



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 I do? [Maintained school]

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 the guidance highlights the duty in s89 of the Education and Inspections Act 2006 for schools to have measures to prevent all forms of bullying amongst pupils. "These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents."

As the Advice suggests, there may also be a safeguarding issue on which the school should be 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 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, if the situation were to warrant it, there may be a course of action that you could follow under criminal law.

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

You might find our “Challenging decisions” resource helpful:

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

If your complaint to the school doesn't help to resolve the situation, you can complain about the school to the Department for Education:

<https://www.gov.uk/complain-about-school>

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.

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>