



CYBERBULLYING POLICY

For St. James' School

Date: August 2011
Annual Review
Next Review: August 2012

This policy takes account of the “Education Safe to Learn” cyber-bullying guidance.
N.B. This policy is an addendum to the Anti-bullying Policy of St. James' School.

What is cyberbullying?

The DCSF guidance offers the following definition of cyberbullying:

“The use of Information and Communications Technology (ICT), particularly mobile ‘phones and the internet, deliberately to upset someone else”.

Examples reported by schools include:

- Pupils who set up website pages and invite others to post derogatory comments about a pupil;
- Pupils who film fights or assaults (so-called “happy slapping”) and circulate them via mobile phones;
- Pupils sending insulting and vicious text messages;
- Pupils posting fake and obscene photographs of the victim on a social networking site;
- Pupils hacking into social networking sites and removing and circulating material which may be embarrassing or personal.

What makes cyberbullying different from ‘ordinary’ bullying?

It can be argued that cyberbullying is just bullying and, certainly, St. James’ School will not refrain from dealing with a bullying incident, just because, for example, one of its pupils uses a home computer to harass a fellow pupil rather than passing a scurrilous notes around the class in the traditional manner.

However, cyberbullying can have a far greater impact because of a number of factors:

- Invasion of personal space;
- The anonymity (at least initially) of the bully;
- The ability to broadcast upsetting messages and images rapidly to a huge audience and continue to do so repeatedly over a long period of time.

Another unusual factor is the way that other pupils, who would not normally take part in bullying, may be drawn in as accessories. This can happen, for instance, when an image is circulated on a mobile ‘phone by a bully and recipients extend the circulation further by passing it on to a wider circle.

Are cyberbullies breaking the law?

Most certainly ‘yes’. The following Acts are in force to protect all people from cyberbullies:

- Obscene Publications Act 1959
- Protection of Children Act 1978
- Public Order Act 1986
- Malicious Communications Act 1988
- Computer Misuse Act 1990
- Protection from Harassment Act 1997
- Communications Act 2003

St. James’ School Policy -- St. James’ has a zero tolerance policy towards cyberbullying as towards all other forms of bullying.

- St. James' School reserves the right to monitor pupils' use of the internet on a routine basis and to examine mobile phones where there is reason to suspect abuse.
- Misuse of technology is subject to the School's disciplinary regime;
- Pupils will be held responsible for all material they have placed on a web site and for all material that appears on a web site of which they are the account holder;
- Misconduct of this kind outside School will be amenable to School discipline if the welfare of other pupils or the culture or reputation of the School are placed at risk;
- Other sanctions may include confiscation of mobile phones or restrictions on the use of the internet.

Pupils **MUST** report every breach of the above policy. Victims of cyberbullying (or witnesses) should feel encouraged to report incidents as soon as possible and to hand over evidence to staff.

St. James' School – Acceptable Use Policy.

Although it is recognized that technology can be used for malicious purposes, it is also appreciated that there are many very beneficial uses. To this end, St. James' School :

- Encourages responsible use of the internet and other electronic devices for educational purposes;
- Emphasises the importance of keeping passwords and login names confidential;
- Prevents the downloading of unsuitable material;
- Protects the security of the School's computer system by taking precautions against viruses;
- Prohibits plagiarism by use of internet material;
- Prohibits hacking.
-

Responding to incidents

Any incidents of cyberbullying will be responded to in the same way as potential child abuse. Key factors in common will be:

- Reassurance for the victim (with cyberbullying, this can include advice on self-protection measures such as blocking messages from a particular source or cleaning up 'buddy lists');
- The need to preserve evidence in the form of text messages, images and other material;
- Avoiding leading questions and taking care to ensure that an initial investigation will not prejudice any later legal proceedings should these become necessary; and
- Dealing with the matter discreetly but giving no guarantee of full confidentiality in case matters need to go further.

However, there are other elements unique to cyberbullying. These include the potential difficulty of identifying a perpetrator who may be using an internet pseudonym or has appropriated another person's mobile for the purposes of sending abusive messages. There are ways of identifying perpetrators. Whilst many people believe that they can post offensive messages with complete anonymity, this is not the case. A recent case (*Sheffield Wednesday Football Club v Hargreaves 2007*) has confirmed that the courts can and will order websites to disclose the identity of someone who has posted offensive and defamatory material.

Serious cases may need to be referred to the police for investigation. The police will have more resources at their disposal for investigation, but only the most serious cases are likely to be given priority and such investigations may take a considerable amount of time.

Disciplinary action

St. James' School takes any instance of cyberbullying extremely seriously and will use the full range of sanctions under its behaviour policies. Restricting or prohibiting the use of technological devices, either temporarily or indefinitely, will be the first course of action. Confiscation of these devices is also a consideration, whilst the pupil is at School, if they are being used in contravention of the School's behaviour and/or anti-bullying policy.

If it is deemed necessary to protect witnesses or preserve evidence during an investigation, the pupil may be suspended. In the most severe of cases, the pupil will either be suspended or permanently excluded, following a full investigation of the facts.

External Reporting

In most cases of cyberbullying, St. James' School will deal with the issue through its own internal procedures. However, more serious cases will be referred to the police. Referral to the police will usually result in a joint investigation with the social services (and vice versa).

Referral will definitely be made if any of the following factors are present:

- There is evidence that a serious criminal offence has been, or is about to be, committed;
- The victim has suffered significant harm or is at risk of significant harm (including self-harming);
- There is evidence or suspicion of adult involvement (abuse and manipulation of children via the internet may involve adults posing as children, even as other pupils);
- There is evidence or suspicion of concerted action by a group of pupils, particularly if another school is involved;
- Any of the children are on the Child Protection Register.

The School reserves the right to discuss the decision about whether a referral should be made with the Local Authority Designated Officer for Child Protection (LADO) on a 'no-names' basis or to take legal advice.

If the School decides not to refer to the police or social services, the decision-making process will be recorded and the parents informed of their rights to take the matter further if they wish.