Stromness Academy
Anti-Bullying Policy

Version Control

Document reference	Version	Issue Date	Reason for issue	Reviewer	Sign
	1	Oct 25	New policy from OIC document		

Foreword

This policy has been written with clear reference to the following :

- United Nations Convention on the Rights of the Child (UNCRC)
  - Article 2: Non-discrimination.
  - Article 3: Best interests of the child.
  - Article 12: Right to be heard.
  - Article 19: Protection from violence, abuse, and neglect.
  - Article 28: Right to education.
  - Article 29: Education must develop personality, talents, and abilities.
- Equality Act 2010
- Children and Young People (Scotland) Act 2014
- Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People (2024)
- Getting It Right for Every Child (GIRFEC)
- Curriculum for Excellence (CfE) & Health and Wellbeing Experiences and Outcomes
- National Child Protection Guidance for Scotland (2021) – updated 2023
- Orkney Island Council Anti-bullying policy 2024

Links can be found at the end of this document.

Useful Definitions:

- 'Parents and carers' are the terms used for adults who have caring and guardian responsibilities for children and young people.
- 'Children and Young People' refer to all students enrolled at Stromness Academy
- Where the term 'adult' is used, this refers to the full range of adults within our school; staff, coaches, volunteers, parents/carers.

1. Introduction and Rationale

Learning, health and wellbeing are fostered by positive relationships. The experience of being bullied can impact negatively on this. Bullying affects individuals, families and relationships as well as impacting on achievement and participation for children and young people. A young person who is bullied will not feel safe, included or respected and their wellbeing will be affected. A child or young person who is bullied and/or is engaging in bullying behaviour may have wellbeing needs and these needs should be assessed and supported.

Bullying can have both long and short-term effects on the physical and mental health and wellbeing of young people. Bullying is a ubiquitous, global problem; UNESCO 2019 found that one in three students had been bullied by their peers at school. There can be no doubt that being bullied is traumatic for the individual and is, therefore, likely to lead to a range of coping mechanisms and reactive behaviours.

The impact of bullying behaviour can extend far beyond the individuals involved. Bullying impacts on a person's capacity for self-management, their internal feelings of control, and their ability to take action. Their ability to take effective action is affected by someone else's behaviour. This is called a person's 'agency.'

In the latest Child Protection Guidance for Scotland 2021 – updated 2023, it is stated clearly that the impact of bullying can be an issue of child protection due to the risk of significant harm to the individual.

"Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People" (2024) has a fundamental role to play in helping us realise our vision for all children and young people. It provides a holistic framework for all adults working with children and young people to address all aspects of bullying, including prejudice-based bullying. This guidance reflects 'Getting it Right for Every Child' approaches and recognises that bullying impacts on wellbeing. In order to thrive and achieve their full potential, children and young people need environments which are safe, nurturing, respectful and free from fear, abuse and discrimination.

Health and wellbeing is at the centre of this approach. 'Respect for All' has a fundamental role to play in ensuring that all of us working with children and young people fulfil our responsibility to support their health and wellbeing. This can be achieved through embedding positive relationships and behaviour approaches to prevent bullying in across our school setting.

At the core of our policy is the aim of putting the child at the centre, ensuring we get it right for their optimal development.

Our vision is that:
- every child and young person at Stromness Academy will grow up free from bullying and will develop respectful, responsible and confident relationships with other children, young people and adults;
- children and young people and their parent(s), will have the skills and knowledge to prevent and/or respond appropriately to bullying;
- every child and young person who requires help will know who can help them and what support is available; and .
- adults working with, or caring for, children and young people will follow a consistent and coherent approach in preventing and responding to bullying.

Amended from Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People, 2024

Stromness Academy is committed to this vision and seeks to ensure prevention of all forms of bullying among young people. Bullying of any kind is unacceptable and must be addressed. Bullying should never be seen as a typical part of growing up. We will enable all those involved in our services to recognise and challenge bullying behaviours. As is stated in the UNCRC Article 9: "Children have the right to protection from all forms of violence (physical or mental). They must be kept safe from harm and they must be given proper care by those looking after them."

1.2. Our Aims

Through this policy we aim to:
- Promote respectful, positive relationships and behaviour in order to provide an environment where young people can feel safe, have their wellbeing supported and thrive.
- Raise awareness of bullying and its impact on children and young people.
- Provide guidance for all adults, including parents and carers, on recognising and responding to bullying.

- Provide support and guidance around recording bullying incidents to create an accurate picture across our school.
- Develop our young people's skills and awareness in recognising and responding to bullying.
- Ensure that we listen to and take on board the voice and opinions of the young person.

2. Scope of Policy

Bullying takes place in the context of relationships. Promoting respectful relationships, repairing relationships where appropriate and ensuring we respond to all forms of prejudice will help create an environment where bullying cannot thrive.

This document is the foundation for ensuring bullying is minimised at Stromness Academy. It gives a clear definition of bullying and its impact on children and young people. It covers all activities that take place during the school day. It aims to ensure all our young people are treated with dignity and respect, equality is embedded and diversity it valued. In this regard, the roles and responsibilities for all members of the school community are outlined in line with this aim.

This policy takes into account the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. At all stages of dealing with incidents involving bullying behaviours, the voice and opinions of our young people will be sought, recorded and where possible acted on. In accordance with the Bill, children and young people have the right to express those views freely in all matters affecting them. Their views have to be given due weight in accordance with their age and maturity.

Orkney Islands Council's Dignity at Work Policy, February 2016, provides guidance on the working environment for staff and adults where activities are promoted and controlled by Education, Leisure and Housing.

3. Definition of bullying behaviour

In Scotland, bullying is defined as:

> "Bullying is face-to-face and/or online behaviour which impacts on a person's sense of physical and emotional safety, their capacity to feel in control of their life and their ability to respond effectively to the situation they are in."
> "The behaviour does not need to be repeated, or intended to cause harm, for it to have an impact. Bullying behaviour can be physical, emotional or verbal and can cause people to feel hurt, threatened, frightened and left out."   *Respect for all 2024*

This behaviour can harm people physically or emotionally and, although the actual behaviour may not be repeated, the threat may be sustained over time, typically by actions, looks, messages, confrontations, physical interventions, being excluded, or the fear of these.
This behaviour can include:
- Being called names, teased, put down or threatened face to face/online.
- Being hit, tripped, pushed or kicked.
- Having belongings taken or damaged.
- Being ignored, left out or having rumours spread about you (face-to-face and/or

online).

- Sending abusive messages, pictures or images on social media, online gaming platforms or phone.
- Behaviour which makes people feel like they are not in control of themselves or their lives (face-to-face and/or online).
- Being targeted because of who you are or who you are perceived to be (face to face and/or online).

3.1. Prejudice-based bullying

We recognise that bullying is closely related to how we respect and recognise the value of diversity. We will be proactive about:

- Seeking opportunities to learn about and celebrate difference.
- Creating a welcoming environment in schools in which all can feel a sense of belonging.

Bullying behaviour may be a result of prejudice that relates to perceived or actual differences. This includes all protected characteristics as described in the 2010 Equalities Act. This can lead to behaviour and language that could manifest itself as racism, sexism, homophobia, biphobia or transphobia or prejudice and discrimination towards disability or faith.

Prejudice-based bullying is when bullying behaviour is motivated by prejudice based on an individual's actual or perceived identity; it can be based on characteristics unique to a child or young person's identity or circumstance, for example, prejudice arising from socio-economic background or a child or young person's appearance. There is a need to address the root cause of prejudice as well as effectively respond to incidents as they arise in all settings.

Although the Health and Wellbeing Census 2021-22 found those in African / Caribbean or Black / Mixed or multiple minority ethnic groups, and Asian children and young people were less likely than average to report having been bullied in the last year, the Coalition for Racial Equality and Rights 2022 report on racially motivated bullying found that 83% of schools failed to record racially motivated bullying incidents.

Additionally, the 2023 Behaviour in Scottish Schools Research found that 27% of teachers in secondary schools, and 6% in primary schools had encountered pupils using digital technology (e.g. computers, tablets, mobile phones) abusively (e.g. malicious posting of comments, photos, videos) in the classroom at least once in the week preceding the survey, reinforcing the problematic nature and scale of the issue.

Taken from Respect for all 2024

The effect of systematic and structural inequalities is that bullying based on protected characteristics can take place between or within groups that could share or be perceived as sharing the same characteristic. This can take the form of both internalised and intergroup prejudice. For this reason, it is important to us, as a school, to create an environment which empowers children and young people to recognise different forms of prejudice.

For more detailed definitions of bullying refer to Appendix 1.

3.2. Labelling and Use of Language around Bullying

Labelling young people as 'bullies', 'perpetrators' or 'victims' can be disempowering and unhelpful in changing behaviour or supporting recovery from being bullied. Labelling an action as bullying is a more effective way of motivating a young person to change their behaviour.

Adults dealing with bullying incidents are expected to be able to distinguish between a person and their behaviour. Any bullying behaviour must be challenged, however, all people (including those causing bullying) should always be treated with respect. This does not diminish the seriousness or the impact of bullying behaviour; rather, it is an essential way of maintaining the adult's focus and response on the behaviour that is problematic.

This solution-oriented approach is designed to help people change the way they behave without being stigmatised. Adults, rather than labelling young people, can help them change by telling them that the behaviour is bullying and that what they did is not acceptable. These approaches should underpin practice.

3.3 Online or Cyber Bullying

Online bullying should always be considered in context as a feature of the relationships involved and powerful emotions evoked, and not merely as a technological issue to be resolved. Online bullying should be seen as related to where the bullying occurs, rather than as a different behaviour type; many common bullying behaviours such as spreading rumours, exclusion from group dynamics, and threats can occur both online and offline. However, technology has increased the complexity and reach of bullying through non-consensual image sharing, video footage, photo editing, transient messaging, and fake accounts, creating a new global environment that demands careful, informed, and nuanced handling. Some behaviours, when conducted online, may constitute criminal offences. Although the Health and Wellbeing Census Scotland 2021/22 found that children and young people were more likely to report having been bullied in-person/face to face at school than online, the landscape of online bullying has evolved significantly for children and young people due to increased screen time, the emergence of new social media platforms, and the growth of online gaming and virtual communities. Anonymous content creators and content that disappears can make bullying harder to detect, whilst the Covid-19 pandemic intensified the volume of online interactions and associated risks. Despite improved digital literacy, cyber-resilience and internet safety awareness amongst young people, the often-concealed complexity of online spaces demands heightened adult vigilance and robust safeguarding measures. Online bullying can happen anywhere at any time, making it more pervasive and harder to find respite from than other forms of bullying.

Online bullying can be as damaging as offline bullying and may have more serious consequences due to the digital footprint, lasting presence, group dynamics, and potential for illegality. Online bullying will be responded to with the same level of seriousness as any other form of offline bullying. Where online bullying is impacting the wellbeing and learning of the children and young people affected, it is central to our whole-school approach to anti-bullying that these impacts are responded to appropriately. Supporting pupils' awareness of safe, secure and respectful use of digital devices and services is an important means for a school to support the development of responsible and global citizens, recognising and respecting children's rights, and creating an anti-bullying culture.

Our school behaviour policy sets out the allowed use of mobile phones at Stromness Academy. This is supported by our safe use of IT procedure that all students are required to adhere to.

3.4 What is not bullying?

Our school, as all schools and organisations do, deals with many different behaviours every day, and not all negative behaviour is bullying. Staff must consider each situation carefully, using professional judgement and gathering all the facts before deciding how to respond. Some behaviours may arise from conflict or may be, in fact, criminal.
Behaviours like name-calling, stereotypes, or harmful language can escalate if not addressed early, creating a culture that tolerates bullying or even hate crime. Influences such as social media and negative role models can make this worse.
Early intervention and prevention are key — promoting respect, empathy, and inclusion helps stop problems from growing and builds a positive, safe school culture.

Differing bullying from conflict
Children and young people need opportunities to talk about their feelings and develop social and communication skills to manage relationships. Disagreements and conflict are a normal part of growing up and not the same as bullying.
Conflict happens in healthy, equal relationships where people usually want to fix the problem and stay friends, whereas bullying involves a power imbalance and intent to harm. The Covid-19 pandemic has had an impact on the social and emotional development on many students. This has made managing conflict and relationships more difficult for some students.
We, as a school, will support young people to build these skills and distinguish between normal conflict and bullying. Where concerns are raised about behaviour that is deemed to be conflict rather than bullying, a young person may need support to navigate the conflict or deal with its emotional impact. In our school, there are a range of mechanisms to support the wellbeing of children and young people, for example, through the "getting it right for every child (GIRFEC)" wellbeing indicators, Health and Wellbeing Responsibility of All, the Health and Wellbeing aspect of the curriculum and learning in PSE education. At every step, we will appropriately involve the young person in next steps and ensure this is appropriately communicated with relevant staff, and if appropriate their parent(s), to provide reassurance that the young person's wellbeing is being supported.

4. Roles and responsibilities

Tackling bullying is the responsibility of all adults; staff, volunteers, parents and carers. There is a clear role for young people too in ensuring the bullying does not happen and when it does for them to feel confident in reporting and working through the situation. The following details specific roles and remits for individuals.

The Senior Leadership Team
- Create and implement an anti-bullying policy which includes action to be taken.
- Ensure that staff create a climate of respect, responsibility and positive relationships.
- Create an ethos where young people are confident to tell an adult about bullying behaviour experienced or witnessed.
- Provide training and guidance on anti-bullying, policy and implementation, including digital and online information.

- Monitor and evaluate the effectiveness of the policy including the number of incidents, their type and the effectiveness of any interventions undertaken,

Principal Teachers of Guidance
- Ensure that they are fully aware of the anti-bullying policy and approaches to be taken.
- Build capacity in children and young people to recognise and challenge bullying.
- Respond to any allegations of bullying promptly.
- Investigate all allegations, recording on SEEMiS any actions.
- Ensure that young people are aware of the process for reporting concerns.
- Ensure that all instances of bullying are investigated, recorded using SEEMiS and that any necessary actions are taken as a response, including referring through child protection procedures or the police if necessary.
- Inform parents/carers of any bullying affecting their child. Ensure that parents/carers are informed and involved when their child is displaying bullying behaviours. This can be through telephone calls, letters and emails or at a meeting.
- Ensure that children, young people and their families understand the difference between bullying and other behaviours.
- Ensure the views and opinions of young people are taken into account and recorded as part of the process
- Take appropriate follow up actions or interventions as a result of bullying
- Deliver preventative work through PSE on bullying to children and young people, including the use of technology and online safety.
- Ensure that they promote acceptance and create an ethos which respects diversity and values difference.
- Follow the school child protection procedures if any concerns arise.

Other adults in the school
- Ensure that they are fully aware of the anti-bullying policy and approaches to be taken.
- Develop and promote positive relationships in line with the school ethos
- Recognise and challenge bullying behaviours, passing the information onto the Guidance team promptly.
- Ensure that they promote acceptance and create an ethos which respects diversity and values difference.
- Follow the school child protection procedures if any concerns arise.
- Engage in professional learning around bullying where appropriate.

Children and Young People
- Have confidence to speak out about bullying behaviour, knowing that they will be listened to.
- Challenge bullying behaviour if they feel able to do so.
- Tell a trusted adult if they have any worries about bullying.
- Keep themselves and others safe by their own actions, choices and behaviours in an age and stage appropriate manner.
- Undertake any follow up actions related to bullying situations.

- Follow the school positive behaviour policy and expectations including the use of mobile and online technology.
- Take part in the review of the school anti-bullying policy to ensure their voice is heard.

Parents and Carers
- Ensure and promote their children's health and wellbeing.
- Encourage and promote the safe and responsible use of mobile and online technology.
- Communicate any concerns to their young person/s guidance teacher in the first instance
- Work in partnership with Stromness Academy, in the first instance, and take on any advice offered by relevant professionals.
- Take into account of the rights of their child to have a say in what happens and the decisions surrounding the issue.
- Respect their child's right to confidentiality if their child does not want them to know something that they have reported at school.
- Attend any training offered by Stromness Academy in relation to awareness raising around bullying policies and approaches including building resilience and online safety.

5. Actions to prevent or minimise bullying

Equality, Equity and Diversity.
Equality is more than simply treating everyone the same. Not everyone needs the same treatment; we are not all starting from the same place with the same privilege and support. There are people and groups of people who have experienced less favourable treatment and still do. Promoting equality involves challenging inequality. It means challenging language and behaviours that lead to people being treated less favourably or having poorer outcomes at school or in life.
Equity is about addressing the imbalance and making sure those who need more help, support or protection can get it. When we do this, we are working towards equality. We strive for a society where people are treated fairly, which might mean taking extra steps to help those with less money get to school, making sure that those with a disability can access and enjoy the same places and experiences as everyone else etc. It is not enough to simply give everyone the same resources or tools to succeed, people may need ones that are specific to them and their circumstances to succeed.
Diversity aims to recognise, respect and value people's differences. Diversity recognises difference, not just tolerating it, but acknowledging and celebrating the richness it can bring. Fully integrating and embedding equity, equality and diversity into an organisation relies on a culture where language and behaviour is challenged. Creating environments where difference is celebrated, together with role modelling how to challenge prejudices is what we expect form all members of our school community.

5.1. Promoting Positive Relationships
It is important to ensure that the ethos of anti-bullying is embedded in day-to-day practices that are in step with Respect for All. The message that caring relationships must be prioritised and bullying is never acceptable needs to be continuously and consistently reinforced.
Bullying takes place in the context of relationships. Time spent on combatting bullying will be greatly reduced by an approach which places positive respectful relationships at the

centre. This is core to the relational (relationship based) approach promoted by the Scottish Government.

The relational approach is based on a philosophy embracing many linked ideas, including Positive thinking (e.g. Solution Oriented and Growth Mind-set concepts); Nurture (e.g. attachment promoting practice, attuned interaction); and social engagement and respect (e.g. Social Pedagogy; Restorative Practice).

Stromness Academy values the relational approach as outlined in the Positive Behaviour Policy (2025). The values of positive thinking, nurture and respect and embedding in our school vision and values.

We foster a clear understanding that bullying, in any form, is unacceptable. We believe that preventing bullying is the responsibility of our whole community and when there are incidents of bullying, we will work together to deal with the situation and to learn from what has happened.

In our school, we do this by:
- Creating an ethos of emotional safety in which pupils understand that they have a right to feel and be safe and a responsibility to support others to feel and be safe.
- Involving the school community in developing our policy including a child/ pupil friendly version of our policy.
- Using assemblies and PSE lessons to ensure that pupils understand the differences between relational conflict and bullying.
- Building a positive ethos based on respecting and celebrating all types of difference in our schools.
- Creating a safe and happy environment, with consequent positive relationships that have an impact on learning and achievement.
- Fostering work in school which develops empathy, social skills and emotional understanding.
- Securing the safety of the target of bullying. Taking actions to stop the bullying from happening again through whole school learning - reflection on what has been learned from specific incidents.
- Taking into account any safeguarding concerns and reporting these to the DCPO through our child protection guidelines
- Providing assurances to a young person that concerns have been listened to and action will be taken.
- Considering who else is involved and what roles they have taken.
- Work with both parties to find solutions. Identify the most effective way of preventing reoccurrence and any consequences. Send a clear message that the bullying behaviour must stop.
- Focused work with individuals and groups of pupils where required to provide emotional support and develop understanding and development of social skills
- Offering training to all school staff around bullying, including specific guidance on those groups who are most likely to be bullied. Raising awareness of online bullying through regular e-safety lessons.

5.2. Resilience

One of the most important things we can help develop in children and young people for preventing and responding to bullying is resilience. We can help children and young people find sources of resilience by promoting:

- A positive and safe climate within the setting.
- A sense of belonging and connectedness.
- Involvement in decision making generally, including anti-bullying policy and practice.
- Opportunities for personal challenge and success.
- Recognition of all achievement.

As a school, we strive to have an ethos which accepts mistakes will be made and learned from and fresh starts are always possible. We have a shared understanding that beliefs can be challenged, and everyone has the right to their own opinions.

The most successful interventions for young people involved in bullying are embedded within a positive ethos and culture with children and young people using a wide range of coping strategies.

Young people value choice when responding to bullying. They need to explore a range of options that may suit them, as what works for one person may not work for another. Adults can support young people to make informed choices about how to respond to bullying.

A person who has been bullied does not feel in control of their life and may not feel free to exercise choice. By supporting young people to make choices, this helps restore their sense of agency; develop their resilience; and establish positive relationship approaches that they will need for the rest of their lives.

Children and young people need to have choices on how they share and report bullying and bullying concerns. The most important actions that adults undertake are to:

- Take children and young people seriously when they talk about bullying.
- Know about the anti-bullying plan/policy.
- Challenge inappropriate behaviour.
- Think about how to stop bullying before it happens.
- Ensure all children and young people are included, engaged and involved and have the opportunity to participate in school and community events.

5.3. Learning and teaching

Much of the learning and teaching around inclusion and valuing difference in Stromness Academy stems from the ethos and culture we create.

Our school PSE programme ensures our students learn the value of respect and embracing differences as well as the message that bullying is never acceptable. Our young people are taught about the impact of bullying at different ages and stages. Our programme aims to ensure that they develop awareness and understanding regarding all equalities issues.

6. Reporting Bullying

In our school, young people are encouraged to talk to trusted adults when they are unhappy or have concerns. Our young people should feel that they have a right to feel and be safe and a responsibility to support others to feel and be safe.

Our young people are encouraged to report bullying to:

- A trusted adult.
- Any teacher or Support for Learning Assistant.
- Peers
- Their parents, carers or close family members who can then communicate with our school.

It is important that when a young person talks to a trusted adult about bullying behaviour that they have been experiencing, then the adult and child understand in what circumstances this information must be passed on or may be passed on, taking to account the views of the child.

In our school, this information should be passed to the relevant guidance teacher, in writing, as soon as feasibly possible. The guidance teacher will take the lead role in taking actions to resolve the situation and prevent any recurrences. Our parents should feel confident in approaching our school to share any information about their child relating to bullying behaviour. Their first point of contact should be their young person's guidance teacher.

We aim to have a method of anonymous reporting of concerns available to students by December 2025 based on their preferred method of reporting issues.

7. Responding to bullying and Record keeping

7.1. Responding to bullying

The important elements of following up on an allegation of bullying are detailed below. Further specific approaches will be detailed in individual anti-bullying policies for each setting.
- The adult investigating the incident(s) will listen actively to the young people displaying and experiencing bullying behaviour. They should take account of the voice and opinions of the young person.
- Whether or not bullying has taken place, the incident should be reported on SEEMiS within 3 days of the incident coming to light. The voice and the opinions of the young person should be recorded on SEEMiS.
- If, following the investigation, it was determined that this was not a bullying incident, the record on SEEMiS should be completed to indicate this. The record on SEEMiS should remain.
- Adults should ensure they record the details according to the procedures outlined in this policy (Appendix 2).

For incidents that have been identified as bullying the following procedures need to be in place.
- Adults need to ensure that they are sensitive to the young person experiencing the bullying. This has to include taking on board feedback from the child or young person and ensuring they are aware of what will happen next.
- Adults need to ensure that the young person/people displaying the behaviour are aware of the impact their bullying behaviour is having on others.
- Consider and implement agreed interventions involving young people and staff and parents/carers, where appropriate.
- Ensure all involved are kept informed of the on-going situation until it has been resolved.

- It is good practice to reflect on each incident and the way that it has been responded to by those involved to inform future practice.

If the incident reported involves bullying by a member of staff, the above principles still apply, but the investigation and follow-up work should be carried out by a member of the leadership team or an Education Service Manager / senior officer.

7.2. Reporting, Record Keeping and Record Sharing

Our school has a consistent approach to recording bullying incidents. We record any interventions and actions taken while dealing with the bullying behaviour along with clear records of engagement with children and young people and their families. This details any closure steps taken as part of the incident(s). All bullying incidents in our school must be recorded as such on SEEMiS. The recording details required by SEEMiS can be seen in Appendix 2. This recording is undertaken by the Guidance teacher/ SLT member dealing with the incident.

When a young person reports an incident to another member of staff, this must be passed to guidance as soon as possible to allow the investigation to be started.

Appendix 3 contains the relevant recording information required through SEEMiS.

The Pastoral Depute monitors on the number and types of bullying regularly through the data recorded on SEEMiS.

If parents and carers are unhappy with how a bullying situation has been dealt with they have the right to escalate this further through the complaints procedure. Details of this can be found in Appendix 5.

8. Bullying or Criminal Behaviour

The following section is taken directly from 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People', 2024 and clarifies the position regarding bullying and criminal behaviour.

There is no legal definition of bullying in Scotland and bullying is not, in itself, considered a crime. However, the nature of certain behaviour that could be perceived as, or reported as, bullying may include behaviour that is criminal in nature. Understanding the individual facts and circumstances present in any situation is important to distinguish between bullying and potentially criminal offences. Key legislation can be found at Appendix 6, but examples include the following.

Physical behaviour: peer-on-peer violence can be verbal abuse, physical aggression and/ or physical violence, which can have both short- and long-term impacts on the mental and physical health and wellbeing of all involved. If there is an intent to cause harm, regardless of whether or not an injury occurs, this may amount to an assault. **Sexual behaviour:** when someone is coerced or pressurised to do something sexual or is touched inappropriately, this is not bullying. This is sexual assault or abuse and a form of gender-based violence (GBV). More information about the legal framework surrounding GBV, and guidance for schools for responding to GBV incidents, is available within the Scottish Government's framework on preventing and responding to gender-based violence in schools.
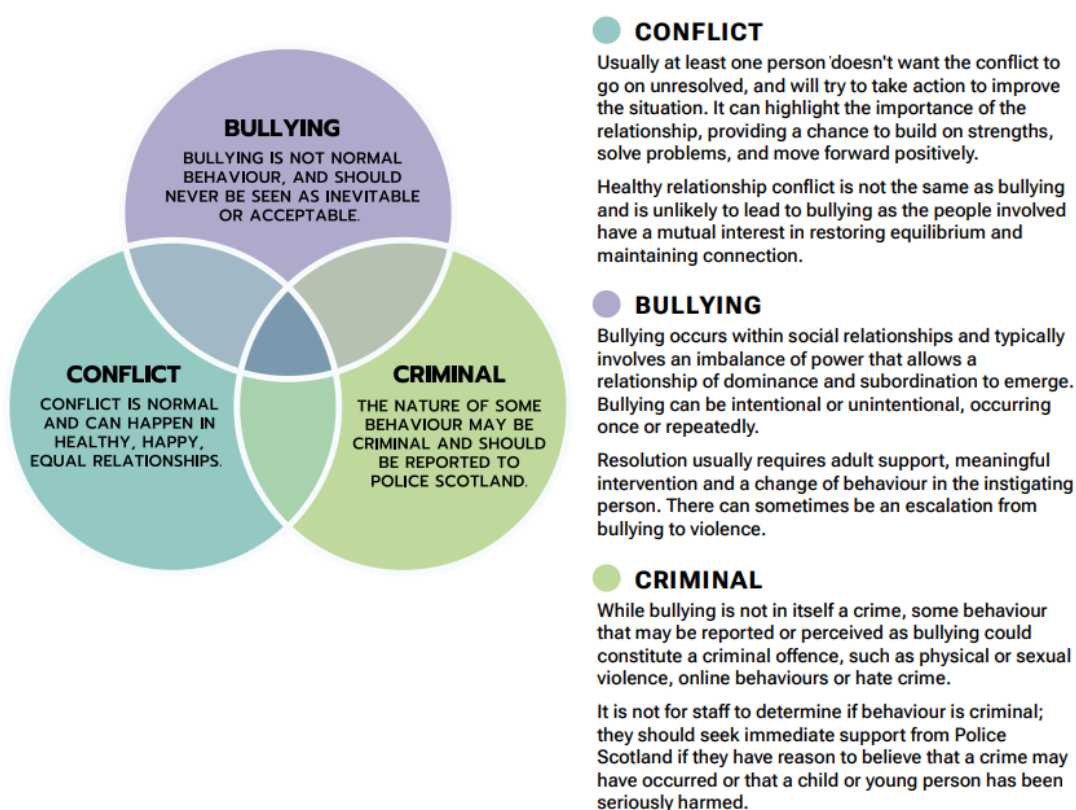
Online behaviour: there are various legal provisions designed to protect individuals from online harassment, abuse, and harm. Some online behaviour may therefore be illegal;

further guidance on supporting pupils' awareness of safe and secure use of mobile technology is contained within the Scottish Government's guidance on mobile phones in Scotland's schools.

Hate Crime: bullying can be motivated by prejudice similar to hate crime. The distinction between bullying and hate crime is that for hate crime, the behaviour aggravated by prejudice must be motivated by malice and ill-will towards a group of people due to a relevant characteristic or intended to stir up hatred, and be criminal in nature, such as assault, graffiti or a breach of the peace. For example, damage to property through graffiti may constitute a crime and this may be aggravated by prejudice towards an individual who possesses or appears to possess a relevant characteristic protected under the Hate Crime and Public Order (Scotland) Act 2021. Adults should seek immediate support from Police Scotland if they have reason to believe that a crime may have occurred or that a child or young person has been seriously harmed. Schools/organisations should follow national child protection procedures in these cases, and should work closely with their education authority and colleagues in core agencies (Social Work, Health and Police Scotland) to ensure the safety and wellbeing of children, young people, and staff. It should be noted that under **The Age of Criminal Responsibility (Scotland) Act 2019,** a child under the age of 12 cannot be arrested, charged or prosecuted for a crime. However, Police Scotland may still be involved.

The diagram below shows the differentiating behaviours which can sometimes overlap and/or escalate in trajectory.

DIFFERENTIATING BETWEEN CONFLICT, BULLYING AND CRIMINAL BEHAVIOUR

BULLYING
BULLYING IS NOT NORMAL BEHAVIOUR, AND SHOULD NEVER BE SEEN AS INEVITABLE OR ACCEPTABLE.

CONFLICT
CONFLICT IS NORMAL AND CAN HAPPEN IN HEALTHY, HAPPY, EQUAL RELATIONSHIPS.

CRIMINAL
THE NATURE OF SOME BEHAVIOUR MAY BE CRIMINAL AND SHOULD BE REPORTED TO POLICE SCOTLAND.

CONFLICT
Usually at least one person doesn't want the conflict to go on unresolved, and will try to take action to improve the situation. It can highlight the importance of the relationship, providing a chance to build on strengths, solve problems, and move forward positively.

Healthy relationship conflict is not the same as bullying and is unlikely to lead to bullying as the people involved have a mutual interest in restoring equilibrium and maintaining connection.

BULLYING
Bullying occurs within social relationships and typically involves an imbalance of power that allows a relationship of dominance and subordination to emerge. Bullying can be intentional or unintentional, occurring once or repeatedly.

Resolution usually requires adult support, meaningful intervention and a change of behaviour in the instigating person. There can sometimes be an escalation from bullying to violence.

CRIMINAL
While bullying is not in itself a crime, some behaviour that may be reported or perceived as bullying could constitute a criminal offence, such as physical or sexual violence, online behaviours or hate crime.

It is not for staff to determine if behaviour is criminal; they should seek immediate support from Police Scotland if they have reason to believe that a crime may have occurred or that a child or young person has been seriously harmed.

9. Feedback from Young People involved in updating this policy

Our young people are at the heart of this policy development.
A consultation process took place that included all our young people to ensure their voices are heard. The young people in our student leadership team reviewed the draft policy and associated paperwork. With their guidance, we created an A4 overview for students and their families, followed by a series of assemblies to launch the policy.
Our students highlighted the need of a reviewed code of conduct for school and a method of reporting concerns via an online system. The online system to report is live and can be found here: Stromness Academy Student Report – Fill out form. This triggers an email to the pastoral depute and the guidance team. The new code of conduct will be embedded in our positive behaviour policy.

10. Professional Learning

Staff at Stromness Academy will be offered anti-bullying learning as part of their professional learning offer. This will take place through planned in-service and collegiate time. Further resources can be found on the Respectme elearning academy: Learning Academy | respectme

11. Monitoring and Review

This policy will be reviewed no later than December 2027.

12. Relevant and useful links

Organisation.	Link.	Description.
National Bullying Helpline	Information and advice about all forms of bullying (nationalbullyinghelpline.co.uk)	General guidance re bullying.
Stop Bullying.	https://www.stopbullying.gov/	General site re approaches to stopping bullying.
Respectme - Policy through to Practice – Getting it Right.	Home - respectme	Scottish Government Anti-Bullying Service which provides guidance, support, advice, e-learning and further interaction through social networking to all stakeholders. Learning settings should refer to this website when updating their Anti-Bullying Policy.
Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People.	Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People	The National Approach to Anti-Bullying for Scotland.

Organisation.	Link.	Description.
Respectme.	https://respectme.org.uk/adults/bullying-a-guide-for-parents-and-carers/	Bullying – a guide for parents/carers.
The links below are more specific to keeping children safe online and cyberbullying.		
Childnet.	Childnet — Online safety for young people	Practical resources for cyberbullying for parents and carers and staff.
CEOP.	https://www.ceop.police.uk/safety-centre/	Keeping children and young people safe on line.

13. References

(Many of the websites and links in section 11 were also used as references.)

'Respectme', Scotland's Anti-bullying Service, 2024.

Respectme - Policy through to Practice – Getting it Right, https://respectme.org.uk/.

Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People, 2024. Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People

Orkney Island Council Anti-bullying policy 2024

'Stop bullying' https://www.stopbullying.gov/cyberbullying/what-is-it/index.html.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 https://www.legislation.gov.uk/asp/2024/1/contents/enacted

Hate Crime and Public Order (Scotland) Act 2021

14. Members of working groups leading on the anti-bullying policy

If you have any questions about this policy, please contact admin.sa@orkneyschools.org.uk and a member of staff will be in contact.

Mrs Rachael Wild: Pastoral Depute

Ms Melanie Johansen: Guidance Manager

Mrs Emma Sinclair: Leader of the school inclusion café.

15. Accessibility

This policy will be available on the Stromness Academy website. Copies are available on request.

Appendices

Appendix 1- Definition of Bullying

Prejudice-based bullying.

Bullying behaviour may be a result of prejudice that relates to perceived or actual differences.

Bullying behaviour may be a result of prejudice that relates to perceived or actual differences. This can lead to prejudice and discriminatory language or behaviour, including racism, sexism, homophobia, biphobia or transphobia.

We need to create environments where diversity is celebrated and name calling and comments based on prejudice are challenged.

Some personal characteristics are protected within the law, to address the years of unfavourable treatment experienced by some groups.

The Equality Act 2010 makes it unlawful to discriminate against people with a 'protected characteristic'. These are:

- Age.
- Disability.
- Gender reassignment.
- Pregnancy and maternity.
- Marriage and civil partnership.
- Race.
- Sex.
- Religion or belief.
- Sexual orientation.

Prejudice-based bullying includes the protected characteristics, but prejudice can and does extend beyond these and can lead to bullying for a variety of reasons.

The following sections cover a brief description of the protected characteristics detailed above and some of the other prejudices that are often an aspect of bullying incidents.

Protected Characteristics:

Age: Although prejudice and discrimination based on age is not applicable in school settings, it can affect children and young people in a variety of other settings. For example, in workplaces, further and higher education and in wider society.

Disablist Bullying: People who bully others may see children and young people with disabilities as being less able to defend themselves and less able to tell an adult about the bullying. The bullying behaviour is likely to be focused upon their specific disability or disabilities, whether they are in mainstream schooling or in specialist provision.

Gypsy/Travellers: This group of children and young people is a particularly discriminated against and marginalised group and concerns about bullying are especially acute for

secondary schools. Perceived risks about bullying and parents' own experiences of discriminatory behaviour may lead to low levels of enrolment and poor attendance for Gypsy/Traveller children and young people, as well as early exit from formal education. Other Traveller families, such as Roma, may have similar concerns.

Sexual Orientation and Homophobic Bullying: Bullying based on sexual orientation is motivated by a prejudice against lesbian, gay or bisexual (LGB) people. It is also commonly referred to as 'homophobic bullying' but can also be expanded to recognise the specific experiences of bisexual young people using the term 'biphobic bullying'.

Children and young people do not necessarily have to be gay, lesbian or bisexual themselves to experience 'homophobic bullying'. This type of bullying may be directed towards young people perceived to be lesbian, gay or bisexual young people; those that do not conform to gender norms and/or expectations; and those who have gay friends or family. Children with LGB parents may also experience homophobic bullying. Although homophobic bullying is distinct from sexist and transphobic bullying, it is related to these forms of bullying through underlying sexist attitudes.

Marriage/Civil Partnership: Whilst it is unlikely that a school-aged pupil will be in a same sex marriage or civil partnership and directly experience prejudice and discrimination as a result, there could be instances of indirect discrimination. For example, if the child or young person is associated with someone (parent, sibling, etc.) who is in a same sex marriage or civil partnership or in a same sex relationship. Marriage and civil partnership discrimination and prejudice can also affect children and young people in a variety of other settings, for example, in workplaces, further and higher education and in wider society.

Racial Bullying: Children and young people from minority ethnic groups often experience bullying based on perceived differences in dress, communication, appearance, beliefs and/or culture as well as their skin colour and accent. The status of the ethnic group a child belongs to (or people assume they belong to) in a school, community or organisation can often lead to a child or young person experiencing bullying behaviour. This can arise from a misguided and/or learned belief that they are less valued and 'deserve' to be treated differently, or with less respect.

Religion and Belief: Lack of knowledge and understanding about the traditions, beliefs and etiquette of different faiths can lead to religious intolerance. Lack of awareness about the differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can result in misunderstandings and stereotyping, which may lead to bullying. People who have no religion or belief are also protected under the Equality Act.

Sectarianism: Most people understandably associate Sectarianism with religion. The reality of prejudice however means that your family background, the football team you support, the community you live in, the school you attend and even the colour of your clothing can mark you out for sectarian abuse - whatever your beliefs may be. In Scotland, sectarianism is most often related to Protestant and Roman Catholic divisions within Christianity but can also relate to other religions, for example Sunni and Shia Muslims within Islam, and Orthodox and Reform Jews within Judaism.

Sexism and gender: Bullying in the form of derogatory language and the spreading of malicious rumours can be used to regulate both girls' and boys' behaviour - suggesting that they are not being a 'real' man or a 'real' woman. These terms can be of an explicit sexual nature and it is worth noting that many can involve the use of terms for people who are gay and lesbian as a negative towards a person's masculinity or femininity. Sexism and gender stereotypes feed into homophobia, biphobia and transphobia. Gender stereotyping, based on the notion of acceptable and unacceptable male and female behaviour, can leave children and young people who are not perceived to conform to these notions vulnerable to indirect and direct bullying.

Personality traits that do not fit into the unwritten rules of 'appropriate' male and female behaviour can lead to bullying because of the prejudice towards their perceived difference.

Gender Identity and Transphobic Bullying: The term 'transgender' is an 'umbrella term' for those whose 'gender identity' or expression differs in some way from the gender that was assigned to them at birth. Gender identity reflects an individual's internal sense of self as being male, female, or an identity between or outside the two.

Transgender people face significant societal prejudice, largely because they are perceived as not conforming to gender stereotypes, expectations and norms. As a result, transgender or gender 'variant' children and young people can be particularly vulnerable to bullying. This can manifest in many ways, including transphobic and homophobic name calling or deliberately mis-gendering them. An individual may also experience transphobic bullying as a result of a perception that a parent, relative or other significant figure is transgender.

Other characteristics – some of these could also be covered under protected characteristics, depending on the context of any bullying incident:

Additional Support Needs: An additional support need can arise for any reason and be of short or long term duration. Additional support may be required to overcome needs arising from learning environment; health or disability; family circumstances or social and emotional factors. A child or young person may be bullied because they have an additional support need and crucially being bullied can also lead to an additional support need.

Asylum Seekers and Refugees: Children and young people who are asylum seekers or refugees may be at greater risk of bullying directly and indirectly. Stigma, due to lack of knowledge and understanding of asylum seekers and refugees, and reluctance to burden parents with extra worries can allow bullying to go undetected and continue.

Body Image and Physical appearance: This can be hugely important to children and young people, with bullying because of body image having the potential to negatively impact upon their wellbeing.

Intersectionality: Understanding the different and unequal social and economic outcomes for particular groups, based on interactions between race, class, gender, sexual orientation, disability, age and ethnicity. In the context of anti-bullying, it is important to understand the connection between the experiences of belonging to one or more of these groups and people's prejudice towards them, which can lead to inequality in attainment and wellbeing.

Looked After Children and Young People: Children and young people who are looked after at home or who are looked after and accommodated, are vulnerable to bullying behaviour for a number of reasons. It may be due to regular changes in schools or where they are placed, which can make forming friendships difficult. Forming relationships with peers and adults can be more difficult due to their early childhood adversity.

Young Carers: The lives of young carers can be significantly affected by their responsibility to care for a family member who has a physical illness or disability, mental health problem, sensory or learning disability or issues with the misuse of drugs or alcohol. Young carers are at risk of bullying for a variety of reasons. Depending on responsibilities at home, they may find themselves being unable to fully participate in school or after-school activities or 'fun stuff'. This can make it difficult for them to form relationships; it can hinder successful transitions or lead to educational difficulties.

Socio-economic Prejudice: Bullying due to socio-economic status can take place in any community. Small differences in perceived family income/family living arrangements/social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, accents, belongings, clothing, etc. can become widespread through those considering themselves to be in the dominant social economic group. Bullying of children who endure parental substance misuse can also be prevalent.

Appendix 2 – SEEMIS Recording information

BASIC INFO			
Reported To *(Name of Staff Member)*			
Addressed By *(Name of Staff Member)*			
Incident Owner *(Name of SMT/Guidance Staff)*			
Incident Location *(please tick)*	Cyber/Virtual		
	In Class		
	In School		
	In the Community		
	School Grounds		
	School Transport		
	Various Locations		
Incident Date			
Incident Time			
Reported By			
ALLEGED INCIDENT			
Name of Person(s) Experiencing	Pupil		
	Staff Member		
	Other Person		
Name of Person(s) Displaying	Pupil		
	Staff Member		
	Other Person		
NATURE OF INCIDENT			
	Damage to Property		*e.g. theft (of bags, clothes, money), tearing clothes, ripping books, etc.*

Nature of Incident			
	Emotional		
	Extortion		
	Incitement		e.g. encouraging others to bully, behave in a racist, sexist or discriminatory manner; wearing discriminatory insignia such as racist badges; distributing racist or other discriminatory literature
(Please tick all that apply)	Isolation		e.g. shunned, rejected, left out of activities/groups, refusal to cooperate etc.
	Other (Please Specify)		
	Physical		e.g. pushing, shoving, fighting, tripping-up etc.
	Text (SMS) or IT related		e.g. instant messaging, mobile phone texting, email, Social Networking Sites etc.
	Verbal		e.g. name-calling, threatening, sarcasm, ridicule, discriminatory comments during classes, discriminatory jokes, mimicking, spreading rumours etc.
	Written		e.g. graffiti, notes, letters, writing on jotters, written threats, ridicule through drawings etc.

Characteristics				
	Age		Marital Status	
	Assailant Medical Condition/ Disability		Not Known	
	Body Image		Pregnancy / Maternity	
(Please tick all that apply)	Care Circumstances		Racial	
	Disability of Victim		Religion or Belief	
	Economic Circumstances		Sectarian	
	Family Circumstances		Sexual Harassment	
	Gender		Substance Misuse – Alcohol	
	Gender Reassignment		Substance Misuse – Not Alcohol	
	Homophobia / Sexual Orientation		Territorial / Gang Related	
	Other			

Incident Detail	

MONITOR / REVIEW	
Reviewer *(Member of SMT/Guidance Staff)*	
Date Due	
Date Complete	

Person(s) Experiencing *(Yes/ No / NA)*	Do they feel their concerns were listened to?	
	Do they feel satisfied with the outcome? (child or young person)	
	Parent / Carer are satisfied with the outcome?	
Person(s) Displaying *(Yes/ No / NA)*	Do they feel their concerns were listened to?	
	Do they feel satisfied with the outcome? (child or young person)	
	Parent / Carer are satisfied with the outcome?	

ACTION PROGRESSED
Action Procedures

Incident Conclusion	Being Addressed	
	Not Resolved	
	Resolved	
	Unfounded	

Appendix 3 – Definition of approaches used to prevent bullying.

Stromness Academy uses a range of approaches to create an ethos of trust, respect and positive relationships. This is outlined both within this policy and our positive behaviour policy.

Some of these are outlined below

Nurture.

Nurture is an ethos with its origins in John Bowlby's influential attachment theory. This theory was applied in Colwyn Trevarthen's research on the interactions which promote bonding between babies and their caregivers, to give a family of approaches which promote positive, trusting relationships in education and care environments. The Nurture ethos is at the base approaches such as **Nurturing Approaches**, **Roots of Empathy**, and **Video Enhanced Reflective Practice (VERP)**.

Nurturing Approaches (Marjorie Boxall).

This family of approaches had its origins in the development of Nurture Groups in education and early childcare settings in East London in the late 1960s. The concept of Nurture has more recently been embraced by the Scottish Government as an overarching whole-school philosophy, moving away from the idea that the Nurture should exist in a discrete part of a setting for the benefit of a select few children.

The Nurture principles

Marjorie Boxall put forward six 'Nurture Principles' - key concepts that shape our understanding of child development through the lens of attachment. These principles, in Boxall's work, were used as an anchor and reference to underpin the creation and ethos of Nurture Groups.

NP1   Learning is understood developmentally.

NP2   The setting offers a safe base.

NP3   Nurture is important for the development of wellbeing and self-esteem.

NP4   Language is a vital means of communication.

NP5   All behaviour is communication.

NP6   Transitions are important in the lives of children and young people.

Whole school nurture

In 2017, the Scottish Government launched guidance to help establishments embrace and develop 'Nurture as a Whole-School Approach'. Whilst the main goal is to promote and develop Nurture as a universal approach in Scotland's education and childcare establishments, it is also an important cornerstone of more focused trauma-informed

practice. In addition, the Nurturing Approach is key to responding to the increasing levels of anxiety present in Scotland's schools, particularly since the Covid 19 pandemic and the associated school closures from 2020. Education Scotland's self-evaluation framework https://education.gov.scot/resources/applying-nurture-as-a-whole-school-approach-a-framework-to-support-self-evaluation/ acts as a powerful guide, and a highly practical audit tool, for schools and Early Years settings to use as they develop their nurturing ethos and practices.

Positive Thinking.

Solution Orientated Approaches (Steve De Shazer, Insoo Kim Berg, Bill O'Hanlon).

Solution orientated approaches have their origins in therapeutic approaches such as brief solution-focused therapy and have been found to have much wider applications in the way people work together. The approaches centre on key principles which help focus our minds on solutions, positive futures and strengths. This empowering approach helps to avoid the easy trap of becoming embroiled in negative thinking patterns which can impede progress and hamper the prospect of positive change.

"It seems clear that one cannot solve the problem with the same thinking that created the problem" (Berg and De Shazer, 1993).

A Solution Oriented approach helps people identify what they want to achieve, understand what is in their capacity and explores what they can do to move towards this.

Solution Oriented approaches have a number of applications within settings to help encourage positive relationships, tackle difficulties in a productive way, and promote an inclusive ethos.

Growth Mind-Set Approaches (Carol Dweck).

Growth mind-sets can be developed and shaped through an ethos within which both children, young people and adults work and the daily interactions they have with each other.

Video Enhanced Reflective Practice (VERP).

VERP is an approach to professional reflection where practitioners learn together about the key elements of attuned interaction. They then apply this learning in their professional lives, by analysing video footage of their interactions. This involves reflecting on their use of the 'attunement principles' (see Table below) within their interactions, and the effect that this has, in turn, on their communicative effectiveness and their relationships. This is of great value for professionals wishing to build mutually rewarding, positive relationships with pupils, clients, or even colleagues.

Table: Principles of Attuned Interactions and Guidance.

Being Attentive.	• Looking interested with friendly posture. • Giving time and space for others. • Wondering about what they are doing, thinking or feeling. • Enjoying watching them.
Encouraging Initiatives.	• Waiting. • Listening actively. • Showing emotional warmth through intonation. • Naming positively what you see, think or feel. • Using friendly and/or playful intonation as appropriate. • Saying what you are doing. • Looking for initiatives.
Receiving Initiatives.	• Showing you have heard, noticed their initiative. • Receiving with body language. • Being friendly and/or playful as appropriate. • Returning eye-contact, smiling, nodding in response. • Receiving what they are saying or doing with words. • Repeating/using their words or phrases.
Developing Attuned Interactions.	• Receiving and then responding. • Checking they are understanding you. • Waiting attentively for your turn. • Having fun. • Giving a second (and further) turn on same topic. • Giving and taking short turns. • Contributing to interaction/activity equally. • Co-operating – helping each other.
Guiding.	• Scaffolding. • Extending, building on their response. • Judging the amount of support required and adjusting. • Giving information when needed. • Providing help when needed. • Offering choices that they can understand. • Making suggestions that they can follow.
Deepening Discussion.	• Supporting goal-setting. • Sharing viewpoints. • Collaborative discussion and problem-solving. • Naming difference of opinion. • Investigating the intentions behind words. • Naming contradictions/conflicts (real or potential). • Reaching new shared understandings. • Managing conflict (back to being attentive and receive initiatives aiming to restore attuned interactions).

Restorative Practice.

Restorative approaches aim to improve behaviour and relationships in schools by moving away from a blame and retribution model of dealing with unacceptable behaviour towards one which is based on social responsibility and self-awareness. These approaches have their origins in North American Indian and Maori cultures. The concepts were taken forward as 'Restorative Justice' in Canada, New Zealand and Australia in the 1970's. The philosophy has been developed for the shaping of school ethos and conflict resolution in many forms, including the Scottish Government approach of 'Better Relationships, Better Learning, Better Behaviour'.

Appendix 4 – Policy and practice expectations

This appendix was written with reference to roles and responsibilities from 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People', 2017. It draws on the Orkney Island Council Anti-bullying policy and is edited to reflect Stromness Academy.

Your Role	What is expected of you	What you can expect from others
Local authority	• Develop and implement an organisational anti-bullying policy in step with the principles and values that underpin 'Respect for All' and ensure an explicit commitment to challenging prejudice-based bullying. • Develop and implement an anti-bullying policy in consultation with stakeholders including children and young people, parents and staff/volunteers. • Engage and consult with local/community stakeholders. • Provide access to training and materials to support all those who work with children and young people in the organisation's services. • Ensure parents/carers are provided with information on how to raise a complaint and the escalation process. • Take action to promote equality and diversity and children's rights and provide training relevant to these areas. • Monitor incidents of bullying on SEEMiS. • Explicitly mention all protected characteristics and other forms of prejudice-based bullying.	• Access to resources, professional learning and materials such as those provided by Respectme and Education Scotland and those that are in step with Respect for All.
Stromness Academy	• Develop an anti-bullying policy for own setting/school that reflects the OIC policy including an explicit commitment to challenging prejudice-based bullying. • Develop and implement practices that promote fairness, inclusion and respect in line with Respect for All and national guidance on promoting positive relationships and behaviour. • Involve and consult meaningfully with children and young people. • Involve parents/carers and consult meaningfully.	• The local authority to ensure that they have an up to date policy and guidance. • The local authority to provide access to training and materials for staff and volunteers.

Your Role	What is expected of you	What you can expect from others
	• Make parents/carers aware of organisational and local anti-bullying policies. • Ensure parents are provided with information on how to raise a complaint and the escalation process. • Ensure there is clear monitoring and recording procedures using SEEMiS and everyone in the school or service are aware of these and know what the process is for ensuring that the details are added to SEEMiS. • Monitor and review policy and practice on a regular basis. • Take action to promote positive respectful relationships. • Take action to promote equality and diversity and children's rights. • Offer children and young people a range of ways to report bullying or to talk about any concerns they have in confidence. • Resolve incidents of bullying proactively, using a respectful, proportionate and holistic approach which takes account of the impact of the incident as well as any underlying prejudice or other negative attitudes.	
Children and young people	• Treat people with respect and not engage in bullying behaviour. • Be aware of anti-bullying policies and practices in schools/clubs/ groups attended. • Where safe and appropriate, challenge bullying behaviour. • Share concerns with peers/trusted adults if appropriate to the individual. • Work collaboratively to help ensure bullying cannot thrive. • Share concerns with peers/trusted adult.	• Schools, clubs and all children's services' should have an anti-bullying policy and approaches to prevent and respond to bullying that are in step with Respect for All. • Be treated with respect and ensure your rights are protected and fulfilled. • Be included and involved when developing policy, approaches to bullying, and what happens when affected by bullying. • Be listened to and have concerns taken seriously.

Your Role	What is expected of you	What you can expect from others
	• Consider carefully any online engagement especially through social media.	• Have choices on how you respond and options on where and how to report incidents. • Receive guidance and direction to services or resources that can meet individual specific needs or concerns. These could relate to any individual or protected characteristic.
Parents/ Carers.	• Be aware of anti-bullying policies and practice in any school/clubs/ groups attended by their child or young person. • Work collaboratively to help ensure bullying cannot thrive. • Share concerns about their child as early as possible with appropriate teacher/practitioner/ coach. • Engage through school Parent Forum/Parent Council or other appropriate forums to contribute to and learn about anti-bullying practice. • Treat people with respect. • Promote positive respectful relationships. • Listen and take children and young people seriously. • Sharing concerns about their child as early as possible with appropriate teacher /practitioner/coach.	• Schools, services and clubs attended by children and young people should have an anti-bullying policy and approaches to prevent and respond to bullying that are in step with Respect for All. This should be communicated clearly to parents. • Be made aware of and involved in developing any new policies and practices. • Be included and involved when developing policy, approaches to bullying, and what happens when affected by bullying. • Be listened to and have concerns taken seriously and to be treated with respect. • Be signposted to a range of services or resources that can meet individual specific needs or concerns. These could relate to any individual or protected characteristic. • Be made aware of the complaints process and also the escalation process at establishment and local authority level and know how to make a complaint at appropriate stages.
Staff and volunteers.	• Understand both local and organisational antibullying policy and procedures. • Be aware of the values and principles of Respect for All and act	• Opportunities to undertake a appropriate training on anti-bullying, promoting positive relationships and behaviour,

Your Role	What is expected of you	What you can expect from others
	in accordance with them in terms of preventing and responding to bullying behaviour. • Act in accordance with the relevant professional standards and codes of conduct, e.g. Common Core CLD/youth work/volunteer adult SSSC, GTCS, etc. • Act as positive role models to establish open positive and supportive relationships. • Listen and take children and young people seriously. • Engage with parent(s). • Share concerns appropriately within your organisation/service and seek support where appropriate. • Take action to promote equality and diversity and children's rights. • Work collaboratively to help ensure bullying cannot thrive. • Treat people with respect.	equality and diversity and children's rights. • Support, resources and materials from the local authority, organisation, Education Scotland, Youthlink Scotland, Sportscotland and respectme etc. • Support when responding to bullying and support when developing approaches. • Be included and involved in the development of anti-bullying policies and practices.

Appendix 5 – How to make a complaint

Orkney Islands Council is committed to providing high-quality customer services. We value complaints and use information from them to help us improve our services. If you are unhappy with how a bullying situation has been dealt with you have the right to escalate this further through the complaints procedure.

How do I complain?

You can complain in person at the Council Offices, School Place, Kirkwall, Orkney, KW15 1NY, by phone, in writing, email to complaints@orkney.gov.uk. Further details can be found on our website www.orkney.gov.uk.

It is easier for us to resolve complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve any problems on the spot. All services will endeavour to resolve this as quickly as possible. This can be done in person, by telephone of email.

When complaining, tell us:

- Your full name and address.
- As much as you can about the complaint.
- What has gone wrong.
- How you want us to resolve the matter.

How long do I have to make a complaint?

Normally, you must make your complaint within six months of:

- The event you want to complain about.
- Or finding out that you have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Head of Legal and Governance, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY on telephone 01856873535.

If you need more information please refer to the Orkney Island Council's complaints handling procedure, you can find it here http://www.orkney.gov.uk/Council/C/complaints-procedure.htm

Appendix 6: Key Legislation

There are a number of legal obligations on education authorities and schools that must be considered as part of their approach to preventing and responding to bullying.

Legal framework: The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the "UNCRC Act") Following the introduction of the UNCRC Act, it is now unlawful for a public authority in Scotland, which is likely to include education authorities and some schools, to act (or fail to act) in connection with a relevant function, in

a way which is incompatible with the UNCRC requirements. Although there is not an express right not to be bullied within the UNCRC, a number of rights are upheld through the furtherance of anti-bullying work. This includes the right of every child to live free from violence, abuse, and neglect, which includes protection from violence committed by other children, and places emphasis on their rights to education, health, and participation in decisions affecting their lives. Grounding anti-bullying efforts in this framework of rights ensures a holistic approach that respects and protects the dignity and wellbeing of every child, and reinforces the importance of creating safe, inclusive, and supportive environments where children can thrive. The UNCRC requirements as incorporated by the UNCRC Act, should be considered by all public authorities in Scotland who are carrying out a relevant function, as set out in the Act. However, public authorities are encouraged to take a children's rights approach regardless of the legal source of their duties. The UK has been a signatory to the UNCRC since 1991 and regardless of the scope of the legal duties in the UNCRC Act, the UNCRC is at the heart of GIRFEC and the Scottish Government's commitment to ensuring that all children and young people have the best possible start in life. Schools and education authorities should avoid basing policies on a single UNCRC article without considering broader implications. The UNCRC supports taking effective action against bullying to protect children's health and safety, and education authorities should take all appropriate measures to protect children from violence, including peer violence.

Equality Act 2010

The Equality Act 2010 protects individuals with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) from discrimination, victimisation and harassment and supports progress on equality. The Equality and Human Rights Commission has published guidance on the Equality Act 2010.

The general equality duty requires due regard in the exercise of functions to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The purpose of the specific equality duties is to help public authorities better perform the general equality duty. Education authorities and the schools that are subject to the PSED have an obligation to ensure that policies aimed at preventing bullying or responding to the consequences of bullying meet the needs of the general equality duty. Not ensuring consideration of equality can lead to unlawful discrimination, greater inequality and worse outcomes for particular groups of people in our communities. The general duty requires equality considerations be built into the design of policies and practices and the delivery of services, and for these to be kept under review. The EHRC has issued guidance on the PSED for Scottish public bodies. Listed authorities, including education authorities and some schools, have legal obligations under the PSED as service providers and employers.

Of note when developing and implementing policies to address bullying is the specific duty requirement to assess the equality impact of proposed and revised policies and practices (regulation 5 of the 2012 Regulations).

Chapter 6 of the technical guidance on the Public Sector Equality Duty: Scotland describes what is required from public bodies in carrying out an equality impact assessment. It sets out a number of steps including assessing the potential impact by considering whether the equality evidence indicates potential differential impact on each protected characteristic

group or provides an opportunity to improve equality in an area; taking account of results in developing proposals and ensuring due regard when making decisions about the policy and its implementation, documenting decisions, publishing results and monitoring the actual impact of the policy.

Public Sector Equality Duty: specific duties in Scotland | EHRC (equalityhumanrights.com)

Online bullying

There are various legal provisions designed to protect individuals from online harassment, abuse, and harm. Some online behaviour may be illegal under the following legislation:

 1. The Equality Act 2010: this Act prohibits discrimination, harassment, and victimisation based on protected characteristics, such as race, disability, and sexual orientation, which can encompass certain forms of online bullying.

2. The Communications Act 2003: Section 127 of this Act makes it an offence to send grossly offensive, obscene, or menacing messages through public electronic communications networks.

3. The Malicious Communications Act 1988: this Act covers the sending of letters or other articles with the intent to cause distress or anxiety, including online communications.

4. The Protection from Harassment Act 1997: this Act provides protection against a course of conduct amounting to harassment, which can include repeated online bullying incidents.

5. The Defamation and Malicious Publication (Scotland) Act 2021: this Act modernises the law on defamation, allowing individuals to seek redress for harm caused by false and damaging online statements.

6. The Abusive Behaviour and Sexual Harm (Scotland) Act 2016: 21 criminalises the non-consensual sharing of intimate images.

7. The Online Safety Act 2023: creates a number of new offences, including encouraging or assisting serious self-harm, cyberflashing, sending false information intended to cause non-trivial harm, threatening communications, intimate image abuse. These legal provisions can empower parents, young people, schools, authorities, and Police Scotland to take action against online bullying. Understanding that these laws exist can help adults working with, or caring for, children and young people to recognise when behaviour crosses legal boundaries and to take appropriate steps to protect them. Legislation relevant to aspects of online safety, including the safe and responsible use of mobile phones, can be found in Appendix C5 of the Scottish version of the online safety policy tool for schools, 360 Degree Safe Scotland. The 360 Degree Safe Scotland self-review tool is free to use and is intended to help schools review their online safety policy and practice.

Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (legislation.gov.uk)

Hate crime

 Hate crime is the term used to describe behaviour which is both criminal and rooted in prejudice or which is intended (or can be considered) to stir up hatred. In Scotland, the Hate

Crime and Public Order (Scotland) Act 2021 criminalises behaviour based on prejudice towards those with the following characteristics:
• age
 • disability
• race
 • religion
• sexual orientation
• transgender identity
• variations in sex characteristics.

Where bullying occurs that is also linked to prejudice towards one of the above groups, this could also constitute a hate crime, under certain circumstances based on conduct and motivation. Bullying can be motivated by prejudice similar to hate crime. The distinction between bullying and hate crime is that the behaviour motivated in prejudice must be criminal in nature, such as assault, graffiti or a breach of the peace. For example, damage to property through graffiti may constitute a crime and this may be aggravated by prejudice towards a relevant characteristic. Sharing of discriminatory materials may, in some cases, constitute an offence of stirring up hatred. The Lord Advocate has issued guidelines about which category of offence will be reported to the Procurator Fiscal for consideration of prosecution. Children who do not come within these guidelines may be referred to the Children's Reporter or made subject to Police direct measures, depending on the circumstances. The Procurator Fiscal and the Children's Reporter discuss cases which are subject to joint referral and the Procurator Fiscal will decide where the case is best dealt with.

 Age of Criminal Responsibility
Some behaviour displayed by a child or young person may constitute a criminal offence. School staff should have a general awareness of the Age of Criminal Responsibility (Scotland) Act 2019 which increased the age at which a child is considered to have the capacity to commit a crime from age 8 to 12. This means that children younger than 12 cannot accrue convictions or criminal records. The 2019 Act removes the ability to refer a child to a children's hearing on offence grounds, and makes it possible to only refer a child under 12 to a children's hearing on welfare and protection grounds. It provides specific investigatory powers for the police, to enable incidents of seriously harmful behaviour by under-12s to be investigated.