

Bullying in school and online: what can you do?

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Bullying is behavior that is unwanted, aggressive and intimidating, usually targeted at a victim perceived as vulnerable. Most of us know that bullying is cruel. But is it illegal? Threats to expose private and confidential information may amount to harassment and where they are coupled with demands for money, it may rise to blackmail. Sharing content without consent via social media sites may also constitute cyber bullying, and civil injunctive relief or criminal action may follow.

The scenario

As a crisis manager, I often receive emotional, panicked calls from existing and new clients facing such activities. Some of the most troubling to receive are from those who – after careful and sensitive probing – we learn are young people or children, who are lost and afraid, even embarrassed, and have found us online.

We know children can be cruel to each other. Where bullying takes place under the fluorescent lights of the classroom, the signs may at least be recognized by caring, professional staff, and thus better addressed. But bullying that lurks dangerously and furtively in the dark recesses of the online world, can go unnoticed until the young victim plucks up the courage to seek help. Here are a few demonstrative scenarios:

A young woman ill-advisedly shares intimate photographs of herself with someone she thinks is a loving, trusting online “boyfriend”, but who begins threatening to send them to her family unless she sends more, even more intimate images.

A casual but inappropriate remark by a pupil in the playground about another pupil quickly spirals out of control into a wild-fire of rumour and gossip, damaging to both and a major distraction from study.

A young person faces online taunting by a group of anonymous posters on a website chat group, undermining their confidence and sense of self-esteem and causing them mental and physical health effects.

We have dealt with similar issues, and more. These enquiries cannot be anticipated, and arise at any time, often out of usual working hours when a victim feels overwhelmed and reaches for their phone, and Google, to try to find a way out of their nightmare.

What can we, as lawyers, do to help?

Before we are able to provide substantive legal advice to any client, we need to know the identity of the person we are advising, and the identity of the perpetrator who is threatening or bullying them, in order to ensure that there is no conflict and that there is no reason why we may not assist the victim. Obtaining this information has to be handled swiftly, but sensitively, conscious that the victim may fear outing their oppressor – if they know their identity – as much as they fear a continuation of the bullying.

Victims will likely not understand how to approach lawyers beyond their initial desperate plea for help. Think of us as a human, friendly face or voice. We are here to help put victims at ease, letting them know that we are on their side, and that someone is listening.

Once we understand the details of the specific situation, we often encourage those seeking help to approach others. This may be parents, teachers or other figures of authority in their community, or other organisations offering legal advice such as, in the U.K., the local Citizens' Advice Bureau. In some instances, we may also suggest contacting the authorities including the police, or those set up specifically to help minors including (in England) the National Society for the Prevention of Cruelty to Children (NSPCC), ChildLine, and the National Children's Bureau. We have telephone numbers ready to provide to those who call us, and offer guidance as to how they can do so.

Finally, victims should be aware that there are powerful legal tools to assist them in cases of extreme bullying, intimidation, hate and harassment, to bring to justice those who perpetrate such campaigns. But they are no good if you do not know that they are available for use. While this may not be the usual work expected of a media lawyer, we in the Withers Media and Reputation team continue to field enquiries and offer support and legal guidance to victims of bullying and harassment to provide them with this vital information.

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