

EAST RENFREWSHIRE COUNCIL: EDUCATION DEPARTMENT
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TO: HEADS OF ALL EDUCATIONAL ESTABLISHMENTS

Dear Colleague

**REVISED STANDARD CIRCULAR 8(a): BULLYING AND ANTI-BULLYING
January 2019**

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1. Rationale

Within the context of *Everyone Attaining, Everyone Achieving through Excellent Experiences* and informed by the National Approach to Anti-Bullying for Scotland's Children and young People; *Respect for All*, this guidance is designed to promote a culture in schools where bullying behaviour is unacceptable and not tolerated. The promotion of fairness, respect, equality and inclusion helps ensure that children and young people feel safe and secure and able to build up strong and positive relationships based on mutual respect and trust.

“Bullying behaviour impacts on children and young people’s wellbeing and can affect their participation, attainment and inclusion.”¹

This guidance aspires that all children and young people are free from bullying and are respectful, responsible and confident in their relationships.

2. Principles

In observing the legal and policy frameworks in Scotland, the principles underpinning this guidance are to:

- promote positive relationships and behaviour
- build a respectful and responsible ethos
- ensure equality and equity
- ensure integrated multi-agency working
- have effective communication and info sharing
- respect children and young people’s rights
- prevent and address all types of bullying
- meet all children and young people’s needs
- recognise the adverse impact of bullying
- have effective anti-bullying policy and practice

3. Aims

We are committed to providing a supportive and inclusive environment for all. These guidelines are designed to reinforce existing good practice in preventing and addressing all types of bullying behaviour in educational establishments. While schools must set their own policies, the authority offers a framework for standards and guidance on policy development:

We aim to:

- Support schools to be safe, respectful, nurturing and bullying free environments;
- Respond to bullying behaviour as unacceptable and not to be tolerated;
- Maximise opportunities available to all by addressing bullying behaviour; and,
- Work in partnership to prevent and respond to bullying and harassment.

¹ Respect for All. Scottish Government 2017

4. Definition - What do we mean by Bullying?

“Bullying is both behaviour and impact; the impact is on a person’s capacity to feel in control of themselves. This is what we term as their sense of ‘agency’. Bullying takes place in the context of relationships; it is behaviour that can make people feel hurt, threatened, frightened and left out. This behaviour happens face to face and online.”²

This behaviour can harm people physically or emotionally. While the behaviour may only happen once, the threat may be sustained over time, typically by actions, looks, messages, confrontations, physical interventions, or the fear of these. This behaviour can include:

- Name calling, teasing, put downs or threats.
- Having belongings taken or damaged.
- Controlling, being targeted in person or online.
- Hitting, kicking, pushing or tripping.
- Being ignored or left out, having rumours spread.
- Being sent abusive content on social media.

There is no legal definition of bullying in Scotland and, as such, bullying is not a crime. Bullying, however, can be motivated by prejudice similar to hate crime; the distinction is when a crime has taken place, such as assault, graffiti or a breach of the peace that has been motivated by prejudice. The Lord Advocate has issued guidelines about which category of offence will be reported to the Procurator Fiscal for consideration of prosecution.

Some online behaviour may be illegal, and children and young people need to be made aware of the far-reaching consequences of posting inappropriate or harmful content online. In cases of sexual imagery, the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, criminalises the non-consensual sharing of intimate images. Similarly, hate crime is defined through the law as a crime motivated by malice or ill-will towards individuals because of their actual or perceived disability, race, religion, sexual orientation or transgender identity. See appendices A & B for further detail of protected characteristics under the Equality Act 2010.

Children who do not come within these guidelines may be referred to the Children’s Reporter or made subject to Police direct measures, depending on the circumstances. The Procurator Fiscal and the Children’s Reporter discuss cases which are subject to joint referral and the Procurator Fiscal will decide where the case is best dealt with, avoiding criminalisation of children and young people wherever possible.

Any bullying behaviour must be challenged as unacceptable; however, it is important to distinguish between the person and their behaviour. The use of language such as “bully” or “victim” is stigmatising and disempowers and is unhelpful in changing behaviour or supporting recovery. By maintaining a respectful attitude to those involved we can focus on the problematic behaviour and the needs of individuals. This solution oriented approach should be reflected in policy and practice

5. What is Prejudice Based bullying?

Bullying behaviour may be a result of prejudice that relates to perceived or actual differences. This can manifest into racism, sexism, homophobia, biphobia or transphobia or prejudice and

² Respectme, Scottish Government 2015

discrimination towards disability or faith. Bullying behaviour motivated by prejudice based on an individual's actual or perceived identity; can be based on characteristics unique to a child or young person's identity or circumstances such as socio-economic background, religion or appearance. Local policy and practice must reflect on and address this broader range of prejudices some of which are listed in Appendix B.

6. Additional Support Needs

The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) provides a comprehensive legal framework for the provision of additional, targeted support for children and young people who face barriers to learning.

Children with additional support needs may experience bullying differently and may be targeted because of their additional support need. Social emotional or behavioural needs which can arise from bullying may be considered additional support needs if the bullying is having an impact on the child or young person's learning, including those children and young people who are demonstrating bullying behaviour. Practitioners should fully take into account additional support needs and the principles of inclusion when addressing bullying.

7. Online Bullying

Online bullying should be treated as seriously as face-to-face bullying. Online bullying, or 'cyberbullying' as it is often referred to, is an increasingly common form of bullying behaviour which happens on social networks, games and mobile phones.

Children may know who is bullying them online – it may be an extension of offline peer bullying - or targeting by someone using a fake or anonymous account. The ability to be anonymous online may increase the likelihood of others engaging in bullying behaviour. Online bullying can happen at any time or anywhere and can be difficult to avoid.

Online bullying includes:

- Sending threatening or abusive text messages
- Trolling on social networks, media and games
- Setting up hate sites or groups about individuals
- Voting against someone in an abusive poll
- Encouraging self-harm
- Making or sharing embarrassing images or video
- Excluding others from games, networks, groups
- Creating fake accounts or identity theft
- Sending or pressuring to send explicit messages
- Engaging in sexual conversation

All school policies and practice should include advice on online bullying and pupils should be explicitly taught through PSHE, for example. The revised set of Experiences & Outcomes and Benchmarks within the technologies area of Curriculum for Excellence provides an opportunity for digital literacy incorporating cyber resilience and internet safety to be incorporated into lessons in all Curricular areas.

8. When is it not bullying behaviour?

Children and young people falling out or having disagreements is a normal part of growing up and building relationships and resilience. Accidental bumps and knocks, not liking someone or expressing unpleasant thoughts or feelings regarding others can be painful or discomforting. It is important that they have opportunities to discuss how they feel and to develop resilience and emotional literacy in managing their relationships. Early intervention and prevention including the embedding of whole school relational approaches are key elements of an approach focused on ensuring we get it right for all of our children and young people.

9. Impact and outcomes of bullying

Bullying can have both long and short-term effects on the physical and mental health and wellbeing of children and young people and can extend far beyond the individuals involved. Being bullied is traumatic for the individual and is, therefore, likely to lead to a range of coping mechanisms and reactive behaviours.

Bullying behaviour has an adverse impact on a person's capacity for self-management, their internal feelings of control, and their ability to take action. It affects individuals, families and relationships as well as a child's education and participation. A child that is bullied will not feel safe, included or respected and their wellbeing will be affected. A child that is bullied and those causing bullying may have wellbeing needs and these needs should be assessed and supported. This may include the requirement for a [Child's Wellbeing Plan](#)

10. Responding to incidents of bullying behaviour

In each establishment a member of the senior leadership team will have whole school responsibility for overseeing the investigation, recording and monitoring of incidents of bullying behaviour. They will ensure that there is an ongoing Curricular focus on bullying behaviour and that reporting procedures are in place. Information for pupils and parents and carers will be visible and accessible utilising the full range of media including leaflets, posters, social media and the school website and handbook.

The member of staff to whom the incident is first reported, or who has witnessed the incident, should take it seriously and use their professional judgement in deciding upon the appropriate course of action which may include notifying the school anti-bullying lead supporting pupils, contacting relevant staff and wider agencies where appropriate and communicating with parents and carers again as appropriate.

All reported incidents should be investigated in full within three working days and recorded on Click and Go whether confirmed or not. Each bullying incident should be reviewed individually and a number of different practices may be adopted before finding one that is effective. Establishments and services should develop preventative approaches and strategies to address bullying when it occurs. It is important that children and young people are taken seriously when they talk about bullying and that they are kept informed and engaged in actions to support them if they are affected by bullying.

When responding to incidents or accusations of bullying the approach should be to ask:

- What was the behaviour?

- What impact did it have?
- What does the child or young person want to happen?
- What do I need to do about it?
- What attitudes, prejudices or other factors have influenced the behaviour?

Children and young people who are exhibiting bullying behaviour need help and support to:

- Identify the feelings that cause them to act this way
- Develop alternative ways of responding to these feelings
- Understand the impact of their behaviour on other people
- Repair relationships.

Children and young people who demonstrate bullying behaviour should be reminded of expectations about behaviour and provided with a range of ways to respond. This can include taking steps to repair a relationship through, for example, restorative approaches, supporting them to make amends and encouraging their learning and changed behaviour. Any factors that may impact upon a child or young person's wellbeing, including any additional support needs, should be considered.

It is important that the approaches used to prevent and address bullying are clearly outlined in the anti-bullying policy. Responses to bullying should focus on developing resilience and promoting positive relationships. At all times all staff should model positive relationships and positive behaviour.

11. Approaches to preventing bullying

Schools should embed anti-bullying interventions within a positive ethos and culture which is rooted in respectful, equitable and inclusive practice. Promoting healthy relationships and responding to all forms of prejudice will help create a bullying free environment. Relational approaches which support improved behaviour, promote equality and develop emotional wellbeing enhance this. These include:

- Rights Respecting Schools
- Solution Oriented Approaches
- Mentoring and Peer Support
- Restorative Approaches
- Nurturing Approaches
- Pupil Voice and Participative approaches

12. Recording and monitoring bullying incidents

All instances of bullying behaviour should be formally recorded using the SEEMIS Bullying and Equalities module within Click and Go (see Appendix D). Supplementary information or additional detail can be recorded in Pastoral Notes. The Education Department will uplift this data following the end of each session in June for the purposes of annual monitoring and reporting to the Head of Education Services (Equality and Equity).

13. Policy Development

All schools should develop anti-bullying policies which set out their stance on bullying and the scope of the policy. See Appendix C

Appendix A - Equality Act 2010

The Equality Act 2010 provides a basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions. It protects people who are discriminated against because they are perceived to have, or are associated with someone who has, a Protected Characteristic. The Protected Characteristics are:

- Age*
- Sex
- Sexual Orientation
- Gender Reassignment
- Marriage and Civil Partnership*
- Pregnancy and Maternity
- Disability
- Race
- Religion or belief

* Not protected characteristics within school education

Organisations have to ensure that policies aimed at preventing bullying or at addressing the consequences of bullying where it occurs do not directly or indirectly discriminate anyone who shares a protected characteristic. For those bodies covered by the public sector equality duty (see below) that would normally be done by assessing and publishing the impact of those policies against the needs of anyone who has a protected characteristic.

As well as placing duties on service providers and public sector bodies the Act provides for ways in which individuals can seek remedies for discrimination by organisations, including mediation or making a claim to a court or tribunal. The [Equality and Human Rights Commission](#) (EHRC) provides more information on the rights of individuals, or advice can be sought from the [Equality Advisory Support Service](#).

The Equality Act 2010 does not just protect people from discrimination because they have these characteristics. It also protects a person from discrimination because they are perceived to have one or more of the protected characteristics or that they are associated with someone who does.

The public sector equality duty in the Equality Act 2010 requires an organisation exercising public functions to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations in the exercise of those functions. To help them to do this, most Scottish public authorities are subject to the requirements of a set of specific duties. These duties include equality impact assessment of new or revised policies.

The [Equality and Human Rights Commission](#) published [Technical Guidance](#) for all schools in Scotland outlining the requirements of the Equality Act 2010 in relation to the provision of

education and access to benefits, facilities or services, both educational and non-educational, providing an authoritative, comprehensive and technical guide to the law.

The [Schools \(Health Promotion and Nutrition\) Act \(Scotland\) 2007](#) amended the Education (Scotland) Act 1980 and the Standards in Scotland's Schools Etc. Act 2000 placing a number of duties on education authorities to ensure that schools are health promoting. This includes promoting physical, social, mental and emotional wellbeing by supporting pupils to make positive lifestyle choices in relation to their health and wellbeing.

Bullying, whether linked to prejudicial attitudes or not, can sometimes create additional support needs for children and young people. There is specific legislation in this area in the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#) (as amended) which provides a comprehensive legal framework for the provision of additional, targeted support for children and young people who face barriers to learning. Further detailed information on relevant legislation and policy is contained within Respect for All.

Appendix B – Prejudice based bullying

This section outlines the protected characteristics in the Equality Act 2010 and other characteristics which may lead to bullying that are not covered by the Equality Act 2010.

Additional Support Needs: Can arise for any reason and be of any duration. Additional support may be required to overcome needs arising from learning environment; health or disability; family circumstances or social and emotional factors, and therefore may relate to a protected characteristic. A child or young person may be bullied because they have an additional support need. Being bullied can also lead to an additional support need.

Age: Age is a protected characteristic although prejudice and discrimination based on age is not applicable in school settings. Children and young people can be affected in a variety of other settings such as in workplaces, further and higher education and in wider society.

Asylum Seekers and Refugees: Asylum seekers or refugees may be at greater risk of bullying directly and indirectly. Some bullying behaviour against these groups may be of a racist nature which, given that race is a protected characteristic, can contravene equality legislation and have hate crime implications. Stigma, lack of knowledge and understanding of asylum seekers and refugees, and reluctance to burden parents with extra worries can allow bullying to go undetected and continue.

Body Image and Physical Appearance: This can be hugely important to children and young people with bullying because of body image having the potential to negatively impact on their wellbeing. In some cases, body image and physical appearance may relate to a protected characteristic, such as race or disability.

Disability: Disability is a Protected Characteristic. People who bully others may see disabled children and young people as being less able to defend themselves and less able to tell an adult about the bullying. The language and behaviour used may be a result of a lack of understanding about the nature of a person's disability. Increased knowledge and understanding about disability and the impact it can have can help reduce bullying.

Gender Identity and Transphobic Bullying: The term 'transgender' is an umbrella term for those whose gender identity or expression differs in some way from the sex that was assigned to them at birth. Gender identity reflects an individual's internal sense of self as being male, female, neither or aspects of both. Gender reassignment is a protected characteristic within the Equality Act 2010 and refers to those who propose to go through, are going through, or have gone through a process of gender re-assignment.

Transgender people face significant societal prejudice largely because they are perceived as not conforming to gender stereotypes, expectations and norms. As a result, transgender children and young people can be particularly vulnerable to bullying. This can manifest in many ways including transphobic name calling or deliberately mis-gendering them. An individual may also experience transphobic bullying if someone is perceived to be transgender or someone they are associated with, is transgender, i.e. a parent, relative or other significant figure.

Gypsy/Travellers: Children and young people who are Gypsy/Travellers may be at greater risk of bullying directly and indirectly. Some bullying behaviour against these groups may be of a racist nature which, given that race is a protected characteristic, can contravene equality legislation and have hate crime implications. Perceived risks about bullying and parents' own

experiences of discriminatory behaviour may lead to low levels of enrolment and poor attendance for Gypsy/Traveller children and young people as well as early exit from formal education. Other Traveller families, such as Roma, may have similar concerns.

Sexual Orientation, Homophobic, Biphobic and Transphobic Bullying: Sexual orientation is a protected characteristic within the Equality Act 2010. Bullying based on sexual orientation is largely motivated by prejudice towards lesbian, gay or bisexual people. Homophobic bullying is when a young person's actual or perceived sexual orientation is used to exclude, threaten, hurt, or humiliate them. Homophobic language and jokes around the school can create a climate of homophobia; for example, the use of the word 'gay' to mean sub-standard or uncool. This type of language should therefore be addressed.

Any young person can be homophobically bullied, whether they are LGBT or not. Sometimes young people can be homophobically bullied because others think that they are LGBT, because they have LGBT family or friends or often because they are seen as different or not conforming to traditional gender stereotypes.

Intersectionality: Understanding the different and unequal social and economic outcomes for particular groups, based on intersections between race, ethnicity, class, gender, sexual orientation, disability, and age. In the context of anti-bullying, it is important to understand the connection between the experience of belonging to one or more of these groups and a resultant inequality in attainment and wellbeing.

Looked After Children and Young People: Children and young people who are Looked After at home or away from home can be particularly vulnerable to bullying behaviour simply because they are looked after and seen in some way as 'different'. Looked after children and young people may not always have a stable support network to turn to when experiencing bullying and may find forming positive relationships with peers and adults more difficult due to their early childhood adversity. Developing trusting and supportive relationships between children and practitioners is required to address bullying of all forms and in all settings.

Marriage/Civil Partnership: Marriage and civil partnership is a protected characteristic. Whilst it is unlikely that a school-aged pupil will be in a same sex marriage or civil partnership and directly experience prejudice and discrimination as a result, there could be instances of indirect discrimination, for example, if the child or young person is associated with someone (parent, sibling, etc.) who is in a same sex marriage or civil partnership or in a same sex relationship. Marriage and civil partnership discrimination and prejudice can also affect children and young people in a variety of other settings, for example, in workplaces, further and higher education and in wider society.

Racism and Race: Race is a protected characteristic. Children and young people from minority ethnic groups often experience bullying based on perceived differences in dress, communication, appearance, beliefs and/or culture as well as their skin colour and accent. The status of the ethnic group a child belongs to (or people assume they belong to) in a school, community or organisation can often lead to a child or young person experiencing bullying behaviour. This can arise from a misguided and/or learned belief that they are less valued and 'deserve' to be treated differently, or with less respect.

Religion or Belief: Religion or belief is a protected characteristic. Lack of knowledge and understanding about the traditions, beliefs and etiquette of different faiths can lead to religious intolerance. Lack of awareness about the differences in practices of religions such as prayer times, dietary requirements, fasting and the wearing of religious clothing or articles of faith can

result in misunderstandings and stereotyping, which may lead to bullying. People who have a religion or belief or who do not are protected under the Equality Act 2010.

Sectarianism: Most people understandably associate sectarianism with religion, which is a protected characteristic. The reality of prejudice however means that your family background, the football team you support, the community you live in, the school you attend and even the colour of your clothing can mark you out for sectarian abuse - whatever your beliefs may be. In Scotland, sectarianism is most often related to Protestant and Roman Catholic divisions within Christianity but can also relate to other religions, for example Sunni and Shia Muslims within Islam, and Orthodox and Reform Jews within Judaism.

Sexism and Gender: Sex, sexual orientation and gender reassignment are all protected characteristics. Bullying in the form of derogatory language and the spreading of malicious rumours can be used to regulate both girls' and boys' behaviour - suggesting that they are not being a real man or a real woman. These terms can be of an explicit sexual nature and can involve using terms for people who are gay and lesbian as a negative towards a person's masculinity or femininity. Sexism and gender stereotypes feed into homophobia, biphobia and transphobia. Gender stereotyping, based on the notion of acceptable and unacceptable male and female behaviour, can leave children and young people who are perceived not to conform to these notions vulnerable to indirect and direct bullying.

Personality traits that do not fit into the unwritten rules of 'appropriate' male and female behaviour can lead to bullying because of the prejudice towards their perceived difference.

Socio-economic Prejudice: Bullying due to socio-economic status can take place in any community. Small differences in perceived family income/family living arrangements/social circumstances or values can be used as a basis for bullying behaviours. These behaviours, such as mocking speech patterns, accents, belongings, clothing, etc. can become widespread through those considering themselves to be in the dominant socio-economic group. Bullying of children who endure parental substance misuse can also be prevalent.

Young Carers: The lives of young carers can be significantly affected by their responsibility to care for a family member who has a physical illness or disability, mental health problem, sensory or learning disability or issues with the misuse of drugs or alcohol. Young carers are at risk of bullying for a variety of reasons. Depending on responsibilities at home, they may find themselves being unable to fully participate in school or after-school activities or 'fun stuff'. This can make it difficult for them to form relationships; it can hinder successful transitions or lead to educational difficulties.

Appendix C – Framework for Policy Development

Every educational establishment in East Renfrewshire will implement, monitor and regularly review its own policy on dealing with bullying behaviour. Individual establishments should revise their own policy within three months of issue of the authority's policy. Policy review should take into account the views of pupils, parents and other relevant stakeholders through consultation.

Establishments will regularly inform staff, parents, pupils and users of this policy and procedures for implementing it. The policy should be accessible and available through the school website and school handbook. School / centre policies will be monitored by the Head of Service (Equality and Equity) and Quality Improvement Officers as part of the department's quality assurance procedures.

Mobile, Internet and wireless technologies have increased the pace of communication and brought benefits to users worldwide. However, their popularity provides increasing opportunities for misuse through online bullying behaviour. It is crucial that children and young people, who are particularly skilful at adapting to new technology, use their mobiles, social media and the Internet safely and responsibly. Guidance is available on safe use of technology in Standard Circular 69.

School policies should include:

- A statement which lays out the school's stance on bullying and its scope;
- A definition of bullying in line with the National Policy; *Respect for All*;
- A clear statement that bullying is a breach of the UNCRC;
- An understanding that some bullying behaviour may be an offence within the law;
- An explicit commitment to challenge all prejudice-based bullying and language – including that based on the protected characteristic listed in the Equality Act 2010;
- Policies that address bullying based on the protected characteristics will, where appropriate, require completion of an Impact Assessment (EQIA);
- Consideration that schools/organisations may also wish to complete the Child Rights and Wellbeing Impact Assessment (CRWIA) which has been made available for local authorities and children's services to adapt for their own uses;
- Expectations or codes of behaviour, and responsibilities for all staff/volunteers and children and young people;
- A clear commitment to promoting and modelling positive relationships and behaviour;
- A range of strategies that will be used to prevent and respond to bullying;
- The recording and monitoring strategies that will be used for management purposes in line with Data Protection guidelines; reporting
- That children and young people have a right to express their views in matters that affect them, and for these views to be given due weight in the policy;
- That parent(s) and pupils have a right to be included and consulted on;
- In what way and how often the policy will be evaluated and reviewed with children and young people and their parent(s) and staff (ideally every three years); and
- A commitment to how staff and volunteers will be trained and supported.

Appendix D – Recording and Monitoring

All bullying incidents must be recorded in the Click and Go Bullying and Equalities module. Instructions on how to carry this out can be found within the SEEMiS Help Pages; <https://www.seemis.gov.scot/site3/index.php/helppages/rollout-additional-support-documents/160-additional-support-documents/1428-rollout-415-bullying-and-equalities>

The central reports pull all incidents logged and schools and the authority are able to separate out the confirmed bullying incidents from the unconfirmed. Bullying incidents logged as “Being Addressed”, “Not Resolved” or “Resolved” will be confirmed incidents. Bullying incidents marked as “unfounded” will be unconfirmed.

For further information - bullying incidents recorded through Management>Bullying and Equalities>Maintain Incident as “Being Addressed”, “Not Resolved” or “Resolved” will automatically update pastoral notes and label this as a latest significant event. Incidents recorded as “unfounded” will not. Schools should bear in mind that if an incident is recorded as “Being Addressed”, “Not Resolved” or “Resolved” in the first instance, there will be a need to go back into the incident and mark it as “unfounded”. This will already have updated Pastoral Notes. This will appear on the reports as “unfounded”. Racial incidents recorded through Management>Racial Incidents>Recording - DO NOT update pastoral notes.

Both the Racial Incidents and the Bullying and Equalities Maintain Incident screens should be used. The Bullying and Equalities screen has the ability to mark a bullying incident as being “Racial” and the Racial Incidents screen can be used for Racial Incidents that are not necessarily bullying e.g. Racial Graffiti spray painted on a wall within your establishment. Both screens will be used for the purposes of annual reporting.

If you add an incident after the date it happened – you can backdate all the relevant incident dates, it is not possible to backdate the due date or completed date in the monitor/review box. These have to be dates in the future of the date the incident is entered. SEEMiS has confirmed that the screen was developed on the basis that schools would be adding them in at the time (which is not always feasible); another option in this screen is to leave the date as “<No date>” and complete all other relevant boxes.

Appendix E – Anti-bullying resources

Link to GLOW site

<https://blogs.glowscotland.org.uk/er/healthandwellbeing/er-anti-bullying-resource-toolkit/>