

ADDRESSING BULLYING IN SCHOOLS BILL

20th JANUARY 2016

Oral Evidence

I would like to thank the Committee for inviting us here today to give evidence on the Addressing Bullying in Schools Bill. As you will be aware, the principal aim of my role as Commissioner for Children and Young People, as set out in legislation, is to safeguard and promote the rights and best interests of children and young people. Through ratification of the UNCRC, our Government is under an obligation to ensure that all legislative and policy developments are in compliance with the Convention and it is my aim to support you to do this.

You will also be aware from our detailed written evidence that bullying in schools is an area which NICCY has been working on for a number of years through research, advice to government and direct casework and engagement with children and young people.

NICCY recently talked with almost 500 children and young people (aged 8-21) from across Northern Ireland to discuss areas relating to their rights. One of the areas which they identified as preventing them from being able to access their rights was bullying. Some of the young people felt that bullying is not addressed properly in schools which then can cause anxiety and depression. A number of young people had experienced bullying in the past and did not feel that the school did enough to stop it. Some felt that it was

important to try and prevent bullying by making sure that teachers themselves didn't treat students differently and were more positive about young people from different backgrounds, gender orientation, sexuality or race.

I am therefore acutely aware of the prevalence of bullying in schools as well as its complexities and the difficulties associated with identifying, monitoring and tackling bullying incidents. Like everyone I am also extremely concerned about the damaging nature of bullying and the potential long-term impact it can have on the lives of children and young people. Research¹ has consistently found that for young people who have been bullied there has been a significant impact on their mental health and they have experienced for anxiety, depression, self-harm and suicidal thoughts. And even after leaving school over a third of young people said it had a continuing effect on their self esteem, confidence and ability to form relationships. What is also telling is that many teachers, 70% according to recently published research say they feel ill-equipped to support children with mental health issues related to bullying.

Of course children's mental health is not the sole remit of education which is why we believe that the issue of bullying is one which requires cross-departmental and multi-agency co-operation and I would urge the Northern Ireland Executive and Assembly to view this Bill as the first step of a co-ordinated strategy which should be employed across Government to fully and comprehensively address this very serious issue.

¹ Children and Young People Now, 16th November 2015.

It is with the UNCRC in mind that I welcome Clause 1 of the Bill, the introduction of a statutory definition of bullying in that it should provide clarity and allow for accurate recording of bullying incidents while supporting schools to adopt a consistent approach in the prevention and tackling of bullying. While the definition describes bullying as a repeated act, I would urge that schools do not dismiss ‘one-off’ incidents of bullying behaviour, but rather consider the potential for reoccurrence, taking appropriate preventative steps and monitoring.

The proposed definition of bullying also refers to the intention of causing harm (clause 1(d)). There is no reference in the statutory definition to the perception of the victim. I wish to see the inclusion of the perception of the victim in the statutory definition of bullying.

I am also concerned that the proposed scope of bullying in the Bill will not offer protection for all children who are victims of bullying as it relates only to acts or omissions carried out by one pupil or a group of pupils. It does not reflect the experience of children in schools who may experience bullying by adults and/or teachers. I would recommend that the proposed statutory definition is widened to include all forms of bullying suffered by all children in schools. All children who are being bullied in school should have the right to have their experience recognised as such and addressed in a proactive and comprehensive manner under the Bill.

Moving on to clause 2. I welcome the introduction of the legal requirement for Boards of Governors to be responsible for the very challenging area of schools' anti-bullying policies and procedures. However, Governors are appointed in a voluntary capacity and they already have a range of roles and responsibilities. Guidance and mandatory support and training for Governors tasked with developing and reviewing a school's discipline and anti-bullying policies will be necessary to ensure that they are equipped to deal not only with policy management, but also the effective resolution of complaints and appeals.

Clarity around both the role of the ETI and the Education Authority in monitoring Boards of Governor's execution of their duties and responsibilities is also necessary.

Clause 2(d) places an explicit duty on Board of Governors to consult with pupils and their parent when "determining or reviewing measures" to address bullying. However this duty does not seem to have been properly translated to the dissemination of the statement of measures as outlined in 2(f) where pupils are not mentioned. We would ask for an amendment to 2(f)(i) to include pupils as well as their parents and staff.

Moving on many of the young people we spoke to highlighted that bullying is often not confined to the school grounds or the school hours but continued outside the classroom through social media or texting. One of the young people said that,

“Even if the school does something they can only do what they see. It’s not as bad as it used to be with the online stuff that other people can see but you can still get bullied through private messages or texts and then the school can’t do anything cause if you tell you’ll just get more hassle.”

We have concerns about the proposed scope of the Bill in clause 2(b) as it is not broad enough to address the majority of incidents of cyberbullying which will most commonly not take place on school premises. While this is a complex legal area, it is one that young people have raised with NICCY as a block to them being able to access their rights. The Addressing Bullying in Schools Bill must afford maximum protections to children and young people who are victims of bullying, whether physical, mental or through the use of technology.

I welcome the obligation on Boards of Governors to ensure that a record is kept of all incidents or alleged incidents of bullying, the motivation behind bullying incidents and information on how incidents were addressed.

However this needs to go further and I would recommend that greater consideration is given to mandatory reporting of all incidents of bullying by schools. This will ensure consistent criteria and processes for recording across all schools, enabling the sharing of good practices and learning.

I also wish to see the extension of this duty as outlined in clause 3 to include an obligation on all school staff to report any incidents of bullying they witness

to ensure that incidents of bullying are dealt with promptly and without a requirement on a child - who may be concerned about being victimised - if they report incidents of bullying to the school.

I welcome the guidelines given in clause 3 (3) with regards to recording as there is no doubt that certain groups of children and young people are more likely to experience bullying, however the one group that is missing is children with caring responsibilities and would recommend that that are added to this list in this section (k). I anticipate that Department of Education can then use the information gathered through this recording and mandatory reporting and take proactive measures with regard to the groups of children who disproportionately experience bullying to ensure that they are able to fully participate in their education in recognition of the high levels of bullying these groups of young people experience.

As outlined in our written evidence the bill is another step in ensuring the protection of children and young people from bullying and as further measures are developed I would expect to see continued engagement with children and young people of all ages and across all communities in compliance with article 12 of the UNCRC.

That concludes my formal presentation. Both I and Mairéad are happy to take any questions the Committee may have.