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Llywodraeth Cymru
Welsh Government

Welsh Government Consultation Document

Respecting others

Inspiring rights, respect and equality

Date of issue: 14 November 2018
Action required: Responses by 15 February 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Respecting others

Overview

In October 2011, we published *Respecting others*, a suite of comprehensive anti-bullying guidance covering five key areas – bullying on the basis of race, culture and religion; sexist, sexual and transphobic bullying; homophobic bullying; bullying involving learners with special educational needs and disabilities; and cyber-bullying.

We have undertaken significant informal engagement with stakeholders, including children and young people, local authorities, education practitioners and third sector organisations. This early engagement has informed the revised draft guidance. Areas identified for improvement through this initial engagement included reflecting various changes since the original guidance was published, such as changes in law and policy and developments in social attitudes, and ensuring the new guidance is clear, consistent and easy to understand for all users.

The purpose of this consultation is to seek the views of stakeholders, including children and young people, parents/carers, education practitioners, public services and voluntary and third sector organisations, to ensure the new guidance meets the needs of all users.

How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **15/02/2019** at the latest.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The consultation documents can be accessed from the Welsh Government's website at gov.wales/consultations

Contact details

For further information:

Supporting Achievement and Safeguarding Branch
Support for Learners Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF103NQ
e-mail: CCD.SAS@gov.wales



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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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Ministerial foreword

Tackling bullying in schools is a key priority for me. I am committed to ensuring all our learners feel safe, secure and are properly supported to achieve their full potential. All children have a right to an education and to be treated equally. Discipline in schools should respect children and young people's human dignity and protect them from any activities that could harm their development.

The Welsh Government's aim is to tackle bullying holistically. Addressing the root causes of unacceptable behaviour and creating an inclusive and engaging environment, with priority placed on wellbeing so that learners feel safe and are ready to learn. It is imperative that children and young people are taught, both at home and in school, about building and maintaining respectful relationships; this is the cornerstone on which positive behaviour is based. It is only by working together towards this common aim that we will truly make progress in stamping out bullying in our schools.

There is a strong case for reviewing *Respecting others*, not least the wider policy and legislative changes that have taken place since it was published in 2011. In amending this guidance, I want to ensure children, young people, parents/carers, education services and those involved with supporting children and young people are clear about the rights that every child has as well as the responsibilities that professionals have.

For this new guidance to be fully effective it is vital that children and young people are involved in this consultation – I want to hear their thoughts on what is needed. I am grateful for the Children's Commissioner for Wales' support in engaging children and young people in the early engagement process and for the production of *Sam's Story*, which has informed the drafting of the revised guidance. Direct engagement with children and young people will continue to feature heavily as we move into this next phase of development of the new guidance.

I look forward to receiving your responses and to continuing to make progress collectively in delivering strong and inclusive schools committed to excellence, equity and wellbeing.

Kirsty Williams AM
Cabinet Secretary for Education

Anti-bullying guidance

What are the main issues?

During 2016-2018, the Welsh Government carried out extensive informal engagement with key partners and stakeholders, including: schools; local authorities; education practitioners; Estyn; the Children's Commissioner for Wales; and children and young people, to determine what changes should be made to anti-bullying guidance to ensure it remains effective and user friendly.

The feedback indicated that the revised guidance should:

- provide greater clarity on what is and is not bullying;
- set out the roles and responsibilities of schools, governing bodies, local authorities, parents/carers and learners;
- be better publicised so that it is well known amongst key audiences;
- be less cumbersome and repetitive so that key information is not 'lost' within the document;
- be user friendly in terms of content and design;
- outline clearly and succinctly how it links to and is supported by broader Welsh, UK and international policy;
- provide more clarity around reporting, data collection and monitoring arrangements; and
- be complemented by resources, located in an accessible and central place to support practical application of the guidance.

Where we are now?

In light of that feedback, the Welsh Government concluded that the following matters needed to be addressed:

- ambiguity and inconsistencies in some of the provisions within the original guidance need to be resolved;
- clarification of the responsibilities and roles of schools, governing bodies, local authorities, parents/carers and learners is needed;
- clarity regarding what are statutory duties versus best practice is required;
- ensure that bullying is tackled more holistically with wider policy developments, which have occurred since 2011 and impact on anti-bullying policy, reflected in the guidance;
- target guidance at key audiences rather than address bullying by characteristic to avoid duplication and diluting key messages; and
- collaboration with experts and practitioners working in the field of child well-being and anti-bullying to develop the revised guidance.

What changes are proposed?

The key issues that we want to address in revising the guidance are set out below:

- Produce clearer, more user-friendly guidance targeted at the following key audiences:
 - Schools;
 - School governors;
 - Local authorities;
 - Parents/ carers; and
 - Children and young people.
- Explain the key aspects more clearly – for example, those relating to:
 - what bullying is;
 - what bullying is not;
 - who should be responsible for and involved in addressing bullying inside and outside school settings;
 - what to do if concerned bullying is happening;
 - reporting/ recording/ monitoring bullying;
 - prevention strategies for challenging bullying behaviour
 - children’s rights;
 - roles and responsibilities for addressing bullying holistically; and
 - legislation underpinning anti-bullying.
- Ensure the guidance covers all types of bullying, for example addressing bullying by protected characteristic. Outlining tailored support for helping to challenge and prevent these types of bullying.
- Tackle bullying more holistically, ensuring the guidance reflects wider policy and reforms that have already taken place and which will occur in future – for example, implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The guidance will reflect our approach to equity and well-being, promoting whole school approaches and positive relationships.
- The inclusion of and signposting to anti-bullying resources within the guidance to help schools implement the policy at an operational level.

Proposals

Based on initial engagement and the feedback received from this, as outlined above, we have revised the anti-bullying guidance and this draft guidance is the subject of this consultation.

The proposals in this consultation are not intended to change the requirements currently set out in legislation. Instead this guidance should clarify requirements already in place.

Consultation

The purpose of the consultation is to establish whether the draft children and young people guidance and school guidance and selection of supporting resources for schools, meet the needs of the key audiences. We aim to be in a position to publish the complete suite of finalised guidance – aimed at children and young people, schools, school governing bodies, parents/ carers and local authorities, along with the supporting resources – before the summer 2019. The feedback from this consultation on the children and young people guidance and school guidance will be used to inform the other guidance within the suite.