



DISCLAIMER: This fact sheet is intended to be used a general guide only. You should not act on the basis of this fact sheet alone without first getting legal advice about your own particular situation. This was updated on June 2023.

BULLYING AT SCHOOL

BEFORE WE START – IF YOU NEED, SPEAK TO SOMEONE NOW

Being bullied can make you feel upset, vulnerable or afraid. It can even lead to mental health problems like anxiety or depression. Get support as soon as possible. Talk to someone you trust like a family member, friend or a counsellor.

You can get **24-hour free confidential counselling and support** by calling:

Kids Helpline (for young people age 5-25)

Phone: 1800 551 800

Website: www.kidshelpline.com.au

Lifeline

Phone: 13 11 14

Website: www.lifeline.com.au

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WHAT IS BULLYING?

Bullying is an ongoing and deliberate misuse of power in relationships. It is when:

- a person (the bully) intends to cause physical, social and/or psychological harm to another person; and
- the bully **repeatedly** behaves in a way to cause harm (ie the behavior is not a once-off).

Bullying can involve just one person or it can involve a group of people - on both the bullying side and the victim side.

Examples of bullying behaviours are when someone (or a group of people) does something like:

- tease or humiliate you
- spread nasty rumours about you
- unfairly exclude you
- make you do something you don't want to do
- yell at you or swear at you
- follow you around or harass you
- damage, hide or steal your things
- threaten you or make you feel scared
- hit, push or be violent towards you
- kiss or touch you when you don't want them to
- Stalking someone online or someone stalking you online

Bullying can happen in person or online. Online bullying is sometimes called cyber-bullying. See Youthlaw's fact-sheet on Cyber-bullying for more information.

What are the different types of Bullying?

There are different types of bullying:

Direct physical – this means the bully hurts your body, doing things like hitting, tripping, pinching, pushing or kicking you. It can also mean the bully steals or damages your things that belong to you.

Direct verbal – this means the bully speaks to or about you in a mean and hurtful way, like teasing or calling you names that may be racist, sexist or homophobic, this includes spreading rumours about you.

Indirect – this includes things that the bully does to upset, exclude or embarrass you, like leaving you out of a game on purpose, mimicking you, using rude body language, playing nasty jokes, texting, emailing you unwanted messages or using chat rooms to upset you, this includes cyber bullying.

BULLYING AT SCHOOL

School bullying can happen in the classroom, around the school grounds or even outside the school or out of school hours. It can include being bullied over the internet or mobile phones by other people who go to your school.

Lots of information about bullying at schools can be found at the 'Bullying. No Way!' website at www.bullyingnoway.gov.au.

What can I do?

You have a right to feel safe at school and your school should have a policy against bullying. You or your parent or guardian can make a complaint to your teacher or your school principal if someone is bullying you.

What if my school doesn't do enough to stop the bullying?

If you are from a government school and you are unhappy with how the school responds, you can take your complaint to your regional office of the Department of Education and Training. For more information, go to www.education.vic.gov.au.

If you are not happy with how the Department handles your complaint, you can then take your complaint to the Victorian Ombudsman. For more information, go to www.ombudsman.vic.gov.au.

What if I go to a private school?

If you are from a private school and you disagree with how your school deals with your bullying complaint, you should contact the Victorian Registration and Qualification Authority (VRQA – www.vrqa.vic.gov.au) by phoning (03) 9637 2806.

Can I sue if I have been bullied at school?

If school bullying leads to serious physical or psychological harm, you should speak to a personal injury lawyer about whether you should sue. Strict time limits apply. For a referral to a personal injury lawyer, contact the Law Institute of Victoria on (03) 9607 9311 or go to www.liv.asn.au.

SCHOOL BULLYING ONLINE

School bullying can include cyber-bullying. Cyber bullying is when a person uses mobile phones, websites or Apps like Facebook, Snapchat and Instagram, or other internet sites to bully you. For example, cyber-bullying can include things like sending you abusive texts or emails, posting or sharing nasty comments or pictures about you, hacking into your account or opening a fake account in your name. Cyber-bullying is different from face-to-face bullying because you might not always know the person who is bullying you online.

What can I do about Cyber-Bullying?

- don't retaliate or respond

- block the person
- change your privacy settings
- report it by clicking the 'report abuse' button or by contacting the website host
- report the bully to your school or to their school if they are in a different school to you
- report serious cyber-bullying to the e-Safety Commissioner via www.esafety.gov.au

For more information about cyber-bullying and how to stay safe online, see our fact-sheets on Sexting and Cyber-Bullying or go to the e-Safety Commissioner's website www.esafety.gov.au.

GETTING AN INTERVENTION ORDER

If someone bullies you and you feel unsafe, you can apply for an intervention order in the Magistrates Court, or the Children's Court if the person bullying you is under 18. If you want to take this option, you should speak to a lawyer first (see below).

Is an intervention order the best option?

If you feel safe talking to the bully if someone else is in the room, you can try mediation instead of applying for an intervention order. Mediation is usually less stressful but it is voluntary, so both you and the person bullying have to agree to try mediation.

To find out more, contact the Dispute Settlement Centre of Victoria on 1300 372 888 or go to www.disputes.vic.gov.au.

GOING TO THE POLICE

Some forms of bullying involve criminal offences, including:

- repeatedly bullying someone if it is likely to cause that person physical or mental harm, including self-harm
- assault or sexual assault
- threats to kill or harm someone
- property damage or theft
- texting, e-mailing or posting sexual images of people who are or look like they are under 18

You can contact police if bullying involves a criminal offence. Police can then investigate and may charge the person responsible in court.

MORE INFORMATION

For more information, see Victoria Legal Aid: <https://www.legalaid.vic.gov.au/find-legal-answers/discrimination-harassment-and-bullying/bullying-online-or-school>

GETTING LEGAL HELP

Youthlaw

03 9113 9500

Email: legal@youthlaw.asn.au

www.youthlaw.asn.au

Legal Help Victoria Legal Aid

1300 792 387

www.legalaid.vic.gov.au

Visit our website: www.youthlaw.asn.au

Chat to us: 03 9113 9500

Email your questions: legal@youthlaw.asn.au

YOUTHLAW

Young Peoples Legal Rights Centre

Inc No A0041616E

ABN 12 794 935 230