Identity-based bullying: what teachers need to know and top tips for using the Public Sector Equality Duty

Up to fifty per cent of pupils in Wales will experience bullying at some point in their school lifetime (Equality Human Rights Commission, 2015). This resource provides information on identity-based bullying, the protected characteristics and how schools can use the Public Sector Equality Duty to tackle the challenge of identity-based bullying.

Identity-based bullying

Bullying can denote a range of negative aggressive behaviours which are intended to cause physical or emotional damage to those who experience them. It affects children's attendance, attainment and well-being (Estyn, 2014).

Identity-based bullying refers to any form of bullying related to the characteristics considered part of a person's identity or perceived identity group (EHRC, 2010). This can include their disability, gender, gender identity, race, religion or belief or sexual orientation. These are referred to as protected characteristics by the Equality Act 2010.

Examples of identity-based bullying include; stigmatising a student with a disability, using homophobic language, trying to pull off a Muslim student's hijab and girls being subject to unwanted touching.

Human rights

Under the United Nations Convention of the Rights of the Child (UNCRC), children have the right to be safe, to survive and thrive, to receive an education, to be listened to and to fulfil their potential. When a child is bullied their rights are being violated. Key to preventing bullying is instilling a rights-based approach in schools. See the Children's Commissioner for Wales report 'A Right Way, a children's rights approach for education in Wales' for further information.

The Public Sector Equality Duty (PSED)

The Public Sector Equality Duty requires schools to take action to improve outcomes for pupils with different protected characteristics. It is a legal requirement, under the Equality Act 2010. The PSED can be used as a helpful mechanism to tackle identity-based bullying and implement a preventative whole school approach that teaches children good relationships and conflict resolution skills from an early age and ensure clear strategies for recognising and tackling identity-based bullying when it occurs.

The general duty of the PSED has three aims which each have clear links to anti-bullying. It requires all schools in Wales to have due regard to the need to:
- Eliminate discrimination and harassment and victimisation
- Advance equality of opportunity
- Foster good relations across all protected characteristics.

To support schools in meeting these aims, the duty includes a series of specific duties for schools to follow. This includes developing and publishing equality objectives, having a strategic plan, undertaking engagement, providing staff training, assessing impact and collecting and using relevant information. More information and guidance on the specific duties can be found on the Equality and Human Rights Commission website.

Why should schools focus on identity-based bullying?

For 2017- 2019 the Commission in Wales will be monitoring action taken by local authorities to address identity-based bullying in schools.
All schools should have in place their equality objectives for the period 2016-2020. The Equality and Human Rights Commission has a unique role as the regulator of the Public Sector Equality Duty. This includes monitoring outcomes and impact as well as actions taken.

Is Wales Fairer? is the Equality and Human Rights Commission's report on the extent to which equality and human rights are improving in Wales. It identifies seven key equality and human rights challenges for Wales. One of these includes closing attainment gaps in education with a particular focus on reducing bullying.
The research shows that up to half of pupils in schools in Wales will experience bullying at some point. Given this statistic all schools can use this evidence to have an equality objective on identity-based bullying.

The evidence highlighted that bullying is a particular risk for:
- Pupils with special educational needs
- Disabled pupils
- Lesbian, gay, bisexual and transgender pupils
- Ethnic minority pupils
- Pupils from a religious background

Taking action on identity-based bullying will help schools to meet Estyn's new approach to inspection. Within the inspection framework guidance there are clear links to preventing and tackling anti-bullying in two of the inspection areas:
- wellbeing and attitudes to learning
- care, support and guidance.

The Estyn ['Guidance handbook for the inspection of all-age schools'](#) highlights that inspectors will look at how well schools develop pupils' knowledge and understanding of harassment, discrimination, identity-based bullying and extremism. Inspectors will consider how well schools respond to and manage any incidents relating to bullying, harassment and discrimination and how well arrangements to foster a positive approach in managing pupils' behaviour and an anti-bullying culture (Estyn, 2017).

Using the PSED and the tips below will be beneficial and assist you in demonstrating this.

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Tips on how head teachers can use the PSED to address identity based bullying

Estyn's report 'Action on bullying' found that only a few schools identified reducing identity-based bullying as one of their equality objectives. We have developed these top tips to demonstrate how head teachers can be using the Public Sector Equality Duty to tackle identity-based in your school more effectively.

1. Have an equality objective on tackling identity-based bullying. The legislation requires an objective on each of the protected characteristic.

2. Raise awareness amongst your staff and pupils of identity-based bullying and all the protected characteristics that can be affected by it. Celebrate diversity. Ensure staff training on what constitutes a reportable incident of identity-based bullying and how to respond.

3. Consider having joint strategic equality objectives with the primary schools that feed into your school and/or with schools within your cluster. A collaborative approach where you can share knowledge, skills and practice can ensure greater impact than working in isolation.

4. Set actions within a strategic equality plan on how you will meet your objective to tackle identity-based bullying. This can include developing and implementing an anti-bullying policy that covers all protected characteristics and linking it to behavioural plans and performance strategies.

5. Engage with parents, pupils, staff and beyond on your strategic equality plan. Include all groups listed as protected characteristics – your local authority can assist you with this.

6. Record all incidents of identity-based bullying and categorise according to the protected characteristics.

7. Look at how you can use your collected data to inform your future anti-bullying work. Does it highlight particular areas to focus on?

8. Report annually on your school website progress to meet your objective to tackle identity-based bullying. Look to amend the actions set as and when required.

9. Seek ongoing support in fulfilling the PSED from your local authority and regional consortium on meeting the specific duties of the PSED.

10. Highlight and promote success with your local authority as well as the EHRC in Wales.

More guidance on the PSED and what equality law means for you as an education provider in schools in Wales can be found on the Equality and Human Rights Commission's website.

Protected characteristics

Everyone in Wales is protected by the Equality Act (2010). Below is information on each of the protected characteristics and includes terms that people may use to describe their identity. Teachers can use these in discussions during the teaching and learning sessions.

AGE Belonging to a particular age (e.g. 12 years old) or a range of ages (e.g.13-18 year old, young people, old people).

DISABILITY A person has a disability if s/he has a physical or mental impairment which has a substantial and long term impact.
This can include:
- People who need support to get around or use a wheelchair.
- People with mental health conditions who need support with their thoughts, feelings and behaviours.
- People with a learning disability who need support to understand things.

Avoid using expressions such as 'the disabled' which assumes a homogeneous group. Instead use terms such as 'disabled people', 'people with hearing or visual impairments', 'wheelchair users', 'people with mental health conditions', 'people with leaning disabilities'.

GENDER REASSIGNMENT A way of describing the process of transitioning from one gender to another. It can mean undergoing some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in a self-identified gender. Trans is an umbrella term used to describe people whose gender us not the same as, or does not sit comfortably with the sex they were assigned at birth. Transsexual is more of a medical term. Transgender man is a term used to describe someone who is assigned female at birth but identifies as a

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man. This can be shortened to trans man. Transgender woman is a term used to describe someone who is assigned male at birth but identifies as a woman. This can be shortened to trans woman. Non-binary is an umbrella term for a person who does not identify as only male or only female, or may identify as both.

MARRIAGE AND CIVIL PARTNERSHIP Marriage refers to a union between a man and a woman and between same sex couples.
Same-sex couples can also have their relationships legally recognised as 'civil partnerships.' Civil partners cannot be treated less favourably than married couples.

PREGNANCY AND MATERNITY Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.

RACE A person's race can be defined by their colour and nationality (including citizenship). It can also include a person's ethnic or national origins. Acceptable terms in discussing race include Black, Mixed race/parentage/heritage, Pakistani/Asian, Chinese - see Tackling Racism in Schools factsheets for further information.

RELIGION AND BELIEF Religion has the meaning usually given to it. For example Islam, Christianity, Judaism, Sikhism, Buddhism and Hinduism. Belief includes religious and philosophical beliefs and include Humanism, Secularism and Atheism.

SEX Man or woman. Sometimes the terms 'sex' and 'gender' are used interchangeably to mean 'male' or 'female'.

SEXUAL ORIENTATION A person's emotional, romantic and/or sexual attraction to another person. This may be towards their own sex, the opposite sex or to both sexes. Heterosexual/straight refers to a person who has an emotional, romantic and/or sexual orientation towards people of the opposite gender. Gay refers to a man who has an emotional, romantic and/or sexual orientation towards men, it is also a generic term for lesbian and gay sexuality. Homosexual is considered more of a medical term. Lesbian refers to a woman who has an emotional, romantic and/or sexual orientation towards women. Bisexual refers to a person who has an emotional, romantic and/or sexual attraction towards more than one gender.

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