

LIST OF RELEVANT LEGISLATION

Chronically Sick and Disabled Persons (Scotland) Act 1972

Disability Discrimination Act 1995

Disabled Persons (Services, Consultation and Representation) Act 1986

Human Rights Act 1998

Mental Health Act 1984

National Health Service and Community Care Act 1990

Public Interest Disclosure Act 1198

Social Work (Scotland) Act 1968

| | Page |
|--|------|
| 1. Introduction | 1 |
| 2. Aims of Strategy | 2 |
| 3. Values | 3 |
| 4. Why has bullying behaviour become an issue now? | 4 |
| 5. Definitions of Bullying | 5 |
| 6. Prevalence | 6 |
| 7. The Role of the Police | 8 |
| 8. Legislation | 10 |
| 9. Prevention | 11 |
| 10.1 In the Community | 12 |
| 10.2 For People with a Learning Disability | 13 |
| 10.3 For Service Providers | 14 |
| Appendix 1 | 19 |

1. INTRODUCTION

This document was commissioned by Aberdeenshire's Learning Disability Strategy Implementation Group as a direct result of research carried out by Mencap, ENABLE and Values into Action entitled "Living in Fear 1999". This research suggested the amount of bullying and harassment experienced by people with learning disabilities was unacceptably high, and that the development of anti-bullying strategies were useful in reducing the frequency and extent of bullying.

A working party was established in 2000 to look at good practice and draw up an Aberdeenshire Anti-bullying Strategy for adults with learning disabilities.

The working party was made up of representatives from Social Work, Education's Psychology service, and Grampian Police. Work done previously by an existing group working in south Aberdeenshire, which included representatives from people with learning disabilities, carers and the independent sector contributed to the strategy.

The strategy is intended to provide a strategic approach. Each agency involved in the provision of services to people with learning disabilities will have its own operational procedures regarding anti-bullying which will support the actions recommended in this document.

Some instances of bullying and harassment will constitute a criminal offence; in this respect people with learning disabilities are entitled to the protection of the law in the same way as any other member of the public. In these circumstances people with a learning disability and their carers are directed to contact their local police service.

| RECOMMENDATION | GOOD PRACTICE SUGGESTIONS |
|---------------------------------|---|
| RECOMMENDATION 6 (continued) | Aberdeenshire day services/respite care/accommodation providers to commit to developing anti-bullying procedures and protocols |
| RECOMMENDATION 7 | Each day services/respite care/accommodation service provider should provide staff training and written guidelines on the procedures to follow when bullying has occurred. Within each day services/respite care/accommodation service a member of their team should be identified as being responsible for offering counselling and support to victims of bullying. |
| RECOMMENDATION 7 staff | Aberdeenshire Council day services/respite care/accommodation service staff should be clear about when and how to report incidences of bullying and when to follow the procedures contained in the document "Identification and Management of Abuse of Vulnerable Adults in Aberdeenshire". |
| | Social work staff are to link any procedures with current policy on dealing with and management of abuse of vulnerable adults in Aberdeenshire |

RECOMMENDATION 5 Dissemination of information and raise awareness

Aberdeenshire information service should be responsible for producing information leaflets in friendly formats for service users and their carers, Aberdeenshire's day care/respite care/accommodation providers should give reassurance that concerns and complaints raised by individuals will be dealt with appropriately, and they will receive help and support with this.

Local day service providers should give thought to using drama, as a medium for delivering awareness campaigns. Such campaigns should involve people with learning disabilities in the delivery.

RECOMMENDATION 6 Actively promote information for service users and carers

Where day services provide social skills training, they should include specific sessions on what constitutes bullying behaviour and how to deal with it.

All Aberdeenshire day services/respite care/accommodation providers should supply people with a learning disability with a user-friendly handbook advising them how to proceed if they are victims of bullying.

Ensure links are made with the local community

Aberdeenshire day services/respite care/accommodation providers as part of community integration should support people with a learning disability to expand their contact with their local community, encouraging positive personal contact especially with the local police and schools

2. AIMS OF STRATEGY

The key aims of this strategy are to:

- Define what bullying behaviour is
- Raise awareness about bullying behaviour and potential victims
- Challenge traditional attitudes, assumptions and stereotypes
- Identify the nature, causes and effects of bullying and Identify those at risk
- Build links with local schools, other agencies and the community and reach a common understanding of the problem
- Build links with the local Community Police Service
- Encourage a more open culture, which listens to and communicates with people with learning disabilities. Establish channels of communication within and beyond each individual agency
- Establish what action agencies, people with learning disabilities and carers can take about bullying behaviour
- Offer assurance of protection for whistleblowers

3. VALUES

During the development of this document the following set of common values has been adopted by all agencies.

Rights

People with learning disabilities have the same human rights as everyone else

Respect

The right to live as a valued and equal member of the community while being shown respect and afforded privacy

Choice

The right to exercise informed choice

Quality

The right to high quality, flexible and accessible services

Equity

Equal distribution of resources - taking into account the rural nature of Aberdeenshire and distance from services

Independence

The right of individuals to achieve their full potential and live according to their wishes and beliefs

Consumer Voice

The need to listen to consumers' views in planning and providing services

Equal Opportunities

The need to promote equal opportunities and avoid discrimination

GOOD PRACTICE SUGGESTIONS

RECOMMENDATION

RECOMMENDATION 4 Develop partnership working between statutory agencies

To effectively respond to bullying behaviour requires effective inter-agency and inter-professional collaborations. Local day care/respite care/providers should build links with other local agencies

Provide training for staff and volunteers

Aberdeenshire Council employees responsible for training and induction of staff should provide training for staff and volunteers on awareness of bullying, recognition of bullying and their responsibility with respect to the procedures that are in place locally

Commissioning of services specifications should include adult protection issues, which reflect how they will respond to bullying

Aberdeenshire Council's care management and contract staff responsible for services that are commissioned at local level should ensure that their contracts identify how incidents of bullying will be dealt with.

Agencies should develop procedure to follow when bullying is identified.

Local day care/respite care/accommodation providers should develop procedures for identifying circumstances giving grounds for concern, and formulate guidance about managing and dealing with these concerns.

RECOMMENDATION 1 All agencies should actively work together to raise awareness of bullying behaviour

A Multi-agency working group led by Aberdeenshire Council should be established to develop an Aberdeenshire campaign to raise awareness of bullying and how it affects people with a learning disability.

The same multi-agency working group should give support to the development of the “Police Box” as a medium for raising awareness with people with learning disabilities.

RECOMMENDATION 2 Actively promote the empowerment and well-being of adults with a learning disability.

All Aberdeenshire staff involved with people with learning disabilities should provide information to individuals on self advocacy, advocates, advisory services and on agencies offering legal advice and representation.

RECOMMENDATION 3 Ensure that the law and statutory requirements are know and used appropriately

Examples of actions which may constitute criminal offences are assault, whether physical or psychological, sexual assault and rape, theft, fraud or other forms of financial exploitation, and certain forms of discrimination, whether on racial or gender grounds.

Aberdeenshire Council employees responsible for training and induction of staff should include in their training material information for staff about what constitutes a criminal offence in association to bullying and how to report this.

Training material should also include information about and use of the “appropriate adult scheme”.

4. WHY HAS BULLYING BEHAVIOUR BECOME AN ISSUE NOW?

Our awareness of, and ability to confront social abuse has developed gradually over the past few decades. In the 70’s, through the women’s movement, domestic violence was accepted for the first time as widespread. Also, sexual abuse of children became believable. The 90’s has completed the picture with our efforts to grasp the roots and consequences of emotional abuse. These developments have led to an increasingly open and listening culture. Recent media interest following tragedies linked with bullying has given this issue a high public profile. Attention given to school bullying has been echoed by similar concern with bullying amongst adults in the work place.

Bullying has been called the “silent nightmare” and shares many features with other forms of abuse. Although most bullying behaviour happens in front of others, it is suffered in and is surrounded by silence and thrives on secrecy and fear. Consequently it has been under reported.

Bullying behaviour has become particularly acute, as the visibility of people with learning disabilities has increased with the move to care in the community. Freedom from bullying and harassment is seen as a basic human right.

Recommendation 1

- **All agencies should actively work together to raise awareness of bullying behaviour.**

5. DEFINITIONS OF BULLYING

Bullying behaviour is not easy to define. Sometimes it involves hitting or kicking. However, threats, teasing and taunting are more common and can be more damaging. The important thing is the effect on the victim of bullying.

Bullying behaviour may be defined as the unjustified display of verbal or physical aggression on the part of one individual or group towards another.

Bullying behaviour involves some form of hurtful abuse of power, it may be:

| | |
|-------------------------------------|--|
| <u>Verbal</u> | As in name calling or making abusive comments |
| <u>Social</u> | As in ignoring or excluding another person |
| <u>Material</u> | As when possessions are stolen or damaged or extortion takes place |
| <u>Emotional/ Psychological</u> | As when pressure to conform is applied |
| <u>Physical</u> | As in physical assault |

10.3 FOR SERVICE PROVIDERS

Each service should assume that bullying does take place and act to prevent and reduce it by devising procedures and guidelines to combat bullying behaviour. Involvement of all staff is essential in the implementation of any anti-bullying programme including transport staff, escort staff and canteen staff.

It is considered important that establishments identify an individual staff member who will be available to offer support and advice to victims of bullying behaviour, a person to whom victims of bullying may talk in confidence. It is recognised that this individual staff member may require training to carry out this task.

Guidelines need be made available for staff on the procedure to follow should bullying behaviour occur. Any guidelines would need to link in with existing policies on the protection of vulnerable adults. It would seem appropriate if the individual staff member identified to support the victims of bullying were responsible for putting the establishment's procedures into operation.

Establishments who provide a service to people with learning disabilities should ensure that staff are aware of its policy on anti-bullying, have knowledge of what in the establishment's view is considered to be an act of bullying behaviour and how they should respond to this. Where possible training should be provided on raising staff awareness of bullying

Recommendation 7

- **Develop Internal guidelines for all staff**
- **Social work staff are to link any procedures with current policy on dealing with and management of Abuse of Vulnerable Adults in Aberdeenshire**

10.2 FOR PEOPLE WITH A LEARNING DISABILITY

There is a need for people with learning disabilities to understand what constitutes bullying, harassment and discrimination; this should include information on what to do when it happens to them. Good examples of how to deal with this include providing practical instruction and handbooks on what to do if you are being bullied.

People with a learning disability need to develop positive links with the local community including schools and the local community police service. Good examples of this are to involve people with learning disabilities in presentations to local schools especially in the area of drama. Supporting the development of the “Police Box” initiative for use with people with learning disabilities and encouraging local community police to visit day services regularly is also considered to be a way of developing positive contact with the local Police Service

Developing anti-bullying procedures is part of a wider commitment to ensure a safe and healthy environment for people with learning disabilities. All establishments who provide care to people with learning disabilities should be required to develop and implement anti-bullying procedures.

Recommendation 6

- **Actively promote information for service users and carers**
- **Ensure links are made with the local community**
- **Develop anti-bullying procedures**

6. PREVALENCE

Bullying and harassment takes place most typically in the street or in public places. However, an ENABLE survey “Stop It” also reveals that bullying can take place in almost every situation of a person’s life including work, colleges, day centres, buses and at home.

While most of the bullying behaviour is carried out by people unknown to the victims 20% is carried out by people who are known by the victims.

Bullying and harassment of people with learning disabilities remains a serious problem, with children and young people being particularly responsible for these behaviours.

The national survey “Living in Fear” carried out by Mencap, ENABLE and Values into Action identified the harassment experiences of people with learning disabilities. The results of this survey showed that:

- 88% of people with learning disabilities have been victims of bullying in the last year
- 32% of people with learning disabilities are victims of bullying on a daily or weekly basis
- 66% of people with learning disabilities reported being victims of bullying and harassment regularly
- 45% of people with learning disabilities are being called names in public places
- 29% of people with learning disabilities are threatened
- 25% of people with learning disabilities report physical attacks.
- 73% of people with learning disabilities report being bullied in public places

- In over 50% of the cases, bullying behaviour continued after being reported.

Recommendation 2

- **Actively promote the empowerment and well-being of adults with a learning disability.**

10. WAYS TO EFFECT CHANGE

10.1 IN THE COMMUNITY

Public awareness campaigns are useful mechanisms for informing the public about bullying behaviour, harassment and their effects on people with learning disabilities.

As children and teenagers are one of the main groups responsible for bullying behaviour towards people with a learning disability, targeting them with special awareness training campaigns is a useful way to change attitudes

Involving people with learning disabilities in the delivery of any campaigns will add credibility to this process. Evidence suggests that this will have a far greater impact than a talk given by a professional.

There are many ways of involving individuals with learning disabilities in changing public attitudes such as asking those who want to, to talk about themselves and their lives. Any drama presentation by individuals with learning disabilities on the effects of bullying behaviour on its victims will be equally effective.

Recommendation 5

- **Dissemination of information and raise awareness**

9. PREVENTION

One of the most effective ways of reducing bullying behaviour within organisations is to have a policy, local procedures and guidelines that sets out how incidents of bullying behaviour will be addressed

Any policy must acknowledge the need for both pro-active and reactive strategies; no single method can be used to deal with bullying behaviour.

An effective approach to the prevention of bullying behaviour is to have inter-agency working with common understanding across agencies about what constitutes bullying behaviour.

Experience in other areas of protection has shown that having clear guidelines about how to responding to and deal with bullying behaviour can quickly resolve any problems.

The independent sector who provide services to adults with learning disabilities should clarify how they link to the statutory agencies in relationship to preventing bullying behaviour.

Recommendation 4

- **Develop partnership working between statutory agencies**
- **Provide training for staff and volunteers.**
- **Service specifications should include adult protection issues, which reflect how they will respond to bullying**
- **Agencies should develop procedures to follow when bullying is identified.**

7. THE ROLE OF THE POLICE

People with learning disabilities are often victims of persistent, low-level offending such as public harassing and vandalism. Such offences tend to be given a low priority by the legal process; however, they can cause considerable distress and may be the forerunner of more serious offences.

Reporting routes within some organisations require the reporting of incidents to follow a "chain" which reflects line management structures. These "chains" can preclude direct reporting to the police of incidents that are of a criminal nature. Professionals who are often unaware of relevant basic law such as what constitutes a criminal offence can further compromise this.

Research findings indicate that people with learning disabilities who were victims of bullying or abuse felt that the police commonly did not take their reports seriously and therefore they are unlikely to continue to report such incidents.

Conditions as described above can therefore lead to an under-reporting of crime by people with learning disabilities.

It is the responsibility of the police to investigate allegations of crime, by preserving and gathering evidence. When a crime is being investigated the police will consult and work with other agencies and individuals as appropriate. When a crime involves a person with learning disabilities either as a victim, a witness or a perpetrator Grampian Police are committed to using "The Appropriate Adult Scheme". This scheme supports individuals with learning disabilities or mental health problems who require to be interviewed by the police. The role of the appropriate adult is to ensure that a person with a learning disability is not disadvantaged during the police interview as a result of their disability and understands what is being said to them.

Consultation with the police will enable them to establish whether a criminal act has been committed and this will give them the opportunity to determine if and at what stage, they need to become involved. Police officers have considerable skill in investigating and interviewing and early involvement may prevent a situation from escalating.

Support relating to a criminal act may be available locally from such organisations as Victim Support. Police officers are able to put individuals in touch with this organisation.

Recommendation 3

- **Ensure that the law and statutory requirements are known and used appropriately**

8. LEGISLATION

There are various pieces of legislation, which ensure the safety of vulnerable adults. When developing operational guidelines agencies should refer to relevant legislation and develop procedures within the framework of these acts.

Some of the most relevant acts are listed in Appendix 1