

LAW AND ORDER

№5 October 2022



What Is Bullying

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have [serious, lasting problems](#). In order to be considered bullying, the behavior must be aggressive and include:

- **An Imbalance of Power:** Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **Repetition:** Bullying behaviors happen more than once or have the potential to happen more than once.

Types of Bullying

There are three types of bullying:



- **Verbal bullying** is saying or writing mean things. Verbal bullying includes:
 - Teasing
 - Name-calling
 - Inappropriate sexual comments
 - Taunting
 - Threatening to cause harm



- **Social bullying**, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes:
 - Leaving someone out on purpose
 - Telling other children not to be friends with someone
 - Spreading rumors about someone
 - Embarrassing someone in public
 -



- **Physical bullying** involves hurting a person's body or possessions. Physical bullying includes:
 - Hitting/kicking/pinching
 - Spitting
 - Tripping/pushing
 - Taking or breaking someone's things
 - Making mean or rude hand gestures

In 2013 there was no specific law on dealing with bullying in the UK. There are several laws that are applicable in cases of bullying such as the Harassment Act and the various Communications Acts. In addition there are various rights and responsibilities afforded to us in law.

In this Act there are several statutory obligations for schools with regard to behaviour which establish clear responsibilities in responding to bullying. In particular section 89 of the 2006 Education and Inspections Act states that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour and anti-bullying policy which must be communicated to all pupils, school staff and parents. This Act gives Head Teachers the ability to discipline pupils for poor behaviour that occurs even when the pupil is not on school premises or under the lawful control of school staff. For more information on this please see the Department for Education 'Preventing and tackling bullying – advice for headteachers staff and school governing bodies – 2012)

The Equality Act 2010 replaces previous anti-discrimination laws. A key provision in this Act is a new Public Sector Equality Duty, which came into force on 5 April 2011. It replaces the three previous public sector equality duties for race, disability and gender, and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There are 3 aims of requiring public bodies to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not
- Foster good relations between people who share a protected characteristic and people who do not

Schools and all public sector organisations are required to comply with the Equality Duty. The Act also makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil in relation to admissions, the way it provides education for pupils, provision of pupil access to any benefit, facility or service, or by excluding a pupil or subjecting them to any other detriment. In England and Wales the Act applies to all maintained and independent schools, including Academies and Free Schools, and maintained and non-maintained special schools. For more information see the [Home Office Website](#)



Safeguarding children and young people

Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school or organisation staff should report their concerns to their Local Authority. Even where safeguarding is not considered to be an issue, schools and organisations 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.

Offences Against The Person Act 1861

This Act covers Common assault, actual bodily harm, grievous bodily harm without intent and grievous bodily harm with intent. An assault is any intentional or reckless act which causes a person to apprehend immediate unlawful force or personal violence.

Criminal Law

Bullying is not currently (2013) a criminal offence but some behaviours associated with bullying such as harassment are. If in doubt seek help from the authorities.

The Protection From Harassment Act 1977

In 1977 legislation was introduced to deal with stalkers and also provide a more effective protection for abused women. The legislation is perfect for cases of bullying.

IDIOMS ABOUT LAW & POLITICS

Caught Red-Handed

Apprehended while committing a crime



Five-Finger Discount

Shoplifting



Foul Play

Crime, typically murder



Throw The Book At

Prosecute legally as strongly as possible



Stick It to the Man

Do something that frustrates those in authority



Shot Across the Bow

A warning of more serious actions to come



Up in Arms

Angry, protesting (usually said of a group)



Scorched Earth

Ruthless, extremely destructive



Pin Someone Down

Demand a decision or clear answer

