, those providing kinship, foster or residential care, or the local authority where full parental responsibility rests with them.

4. ACTIONS

- 4.1 City of Edinburgh Council's approach to preventing and responding to bullying sits within a context of the wider Council policy and ethos and in particular the rights of the child.

The [United Nations Convention on the Rights of the Child \(UNCRC\)](#) sets out the fundamental rights of all children and young people. We use the UNCRC as a framework to ensure that we consider children's rights whenever we take decisions, and to help guarantee every child a good start in life with a safe, healthy and happy childhood.

The City of Edinburgh has a strong commitment to [Getting it Right for Every Child \(GIRFEC\)](#) and promoting the wellbeing of all our children and young people. Specifically, that they should be as safe, healthy, active, nurtured, achieving, respected, responsible and included as possible. We are also committed to The Children and Young People Act, the Equality Act, seeking educational inclusion for all children and young people, promoting resilience, and restorative approaches. To promote and maintain the wellbeing of all children and young people we:

- Place children at the centre of practice
- Focus on strengths and build resilience
- Prioritise prevention
- Improve fairness
- Listen to and work *with* children and the key adults in their lives
- Use trauma informed practice

- 4.2 Bullying and discriminatory behaviours are not tolerated in any establishment or service. Anti-bullying and anti-discriminatory attitudes and behaviours should be promoted through a range of preventative, proactive and responsive approaches. These can be found in Appendix 2.

- 4.3 This procedure requires that allegations of bullying and prejudice must be treated seriously from the outset, investigated, recorded and dealt with according to the procedure. Guidelines for responding to instances of bullying or prejudice can be found in Appendix 3. All relevant supplementary guidance should be followed when dealing with incidents related to the protected characteristics.
- 4.4 Information gathered in relation to bullying and prejudice incidents should be recorded on an Incident form and CI Notification, SWIFT and notification of P.T.S.W. Detailed guidance for recording incidents can be found in Appendix 4. In City of Edinburgh we take data protection seriously and comply with the European Union General Data Protection Regulation 2018. This applies fully to information gathered in relation to anti-bullying.
- 4.5 An exemplar establishment anti-bullying procedure can be found in Appendix 5 and further advice from *respectme* to support establishments to develop local policy is available here: <http://respectme.org.uk/wp-content/uploads/2017/11/Policy-through-to-Practice-2017.pdf>

5. RESPONSIBILITIES

5.1 It is the responsibility of all staff and partners in Children's Services. to prevent and respond to bullying and prejudice amongst children and young people.

5.2 Children's Services is responsible for:

- Developing, maintaining and monitoring this procedure.
- Supporting establishments to develop their own local policies and procedures to reflect this local authority guidance and to communicate this to staff, volunteers, children, young people, parents and carers.
- Consulting with stakeholders on this procedure.
- Supporting establishments to examine the overall extent of bullying and prejudice and sharing good practice.
- Reporting to the Executive of the Council as required.
- Providing staff development as required.
- Providing advice and conciliation services.
- Working with other Council agencies and partners to prevent and reduce bullying and discrimination.

5.3 Registered Managers are responsible for:

- Ensuring that all staff are aware of this procedure and the locally developed policy and procedures.
- Dealing appropriately and effectively with all allegations brought to their attention.
- Following Communities and Families guidance including recording of incidents.
- Ensuring that their establishment procedure corresponds with this procedure.
- Ensuring all staff have access to appropriate learning and development including induction training.
- Making efforts to ensure that children and young people feel safe in reporting experiences of bullying and prejudice to members of staff and are assured that any allegations will be treated seriously, investigated and action taken, where appropriate.
- Encouraging all staff, volunteers, children, young people, parents and carers to express their concerns and views through robust consultation exercises.
- Referring to Child Protection Procedures and/or Police Scotland where necessary.
- Examining the possible extent of bullying and prejudice in their establishment.

5.4 In addition, Team Leaders of houses are responsible for:

- Communicating their local policy and procedure to staff, volunteers, children, young people, parents and carers.
- Identifying a designated Assistant Team Leader as the Equalities Coordinator or undertaking this responsibility themselves
- Embedding and evidencing regular and frequent proactive work through the National Care Standards.
- Supporting all staff and volunteers in following this guidance and local policy and procedures
- Liaising with parents/carers and voluntary organisations as appropriate.

5.5 All other Children's Services staff are responsible for:

- Promoting positive attitudes and relationships.
- Dealing appropriately and effectively with all allegations of bullying and prejudice.
- Supporting their head of establishment in undertaking investigations and gathering information.
- Being aware of this procedure and local policy and procedures.
- Seeking learning and development opportunities.
- Supporting children and young people to understand the differences between bullying and other non-bullying behaviours.
- Building the capacity of children and young people to challenge prejudice and bullying behaviour.
- Challenging bullying and prejudice.

5.6 Children and young people are responsible, as far as possible, for:

- Promoting positive attitudes and relationships.
- Respecting others even if they don't like them, they don't agree with them or if they don't enjoy the same things they do.
- Questioning and learning the differences between bullying and other non-bullying behaviours.
- Telling someone if they have any worries about bullying and / or prejudice.
- Seeking support from others to tell if they need it.
- Keeping themselves and others safe, with support from adults.
- Encouraging and supporting others to tell a responsible adult or speaking on their behalf.
- Challenging bullying and prejudicial behaviour, if safe to do so.

5.7 All staff within the residential houses are expected to:

- Respect others even if they don't like them, they don't agree with them or do they don't enjoy the same things they do.
- Question and learn the differences between bullying and other non-bullying behaviours.
- Safeguard and promote their child(ren)'s health, development and welfare.
- Ensure the safety of their child/children on the way to and from school.
- Work in partnership with staff to maintain the rules, regulations and expectations of the establishment.
- Discuss issues related to bullying and prejudicial behaviour with their child(ren) according to their age and maturity and taking account of their views.
- If the bullying and / or prejudicial behaviour occurs at school Residential Staff should speak to an appropriate member of school staff if they have any concerns about a child / young person in their care or another child / young person experiencing bullying or prejudice.

- If the bullying and / or prejudicial behaviour occurs at school Residential staff should speak to the Head Teacher if their concerns continue following school staff's intervention.
- Make use of the school's complaints procedure / City of Edinburgh Council's [Education Advice and Complaints](#) service if concerns continue following the Head Teacher's intervention. This would ideally be completed by the young person's Key Worker or Case Manager.

6. LEGAL BASE:

- Children and Young People (Scotland) Act 2014
- [Equality Act 2010](#)
- [Offences \(Aggravation by Prejudice\) \(Scotland\) Act 2009](#)
- [UN Convention on the Rights of the Child](#) 1992

7. ASSOCIATED DOCUMENTS

- City of Edinburgh Council's [Equality Diversity and Rights Framework 2017-21](#)
- City of Edinburgh Council's **Included, Engaged and Involved** policy
- [The Promise](#) Scotland
- City of Edinburgh Council's Risk Management procedure
- City of Edinburgh Council [Getting It Right For Every Child](#)
- Edinburgh and Lothians Inter-agency Child Protection Procedures [Child Protection Procedures](#)
- LGBT Youth Scotland website <https://www.lgbtyouth.org.uk/>
- Respect Me Scotland's Anti Bullying Service www.respectme.org.uk
- Respectme publications:
 - Addressing Inclusion: Effectively Challenging Homophobia, Biphobia and Transphobia (2020) <https://www.lgbtyouth.org.uk/media/1299/addressing-inclusion-2020.pdf>
 - Pregnancy and Parenthood in Young People strategy <http://www.gov.scot/Publications/2016/03/5858/0>

RESPONSIBILITIES

The Children's Residential House Team Leader has overall responsibility. Further details found in Appendix 4.

KNOWN RISKS

Children's Services Risk Register recognises the inherent risk of not fully or properly implementing equalities legislation which leads to poor experience for service users and potential reputational damage. The work to tackle bullying and prejudice is key to meeting one of the public sector duties of the Equality Act 2010.

RETENTION PERIOD

RECORD	LOCATION	RESPONSIBLE OFFICER	RETENTION PERIOD

ASSOCIATED DOCUMENTS

DOCUMENT	TYPE
Appendices 1-5 enclosed	(e.g. legislation, process, forms)
Supplementary Guidance on Tackling Racist Incidents and Creating an Anti-Racist Culture	

Appendix 1 Prejudice-based Bullying. Please note the below are definitions.

Additional Support Needs can arise for different reasons and can persist for different lengths of time. Additional support for living in a residential setting may be required to overcome needs arising from residential environment and the surrounding local community; health or disability; family circumstances or social and emotional factors. A child or young person may be bullied because they have an Additional Support Need. Being bullied can also create Additional Support Needs for children and young people. There is specific legislation in this area in the Education (Additional Support for learning) (Scotland) Act 2009.

Asylum Seekers and Refugees: Stigma, caused by a lack of knowledge and understanding of asylum seekers and refugees, can mean children with this status may be at greater risk of being bullied. In addition, children and young people may be reluctant to burden parents or carers with extra worries and this can allow bullying to go undetected and continue.

Body image and physical appearance can be hugely important to children and young people and bullying because of body image can have a significant impact on wellbeing. For example, a child or young person who is noticeably over or underweight may be particularly vulnerable to bullying behaviour.

Care Experienced children and young people: are vulnerable to bullying behaviour for a number of reasons, such as regular changes in schools or where they are cared for. Forming positive and secure relationships with peers and adults can be made even more difficult due to early childhood adversity.

Disability: People who display bullying behaviours may see children and young people with disabilities as being less able to defend themselves and less able to tell an adult what has happened. The bullying behaviour is likely to be focused upon their specific disability or disabilities.

Gender identity and Transgender: Transgender is an umbrella-term for those whose 'gender identity' or expression is different in some way from the gender assigned to them at birth. Gender identity reflects an individual's internal sense of self as being male, female, or an identity between or outside the two.

Transgender people face significant societal prejudice, largely because they are perceived as not conforming to gender stereotypes, expectations and norms. As a result, transgender or gender variant children and young people can be particularly vulnerable to bullying, such as transphobic and homophobic name calling or deliberately mis-gendering them. An individual may also experience transphobic bullying as a result of a perception that a parent, relative or other significant figure is transgender.

Intersectionality: It's important to understand the different and unequal social and economic outcomes for particular groups, based on interactions between race, class, gender, sexual orientation, disability, age and ethnicity. In the context of anti-bullying, we must consider people's experiences of belonging to one or more of these groups, people's prejudice towards them and how this can lead to inequality in attainment and wellbeing.

Race and Ethnicity: Children and young people from minority ethnic groups often experience racism based on perceived differences in dress, communication, appearance, beliefs and/or culture as well as their skin colour and accent. The status of the ethnic group a child belongs to (or people assume they belong to) can often lead to a child or young person experiencing racist behaviour. This can arise from a misguided and/or learned belief that they 'deserve' to be treated differently, or with less respect.

For many hundreds of years, white British society has enjoyed a position of economic, social and political power over non-white people in Britain and across the world through empire and colonialism and their after-effects. The social attitudes that developed over this time are still present in our society and can be seen in prejudiced behaviour towards non-white people, as well as on an institutional level.

Gypsy/Travellers are a particularly discriminated against and marginalised white minority group. For children and young people, concerns about bullying are especially acute in secondary school. Perceived risks about bullying and parents' own experiences of discriminatory behaviour may lead to low levels attendance at school and potentially not being enrolled before being taken into care.

Religion and belief: Lack of knowledge and understanding about the traditions, beliefs and etiquette of different faiths, or having no faith, can lead to religious intolerance. Lack of awareness about the differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can result in misunderstandings and stereotyping, which may lead to bullying. A person of any (perceived) faith or none can be the target of religious discrimination. In particular: Islamophobia impacts on Muslim children and young people, families and communities, and those who are perceived to be Muslim; Anti-Semitism impacts on Jewish children and young people, families and communities, and those who are perceived to be Jewish.

Sexism and gender: Gender inequality and stereotyping can leave children and young people vulnerable to bullying. Bullying in the form of derogatory language, online comments and the spreading of malicious rumours can be used to regulate children and young people's behaviour – suggesting that they aren't being a 'real' man or a 'real' woman if they don't conform. These terms can be of an explicit sexual nature and it is worth noting that many can involve the use of terms for people who are gay and lesbian as a negative.

Sexual orientation: Homophobic and biphobic bullying is when a young person's actual or perceived sexual orientation is used to exclude, threaten, hurt or humiliate them. Some children and young people experience bullying because others think that they are LGB, because they have LGB family or friends or because they are seen as different or do not conform to traditional gender stereotypes.

Social and economic prejudice: Bullying due to social and economic status can take place in any community. Small differences in perceived class, family income, family living arrangements, social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, accents, belongings, clothing, hygiene etc. can become widespread. This can still be the case regardless if the young person now lives in residential care away from their family, or as mentioned above this change can compound bullying attitudes towards the individual.

Appendix 2 Preventative, protective and responsive approaches

Preventative approaches

- Establishments to have clear procedures that guide staff responses to bullying incidents, informed by this procedure. Consultation with stakeholders on establishment procedure is recommended.
- Using the advice of **respectme**
- Information provided to children, young people and parents/ carers explaining how the establishment deals with incidents of bullying and prejudice..
- Use of appropriate approaches and resources for example nurture and Me Time sessions, to develop social skills and emotional literacy.
- Staff learning and development on core themes: promoting positive relationships, equalities, resilience, restorative approaches, growing confidence, nurture etc.
- Consistent responses to negative interactions, distressed behaviours, bullying and prejudicial behaviours, led by restorative practices.
- Frequent opportunities for children and young people to discuss issues with key workers, other staff and Managers.
- Children and young people to be given the opportunity to express themselves in group settings such as young people's meetings.
- Involvement of other agencies and partners in social work, health, police and the voluntary sector.

Protective approaches

- Establishments will have a number of interventions that aim to build protective resilience factors in children and young people, particularly those who are identified as being vulnerable or at risk.
- Specialist individual supports within and beyond the living environment e.g. Me Time sessions, counselling and therapeutic services
- Supervision from Residential Care Officers and Management who can intervene and positively role model.
- Arrangements for young people to raise issues confidently with staff.
- Encouraging everyone to respect others even if they don't like them, they don't agree with them or do they don't enjoy the same things they do.
- Involvement of other agencies and partners in social work, health, police, education and the voluntary sector.
- Involvement of Psychological Services where appropriate and with consent from the child, their Social Worker and if applicable their parents

Responsive approaches

Sometimes a child or young person may not be engaging consciously in bullying or prejudicial behaviour. However, this behaviour can still impact negatively on others and must be taken seriously. The level of understanding and awareness of a child who is bullying is a significant factor in how it is dealt with. Establishments will have an appropriate and proportionate response to bullying and prejudice incidents, in line with their legal responsibility to support and educate all those involved, including residents identified as displaying bullying or prejudicial behaviours.

- De-escalation strategies delivered consistently by staff.
- Physical separation of person/people bullying, where necessary, possible and safe.
- Involvement of parents/carers where appropriate.
- Use of restorative practices, where appropriate, including acknowledging grievances.

- Helping children to recognise that their actions have consequences and involving them in a discussion about how to make things better.
- Consideration of whether known or unidentified additional support needs have contributed to the bullying.
- Specific support services, such as Psychological Services, Additional Support for Learning Service, Education Welfare, Edinburgh Together, Social Work or CAMHS with consent from the child, their Social Worker and if applicable their parents.
- Involvement of police if incident involves any criminal acts, including possible hate crimes.
- GIRFEC child planning processes.
- Where appropriate, Child Protection procedures must be followed.
- City of Edinburgh Council Risk Management Procedure.
- All incidents must be recorded on Incident Report Forms, Swift and a Care Inspectorate notification. (see detailed guidance in Appendix 4).
- If there is any dispute or doubt (on the part of any individual) about whether the incident was or was not bullying or discrimination, the incident and the doubts should be recorded.

Appendix 3 Guidelines for responding to incidents of bullying or prejudice

INITIAL RESPONSE

The response of the staff member is crucial, whether they witness something which could be bullying or prejudicial behaviour or a child or young person reports to them that they are being bullied. Children and young people may have been experiencing bullying or prejudice and a negative impact on their health and wellbeing for some time before they report it. The child or young person's experience may be directly affected by the response they get from the adult.

1. Listen to the child, reassure them that they have done the right thing by telling.
2. Show the child or young person that you are taking the reported bullying or prejudice seriously.
3. Be ready to offer support whenever required, no matter how busy you are at the time.
4. Find out what happened, who was involved, where and when.
5. Let the child or young person speak without interruption as far as possible.
6. Ask the child or young person what would be helpful to resolve the issue and what they want to happen next. Take the views of the child or young person seriously, with awareness that bullying and prejudice cannot go unchallenged even when the person targeted may be reluctant to seek a solution or want to avoid a direct approach.
7. Record the incident on a Incident Report Form. It might be helpful to provide further context around the wellbeing concern form. It may be helpful to keep notes. If you do, it is important that the child or young person knows why and how the notes will be used. This information will form the basis for further investigation and recording.
8. Use professional judgement to decide on appropriate action.
9. Tell the child or young person clearly about what happens next. It is essential that they are involved and updated on progress, especially in cases where it takes time to work towards a resolution.
10. Discuss and agree next steps with House Team Leader or designated Assistant Team Leader. This should include how the case will be investigated, monitored and reviewed.

Respectme recommend that staff ask the following five questions:

- What was the behaviour?
- What impact did it have on the house environment, learning or health and wellbeing?
- What does the child or young person want to happen?
- What do I need to do about it?
- What attitudes, prejudices or other factors have influenced the behaviour?

At all times, child protection procedures and / or Risk Management procedures should be followed if necessary.

NEXT STEPS / FURTHER INVESTIGATION

1. Follow through the next steps agreed with the Equalities Co-ordinator / designated member of senior leadership team.
2. In most cases, further investigation will be done by the Equalities Co-ordinator / designated member of senior leadership team,
3. Further investigation may involve:
 - Speaking with child/children or young person/people involved, preserving confidentiality.
 - Speaking with children or young people or others who witnessed the incident, preserving confidentiality.
 - Seeking advice from relevant partner services
 - In all cases where there may be criminal implications (e.g. sexual assault or hate crime), contact Police Scotland.
4. Where bullying or prejudice is substantiated, decide on appropriate action – see Appendix 2: Responsive Approaches.
5. Where bullying or prejudice is not substantiated, speak with the child or young person who reported the bullying or prejudice and offer further support if needed.
6. At each stage of the process, update the child or young person who reported the bullying or prejudice.

Parents as Partners

The views of the child or young person who has experienced bullying should always be considered when deciding whether to inform their parents/carers. There may be both risks and benefits of informing parents: the child or young person may think that this will make matters worse or it may place the child or young person in a harmful situation. Where appropriate, parents/carers will be informed as they can play an essential role in preventing and addressing bullying. Contact may be face-to-face, by telephone or letter. A record of all communication should be kept and the child or young person informed about who their information has been shared with. In the small number of cases when, in the best interests of the young person, the decision is taken by a member of the senior leadership team not to inform parents/carers, this must also be recorded and shared with the Social Worker.

RECORDING, MONITORING AND REVIEWING A BULLYING INCIDENT

1. Record all incidents on an Incident Report Form and Swift. (See Appendix 4)
2. If there is any dispute or doubt about whether an incident was bullying or prejudice, the incident and the doubts should be recorded
3. Continue to check in with the child or young person who experienced bullying to ensure it has stopped / hasn't resumed.

Appendix 4

SWIFT: Recording, reporting and monitoring of bullying and discriminatory incidents / alleged incidents

Responsibility

The Children's Residential House Team Leader should have responsibility for:

- ensuring that procedures relating to allegations of bullying and prejudice are implemented.
- monitoring Incident Report Forms on a regular basis, ideally quarterly/

Recording

The following information must be recorded on SWIFT:

1. Person experiencing the behaviour
2. Person displaying the behaviour
3. Nature of the incident
4. Specific perceived reason for bullying

Nature of incident	Perceived reason(s) for bullying (previously 'Characteristics')
<ul style="list-style-type: none"> • Name calling, teased, put down or threatened • Hit, tripped, pushed or kicked • Belongings taken or damaged • Being ignored • Spreading rumours • Abusive Messages - online/phone/ gaming/social media • Online/phone/gaming/social media • Targeted because of who they are/perceived to be 	<ul style="list-style-type: none"> • Actual or perceived sexual orientation (e.g. homophobic, bi-phobic) • Additional support needs • Asylum seekers or refugee status • Body image and physical appearance • Care experience • Disability • Gender identity or Trans identity • Gypsy/Travellers • Marriage/civil partnership of parents/carers or other family members

<ul style="list-style-type: none"> • Other (Please Specify) 	<ul style="list-style-type: none"> • Mental health • Not known • Other: please specify • Pregnancy and maternity • Race and racism including culture • Religion or belief • Sectarianism • Sexism and gender • Socio-economic prejudice • Young carer • If 'Other' is selected from the list and added to the incident, an additional Other text box will be displayed to enable details of the 'Other' incident to be recorded.
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As well as recording that an alleged incident has been reported, detail about the incident should be recorded. Information about how the situation is to be monitored and reviewed should be entered in to the appropriate section of the young person's Care Plan. Young people's wellbeing web meetings provide an ideal platform for any bullying incident to be reviewed. These are carried out by the key team and facilitated by the House Manager. The views of the young person experiencing, the person displaying can be captured in Me Time sessions.

Monitor and review

- Do they feel their concerns were listened to? If not, why not?
- Do they feel satisfied with the outcome? If not, why not?
- Does the parent/carer feel satisfied with the outcome? If not, why not?
- Has some form of restorative action taken place, if appropriate? What form did this take?

The **Action Progressed** section should then be completed outlining the actions taken and the conclusion of the investigation.

Incident Conclusion

- Being addressed
- Resolved
- Not resolved
- Unfounded

Appendix 5 Exemplar Establishment Anti-Bullying Procedure (text in blue to be adapted to establishment context)

[Establishment Name] Anti-Bullying Procedure [Date]

See also supplementary guidance on preventing and responding to incidents of prejudice and discrimination related to protected characteristics in the Equality Act 2010. Part 1: Tackling Racist Incidents / Creating an Anti-racist Culture.

INTRODUCTION AND PURPOSE

City of Edinburgh Council is strongly committed to providing a safe environment for all people in its residential establishments. We are committed to ensuring positive relationships. Bullying, prejudice and discrimination are never acceptable and children, young people and staff have the right to live, learn and work in a safe, fair and secure environment.

This procedure follows the City of Edinburgh Council's Communities and Families Procedure on 'Preventing and Responding to Bullying and Prejudice amongst Children and Young People' (2020) which is based on 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People'.

This procedure has been revised and updated in consultation with staff, parents and Social Workers.

Our values and beliefs

- All residents and staff have the right to feel happy, safe and included. Your named house will support every young person to achieve and attain their very best.
- We actively foster good relations between diverse groups and individuals, respect individuality and celebrate diversity.
- We are committed to promoting equality of opportunity for all and we work actively towards eliminating all forms of bullying, prejudice and discrimination. We challenge inequality and promote inclusive, nurturing environments.
- We recognise the effects that bullying, prejudice and discrimination can have on a child or young person's feelings of worth, on their health and wellbeing.
- We encourage creativity and support our young people to build the skills and resilience they need for the future.
- We have the courage to aspire to the very best we can be.
- We use restorative approaches to repair and strengthen relationships between staff and residents within our houses.

What do we mean by bullying?

"Bullying is both behaviour and impact; the impact is on a person's capacity to feel in control of themselves. This is what we term as their sense of 'agency'. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online".

(respectme 2017)

Bullying behaviours can take many forms. Examples of bullying behaviours include:

- Name calling, teasing, putting down or threatening.
- Ignoring, leaving out or spreading rumours.
- Hitting, tripping, kicking.
- Taking and damaging belongings
- Sending an abusive text, email or instant message, or posting an abusive comment on a social networking site (online or cyber-bullying).
- Targeting someone because of who they are or who they are perceived to be.

Discrimination, Prejudice-based Bullying and the Equality Act 2010

Bullying behaviour can often be rooted in prejudice and discrimination due to difference or a perceived difference. We are committed to challenging discrimination, prejudice-based bullying and language, and to fulfilling our duty under the Equality Act 2010.

The Equality Act 2010 sets out rights which include legal protection from discrimination to any of the nine protected characteristics: **Age; Disability; Gender Re-assignment; Marriage and Civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; Sexual orientation.**

We recognise that children and young people can also experience bullying in relation to: asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members.

We recognise that children and young people can experience disadvantage, prejudice or discrimination because of any of these individual factors or a combination of factors.

Definitions of the protected characteristics and other factors can be found in Appendix 1.

Responsibilities and Reporting bullying, prejudice and discrimination incidents

Team Leaders are:

- responsible for the introduction and implementation of this procedure. However, all staff and all residents must play an active part in following the guidance and putting it into practice. Staff are expected to be pro-active, to treat all allegations seriously and to refer reports of incidents to the Equalities Co-ordinator / designated member of the senior leadership team. The incident is recorded accurately with future actions detailed.

The Equalities Co-ordinator, in consultation with the house Team Leader, is required to:

- ensure that all allegations are reported and recorded rigorously
- monitor Incident Report Forms for Bullying, at least quarterly
- monitor and report annually on the implementation of this procedure
- supervise the review and updating of this procedure at least every three years

Residents are asked to:

- report all incidents and suspected incidents of any type of bullying, discrimination or prejudice that they experience to a member of staff, where it is safe for them to do so
- report all incidents and suspected incidents of bullying, discrimination and prejudice that they see to a member of staff, where it is safe for them to do so
- support each other and to seek help from a member of staff, to ensure that everyone feels safe and nobody feels excluded or afraid in their house.
- if they don't feel able to speak to a member of staff they can contact an external organisation for advice and support, e.g. Childline, LGBT Youth Scotland or ELREC or speak to their Trusted Person.

All residential staff are required to:

- be pro-active in implementing the procedure
- treat all allegations and observation of bullying, discrimination and prejudiced behaviour or language seriously
- seek to address incidents, where appropriate
- record any incidents on a Wellbeing Concern form
- inform the House Tea Leadwe or appointed Assistant Team Leader of all incidents

Parents/carers are asked to:

- be aware of *respectme*, Scotland's Anti-bullying Service booklet – Bullying Behaviour: A Guide for Parents and Carers ([available at http://respectme.org.uk/resources/publications/](http://respectme.org.uk/resources/publications/))
- work collaboratively and respectfully with staff, children and young people and other parents/carers where appropriate to help ensure bullying, discrimination and prejudice cannot thrive
- encourage their children to be positive members of their living environment.
- When / if in their care monitor closely their child's use of mobile phone and the internet and to intervene if there is a suspicion that these are being used inappropriately.
- understand that we seek to understand the experiences and address the needs of all children and young people who experience bullying, discrimination or prejudiced behaviour as well as those who present bullying, discrimination or prejudiced behaviour. We do this within a framework of respect, responsibility, resolution and support.
- be aware that they can contact a relevant external organisation for advice and support

PROMOTION OF EQUALITY

In our Houses we:

- Increase knowledge of children's rights and responsibilities as responsible citizens.
- Challenge stereotypes, bias and discrimination, including prejudice-based attitudes and language
- Deliver an inclusive curriculum that reflects all identities: disability; race; sex; pregnancy/maternity; religion/belief; sexual orientation; gender reassignment; age; marriage/civil partnership as well as asylum seeker or refugee status; body image; being care experienced; social or economic status; young carer responsibilities; imprisonment of parents/carers, siblings, or other family members. This enables our children and young people to develop their sense of understanding and inclusion of others as well as seeing themselves reflected in the learning community.
- Build resilience and empathy in young people as confident individuals.

PREVENTION

By promoting a positive house ethos, with a focus on rights, equalities and health and wellbeing, we hope to prevent bullying, prejudice and discrimination happening.

- We look to promote full house activities as well as smaller group activities for our children and young people to promote and encourage a safe, inclusive living and social environment for all.
- Our staff receive regular training to increase their awareness and understanding of all forms of bullying, prejudice and discrimination as well as to develop skills in restorative practice.

SUPPORT

How we support children and young people who are bullied or experience prejudice and discrimination

See also supplementary guidance on preventing and responding to incidents of prejudice and discrimination related to the protected characteristics in the Equality Act 2010. Part 1: Tackling Racist Incidents / Creating an Anti-Racist Culture.

We listen to the child or young person

- We reassure them that they have done the right thing by telling.
- We encourage them to talk about how they feel, find out what happened and who was involved
- We involve them in making choices about how the matter could be resolved.
- We discuss strategies for being safe and staying safe.
- We ask them to report any further incidents to us straight away.
- We affirm that the bullying can be stopped and that we will persist with intervention until it does.
- We say clearly what will happen next and that we will update them on progress.
- When the incident has been resolved, we monitor and check that bullying has not started again.

What happens next?

1. The member of staff who receives the report will record the incident on a Incident Report form and discuss next steps with the House Team Leader or designated Assistant Team Leader.
2. At all times, child protection procedures and/or Risk Management procedures should be followed, if necessary.
3. In most cases, further investigation will be done by the House Team Leader or designated Assistant Team Leader.
4. Further investigation may involve:
 - Speaking with the children or young people involved, preserving confidentiality.
 - Speaking with children or young people or others who witnessed the incident, preserving confidentiality.
 - If applicable speaking with parents (*after consultation with the child or young person*)
 - Seeking advice from partner services and relevant organisations
5. In all cases where there may be criminal implications (e.g. sexual assault or hate crime), the House Team Leader or designated Assistant Team Leader will report this to Police Scotland.
6. In the case of serious hate incidents, the House Team Leader or designated Assistant Team Leader will seek advice from the Team Manager.
- If it is found that bullying, prejudice or discrimination has taken place, we will take appropriate and proportionate action (see examples of possible actions below)

- If it is found that bullying, prejudice or discrimination has not taken place, we will speak with the child or young person who reported the incident and offer further support if needed.
- At all times, we will update the child or young person who reported bullying, prejudice or discrimination.

Our work with residents who bully others or present prejudiced or discriminatory attitudes / behaviour

A child or young person who is bullying someone else may not be doing this consciously but the impact of bullying, prejudice or discrimination is still felt and this is taken seriously. Children or young people who engage in bullying behaviour or present prejudiced or discriminatory attitudes / behaviour will be treated fairly and consistently using actions that are proportionate and appropriate to the age and stage of the child and to the incident (see below).

- We speak to the children or young people involved in the incident separately.
- We listen to their version of events and take time to discover the reasons for the behaviour.
- We talk to anyone who may have witnessed the incident.
- We reinforce the message that bullying, prejudice and discrimination are not acceptable, and that we expect it to stop.
- We address prejudicial or discriminatory attitudes that may be behind the behaviour
- We seek a commitment to stop bullying.
- We affirm that it is right for children or young people to let us know when they are being bullied.
- We consider what support the child or young person needs and whether other referrals are required, e.g. educational psychologist, counsellor.
- In all cases where there may be criminal implications (e.g. sexual assault or hate crime) we report this to Police Scotland.
- In the case of serious hate incidents, we seek advice from the house Team Leader.
- We advise children and young people responsible for bullying, prejudice or discrimination that we check to ensure that the behaviour stops.
- If applicable we contact the parents of the children or young people at an early stage.
- We follow up after incidents to check that the bullying, prejudiced or discriminatory behaviour has not started again in any form.

Some examples of our actions

- Restorative practices, including acknowledging grievances.
- Involvement of a parent/carer where appropriate.
- De-escalation strategies.
- Physical separation of person/people presenting bullying, prejudiced or discriminatory behaviour, where necessary and possible.
- Use of support base to increase confidence and provide support.
- Assessment of additional support needs, including counselling, for the person being bullied or experiencing prejudiced or discriminatory behaviour or for the person who is bullying or displaying prejudiced or discriminatory behaviour.
- Involvement of other agencies and partners in health, education, police and voluntary sector.

- Referral to specific support service, such as Psychological Services, Education Welfare Service, Social Work or Child and Adolescent Mental Health Service (CAMHS).

Online bullying and bullying outside the house premises

We know that bullying, prejudice and discrimination can occur anywhere gates and via mobile phones and social network internet sites. The behaviour may be presented by pupils from our child or young persons own school, by pupils from other schools or by people who are not at school at all. Where a child, young person or carer informs us of bullying, prejudice or discrimination out with the house premises we will:

- Talk to the child or young person about how to avoid or handle these incidents outside of the house.
- Talk to the Head Teacher of the child or young person's school or any other school(s) whose pupils are allegedly presenting bullying, discrimination and prejudiced behaviour.
- Talk to the police, if appropriate.

Follow-up

When the incident has been resolved, we monitor and check with the child or young person that bullying has not started again.

RECORDING AND MONITORING BULLYING INCIDENTS

7. Any member of care staff can and will record all incidents of bullying on SWIFT and an Incident Report Form.

The following information is recorded:

- the person experiencing the behaviour
- the person displaying the behaviour
- the nature and category of the incident
- the perceived reason(s) for bullying
- actions already taken and future actions
- conclusion (being addressed, resolved, not resolved, unfounded)

All incidents should be recorded. Records should include whether the incident is bullying, and/or prejudice-based and the nature of this. If there is any dispute or doubt (on the part of any individual) about whether the incident was or was not bullying or prejudice, the incident and the doubts should be recorded.

8. The House Team Leader or designated Assistant Team Leader will:

- ensure that this procedure is implemented.
- monitor Incident Report Forms on a regular basis, at least quarterly

COMMUNICATING THIS PROCEDURE

We promote our anti-bullying procedure throughout the house on a regular basis as well as when instances of bullying behaviour occurs. This is done through individual Me Time sessions with the child or young person as well as at residents meetings.

CONCERNS AND FEEDBACK

We recognise that there may be times when children / young people or parents/carers feel that we have not dealt well with an incident of bullying, discrimination and prejudice or a wider community issue. If a child / young person or parent/carer feels that an incident/issue has not been fully resolved to their satisfaction, we ask them to contact the house Team Leader in the first instance.

If the house Team Leader cannot resolve these concerns informally, parents/carers can raise their concerns more formally through the Complaints Procedure. We are also pleased to receive positive feedback from parents/carers when things have gone well.

At any time, a child / young person or parent/carer can seek advice and support from an external organisation.

EVALUATING AND REVIEWING OUR PROCEDURE

We evaluate the effectiveness of this procedure on an annual basis, reviewing the number of incidents that are reported. Children and young people's perceptions and experiences of bullying are reviewed through residents meetings and individual Me Time sessions. Feedback received from parents is also taken into consideration. The procedure is reviewed formally every 3 years.