



Bullying outside school: local guidance

The Education and Inspections Act (2006) gave schools new powers to 'regulate' the behaviour of children outside school 'to such an extent as is reasonable'. It should be noted that, under the Act, schools have a **choice** to use these powers, not a duty. Schools are advised to think about how often they use them, as frequent use may create a duty to use them all the time.

Decisions about what is 'reasonable' will ultimately be made by judges and it is likely that, to make those decisions, they will ask what a significant proportion of those within the profession of similar standing would have done in the circumstances surrounding an incident, at the time an incident occurred. This guidance has been put together by Warwickshire's Anti-bullying Partnership, following discussions with teachers from across the county. The intention of this guidance is to provide schools with some ideas about what they might reasonably do in given situations. The extent to which schools choose to follow the guidance is entirely up to them. Schools who have concerns about actions to take in a specific case should seek legal advice.

The government suggest that the following factors be taken into account when determining what, if any, action is to be taken in regard to behaviour of pupils outside school:

- The severity of the misbehaviour.
- The extent to which the reputation of the school has been affected.
- Related to this, whether the pupil(s) in question was wearing school uniform or was otherwise readily identifiable as a member of the school
- The extent to which the behaviour in question was contrary to the schools behaviour policy or would have repercussions for the orderly running of the school, and/or might pose a threat to another pupil or member of staff (e.g. bullying another pupil or insulting a member of the staff).
- Whether the misbehaviour in question was on the way to or from school, outside the school gates, or otherwise in close proximity to the school.
- Whether the misbehaviour was whilst the pupil was on work experience, taking part in a further-education course as part of a school programme, or participating in a sports event with another school (i.e. when the pupil might be expected to act as an ambassador for the school), which might affect the chance of opportunities being offered to other pupils in the future.

Where schools become aware of inappropriate behaviour off site they can only impose sanctions when the pupil is on the school site, or under the lawful control or charge of a member of staff. A sanction could be imposed whilst a pupil is on a school trip, but not whilst the pupil is on his journey home from school, for instance. In such circumstances, the member of staff could indicate to the pupil that s/he has been seen misbehaving and will be punished, but must wait until the pupil is next in school to issue the punishment. However, this should not delay any investigation.

Adapted from DCSF guidance: School Discipline and Pupil Behaviour Policies
Available from: <http://www.teachernet.gov.uk>

Taking these things into account, along with the views of a range of teaching professionals, the table below suggests how schools might respond in different situations.

Please note:

- A record should be made of all incidents/concerns and any actions taken
- In all cases consideration should be given to delivering group/curriculum activities around bullying, enabling pupils to explore issues and possible solutions in a general way.
- Where the incidents involve pupils from different schools it will be important to inform and work with them
- Schools should review their anti-bullying and behaviour policies and codes of conduct and, where necessary, amend them to reflect these new powers.
- Schools are also advised to refer to the DCSF guidance on exclusions, available at www.teachernet.gov.uk

Bullying behaviour	Suggested actions
<p>Cyber bullying using the internet, whether or not it is linked to school, e.g.</p> <ul style="list-style-type: none"> • Inappropriate videos online • MSN harassment/chat rooms • Exclusion e.g. everyone blocks one person in MSN • Inappropriate emails 	<ul style="list-style-type: none"> • Investigate by trying to identify perpetrator/s – measures to take depend on severity of incident • Capture screen images/save emails and chat logs to use as evidence • Contact the E-Safety team for support in getting web pages removed (01926 414100) • Notify parents/carers • Individual and/or curriculum activities re online empowerment • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions
<p>Cyber bullying using mobiles phones, whether or not it is linked to school, e.g.</p> <ul style="list-style-type: none"> • Inappropriate images/videos • Inappropriate information shared/name calling through text messages • Silent/threatening calls 	<ul style="list-style-type: none"> • Investigate by trying to identify perpetrator/s – measures to take depend on severity of incident • Ask pupil/s to remove images/texts from phone and/or confiscate phone (if school policy allows) and return it to parents/carers, asking them to remove content • Inform parent/carers • Illegal content e.g. sexual images – contact the police • Individual and/or curriculum activity re mobile phone safety • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions
<p>Bullying outside school (streets and public spaces) linked to something that happened in school and/or pupils in school uniform</p>	<ul style="list-style-type: none"> • Investigate by talking to individuals concerned. • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions • Inform parent/carers and any other relevant agencies (e.g. youth clubs)
<p>Bullying outside school, not linked to school and pupils not in school uniform</p>	<ul style="list-style-type: none"> • Inform parent/carers and any other relevant agencies (e.g. youth clubs)
<p>Bullying in other venues e.g. youth club, leisure centre</p>	<ul style="list-style-type: none"> • Inform the agency concerned and follow up with pupils to see what is done about it
<p>Bullying on buses contracted by school/LA e.g. to/from school, trips etc.</p>	<ul style="list-style-type: none"> • Inform bus company and follow up to see what is done about it • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions
<p>Bullying on public buses while in school uniform i.e. to and from school</p>	<ul style="list-style-type: none"> • Investigate by talking to individuals concerned • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions
<p>Bullying on public buses while not in school uniform e.g. in leisure time</p>	<ul style="list-style-type: none"> • No action but log concern in case it starts to impact on school (e.g. impact on target – attendance problems)
<p>'Feud' between pupils/families outside school not linked to school</p>	<ul style="list-style-type: none"> • Advise to go to the police • Support pupils in school • Could refer to mediation service
<p>Any bullying incidents whilst on work placement organised by school</p>	<ul style="list-style-type: none"> • Investigate by talking to individuals concerned • Once you have a clear picture of the events, provide support, as necessary, and apply appropriate sanctions • End the work placement if appropriate

**For further support please contact the Anti-bullying Co-ordinator
on 01926 742519 email bullying@warwickshire.gov.uk**