



Reasonable Expectations?

What are the Obligations of Local Authorities and Schools in Relation to Bullying?

A Discussion Paper based on the proceedings of an Anti-Bullying Network Seminar for Invited Delegates, held in Moray House School of Education at the University of Edinburgh



The Anti-Bullying Network is funded by the Scottish Executive and based at the University of Edinburgh.

Copies of this document have been sent to delegates, who attended the seminar, Scottish Local Authorities, the Scottish Council for Independent schools and other interested parties. Further single copies are available on request. It is also available for download from the ABN website: www.antibullying.net

A pro-forma for comments is being distributed along with this document and should be returned by 8th December 2003 to:

Andrew Mellor, Manager, The Anti-Bullying Network, Moray House School of Education, University of Edinburgh, Holyrood Road, Edinburgh EH8 8AQ

Email comments should be sent to: abn@education.ed.ac.uk

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INTRODUCTION

Bullying has only been on the agenda of Scottish schools since about 1990. Before that it was something which was acknowledged as a problem but which did not attract a lot of attention. Now, pupils and parents expect schools to have effective policies to deal with it. This expectation is being reinforced by legal obligations, official advice, and pressure from the mass media. But exactly what is it reasonable to ask of teachers and what are their specific duties in relation to tackling bullying in school?

Some things are clear. For example, Local Authorities and schools have a duty to protect children in their care from harm. There is plenty of evidence to show that bullying is harmful, and plenty of advice about how this harm may be reduced. However, there is no single document that prescribes or describes the minimum standards which Scottish schools should adopt if bullying is to be tackled effectively. The Anti-Bullying Network (ABN) aims to publish such a document.

The first step towards this aim was to invite local authorities to attend a seminar, which the ABN hosted in Edinburgh on Wednesday October 30th 2002.

The second step is this discussion paper, which is based on the seminar proceedings, and which will be sent to interested parties for comment.

The third step will be the production of an information document that will be made available to all schools and school authorities in Scotland. The document will also be published on the Anti-Bullying Network's website and updated as new advice and regulations are published.

The Seminar

Each of the 32 Scottish local authorities was asked to send one representative who held a post at Directorate or Chief Executive level. SEED and the DFES sent representatives, as did the Scottish Council of Independent Schools and the Association of Chief Police Officers in Scotland. A delegate list is appended to this paper. In her introduction, Professor Pamela Munn, Head of Moray House School of Education and Director of the Anti-Bullying Network said that the aim of the day was to share experiences of developing policies and look at the kinds of expectations held by different people.

The Questions

Eight questions were introduced by invited expert delegates. These questions, and the resulting discussions provide the framework for this paper which is intended to provide a starting point for discussions about what should be included in the guidance paper which will eventually be produced.

1. How should we reconcile the right of child victims to be afforded protection from violence with the right of child bullies to be treated in a fair, humane, non-stigmatising manner, which allows the possibility of redemption? (Introduced by: Professor Pamela Munn, Head of Moray House School of Education and Director of the Anti-Bullying Network)
2. What do HM Inspectors of Schools expect to find in a school's anti-bullying policy? (Introduced by: Bill Maxwell, Her Majesty's Chief Inspector of Schools)
3. What are the legal obligations of local authorities in terms of minimum standards of care? (Introduced by: Andrew Mellor, Manager, Anti-Bullying Network)
4. A young person, who made an unsubstantiated allegation of abuse against a teacher, has been ordered to pay damages and costs. What, if any, are the implications of this judgement for schools? (Introduced by: Randal Lindsay, Solicitor for Michael McKinnon – the pupil concerned)
5. To what extent should the police and the children's hearing system be involved in responding to incidents of bullying? (Introduced by: John McLean, Assistant Chief Constable Strathclyde Police representing the Association of Chief Police Officers in Scotland (ACPOS))
6. What are the implications of the involvement of the courts in disputes about how allegations of bullying are handled by schools? (Introduced by: Iain Nisbet, Solicitor, Govan Law Centre)
7. Why and how should schools monitor and record bullying incidents? (Introduced by: Susan Wheatley, Alludis, Educational Consultant with expertise in the area of recording and monitoring incidents)
8. How do the UN Convention on the Rights of the Child and the European Convention on Human Rights affect the way that bullying in Scottish schools is tackled? (Introduced by: Alison Cleland, Napier University School of Law and the Scottish Child Law Centre)

TOPIC 1 - INTRODUCED BY PROFESSOR PAMELA MUNN

RECONCILING THE RIGHTS OF VICTIMS AND BULLIES

The Question

How should we reconcile the right of child victims to be afforded protection from violence with the right of child bullies to be treated in a fair, humane, non-stigmatising manner which allows the possibility of redemption?

The Discussion

Some of the main issues arising from this question were:

Inclusion

"When looking at the issue of inclusion, a discussion of rights develops: rights for all people in the school community, and the rights of individuals as opposed to the rights of the group. When looking at the issue of bullying a similar discussion develops. Schools are responsible for the wellbeing of the entire school community and each individual child in that community. My instinct on the issue of the safety of children is that sometimes the collective welfare of the school community needs to take priority over individual rights."

(Pamela Munn)

Victims and bullies

When talking of rights it is difficult as there are no set definitions of "who is a victim?" and "who is a bully?" Bullies and victims are often the same people. (Pamela Munn)

Definitions

There is no neat definition of bullying - the definition of bullying encompasses a continuum of acts. (Pamela Munn)

There are a number of aspects of bullying which need to be considered in each bullying situation and which may help to define the behaviour:

- ◆ The nature of the act itself e.g. physical, social exclusion, slagging (verbal) or other.
- ◆ Frequency - does it happen daily, weekly, other?
- ◆ Duration - How long have the acts been going on?

- ◆ Intent – Did the person doing the bullying deliberately set out to harm? Some people who bully fully intend to inflict harm, others lack empathic skills, many simply do not understand the damage they have caused.
- ◆ Numbers – bullying by a group (mobbing) can be a very different type of behaviour from bullying by an individual.
- ◆ Effect – it can be argued that the seriousness of an incident should only be judged by the harm it does to the victim. Horseplay, however robust, should not be classed as bullying if no-one is significantly upset and if there is no serious imbalance of power between those involved.

Everything is dependent on the perception of the child who is being bullied. (Loretta Scott, Glasgow City Council)

The definition of bullying is crucial. Parental complaints sometimes describe conflict rather than bullying. The degree of impact upon the victim needs to be taken into account. The same action may be seen by one person to be a light-hearted prank, but may affect another person seriously enough for them to experience thoughts of suicide. (Dr James Tulips, North Ayrshire Council)

Angus Council did lots of work on a definition of bullying in the first draft of its Anti-Bullying policy. It seemed to make parents angry if we talked a lot about what bullying was, but weren't seen to take firm action on it. (Gillian Strachan, Angus Council)

Parents often want the school to blame and punish the bullies. If parents are unsatisfied, Edinburgh's Advice and Conciliation Service investigates the situation from both a teacher's point of view and from a parent's point of view. (Eilish Garland, City of Edinburgh Council)

Definitions have different purposes. In research, definitions are used to create a structure, around which data can be collected and analysed. Within schools, discussions about definitions may be used to stimulate debate about bullying and how it can be tackled. Within Local Authorities, definitions may be included in policy papers in order to describe the type of behaviour covered by the policy and in order to allow valid comparisons of data collected from different schools. (Andrew Mellor)

The term "bullying" covers a spectrum of behaviour. At one end of the spectrum it merges into behaviours we would class as crimes. At the other end bullying merges into normal playground friction and banter. Between

these two extremes are many different types of bullying with many different causes. It is the effect on the victim which truly defines bullying: if people feel they are being bullied, if they are significantly hurt, if they have no defence and worry it'll happen again, this is when intervention is needed. (Andrew Mellor)

Blame

Do teachers and others want to help the young people, or are they looking to blame someone for the bullying?

Schools seem to be expected to blame. (Terry Ashton, Aberdeen City Council)

TOPIC 2 - INTRODUCED BY BILL MAXWELL HMCI

WHAT HM INSPECTORS OF SCHOOLS EXPECT TO FIND

The Question

What do HM Inspectors of Schools expect to find in a school's anti-bullying policy?

The Discussion

Recent changes in inspection procedures have taken the Inspectors deeper into bullying issues. Pastoral care indicators have been changed and a Pupil Questionnaire is now used in every inspection. HMI look for a proactive push to minimise bullying in the school and, of course, the school ethos must be positive in the first place, for the school to be able to work on bullying issues. (Bill Maxwell)

A Checklist

The Anti-Bullying Policy may be found embedded in another policy, perhaps on relationships, but wherever anti-bullying sits in a school's policy framework, HMI will look at the following points during an inspection:

1. Whole school ethos - which is a critical factor.
2. Practice, rather than policy.
3. Pupil complaints procedures - especially in regards to teacher bullying.
4. Parent, staff and pupil awareness of the anti-bullying policy and whether pupils and staff were involved in its formulation.
5. A consistently high level of vigilance, with staff looking for signs of bullying, and tackling incidents of bullying without over-reacting.
6. How recent incidents of bullying have been handled - HMI check that a school didn't go into "crime and punishment" mode, despite possible pressure from the parents.
7. How PSD programmes take pupils through the issues - e.g. how concepts of power and conflict are handled as part of a wider agenda to develop kids' effective social relationships.

HMI will check that:

8. Teachers look at the perception of the victim, and check what the victim's needs are.
9. Teachers have tried to work out the intention of the bully - were their actions intended or simply thoughtless?
10. The school doesn't rate the seriousness of the bullying just by the nature of the incident but also takes into account the effect on the victim.

11. Teachers consider the support needed by both the victim and the bully, and make an appropriate response to those needs.
12. The school records bullying incidents and that appropriate actions are taken.

TOPIC 3 – INTRODUCED BY ANDREW MELLOR

THE LEGAL OBLIGATIONS OF LOCAL AUTHORITIES

The Question

What are the legal obligations of local authorities in terms of minimum standards of care?

The Discussion

Government advice to schools

All schools are now officially encouraged to develop anti-bullying policies. At first this encouragement was implicit in the support given by the Scottish Office to the materials produced by The Scottish Council for Research in Education (SCRE). A research report was published in 1990 (Spotlight 23) and distributed by the Scottish Office to all schools. It contained a recommendation that each school should develop its own anti-bullying policy and made suggestions as to how this process might be started. The First Scottish Office/SCRE Pack, *Action Against Bullying*, published in 1992 contained the following advice:

The single most important thing a school can do to prevent bullying is to have a clear policy to which staff, pupils and parents are committed.

The Conservative education minister, Lord James Douglas-Hamilton, publicly supported and repeated this advice in 1994.

In June 1997 the Labour Education Minister, Brian Wilson, said in a written answer in the House of Commons, "I am ... taking steps to satisfy myself that every school has an effective anti-bullying policy in place."

In September 1997 an HMI report on the Nicolson Institute in Stornoway found serious weaknesses in the way that the school dealt with bullying and highlighted a number of points for action. The publication of this report clarified the matters that the inspectors expect to be covered within a school's anti-bullying policy. Mr Wilson said that all headteachers should take note of the contents of this report.

After taking over responsibility for Scottish education in 1999 the Scottish Executive endorsed previous advice and continued to support schools through the work of the Inspectorate and the Anti-Bullying Network. In June 1999 Peter Peacock, the Deputy Minister for Children and Education said, "bullying will not be

tolerated and must be rooted out and dealt with in all our schools." He endorsed the aims of the Network and said, "there is real enthusiasm in Scotland to tackle this problem openly in partnership and it is this strength which will make it succeed."

In February 2001 Jack McConnell, the Minister for Education, Europe and External Affairs urged all Scottish Education Authorities not to be complacent about the problem of bullying. He said that there were strategies to tackle bullying in schools all over Scotland and that he wanted to improve dialogue between authorities so good ideas could be shared. He said that the SEED would be monitoring the funding of schemes to ensure that funding was being best spent. He stated "I believe every school must be a safe school" and added, "every child is entitled to go through their school years without their experiences being blighted by bullying."

Better Behaviour - Better Learning

Announcing funding for the implementation of the "Better Behaviour - Better Learning" report (the report of the Scottish Executive's Discipline Task Group published in 2001) Cathy Jamieson, the Minister for Education and Young People, said in August 2002, "We can only raise attainment in our schools if they are places where teachers can teach and pupils can learn in a positive environment, free from distraction and disturbance."

"Better Behaviour - Better Learning" made a number of recommendations which relate to the duty to prevent bullying and indiscipline:

- ◆ Procedures for managing pupils in and around the school and within classrooms... should be applied consistently by all staff.
- ◆ Particular attention should be paid to expectations, rules, rewards and sanctions. These policies should be applied consistently.
- ◆ Schools should consult with pupils, teachers and parents/carers in order to agree a dress code for children and young people.
- ◆ Schools should develop agreed systems for shared responsibility between staff at all levels for the conduct and behaviour of children and young people in corridors, playgrounds and public areas within the school.
- ◆ Schools should ensure that there are formal mechanisms in place to allow all pupils to... participate in decision-making on matters which affect them directly... including the setting of priorities for the school development plan.

- ◆ Schools should ensure that opportunities are provided for senior pupils at both primary and secondary levels to take responsibility for 'buddying' and/or mentoring junior pupils.
- ◆ Schools should review the mechanisms and approaches used to communicate with and involve parents/carers in the general life of the school and with their own child's education in particular.
- ◆ As trusted professionals, all teachers should have access to relevant background information on pupils, including personal and family details, which may affect the learning and teaching process.

Legal and Contractual Obligations

Documents which have a bearing on this include:

- ◆ The 2001 agreement on teachers' salaries and conditions of service
- ◆ The UN Convention on the Rights of the Child
- ◆ The Human Rights Act
- ◆ Standards in Scotland's Schools etc. (Scotland) Act 2000
- ◆ The Race Relations (Amendment) Act 2000

- ◆ The McCrone Agreement - "A Teaching Profession for the 21st Century" - the agreement reached following recommendations made in the McCrone Report, which outlined the duties of teachers. The following extracts have particular relevance to dealing with bullying and abuse:

Teacher/Chartered Teacher

9. *promoting and safeguarding the health, welfare and safety of pupils.*
10. *working in partnership with parents, support staff and other professionals.*
11. *contributing towards good order and the wider needs of the school.*

Principal Teacher (Curriculum/Pastoral)

- ◆ *contributing to the development of school policy in relation to the behaviour management of pupils.*
- ◆ *responsibility for the leadership, good management and strategic direction of pastoral care within the school.*
- ◆ *the development of school policy for the behaviour management of pupils.*
- ◆ *assisting in the management, deployment and development of pastoral care staff.*
- ◆ *implementation of whole school policies dealing with guidance issues, pastoral care, assessment and pupil welfare.*

- ◆ *working in partnership with colleagues, parents, other specialist agencies and staff in other schools as appropriate.*

Headteacher

- ◆ *responsibility for school policy for the behaviour management of pupils.*
- ◆ *the management and development of the school curriculum.*
- ◆ *working in partnership with other professionals, agencies, schools and parents.*
- ◆ *to manage the health and safety of all within the school premises.*

2. The UN Convention on the Rights of the Child - This has been endorsed by the Scottish Executive and contains a number of articles which can be interpreted as having a bearing on this issue:

- ◆ Article 12 states: Parties shall assure to the child who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- ◆ Article 19 states: Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- ◆ Article 28 states: Parties recognise the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular... take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. The Human Rights Act - This allows people to claim their rights under the European Convention on Human Rights in Scottish courts and tribunals, instead of having to go to the European Court in Strasbourg. The Act underpins this by requiring all public authorities in the UK to act compatibly with the Convention rights. Under the Scotland Act, the Scottish Executive and the Scottish Parliament are required to comply with rights set out in the European Convention on Human Rights (the Convention) in exercising their powers. Although the Human Rights Act does not contain any specific mention of the right of a child to be protected from bullying, it may be that its existence will make it more likely that authority and school policies will be challenged in the courts.

◆ The Standards in Scotland's Schools etc. (Scotland) Act 2000 - This act charges headteachers with a specific duty to consult pupils:

The development plan shall include an account of the ways in which, and extent to which, the headteacher of the school will -

a) consult the pupils in attendance at the school; and

b) seek to involve them when decisions require to be made concerning the everyday running of the school.

The full implications of this requirement to consult pupils are as yet unclear but, in the light of this Act, it would seem reasonable to expect that a school policy on bullying should have a meaningful input from pupils.

◆ The Race Relations (Amendment) Act 2000 - This places a general duty on all public authorities to:

◆ eliminate unlawful discrimination.

◆ promote equality of opportunity.

◆ promote good relations between persons of different racial groups.

These duties are obligatory and must be applied to functions that are relevant to race equality. The Act came into force in 2002. In practice this means that each education authority in Scotland must have a Race Equality Plan which applies to all its schools and a Race Action Plan for implementing its policy.

Legal Obligations in England and Wales

In England and Wales schools are required to take measures to deal with bullying. The School Standards and Framework Act 1998 states: *The headteacher shall determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to-*

(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.

This Act does not apply in Scotland but the advice issued in Scotland can reasonably be interpreted as placing an at least equal onus on schools to tackle bullying effectively.

TOPIC 4 - INTRODUCED BY RANALD LINDSAY, SOLICITOR FOR MICHAEL MCKINNON

UNSUBSTANTIATED ALLEGATIONS OF BULLYING OR ABUSE

The Question

A young person, who made an unsubstantiated allegation of abuse against a teacher, has been ordered to pay damages and costs. What, if any, are the implications of this judgement for schools?

The Discussion

What happens when children speak out?

Kids speak to those who they think will understand; therefore it's important to have an ethos that opens the issue up. (unidentified delegate)

There is no doubt that one of the biggest barriers to be overcome if we hope to reduce levels of bullying in schools is the continuing reluctance of many bullied children to speak out. We shouldn't use this fact to excuse our failures to tackle bullying as well as we could or to pass the blame for this onto those children who keep quite quiet. Rather we should look at what is stopping them from talking and ask ourselves what can be done to respond to these valid concerns. (Andrew Mellor)

Delegates suggested that bullied children might be reluctant to speak out for the following reasons:

- ◆ There is mistrust - maybe the teachers will tell someone and it'll get worse.
- ◆ Not enough local authorities have a pupil complaints policy.
- ◆ Kids are worried about 'grassing', 'clying'.
- ◆ *It gets worse if you tell anybody.* (unidentified young delegate)

Over the last few years the message that the right thing for a child with serious fears or concerns to do is to talk to a trusted adult has been consistently promoted in schools. The same advice has been given in relation to being bullied by another child and in relation to being abused or bullied by an adult. Despite this, some young people remain reluctant to speak out – for very good reasons mostly related to the possibility of adults acting insensitively. If a concern about being sued for making a false allegation of bullying or abusive behaviour were to be added to this concern then we might find fewer problems being brought out into the open. For that reason we have reproduced below most of what Ranald Lindsay told the seminar about his client's case:

The alleged incident

This took place on 28 November 1996, after hours at a school in Dumfries. One of the teachers was involved in some extra-curricular activities with a group of pupils. Two other pupils, not connected with this group, were carrying out some final preparations for a drama presentation. On the way out of the school they decided to pop in to one of the music practice rooms, a very small room, with only room for a piano and the two people in it. They started playing the piano; they were both studying for standard grade music. In the course of that, high spirits took over.

There was a ceilidh that night, they were breaking up for the St Andrew's Day holiday and they started singing a spoof song at the top of their voices - behaviour that could be categorised as loutish certainly. The teacher left the extra-curricular activity he was supervising and went to the room where there was a confrontation between him and the two pupils. As a result of that confrontation the two pupils advised the school that the teacher had struck one of them once with his fist in the chest.

The Investigations

The school investigated the allegation, and the matter was referred to the local authority education department who investigated it further. The conclusion at that stage was that the incident had taken place and a recommendation was put forward to the Education Committee of the Local Authority that the teacher be dismissed. The Education Committee heard evidence and decided not to dismiss the teacher. The matter then went further to the General Teaching Council at the behest of the parents. The GTC considered a complaint based on the behaviour of the teacher and again after hearing evidence decided that the complaint had not been upheld and no further action was taken.

The Court Action

All of this took some time and some three years later a court action was raised by the teacher against the two boys, suing them for defamation. Defamation is the global term in Scots Law, which covers what we often see reported in the news as slander and libel. The action proceeded in June (2002) at Dumfries Sheriff Court and, after hearing evidence, the teacher was found entitled to damages of £5,000 in respect of the defamatory allegation which had been made. The Court did not believe that one of the boys had been struck and that the teacher had struck any blow.

How did we get there and what's the background to it?

The presumption in Scots Law is that, where someone makes a statement about another person which is clearly defamatory (assault is a fairly clear example of that) the law then states that that is defamatory and the

person has suffered loss as a result of it. So if, for example, a teacher was accused of assaulting someone, then the law would regard that as a *prima facie* (on the face of it) defamatory statement. That therefore overturns slightly the normal situation in a court case where the person taking the action, whom we call the pursuer, has to prove the whole aspect of their case.

Defamation is a rather unusual area of Law. The presumption is that once the making of the comment has been established, that comment is defamatory and there are bound to have been some damages as a result of that.

There are various defences to an action of defamation. Number one is that the allegation was true, what we call the 'defence of veritas'. Even if, however, the allegation is not proved to be true, there are some other factors which can be introduced into it, such as privilege. And it is on the question of privilege that this case really centres at the moment.

Privilege

Now, I don't want to say terribly much about it because the case is under appeal at the moment. Reports of an incident such as this are covered by what we call qualified privilege.

There are two branches of privilege, absolute and qualified. Absolute privilege means that someone can say what they like, and there are no legal consequences of that whatsoever. The one we will all be familiar with is parliamentary privilege. A Member of Parliament, speaking in Parliament, can say whatever they like; that is absolute privilege.

Trying to give a definition (of qualified privilege) when there's a judge of the Supreme Court sitting here is a daunting prospect! Qualified privilege means that a statement or utterance will not be actionable unless the pursuer, the person who has been defamed by the comment, can show that the comment was made with malice. Newspapers can print what they like as long as they've checked it, as long as they've made sure about it and it's not motivated by some sort of personal attack.

In this action the teacher was faced with a two-fold hurdle. Number one, the question of qualified privilege was what applied in this particular case, so the teacher had to prove, firstly what had been said - which was admitted. It was admitted that the boys had reported an incidence of bullying by the teacher. The teacher then had to prove that the boys were motivated by malice.

How do you prove what someone's motive is?

It all looks wonderfully straightforward on Morse or Midsomer Murders, when we are looking at the motive for why there's a body lying in the library with a candlestick beside it. But when we are talking about a comment that has actually been made, how do we prove malice?

In this case was, you had a small room, with two boys and a teacher. The allegation was that a punch had been made. It's not the sort of thing that you're going to be able to make an honest mistake about. So therefore if it did not happen, then the parties to the incident must have been aware that it did not happen and must therefore have known that the allegation of an assault was not true. Therefore, there must be another bad faith motive behind making the allegation; therefore it must have been malicious. The difficulty which arises out of this is that the whole thing depends on whether or not the allegation is believed or not.

With most allegations, particularly of (physical) bullying, I would imagine that it's going to be a relative minority of cases where it is possible that there is an innocent explanation. As far as any questions of abuse by way of teasing, taunting or psychological bullying, it is going to be more of a grey area. Scottish Executive Policy was set out and quite well summarised by the Deputy Minister for Education of Young People, Mr Nichol Steven, in a letter to my client's father, Mr Donald McKinnon.

The concerns of the case

Mr McKinnon wrote to the Executive pointing out some of the areas of concern in this particular case. He asked what protection exists so that young people can feel free to come forward and report something if their normal reluctance to report these things can be overcome?

Mr Steven said that 'children who honestly report concerns to an appropriate authority are protected by qualified privilege even if the allegations happen to be untrue and it is only if they make them knowing them to be untrue and are motivated by malice that they might become liable'. So that therefore suggests a two-stage process; number one, is the allegation untrue? If it's true, game over; if it's untrue we move on to the next issue, one of which is qualified privilege. How do we establish malice? Some of the principles which come out relate to the nature of the allegation that has been made. Is it clearly something which is wild and 'hasn't lost anything in the telling'? Has any intemperate language been used? Was there exaggeration? Is there a prior history, or prior background to it? Had there been prior complaints? Was there any 'grudge match'? Had the teacher and the pupil come into some sort of conflict beforehand?

All of these would be factors which, taken together, might paint a picture from which a court or anyone else could infer what the person's motive was in making the allegation. In this case, however, there was no background. These were normal pupils with normal report cards. Subsequently both went on to do very well in music at standard grade and at higher grade. There was no background to it. There was this question: if it wasn't honest and there's no possibility of a mistake, it must therefore have been motivated by malice. There is therefore a blurring of the two-stage process, that it's untrue and secondly that it's motivated by malice. How do we deal with that?

What it comes down to

What it comes down to is - whether or not you are believed. The possibility exists that if you are not believed and, if no one can see any way that you could be honestly mistaken, then your allegation that you have been bullied might end up with you facing an extremely hefty bill.

No legal aid

Another area of concern, and this is one on which the Executive has no plans to make any changes, is that there is no Legal Aid even for defending yourself against an action of defamation. So if, for example, a child makes a report, whether it's about a teacher or about another pupil, and an act of defamation is taken, that child is going to be on his/her own. For a parent to represent his/her child in court and speak for them, the parent must satisfy the court that he/she is fit to do so. So unless there is for example, funding available from a body which is able to provide that, there certainly is not going to be any funding available for private practice, for a private practice legal firm in order to back this up. It is going to be difficult for someone to satisfy a court that they have the necessary skill to properly represent their son or daughter in a court because it is such a complex area of law.

The evidence alone in this case took five days of court time in order to lead. And when the loser is having to pay the winner's expenses as well as their own, that's a fairly hefty bill.

I think this is a matter which requires some clarification, probably by the Executive. The courts are bound by the law, the courts cannot make new law and the courts therefore have to apply the law as it is stated at the moment. Anything more radical is going to require action through the Scottish Parliament.

The basis of any policy for tackling bullying is, number one, to get it out in the open, for it to be reported - for people who have been the subject of bullying to feel that they can report it. At the moment, this case is a

disincentive for doing that. If you report it, you are taking a gamble. You are gambling on your own credibility and your credibility being accepted at the end of the day, depending on the nature of the bullying to which you have been subjected. The stakes are very high.

Evidence

Question: *When talking about incidents at school and local authority level, evidence is not generally required, and hearsay is accepted as having enough impetus to generate discussion. But with the courts and the GTC, if there is no evidence, as there was none in this case, then surely they must conclude that the incident didn't happen. (Jill Lyall)*

Answer. *There was evidence in this case. The boy's word counts as evidence. It does not, however, count as proof. (Ranald Lindsay)*

Where was the fault?

Question: *Did the teacher take out his sense of injustice on the child (who accused him), rather than on the local council etc. who believed the child? (Unidentified delegate)*

Answer: *It was up to the pursuer and solicitor as to why they went after the boy, rather than after the local authority. (Ranald Lindsay)*

TOPIC 5 - INTRODUCED BY JOHN MCLEAN, STRATHCLYDE POLICE INVOLVING THE POLICE AND THE CHILDREN'S REPORTER

The Question

To what extent should the police and the children's hearing system be involved in responding to incidents of bullying?

The Discussion

I don't believe that the Police are reluctant to get involved with bullying. However, schools must consider whether they have a policy for calling in the police; a policy for calling in the Reporter and whether appropriate training has been given to staff with respect to police involvement in bullying. Are the police able to come into schools in order to see kids in non-threatening situation? We have multi-agency case conferences for child abuse. Why not for bullying? (John McLean)

Getting involved

The Policing in Scotland Act of 1967 directs police to prevent crime, or if it cannot be prevented, to detect it. When deciding how to tackle a particular report or incident related to bullying, a police officer will take the following factors into account:

- ◆ Is a criminal act involved? - Each case is considered on its individual merits and sometimes the police must decide within a few minutes what to do.
- ◆ Is there evidence?
- ◆ Corroboration - Are there at least two witnesses?
- ◆ Police can interview parents, teachers etc. but cannot interview children under 16 without parents present.
- ◆ The views of the parents are central.
- ◆ Giving evidence is a horrible experience.

Taking action

Possible police actions in response to a report or complaint about a bullying incident involving children include:

- ◆ Giving advice to the young people involved and to their families.
- ◆ Giving a formal warning.

- ◆ Making a report to the Reporter to the Children's Panel (evidence of an offence is not necessary for this to happen).

The Children's Panel

Some points to remember about the Children's Hearing system:

- ◆ Teachers (or parents) can also report to the Reporter.
- ◆ It is very different from the Court system - the system looks to the children's welfare whereas the Court system looks to punish.
- ◆ If the Reporter marks a case "no action", it means that no panel has been called for, but other actions may have been taken.

Some other important issues

- ◆ Police cannot always resolve situations to everyone's satisfaction.
- ◆ The legal route is not always the best route to take.
- ◆ If bullying is dealt with within the school, there can be a framework for ongoing support.
- ◆ Tackling bullying is not a single agency issue but we all need to know our roles.
- ◆ This problem has no simple solution - the police consult with various agencies.
- ◆ The police favour early intervention in bullying incidents.

Local initiatives involving the police

The police are involved in a number of initiatives which may help tackle bullying e.g. restorative justice in Dumfries and Galloway and Strathclyde Police are looking into developing a citizenship package. (John McLean)

In Renfrewshire we have a good relationship with the police. The police build relationships with the community. S1 and S2 pupils are involved in a 'bully-proofing schools' programme run by the community police. This helps kids to form a relationship with community police officers. Kids see the police as support not as a threat. Schools can't do it alone. It is a team effort. (Anne Taylor)

East Lothian Parents and Pupils Against Bullying (ELPPAB) helps parents who are angry by providing advocacy services. We visit parents and kids at home or in the office. We give them time to talk through it all, which can be a few hours. Schools (and the police) don't have that kind of time. We help parents get past their anger and to move forward. (Caroline Harris)

Jurisdiction

Issues of jurisdiction are often reported to the Anti-Bullying Network by parents. We hear of some headteachers who refuse to get involved with incidents outside the school gate – even when they are clearly related to events in school – and of police officers who refuse to get involved in bullying incidents because they have happened in school or because they involve children who are “under age”. Interagency work is obviously at the heart of any solution to this problem of jurisdiction. (Andrew Mellor)

TOPIC 6 - INTRODUCED BY IAIN NISBET, SOLICITOR, THE GOVAN LAW CENTRE INVOLVING THE COURTS

The Question

What are the implications of the involvement of the court in disputes about how allegations of bullying are handled by schools?

The Discussion

I have been asked to talk about the involvement of the courts in how they handle questions of the Education Authorities' effective response to allegations of bullying. Scott verses Lothian Regional Council and Montgomery against Cumming are the major relevant cases.

It is interesting that one of these is a civil case, the other a criminal case. Both have come to the courts by quite different routes but both deal with the problem of bullying and how the courts view the education authorities' role in relation to that. It tends to be the more serious (either in perpetration or in effect) cases that reach the courts. It may be that there has been some kind of physical or psychological injury or the effect is such that the child is not attending school or their schoolwork is suffering.

These cases are a couple of years old now but there are probably more cases like this on the way, notwithstanding that in most of these cases the parent and child are unsuccessful. We have heard already from the police that there is no specific crime of bullying and so the courts are applying a set of different rules depending on the fact of the case that comes before them.

Non-attendance at school

If the bullying is taking place in the school, one very obvious way of stopping that from happening is to remove yourself from the school, and this can seem like an attractive option to children and to parents. The case of Montgomery was a case where the education authority, in their statutory role, had taken legal action to prosecute the parents for their child's non-attendance at school. This prosecution was successful but the point that the case turned on was whether or not there was a reasonable excuse for non-attendance at school. The parent was initially unsuccessful and appealed to the Court of Criminal Appeal at the High Court of Judiciary. The excuse that was offered was that the child was too afraid to attend school due to a series of events of bullying that had taken place at school.

There has been case law in the past to suggest that parents have a right and a duty to protect their children and this can, in certain circumstances, over-ride their duty to send them to school. That is what was argued in this case. At the Appeal Court this defence was unsuccessful and the guilty verdict was upheld. The fine of £40 wasn't a massive amount of money but a principle was at stake - whether or not bullying at school could be seen as a reasonable excuse for non-attendance.

Three High Court judges had heard the appeal and decided that one of the key points was the issue of disclosure about the allegation and how the school had responded to it. The school was aware that there was a problem of bullying in this particular case, because that was the reason given by both child and parent for non-attendance. The child, through fear of reprisals, refused to name the individuals who were responsible for the bullying. The court saw that as very significant and said that, in refusing to name the people who were responsible, the pupil was effectively tying the school's hands behind its back. The school was not given the opportunity to put things right and the court said that the child in this case, whose name was Joanne Montgomery, had contributed to the continuance of the bullying by refusing to co-operate with the school.

Thus the highest level of criminal appeal has decided that pupils or parents must not only report an incidence of bullying but also fully co-operate with the school by naming those responsible.

The Scott Case

This was a common thread that we also saw in the case of Deborah Scott verses Lothian Regional Council. Deborah Scott had been bullied very significantly, including physical and sexual abuse at school. Fellow pupils had inflicted some very serious injuries and she was claiming damages from the Education Authority for what she saw as its failure to adequately respond to her disclosure of that bullying. There had been a particular incident and she had gone to see her Guidance Teacher. The school responded by disciplining the four individuals who had been responsible.

After that, however, there was a recurrence and the bullying continued. Deborah and her parents did not report that recurrence to the school and instead simply withdrew her from the school after a period of time and she never returned to school after that. The court took the position that, because she had not reported the recurrence of the bullying, the school could not be held responsible. That is a common thread that runs between the two cases, civil and criminal, which effectively places a requirement on pupils and parents to report bullying to the school and to co-operate with them in dealing with it.

The Scott case happened some considerable time after the pupil had left school and what the court was doing was looking at the practice at the time. The test in this case was whether or not the education authority was negligent in their dealings with Deborah Scott. What that involves is a comparison between what actually happened and what a reasonable education authority's response would have been. That is a similar test to that used in medical negligence, and it is actually quite a difficult thing to demonstrate. What you have to do is look at what the practice was at the time these incidents took place in the mid to late 1980's and judge Lothian Regional Council's response in the light of that.

Obviously practice changes over time and you've seen the number of pieces of information and guidance and support that are now available in the educational field. One of the ways that a court would decide what a reasonable authority would do would be to look at what is available: to look at the education authority's own policy, the school's own policy, other education authorities' policies, the things that are expected by the Inspectorate, the guidance which is available to schools and at what actually happens in practice and then to decide what a reasonable education authority's response would be. That then is the standard that the education authority's response is measured against.

If we were to see the same set of circumstances repeated today as in Deborah Scott's case there may well be a different decision.

In a recent case against Perth and Kinross Council, which did not involve bullying, a child was injured by another child and sued the education authority, and also sued the child who was responsible for the injury. The court rejected the action and seemed to be saying that the injury was part of the accepted risks of going to school. The child had been pushed from behind and injured her teeth and face against the school bus. The court said that it was just part of a 'rough and tumble' rather than a deliberate attempt to injure, and that that was the sort of thing that happened at school. No legal liability was attached to it because there was a certain amount of rough and tumble expected in that context.

English case law

Some English cases have found in favour of the victim although the English and Welsh system of law is different. (Andrew Mellor)

English cases will be significant in Scotland eventually. There is a practical block to English case law being influential in Scotland - at present it is hard to get information about English cases in Scotland. English and Welsh case law will be used in Duty of Care cases. (Alison Cleland)

There is so little case law in Scotland to do with bullying that eventually English cases will be looked at, however, English case law is not binding in Scotland. (Ian Nisbet)

Teachers as witnesses

Teachers can now find themselves in the witness box being asked questions about practice. (Loretta Scott)

The Scott case looked at the actions of individual guidance teachers. (Ian Nisbet)

It wasn't the authority in court in the witness box, it was the teachers. (unidentified delegate)

Data protection

Are guidance staff recording less information now due to worries about Data Protection, and leaving themselves open to prosecution for failing to keep records? (Dick Keating)

Time limits

Normal practice is that pupils can wait 5 years if the child is under 16, and 3 years if the child is over 16, before they get a case started against their school/local authority.

If the child is under 16 the clock starts ticking from the time the link is made between the damage (whatever type) to the child, and the bullying. If the child is over 16, the clock automatically starts ticking at 16. (Ian Nisbet)

Negative effects of legal threats

Does the threat of legal action change a school's policy and practice? One parent who contacted the ABN mentioned to her headteacher that she was considering seeing a solicitor, and the headteacher immediately refused to speak to her. The headteacher had been instructed by her local authority not to speak to the parent because of the legal threat. How can both parents and teachers fulfil their shared responsibility for the welfare of a child if they are barred from speaking to each other? (Andrew Mellor)

I have spoken to parents who have threatened legal action but then regretted it, as the school and local authority have clammed up. The parents hadn't taken legal action – they had just mentioned it. There is also a confidence issue in relation to why headteachers may 'clam up'. They may not be confident in resolving the situation and are asking for advice and help. They may not want to give out information which is inaccurate.
(Jill Lyall)

At our local authority we wouldn't advise that the school 'clam up'. We would say, take legal action if you feel the need to, but let's try X, Y, Z first. (unidentified delegate)

At our authority we have experienced the opposite problem. Solicitors have told parents not to speak with the school. (unidentified delegate)

Defining standards of care

This is all about standards of care. But how do you define 'care'? It could be that this involves, among other things, protecting children from harm – ensuring their safety. Defining 'physical safety' is fairly straightforward, but emotional safety is a much more complex issue. (Andrew Mellor)

TOPIC 7 - INTRODUCED BY SUE WHEATLEY

MONITORING AND RECORDING BULLYING INCIDENTS

The Question

Why and how should schools monitor and record bullying incidents?

The Discussion

Sue Wheatley has worked with East Dunbartonshire Council to develop a recording and monitoring system for bullying. It is a two tiered system, feeding information from schools to the local authority. At first the system Sue developed *went down like a lead balloon*. East Dunbartonshire teachers argued against more paperwork. There were also Data Protection concerns - data sent to the local authority had to be anonymous data. A letter was sent to all parents in East Dunbartonshire saying that the system was being implemented, and they could look at the recording sheets if they wanted.

The purposes of recording and monitoring bullying

- ◆ It is important to be transparent and equitable. It informs people - 'this is what we do'.
- ◆ It provides a framework - 'this is how we do it'.
- ◆ It reassures - 'if we know how, we will always take action'.
- ◆ It provides evidence - 'this is what we did and why'.
- ◆ It provides data - 'this why we do what we do'.

Important Concerns

- ◆ Definition - distinguishing bullying from 'other behaviour'.
- ◆ It takes more time and more paperwork.
- ◆ There are Data Protection concerns.
- ◆ Presentation and misinterpretation of an education authority's data by the wider community is possible.

The Key Elements of a Local Authority Anti-Bullying Policy

- ◆ Aims and rationale
- ◆ Legislative framework
- ◆ Definition
- ◆ Roles and responsibilities
- ◆ Preventative work and ethos
- ◆ Responding to incidents

- ◆ Record keeping
- ◆ Monitoring and evaluation

The East Dunbartonshire experience

One year after the introduction of the scheme the following positive results have been reported:

- ◆ There is an increased understanding of bullying behaviour.
- ◆ The pro-forma gives schools a logical structure which helps them to monitor and record incidents – “*You feel re-assured that you’re handling things OK*”.
- ◆ Completing the pro-forma is not time consuming – although the investigation of incidents is.
- ◆ Everyone knows that we take bullying seriously.

Outstanding or unresolved issues

- ◆ How will the data be reported to the Council?
- ◆ A number of schools have been identified with nil returns for bullying incidents – this is not credible.
- ◆ Reporting bullying incidents in small schools can lead to confidentiality problems.
- ◆ There is some concern about how these figures may be interpreted externally – particularly by the mass media.

Combining recording procedures

Schools are expected to collect a wide range of statistics relating to performance and behaviour. This may seem unmanageable at times – and there are many anomalies. For example we collect and collate statistics nationally about violence against teachers but there are no national figures for violence against pupils. This could send the message that we consider violence against teachers to be more important than violence against pupils. Perhaps we need to look at combining and rationalising the way we record and monitor incidents. Edinburgh was the first council to record and publish statistics about incidents of racism in schools. The Council now requires schools to use the same procedures for recording bullying incidents. No council has yet developed a procedure for recording all violent incidents in schools (involving either adults or children) in the same way. There are strong arguments both for recording and reporting violence in schools and for developing an efficient and accurate system for so doing. However, there are real problems with the present situation, with some types of violence and bullying being recorded in some places and not in others. (Andrew Mellor)

TOPIC 8 – INTRODUCED BY ALISON CLELAND

INTERNATIONAL LEGISLATION

The question

How do the UN Convention on the Rights of the Child and the European Convention on Human Rights affect the way that bullying in Scottish schools is tackled?

The Discussion

I will deal with how these Conventions SHOULD affect the way that bullying is tackled. I will leave you to decide how it IS tackled and what needs to change. (Alison Cleland)

The Conventions

The UN Convention on the Rights of the Child (CRC) is not part of our law, unlike the ECHR, so the short answer to how it should affect anti-bullying measures in schools might be assumed to be “not at all”, since it places no additional legal duties on local authorities. That would be a mistaken assumption. The CRC has been enormously influential since it was ratified in 1991 and several of its principles have made their way into our law.

I will take a quick look at the relevant articles: - Article 3, Article 12, Article 19, Art 23, Articles 28, 29. These form an important framework of principles within which the question of bullying in schools can be discussed.

These principles are:

- ◆ *the welfare of the child must be a PRIMARY consideration.*
- ◆ *children should have the chance to give their views before decisions are made.*
- ◆ *children should be protected from violence and abuse, both physical and mental.*
- ◆ *children and young people who have disabilities should be recognised as a group who may need additional help to participate fully.*
- ◆ *the Convention states the child's rights to progressive education.*

Some similar principles can be found in ECHR: Article 3, Article 14, Article 2 of the First Protocol:

- ◆ *the right to education*
- ◆ *the right to equal opportunities and the right to protection from inhuman and degrading treatment and punishment.*

Scots Law

Let us consider to what extent these principles can be said to have found their way into Scots Law.

The best interests of the child are the primary consideration. In relation to statute, Scots law is disappointing. Despite the familiarity with the principle in relation to childcare law and court decisions about children in family cases, there is no statutory welfare principle in Scots Education Law as it relates to local authority provision. It is astonishing that the only direct reference to welfare in Education Law so far has been inserted by the Standards in Scotland's Schools Act 2000 in relation to independent schools. This adds to the grounds on which a complaint may be served on the proprietor of an independent school to include: "that the welfare of pupils attending the school are not adequately safeguarded and promoted there".

Despite this, the welfare principle is not entirely without relevance to local authority provision of school education. First, the local authority has a duty under s17 (1) of the Children (Scotland) Act 1995 to safeguard and promote the welfare of all children who are looked after by them. This includes educational welfare and where the authority is made aware of any issues as regards bullying of a looked after child, they are arguably under a legal duty to take steps to stop that bullying continuing.

The Standards in Scotland's Schools Act 2000 s6 (1) introduced a duty on education authorities to ensure that a development plan is prepared for all schools under their management. The purpose is to secure improvement in the quality of education and should include anti-bullying strategies.

Second, there is of course the common law duty of care owed to those liable to be affected by action or inaction. Again, where a local authority is advised of bullying, they would be expected to take steps to alleviate the problems, or face a suggestion of negligence and a claim for compensation. There have been several such cases brought. The recent English case of Bradford-Smart verses West Sussex County Council (2002) ELR considered liability for bullying and the extent to which schools can be regarded as controlling pupils' actions. While the action itself failed, principally because the bullying was found as a matter of fact to be taking place outwith the school, the court noted that at a day school, charge of pupils would usually end at the school gate, although the school would have a duty to ensure that young children not old enough to look after themselves did not leave the school premises unattended. The court's emphasis on practical arrangements intended to prevent problems is well worth noting.

Some other cases are worth noting. In Ahmed versus Glasgow Council, a secondary pupil appealed against the dismissal of a personal injury action. The appeal concerned the test that the sheriff had applied in dealing

with personal injury cases in schools. The appeal court noted that the teacher owed a duty to take reasonable care for safety and health of pupils in his charge and to exercise care and forethought, having regard to the pupils' age, inexperience, carelessness and high spirits and the nature and degree of danger. The court went on to note that cases might arise where a teacher might be required to act with the same care as a reasonably prudent parent, but not when supervising 20-30 adolescents.

Two cases against Perth & Kinross Council also give some indication of issues that the courts will consider in bullying cases. In Hunter versus Perth & Kinross Council damages were claimed for injuries sustained while awaiting the school bus home. It was argued that the duty of care extended to pupils departing school premises and required supervision of the bus departure area. The case was dismissed and in doing so the court said there was no evidence that the area presented special problems or that behaviour of pupils was other than would be expected.

In McPherson versus Perth & Kinross Council damages were sought for bullying. The court did allow a proof before answer and in doing so, said that the matter of the 'buddy system' for vulnerable pupils might be relevant if it could be shown that other schools operated it and that the circumstances justified consideration of it.

The UN Convention requires that children be given opportunities to express views in all matters affecting them. That includes decisions on education. For a long time, education law had no specific provision for this. Now, in addition to the duty to take account of views in decision-making for those who are looked after, education authorities are under a legal duty imposed by section 2(2) of the Standards in Scotland's Schools Act 2000, to have due regard, so far as is reasonably practicable, to the views of the child or young person in decisions that significantly affect the child or young person. That duty is likely to apply to all decisions in relation to anti-bullying strategies, both on a school-wide basis and in individual pupils' cases. It is also worth noting that development plans must explain the ways in which pupils will be involved in decisions affecting the everyday running of the school. Matters of safety and discipline are issues on which pupils' views should be actively sought.

So we have the right to welfare and to express views and there are clear expectations in the law that reflect these principles in the Convention on the Rights of the Child. Both the ECHR and CRC contain the principle of equality, Article 14 of ECHR stating the rights in convention are to be enjoyed without discrimination on any ground. The Special Educational Needs and Disability Act 2001 added new sections to the Disability

Discrimination Act 1995, applying anti-discrimination principles to schools. Section 28A(2) provides that it is unlawful for a school to discriminate against a pupil in the education and associated services provided for pupils. It is obvious that this duty will mean that local authorities will require to take steps to tackle any matters that affect children's ability to benefit from the education on offer, including bullying. Under the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002, local authorities must produce and review accessibility strategies. These are designed to increase the extent to which pupils with disabilities can participate in the curriculum and to improve communication with such pupils. The strategies should deal with the issue of bullying and provide opportunities for pupils to tell schools of their experiences.

Finally, at last Scots Law states that children have a right to education and that the education must be directed to the development of personality, talents and mental and physical abilities to their fullest potential - s 1 and 2 of the Standards in Scotland's Schools Act 2000. This is a positive duty. Where local authorities fail to take steps to eradicate bullying from their schools, they may be in breach of this duty, as bullying will prevent a child from being able to benefit from the education provided. (Alison Clelland)

Consulting Children

How should children be consulted – individually or collectively? The Children in Scotland Act states that children must be consulted – but individually or as a group? Adults have the right to be consulted collectively for very good reasons. Why shouldn't children have the same right? (Andrew Mellor)

If a headteacher refused pupils circulation of a petition, the headteacher would have to offer an alternative, e.g. a questionnaire. Local authorities are expected to be aware of good practice in other local authorities, and can be asked what their version of the practice is. Article 29 brings up special educational needs and equality issues. If kids have communication difficulties it's important to give them a way to tell you about any bullying/abuse they may be suffering. It's only a problem if there is no other route they can go through. (Alison Clelland)

Do quality indicators look for specific evidence of consultation? As authorities we should monitor consultation, but who monitors the authorities? (Helene Witcher)

There is a legal duty in Section 2 to consult pupils. The right to education is now in Standards in Scotland's Schools Act 2001, section 1. Anything that affects your right to education becomes an issue. A school has a

*responsibility now in law to protect a child's right to education and development of their full potential.
Therefore local authorities must stop bullying as it affects the child's right to education. (Alison Cleland)*

Anti-Bullying Network Seminar for Invited Delegates, Moray House School of Education, University of Edinburgh,
30th October 2002

LIST OF PARTICIPANTS

Invited Expert:

The Hon. Lady Smith (Anne Mather Smith), Judge of the Supreme Court

Speakers:

Alison Cleland, Napier University School of Law and the Scottish Child Law Centre.

Ranald Lindsay, Solicitor for Michael McKinnon.

John McLean, Assistant Chief Constable Strathclyde Police representing the Association of Chief Police Officers in Scotland (ACPOS).

Bill Maxwell, Her Majesty's Chief Inspector of Schools.

Professor Pamela Munn, Dean of Moray House School of Education and Director of the Anti-Bullying Network.

Andrew Mellor, Manager, The Anti-Bullying Network.

Iain Nisbet, Solicitor, Govan Law Centre.

Susan Wheatley, Alludis, Educational Consultant with expertise in the area of recording and monitoring incidents.

Invited Delegates:

Aberdeen City Council	Mr. Terry Ashton	Advisor in Guidance
Aberdeenshire Council	Dr. John Proctor	Principal Educational Psychologist
Angus Council	Ms. Gillian Strachan	Senior School and Family Support Worker
Argyll & Bute Council	Ms. Elaine Fraser	Quality Improvement Officer 5 - 14
City of Edinburgh Council	Ms. Eilish Garland	Advice and Conciliation Service
Clackmannanshire Council	Ms. Helene Witcher	Advisor
Comhairle Nan Eilean Siar	Mr. Neil MacDonald	

Dumfries & Galloway Council	Mr. Andrew Pattie	Area Principal Educational Psychologist
Dundee City Council	Mr. Jim Collins	Education Services Manager
East Ayrshire	Mr. Derek Mathieson	Headteacher - Woodstock Centre
East Dunbartonshire	Mr. John Simmons	Head of Education
East Lothian	Ms. Caroline Harris	Manager of East Lothian Parents & Pupils Against Bullying (ELPPAB)
East Renfrewshire Council	Mr. Ian Fraser	Head of Early and Special Education
Edinburgh City Council	Ms. Eilish Garland	Advice and Conciliation Service
Falkirk Council	Ms. Pat Castle	Education Officer
Fife Council	Mr. Les Fargie	Education Officer
Glasgow City Council	Ms. Loretta Scott	Guidance Advisor
Inverclyde Council	Mr. John Ferrie	
Midlothian Council	Ms. Maureen McDonald	
Moray Council	Mr. Douglas Wilson	Inclusion and Support Manager
North Ayrshire Council	Dr. James Tulips	Educational Services
Perth and Kinross	Mr. Dick Keating	Depute Rector of Perth Academy
Renfrewshire Council	Ms. Anne Taylor	Pupil Support Officer
	Ms. Susan Bell	Family Support Co-ordinator
Scottish Borders Council	Ms. Margaret MacIntosh	Quality Improvement Officer
South Ayrshire Council	Mr. Malcolm Renny	Development Officer (Curriculum)
South Lanarkshire Council	Ms. Lorraine Kinghorn	Community Support Officer
Stirling Council	Ms. Margaret Doran	Head of Schools
West Dunbartonshire Council	Ms. Angela Simms	Education Department
West Lothian Council	Ms. Moira Niven	Head of Education Services (Primary & Planning)
Scottish Executive Education Department	Ms. Jill Lyall	SEED

	Ms. Nicola Sweeney	SEED
Work Experience with SEED	Ms. Sasha Kemp	Observer
	Mr. Anthony Dalrymple	Observer
Department for Education and Skills	Mr. Ashley Haworth-Roberts	DFES
Scottish Schools Ethos Network	Ms. Christine MacLean	Manager