



## **Phoenix ND Education Ltd Preventing Bullying Policy**

<b>Policy written:</b>	<b>July 2024</b>
<b>Policy review date:</b>	<b>July 2026</b>
<b>Signed by Director:</b>	<i>E. Barnett</i>

The policy will be reviewed annually as a minimum, unless lessons learnt or new legislation, national or local guidance suggests the need for an earlier date of review.

### **Policy review dates and changes**

<b>Review date</b>	<b>By whom</b>	<b>Summary of changes made</b>	<b>Date ratified by directors</b>	<b>Date implemented</b>
31/05/2025	Eloise Barnett	Updated reference to KCSIE document,	31/05/2025	31/05/2025

## 1. Preventing Bullying Policy

This policy recognises and interprets our responsibility for the well-being of our staff, pupils, guests, visitors, the local community and outside agencies.

The Preventing Bullying Policy should be read alongside our policy for the management of behaviour, our policy for the safeguarding of children, Equalities and Diversity Policy and our Relationships and Sex Education Policy.

This policy has regard to the following documents and legislation:

- Department for Education. Preventing and Tackling Bullying: Advice for Head Teachers, Staff and Governing Bodies Crown Copyright, 2017
- Department for Education. Equality Act 2012: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities
- Department for Education. Working Together to Safeguard Children. Crown Copyright (2018)
- Department for Education. Keeping Children Safe in Education. (2024)
- Education and Inspections Act (2006)
- The Education (Independent School Standards) Regulations 2019
- Children and Families Act (2014) part 3
- Public Order 1986
- The Communications Act 2003
- Protection from Harassment Act 1997
- Malicious Communications Act 1998
- The Education Act 2011
- Department for Education. Advice for Parents and Carers on Cyber-bullying: Crown Copyright, 2014
- Department for Education. Cyber-Bullying Advice for Headteachers and School Staff: Crown Copyright, 2014

## 2. Rationale

Phoenix ND Education Ltd, recognise that the behaviour of some of our students may have an impact on other people, events or objects. Our aim is to support pupils to gain an understanding of their behaviours and emotions, and how to cope in a variety of situations and contexts while building relationships and practising social interactions. If our students possess the knowledge and understanding of bullying and the effect their behaviours may have on others, then we would expect them to follow the rules of our preventing bullying policy, and we would support students through the process if necessary.

Bullying of any kind is unacceptable in our settings. If bullying does occur, all pupils should be able to tell and know that incidents will be dealt with promptly and effectively. Anyone who knows that bullying is happening is expected to tell the staff.

Bullying hurts. No one deserves to be a victim of bullying. Everybody has the right to be treated with respect. Pupils who are bullied need to be supported to learn different ways of behaving and coping.

Phoenix ND Education Ltd will respond promptly and effectively to issues of bullying.

### 3. Bullying

The Anti Bullying Alliance defines bullying as:

“The repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online.”

Bullying can be:

- Emotional: Being unfriendly, tormenting, threatening gestures, ridicule, humiliation, intimidation
- Excluding: deliberately excluding and isolating people
- Physical: Pushing, kicking, hitting, punching or any use of violence
- Verbal: Name calling, sarcasm, spreading rumours, teasing, graffiti, gestures, discrimination against age, disability, gender, gender reassignment, pregnancy and maternity, race and ethnicity, sex and sexual orientation, religion or belief.
- Sexual: Unwanted physical contact, inappropriate touching, sexually abusive comments, exposure to inappropriate images or films
- Online / Cyber: posting on social media, sharing photos, threats by text messaging and calls and misuse of associated technology, social exclusion
- Indirect - Can include the exploitation of individuals

Stopping violence and ensuring immediate physical safety is our first priority, but emotional bullying can be more damaging than physical. Many of our students at Phoenix ND Education Ltd are supported on a 1:1 basis, and levels of adult support are high within our small groups provision, which means there is always a high level of supervision for all learners. This enables us to carefully and effectively monitor bullying and support the learners to adapt their behaviour and language, discuss their actions, and put plans in place to support behaviour change.

The intense levels of support our students receive at Phoenix ND Education Ltd enables our staff to develop positive and effective relationships with our learners and understand behaviours that the learners display or may struggle with being directed at them. A number of our learners have experienced bullying during their life which needs to be taken into account when we are dealing with specific cases.

Low-level disruption and the use of offensive language can in itself have a significant impact on all learners, and if left unchallenged or dismissed can lead to reluctance to report other behaviour. At Phoenix ND Education Ltd, we set clear expectations through our Code of Conduct about behaviour that is deemed acceptable, and through early intervention, personalised programme design and proactive ways of working we aim to prevent negative behaviours from escalating.

#### **Race, religion and ethnicity bullying**

Racism is where someone thinks another person is inferior because of their colour, ethnicity, nationality or race. This can result in them being treated differently or unfairly, this is called racial discrimination.

Racial bullying is a type of racism where someone's bullying focuses on race, ethnicity or culture. Racism and racial bullying are wrong and anyone can get help to make it stop.

Racism and racist bullying can include:

- being called racist names or being sent insulting messages or threats
- having your belongings damaged or having to see racist graffiti
- personal attacks, including violence or assault
- being left out, treated differently or excluded
- people making assumptions about you because of your colour, race or culture
- being made to feel like you have to change how you look
- racist jokes, including jokes about your colour, nationality race or culture.

Racism can affect anyone. It can make people feel like their not important or don't fit in. They might feel upset, depressed or angry. Anyone can be affected by it even when it's not aimed at them, like if they hear someone discriminating against someone's culture.

### **Why are some people racist?**

Our views and beliefs develop as we grow up and are influenced by friends and family, neighbourhoods, school and what we see and read in the media.

People who grow up in a family where racist views are expressed, or have friends who make racist jokes, might learn to believe that racism is normal and acceptable. Especially if they haven't had the chance to interact with people from other cultures or backgrounds.

Racism can sometimes begin as a reaction to world events or news stories. At other times, someone who has had a painful personal experience with someone from a particular racial group might blame everyone of that race.

Everyone makes assumptions. This can happen when they don't have the opportunity to learn about alternative views.

It's never okay to discriminate against someone based on their race. If you're worried about how your views might affect other people, it can help to imagine being someone else to try and see their points of view

### **Cyber-bullying**

The Anti-Bullying Alliance define Cyber-bullying as:

*"Cyberbullying is any form of bullying that is carried out through the use of electronic media devices, such as computers, laptops, smartphones, tablets, or gaming consoles."*

The Anti-Bullying Alliance reports that there is a strong link between cyberbullying and face to face bullying. Research has shown that 80% of victims of cyberbullying are also bullied face to face (Anti-Bullying Alliance, 2015).

Cyber-bullying is different to traditional bullying because:

- **24-7 nature** - the nature of online activity means you can be in contact at any time so can occur inside and outside of school. There is the potential for a wider audience and bullying incidents can stay online, for example: a photo that you can't remove
- **Evidence** - a lot of cyberbullying incidents allow those experiencing it to keep evidence - for example, take a screenshot to show to school staff or police if needed.
- **Potential to hide your identity** - it is possible to hide your identity online which can make cyberbullying incidents very scary
- **Degree of separation** - people who cyberbully often don't see the reaction of those experiencing it so it can sometimes be harder for them to see the impact of their actions

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device, such as a mobile phone, has been seized by a member of staff who has been formally authorised by the Manager or Director, that staff member can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If an electronic device that is prohibited by the setting rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police. If a staff member finds material that they do not suspect contains evidence in relation to an offence, they can decide whether it is appropriate to delete or retain the material as evidence of a breach of school discipline.

### **Homophobic, Biphobic and Transphobic (HBT) Bullying**

HBT bullying is when people behave or speak in a way which makes someone feel bullied because of their actual or perceived sexuality. People may be a target of this type of bullying because of their appearance, behaviour, physical traits or because they have friends or family who are lesbian, gay, bisexual, transgender, or possibly just because they are seen as being different. Young people may be targeted because they have friends or family members who are recognised as part of the LGBT community. Staff who may or may not be lesbian, gay, bi-sexual or trans-sexual can also be the victim of HBT bullying.

### **What the Law Says**

The public sector Equality Duty 2010 requires all schools in England to eliminate discrimination on the grounds of sexual orientation and gender reassignment. The Department for Education requires all schools to publish information to show how they are complying with this duty.

Education and Inspections Act 2006 states that schools have a duty to promote the safety and well-being of all children and young people in their care, including those who are lesbian, gay, bisexual and transgender and those experiencing homophobic, biphobic or transphobic bullying HBT.

Ofsted inspectors are explicitly directed to look at a school's efforts to tackle bullying based on sexual orientation and gender identity. They may also look at how the school supports the needs of distinct groups of pupils, such as lesbian, gay, bisexual and trans pupils or pupils from LGBT families.

### **Who does the bullying and why?**

- Anyone, especially if they have not been told it's wrong
- People who think those from the LGBT community should be bullied because they believe they are 'wrong.'
- People who might be LGBT themselves and are angry about that
- People who think young people should conform rigidly to gender stereotypes
- People who think people from the LGBT community shouldn't have the same rights as heterosexual people and who use this to justify bullying
- People who think LGBT parenting is wrong and that students should be treated differently because of it.

### **HBT bullying can have a negative impact on young people**

- Seven out of ten lesbian and gay people say homophobic bullying affects their work (Stonewall, 2017)
- Bullying can be linked to poor attendance and absenteeism (Stonewall, 2017)
- Bullying can cause low self-esteem and the increased likelihood of self-harm and contemplation of suicide (Stonewall, 2017)
- Students who experience bullying are unlikely to fulfil the objectives of Every Child Matters (Stonewall, 2017)

### **What does HBT bullying look like?**

It can be hard to identify as it may be going on in secret. Students may be reluctant to disclose incidents because they fear staff will assume they are gay.

Generally homophobic bullying looks like other forms of bullying but can include:

- Verbal abuse – spreading rumours that someone is gay, suggesting that someone or something is inferior for being 'gay.'
- Physical abuse – hitting, punching, kicking, sexual assault and threatening behaviour
- Cyber bullying – spreading rumours online or excluding them. Text messaging, video and picture messaging.

### **Safeguarding children and young people**

When there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm' a bullying incident will be addressed as a child protection concern under the Children Act 1989. Where this is the case, the Phoenix ND staff should discuss with the school's Designated Safeguarding Lead and report their concerns to their local authority children's social care and work with them to take appropriate action. Full details can be found in Part 1 of Keeping Children Safe in Education.

However, external support can be given to pupils whether or not it is deemed a child protection concern. Even where safeguarding is not considered to be an issue, then Phoenix ND Education Ltd may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child

engaging in bullying. Full details can be found in Part 1 of Keeping Children Safe in Education and Chapter 1 of Working Together to Safeguard Children.

### **Criminal law**

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour, or communications, could be a criminal offence, for example under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003, and the Public Order Act 1986. If school staff feel that an offence may have been committed, they should seek assistance from the police. For example, under the Malicious Communications Act 1988, any person who sends an electronic communication which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender, is guilty of an offence if their purpose in sending it was to cause distress or anxiety to the recipient.

### **Bullying which occurs outside setting**

Staff members have the power to discipline pupils for misbehaving outside the setting premises. Sections 90 and 91 of the Education and Inspections Act 2006 say that a school's disciplinary powers can be used to address pupils' conduct when they are not on school premises and are not under the lawful control or charge of a member of school staff, but only if it would be reasonable for the school to regulate pupils' behaviour in those circumstances. This may include bullying incidents occurring anywhere off the school premises, such as on school or public transport, outside the local shops, or in a town or village centre.

Determination by the Director of the Preventing Bullying Policy

- (a) promoting, among pupils, self-discipline and proper regard for authority
- (b) encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- (c) securing that the standard of behaviour of pupils is acceptable,
- (d) securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- (e) otherwise regulating the conduct of pupils It is the responsibility of the Director to ensure that the Preventing Bullying Policy is published on our website and a copy is available on request.

The Preventing Bullying Policy will be reviewed annually.

## **4. Our beliefs**

We believe all pupils, staff and parent/carers should:

- Be treated with respect and feel safe within their own and their family's identities
- All have a right to receive an education free from humiliation, oppression or personal abuse including that relating to their sexual identities.
- Be made aware of the meaning of homophobia where able and to establish an environment where the setting becomes effective in reducing prejudice and raising self-esteem

- Contribute towards a sense of citizenship and prepare our young people for living in diverse societies
- Promote an understanding of the variety of community and personal cultures, valuing the contribution that each individual is capable of making to society
- Provide a safe and welcoming place for all of the Phoenix ND community
- Provide an environment where homophobic assumptions, attitudes and behaviours are always challenged
- Provide a curriculum which emphasises the positive aspects of all cultures
- Create a vision that all forms of bullying are unacceptable and involving all staff and students in implementing that vision
- Model the kinds of behaviours we would wish students and staff to demonstrate
- Valuing the whole school community and being sensitive to the needs of individuals who have Lesbian, Gay or Bisexual identities
- Ensure that all staff are well informed about homophobic bullying.

We recognise that teaching and learning has a significant impact on how young people engage with, progress and respond to the attitudes of others.

Phoenix ND Education is committed to the promotion of good community relationships and will at all times strive to tackle all forms of discrimination and promote equality of opportunity for all. In encouraging students to meet their full potential, we will work with parents/carers and the wider community to tackle homophobia and to promote good practice. All staff should be vigilant both in and out of class to ensure that homophobic behaviour does not go undetected.

## **5. Objectives of this Policy**

- Develop a calm environment that is free from disruption and in which education is the primary focus so our pupils can learn
- Develop a sense of caring and respect for one another.
- Build caring and co-operative relationships.
- Support pupils to understand what appropriate and positive behaviour is.
- Make it easy for pupils to report bullying where they are able and make sure they feel assured they will be listened to. For students who are not able to express their feelings, particular attention should be paid to:
  - Mood
  - Engagement
  - Behaviour
  - Body Language
  - Enjoyment
  - Attention
  - Relationship changes
- All teaching and non-teaching staff, pupils and parents/carers should understand what bullying is.
- All teaching and non-teaching staff should know what the policy is on bullying and follow it when bullying is reported.
- All pupils and parents/carers should know what the policy is on bullying, and what they should do if bullying arises.



- As an Alternative Provision we take bullying seriously. Pupils and parents should be assured that they will be supported when bullying is reported.
- Bullying will not be tolerated.

### **One off incidents**

While we do acknowledge the 'repetitive' nature of bullying we are also aware of the 'one - off' nature of a bullying incident.

### **Prejudice-based incidents**

A prejudice-based incident is a one-off incident of unkind or hurtful behaviour that is motivated by a prejudice or negative attitudes, beliefs or views towards a protected characteristic or minority group. It can be targeted towards an individual or group of people and have a significant impact on those targeted. All prejudice-based incidents are taken seriously and recorded and monitored in the setting, with the Manager regularly reporting incidents to the Directors. This not only ensures that all incidents are dealt with accordingly, but also helps to prevent bullying as it enables targeted anti-bullying interventions.

### **Intervention**

Phoenix ND Education Ltd has the responsibility to support children who are being bullied. The nature of the support will depend on individual need and the circumstances. This can include support from external agencies such as counselling, Common Assessment Framework or Child and Adolescent Mental Health Services.

It is also important to consider the motivations behind the bullying behaviour and whether it reveals any concerns for the safety of the perpetrator. Where this is the case the child engaging in bullying may need support themselves.

### **Vulnerable pupils**

Bullying can happen to all children and young people and it can affect their social, mental and emotional health. Phoenix ND staff should support all pupils who are bullied. This means being alert to the effect any form of bullying can have and being especially alert to where it may have a severe impact.

Some pupils are more likely to be the target of bullying because of the attitudes and behaviours some young people have towards those who are different from themselves. For example those with special educational needs or disabilities, those who are adopted, those who are suffering from a health problem, children in care or those with caring responsibilities may be more likely to experience bullying because of differences.

These young people are often the same young people who might need greater support to deal with the impact of bullying, for example those who are going through a personal or family crisis. In addition, children with special educational needs or disabilities can often lack the social or communication skills to report such incidents so it is important that staff are alert to the potential bullying this group faces and that their mechanisms for reporting are accessible to all. There will also be a range of other local or individual factors that result in some children being more vulnerable to bullying and its impact than others.

The impact of bullying can be severe because of the nature and extent of the bullying or because it is combined with other factors such as those mentioned above that also affect the social, mental and emotional health of the pupil.

### **Special Educational Needs and Disabilities (SEND) Code of Practice**

While bullied children will not be routinely considered as requiring SEND support, schools and where appropriate local authorities should provide support in a proportionate and tailored way to meet individual needs. The relevant statutory guidance, the SEND Code of Practice: 0 to 25 years, sets out how developing a graduated response to the varying levels of SEND among children and young people is the best way to offer support. Some bullied children will have SEND.

### **Promoting Appropriate and Positive Behaviour**

- The curriculum prioritises the need to support children in the development of skills for building relationships, respect and working appropriately and positively with others
- Our personalised approach to learning and the code of conduct is embedded throughout everything we do, and encourages pupils to report bullying as they feel safe to do so
- Our Personal, Social, Health and Citizenship Education curriculum aims to support our young people to gain knowledge and understanding of bullying, and cyberbullying through topics such as safer internet days, e-safety week, kindness week and disability awareness
- Each child and young person will have a personal file which will be reviewed regularly throughout the year
- Each child will be supported to develop effective, consistent but progressive communication methods which will be reviewed regularly throughout the year to be able to express themselves, understand and be understood
- All staff will be trained on and understand the principles and purpose of the school's bullying policy, its legal responsibilities, how to resolve problems and where to seek support.
- Work with the wider community and other agencies to tackle bullying and promote appropriate and positive behaviour
- Work with parents to increase and improve awareness of bullying through workshops, information drops and individual support
- Create an inclusive and safe environment.
- Celebrate success.
- Where possible, staff to talk to pupils about issues of difference
- The bullying policy is monitored on a day-to-day basis by the Manager.
- The Manager will respond within ten days to any request from a parent or carer to investigate incidents of bullying.

### **Procedures for Supporting Students**

1. Report bullying incidents, after discussion, using the significant incident form and safeguarding concern form
2. Records will be kept as part of each pupil's personal file and will be discussed at regular reviews carried out throughout the year.
3. In serious cases the student's parents / carers may be informed and may be asked to come to a meeting to discuss the adaptations that need to be made to the personal file and the strategies needed to implement the changes.
4. The bullying behaviour or threats of bullying must be investigated and the bullying stopped quickly.

5. Students will be fully supported in recognising and understanding the reasons behind their behaviours, and the impact it may be having on others

### **Support for staff who are bullied**

It is important that all educational settings take measures to prevent and tackle bullying among pupils. But it is equally important that they make it clear that bullying of staff, whether by pupils, parents or colleagues, is unacceptable. The department has published a separate advice note which provides advice for headteachers and all school staff on how to protect themselves from cyberbullying and how to tackle it if it happens. Our staff code of conduct, whistleblowing procedures and allegations management processes support staff if they are bullied by colleagues.

### **Reporting and Recording Bullying**

The ability to report and record incidents of bullying behaviour is a crucial part of our anti-bullying strategy. At R we aim to make it as easy as possible for our pupils to report incidents of bullying and actively encourage our young people to report anything they see, hear or experience that makes them feel uncomfortable. There is always a mechanism for our pupils to report bullying should they feel they are being bullied to their 1:1 support, group staff, Designated Safeguarding Leads or Manager.

Creating an environment where our young people feel safe to report bullying is an essential part of our school ethos, and the way we support a young person to do so and respond to their reports of bullying is dependent upon their particular learning and communicative needs. (See examples of Resources in Appendices 1, 2 that can be used)

Staff supporting learners should complete a Significant Incident Report Form on the learner's behalf.

Reports and records of bullying are monitored in a number of ways at Phoenix ND Education Ltd.

- Staff are required to complete a Incident Report Form that can be found on OneDrive. These reports are read by our Manager and analysed and acted upon by the Behaviour and Attendance Lead. Learning managers and the senior leadership team.
- Discussions and follow up is recorded on significant incident form in line with the low, medium or high-risk matrix rating of the incident.
- Significant incidents of bullying and actions are reported to the Director Eloise Barnett
- Records of online bullying are discussed and actioned by the management as a standing agenda item

## Appendices 1:

### Storyboard: Finding Out What Happened? (Anti-Bullying Alliance)

The blank storyboard and script (Appendices 2) can enable young people to record and report an incident of bullying behaviour. Ask the young person to use the first 2 boxes to show what happened before the incident, and the last 2 boxes to show what happened at the time of the bullying incident,

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## **Appendices 2:**

What Happened? Supportive Script (Anti-Bullying Alliance)

**Exactly where and when did the bullying take place?**

Draw a picture if it helps (if outdoors, there may be CCTV or similar to refer to)

**Were there any other young people around at the time?**

(If the young person can draw where the bystanders were this would be useful for any further investigation)

**Was there an adult there at the time?**

(If the young person can draw or describe where the adult was standing, this will also be useful information to support further investigation... especially in the case where the adult present may not have considered the behaviours observed as “bullying”, and failed to report it)

**Do you know the names of the people who bullied you?**

(ask them to describe the individuals as best they can)

**What were you doing before the incident took place?**

(This is important. It may be that the young person was doing nothing provocative. However, in some cases, such as learners with autism or ADHD, their own behaviours may have been misconstrued and been the trigger)

**Can you remember exactly what happened or what was said?**

**What happened next?**

**Has this happened before?**

**How did it make you feel?**

**What would you like to happen now?**

(this is an important question. The views of the young person who is being bullied must be taken seriously. Remember, always take the perceptions and feelings of the young person being bullied as the starting point)