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# BULLYING AND SELF-EXCLUSION: WHO CARES?

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Roundtable Report

19th July 2016

**CSJ** The Centre for  
Social Justice

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## Attendees

- Alex Burghart
- Vic Goddard
- Dr Carrie Herbert MBE
- Dr Carol Homden
- Oliver Hyams
- Keith Jipps
- Julie Keating
- Rev James Power
- Malcom Reeve
- Stuart Roden
- James Scales
- Lauren Seager-Smith
- Professor Peter Smith
- Dr Bob Sproson
- Dr Cathy Street
- Baroness Philippa Stroud (chair)
- Quintus Travis
- Tim Young

The logo for Great Northern is a dark purple, trapezoidal shape with a blue triangle pointing downwards from its bottom right corner. The text "Great Northern" is written in white, bold, sans-serif font across the top of the purple shape.

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Please note that, while the points made in our report draw upon some of the major themes discussed at this roundtable, each point should not be construed as representative of all the parties outlined in this list.

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## Introduction

Bullying is all too common in our schools. Prevalence rates vary depending on measurement criteria, but one report found that 43 per cent of young people were bullied last year, almost half of whom experienced bullying at least once a week.<sup>1</sup> For some children, the impact of this behaviour is so severe that they self-exclude from school. It is estimated that over 16,000 children between the ages of 11 and 15 are absent from state schools where bullying is the main reason for absence, a figure that rises to over 77,000 where bullying is cited as one of a number of reasons given for absence.<sup>2</sup>

On 19 July 2016, the Centre for Social Justice (CSJ) held a roundtable to discuss how the education sector can best support children who self-exclude due to bullying. Our roundtable drew an impressive group of experts, each providing rich and informed insights. In our discussion, we unpacked the most serious problems faced by children who find themselves in this situation. We also considered whether the current support system for these children is fit-for-purpose, and we put forward policy recommendations to improve their positions. This paper brings together some of the main themes and proposals that arose from our discussion.

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1 Ditch the Label, *The annual bullying survey 2015*, 2015, p14 [accessed via: [www.ditchthe-label.org/wp-content/uploads/2016/07/abs2015.pdf](http://www.ditchthe-label.org/wp-content/uploads/2016/07/abs2015.pdf)]

2 National Centre for Social Research, *Estimating the prevalence of young people absent from school due to bullying*, 2011, p5 [accessed via: [www.natcen.ac.uk/media/22457/estimating-prevalence-young-people.pdf](http://www.natcen.ac.uk/media/22457/estimating-prevalence-young-people.pdf)]

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## Bullying and self-exclusion from school cause serious harm to children

There is no legal definition of bullying. However, according to government guidance, it should be understood as ‘...behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally’.<sup>3</sup>

The impact of bullying on children is profound. As our roundtable attendees explained, bullying can cause emotional distress, low self-esteem, anxiety, flashbacks, isolation, problems trusting individuals, self-harm and even suicide. Almost a third of depression experienced by young adults in the UK is linked to bullying in teenage years.<sup>4</sup> And the psychological consequences of bullying can still manifest themselves almost 40 years after the event.<sup>5</sup>

There is also a strong link between bullying and absenteeism. Associating their school experiences with mental trauma, some bullied children develop ‘school phobia’ and fear that attending school will lead to further psychological damage. Research conducted on behalf

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- 3 Department of Education, *Preventing and tackling bullying: Advice for head teachers, staff and governing bodies*, 2014, p6 [accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444862/Preventing\\_and\\_tackling\\_bullying\\_advice.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444862/Preventing_and_tackling_bullying_advice.pdf)]
  - 4 Bowes, L. et al, *Peer victimisation during adolescence and its impact on depression in early adulthood: prospective cohort study*, 2015, p1 [accessed via: [www.bmj.com/content/bmj/350/bmj.h2469.full.pdf](http://www.bmj.com/content/bmj/350/bmj.h2469.full.pdf)]
  - 5 Takizawa R, Maughan B, Arseneault L., *Adult health outcomes of childhood bullying victimization: Evidence from a five-decade longitudinal British birth cohort*, *American Journal of Psychiatry*, Vol 171, 2014, pp777–784

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of the Department for Education, for instance, found that 21 per cent of children who were bullied daily or most days had truanted in the previous year – more than three times the percentage of those who had not been bullied.<sup>6</sup> What's more, children who experienced bullying daily or most days were more likely to have truanted for longer periods: 15 per cent had truanted for 'weeks or more' in the previous year, compared to 6 per cent who had not experienced bullying but had truanted.<sup>7</sup>

As our roundtable guests explained, absenteeism compounds the damage done by bullying. Isolation affects children's social skills and can exacerbate the psychological trauma they experience from bullying. This makes it hard for them to return to existing schools or join alternative schools, and means that they miss out on the chance to develop academically. It is little surprise, therefore, that bullied children achieve substantially lower Key Stage 4 results than non-bullied children,<sup>8</sup> nor that bullied children are significantly more likely to have no educational qualifications than their non-bullied counterparts.<sup>9</sup>

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6 Department of Education, *Longitudinal study of young people in England: cohort 2, wave*, 2014, p57 [accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/374649/RR388\\_-\\_Longitudinal\\_study\\_of\\_young\\_people\\_in\\_England\\_cohort\\_2\\_\\_wave\\_1.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374649/RR388_-_Longitudinal_study_of_young_people_in_England_cohort_2__wave_1.pdf)]

7 Ibid

8 Department for Education, *Characteristics of bullying victims in school*, 2010 [accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/182409/DFE-RR001.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182409/DFE-RR001.pdf)]

9 Hummel, S. et al, *Cost-effectiveness of universal interventions which aim to promote emotional and social wellbeing in secondary schools ScHARR. Public Evidence Report 1.2*, 2009 [accessed via: [www.sheffield.ac.uk/polopoly\\_fs/1.432961/file/Schools-1\\_2.pdf](http://www.sheffield.ac.uk/polopoly_fs/1.432961/file/Schools-1_2.pdf)]

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# Our education system fails to prevent bullying and self-exclusion

There is nothing inevitable about children being bullied and self-excluding from schools. Many schools, and indeed some parents, lack the attitudinal approach and practical tools required to prevent bullying in the first place, and to stop this leading to self-exclusion if it does happen.

## Many schools lack community ethos and this greatly complicates dealing with bullying

Our roundtable guests reported a concerning, widespread failure by schools to prevent bullying effectively. In part, they explained, this stems from a strong tendency for schools to focus on performance outcomes. The relentless pursuit of high grades promotes a more functional approach to schooling, which often sees broader social education languish. This means that schools frequently operate as organisations rather than communities and in doing so, relinquish many of the tools needed to identify, understand and nullify bullying when it takes place.

In such circumstances, parents are often left to identify instances of bullying and bring them to schools' attention. Scrutiny then tends to fall on the bullied children themselves rather than the environment that provided the conditions for bullying to occur in the first place. Furthermore, bullying is often group-based and in the absence of a

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community-based ethos, it is hard to understand the dynamics of bullying behaviour.

The shortcomings of running schools as organisations are even more pronounced in our digital age. With access to an ever-growing menu of social networks, children are exposed to a broader range of fora in which bullying might take place – spaces that schools find very difficult to monitor. In environments that lack a sense of community, it is hard for teachers to uncover cyber bullying.

### A punitive complaints culture does little to address bullying

By law, each school has the right to devise its own complaints procedure for alleged mishandling of bullying claims. Parents who feel that schools have not addressed their concerns can make formal complaints to school governing bodies or proprietors. If still dissatisfied, they can complain to local authorities (in the case of maintained schools) and academy trusts, the Education Funding Agency or the Department for Education (for academies).<sup>10</sup> Parents can also report their experiences to Ofsted, which will consider this information when deciding which schools to inspect.<sup>11</sup>

According to our roundtable guests, this complaints system encourages a culture of defensiveness – both in schools and among parents. Fearful of recriminations, head teachers and governing bodies concern themselves with demonstrating absence of negligence, rather than identifying the root causes of alleged bullying. In addition, the Ofsted

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<sup>10</sup> Anti-Bullying Alliance, *Information for parents and carers on bullying*, 2015 [accessed via: [www.anti-bullyingalliance.org.uk/media/22012/ABA\\_BULLYING\\_PACK.pdf](http://www.anti-bullyingalliance.org.uk/media/22012/ABA_BULLYING_PACK.pdf)]

<sup>11</sup> Ibid

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Inspection Framework lacks the 'critical friend' aspect of previous approaches to school inspection, further compounding this culture of defensiveness.

As a result, schools are perversely incentivised to conclude and close investigations rather than expand them. As one roundtable attendee, an experienced practitioner in a local authority, explained, in this environment parents lose confidence in complaints procedures because they do not view them as impartial. Some parents, we were told, reported denied access to governing bodies, and others felt overwhelmed by the bureaucracy involved in lodging complaints; on the whole, few parents felt that the complaints process enabled them to resolve their concerns.

Parents, too, experience an atmosphere of distrust and disorientation. Parents who do not home school their children, but permit them to self-exclude as a result of bullying, are potentially liable to fines or even prosecution. This adds further to the sense of suspicion and defensiveness that cloaks the relationship between parents and schools, which undermines open and productive collaboration.

### Overprotective parents contribute to unnecessary self-exclusion

As outlined at the start of this report, the Government understands bullying as '...behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally'.<sup>12</sup> As our roundtable participants explained, parents

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12 Department of Education, *Preventing and tackling bullying: Advice for head teachers, staff and governing bodies*, 2014, p6 [accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444862/Preventing\\_and\\_tackling\\_bullying\\_advice.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444862/Preventing_and_tackling_bullying_advice.pdf)]



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are not always able to distinguish between this and friendship fallout. Naturally, parents will be protective of their children, but overprotection can deprive children of the opportunity to build emotional resilience, thereby making them more susceptible to bullying. Overprotective parents also tend to behave confrontationally towards schools, which undermines constructive dialogue. In both cases, parental behaviour can prompt children to self-exclude unnecessarily.

### Some schools avoid making their anti-bullying policies visible

All schools are legally required to try and prevent bullying. According to section 89 of the Education and Inspections Act 2006, maintained schools must adopt measures with a view to preventing bullying; they should form part of their behavioural policies and should be communicated to parents and students. The Education (Independent School Standards) Regulations 2014 deal with academies or other independent schools, and require proprietors of these schools to devise equivalent plans to prevent bullying.

However, as highlighted at our roundtable, schools are sometimes reluctant to draw attention to the notion of bullying, fearing that doing so might give the impression that they themselves have a problem with bullying. Schools can meet their obligations to publicise their anti-bullying policies discreetly. Such concerns are understandable, but the resulting lack of transparency creates information gaps, which increases the scope for miscommunication between parents and schools when dealing with alleged bullying incidents.

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## The Government's guidance for schools on bullying lacks rigour

In 2014, the Coalition Government issued a guidance document for schools, entitled 'Preventing and Tackling Bullying', which provided details on how schools should prevent bullying. During our roundtable discussion, attendees highlighted that, although this paper is easily digestible, it focuses heavily on legal requirements, without offering much practical advice. There was therefore an appetite among attendees for refining the current guidance paper.

Attendees drew attention to a previous guidance pack entitled 'Don't Suffer in Silence', which was published in 1994. This guidance, we were told, was informative without being burdensome. Avoiding prescription, it instead outlined a menu of actions that schools could blend in order to improve health and wellbeing in schools. Attendees welcomed the fact that this guidance offered tangible advice and supported the idea that effective guidance should balance brevity with adequate direction.

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## The support system for bullied children who self-exclude is not fit-for-purpose

Ideally, bullied children would never self-exclude from school in the first place. Prevention is always better than remedial action. But if children do find themselves self-excluding from school, they need an effective support system to help them deal with the trauma they have suffered. However, the consensus among our roundtable guests was that the current support system for such children is inadequate.

### Bullying undermines mental health but children find it hard to access support

Bullying, our roundtable guests explained, has a significant detrimental impact on mental health. To avoid mental health problems developing into long-term, chronic conditions, it is imperative that bullied children can access support early. However, as attendees pointed out, the provision of mental health services at a local level is severely limited. Bullied children suffering mental health issues commonly lack swift access to the support they need, and often only receive support once their conditions have become critical. Cuts to local authority funding, together with increasing demand for Child and Adolescent Mental Health Services (CAMHS), mean that children need to satisfy higher service thresholds to receive support, and must wait longer to receive therapeutic help when they do qualify for support.

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## Bullied children find it hard to access suitable alternative education

Local authorities have a legal duty to arrange ‘...education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them’.<sup>13</sup> This applies to all children of compulsory school age, regardless of whether they are registered at schools, and covers all types of schools.<sup>14</sup> In the case of bullied children who self-exclude, local authorities are able to meet this duty through enrolment in pupil referral units (PRUs). However, our roundtable participants made it clear that most PRUs are unsuitable places for the rehabilitation of bullied children. This is because PRUs can be populated by children who have been excluded from mainstream education for bullying.

The statutory guidance allows local authorities to ‘...discharge their duties by other means’.<sup>15</sup> An option available to them is to offer specialist alternative education. Red Balloon, which operates four centres in the UK, is an example of such a provider. Red Balloon provides education, counselling, therapeutic activities and a supportive community to children who self-exclude from school due to bullying. At least 90 per cent of the children who enrol onto its recovery programme for six weeks or more return to appropriate

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<sup>13</sup> Section 19(1) of the Education Act 1996, as amended by section 3 of the Children, Schools and Families Act 2010

<sup>14</sup> Department of Education, *Alternative Provision Statutory guidance for local authorities – updated on 27 June 2016* [accessed via: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268940/alternative\\_provision\\_statutory\\_guidance\\_pdf\\_version.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf)]

<sup>15</sup> *Ibid*, p5

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mainstream education or take up apprenticeships.<sup>16</sup> But tried and tested programmes of this sort are not often sought out.

Part of the reason for this is that the Government does not give schools budgets specifically to support bullied children. Schools wishing to do this must draw funds from budgets that are designed for medical or behavioural needs. Given the relatively high costs of providing effective alternative education for bullied children, schools do not always consider this support to be financially viable. Research from Ofsted, for instance, shows that alternative education can be viewed by schools as a last resort.<sup>17</sup>

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<sup>16</sup> CSJ exchange with Carrie Herbert MBE, Red Balloon, 10 November 2016

<sup>17</sup> Ofsted, *Alternative Provision*, 2011 [accessed via: [www.gov.uk/government/publications/alternative-provision-education-outside-school](http://www.gov.uk/government/publications/alternative-provision-education-outside-school)]

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# How to help prevent bullying and self-exclusion in the first place

Policy makers should aim to ensure that children are not bullied in the first place, and that when it does occur, it is dealt with decisively so that it does not lead to self-exclusion. Here are a number of ways in which the Government could help achieve this.

## Refining official guidance on preventing bullying in schools

Our roundtable guests broadly agreed that schools would benefit from refined guidance on preventing bullying. The Government's latest guidance on dealing with bullying, 'Preventing and Tackling Bullying', is narrow in its scope and focuses heavily on legal obligations. Our roundtable guests did not advocate a return to the dense, and sometimes convoluted, approach used in the 'Safe to Learn' guidance issued in 2002, but thought that the 'Don't Suffer in Silence' paper issued in 1994 was effectively weighted, and offered robust guidance without being overbearing.

There is substantial diversity in the challenges that different schools face, and our roundtable guests thought that guidance should not be overly prescriptive. However, there was broad agreement that head teachers would benefit from having access to practical examples of avoiding, and dealing with, bullying. The Government should therefore revise its guidance on preventing bullying in schools, based on

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the model used in the 'Don't Suffer in Silence' pack, which strikes the right balance between these components.

## Encouraging schools to forge themselves as communities, not organisations

To tackle bullying effectively, our roundtable guests argued, schools need to engender a real sense of community. Bullying needs to be seen as a collective failing of an educational community, rather than a problem with individuals.

Attendees highlighted the work of academic, Thomas Sergiovanni,<sup>18</sup> which stresses the value of community spirit in schools. According to Sergiovanni, schools that have strong organisational structures typically encourage formal relationships between students and teachers. They also tend to fixate on targets and foster an atmosphere of self-interest. Communities, by contrast, encourage students and teachers to build common values. They encourage active citizenship and responsibility, rather than control and compliance. They also create transparency and open dialogue, which allow pupils and teachers to tackle problems together.

There is no single pathway to building community spirit in schools. Communities are complex social constructs, and each school is unique. However, our roundtable guests outlined a number of practical changes to help achieve this. For instance, head teachers could encourage students and teachers to participate in the process of setting learning outcomes. Students could be given a louder voice in deciding classroom management and finding ways of resolving conflict.

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18 Sergiovanni, T., *Building Community in Schools*, 1994: Jossey-Bass Inc, San Francisco

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Peer support schemes, such as quality circles, could also be helpful. These are small groups of pupils who meet regularly to discuss the quality of the community they belong to. In these groups, teachers engage students, allowing them to feel like genuine stakeholders in their school environments. Group sessions would provide teachers with better opportunities to learn about cyber-bullying, a phenomenon that is notoriously difficult for teachers to monitor. And policy makers and schools could learn from best practice examples; for instance, one roundtable participant highlighted the success that Haberdashers schools have enjoyed in instilling community spirit in their schools.

The Government could help schools to build community spirit by highlighting examples of good practice in its guidance on bullying in schools. Teacher training should include a specific module on the differences between communities and organisational structures, as well as the educational advantages of building and promoting communities in schools.

## Expanding the role of virtual school heads to include bullying

Under the Children and Families Act 2014, every local authority in England is required to promote the educational achievement of ‘looked after children’. A ‘looked after child’ is a child who is the subject of a care order, or whom a local authority has accommodated. Local authorities are required to appoint an officer to make sure this duty is properly discharged. According to the guidance notes that accompany the Act: ‘Many local authorities in England have an education lead to champion the needs of looked after children. They are often referred to as “Virtual School Heads” (VSH), because they monitor



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and track the educational progress of the children looked after by their authority as if they attended a single school.’

A VSH’s role is to ensure that local authorities uphold their duties to promote the educational prospects of looked after children. VSHs are typically experienced teachers, some of whom have been head teachers, who have specialist knowledge in supporting looked after children. In the VSH model, looked after children are placed on a virtual school roll. Relevant VSHs oversee their wellbeing, and help school staff to understand the additional needs these children have. VSHs also work with their local authorities’ children’s services department, and other local schools, to devise ways of supporting looked after children.

According to roundtable participants, it would be entirely feasible to adapt the VSH model for bullied children. The Government should therefore devise a new scheme, based on the VSH model, to provide similar support and direction in relation to bullied children.

## Improving the relationship between schools and parents when dealing with allegations of bullying

Our roundtable participants stressed the need to engage more effectively with parents about bullying. More visible anti-bullying policies, assuming they are well devised, are likely to reassure parents that schools are equipped to deal with bullying if it occurs. Visible policies would also reduce the scope for misinterpretation about the measures that exist to tackle bullying.

What is more, as anti-bullying policies allow schools to highlight the difference between bullying and fallout in a relationship, visible policies

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give schools the chance to debunk some of the misunderstandings that surround bullying, reducing the scope for unnecessary parental intervention. Maintained schools are required to publish their anti-bullying policies on their websites;<sup>19</sup> the Government should introduce a requirement for all schools, and not just maintained schools, to publish their anti-bullying policies on their websites.

Parents also need to feel assured that their complaints about alleged bullying are taken seriously. To address parents' anxieties that complaints procedures lack impartiality, the Government should appoint local mediators to manage complaints about alleged mishandling of bullying. These new appointees would work on behalf of local authorities, and would have oversight in all schools within their remit. The Government should, in addition, include a model template for handling complaints in its guidance on bullying in schools; the template would be designed with brevity in mind, and would encourage schools to simplify the evidence they require from parents when making complaints.

### Protecting parents who legitimately allow bullied children to self-exclude from schools

By law, parents are obliged to ensure that their children receive a suitable education. Children who are registered at schools are expected to attend regularly and failing this, parents face fines or even prosecution. There was broad consensus among our roundtable guests that self-exclusion as a result of bullying should not be treated in the same way as truancy. Accordingly, parents who know their

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<sup>19</sup> Department for Education, What maintained schools must publish online, 2016 [accessed via: [www.gov.uk/guidance/what-maintained-schools-must-publish-online](http://www.gov.uk/guidance/what-maintained-schools-must-publish-online)]

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children face emotional trauma at school should not be punished for making reasonable attempts to safeguard their children's wellbeing by allowing them to stay at home.

Attendees therefore proposed that the law should be changed so that parents do not face fines or prosecution when they have submitted medical evidence that their children have suffered emotional distress as a result of being bullied at school. This evidence could take the form of a GP's written report, assessing how a child has been affected by bullying, or a child psychologist's report regarding the mental state of a bullied child.

### Improving schools' accountability

Under section 175 of the Education Act 2002, governing bodies of maintained schools and local authorities have a duty to act with a view to promoting and safeguarding the welfare of pupils in maintained schools. The Education (Independent School Standards) Regulations 2014 apply the same obligation to proprietors of independent schools, including academies and free schools. The Department for Education's latest statutory guidance on safeguarding makes it clear that safeguarding includes protection against bullying.

Our roundtable guests welcomed the specific inclusion of bullying in the Government's definition of safeguarding. However, they did not feel that this has had enough impact on preventing bullying in schools, and they thought that schools need to be more accountable regarding the action they have taken to address bullying. Attendees highlighted two measures proposed in Northern Ireland's recent Addressing Bullying in Schools Bill (NIA 71/11–16) and recommended that the Government implement similar measures.

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Under the first measure, governors (and proprietors in non-maintained schools) would have a legal duty to ensure that schools adhere to their anti-bullying policies. They would also be responsible for reviewing those policies, and would consult head teachers, pupils and parents to devise appropriate measures that were consistent with government guidance on preventing bullying in schools. These measures would encourage governors and proprietors to focus more closely on bullying, and to subscribe to best practice in tackling it.

The second measure would require schools to record incidents, or alleged incidents, of bullying. This would include the motivation for bullying, as far as this is discernible, and the action schools have taken to address the bullying. These measures would encourage schools to monitor bullying more closely, and to record how effective they have been in solving it. The new measures would also encourage schools to be more transparent about the fact that bullying sometimes occurs, opening the way for a less defensive and more collaborative culture between schools and parents.

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## How to support bullied children who self-exclude back into mainstream education

The ultimate goal for policymakers should be to deal with bullying at source so that bullied children never self-exclude. However, if children do self-exclude as a result of bullying, our education system should provide them with effective support to help them recover from the trauma they have suffered from this, and to get back to learning and developing their full potential.

### Awarding pupil funding according to attendance

Under the current funding system for state-funded schools, local authorities distribute government funding to schools according to local formulae. In July 2016, the Government announced plans to implement a new national funding formula from 2018–19, to introduce more consistency in the criteria local authorities use to distribute funding.

There was broad agreement among our roundtable guests that, under the current system, the financial incentives to intervene and resolve bullying are weak, as there is no opportunity cost for inaction. Whichever model of funding is adopted, the age weighted pupil unit of the formula should include a mechanism that links payment to attendance. Under this system, if a child leaves a school due to bullying for three months or longer, the age weighted pupil unit

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allocated to that child should passport with him/her to another school unless the school has exhausted reasonable measures to support the child back into school.

Reasonable measures might include, for instance, attempting to establish contact with parents of the child; offering the child assertiveness sessions, counselling opportunities, buddy systems or teacher supervised rooms; and efforts to bring the parents of both the child and the bully together to devise ways of preventing further bullying.

### Changing the legal definition of special educational needs (SEN) to include bullied children who self-exclude from school

The Children and Families Act 2014 defines SEN in the following terms: 'A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her'. This legislation does not make it clear whether the definition of disability used in this context is the same as the one used in the Equality Act 2010 (which requires, among other things, a long-term impairment of 12 months or more). It is not clear whether Parliament intended the definition of disability under the SEN legislation to be broader than that used in the Equality Act.

Our roundtable guests thought that, at the very least, the Government should clarify what the definition of disability means when used in the Children and Families Act 2014. A broader interpretation than the one used in the Equality Act 2010 may capture bullied children who develop shorter term mental health conditions; if Parliament had intended this broader definition, and this is made clear in the

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relevant legislation and guidance, schools may feel more confident in bringing bullied children within the remit of SEN legislation, thereby unlocking the support that accompanies this status.

In any event, the legal definition of SEN does not include bullied children specifically, and some of our roundtable guests thought that the Government should provide specific protection for bullied children under the SEN legislation. Bullied children who self-exclude, they argued, face considerable barriers to learning, and it is therefore reasonable to argue that they have special educational needs that require immediate and intensive support.

To reflect this, the law should incorporate a presumption that children who self-exclude as a result of bullying are automatically treated as having SEN, providing that parents have submitted medical evidence that their children have suffered emotional distress as a result of attending school.

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## Moving forward

Our roundtable drew an impressive group of experts, each providing rich insights into how the education sector can best support children who self-exclude due to bullying.

In summary, our roundtable discussion highlighted the following ways in which the Government could help tackle this important issue.

- Refine official guidance on preventing bullying in schools, based on the model used in the 'Don't Suffer in Silence' pack, which strikes the right balance between brevity and direction.
- Encourage schools to forge themselves as communities, not organisations, by highlighting examples of good practice, and by including a specific module on the benefits of communities in teacher training programmes.
- Devise a new scheme, based on the 'Virtual School Head' model, to provide similar support and direction in relation to bullied children.
- Introduce a requirement for all schools, and not just maintained schools, to publish their anti-bullying policies on their websites.
- Appoint local mediators to manage complaints about alleged mishandling of bullying, and include a model template for handling complaints in official guidance on bullying.
- Protect parents who legitimately allow bullied children to self-exclude from schools from fines or prosecution, subject to adequate medical evidence.



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- Introduce a duty for governors (and proprietors in non-maintained schools) to:
    - ensure that schools adhere to their anti-bullying policies;
    - review those policies; and
    - consult head teachers, pupils and parents to devise appropriate measures that are consistent with government guidance on preventing bullying.
  - Introduce a duty for schools to record incidents, or alleged incidents, of bullying. This would include the motivation for bullying, as far as this is discernible, and the action schools have taken to address the bullying.
  - Make receipt of the age weighted pupil unit of the funding formula contingent on attendance. If a child leaves a school due to bullying for three months or longer, this figure would passport with him/her to another school unless the school has exhausted reasonable measures to support the child back into school.
  - Clarify the definition of disability in the Children and Families Act 2014, and consider providing specific protection for bullied children under the SEN legislation, subject to adequate medical evidence.



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