

John Swinney,
Cabinet Secretary for Education and Skill
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Cabinet Secretary

RE- PREJUDICE BASED BULLYING IN SCOTTISH SCHOOLS.

We are writing to urge you to implement the recommendations of the recent report of the Scottish Parliament's Equality & Human Rights Committee (EHRC), entitled "It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools".

We agree with the Committee's recommendations 28 and 29.

RECOMMENDATION 28: We ask the Scottish Government to make it a requirement for every education authority in Scotland to collect and monitor school bullying incidents and to record specifically incidents of prejudice-based bullying. We ask the Scottish Government to ensure consistency by prescribing the type of data recorded. If necessary, such a requirement could be placed on a statutory footing. We also believe data collected should be shared with other agencies involved in reducing prejudice-based bullying. [Paragraph 190]

RECOMMENDATION 29: We ask the Scottish Government to build the requirement for recording and monitoring of school bullying into the inspection framework to ensure compliance, and also to ensure teachers are competent not only in delivering health and wellbeing, but also inclusion, diversity and human rights (Paragraph 201)

Evidence submitted to the Committee highlighted the variations in practice across Scottish Education Authorities. Research by Tavish Scott MSP, published in 2016, showed significant differences in monitoring of racist bullying. Some authorities reported only one or two incidents a year, whilst others are identifying significantly more. Worryingly some of the worst performing authorities were those with highest numbers of ethnic minority pupils. EHRC research in 2016 showed that one in four children were aware of fellow pupils experiencing prejudice-based bullying.

As you will be aware, from the report and from previous correspondence from the EHRC, schools in Scotland currently operate only under non-statutory guidance from the Scottish Government on how to address and eliminate prejudice-based bullying. We believe that the current guidance based system is no longer fit for purpose.

Prejudice-based bullying in schools affects children's attendance, attainment and well-being. By failing to address prejudice-based bullying some pupils may learn that such behavior is acceptable as it does not attract any sanction, a lesson which will not equip them for the realities of Scotland today. We agree with the Committee that until prejudice-based bullying is placed on a statutory footing Education Authorities will not have the evidence they need to enable them to identify and support both the victims and the perpetrators. We believe that Education Scotland should be able to inspect a school's approach to eliminating prejudice based bullying. This would allow them to document and share best practice, and identify improvements.

As you will be aware both the Equality and Human Rights Commission and the Children and Young People's Commissioner Scotland strongly believe incorporation of the United Nations Convention on the Rights of the Child into Scots law would help to promote an overarching children's framework that would help to influence all areas of policy and practice. It would illustrate the importance the Scottish Government places on children's rights and demonstrate a clear commitment to ensuring that Scotland is the best place for children to grow up.

We would welcome the opportunity to meet with you to discuss how we can ensure that children in Scottish schools can study without the fear of prejudice-based bullying.

Yours sincerely



Lesley Sawers

EHRC Scotland Commissioner



Bruce Adamson

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