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It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools

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Equalities and Human Rights Committee

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Foreword

“Human greatness does not lie in wealth or power, but in character and goodness. People are just people, and all people have faults and shortcomings, but all of us are born with a basic goodness. If we were to start by adding to that goodness instead of stifling it...even if it's a simple act of kindness...and didn't scrimp on kindly words, there would be much more love and justice in the world.”

Anne Frank, 1944



Scotland is on an ambitious journey to build a more equal, fair and accepting society for all of its people. The cornerstone of this ambition must be to ensure equality for the children and young people of Scotland. How we help to shape their experience of Scotland today, will dictate how fair and equal the Scotland of tomorrow is. To do this, we must place the voices of our children and young people at the centre of our efforts to deliver their human rights.

Over the last eight months the Equalities and Human Rights Committee of the Scottish Parliament has been listening to the voices of our children and young people, and their advocates, as part of our inquiry into prejudice-based bullying and harassment in schools. The story they have told us is a troubling one.

In this report we have sought to shine a light on the reality of children's experiences of prejudice-based bullying and harassment and the enormous risks posed to their health and wellbeing. We have listened to their ambitions for a school life that helps them learn and grow, supports them to find out who they are, and sets them on the path to achieve their full potential.

But for too many children and young people this is not the reality of their education. For them school is becoming a battle against prejudice, bullying and sexual harassment, one fought daily in classrooms, corridors, playing fields and online. Their primary goal is simply to survive their education, emotionally, psychologically, and now more than ever, literally, with 27% of LGBTI children attempting suicide.

Our education system plays a vital role in addressing prejudice and harassment. Protecting the human rights of children is central to their developmental experience. We welcome the refresh of *Respect for All*, Scotland's national approach to anti-bullying by the Scottish Government. We thank the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, for pausing the refresh process so as to allow us

to set out the actions we believe are necessary to properly address prejudice-based bullying and harassment in schools.

We believe *Respect for All* has a vital role to play in proactively placing a human rights-based ethos at the centre of our education system. However, it is only part of a wider approach which must be adopted to ensure key strategies and tools work effectively together to achieve the success we all want to see. This includes—

- recognising the prevalence of prejudice-based bullying and sexual harassment in schools, and the need for urgent action;
- moving away from a reactionary approach which deals with the consequences of bullying and harassment, to a proactive education system which seeks to prevent them;
- ensuring national policies in areas such as mental health, hate crimes, school leadership, and the curriculum, properly promote children’s rights, early intervention and a whole school approach to inclusive environments;
- ensuring we educate children on issues such as consent and healthy relationships from the earliest age;
- delivering mandatory teacher training and CPD on equalities, children’s rights and the impacts of prejudice-based bullying, and
- establishing a duty to report all prejudice-based bullying and sexual harassment in schools.

Our report elaborates on these, and other key issues relating to prejudice-based bullying and harassment. The time is now for all those who help to shape, deliver and support education in Scotland to act effectively together to ensure children and young people can develop and learn in a school environment free from the fear and cruelty of prejudice.

Christina McKelvie MSP

Convener of the Equalities and Human Rights Committee

6 July 2017

Summary of Recommendations

SCOTTISH GOVERNMENT'S REFRESH OF THE NATIONAL ANTI-BULLYING APPROACH

RECOMMENDATION 1: We ask the Scottish Government to take cognisance of Young Scot's findings from its youth investigation into race equality in Scotland, entitled Fairer Future, when finalising the refresh of the National Anti-Bullying Approach. [Paragraph 58]

RECOMMENDATION 2: We also recognise continual blurring of the boundaries around acceptable behaviour, language and cyber bullying makes addressing bullying in the school environment complex. We are strongly of the view, however, that no child or young person should have to experience bullying or harassment at school. Its effects are wide-ranging and damaging and can have a lasting impact on life chances. This is why we believe the approach taken needs to be preventative. [Paragraph 60]

RECOMMENDATION 3: We ask the Scottish Government to ensure the future direction of the National Anti-Bullying Approach's emphasis is on prevention, through proactivity, rather than focusing on reacting to bullying incidents. This should focus on creating a whole-school culture which is inclusive. In addition, we ask the Scottish Government for an update on any changes made prior to publication of the refreshed National Anti-Bullying Approach. [Paragraph 96]

RECOMMENDATION 4: We expect the National Anti-Bullying Approach to be reviewed at least every three years, so as to ensure it keeps pace with changes or developments which materially affect its efficacy and efficiency. Public consultation and relevant parliamentary consideration should form part of the review process. [Paragraph 99]

RECOMMENDATION 5: We ask the Scottish Government to ensure the refreshed National Anti-Bullying Approach's focus is on prevention, early intervention and the rights of children. It should be aspirational and stress the importance of promoting an inclusive environment where pupils are safe and are comfortable with challenging bullying behaviour because they are supported to do so. It should also make clear that every incident reported should be treated seriously and investigated with children's rights at the core, as should be the case with professional practice. [Paragraph 131]

RECOMMENDATION 6: We ask the Scottish Government to undertake further work to provide a simple definition of bullying and bullying motivated by prejudice, so that all those who work with children have a clear understanding. This should also look to clarify when bullying constitutes a hate crime or a sexual offence. We ask the Scottish Government to provide assurance that all those working in schools are trained when to report bullying to the police. We seek assurance from the Scottish Government that teachers have the necessary guidance to the implement child protection procedures. [Paragraph 141]

COMPREHENSIVE RESEARCH OF BULLYING IN SCOTLAND

RECOMMENDATION 7: We ask the Scottish Government to undertake wide ranging research to establish the level and nature of bullying to ensure policies are evidenced-based to assist in ensuring bullying is addressed comprehensively across all relevant Scottish Government portfolios, every local authority, and within every school, as a matter of priority. [Paragraph 61]

HUMAN RIGHTS AND RIGHTS OF THE CHILD

RECOMMENDATION 8: We ask the Scottish Government to encourage schools to become rights-respecting-schools as part of the Rights Respecting Schools Award. We ask the Scottish Government to bring forward legislation which incorporates the UN Convention on the Rights of the Child into Scots law. [Paragraph 73]

RECOMMENDATION 9: We ask the Scottish Government to work with providers of initial teacher training and Continuous Professional Development to augment training on the protected characteristics with specific training on children’s human rights to clearly embed the Children’s Parliament’s message that children’s human rights very much depend on our actions, our behaviours, our expressions of respect and our belief in the human dignity of every child. We also ask the Scottish Government to promote this message in the refreshed National Anti-Bullying Approach. [Paragraph 74]

TEACHER TRAINING

RECOMMENDATION 10: We ask the Scottish Government to work with providers of training for teachers so that greater emphasis is placed on equalities, the handling of bullying incidents, the protected characteristics, and the United Nations Convention on the Rights of the Child. We ask the Scottish Government for a yearly update on progress towards combating bullying through embedding equalities and human rights within teacher training courses. [Paragraph 166]

RECOMMENDATION 11: We ask the Scottish Government and the education authorities to make CPD training on equalities, the protected characteristics and children’s human rights, compulsory. This should be complemented with training material which is refreshed at regular intervals to keep pace with legislation, social media or other relevant developments, for example around identities. [Paragraph 168]

RECOMMENDATION 12: We ask the Scottish Government to take steps to ensure all teacher training makes the position clear that Section 28 was repealed in Scots law, by the Scottish Parliament, on 15 March 2001 (SSI/2001/113). [Paragraph 169]

THE COUNTER-TERRORISM AND SECURITY ACT 2015 – ‘PREVENT DUTY’

RECOMMENDATION 13: We ask the Scottish Government to provide further clarification on the Prevent Duty, which relates to the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism, related guidance and how this fits with the Scottish Government’s National Anti-Bullying Approach. [Paragraph 75]

CHILD PROTECTION

RECOMMENDATION 14: The Government should also take advantage of the review of hate crimes to ensure the National Anti-Bullying Approach delivers clarity on hate crimes and sexual offences to all involved in the education system. [Paragraph 98]

DELIVERY OF ANTI-BULLYING POLICIES

RECOMMENDATION 15: The Scottish Government should ensure that all anti-bullying related policies and agencies are working in a coordinated and joined-up manner to address all prejudice-based bullying and harassment in schools to ensure consistency of

delivery and outcome across the entire education system in Scotland. We will review progress as part of our 2018 work programme. [Paragraph 103]

RECOMMENDATION 16: In order to ensure local joined-up delivery we expect Community Planning Partnerships provide the necessary focus to join-up the efforts of key public sector stakeholders, such as education authorities and Health Boards etc. on anti-bullying policy. This should be reflected in Single Outcome Agreements. [Paragraph 104]

RECOMMENDATION 17: We ask the Scottish Government to investigate whether the policy lead on school bullying and harassment would be better aligned to public health policy, thus switching the focus from education to health by concentrating on the health and wellbeing impacts of bullying on children or young people. [Paragraph 105]

RECOMMENDATION 18: We commend the work of BelongTo in Ireland to the LGBTI Inclusive Education Working Group. We ask the Scottish Government to report back to us on the work of the Working Group when it concludes its task. [Paragraph 106]

RECOMMENDATION 19: We ask the Scottish Government to clarify how the role of the newly announced regional education collaboratives will help to deliver anti-bullying strategies in schools. [Paragraph 107]

RECOMMENDATION 20: It is vital that the Scottish Government work with education authorities to guarantee uniformity of delivery of the National Anti-Bullying Approach, both in denominational and non-denominational local authority run schools, and independently run schools. [Paragraph 110]

RECOMMENDATION 21: We ask the Scottish Government to work with the Association of Directors of Education in Scotland and the independent school sector to create an action plan which flows from the National Anti-Bullying Approach. This should include targets for schools and should be monitored by the education authority in coordination with the Inspection Service. [Paragraph 111]

RECOMMENDATION 22: The Scottish Government should work with the Association of Directors of Education in Scotland to look at creating or utilising an existing forum where anti-bullying best practice can be shared. [Paragraph 113]

RECOMMENDATION 23: We urge education authorities to be more proactive with the schools in their areas and recognise the risk of potential future legal challenges by individuals where schools and education authorities may be judged to have failed to adequately protect children from the impacts of bullying and harassment, especially when motivated by prejudice. [Paragraph 114]

THE CURRICULUM

RECOMMENDATION 24: We ask the Scottish Government to examine, and report back to us, on how reform of Personal and Social Education (PSE) and school counselling services will underpin delivery of the National Anti-Bullying Approach. [Paragraph 97]

RECOMMENDATION 25: We are concerned the curriculum places a great deal of emphasis, albeit well-meaning, on teaching about the differences between cultures, races and traditions instead of focussing on commonality and empathy. We ask the Scottish Government and education authorities to work with training providers to ensure all teachers are adequately trained to also promote commonality. [Paragraph 171]

RECOMMENDATION 26: Given the evidence we received about children as young as 12 years old being coerced into sexual activity, we ask the Scottish Government and education authorities to ensure that consent and healthy relationships be taught from the beginning of primary school in an age appropriate manner to safeguard children. [Paragraph 172]

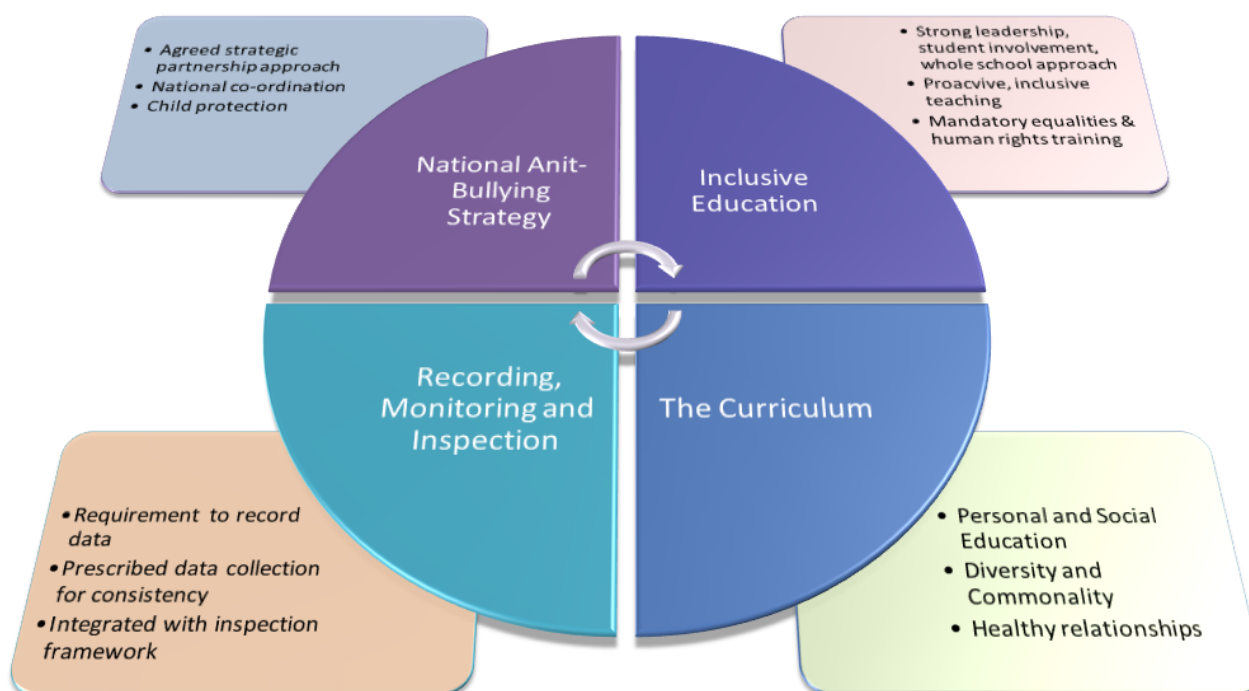
RECOMMENDATION 27: We received evidence on teaching materials which continued to reinforce stereotypes. We accept it will be a large undertaking; however, we ask the Scottish Government and education authorities to undertake an audit of teaching materials to ensure they support delivery of equality. [Paragraph 173]

RECORDING, MONITORING AND INSPECTION

RECOMMENDATION 28: We ask the Scottish Government to make it a requirement for every education authority in Scotland to collect and monitor school bullying incidents and to record specifically incidents of prejudice-based bullying. We ask the Scottish Government to ensure consistency by prescribing the type of data recorded. If necessary, such a requirement could be placed on a statutory footing. We also believe data collected should be shared with other agencies involved in reducing prejudice-based bullying. [Paragraph 190]

RECOMMENDATION 29: We ask the Scottish Government to build the requirement for recording and monitoring of school bullying into the inspection framework to ensure compliance, and also to ensure teachers are competent not only in delivering health and wellbeing, but also inclusion, diversity and human rights. [Paragraph 201]

Overview of Recommendations



Introduction

Remit of the inquiry

1. In September and October 2016, we held a number of round table oral evidence sessions with various stakeholders, to assist us in mapping out our work programme for 2016-17. In addition, we also held informal breakfast meetings with service users to hear about their lived experiences and priorities, including young people and trainee teachers. One of the key areas of concern to emerge from this process, in terms of both equalities and human rights, was the prejudice-based bullying and harassment of children and young people in schools in Scotland.
2. Prejudice-based bullying is bullying related to the protected characteristics as defined in the Equality Act 2010. These are as follows: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. This report focusses on issues related to disability, race, religion or belief, sex (gender) and sexual orientation and gender identity.
3. We were told that it was important when looking at hate crime to take a step back and focus on bullying in schools. Alastair Pringle of the Equalities and Human Rights Commission advised “The majority of hate crime is perpetrated by younger people, and we know that it does not start outside the school yard”.¹ Also of concern to stakeholders was the normalisation of sexualised bullying. Emma Ritch, Engender said “We are aware from other survey data that sexual harassment, assault and even rape are occurring in schools in the UK”.²
4. Colin MacFarlane of Stonewall Scotland, said that from “our lesbian, gay, bisexual and transgender perspective, we know that bullying is rife in our schools—indeed endemic, given that 99 per cent of young people hear some form of homophobic language every day in the classroom”.³ Also on LGBTI issues, we heard schools had individual bullying plans for gender, race and disability, but not for LGBTI⁴ and that those entering the teaching profession were being told that section 28 still applies and that they should therefore not talk about homophobic bullying.⁵
5. Reporting of bullying incidents was also highlighted as an issue with both the police and disability organisations citing under-reporting.⁶ Kayleigh Thorpe from Enable Scotland told us more than 70 per cent of young people who had learning disabilities felt that people in school did not understand them and nearly half of them felt alone at school.⁷

Approach to evidence gathering

6. In response to these issues, we held a one-off oral evidence session on 10 November 2016 to explore the subject area in more detail, with Dr Kay Tisdall of the Centre for Research on Families and Relationships at the University of Edinburgh; Carol Young of the Coalition for Racial Equality and Rights (CERE); Bill Ramsay of the Educational Institute of Scotland (EIS); Iain Smith of Inclusion Scotland; Cara Spence of LGBT Youth Scotland; Dr Rowena Arshad of Moray House School of Education at the University of Edinburgh; Joanna Barrett of NSPCC Scotland/

Childline Scotland; Kathryn Dawson of Rape Crisis Scotland; Brian Donnelly of respectme; Dr Gillean McCluskey of the Scottish Council of Deans of Education and Jordan Daly of Time for Inclusive Education.

7. Following the evidence session on 10 November, we wrote to the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP (“the Cabinet Secretary”), highlighting the concerns which witnesses has expressed to us about the lack and consistency of data on the extent of the problem of prejudice-based bullying and harassment in schools, possible major under-reporting of such incidences, concerns about teacher training and the prioritisation of ongoing professional development. We also highlighted the view of witnesses that the upcoming refresh of Respect for All (“the National Anti-Bullying Approach”), properly addressed prejudice-based bullying and harassment. We asked the Cabinet Secretary to pause the refresh process to allow us to examine these issues in more detail.
8. On 11 November the Cabinet Secretary replied to us agreeing to put the refresh of Respect for All on hold and welcoming the Committee’s examination of these issues and agreeing to consider any recommendations the Committee may make in relation to Respect for All, and prejudice-based bullying and harassment in schools. The Cabinet Secretary wrote again on 1 December providing further information on the background to the National Anti-Bullying Approach.
9. We held further two oral evidence sessions on 26 January and 15 June. On 26 January we heard from Philip Gosnay of the Association of Directors of Education in Scotland; Mary Berrill of Her Majesty’s Inspector of Education and Maggie Fallon of Education Scotland; Barbara Coupar of the Scottish Catholic Education Service, and John Edward of Scottish Council of Independent Schools.
10. On 15 June 2017, we heard from Anthony Horan of the Catholic Parliamentary Office of the Catholic Bishops’ Conference of Scotland; Rev Dr Richard Frazer of the Church and Society Council of the Church of Scotland; Hannah Brisbane and Susie McGuinness of Girlguiding Scotland; Derek Allan and Cameron Bowie of Kirkcaldy High School; Samena Dean of Scotland Against Criminalising Communities; Brittany Ritell of the Scottish Council of Jewish Communities, Charlie Lynch of the Scottish Secular Society, Anne Whiteford of Scouting Scotland and Niamh McGeechan of the STAMP Project at Lanarkshire Rape Crisis. At our final session on 22 June we heard from the Cabinet Secretary.
11. In addition, to subject-specific evidence sessions, we also made use of other parts of our work programme to draw in relevant evidence, such as examining policies relating to Gypsy Travellers. We have also drawn on the work of other Parliamentary committees, such as the recent recommendations from the Education and Skills Committee from its inquiry on Personal and Social Education .
8
12. Scottish Government officials also provided an overview of the work they had undertaken to help us understand the breadth of the policy area and the process by which advice on tackling bullying is provided to schools, parents, community groups and children.

Evidence from children and young people

13. During our sessions on 10 November and 26 January, we became aware of the sensitivities around taking formal evidence from children who had been bullied. Some of the cases we heard concerned serious sexual and physical assault. Core to our decision-making was the vulnerability of witnesses, particularly if they were still experiencing bullying or harassment, or if they were in the process of recovery, or could potentially face repercussions from sharing their personal stories. We were acutely aware that even anonymising testimony could still lead to identification of a child. As such, we decided to use a mixture of formal evidence taking sessions, as well as informal face-to-face meetings and fact-finding visits. This enabled us to take account of both the timescales involved for the inquiry and the need for sensitivity.

Research

14. We were also aware of a number of recent research work undertaken by Scottish third sector and advocacy groups, which could provide considerable first hand testimony from children and young people. We commissioned Children in Scotland to draw together information from relevant research and surveys and to give us their views on this research.⁹

Fact-finding activity

15. We also undertook private fact-finding meetings with stakeholders on sexual harassment, race bullying, and disability bullying. In addition, we undertook a fact-finding visit to Vale of Leven Academy in West Dunbartonshire on 21 March 2017, which allowed us to see first-hand how a school worked with delivering LGBTI inclusivity through an assembly and its equalities group. [A note of this visit is available in the Annex to this report.](#) At the Your Scottish Parliament event, held on 24 March 2017, we gathered views from 80 young people on bullying and harassment in schools. [A note of this event is available in the Annex to this report.](#)
16. We wish to sincerely thank everyone who provided evidence to us, but particularly to the children and young people who shared their personal stories of prejudice-based bullying and harassment. In many cases this was deeply personal and emotional and we very much appreciate their courageousness. We were also impressed by how articulate, compassionate and dignified they were in telling us about the circumstances and the impact of their experience of being bullied.
17. Part One of our report examines different protected characteristics and the impacts of bullying, while Part Two considers the current response to school bullying by the Scottish Government, education authorities and schools.

Part One - The Impact of Bullying and Harassment

18. We felt strongly that we wanted to share the personal testimony evidence we received. This contributed significantly to our understanding of the impact of bullying and informed our conclusions and recommendations. We have included a number of case studies in the [Annex](#) to this report and would encourage readers to engage with this evidence to bring the issues detailed in the report to life, as we have necessarily had to summarise some of the evidence for the purpose of reporting.
19. The evidence we gathered showed that across all of the protected characteristics, children and young people feel singled-out because of their gender, faith or belief, disability, race or ethnicity, as well as their sexual orientation and gender identity.
20. We set out the evidence received on:
 - sexual harassment, sexual exploitation and physical appearance,
 - race and ethnicity,
 - faith and belief,
 - disability,
 - sexual orientation and gender identity, and
 - social media and bullying.

Sexual harassment, sexual exploitation and physical appearance

“I was playing dares with a boy from my school then he dared me to send nudes and I did. I feel ashamed and embarrassed and I don’t know why I did it.”

– (Girl aged 12) (NSPCC, 2016)

“They call me fatty and chubby, and push and pull me around. I have not eaten much since it started a few weeks ago. I feel like I need to change so I have put myself on a diet. I want to lose weight so they stop bullying me.”

– (Girl aged 7) (NSPCC, 2016)

21. Sexual harassment and intimidation is being experienced by children in both primary and secondary school. Gender played a key factor we found, and is disproportionately impacting girls and young women.
22. Evidence we gathered pointed to high levels of prejudice around physical appearance across all of the protected characteristics. As part of the work we commissioned from Children in Scotland, they highlighted that “physical

appearance is an important issue; young people expressed that they are bullied about the shape and size of their bodies. This also appeared to have had a negative impact on wellbeing and body image as the NSPCC administered 2,618 counselling sessions (from approx. 25,000 related to bullying) in 2015-16 in relation to body image issues (NSPCC, 2016).”¹⁰

23. Children in Scotland’s report highlighted “there would appear to be a strong link between bullying and poor mental health, with young people identifying that bullying has a whole host of negative impacts such as low self-esteem, social isolation, sadness, depression or anxiety. Furthermore, bullying about weight was also noted to have the effect of causing eating disorders, in some instances, and contributing to poor body image.”¹¹
24. On sexual bullying and harassment, the Children in Scotland research showed that “sexualised bullying also plays a big part in the lives of young people. This ranges from sexualised name-calling, uninvited touching, encouragement to send inappropriate and sexualised photos and also bullying in relation to the onset of puberty. Girls also raised issues about attending new schools and feeling under pressure from young men in relation to sex, leading to name-calling, threats and rumours being spread about them.”¹²
25. Girlguiding Scotland referred to the results of their 2014 Girls’ Attitude Survey on the views of girls and young women across the UK. This highlighted how widespread the problem was with 59% of girls aged 13 to 21 stating they had faced some form of sexual harassment at school or college in the past year. One in four had seen sexually explicit pictures or videos, or pictures or videos of girls or women that made them feel uncomfortable. 22% of girls aged 7 to 12 had experienced jokes of a sexual nature from boys at school.
26. We encourage everyone who reads this report to watch the short video produced by Girlguiding Scotland on the impact of sexual harassment in schools.

Girlguiding Scotland video

Sexual harassment in schools



Source: Katie Horsburgh, Girlguiding Scotland

27. Also worryingly, we heard of instances of sexual harassment directed at female students by male members of teaching staff. Girlguiding Scotland Youth Worker Susie McGuinness from Glasgow told us—

” I sat in a classroom with a guidance teacher who watched as a boy walked around the classroom and undid girls’ bras through their shirts, and I had a teacher who put everybody’s third-year picture up on the board and commented on what the girls looked like. That was quite normal. Schools need to be much clearer with their staff and clamp down on that.

Source: Equalities and Human Rights Committee 15 June 2017 [Draft], Susie McGuinness, contrib. 52¹

28. Susie McGuinness also told us of instances of teaching staff approving or encouraging male students to commit physical assault on girls—

” A young person in my guides group told me about a teacher who told a boy not to be too scared about hitting a girl, because, the teacher said, “She is a bit of crazy bitch.” That same teacher came in on the first day of school and said to my 13-year-old friend, “So, let’s see which of the girls have developed over the summer... That sort of thing has been reported again and again at my school, but the girls’ concerns have been dismissed. That is normal.

Source: Equalities and Human Rights Committee 15 June 2017 [Draft], Susie McGuinness, contrib. 52¹

29. Other witnesses we heard from highlighted alarming behaviour by both children and teaching staff.

30. Rape Crisis Scotland gave an example of “where girls have reported that boys in their school have raped them or coerced them into sending an image which has subsequently been shared. In some cases this has been reported to the police or social work, but no further action taken and the boy remains in the school. In addition to the trauma of the original abuse or assault, the girls have faced bullying, with problematic attitudes being brought into play for example that girls and women often lie about rape, and that when they are raped or sexually assaulted, they are in some way responsible.”¹³

Race and ethnicity

People said to me “Are you adopted?” “Go back to where you come from” and call me “ugly brownie”. (Girl aged 12) (CRER)

31. The Coalition for Racial Equality and Rights (CRER) also highlighted there was wider impact on children from racial and ethnic bullying, “racist incidents and bullying on children and young people is different from the impact of other forms of bullying. Racism is experienced not just as a personal attack on a young person, but as something deeper which undermines and degrades their family, their community and their culture”¹⁴

32. Carol Young of CRER cited the fact that “teachers have reported that bullying based on race is the number one type of prejudice-based bullying” and that children from black and ethnic minority communities are far more likely to suffer prejudice-based bullying over their majority community peers.¹⁵

33. We also undertook a private fact-finding meeting with stakeholders from CRER on specific cases of racist bullying and harassment in Scottish education. This was amongst some of the most serious and shocking evidence we received, especially as incidents were prolonged and resulted in serious physical, and in some cases sexual assault, on children. It would be inappropriate to elaborate further because of the sensitivities and impending legal action in regard to a particular case.
34. Even where strides have been made in addressing the impact of bullying and harassment targeted at racial and ethnic groups, the inherited culture fear of victimisation amongst parents can have a disproportionate impact on the education and wellbeing of children. Maureen Finn of the Scottish Gypsy Traveller education programme STEP who had surveyed families on the main barriers to education, told us—
- ” The main reason that Gypsy Traveller parents give for not allowing their children to go to secondary school—although many go to primary—is bullying and discrimination. The view of STEP and many other agencies is that Gypsy Traveller parents have inherited that narrative in their culture.

Source: Equalities and Human Rights Committee 01 June 2017 [Draft], Maureen Finn (STEP), contrib. 7²

Faith and belief

“Ever since the Paris attacks, I have been getting bullied really badly at school. I wear a headscarf and the bullies think that just because I am Muslim that I support ISIS. It’s gotten so bad that I have started to miss school, which I never do.”
– (Girl aged 15) (NSPCC, 2016)

35. We examined the complex relationship between ethnic and racial-based prejudice and that of faith-based prejudice, especially for children from minority religious communities in Scotland such as members of the Islamic and Jewish faiths.
36. Many witnesses spoke of a rapidly deteriorating environment for their children. Existing problems of prejudice were now being compounded by suspicion and stigma generated by media coverage of the refugee crisis or terrorism. This resulted in hostility towards their children who were perceived as having a cultural relationship with these nations and faiths.
37. Youth worker Samena Dean of Scotland Against Criminalising Communities (SACC) highlighted the growing level of Islamophobia faced by Muslim children in 2016 (years P5 to S6) attending 18 high schools and 22 primary schools in Edinburgh. Of 100 Muslim children surveyed—
- 55% in high school encountered verbal Islamophobia,
 - 35% experienced it personally;
 - 53% in primary school encountered verbal Islamophobia,
 - 29% experienced it personally;

- Children were called “terrorist”, “bomber”, “ISIS”, “suicide squad”, “al Qaeda”. Kids heard other making fun of God and Allah, and were asked if they had a gun under their scarf;
 - 15% in high school had encountered physical Islamophobia,
 - 6% experienced it personally;
 - 26% in primary school had encountered physical Islamophobia,
 - 14% experienced it personally, this included being punched, kicked, pushed and having hijabs pulled off. ¹⁶
38. Brittany Ritell of the Scottish Council of Jewish Communities (SCoJeC) highlighted many instances of anti-Semitism against Jewish children. SCoJeC referenced “several accounts of children at school being told that ‘the Jews killed Jesus’, and being subject to a Hitler salute, and some conflating Judaism with Israel. She said that while some Jewish people volunteer to visit schools, this is very unstructured and often the people admit they have little knowledge of the Jewish faith. She added “In many communities, there are people who have never met a Jewish person in their life...how is a religious education teacher supposed to teach about Judaism when they have probably never met someone who represents that faith?” ¹⁷
39. Anthony Horan, Parliamentary Officer for the Catholic Bishop’s Conference of Scotland reflected similar concerns—
- ” The problem that we have, which the previous witnesses referred to, is that there is a culture of fear about being open. We are talking about faith, but people might also feel uncomfortable about speaking openly about other characteristics... A lot of people fear being open about their faith...I have received evidence from young people about anti-Catholic bullying.
- Source: Equalities and Human Rights Committee 15 June 2017 [Draft], Anthony Horan, contrib. 97³
40. Dr Richard Frazer, Convener of the Church and Society Council of the Church of Scotland, highlighted the need for a level of “religious and secular literacy” in the Scottish education system to overcome prejudice generated by ignorance. He told us young people’s experience in the classroom “whether they are secular or from any kind of faith community—can feel that they are being singled out or being asked to be an expert on a subject that they know little about.” ¹⁸
41. Children of no faith background also felt isolated as a result of the way faith education was delivered. Charlie Lynch of the Scottish Secular Society said “we are unhappy with religious observance as it is currently managed in non-denominational schools. We have started to compile evidence from pupils and their parents who are atheists and who have had all kinds of problems with religious observance. There is a right to opt out, but we are concerned that people are frequently not told about that properly.” ¹⁹ The Secular Society advocated an opting in rather than opting out approach to faith education to make school culture more inclusive.

Disability

“School wasn’t easy for me, I didn’t have any friends and some of the children bullied me and called me names, or just ignored me. I felt invisible.”

– (Enable, 2016)

“These two boys are meant to be my friends but they keep telling me to hit this other girl. I have done it once but they keep telling me to do it again. I don’t want to hurt her again but feel I have to in case they won’t be friends with me anymore. I am autistic and have ADHD and I don’t really know what it means, but I think that is why I think I have to do what they say. They have messaged her telling her I am going to get her.”

– (Girl aged 16) (NSPCC, 2016)

42. One of the most vulnerable groups who fall victim to prejudice-based bullying and harassment were young disabled people. The research we commissioned from Children in Scotland pointed to the “presence of an additional support need or a learning disability” being a contributing factor to being bullied. They stated however, “that while there was often a correlation made between the two, causal proof or evidence was not forthcoming in the work carried out” by key stakeholders (NSPCC, 2016, Enable, 2016, Enquire). They noted that bullying was identified by Enquire “as contributing to a child or young person’s additional support need in 87 out of the 171 calls on the subject.” In 2016, Enable found that two thirds of young people with a learning disability or Autism Spectrum Disorder (ASD) they engaged with had experienced bullying.²⁰
43. Iain Smith of Inclusion Scotland pointed to the lack of comprehensive information on disability bullying in Scotland. He pointed out that “most of the evidence that exists suggests that disabled children are twice as likely to be bullied at school as non-disabled children, and that bullying can carry on into adult life”.²¹
44. He also explained that “over time, disabled people become immune—not to the effects of disability-related bullying, but to its significance. They think that it is just part of normal life, and therefore they stop reporting incidents of bullying or harassment because they think, “Well, that’s just what happens.” That is very worrying. In the longer term, bullying impacts on the mental health of disabled people and leads to more social isolation.”²²
45. One of the most distressing cases we encountered was that of Rebecca Nicholson, a young woman from the Highlands who now volunteers as a disabled youth worker with Inclusion Scotland. Rebecca met the Committee to tell us of her experience of prejudice-based bullying as a disabled student. Her full story is in [set out in the Annex to this report](#). In summary, Rebecca suffered disability-related prejudice throughout her secondary school years. The vast majority of hostility and prejudice directed towards her came from her teaching staff, and this left her suffering with low levels of self-worth and self-esteem. She was subsequently diagnosed with Post Traumatic Stress Disorder. Today, Rebecca is a strong, confident, articulate young woman who is determined to make a positive contribution in life and wants to

work to eliminate fear and disability-prejudice amongst students and teachers in the Scottish education system.

Sexual orientation and gender identity

“In my first few years at secondary, I was bullied for not fitting the stereotypes of masculinity, with my peers questioning my sexuality before I even had a chance to do it myself.” – (TIE, 2016)

*“The bullying I received has severely damaged my self-esteem. I currently suffer from an anxiety disorder... and in the past I have self-harmed.”
– (Gay young person, left school in 2000s) (TIE, 2016)*

46. Of concern to many of the stakeholders we heard from was the impact of sexual orientation and gender identity bullying and harassment. Children in Scotland’s report highlighted that teachers regularly hear about this sort of bullying in school. In 2014 Stonewall Scotland found that 39% of primary teachers in Scotland have heard homophobic bullying, while around 88% of secondary teachers say young people in their school are bullied for being or being suspected to be lesbian, gay, bisexual or trans, with 71% of teaching staff reporting hearing language like poof.”²³
47. Speaking about the widespread nature of the problem, Colin Macfarlane of Stonewall Scotland said that “from our lesbian, gay, bisexual and transgender perspective, we know that bullying is rife in our schools—indeed endemic, given that 99 per cent of young people hear some form of homophobic language every day in the classroom.”²⁴
48. TIE’s 2016 "Attitudes Towards LGBT in Scottish Education" survey stated that 91% of LGBT youth reported experiencing homophobia, biphobia or transphobia in school, while 65% reported being bullied because of their gender identity or sexual orientation. Most worrying, however, was that 27% of LGBT youth attempted suicide at least once as a result of prejudice-based bullying. 15% had attempted to end their lives more than once and 45% report they regularly self-harm as a consequence of bullying. Also, 95% of LGBT youth surveyed said that they believed bullying has had a long term impact on their lives, and 97% stated that it would have been much more helpful if their schools had had an LGBTI inclusive environment.²⁵
49. Cara Spence of LGBT Youth Scotland further reinforced the severity of the damage caused to LGBTI young people—

” Unfortunately, many of them talk to our services about feeling suicidal and having suicidal thoughts. They attribute that to being a direct result of their experience of schools. We also know that bullying can affect the attainment of LGBT young people. Fourteen per cent leave school as a direct result of homophobic, biphobic or transphobic bullying, and 10 per cent leave as a result of a homophobic environment in the school. Therefore, it is not just about bullying incidents; it is about the environment and culture in which bullying incidents take place.

Source: Equalities and Human Rights Committee 10 November 2016, Cara Spence (LGBT Youth Scotland), contrib. 7⁴

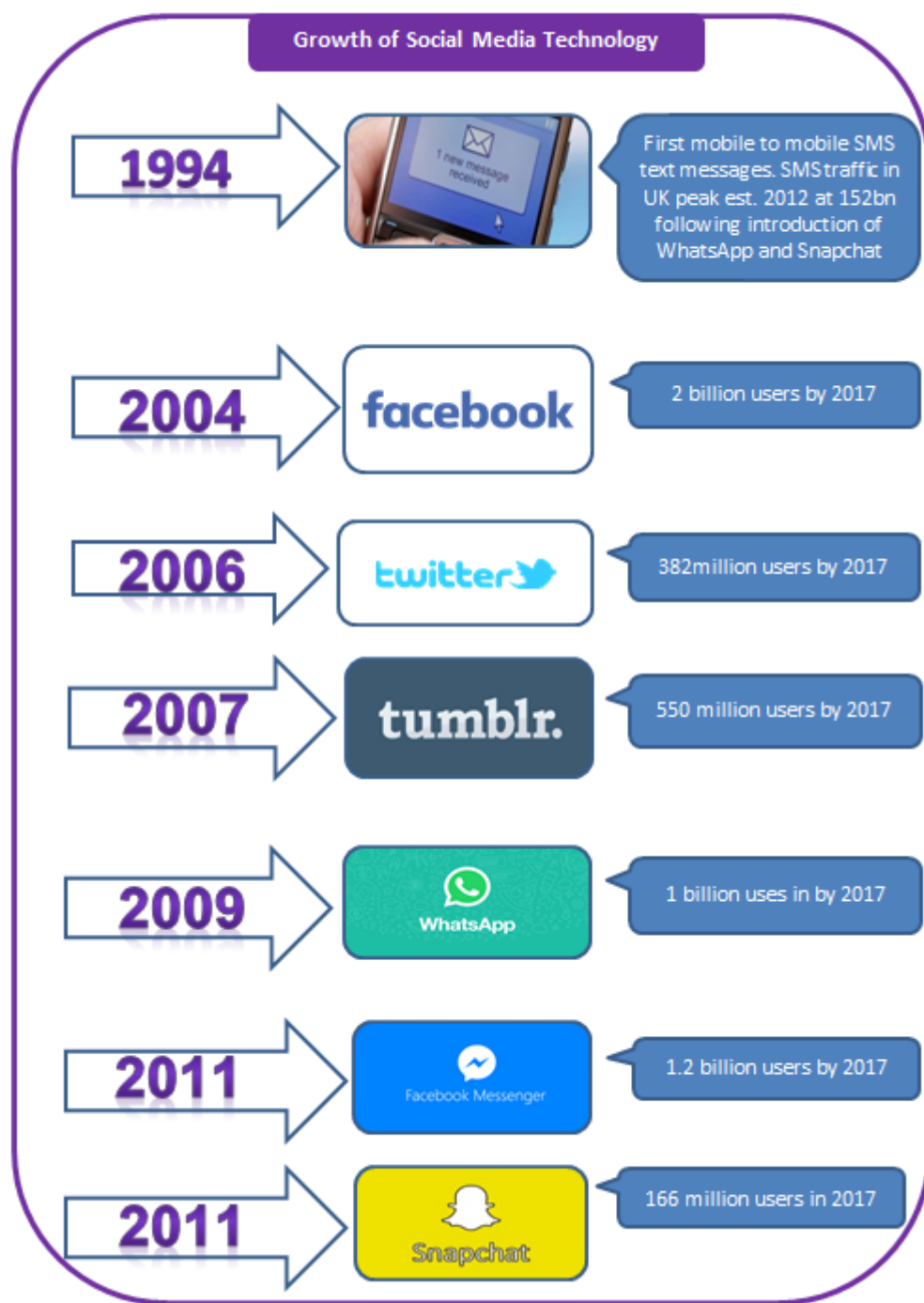
Social media and bullying

“It might sound like not much of a problem but there’s this group of people I play with online and they told me to kill myself. I won’t kill myself but it upsets me. My parents don’t realise how upset it’s making me and they tell me to stand up for myself or just not play anymore but they don’t know how hard that is! They don’t understand why I want to play with people who are not friends, but to me they are. I don’t know why they have just suddenly started picking on me but it hurts so much.” – (Girl aged 12) (NSPCC, 2016)

*“Every day I wake up scared to go to school, scared about the comments people will make and scared about walking home. Then I get in and log onto my social networking site and there are horrible messages everywhere. It’s like there’s no escaping the bullies. I’m struggling to cope with how upset I feel so sometimes I cut myself just to have a release but it’s not enough. I can’t go on like this.”
– (Girl aged 13) (NSPCC, 2016)*

50. Youth advocates from Girlguiding Scotland gave evidence of the serious situation of sexual assaults on girls and young women in the school environment. They called for guidance teachers in schools to be better equipped to deal with sexual harassment, especially when it involved video and images posted and shared online. The widespread use of social media platforms, such as Snapchat, are being used to share images of assault.
51. They highlighted the fact that “really young girls” are having nude photographs taken and leaked online, a fact they stated that “is quite shocking to a lot of adults, but it is widespread in schools and it goes under the radar”. Girlguiding Scotland explained that this problem is prevalent because “it is not happening in the classroom and teachers are not sure whether they are allowed to deal with it what steps they should be taking or whether the police should be involved...”²⁶
52. Maggie Fallon of Education Scotland agreed that “social media has made things very emotive and that the situation can become extremely complex, but a number of schools have adopted some thorough ways of dealing with the problem...it largely comes down to having a positive ethos and an inclusive environment in which

bullying cannot thrive. It is crucial that schools work hard to have such an environment in place.”²⁷



The Scottish Government

53. The Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, said in recognising the harm and damage that bullying causes—

” I make it absolutely clear that the Government considers bullying of any kind to be completely unacceptable. Wherever it occurs, we have a responsibility to take action to deal with it quickly and effectively. The Government believes that there is no place in Scotland for prejudice or discrimination and that everyone deserves to be treated fairly.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney), contrib. 2⁵

Conclusions and recommendations

54. Based on the evidence we took we are gravely concerned by the extent and seriousness of bullying in Scottish schools. In the course of our inquiry we got a real sense that prejudice-based bullying is on the increase.
55. The impact of bullying and harassment can be profound affecting confidence and undermining a sense of identity. It can result in social isolation and poorer life outcomes. Health and wellbeing are also significantly affected with some experiencing depression, Post Traumatic Stress Disorder or actions which lead to unhealthy personal relationships. The full physical and psychological implications of being bullied sometimes may not fully manifest until later in people's lives. In the worse cases bullying can lead to self-harm or suicide. Bullying can also impact on educational attainment which in turn can affect potential life opportunities.
56. Racism, which had been the focus of concerted efforts to stamp it out in the 1970s, has made a resurgence with previous progress being rolled back. Gender-based bullying and harassment appears to be commonplace too, so much so that some witnesses described it as a daily occurrence. It is also clear that language, previously deemed as derogatory, has now been normalised, for example, the use of "bitch" or "slut" being considered ordinary. Bullying towards young people who are LGBT we found is still prevalent, and a tragic failure of our society when 27% of LGBT bullied young people attempt suicide.
57. Overall, we believe any perceived difference means there is a risk of being bullied in an enabling environment (we address school culture and permissive environments later in this report). We believe that having a protected characteristic heightens the risk of being bullied or harassed and contributes to the length of time a child is bullied. Bullying becomes almost inescapable when a young person with a protected characteristic has, for example, a visibly identifiable feature (such as wearing a hijab) or a physical disability. We also found that not all bullying has the same impact. Bullying around faith or race had the potential to hold deeper impact for individuals as it extends to their community, culture or faith. Discrimination and equalities are thus core issues to address within bullying and harassment of children and young people.
58. **We were interested to learn about Young Scot's youth investigation into race equality in Scotland, entitled Fairer Future, due to be published this summer. We hope the findings will shed more light on this problem. We ask the Scottish Government to take cognisance of Young Scot's findings when finalising the refresh of the National Anti-Bullying Approach.**

59. Digital technology in the form of text, apps, videos, games and news media, provides the backdrop to today's bullying. It also offers various spaces where cyber bullying can take place and so we recognise bullying today doesn't stop at the school gates, meaning there is little respite for those being bullied. This constant digital media "noise" also contributes to an air of "acceptability" as boundaries are eroded due to these being largely unmoderated. Recent reporting of news items in relation to terrorism, Brexit and the American presidential election have given permission and credence to views previously considered off-limits. Over time, we believe this could have a normative effect unless challenged effectively in schools. We appreciate though that digital technology can also provide solutions in the form of anonymous reporting or gaining advice and support through online forums.

60. **We also recognise continual blurring of the boundaries around acceptable behaviour, language and cyber bullying makes addressing bullying in the school environment complex. We are strongly of the view, however, that no child or young person should have to experience bullying or harassment at school. Its effects are wide-ranging and damaging and can have a lasting impact on life chances. This is why we believe the approach taken needs to be preventative.**

61. **Many organisations, including Children in Scotland, called for more information about how children and young people are experiencing bullying rooted in racism, xenophobia and gender. Gaps in information relating to disability were also raised, including those with additional support needs. In order to provide a more accurate picture of all forms of bullying in Scotland we ask the Scottish Government to undertake wide-ranging research to establish the level and nature of bullying to ensure policies are evidenced-based to assist in ensuring bullying is addressed comprehensively across all relevant Scottish Government portfolios, every local authority, and within every school, as a matter of priority.**

The risk of inaction—



For the child/individual

- poorer life chances
- poorer physical and mental health outcomes
- Worst case: self-harm and suicide



For education

- Difficulty meeting attainment goals
- Increased impact on staff
- Additional pressure on resources



For society

- Higher costs for health, education, criminal justice, social care
- Lower economic and developmental benefit
- Long term generational consequences

Part Two – Dealing with Bullying and Harassment

62. This part of the report focusses on wider issues relevant to tackling and preventing bullying and harassment in schools and the approaches currently taken by the Scottish Government, education authorities and schools:
- Children’s rights and bullying,
 - Anti-bullying related strategies, relevant public policy, and leadership,
 - Negative environments in schools,
 - Definitions of prejudice-based bullying,
 - Teaching practice and prevention of bullying,
 - Data recording and monitoring of prejudice-based bullying, and
 - Inspection of, and compliance with, anti-bullying guidance.

Children’s rights and bullying

63. Children in Scotland referenced several leading stakeholders who had pointed to the need to understand and deal with prejudice-based bullying of children within the wider context of promoting and protecting their human rights. The Children’s Parliament’s ²⁸ view was that “as duty bearers, we adults must understand that children place their trust in us. The realisation of children’s human rights depends on our actions, our behaviours, our expressions of respect and our belief in the human dignity of every child.” ²⁹
64. Drawing together these views, Children in Scotland stated that, “dealing with bullying has to take on a different emphasis than simply aiming to tackle it as an individual issue. Instead it must focus on child rights and trust. Children have the right to be safe from bullying and children should know adults will listen to them and act in solidarity with them.... positive intergenerational relationships, built on a foundation of human rights, will also promote the prevention of bullying and harassment”. ³⁰
65. Many stakeholders have pointed to the UN’s Concluding Observations from the Convention on the Rights of the Child in terms of the UK meeting its commitments to children’s rights. The Children and Young People’s Commissioner Scotland told us of the pressing need to embed a right-based approach for children. Other witnesses have highlighted the need for this to include children’s rights within the Scottish education system. ³¹
66. Dr Kay Tisdall, Professor of Childhood Policy and Co-Director of the Centre for Research on Families and Relationships (CRFR), University of Edinburgh pointed out that “the 2016 Concluding Observations of the UN Committee on the Rights of the Child, for the UK, has conclusively recognised bullying as a form of violence

against children and thus against their human rights. Paragraph 48(a) states: Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, gypsy and traveller children.”³²

67. Failure to meet UN human rights standards was also emphasised by CRER. They pointed to the concluding observation of UN Committee on the Elimination of Racial Discrimination, which recommended that the UK:

” “35 a) Strengthen efforts to eliminate all racist bullying and harassment in the State party’s schools, including by requiring schools to collect qualitative and quantitative data on bullying and exclusions from school on the grounds of race, colour, descent, or national or ethnic origin, and to use the data to develop concrete strategies.

b) Ensure that schools comply with their public sector equality duty under the Equality Act 2010 and section 75 of the Northern Ireland Act 1998 to challenge racist bullying and to promote respect for diversity, including through the training of educational personnel”.³³

68. Juliet Harris, Together (The Scottish Alliance of Children’s Rights), highlighted the often unrecognised flouting of the rights of children by adult society. She spoke of a “culture of discrimination against children and young people across Scotland. We see that, for example, with signs that say that only one or two children are allowed in a shop at any one time, and in the fact that mosquito devices are still legal—it is still possible to have a device outside a shop that makes a noise that adults cannot hear to keep children away. If we had such a device that discriminated against people with a disability or BME communities people would be outraged, but it discriminates against children and people just say, Okay—that’s fine”.³⁴
69. Education Scotland drew attention to the approach it was leading with other key partners like, COSLA, Police Scotland, SportScotland and respectme, in the refresh of the National Anti-Bullying Approach by underlining “the principals that we are basing the approach on are robust, children’s rights focussed, rooted in equalities and have been agreed by the working group and the parents and carers, children and young people and practitioners we consulted with.”³⁵

Counter Terrorism and Security Act 2015 – section 26 the ‘prevent duty’

70. The Educational Institute of Scotland (EIS) were “very concerned about the ‘Prevent’ duty contained in the 2015 Counter Terrorism and Security Act...for certain public bodies to have ...in the exercise of their functions...due regard to the need to prevent people from being drawn into terrorism.” ‘Prevent’ has been widely criticised, not least for creating conditions in which racism and Islamophobia will be exacerbated. We are particularly concerned about the degree of scrutiny to which Black and Minority Ethnic learners and families may be subjected because of this legislation and its implementation.”³⁶
71. Dr Kay Tisdall advised Together (the Scottish Alliance for Children’s Rights) had received concerns from its members about the implications of the prevent duty on

children and young people and that this was taken up by the UN Committee on the Rights of the Child, which recognised the potential discriminatory or stigmatising impact that the Prevent Strategy could have.”³⁷

Conclusions and recommendations

72. We agree that bullying is a human rights issue and that part of the key to preventing bullying is the importance of instilling a rights-based approach in schools.

73. **Rights Respecting Schools Award places the UN Convention on the Rights of the Child at the heart of its ethos and curriculum.³⁸ We believe in addition to strengthening the National Anti-Bullying Approach to tackling, and importantly preventing, school bullying, encouraging the Rights Respecting Schools Award would make significant progress for the Scottish Government towards addressing the relevant concluding obligations of the UN Convention on the Rights of the Child, and the UN Convention on the Elimination of Racial Discrimination. We ask the Scottish Government to encourage schools to become rights-respecting-schools as part of the Rights Respecting Schools Award. We ask the Scottish Government to bring forward legislation which incorporates the UN Convention on the Rights of the Child into Scots law.³⁹**

74. **We ask the Scottish Government to work with providers of initial teacher training and Continuous Professional Development to augment training on the protected characteristics with specific training on children’s human rights to embed the Children’s Parliament’s message clearly that children’s human rights very much depend on our actions, our behaviours, our expressions of respect and our belief in the human dignity of every child. We also ask the Scottish Government to promote this message in the refreshed National Anti-Bullying Approach.**

75. **Concerns were raised about the UK Government’s ‘Prevent Duty’, which relates to the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism. Some considered this could exacerbate school bullying and harassment. In the time available we did not have an opportunity to thoroughly explore this issue. We therefore ask the Scottish Government to provide further clarification on the Prevent Duty and related guidance and how this fits with the Scottish Government’s National Anti-Bullying Approach.**

Anti-bullying related strategies, relevant public policy, and leadership

76. Scottish Government officials elaborated on the support Government provides to build confidence and the capacity to address bullying effectively, aligned to the National Anti-Bullying Approach. Funded by Government, respectme provides direct support to local authorities, schools, youth groups and all those working with children and young people. This includes reviewing, formulating, implementing and evaluating locally relevant anti-bullying policies on which stakeholders have been consulted and providing training, information and support with guidelines, procedures and monitoring.
77. In addition to this, officials stressed that Education Scotland, which provides the school inspection service, continued to provide support to schools on promoting positive relationships with children and young people, which includes support and resources around anti-bullying strategies.⁴⁰
78. Maggie Fallon explained that the strongest language in the national guidance is “should” and that there is an “...expectation that local authorities and schools will develop their own policies and that schools and all youth organisations should develop their own policies, too. At a local level, local authorities can use stronger language on what they expect from their schools”.⁴¹
79. The national anti-bullying organisation respectme suggested that the Anti-Bullying Approach should be reviewed every two or three years and explained that the approach taken in Scotland to anti-bullying policy is not to label people, but to talk about the behaviour and its impact of the people involved.⁴²
80. Philip Gosnay of the Association of Directors of Education in Scotland (ADES) welcomed a refreshed Anti-Bullying Approach which, he stated “should be at the heart of a whole-school approach to establishing a welcoming and nurturing ethos, whereby health and wellbeing and being safe are necessary prerequisites to effective learning, to achievement and to the attainment of all young people”.⁴³
81. We also note the Scottish Government’s recently published Mental Health Strategy 2017-2027, where the first three key actions listed under Prevention and Early Intervention for mental health are—
- A review of Personal and Social Education (PSE), the role of pastoral guidance in local authority schools, and services for counselling for children and young people;
 - A roll out improved mental health training for those who support young people in educational settings;
 - To commission the development of a matrix of evidence-based interventions to improve the mental health and wellbeing of children and young people.

Relevant public policy

82. Many witnesses spoke of the need to integrate the National Anti-Bullying Approach with other key aspects of Government policy, such as the new National Mental Health Strategy and reviews of the curriculum and teacher training.
83. The recent report from the Education and Skills Committee on reform of PSE within the Scottish curriculum, Let's Talk About Personal and Social Education, made several key findings and recommendations which are relevant to the National Anti-Bullying Approach. These include—
- ” • While recognising that the “approach taken in England, of making relationships and sex education mandatory for all schools, may not be replicable given the philosophy underpinning Scotland's education system”, the Education and Skills Committee, “is concerned that the importance the Scottish Government places on health and wellbeing (with Personal and Social Education sitting within this) as one of three priorities alongside numeracy and literacy, is not borne out in some schools or with consistency across schools.”
 - The [Education and Skills] Committee seeks an acknowledgement from the Scottish Government that, despite health and wellbeing being given equal priority to numeracy and literacy centrally, this is not always the case in practice locally.
 - The [Education and Skills] Committee also considers that the Scottish Government should ensure positive outcomes for all our young people if the [PSE] review recommended [by the Committee] finds clear evidence of children and young people not receiving the level of Personal and Social Education that is expected from education authorities, particularly in the absence of external validation of teaching that is present in exam subjects.”⁴⁴
84. The Scottish Government also recently established the LGBTI Inclusive Education Working Group, to look at making the Scottish curriculum and education system more inclusive of LGBTI culture and history. The terms of reference of this group include facilitating “joined up thinking and discussion to provide advice and recommendations to Scottish Ministers on the concerns and pledges of the Time for Inclusive Education (TIE) Campaign on how to improve the inclusive education experience for LGBTI young people.”⁴⁵

Leadership

85. A key element to emerge from the inquiry was the views held by many of the vital importance strong school leadership and a whole school approach can play in addressing bullying and harassment. Such leadership is not just confined to head teachers and teachers, but also required a joined up approach by the wider school community, education authorities, teacher associations and teacher training colleges and third sector partners.
86. We explored the factors involved in developing strong school leadership with head teachers from schools recognised as having both a positive and inclusive ethos, as well as strong teacher/pupil co-led mechanisms.

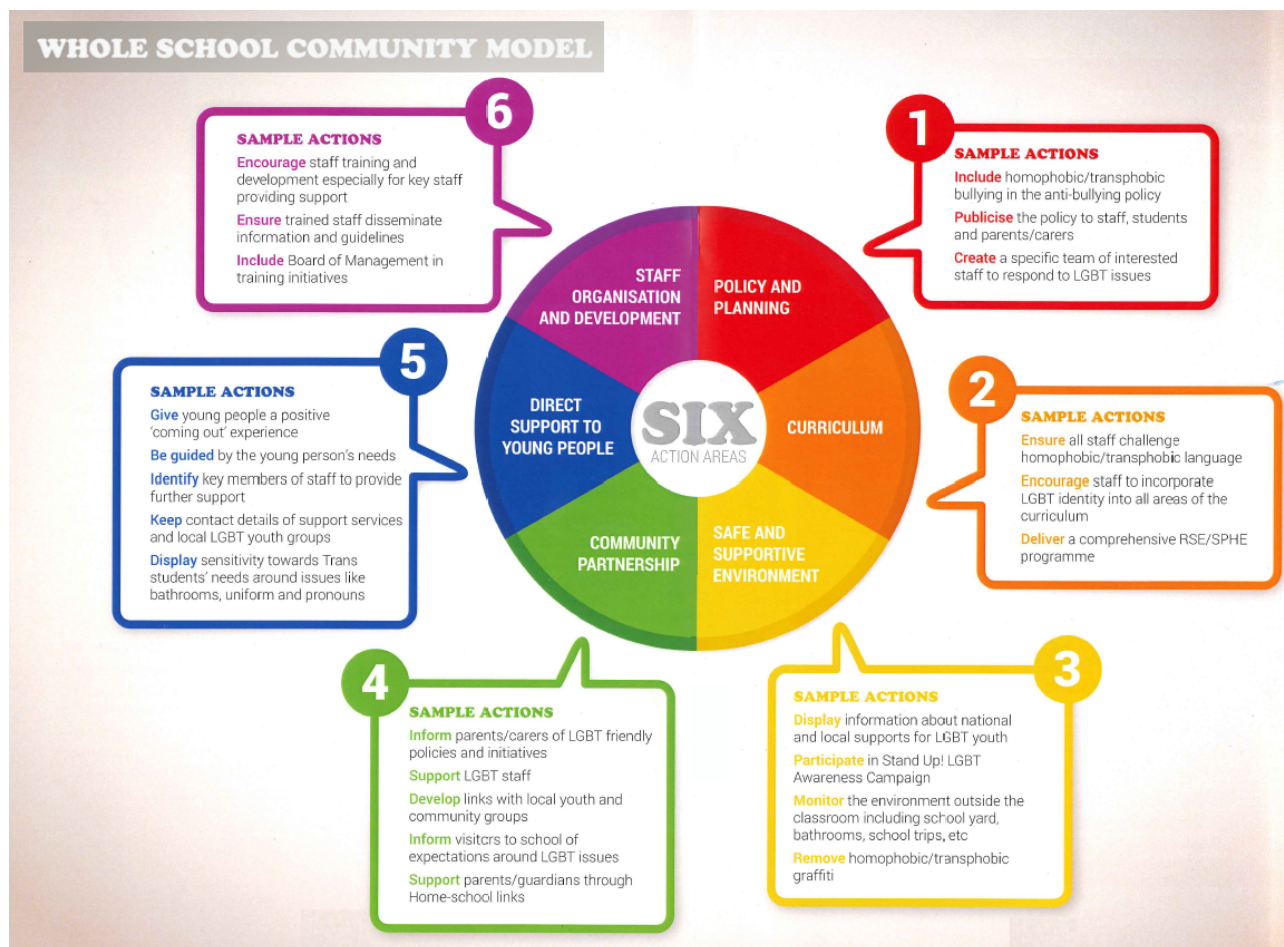
87. Derek Allan, Rector (Head Teacher) of Kirkcaldy High School gave evidence to the Committee alongside the student chair of the school's LGBTI+ Committee, Cameron Bowie. Speaking about the role of strong school leadership and building a whole school environment, Mr Allan told us of the lessons he learned during a study tour of the education system in the Canadian province of Ontario. Their school ethos, he said, places a central focus on character education and Ontario had "a specific curricular insert that looked at values such as honesty, trust, fairness and respect".



Source: Derek Allan (Rector) and Cameron Bowie (Chair, LGBTI+ Committee), Kirkcaldy High School give evidence to the Committee on 15 June 2017.

88. This had shown him that the "key thing is that prevention is far better than cure. Bullying policies in schools are important as frameworks but we would always want to get to the point at which bullying is minimised through the school's culture being such that it is not acceptable and not thought cool to be cruel. It is about building up a culture and ethos that are inclusive" These formed the basis for his approach to building the school ethos when he became head at Kirkcaldy High School." ⁴⁶
89. This approach was also echoed in what we learned from Rebecca Machin, Head Teacher of Kinlochleven High School. She took part in a private face-to-face fact finding about school ethos and leadership. A small school of 147 students in rural Scotland, Rebecca Machin spoke of her experience of engaging students and their families in reshaping the ethos of the school. She told us "to begin we had set down a school ethos which ran to about two sides A4. But after I engaged the students in its redesign this was narrowed down to two sentences, and these are now constantly refreshed." She also spoke of how children led on the process of welcoming children from families in the Syrian Resettlement Programme and the creation of an LGBTI committee in the school. [A note of this visit is available in the Annex to this report.](#)
90. During a visit to Dublin, the Convener met with Carol Anne O'Brien, Director of Advocacy with BelongTo, one of Ireland's leading third sector LGBTI youth organisations. We learned about the approach taken in Ireland to treating LGBTI prejudice as a public health issues and discussed the school assessment tool BelongTo has developed in cooperation with Government and the various private and faith groups which deliver education in Ireland. BelongTo have developed a rapid assessment toolkit to assist schools as part of the mental health strategy

delivered by the Irish public health service. [A note of this meeting is available in the Annex to this report.](#)



Source: Whole school approach adopted by BelongTo in Ireland, Self-Assessment Toolkit on LGBTI issues

The Scottish Government

91. In response to a question about how guidance in schools is put into practice and how an ethos where bullying cannot thrive is created, the Cabinet Secretary said—

” Guidance has to be brought to life to ensure that young people experience the type of education system that the guidance aspires to deliver.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 9⁶

92. He went on to say that “our challenge is to ensure that that is replicated in operational practice in schools around the country”. 4⁷

93. And further explained—

” The profile of a school in the centre of Glasgow will be very different from the profile of a school in Ms Ross’s constituency. We must ensure that the approach is tailored to meet the needs of young people in different circumstances. However, regardless of whether bullying is due to relationship issues in a school in rural Scotland, or due to racial prejudice in a school in central Glasgow, it is totally unacceptable.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 15⁷

94. The Cabinet Secretary also highlighted the importance of relationships between schools and communities. He said, “The ethos that we try to encourage in our schools is for them to be involved in the communities of which they are a part.” He referred to a school in his constituency which had been working with vulnerable elderly people in care homes and said of the benefits, “That work is part of the process of reinforcing the ethos of a respectful and inclusive society in which people are respectful not just to elderly members of the community, but to a variety of groups in our society”.⁴⁸

Conclusions and recommendations

95. We acknowledge the National Anti-Bullying Approach has an important role in communicating the emphasis the Scottish Government places on addressing bullying in schools. We appreciate the Cabinet Secretary’s willingness to delay the publication of the refreshed National Anti-Bullying Approach and his commitment to reflect on the findings of our inquiry for aspects which could be strengthened.

96. We ask the Scottish Government to ensure the future direction of the National Anti-Bullying Approach’s emphasis is on prevention, through proactivity, rather than focusing on reacting to bullying incidents. This should focus on creating a whole-school culture which is inclusive. In addition, we ask the Scottish Government for an update on any changes made prior to publication of the refreshed National Anti-Bullying Approach.

97. The ongoing Scottish Government review of Personal and Social Education (PSE) and school counselling services, should be closely aligned to the refresh of the National Anti-Bullying Approach. In our view PSE in the curriculum can play an important role in building an inclusive learning environment which provides both students and teachers with a tool to address prejudice-based bullying and harassment. This is a topic we will continue to pursue in cooperation with the Educational and Skills Committee. We ask the Scottish Government to examine how reform of PSE will underpin delivery of the National Anti-Bullying Approach and report back to us on this.

98. The Government should also take advantage of the review of hate crimes to ensure the National Anti-Bullying Approach delivers clarity to all involved in the education system on hate crimes and sexual offences.

99. We expect the National Anti-Bullying Approach to be reviewed at least every three years, so as to ensure it keeps pace with changes or developments which materially affect its efficacy and efficiency. Public consultation and relevant parliamentary consideration should form part of the review process.

100. We welcome the Scottish Government's commitment to prioritising health and wellbeing of children through GIRFEC (Getting it Right for Every Child) and the recently published Mental Health Strategy which also prioritises children and young people's mental health.
101. We are supportive of the views expressed by the Education and Skills Committee and the views expressed by many of the witnesses we have heard from that the curriculum should provide a more pupil-led response to building a stronger whole school environment which is more consistently delivered across Scotland.
102. Both the findings of the Education and Skills Committee, and the approach of the new national mental health strategy point to the need for a more joined up approach to national policy on prejudice-based bullying and harassment. This was also reflected from many of the groups we heard from.

103. The Scottish Government should ensure that all anti-bullying related policies and agencies are working in a coordinated and joined up manner to address all prejudice-based bullying and harassment in schools to ensure consistency of delivery and outcome across the entire education system in Scotland. We will review progress as part of our 2018 work programme.

104. In order to ensure local joined-up delivery we expect Community Planning Partnerships provide the necessary focus to join-up the efforts of key public sector stakeholders, such as education authorities and Health Boards etc. on anti-bullying policy. This should be reflected in Single Outcome Agreements.

105. We also ask the Scottish Government to investigate whether the policy lead on school bullying and harassment would be better aligned to public health policy, thus switching the focus from education to health by concentrating on the health and wellbeing impacts of bullying on children or young people. This approach has found support in other countries such as Ireland and may also assist in provide a fresh approach to dealing with some of the sensitivities around delivering inclusive teaching and education in faith-based school environments.

106. The recently formed Scottish Government LGBTI Inclusive Education Working Group is also a welcome advancement in addressing LGBTI issues in schools. We wish it well in its deliberations and look forward to the action which flows from its work. We commend the work of BelongTo in Ireland to the Working Group. We ask the Cabinet Secretary to report back to us on the work of the Working Group when it concludes its task.

107. **We ask the Scottish Government to clarify how the role of the newly announced regional education collaboratives will help to deliver anti-bullying strategies in schools.**
108. We believe of vital importance to addressing prejudiced-based bullying and discrimination in our schools is strong leadership at all levels, from the Scottish Government through to education authorities and head teachers of schools.
109. **The effective implementation of the National Anti-Bullying Approach across Scottish education is of major concern to us. Freedom of Information requests made by CRER ([see the evidence from CRER on recording and monitoring](#)), show that there is limited evidence to support that all schools have anti-bullying policies in place.**
110. **Scotland's duty to protect children and young people from prejudice-based bullying and harassment extends to all children in the education system, irrespective of what type of school they attend. It is vital, therefore, that the Scottish Government work with education authorities to guarantee uniformity of delivery of the National Anti-Bullying Approach, both in denominational and non-denominational local authority run schools, and independently run schools.**
111. **We recognise education authorities are autonomous and that schools need the flexibility to address their particular circumstances; however, we consider there is a disconnect between the direction set out in the National Anti-Bullying Approach and positive action being taken in schools. We therefore ask the Scottish Government to work with the Association of Directors of Education in Scotland and the independent school sector to create an action plan which flows from the National Anti-Bullying Approach. This should include targets for schools and should be monitored by the education authority in coordination with the Inspection Service.**
112. Successful prevention is happening in schools where anti-bullying practice is embedded within school culture. Leadership from head teachers is essential, but it has to be an inclusive approach, through shared values and vision and this whole-school approach must include young people in its development. Pupils know the issues that need to be addressed and often have the solutions, for example, peer-to-peer support. Key messages have to be reinforced at every opportunity, through assemblies for example, to maintain a positive culture that welcomes diversity. We consider more needs to be done to export good practice to other schools.

113. **The Scottish Government should work with the Association of Directors of Education in Scotland to look at creating or utilising an existing forum where anti-bullying best practice can be shared.**

114. **As we have learned from the experience of equal pay compensation, future court proceedings on discrimination in the education system may pose possible serious risks to the levels of public revenue available to fund education. We urge education authorities to be more proactive with the schools in their areas and recognise the risk of potential future legal challenges by individuals where schools and education authorities may be judged to have failed to adequately protect children from the impacts of bullying and harassment, especially when motivated by prejudice.**

Negative environments in schools

115. It was clear from the evidence we received that prejudice-based bullying affects not only those who are victims, but also those who carry out such bullying and those who witness it. The widespread nature of the prejudice-based bullying and harassment and the normalisation of such negative views and beliefs can impact on the lives of all children.
116. Another key element raised is the need to address the development of negative permissive spaces in the school environment, including online. Time and again the need for safe school spaces, not just for children and young people, but also for teachers and all who work in education, was highlighted to us, as being central to tackling prejudice and proactively create safe and trusted school environments.
117. Children in Scotland's report noted that, "School culture was found to be vitally important in ensuring that young people are supported to deal with bullying. Successful prevention is happening in schools where anti-bullying practice is embedded within school culture".⁴⁹ This was echoed by respectme who found that the most successful anti-bullying interventions were embedded within a positive ethos and culture and do not focus on individual incidents."⁵⁰
118. Evidence from other witnesses, such as Rape Crisis Scotland, CRER, Inclusion Scotland, the NSPCC, the TIE Campaign, Girlguiding Scotland and the Scottish Youth Parliament have all referenced the combination of factors which has led to growth of negative school environments for protecting children from prejudice-based bullying and sexual harassment. These include deficiencies in teacher training and CPD, failure to challenge inappropriate behaviour and language, lack of understanding of the role, and impact of online and social media and lack of leadership in building strong school ethos and supporting teachers when the challenge behaviour.
119. These views were also reflective of much of the evidence we received from witnesses. Brittany Ritell of the SCoJeC highlighted the need to tackle the negative permissive space in relation to understanding the role of the bystander: "An

important word that came up with the previous panel of witnesses was bystander. I talked with P7 students yesterday and none of them knew what a bystander is. When working on creating a Holocaust education curriculum for S5 and S6 students, my colleague said that he did not think that those students would know what a bystander was. Starting to change that culture is important.”⁵¹

120. Cameron Bowie, Chair of Kirkcaldy High School’s LGBT+ Group spoke of the importance strong leadership in creating safe positive school environment for LGBTI students: “The LGBT group is a good support network for kids who are feeling victimised due to their sexuality or gender identity... assemblies that we have done at the school have given people knowledge, so that they do not go by wrong stereotypes and judge people. ...the school is a very accepting place. At assemblies, Mr Allan uses words like 'gay', 'lesbian' and 'transgender', which takes away the stigma and makes those identities accepted.”⁵²
121. Kirkcaldy High School’s LGBT+ Group set out some of the key aspects to building a successful inclusive environment: ongoing messages of acceptance are delivered to the entire school to pupils and parents; pupils aware of the rules from the head teacher; all staff fully aware they are supported to deal with any Homophobic, Biphobic, Transphobic bullying; good school culture on addressing topics like contraception, teenage pregnancy and LGBT+ lessons prejudice; effective use of used social media to build up a culture of acceptance.
122. They concluded “we believe that the way forward for equality and acceptance is a strong, clear and consistent message delivered continuously by respected authority figures until it becomes part of the school’s identity and ethos”.⁵³
123. The strength of a pupil co-led approach was also reflected by the Education and Skills Committee in their recent inquiry report on PSE when they stated—

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“The [Education and Skills] Committee considers consulting young people and tailoring the approach to teaching to their needs aligns with the ethos of the Curriculum for Excellence and that this approach would lend relevance and breadth to Personal and Social Education curricula. The Committee recommends to the Scottish Government that all Personal and Social Education programmes should include an element of co-design to ensure that young people explore issues of importance to them and are engaged in the learning process.”⁵⁴
124. In a private fact-finding meeting with the Committee on specific cases of racial bullying, CRER raised concerns that the current curriculum places too much of a focus, albeit well-meaningly, on teaching about the differences between human cultures, races and traditions instead of focussing on commonality which all humans share. They questioned whether any review of PSE and school counselling services in the curriculum, should re-examination of the policy of "learning about diversity" and whether it is unhelpfully focusing on the small percentage of differences between people, instead of promoting and grounding empathy and human communality based on the vast majority of human experience.
125. Bullying and harassment faced by children and young people was not the only form of bullying referred to by witnesses. In its evidence to the Committee the EIS expresses its concerns that “teachers are at risk of bullying and harassment from a

wide range of sources: it can come from colleagues, management, students and pupils, members of the public or from parents. Multiple strategies therefore need to be put in place to prevent and challenge the harassment of teachers.”⁵⁵

126. Adequate support for teachers to address bullying towards students, as well as that directed at themselves, was reflected on by others witnesses too. In a private fact-finding meeting with youth advocates from the Scottish Youth Parliament and Girlguiding Scotland on 14 June 2017, we heard of several instances where teachers, especially female teachers, were the subject of harassment by other teachers, or students. A note of this meeting is included in the [annex to this report](#). One of the participants told us that she recalled a female teacher who was too intimidated to address prejudice-based bullying in class because “she was afraid she’d be filmed by students and have it posted on the internet”.
127. The Scottish Parliament hosted the Your Scottish Parliament Conference attended by approximately 135 young people (16-19 years old). The Committee engaged with over 80 young people on the issue of prejudice-based bullying in schools. The key views they expressed were—
- Prejudice-based bullying has a long lasting impact on the lives of those who’d experienced it, and for those who witness it happening, it made their school years unpleasant;
 - the whole education system was too "reactive" and needed to be much more "proactive" on bullying: such as focussing on forming positive self-identity and health relationships from an early age; an understanding consent in relations; developing empathy and the ability of develop think critically, and children’s experience of personal relationships should start in their pre-school years.

The Scottish Government

128. When asked about teachers who were dismissive or unsympathetic towards children and young people’s issues, the Cabinet Secretary was unequivocal—

” there is no circumstance in which bullying is acceptable, and there is no circumstance in which bullying that is perpetrated by one individual is any less significant or less concerning than that which is perpetrated by any other. Bullying is not acceptable; whether we are talking about the way in which bullying has been perpetrated, or the way in which it has not been properly investigated or held to account, it is completely at odds with the aspirations of our approach.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 25⁸

Conclusions and recommendations

129. What has been concerning during the course of our inquiry was the number of incidents we heard about where teachers had been dismissive or were unsympathetic to children and young people worried about bullying. This non-validation of concerns can lead to the creation of a negative-permissive environment where children do not raise issues because they think they will not be dealt with. This is where bullying can flourish. We also heard about teachers who

used inappropriate language or terms that made children and young people less likely to trust that their concerns would be addressed.

130. Bullying not only affects those experiencing it, but also those who witness it. We note that some young people feel they cannot stand up for friends who are being bullied due to the effect it might have on the young people. There are also issues about friends being put in an awkward position about whether to report bullying when the victim's wishes are to avoid telling someone. Support for bystanders was also felt to be important, as children faced issues such as not knowing what to do, fearing ridicule from adults, and retribution from bullies.

131. **We ask the Scottish Government to ensure the refreshed National Anti-Bullying Approach's focus is on prevention, early intervention and the rights of children. It should be aspirational and stress the importance of promoting an inclusive environment where pupils are safe and are comfortable with challenging bullying behaviour because they are supported to do so. It should also make clear that every incident reported should be treated seriously and investigated with children's rights at the core, as should be the case with professional practice.**

Definitions of prejudice-based bullying

132. Various witnesses expressed grave concerns around confused definitions in terms of bullying, prejudice-based bullying and when incidents which are looked upon as bullying, but are in reality, hate or sexual crimes.

133. Susie McGuinness of Girlguiding Scotland said

” that there are instances of girls who have been filmed being assaulted, and that there is non-consensual footage of rape going around schools and not being reported or dealt with. It is a frightening thing, and it is so large that teachers do not know who to go to or how to deal with it, so it often goes unreported. When it does get reported, that can often make the situation worse, because it is not dealt with appropriately and people do not know what steps they can take...[schools should]...know what steps they should be taking and how to report incidents to the police, so that young men see the consequences of those actions. If they do not see the consequences, we are creating a culture where that is an acceptable thing to be happening in schools, and it is clearly not.

Source: Equalities and Human Rights Committee 15 June 2017 [Draft], Susie McGuinness, contrib. 18⁹

134. Her colleague, Hannah Brisbane, added: “A lot of [Girlguiding Scotland's] statistics come from the seven to 12 age group, which is always surprising to a lot of people because they think that it happens a lot later. It is happening a lot earlier.”⁵⁶
135. Commenting on this evidence, Derek Allan, Rector (Head Teacher) of Kirkcaldy High School said “I find it frightening that guidance teachers would not know that that is a clear child protection issue. There is clear guidance for all teachers about how to progress issues and report them appropriately.”⁵⁷

136. CRER also expressed serious concerns to us around the lack of clarity in guidance and culture in schools on what's constitutes a race incident. They called for this clearly established definition of a racist incident, which was out in the MacPherson Report in 1999 (which inquired into the murder of Steven Lawrence and the criminal case and trial which followed), to be use by all schools in deciding whether an incident of bullying or harassment constitutes a race incident—

“any incident which is perceived to be racist by the victim or any other person”.⁵⁸

137. Everyone who works in the Scottish education system should be aware of this clear simple definition and use it as the benchmark to assess whether a racist incident has occurred.

138. Brittany Retill of the SCoJeC echoed this sentiment "it is good that there is a definition of anti-Semitism, which will probably help to combat it. Many times, it is hard to define exactly what is bad enough to be dealt with, so having a concrete and clear definition will go a long way."⁵⁹

139. Barbara Coupar of the Scottish Catholic Education Service (SCES) expressed concerns raised by Catholic primary school head teachers about how to define prejudice-based bullying stating that head teachers “raised the issue of who gets to define the root of the bullying. Is it the person who is being bullied, the bully or the adult who is looking at the situation? There is nuance and greyness around that, and the people to whom I spoke said that they are very open to receiving help and support to ensure that their data is accurate.”⁶⁰

Conclusions and recommendations

140. Evidence we received points to there being significant confusion amongst teaching professionals about what constitutes bullying, and bullying motivated by prejudice. We believe different definitions have the potential to compound confusion. Particular concern was also raised regarding children from a black and ethnic minority background, Gypsy Travellers, and from those faith communities around confused definitions and what constitutes an act of racism. There is also evidence of poor practice regarding child protection and reporting of bullying incidents which are hate or sexual crimes.

141. We recognise the National Anti-Bullying Approach defines the types of behaviours which could be bullying and we think this is helpful. We however ask the Scottish Government to undertake further work to provide a simple definition of bullying and bullying motivated by prejudice, so that all those who work with children have a clear understanding. This should also look to clarify when bullying constitutes a hate crime or a sexual offence. We ask the Scottish Government to provide assurance that all those working in schools are trained when to report bullying to the police. We seek assurance from the Scottish Government that teachers have the necessary guidance to the implement child protection procedures.

Teaching practice and prevention of bullying

142. Equipping teachers with the skills and confidence to tackle prejudice-based bullying and harassment, as well as addressing prejudice amongst teaching professions, has been a major theme in this inquiry.
143. In the Programme for Government the Scottish Government committed to “require all new guidance and promoted teachers – and eventually all teachers – to undertake training so that they are confident in tackling prejudice-based bullying in schools. We will work with the General Teaching Council for Scotland to provide more support on equality issues by August 2017, and ensure that schools address the important issues that LGBTI young people face, and that teachers have the skills, knowledge and confidence to embed inclusive approaches in their schools”.⁶¹
144. On 10 November 2016, we took evidence from Centre for Research on Families and Relationships, CRER, the EIS, Inclusion Scotland, LGBT Youth Scotland, the Head of Moray House School of Education, the NSPCC Scotland/Childline Scotland, Scottish Council of Deans of Education, Rape Crisis Scotland, respectme, and the TIE Campaign. There was broad consensus amongst these groups of the need for teacher training on prejudice-based bullying and harassment with a focus on the content of that training in order to improve the confidence of teachers.⁶²
145. Brian Donnelly, Director of respectme told us that the “biggest challenge that we have found in schools in recent years is quite saddening: the lack of knowledge in schools of the Equality Act 2010 and protected characteristics can be quite alarming. There are people who genuinely do not understand their duties and responsibilities in relation to prejudice-based bullying.”⁶³
146. Bill Ramsay of the EIS spoke about the teachers views on time and resources available to undertake training and CPD, “It is important to realise that teachers have only a certain amount of time outwith the classroom to train up on various issues and further develop their professionalism...they have about 7.5 hours a week to prepare for their lessons and roughly five hours a week to refresh—teachers do much more than that...therefore, there is an issue of priorities”⁶⁴
147. Speaking about the approach favoured by the Scottish Catholic Education Service, Barbara Coupar said it would be helpful to have one teacher per school with the specialist training to support children and deal with prejudice rather than training all teachers “for some of our secondary school teachers, it does not matter what the issue would be ... If they are not a PSE teacher or a religious education teacher, they might not feel equipped to have conversations of that ilk with the children anyway...teachers need to be able to say, 'I don't think I'm the person who can help you.’”⁶⁵
148. Barbara Coupar made clear that the SCES is trying to “ensure that our staff know, first, at a basic level, the law and what they are allowed to talk about, and secondly what the church actually teaches—there is sometimes confusion there—so that they have the confidence and the sense of freedom to be able to talk about that.”⁶⁶

149. John Edward of the SCIS informed us that there are about 3,500 teachers in the independent schools sector, and “about at least a third of them go through SCIS training of some form or another every year”, mostly on child protection and wellbeing. He added “we do not see it as something that is all over once a teacher has got their certificates.”⁶⁷
150. Speaking about teacher training and inspection, he told us “from our perspective, [ethos] is very important to our schools, because they all have an individual ethos or philosophy that has developed over decades—or centuries in some cases. That forms a very core part of how they approach any of these problems, such as cyberbullying and sexual exploitation. One of the main roles that SCIS performs for its schools is professional learning and development and the production of guidelines on all sorts of areas, based on best practice, case law, the Equality Act 2010, the Children and Young People (Scotland) Act 2014 or whatever it may be”⁶⁸
151. He continued, “If we thought that the training out there was perfect, we would not have to develop our own. I suppose that we are lucky to be in the position that we can create bespoke training, involving the time for inclusive education campaign, respectme and others.”⁶⁹
152. As we have cited previously, witnesses from the Church of Scotland, SACC and SoCJeC spoke about the need for religious literacy and the need to train teachers on main faiths in Scotland to be able to respond appropriately to faith and do more to teach pupils to adopt non-judgmental attitudes and accept different identities.⁷⁰
153. Stonewall Scotland also reflected deep concerns around the lack of confidence amongst teachers to know how to deal with prejudice-based bullying. Colin Macfarlane told us that “the big issue is that our teachers feel that they do not have the confidence to tackle the problem in the classroom. Only 16 per cent of our teachers in Scotland have had any training whatsoever on tackling such bullying or talking about lesbian, gay, bisexual, transgender and intersex issues in the classroom.”⁷¹
154. From our discussions with teachers and trainee teachers, we are particularly dismayed to hear of continuing confusion amongst educational professionals about what they can and cannot discuss in school in terms of LGBTI issues, or uncertainty about responding to children and young people who approach them seeking advice or support around their sexual orientation or gender identity.
155. Concern over how prepared teachers are to deal with prejudice in the education system was reflected by many witnesses. Kathryn Dawson of Rape Crisis Scotland said: “despite the health and wellbeing component of curriculum for excellence, there is little content in initial teacher training on those issues. The teachers I meet and my colleagues work with are really concerned about a lot of the issues that we have talked about, but that is not always matched by their understanding of the best way to go about tackling those things...We must bear in mind the need for initial and on-going teacher training to better equip teachers to tackle the issues proactively.”⁷²
156. Jordan Daly of the TIE campaign spoke of the need for a deeper understanding of the current limitations of how teachers are trained and equipped to fully address prejudice-based bullying: “we consistently find that teachers do not have the

confidence to address those issues...there is a risk that saying that teachers do not have the confidence to do that can just come across as empty rhetoric. Once we look past that, it is a matter of asking what they do not have the confidence to do. Some schools are just not addressing the matter—full stop. Language is heard, and teachers shy away from addressing it. In other schools, teachers tell us that they can address the language; they will say, “Don’t say that. That’s not acceptable.” However, there is then a full stop and no progress after that.”⁷³

157. Girlguiding Scotland and the members of the Scottish Youth Parliament, in both private fact-finding meetings and in public evidence, spoke of the urgent need to ensure that teacher training, and the school curriculum, allows and equips teachers to begin teaching children about issues of consent and healthy personal relationships from a much earlier age.
158. Speaking about the alarming volume of sexual harassment and assaults being reported to them amongst girls aged 7 to 12, Susie McGuinness of Girlguiding Scotland told us: “A lot of people are realising that it is happening to girls aged 12 or 13. It is more of a case for personal and social education. Issues of consent and online abuse need to be discussed much earlier—at the end of primary school, in my view. By primary 6, I was sitting in classes in which boys were taking it in turns to shout 'rape' the loudest. Teachers need to realise that we need to combat that much earlier.”⁷⁴
159. While acknowledging the obstacles of resourcing and the complexity of developing tailored responses to issues such as racist bullying, Carol Young of CRER told us “I have had conversations with people over the years about whether having a race equality charter for schools would be beneficial. It would be a complex thing to do because issues with regard to race are quite different, partly because of Britain’s history of empire and racialisation. It would be difficult to have a set of criteria to be signed up to address racism adequately. On the other hand, I have always felt that it would be worthwhile scoping whether there is a way to do that proactively and get people on board. Unfortunately, the resources to carry out that scoping are distinctly lacking”.⁷⁵
160. Education Scotland pointed to a resource titled "Dealing with Homophobia and Homophobic Bullying in Scottish Schools, a Toolkit for Teachers" which provides support for staff in recognising, challenging, and reducing homophobia and homophobic bullying in their schools, as part of Relationship Sexual health and Parenthood (RSHP) education.⁷⁶
161. Children in Scotland highlighted the importance of ensuring Scotland’s response to bullying and harassment takes a holistic approach with a “focus on building and rebuilding relationships between children, young people and adults. Friendships were seen as key in giving children and young people the resilience to deal with bullying.”⁷⁷

The Scottish Government

162. The Cabinet Secretary said—

- ” Crucially, we must ensure that those who are likely to be delivering that support to young people are well equipped in that respect. That is where the importance of taking the correct approach in initial teacher education comes in, because we must equip professionals with the capacity to provide the support that young people require.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 4¹⁰

163. He explained the purpose behind regional collaboratives was “to ensure that the quality interventions to enhance learning and teaching, and to enhance the quality of our schools, are available systemically in Scottish education.”⁷⁸
164. With regard to faith based bullying, the Cabinet Secretary said religious and moral education is a taught subject in the curriculum but we have to ensure young people “set that knowledge in the context of their wider educational experience, which has to be in an inclusive environment where we are respectful of difference and diversity in the education system.”⁷⁹

Conclusions and recommendations

165. Key to addressing prejudice-based bullying is to ensure teacher training adequately equips teachers to deal with incidents and to be able to create an inclusive classroom environment.

166. We ask the Scottish Government to work with providers of training for teachers so that greater emphasis is placed on equalities, the handling of bullying incidents, the protected characteristics, and the United Nations Convention on the Rights of the Child. Training must be embedded throughout the whole course in order to improve teachers’ confidence in dealing with bullying and in creating a classroom culture which is welcoming and allows diversity to thrive. For example, in learning about disability there needs to be a practical element which allows teachers to learn about the consequences of not addressing equality and rights issues when teaching. In relation to initial teacher training, the importance of respecting diversity needs to be reinforced throughout training, not just delivered through a couple of specific lessons, although that specific focus is of course welcome. We ask the Scottish Government for a yearly update on progress towards combating bullying through embedding equalities and human rights within teacher training courses.

167. In relation to existing teaching staff, we heard teachers had difficulty in attending CPD training related to anti-bullying and equalities. Reasons for this ranged from the lack of value placed on the training, to the inability to get teaching cover to attend training sessions. We also heard from young people who advised a number of teachers in post were dismissive of children and young people’s identities or directly contributed to a negative-permissive environment because of the views they held. Schools are subject to the Public Sector Equality Duty which means they must have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations. This places

an onus on individual head teachers to ensure their school is meeting the Public Sector Equality Duty.

168. **We therefore believe the only way to ensure that schools can implement a whole school approach to bullying is if all teachers are on board with the objective to meet the Public Sector Equality Duty. As such we ask the Scottish Government and the education authorities to make CPD training on equalities, the protected characteristics and children's human rights, compulsory. This should be complemented with training material which is refreshed at regular intervals to keep pace with legislation, social media or other relevant developments for example around identities.**

169. **There still seems to be confusion in the teaching profession about a continuing possible legal effect of Section 28 of the Local Government Act 1988 (which at the time inserted Section 2A into the Local Government Act 1986). Section 28 was repealed in Scots law, by the Scottish Parliament, on 15 March 2001 ([SSI/2001/113](#)). There is no reason whatsoever that the discriminatory shadow cast by "Section 28" should not be dispelled within Scottish education by 2017. We ask the Scottish Government to take steps to ensure all teacher training makes the position clear.**

170. We believe opportunities to further realise equalities and human rights through the curriculum should be seized, rather than relying solely on Personal and Social Education and Religious and Moral Education. It is hoped compulsory training will assist teachers in gaining confidence to address such issues when they arise in a teaching situation.

171. **We are concerned the curriculum places a great deal of emphasis, albeit well-meaning, on teaching about the differences between cultures, races and traditions instead of focussing on commonality and empathy. We ask the Scottish Government and education authorities to work with training providers to ensure all teachers are adequately trained to also promote commonality.**

172. **Given the evidence we received about children as young as 12 years old being coerced into sexual activity, we ask the Scottish Government and education authorities to ensure that consent and healthy relationships be taught from the beginning of primary school in an age appropriate manner to safeguard children.**

173. **We also received evidence on teaching materials which continued to reinforce stereotypes. We accept it will be a large undertaking; however, we ask the Scottish Government and education authorities to undertake an audit of teaching materials to ensure they support delivery of equality.**

Data recording and monitoring of prejudice-based bullying

174. Another concern to emerge from this inquiry is the lack of comprehensive and consistent data on the levels, frequency and types of prejudice-based bullying. Most of the information available to policy makers is either gleaned from the education inspection system, or provided by bespoke research commissioned by the Scottish Government through bodies like respectme. Third sector and voluntary groups fill in some of the data gaps with their own research, focussing on specific types of bullying such as race, ethnicity, LGBTI, disabilities and gender.
175. Children in Scotland told us that Scotland “needs more information about how children and young people are experiencing bullying rooted in racism, xenophobia and gender in order to provide a more accurate picture of all forms of bullying in Scotland and to ensure that we can make evidence-based recommendations.”⁸⁰
176. This view was echoed by many who have evidence to the Committee. Inclusion Scotland also called for...”more focus on getting clear data about disability bullying and a greater focus in anti-bullying policies in schools on addressing disability-related harassment, including the use of inappropriate language and bullying.”⁸¹
177. The Equality and Human Rights Commission commissioned research highlighted that one in four pupils surveyed said they were aware of peers experiencing prejudice based bullying, and that pupils who had been bullied were 20% less likely to report feeling safe at school or feel supported and respected.⁸² This research also found that, although 26 education authorities had a formal policy which required monitoring, only 14 could produce evidence when requested to.
178. Philip Gosnay of the ADES supported calls for the local recording of data on bullying, adding “this is not just about recording—data should be recorded in any case. What is more important is analysis. This is all about getting information to measure the effectiveness of our anti-bullying approaches and the impact on young people who are directly affected by bullying, and the purpose of data collection must remain the improvement of our service to young folk.”⁸³
179. Mary Birrell of the Inspectorate Service of Education Scotland noted that a “range of data is very important in safeguarding and child protection procedures. Data on attendance, for example, is important. If somebody is not in school, there are clearly concerns about their safeguarding. Data on exclusions is also important, as is looking at how well the young person is attaining and achieving, as that can often be an indication of difficulties or an unmet need.”⁸⁴
180. The Equality and Human Rights Commission has called on the Scottish Government to implement reporting on identity based bullying.⁸⁵ Giving evidence to the Committee, the EHRC’s Scottish Director, Alasdair Pringle told us the EHRC “...have also called for mandatory reporting of bullying—particularly prejudice-based bullying—in schools. We recently went to the UN to call for mandatory reporting of racial discrimination, but we are now calling for all forms of prejudice-based discrimination to be reported. To date, the response has been non-

mandatory guidelines—a refresh of the existing framework for schools—but we do not think that that is acceptable.”⁸⁶

181. Barbara Coupar of the Scottish Catholic Education Service (SCES) explained that Catholic schools account for approximately 20 per cent of schools in Scotland with the majority of them under local authority control.
182. Speaking about how Catholic schools address and record instances of prejudice-based bullying, she told us “I went to a meeting of the Catholic Headteachers Association of Primary Schools (CHAPS), and everyone there was absolutely sure that local authorities were robust in their anti-bullying policies and that bullying should be recorded. However, my understanding from what was said at that meeting is that there are significant differences around what should be recorded and how that should be done. CHAPS represents the eight dioceses, which cover all 32 local authority areas, and different groups of people from neighbouring local authorities highlighted different approaches. Those differences might come from, for example, the computer system that is used to record data, which may mean that certain types of bullying are not recorded in the same way”.⁸⁷
183. The TIE Campaign called for all local authorities to report all cases of homophobic, biphobic and transphobic bullying and for similar recording for all other forms of prejudice-based bullying.⁸⁸
184. During a private fact-finding meeting on specific cases of racist bullying in schools, CRER pointed to risk to relying on other "recording indicators" to measure the scale and impact of such bullying. They pointed out that children who suffer racist abuse or bullying at school may often still perform very well academically, so the impact of such abuse is not necessarily reflected in any attainment measures. Therefore, it may seem that there are no negative impacts to the victims of racist bullying. However, often the impacts are in the area of mental health and may not manifest themselves until after the person’s school life is over. This then gives rise to an attitude amongst teachers that the children who experience racist bullying are "coping fine" because they are still achieving in class.
185. In follow up to their evidence, CRER provided the inquiry with preliminary results from the data it has collected through Freedom of Information requests to all 32 Scottish education authorities on the recording of prejudice-based bullying. Their preliminary results show—
 - Of the 32 local authorities approached, three had failed to respond within the statutory deadline, and two have refused to send information, claiming that doing so would incur a cost above the £600 threshold;
 - More than one local authority claimed that it did not record any bullying centrally, either by the school or the education authority;
 - Primary schools were more likely to submit nil response, with no local authority claiming a 100% response rate from across primary schools in the area and the average nil returns rate being around 80% across all local authorities. In contrast, the average return rate was 50% for secondary schools across all local authorities;
 - One school issued its anti-bullying policy with missing sections under certain protected characteristics (including race), claiming that the policy was currently

undergoing consultation, meaning that there was not presently a policy in place to address prejudice based bullying;

- At least one local authority was only able to provide an anti-bullying policy from one school as no others in the local authority had provided details of their policy on bullying, prejudice based bullying, or handling racist incidents at school. ⁸⁹

186. CRER concluded its observations on these preliminary findings by stating that it “remains deeply concerned that based on the findings so far, the approach taken by schools and local authorities demonstrates a significant regression from our 2012 report.” ⁹⁰

187. Several other stakeholders who gave evidence to us, including Girlguiding Scotland, Inclusion Scotland, Centre for Research on Family and Relationships and LGBT Youth Scotland amongst others, all called for improved and consistent recording of prejudice-based bullying and harassment across the Scottish education system.

Scottish Government

188. On the question of school recording of bullying incidents, the Cabinet Secretary said—

- ” No school will want to acquire a reputation as one with a bullying problem; equally, though, a school will want to be able to take the necessary action to tackle the issue, and that is what matters.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 27¹¹

Conclusions and recommendations

189. Currently there is no requirement for schools or education authorities in Scotland to monitor or report on identity based bullying in schools. We believe that this is a significant weakness in the current National Anti-Bullying Approach. We recognise data recording is part of a wider approach to addressing school bullying and also that there is concern collecting data might create a "league table" scenario. At the moment, collection of data is variable and the information recorded inconsistent. This lack of consistency of information makes it difficult to analyse trends which in turn makes it difficult to develop or refine policy in a meaningful way.

190. **We believe the rights of the child outweigh the arguments against having a formal recording and monitoring regime. In fact, we believe, over time, it will become a useful indicator of how much progress a school has made and assist the school in targeting action early to prevent children and young people from being bullied. We ask the Scottish Government to make it a requirement for every education authority in Scotland to collect and monitor school bullying incidents and to record specifically incidents of prejudice-based bullying. We ask the Scottish Government to ensure consistency by prescribing the type of data recorded. If necessary, such a**

requirement could be placed on a statutory footing. We also believe data collected should be shared with other agencies involved in reducing prejudice-based bullying.

Inspection of, and compliance with, anti-bullying guidance

191. The role played by the education inspection system, both in terms of ensuring anti-bullying guidance is properly implemented, and that teachers and schools have the resources and tools necessary to fully address this problem has been raised by witnesses.
192. Cara Spence of LGBT Youth Scotland recommended that Scotland “could look at regulation and inspection and how that could include all the protected characteristics and be reviewed with rigour in schools. We might also look at legislation—for example, how the Equality Act 2010 and its specific duties for schools are implemented in the school environment. Those are some of our ideas about moving forward on consistency.”⁹¹
193. Iain Smith of Inclusion Scotland called for “more effort to be made, partly through the school inspection process. The ‘How good is our school?’ exercise that Education Scotland operates is done to ensure that when disabled children are in school, they are part of the school as a whole and are not just there in the fabric of the building. That is key.”⁹²
194. John Edward of the Scottish Council of Independent Schools (SCIS) also spoke about independent schools which are liable to inspection. The SCIS represent 76 independent schools, including mainstream schools—day and boarding, nursery and all-through, single-sex and co-ed—and a substantial number of independent complex additional support needs schools, most of which are residential.⁹³
195. Mary Berrill of the HMIE section of Education Scotland spoke of the key work of HMIE in ensuring wellbeing, equality and inclusion in schools. She told us that HMIE has introduced a “new model of inspection which...places an increased emphasis on safeguarding, which is now a core component of the inspection process. It always was part of the process, but its role has been enhanced.”⁹⁴
196. Mary Birrell outlined how the HMIE service would monitor issues like sexual harassment “in our discussions with schools, we will ask about and look at all their policies and procedures, to ensure that child exploitation and other matters have been fully included and have been given due regard in relation to all their policy and practice. If we are aware, through bullying logs and so on, of any particular incident, we will also have a detailed discussion to ensure that the school has done everything possible to support the child to address the issue and, more important, to ensure that the school is striving to develop a culture and ethos of the highest expectation—a culture of inclusiveness in which everybody feels that they belong and are safe.”⁹⁵

197. She also elaborated on how HMIE uses information from pre-inspection questionnaires: “school inspection has three elements: quantitative data, pupils’ views and direct observation... we send out to parents, teaching staff and pupils pre-inspection questionnaires from which we gather and collate feedback. That information shows that in 2015-16, for example, 85 per cent of primary school pupils and 71 per cent of secondary school pupils strongly agreed or agreed that staff were good at dealing with bullying. We use the fact that we are data rich. If we see a problem, we ask why it is there. We ask why staff do not know about it and say that they have to do training.”⁹⁶
198. We were told HMIE also examined the role of educational psychologists, social workers and the third sector in such circumstances to see how teaching staff are being “better equipped and more competent when it comes to delivering pupils’ health and wellbeing.”⁹⁷

The Scottish Government

199. The Cabinet Secretary expected bullying issues to be considered as part of the inspection process. He said—

” When inspectors go into school, they have open discussions with young people; indeed, inspectors put a very significant emphasis on the quality of those discussions and the need for privacy in that respect.

Source: Equalities and Human Rights Committee 22 June 2017 [Draft], John Swinney, contrib. 27¹¹

Conclusions and recommendations

200. We welcome the increasing inspection focus on the promotion of equality and diversity in schools and the enhanced emphasis on safeguarding. We also note the relatively high confidence level from the pre-inspection work undertaken, that school staff are good at dealing with bullying. We, of course, have heard about the hard cases, but in common with the Cabinet Secretary, we believe that any bullying, or dismissive response to bullying, is unacceptable so there is room for improvement and therefore should be a key inspection priority because of the impact it can have on individuals and their attainment and life outcomes.

- 201. We ask the Scottish Government to build the requirement for recording and monitoring of school bullying into the inspection framework to ensure compliance, and also to ensure teachers are competent not only in delivering health and wellbeing, but inclusion, diversity and human rights.**

ANNEX: Notes of case studies and informal fact-finding meetings

Case study: TIE Campaign and the Vale of Leven Academy

Tuesday 21 March 2017: Vale of Leven Academy (VOLA), West Dunbartonshire

On Tuesday 21 March 2017 a fact-finding group from the Committee visited VOLA in West Dunbartonshire to observe a TIE Campaign student assembly event on LGBTI issues. This was led by Jordan Daly and Liam Stevenson of the TIE Campaign. The group was also joined by Claire Cusick from the Education Dept. of West Dunbartonshire Council.

9.15am TIE student assembly event

Members of the TIE Campaign spoke to a school assembly of approximately 100 S1 and S2 students about LGBTI prejudice.

Liam Stevenson of the TIE Campaign spoke to pupils about the use of homophobic language, and how it is seen as banter. He discussed pupils challenging their friends and family when certain language is used.

Jordan Daly of the TIE Campaign spoke about his personal experience of bullying, the impact it had on him and how, by the age of 12 or 13, he was contemplating suicide. He spoke movingly about this experience. He told the assembly how he had planned to end his life before finally confiding in his best friend he was gay. He said that things started to improve for him from that moment on.

Dean, a former student from Vale of Leven Academy who graduated in 2016 spoke to the Assembly. Dean was assigned female at birth, but has transitioned to male. He spoke about his experience of feeling isolated at school from his S1 year. He spoke about self-harming during school hours to deal with the impacts of the prejudice he faced. He also developed an eating disorder to try and match magazine images of beauty. With the support of a teacher from the school, Dean was able to come out about his gender and begin the process of transition.

10.00am Meeting with the LGBTI Committee in VOLA

Following the student assembly, the Committee group had a meeting with pupils and teachers from the school's LGBTI committee.

Pupils on this committee are very well informed on issues to do with sexuality and gender identity. One of the views that emerged from our discussions was the point they made that it can be difficult to challenge a bully because they'll respond with "I'm just expressing an opinion."

The LGBTI Committee members believe that there should be more training for children during breaks and lunch period on such issues. They had a view that it is very helpful to have information on sexuality and gender identity delivered to students by people from

outside the school (like the TIE Campaign) as they can be more hard hitting about issues. It also means that teaching staff can listen and learn from such an event too.

The LGBTI Committee agreed they didn't want to have a "designated teacher" to deal with these LGBTI issues in the school, because all teaching staff "need to be on board". They pointed to the fact children going to a designated teacher might attract unwanted attention or speculation about why that student was meeting that teacher.

Liam from the TIE Campaign said that some teachers may be immune to homophobic language as they are just so used to hearing it.

Some teachers present raised questions about the effective ways teaching staff can record identity based bullying, but it was pointed out that West Dunbartonshire Council is developing ways to do this through the IT system. The main concern expressed by the Council is to ensure incidents are reported in the first place. In terms of getting pupil input on reporting bullying, [TootToot](#) was mentioned as a way of recording pupil's voices

The view was expressed that bullying on social media is worse than bullying done offline in school. Some students might feel more confident talking to someone their own age about bullying.

10.40am Meeting with six education staff from across West Dunbartonshire Council area

The fact-finding group was joined by six educational staff members from different schools across the West Dunbartonshire area for a discussion. All secondary schools in the area are looking to update their school bullying policies. Staff recognised there can be places and times where pupils feel safe or unsafe during school.

The view was expressed that social media makes dealing with bullying more complicated. If someone is getting bullied by a group, but they actually want to be friends with the group, it makes it complex. You are dealing with relationship issues.

The view was expressed that schools can get too obsessed with recording incidents.

There was a suggestion that a restorative practice/model can be very helpful. This involves bringing pupils together, face to face, but only if they are in agreement.

It was noted that social media starts getting used in Primary schools; pupils in P5 are using it.

There is a need to educate parents about bullying, and there was mention of the Parent Teacher Associations.

Concerns were expressed about the stresses and pressures placed on teaching staff and other school staff in dealing with the complexity of bullying and harassment in the school environment today. Instances were cited where students and their parents has been engaged in heated online communications outside school on various issues (say over a weekend) and this then spilling into the school week when parents look to teachers to intervene in such dispute.

It was noted that West Dunbartonshire contains areas of high deprivation, but it was noted that poverty is not a protected characteristic under the Equality Act. However, teaching staff expressed the view that pupils are often bullied because they can't "afford the latest things". Poverty is one of the leading reasons children may suffer bullying at school.

To make things easier, the group suggested—

- Mindfulness training for children
- Restorative practices
- School counsellor to help address mental health issues.

Case study: the experience of one young disabled person

Tuesday 20 June 2017, Scottish Parliament

One of the most distressing cases we encountered was that of Rebecca Nicholson, a young woman from the Highlands who now volunteers as a disabled youth worker. Rebecca met Committee members for a fact-finding meeting to speak about the disability-related prejudice and abuse she suffered throughout her school years.

Rebecca's primary school experience was positive and she described her final year in primary school as being "the first time I was accepted and my disability wasn't an issue." She believed students and teachers saw her as "Rebecca", and not just a disabled child.

This situation changed drastically, however, when she went to secondary school. Over the course of her secondary education she ended up moving schools twice. In her first school she encountered prejudice and bullying from fellow students, with verbal insults like "spaz" being used to her. As a wheelchair user she would also encounter physical harassment, such as students putting rubbish in the hood of her clothing etc. without her knowledge as she couldn't turn to see what they were doing and then laughing and belittling her.

Despite seeking help from teachers and school leadership, this kind of harassment was common and never properly addressed. Her then Head Teacher, and others, tried to rationalise away or ignore this abuse by telling her they didn't believe the issues she was reporting. On one occasion in her early teens a teacher told her: "Rebecca, when you take your eye off the ball you imagine things that aren't happening". She felt the school authorities never supported her and just "wanted to brush it under the carpet" and not deal with the issues as they didn't want the reputation of the school to suffer.

Rebecca felt very isolated and her levels of self-worth and self-esteem were very badly affected, so she decided to move to another mainstream school. However, the experiences she had there were much worse. The vast majority of hostility and prejudice directed towards her came from her teaching staff. While she said she could understand prejudice by her fellow students because they had never been educated on disability, she couldn't understand the prejudice and hostility she received from the "paid professionals who were meant to care" for her. She described the atmosphere of the school towards her as "cold" and unhelpful and was told she was a "problem" for them. Their attitude to her was that they were forced to accept her as a student and that any trouble they might have in dealing with her disability could damage their reputation. She described the indifferent and uncaring approach of teachers to her needs as "devastating" to her.

She told staff she wanted to do as much as possible for herself, and to be as independent as she could. Consequently, she was told she could not use the lift in the school on her

own, and as she wanted to be "independent" teachers would not assist her to do so. Instead she "would have to find someone else" to help her as it was now her responsibility. Also on more than one occasion she was interrupted by other students while she was using the disabled bathroom, because of faulty locks. When a boy once walked in on her using the toilet because of a faulty lock, and she complained to the Head Teacher, she was told it wasn't so bad because the boy had a sight impairment. Rebecca also witnessed other children with disabilities, like autism and ADHD, being treated in prejudicial ways. The general attitude of teaching staff seems to be that disabled students would never be "high achievers" and so would negatively impact the school's academic performance record.

At one stage an educational psychologist told her parents in front of her that they were "making far too much of her intellect" because "she is never going to achieve what you want her to achieve". These were just some of the examples Rebecca cited to us in terms of her treatment at secondary school.

Rebecca became deeply anxious and fearful of going to school and was constantly focussing on what she needed to do to avoid harassment and bullying. Rebecca eventually ended up moving schools again; however, the prejudice continued. The constant denigration left her depressed and with very low self-worth. She eventually ended up finishing her secondary education at a specialist school in another council area.

At 16 Rebecca had a brief relationship with a young man that proved to be highly abusive and very damaging to her. At the time she believed this was all she could expect as a disabled person because of all she has suffered at school and that she "didn't and couldn't deserve" to be happy. She was subsequently diagnosed with Post Traumatic Disorder. She now believes these negative impacts on her life were as a direct result of the prejudice and trauma she suffered during her school years.

Now in her 20s, and despite continuing to experience problems at university, she is studying health and social care and has achieved three distinction stars in her studies. Rebecca is a strong, confident articulate young woman who is determined to make a positive contribution in life and wants to work to eliminate fear and disability-prejudice amongst students and teachers in the Scottish education system. We are indebted to her for sharing her story with us. Rebecca summed up her meeting with the Committee by outlining the three key issues she thinks must be addressed by Government—

- She believes very strongly what is needed in the education system is teaching on disabilities and health relationships from "the very earliest age" to address ignorance and prejudice amongst children and young people;
- The education system needs to equip disabled young people with the skills they will need for life, and
- Training needs to be developed for all teachers and school leaders to dispel ignorance and prejudice of disabilities and help them build positive school environments for disabled students.

Case study: An approach to school leadership

Tuesday 20 June 2017, Scottish Parliament

The Committee met with Rebecca Machin, Head Teacher of Kinlochleven High School to discuss her experience of leading a school in a rural area of Scotland, adopting a whole school approach and working on issues such as LGBTI rights and how the community welcomed children from Syria.

Rebecca spoke to Members of the Committee on how she has helped to shape the school ethos at Kinlochleven High School, and the leadership role she has played in addressing prejudice such as that experienced by disabled students.

As head teacher of a relatively small school of 147 students in rural Scotland, Rebecca spoke of her experience of engaging students and their families in reshaping the ethos of the school. She told us “to begin we had set down a school ethos which ran to about two sides A4. But after I engaged the students in it redesign, this was narrowed down to two sentences, and these are now constantly refreshed.” Rebecca emphasised the benefits of fully engaging students in the development of school policy and the sense of shared ownership this develops.

She spoke of the positive experience the school underwent when four families from the Syrian Resettlement Programme moved into the Kinlochleven community and their children joined the school. This was a new experience for a rural community like Kinlochleven, however the whole school approach adopted by the school played a key part in welcoming these families to the local community. The work the students did in welcoming the new students led to the school signing up to the UK Rights Respecting Schools programme.

The experience of pupil/teacher co-led initiatives on these issues also saw the introduction of dancing as part of the school community. This was an initiative led very much by the students. One of the positive outcomes it has was to provide a basis for the establishment of an LGBTI committee within Kinlochleven High School.

Questioned about how Rebecca engaged parents, and the wider community, in taking a role and being supportive of such changes, she told us “the voice of the children made the key difference, they are so powerful” in delivering change. The whole school approach adopted by Kinlochleven High School shows student co-led approached help to actively engage their families, and the wider local community, in dialogue on changes and create a supportive environment for change.

Case study: an approach to LGBTI bullying from Ireland

Tuesday 13 May 2017, Dublin, Ireland

As part of this inquiry, the Committee has sought to identify approaches which might facilitate the sharing of best practice and help schools and local authorities to address the problems of prejudice-based bullying in a consistent, constructive and appropriate way, recognising that one size will not fit all.

To this end, we were impressed with one of the examples we learned of from Ireland. During a trip to Dublin on unrelated parliamentary business, the Convener and Assistant Clerk undertook a fact-finding meeting with Carol Anne O’Brien, Director of Advocacy with [BelongTo](#), one of Ireland’s leading third sector LGBTI youth organisations. She outlined

the approach taken in Ireland to addressing prejudice-based bullying and harassment around LGBTI children. This is also pertinent given the fact that a single religious community (the Irish Catholic Church) provides over 90% of primary school education and 50% of secondary school education in the Republic of Ireland. Ireland approached the delivery of anti-prejudice bullying and training as a public health issue and the BelongTo Safe & Supported Schools project is delivered by the Irish public health service.

As part of this process, BelongTo has developed a rapid assessment toolkit for schools, which is adapted from the Schools for Health in Europe (SHE) Rapid Assessment Toolkit. Each school's environment and community is evaluated against an agreed series of indicators in the toolkit, on a non-judgemental basis. This then forms the basis for the development of a bespoke health plan for each school to address the problems of prejudice-based bullying and harassment faced by LGBTI students. The assessment includes work with both teachers and students to build a common approach to solutions. This includes developing systems for teacher/pupil co-led structures, tools to engage parents, families and the wider community, teacher training and development and curriculum tools etc.

Another advantage of such toolkit assessment approach is the basis it provides to a head teacher from which to build an inclusive safe school community for all students and teaching staff. If adopted as part of the Scottish national approach to anti-bullying, and implemented across all 32 education authorities, it could have the advantage of providing a common mechanism across the country to allow teachers, education authorities, the school inspection service, and community bodies to set outcomes, assess progress, learn from mistakes and share best practice.

Fact-finding meeting on sexual harassment

Wednesday 14 June 2017

The Committee met with representatives from Girlguiding Scotland and the Scottish Youth Parliament, as well as with Gillian Martin MSP, to discuss issues around the sexual harassment of girls and young women in schools in Scotland.

Girlguiding outlined the findings of its recent members' survey on bullying and harassment. Some of the representatives present will be giving oral evidence, on the record, at the Committee meeting on 15 June 2017, and will place details of the survey on the record.

Girlguiding Scotland spoke of specific cases of sexual bullying and harassment, carried out by both male students and male teaching staff on girls and young women. They also spoke of cases of sexual assault and the inadequate response these cases has received from teachers and school leaders.

There was also discussion of cases where female teaching staff who tried to tackle sexual bullying in class were themselves the target for harassment by male students, and were often not properly supported by other teachers. This leads to a culture of fear where sexual harassment becomes commonplace.

One of the participants told us that she recalled a female teacher who was too intimidated to address prejudice-based bullying in class because "she was afraid she'd be filmed by students and have it posted on the internet".

Gillian Martin MSP also spoke of the work she is undertaking in her constituency on this issue following recent incidents of sexual harassment. A troubling case of an 11 year old girl who has inappropriate images of her shared amongst students was discussed. There was a strong view that the lack of understanding of what constitutes a criminal activity by students, and teachers, coupled with the negative permissive space what can evolve, is a difficult situation which schools are struggling to cope with.

The Scottish Youth Parliament representative added, "teachers often just ignore this kind of behaviour in class because they don't know how to deal with it." She spoke of her own personal experience of sexual bullying and harassment and the level of misogynist language used in her school, by both male and female students. Harassment of girls by other girls is also a major problem with some girls being pressured into being sexually active with boys through peer pressure, or other being attacked or shamed for going through with sexual activity.

Several members of the group spoke of the impacts sexual harassment has had on them including depression, anxiety and suicidal tendencies.

She spoke about the disclosure system Girlguiding Scotland operated for its members in terms of sexual bullying. There was a discussion on the role of Personal and Social Education (PSE) in the curriculum. There was a strong view that the effectiveness of PSE as a forum to discuss issues such as bullying greatly varied depending on the personality and training of the teacher delivering it. There was a strong feeling that the true level of sexual harassment on girls, especially young girls aged 7 to 12, is hugely under-reported.

There was discussion of the hyper-sexualised environment children now face, with it now being quite common for 12 to 13 year olds to take, view and share sexual images of themselves and each other, especially where girls are pressured into this activity as a sign of "love" or "commitment" in a relationship, often referred to as nudes for nudes.

The group also spoke of the harassing practice of girls having images of themselves digitally altered or photo-shopped to make them sexualised, or body shame them, as a form of harassment. The group felt that school leadership often panic when they become aware of these instances as they don't know how to address it. There was also a strong view that teachers and head teachers are in denial over how common this form of harassment now is in schools.

The Scottish Youth Parliament representative spoke of how most young people are too scared to resist or protest in such a negative and hostile environment, and there is a pressing need to reclaim the school space. She also believes that fear or lack of skill amongst teachers is limited to older teaching staff. In her experience young newly qualified teachers are just as likely to be unable to deal with sexual harassment as their more experienced colleagues.

One of the Girlguiding Scotland representatives also pointed out that boys are damaged by this environment as it gives them a warped sense of what is appropriate in personal relationships and how to relate to girls and women. She said "when we fail to protect girls from sexual harassment, we are failing boys too. How can they learn what is and isn't appropriate when we don't show them how to behave properly and tell them what is expected of them".

Gillian Martin MSP echoed this view stating that most boys in school are not aware that the activities they are undertaking may be a criminal offence. Girlguiding Scotland spoke of

a YouTube video they have made about this issue of sexual harassment of girls in schools and they will share this with the Committee.

There was a strong view that sexual education material and videos used in schools are very inadequate and don't address issues around consent and legality. They focus on the biological aspects of sex and pregnancy. This is totally inadequate to respond to the needs of students today. The group all agreed the sex education video 'Living and Growing' used in schools urgently needed to be updated to cover areas like consent and sexual crimes.

There was a view that many guidance teachers don't take their role seriously, or don't show up for classes, as for some it is merely an advancement step for a post such as Deputy Head Teacher.

There was also a strong view that school's ethos must foster a positive feminist environment where girls and young women support and respect each other. This would also create a positive environment for boys and young men to learn how to engage and relate to girls and young women in a healthy way. Sexual harassment needs to be addressed in a formal structure within the school system.

Concern was expressed about the approach taken to teaching on sexual relationships in schools, for example on how society places the focus on girls to "protect" themselves for potential dangers such as rape. This sends a negative normalising message to boys. Also there were concerns expressed about some school dress codes, especially sports/PE kit, and co-educational PE classes as an area where a lot of girls are intimidated and harassed by boys. Some wanted to see more girl-only sports activities in the school cycle.

Fact-finding meeting on race bullying

Thursday 25 May 2017, Scottish Parliament

The Committee met with representatives from CRER to discuss specific cases of racial bullying and harassments in schools in Scotland. As a strategic anti-racist organisation, CRER carries out research on the levels of racist incidents in Scotland's schools. They have a good relationship with the police. They are not an advice organisation and don't have a casework service. However, the cases of racist bullying they discussed with the Committee have come to their attention because the families involved already knew the organisation and sought advice from CRER about the issues their children were facing in schools. CRER seeks to point families to where they might find the help or support they need.

In the last few years CRER has seen an increase in the number of parents coming to them for advice about racist bullying their child is experiencing. Occasionally, parents will come with information about bullying happening to some other child/family they are aware of in a school.

Most of the bullying centres around issues like racist language and name calling/racial slurs etc. But there are a number of much more serious cases CRER is aware of which are more illustrative of how bad the failings are by schools and education authorities. There are common threads throughout all of these cases indicating the same systemic issues underlying the failings in dealing with racist bullying and harassment.

One of the big problems is the lack of a coherent approach to tackling racist bullying across schools and education authorities. It's often a challenge for schools to get hold of the relevant policies and many don't seem to know what the processes are.

Most cases come to CRER's attention when a parent has gone to a teacher or school leadership looking to deal with incidents of racist bullying and have an "unacceptably weak response." At that point the parent often asks what are the anti-racist bullying policy of the school. Usually the response is that there isn't a policy, or there is just a generic anti bullying policy with a general message that racism isn't acceptable in the school environment. However, this doesn't tell parents, or teachers, how to actually address the issues or what to do.

Many policies are very out of date, and also they tend not to be practical policies that help to address issues. Most policies are ethos-based and centred around statements of how racism is unacceptable, but it doesn't tell people how to go about solving the problems on the ground.

There was a wide ranging discussion on the level of data available on racist bullying in schools and CRER are in the process of undertaking analysis from Freedom of Information requests they have submitted to all 32 Scottish local authorities. While the detailed analysis will not be available for a period of time, CRER undertook to provide the Committee with a summary of the main data issues which the Committee can consider as part of the inquiry.

The general picture seems to be that the lack of a coherent approach means that schools don't know what they are supposed to do when racist bullying occurs. Most schools don't want to look bad, so often they avoid doing anything at all. This incoherent approach is impacting the education and wellbeing of children.

A lot of the cases CRER sees feature a real lack of understanding of the issue and impact of race and racism. They believe the definition of a racist incident set out in The Macpherson Inquiry's report should be the baseline for school's understanding of what constitutes a racist incident. In a lot of the cases brought to CRERs attention, there is a theme that teachers and schools will often contest that fact as to whether a given incident constitutes a racist incident under the Macpherson Definition. In cases where there is a blatant racist tone, there is often an attempt to explain this away. In three recent cases CRER has seen where kids have been called the n-word, teachers/schools have said the kids often hear this word used in popular rap music, so there is nothing they can do about it.

One parent recently challenged this attitude in a female teacher who has used the "rap music" explanation in response to a complaint of racist bullying. The parent then asked "so would it be OK if I called you a h** as that's in rap music too". At this point the teacher seemed to understand the level of unacceptability and gravity of the situation.

So, at a basic level, racist language that would have been unacceptable in the 1980s is now becoming normalised in schools. This is a very worrying trend. There is also a trend not to tackle racist stereotypes. So if a child makes remarks based on a racist stereotype, there seems to be a response that the child per-say is not being racist as these stereotypes are common in society, so it's not the fault of the child and they are not being racist.

There seems to be a concern amongst teachers that if you call what a child has said as racist, then you are labelling that child as a racist. This is often seen as being a worse outcome than tackling the racist incident in the first place.

One recent case is illustrative of this defensiveness. A child in a class was using racial slurs to a particular child, and other children were joining in on a regular basis. The child who was the victim of the slurs complained to a teacher. The teacher took the lead child making the slurs aside and told him he was being racist. The lead child became very distressed by this and started crying. All of the other children in the class then turned on the victim child and said that he had no right to call his classmate a "racist". The victim child ended up feeling very bad for the child who had been bullying him because he had gotten so upset about being called a racist. This case of "victim blaming" is illustrative of why we need a more coherent approach to how racism is talked about in schools so as to break down defensive attitudes.

Several other far more serious cases were discussed. This included racially motivated cases of serious physical assault on children by other children. Several of the cases are subject to pending legal action as so cannot be publicly discussed in any detail. However, a key issue was the lack of appropriate response to the various racist incidents. In one case there was a long recognisable long build-up of racist verbal and physical assault on a child. However, it was only when this led to a physical assault, did the authorities understand the gravity of the situation. Nevertheless, a worrying aspect of this situation was that there still seems to be a failure to recognise this case as a racist one, instead of treating it only as a case of physical assault.

Cases which CRER hears about is often where you have parents proactively seeking help, so they have no issues with seeking to address the situation their child faces. But there may be instances of kids from BME backgrounds where there is still a strong cultural inhibition to raise or acknowledge mental health issues, so some kids may not have the support networks around them to help find a response to the impacts of racist bullying they suffer in schools.

One complexity is that kids who suffer racist abuse/bullying at school often still perform very well academically, so the impacts that they face are not being picked up through any attainment measures. Therefore it may seem they have had no negative impacts as a result. However, often the impacts are in the area of mental health and may not manifest themselves until after the individual has finished school. This then gives rise to an attitude amongst teachers that the kids who experience racist bullying are "coping fine" because they are still achieving in class academically.

Further issues were discussed reflecting on the written and oral evidence CRER has made to the inquiry. One issue of note was a discussion around the unhelpfulness of a focus on "diversity" in the school curriculum. There is a feeling that this may be inadvertently causing racism as it places a focus on the differences between people and culture. There is a view that this should also be balanced against a much stronger focus on the vast commonality all people and communities share in common. Such an approach may help children understand race and ethnicity in a broader, more helpful context and lessen the tendency to focus on difference.

Event: Your Scottish Parliament

Friday 24 March 2017, Scottish Parliament

The Scottish Parliament hosted the Your Scottish Parliament Conference as part of its public outreach and engagement work. The focus of this event was to engage with young people at the start of adult life, in order to develop their self-awareness as active and valued citizens. The event was attended by approximately 135 young people (16-19 years old) from all 27 FE colleges in Scotland, including one tutor per college.

The Committee took advantage of this event to gather the views of those attending on the issues of prejudice-based bullying and harassment in schools. Over 80 young people and college staff, across three workshops, liaised with Committee staff and the Scottish Parliament's Outreach team, and debated their own experiences of bullying and harassment in primary and secondary education. The key views expressed by the groups were—

- Prejudice-based bullying and harassment has a major and long lasting impact on the lives of those in the groups who'd experienced it;
- For those who hadn't but had witnessed it happening to others, it made their school years unpleasant and in some cases shaped how they felt about themselves;
- There were mixed experiences of how teachers and schools handled prejudice-based bullying and harassment, with some young people having very good experiences of how schools dealt with the problem, with others stating their experiences ranged from "poor" to "dreadful" to "totally inadequate";
- There was wide agreement that the whole education system was too "reactive" and needed instead to be much more "proactive".

Some of the suggestions to achieve this were:

- education on forming positive self-identity and health relationships with others should start from an early age;
- an understanding of consent in interpersonal relations is necessary;
- developing empathy and the ability of develop critical thinking should be part of the curriculum; and
- Children's education experience on personal relationships should start in their pre-school years, and go through primary and into secondary school curriculum as well.

Equalities and Human Rights Committee

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