

Online Bullying

The following information is sourced from content from *respectme*, Scotland's Anti-Bullying Service, website – www.respectme.org.uk

What is online bullying?

Online Bullying is bullying behaviour that takes place via mobile phone or over the internet through emails, instant messaging and social networking websites. Texts, messages or images are sent or posted on sites, which hurt, intimidate or embarrass another person. The identity of the person carrying out the online bullying can be hidden from the person targeted. Online bullying is no different from any other forms of bullying behaviour; the behaviour is the same and the impact is no less devastating. Advances in technology are simply providing an alternative means of reaching people.

For children and young people the internet is something that allows them to connect with friends and other children and young people at any time of the day or night. This means that online bullying can happen virtually anywhere, and is no longer confined to the classroom or playground. Children and young people can be targeted in their own homes, in their bedrooms and personal spaces where they should feel safe and protected.

Most children and young people *do* use technology responsibly. Disconnecting mobile phones or the internet will not make bullying behaviour stop. All adults need to take an active interest in the way technology is being used by children and young people and connect with them at home, at school, and in our communities.

Mobile phones

Most people are familiar with the use of mobile phones and the ability to send and receive text messages, but the additional features that many mobiles have these days, such as picture messaging and video recording, provide an additional way of communicating. Bluetooth technology also provides a way of connecting and exchanging information between mobile phones, laptops, PCs, printers, digital cameras, and video game consoles. This makes it much easier for large groups of people to view information in a very short space of time.

'Happy Slapping' is a term used to describe the filming of violent incidents on mobile phones. This is assault and should be treated as such. It should not be seen as 'just' a bullying incident. The footage is evidence that an assault has taken place and must be reported to the police for investigation.

Social networking sites

Social networking websites are increasingly being used by children and young people (and indeed by many adults) as a key way of communicating and building relationships, or making new friends online.

Websites such as Bebo, MySpace and Facebook are online 'communities' of people who share interests and activities, and communicate through the use of messages, videos, discussion groups and blogs, which are similar to online diaries. It is a place where people can create a personal network that connects them to other users.

Instant Messaging

Instant messaging can take place in chat rooms or on sites such as MSN Messenger. It is very similar to email, but differs in that conversations happen in 'real' time and there is not the time delay that exists with email.

Instant messaging and chat rooms are very different to social networking sites. Anyone (strangers or friends) can access a conversation in a chat room, whereas on Bebo, MySpace and other sites it is easier to control who sees your page and who can leave comments. When users enter a chat room or instant messaging site, the message they send is instantly displayed on the screens of the person they are conversing with or the other users in the chat room. This affords people a degree of anonymity, which children and young people need to be aware of, as some people might not be who they appear to be.

What to do if a child says they are being bullied online

Children and young people often report they are reluctant to tell an adult that they are being bullied online because they believe that the adult will over-react. For children and young people this would mean having access to their mobile phone or their computer taken away. Assure them that they have done the right thing by telling you -it can be difficult for children and young people to recognise that they are being bullied online.

To support the child or young person it is important to understand what you are both dealing with. There are some questions you can ask to find out more about what has been going on:

- What has been said?
- Who has been saying it?
- How long has it been going on?
- Has the online bullying been accompanied by bullying behaviour in 'real' life?
- What have they tried to do about it already?
- How has it been making them feel/how has it been affecting them?
- Have they been storing/keeping any of the bullying messages?
- What else has happened since it started (has anyone 'hacked' into their page or posed as them online?)
- Are there any images/photos/videos involved?

Decide a plan of action with the child or young person

It is vital that the child or young person feels involved and experiences an element of control about the steps that will be taken to address the bullying behaviour.

Schools should inform parents when online bullying is reported. The steps that parents or schools in consultation with parents may consider taking are:

Going through any messages that they have received and kept

If you feel that any of these messages can be construed as illegal then keep copies, dates, times, email addresses or phone numbers and take them to the police.

You may consider asking them not to open any further online or text messages from these addresses and phone numbers, but to allow you to open them instead.

You might want to reply to these messages but be very careful not to respond in a manner which could be seen as threatening or harassing. It may be enough to respond saying that you are an adult and that the messages they are sending are hurtful, causing you and the young person concern, they could be against the law and that they should stop sending them.

Changing their mobile phone number

It is important that they know not to give their mobile number away to people that they do not trust. If the new number falls into the wrong hands again it may not be because they have been careless, but that they have given the number to someone they trusted who has then passed it on to others.

Changing their online profile

Log-in names on MSN can be changed easily and the child/young person should be reminded, as above, only to accept trusted real life friends as online friends.

Profiles on social networking sites (Bebo, MySpace etc) can be changed. Again, a child/young person should only accept people they trust as friends. Personal and identifying details should be kept to a minimum. Pages can be made private so they are only shared with friends, and are not public and available for anyone to see. Designs or cartoon characters can be used instead of photographs and nicknames can be used instead of real names.

Involving other agencies

When the online bullying is being carried out by someone that they know and see on a regular basis, it might be worth involving other agencies.

Supporting the child/young person

It is important to recognise that because they have been bullied online, they will need the same support as they would if they had experienced any other type of bullying behaviour. This support, and their experience of how bullying behaviour is addressed and resolved, begins as soon as they tell you that they are being bullied.

What to do if you discover that a child is bullying online

It can be distressing to discover that a child or young person has been bullying someone, regardless of what form that bullying behaviour has taken, but it is important that you remain calm. All behaviour communicates feeling. Are they being encouraged to join in with bullying behaviour and they just do it to stay part of that group? Are they looking for attention and this is their way of getting it? Are they unhappy with some other aspect of their life and they are taking out their frustration on this person? Be prepared to deal with prejudiced attitudes. The behaviour behind the bullying behaviour might stem from racism, homophobia or ignorance about a different culture or religion. Do not label the child or young person a 'bully'. Talk about the behaviour behind the bullying and why it is unacceptable.

Bullying behaviour is never acceptable. Try to get them to understand the impact that their behaviour will be having on the health and well-being of the other person. How would they feel if someone was posting malicious messages about them on websites or sending them threatening text messages when they were in their 'safety' of their own home? How would they like to experience a knot in their stomach every time they receive a text message or email?

Explain that all bullying behaviour carries consequences and they could get into serious trouble, resulting in a criminal record. There are laws surrounding the use of mobile phones and the internet and it could be that their behaviour is contravening one of these laws.

Agree what you are going to do to stop the bullying behaviour. You should alert the parent or carer of the other person involved to make sure they are aware of what has been happening and to ensure that the person being bullied gets any support that they need. It is also important to get support for the person exhibiting the bullying behaviour. Revisit the reasons behind their bullying behaviour and identify the best way of dealing with this.

There might be another adult or older sibling that they would feel comfortable talking to.

There are also a number of organisations who offer a counselling service, including: The Bullying Line - 0800 44 1111 and Childline - 0800 1111

ParentLine Scotland also offers a counselling service for adults - 0808 800 2222

Reporting Inappropriate Messages

The vast majority of responsible social networking sites provide tools for users to manage their own profile. This includes giving users the ability to make their profile 'private', delete messages if they find them to be nasty, offensive or they just do not want them to appear on their page, they can effectively deny access to people formerly regarded as 'friends' from seeing, reading, commenting on or posting messages to their page.

The 'report abuse' tool allows users to report any content, postings or comments that appear on their own page or other sites that they think contravene the terms and conditions of the site or which they consider to be illegal, offensive, harassing or bullying in nature.

Social networking sites rely on users making use of these tools to effectively 'police' the site as they do not have the capacity to monitor each and every profile every day. In general, they advise that nasty comments are ignored and deleted unless they are threatening or illegal, in which case they should be reported to the site administrators and, where applicable, the police.

All members of social networking sites are encouraged to take responsibility for the content of their own page, and to use all available measures to reduce public access to their profile.

MySpace and Bebo contain safety and advice pages for young people and for parents. These pages include very useful information and videos, which can be used to promote and prompt discussion between adults

and young people to gain a better understanding of what constitutes bullying behaviour online and how to respond appropriately.

Text Bullying

As with social networking sites, responsible mobile phone providers will support people to stop text bullying. Any nasty or abusive texts should be saved as evidence for the provider. Numbers can be blocked from your phone so that you no longer receive texts, messages or calls from that number. In some cases the police will be able to help, but often they will need evidence of the number and will want to see the texts, so they must be saved.

Responsible mobile phone operators are taking steps to help tackle online bullying. Each phone operator should have a number to ring to report phone bullying. For example:

Tesco Mobile has a 24-hour service for young people being bullied online. Text 'bully' to 60000 to receive advice and support. The cost of texts is donated to NCH.

O2's Nuisance Call Bureau can be contacted by email or by calling the Customer Service Department on 0870 5214 000. O2 also has useful online leaflets.

Vodafone has a RespondPlus service, where an operator will answer your calls for you, take a message and text it to you. 08700 700 11 or 191 from a Vodafone mobile.

Orange – 07973 100 150 or 150 from an Orange phone

Virgin mobile – 0845 6000 070 or 798 from a Virgin mobile

3 Network – 08707 330 33 or 33 from 3 Network phone

T-Mobile – 0845 412 5000

If you receive malicious calls on a landline contact BT. BT has a free phone number offering recorded advice – 0800 666 700. You can also call free on 150 for personal advice. If the problem continues, contact your nearest BT bureau on 0900 661 441 during office hours. They deal with malicious and nuisance calls and may suggest tracing future calls or changing your number.

Online Bullying and the Law

When mobile phone and internet technology is abused, or used to harass or threaten others, there may be legal consequences. There are four UK statute laws and one Scottish common law that are relevant to the use of IT in relation to bullying. These are:

The Protection from Harassment Act 1997

The Criminal Justice and Public Order Act 1994

The Malicious Communications Act 1998

The Communications Act 2003

Breach of the Peace (common law)

How these Acts can be related to bullying, and specifically to online bullying, is outlined below. If the bullying is based on sexual, racial or religious grounds, prosecution could be sought through anti-discriminatory laws.

Protection from Harassment Act 1997

This Act was passed following concerns that stalking was not dealt with effectively under the existing legislation. The Act does not refer solely to stalking but also covers harassment in a wider sense. The Act states that it is unlawful to cause harassment, alarm or distress by a course of conduct and states that 'A person must not pursue a course of conduct, which:

- amounts to harassment of another he knows, or
- ought to know, amounts to harassment of the other.'

There is some anecdotal evidence that the police are more comfortable in bringing forward this law when dealing with issues of online bullying. The police have successfully used the Protection from Harassment Act to prosecute for the sending of offensive e-mails through the internet. Such messages will also constitute an offence under the Malicious Communications Act.

Criminal Justice and Public Order Act 1994

This Act defines a criminal offence of intentional harassment, which covers all forms, including sexual harassment. A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress,

- he/she uses threatening, abusive or insulting words or behaviour or disorderly behaviour; or
- displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person harassment, alarm or distress.

Malicious Communications Act 1998/Telecommunications Act 1984

Under this Act it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person. Under section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message which is indecent, offensive or threatening.

Both offences are punishable with up to six months imprisonment and/or a fine. The Malicious Communications offences are wider ranging, but under the Telecommunications offences, it is likely that the Police will use the former Act to bring a charge.

The Communications Act 2003

The Communications Act 2003 is by far the most recent Act to be passed. Section 127 states that a person is guilty of an offence if s/he

- sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
- causes any such message or matter to be so

A person is guilty of an offence if, for the purpose of causing annoyance, inconvenience or needless anxiety to another, he

- by means of a public electronic communications network, a message that he knows to be false,
- causes such a message to be sent; or
- persistently makes use of a public electronic communications network to send such messages

Breach of the Peace

Breach of the Peace is Scottish common law. At present behaviour in Scotland which might be described as harassment or stalking is usually prosecuted as a breach of the peace. This common law offence covers all behaviour (including single incidents) which causes, or is likely to cause:

- Fear, alarm, upset or annoyance
- When one or more persons conduct themselves in a riotous, or disorderly manner, anywhere, which alarms, annoys or disturbs other people

The offence can take place anywhere (a house, an office, a school or a public street)

The element of disturbance would be the most relevant to online bullying as the behaviour does not have to be noisy but still of a nature that would cause concern to other people – harassment or stalking and bullying

The Courts recognise that breach of the peace can be serious and a life sentence is theoretically possible. A sentence of eight years was recently imposed for the crime of Breach of the Peace.

It proves difficult to source evidence of charges being successfully brought against people who use new technology to bully.

It is worth noting that the age of criminal responsibility in Scotland is eight. All organisations, including schools are covered by the laws stated above. If an offence takes place in school it is still an offence.