



IPSEA

Independent Parental Special Education Advice

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA

My child has or may have SEN and is being bullied: what can be done? [Academy]

In the first instance, you could look at the Department for Education advice on 'Preventing and Tackling Bullying', which you can find here:

<https://www.gov.uk/government/publications/preventing-and-tackling-bullying>

You'll see that under the Independent School Standard Regulations 2010 the proprietor of an Academy or other independent school must ensure that an effective anti-bullying strategy is drawn up and put into place.

If the school's strategy and their actions have not been meeting this requirement, in the first instance you should use the Academy's complaints procedure. You might find our "Challenging Decisions" resource helpful:

<https://www.ipsea.org.uk/what-you-need-to-know/challenging-decisions>

As the DfE Advice suggests, there may also be a safeguarding issue on which the school should acting.

'Under the Children Act 1989 a bullying incident should be addressed as a child protection concern when there is 'reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm'. Where this is the case, the school staff should report their concerns to their local authority children's social care. Even where safeguarding is not considered to be an issue, schools may need to draw on a range of external services to support the pupil who is experiencing bullying, or to tackle any underlying issue which has contributed to a child engaging in bullying.' (See page 4 of the Advice)

Bullying is also an issue that can also be considered under the Equality Act 2010. Schools, including Academies, must comply with the Public Sector Equality Duty, and take steps to prevent discrimination and foster good relations between those pupils with protected characteristics such as disabilities, and those without them. However, bringing a specific claim under the Equality Act against a school in relation to incidents of bullying may not be straightforward and it may be difficult to prove that the school's actions (rather than those of the other pupil) had actually been discriminatory.

Finally, as the Advice suggests, there may be a course of action that you could follow under criminal law.

Providing advice to parents of children with special educational needs

We can only provide information through this service, so we can't advise you as to which of these different elements of the law you might focus on. But it would certainly be open to you to bring all of them to the attention of the school, and they would be the first point of call for any complaint which you might wish to raise about these matters.

As you may be aware, because the school is an Academy, the Local Authority does not have the same duties and responsibilities as they do for maintained schools. If there is a safeguarding issue, however, this would be a matter which could be raised with them.

You could also consider raising the matter with Ofsted. They could consider a complaint about a whole-school issue such as its approach to pastoral care or strategies on bullying, but could not deal with a complaint about an individual child's case.

If the school's own complaints procedure did not resolve the matter, the next step would be a complaint to the Education Funding Agency. There is guidance on making such complaints (and those areas which will not be investigated by the EFA) here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543878/Complain_about_an_academy.

You could of course also contact a local councillor or your MP, but would need to consider which body you would want them to contact to highlight your case and make representations on your behalf.

We can only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should book a call with one of our Advice Line volunteers:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>