EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to Consultation on 'Addressing Bullying in Schools'

February 2015

1 Executive Summary

1.1 The Commission welcomes the opportunity to respond to the Department of Education's consultation to address bullying in schools. We recognise that the proposed legislative changes have the potential to make significant improvements in preventing and addressing bullying across schools in Northern Ireland.

1.2 We support the proposal to introduce a common definition of bullying as it will ensure a more consistent approach across schools to tackling bullying. We agree, as stated in the consultation document, that the inclusion of a legal definition is likely to 'to inform thinking and ensure a common basis around which schools can tailor their policies and processes'.[1]

1.3 We welcome the Department's proposal to include a supporting schedule to the proposed legislation setting out the commonly recognised forms of prejudice-based bullying based on Section 75 groups. We also support the intention to include in supplementary guidance the core content to be included in each school's anti-bullying policy.

1.4 The Commission supports the Department's proposal to introduce a requirement for all grant aided schools to centrally record complaints of bullying behaviour, including motivating factors behind the bullying and outcomes. The Commission is of the view that recording incidents of bullying will assist the Department and schools in understanding the magnitude, motivations and impact of bullying and track trends over time.

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[1] See p10 of consultation document

1.5   We agree that the C2K IT system already in place should be adapted to record the proposed data.

1.6   We stress the need for strong and visible leadership and commitment from the school Principal, senior management team and the Board of Governors, to tackling all forms of bullying, including prejudice-based bullying.

1.7   We support the NIABF Review recommendation that guidance should include templates, checklists and exemplars of good practice.

1.8   We are of the view that identity based bullying will be most effective if it is dealt with in a range of ways throughout the school (a 'whole school approach'). This should include addressing and exploring prejudicial attitudes and identifying issues pro-actively through the curriculum in an age-appropriate way.

1.9   Finally, whilst information relating to the prevalence of bullying experienced by Section 75 groups is referred to in the screening document, there are gaps in the evidence base cited.

2   General Comments

2.1   The Commission is clear that the education of children and young people has an important role in shaping people's views and their relationships with others. We consider that schooling can help to counteract the negative views and prejudice that exist in our society[2].

2.2   The need to tackle the high incidence of prejudice-based bullying, both within schools and the wider community is a key challenge for Government and has been recognised as such by the international treaty bodies, such as UNCRC Commitee, CEDAW Commitee and CERD Committe and the Advisory Committee on the Framework Convention on National Minorities . [3]

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[2] ECNI's 'Promoting Sexual Orientation Equality – *Priorities and Recommendations*', October 2013 (pages 8). Available at http://www.equalityni.org/addressinginequality
[3] See *Concluding Observations of Committee on Rights of Child*, 2008 Concluding Observations of the Committee on the Elimination of Racial Discrimination on UK (2011) ; *Third Opinion on the United Kingdom. of the Advisory Committee on the Framework Convention for the Protection of National Minorities*, June 2011; and *Concluding Observations on UK*, CEDAW Committee, 26 July 2013.

2.3   Whilst we welcome that the consultation document recognises the fact that a primary motivation for bullying behaviour can often be prejudice or discrimination, we would have preferred that the nature and extent of bullying experienced by S75 groups received more prominence in the consultation document.

2.4   The Commission has set out in a number of its equality position papers a detailed overview of the evidence base underpinning our recommendations relating to tackling bullying experienced by Section 75 groups. For ease of reference, we have included this evidence base in the Appendix 1 hereto.

2.5   The Commission had also previously recommended that the Department takes steps to ensure that schools treat homophobic bullying as seriously as other forms of bullying and that it carry out further research into the experiences of LGB pupils in schools and effects of homophobic bullying on educational attainment.[4] We welcome the fact that the Department is in the process of carrying out further research on both homophobic and transphobic bullying and we look forward to the final publication of that research.

3   Common Definition of Bullying

3.1   We support the proposal to introduce a common definition of bullying as it will ensure a more consistent approach across schools to tackling bullying. We agree, as stated in the consultation document, that the inclusion of a legal definition is likely to 'to inform thinking and ensure a common basis around which schools can tailor their policies and processes'.[5]

3.2   The Commission agrees that the lack of a definition of bullying can lead to confusion, inconsistent approaches and can ultimately undermine strategies by schools to address bullying.

3.3   The Commission also welcomes the Department's proposal to include a supporting schedule to the proposed legislation setting out the commonly recognised forms of prejudice-based bullying based on Section 75 groups; a schedule that aims to

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[4] Ditto
[5] See p10 thereof

provide a non-exhaustive guide to assist schools in their recognition and recording.

3.4   We agree that a more prescriptive approach, which would attempt to specify all forms of bullying, would add to its complexity and may become quickly out-dated, ultimately reducing the legislation's overall effectiveness.

3.5   We also support the intention to include in supplementary guidance the core content to be included in each school's anti-bullying policy. This will further help to ensure a consistent approach across schools to addressing bullying.

3.6   It is of note that the consultation document reports that only 26 out of 46 anti-bullying policies considered by NCB outlined to various degrees specific forms of, and motivations for, bullying behaviour. Of particular concern is the fact that less than half of the 26 (11) referenced homophobic bullying, just over one third (9) identified disabilist bullying, less than a quarter (6) mentioned sectarian bullying, and none referenced transphobic bullying.

3.7   As set out in Appendix 1, the Commission has consistently raised the issue that certain S75 groups, including pupils with special educational needs or a disability; lesbian, gay, bi-sexual and transgender pupils; and pupils from a minority ethnic background, can experience bullying on an equality ground.

3.8   In addition, we have previously hightlighted our concerns about the inconsistent approach across schools in terms of the content of anti-bullying policies and as regards the recording of the number and type of bullying incidents.[6].

3.9   We note that it is proposed that bullying is to be defined as the 'repeated' acts or omissions and that isolated incidents of aggressive behaviour could not be described as bullying, and that schools should consider to deal with these as breaches of the school's discipline policy.

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[6] Findings in the Commission's research on *Indicators of Equality and Good Relations in Education* inidcated that whilst all schools are required to have an anti-bullying policy in place, it appears that information on the content of each policy (for example, the range and types of bullying covered) and the number of bullying incidents recorded under each policy is not routinely collected or considered. *Indicators of Equality and Good Relations in Education*, ECNI, June 2012, *www.equalityni.org*

3.10   Clearly pupils from Section 75 groups can experience isolated incidents of prejudice- based aggressive behaviour that, although one-off incidents, can be demeaning, humiliating and very upsetting. It is important that, if dealt with under the school's discipline policy, that these are also accurately recorded, including the nature, motivation and outcome.

3.11   Whilst we note that it is also proposed that the definition of bullying should only cover 'intentional' acts or omissions, consideration should also be given to encouraging schools to proactively addressing <u>unintentional</u> acts by pupils that that can cause harm, fear or distress to pupils covered by the Section 75 groups. For example, pupils may use homophobic or disabilist terms without the intention of causing harm or distress, or realising that their comments are inappropriate, but which cause distress to the recipient of the comments.

4   Recording of Incidents of Bullying

4.1   The Commission supports the Department's proposal to introduce a requirement for all grant aided schools to centrally record complaints of bullying behaviour, including motivating factors behind the bullying and outcomes.

4.2   While not specifically stated in the consultation, the Commission has assumed that in recording the motivating factor behind bullying incidents, schools will be required to record bullying on the basis of prejudice across each of the equality groups. This will allow the needs of specific groups to be identified, while also allowing for comparison between groups.

4.3   In its Racial Equality Policy position the Commission previously advocated that the 'Department considers placing a duty on schools to record disaggregated data on incidents of bullying in order to improve their understanding of, and responses to prejudiced-based bullying'.[7]

4.4   In 2014, a report reviewing the effectiveness of action taken by schools in Wales to address bullying on the grounds of pupils'

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[7] Recommendation as set out in its ECNI *Race equality position paper*, May 2014 Promoting Racial Equality – Priorities and Recommendations,

protected characteristics, found that 'it is best practice that schools record all incidents of bullying, as well as specific types of bullying'. The report also found that schools which do not record incidents of bullying in relation to 'protected characteristics, do not have a clear picture of patterns of behaviour over time that they can use to inform anti-bullying planning'.[8]

4.5   We agree that the C2K IT system already in place should be adapted to record the proposed data.

4.6   This information should be used to inform prevention and intervention programs. Consideration should also be given to recording the immediate response of pupils who witnessed the bullying incident to help identify peer norms within the schools and address issues in respect of identity based bullying on a wider basis. It is also acknowledged that to be effective, and for it not to be an overly burdensome on schools, the system should be developed in a way which makes this information easy to record.

4.7   Strategies designed to prevent and respond to all types of bullying, including prejudice-based bullying should to be monitored and evaluated in order to assess their and effectiveness.

4.8   The Commission welcomes the Department's statement that the Department's interest in data on bullying 'is for the insight it will provide into the overall nature of bullying within our education system'.

4.9   We also recognise that the information recorded will be, and should be, of particular interest to the school itself, and we recommend that schools are encouraged to review the data they collect in order to identify any trends in terms of the type and/or nature of the bullying and take, where appropriate, mitigating action. For example, if the school records a high level of homophobic or racist bullying incidents we recommend that schools are encouraged to proactively take a 'whole school' approach to addressing the culture within the school.

4.10   The Commission reiterates its recommendation that 'any duty placed on schools should include appropriate safeguards to

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[8] Estyn, *Action on bullying* June 2014

encourage schools to be open about reporting incidents of bullying'.[9]

4.11 Research in Great Britian has highlighted that 'without the appropriate baseline data it is impossible to know the extent of bullying, or monitor the impact of interventions and progress on tackling the problem, or direct resources where they are most needed'.[10]

4.12 The Commission is of the view that a common definition will assist the Department and schools in understanding the magnitude, motivations and impact of bullying and track trends over time.

We also recommend that schools consider the views of pupils' parents, carers and staff, as well as Section 75 groups, when implementing, monitoring and reviewing bullying policies and practices.[11]

5 Embedding good practice

5.1 In the Commission's view strong and visible leadership and commitment from the school Principal, senior management team and the Board of Governors, is key to tackling all forms of bullying, including prejudice-based bullying.

5.2 This high level leadership is essential to driving change, including a change in culture, and ensuring the consistent and robust implementation of policies and practices designed to address bullying, including bullying experienced by Section 75 groups.

5.3 In 2014, a report by reviewing the effectiveness of action taken by schools in Wales to address bullying on the grounds of pupils' protected characteristics, found that 'there is a close link

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[9] Recommendation as set out in its ECNI Race equality position paper, Promoting Racial Equality – Priorities and Recommendations,

[10] Equality and Human Rights Commission *Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales,* 2010

[11] In June 2014, *Action on Bullying* a report by Estyn , found that the best schools use a range of methods to gain a true picture of the extent and nature of bullying at the school.

between how pupils treat one another and how well leaders communicate expectations about pupil behaviour'.[12]

5.4   It is recommended that the supplementary guidance which the Department intends to produce, provides specific guidance to schools, including the senior management team and Governors on the role they will play.

5.5   We support the NIABF Review recommendation that guidance should include templates, checklists and exemplars of good practice.

5.6   In addition, we recommend consideration is given to including specific guidance on prejudice-based bullying to ensure that there is a common understanding of the importance of this issue and the strategies to address it. Research in Great Britian on identity-based bullying has found that guidance plays a crucial role in directing anti-bullying work and focussing attention on particular areas.[13]

5.7   We also welcome the Department's intention that school's performance in this regard will continue to form part of the ongoing inspection process.

5.8   Schools should be encouraged to ensure the implementation of robust and effective policies and procedures within the schools and Board of Governors. Such policies and procedures should clearly set out the role and responsibilities of teachers in identifying and dealing with bullying in a sensitive manner and should enable pupils to avail of the policies, again in a manner which respects the dignity of the pupil.

5.9   We also stress the importance of promoting awareness of the existence of the policy and procedure within the schools and respective roles and responsibilities; including as regards a common definition of bullying.

5.10   There will also be need to be effective communication and training undertaken across schools on identifying bullying and dealing with issues raised in a sensitive and effective manner. and that staff receive regular updated training on prejudice-based bullying.

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[12] Ditto

[13] Equality and Human Rights Commission *Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales,* 2010

5.11   Finally we are of the view that identity based bullying will be most effective if it is dealt with in a range of ways throughout the school (a 'whole school approach'). This should include addressing and exploring prejudicial attitudes and identifying issues pro-actively through the curriculum in an age-appropriate way.

5.12   There is a need to ensure that equality and good relations are embedded within the curriculum, and we encourage the Department to use opportunities within the curriculum to draw attention to prejudice based bullying and to encourage a greater understanding and respect for pupils covered by the Section 75 grounds.

5.13   Research by the Equality and Human Rights Commission has also shown that 'forms of prejudice-based 'is not only targeted at an individual, but reflect negative attitudes towards a wider sub-community or group to whom that individual identifies with (or is believed to identify with)'.[14]

5.14   Effective strategies to tackle identity-related bullying therefore require co-ordinated action to promote good relations and tackle prejudice, across all spheres of society, as well as in schools and colleges, in order to create a society in which difference is recognised, respected and celebrated.

6   Screening document

6.1   Further, whilst information relating to the prevalence of bullying experienced by Section 75 groups is referred to in the screening document, there are gaps in the evidence base cited.

6.2   The screening report details supporting evidence across the range of Section 75 areas and largely draws on on DE's publication, the *Nature and Extent of Pupil Bullying in schools in the North of Ireland.* However there is a much broader range of evidence in relation to the extent of prejudice-based bullying in schools in Northern Ireland which is set out in detail in the Commission's policy papers in relation to the Section 75 Grounds.

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[14] Equality and Human Rights Commission *Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales,* 2010

6.3   We recommend that efforts continue to be made to ensure that information across the Section 75 groups is acquired and considered on an ongoing basis in relation to the policy.

Equality Commission for Northern Ireland
27 February 2015.

Appendix 1

Evidence on identity–based bullying

6.4 The Commission has previously highlighted the worrying extent of prejudice-based bullying against S75 Groups and has made a number of recommendations to government on how specific types of prejudice-based bullying should be addressed.

Homophobic Bullying

6.5 In the Commission's policy paper, *Promoting Sexual Orientation Equality – Priorities and Recommendations* the Commission stated that schools should provide a safe and supportive environment for all children, regardless of their sexual orientation, to learn in.[15]

6.6 In addition, findings in the Commission's research on *Indicators of Equality and Good Relations in Education* highlighted that whilst all schools are required to have an anti-bullying policy in place, it appears that information on the content of each policy (for example, the range and types of bullying covered) and the We have also expressed concern that there appears to be reluctance by Northern Ireland schools generally to address homophobic bullying with the same rigour as other forms of bullying.[16]

6.7 In addition, the UN Committee on the Rights of the Child in its Concluding Observations on the UK in 2008, expressed its concern certain groups of children, including LGBT children continued to experience discrimination and social stigmatisation.[17]

6.8 In particular, it recommended action by the UK Government to strengthen its awareness-raising and other preventative activities, and if necessary, affirmative action for the benefit of vulnerable groups of children including LGBT children. It also recommended that the UK Government intensify its efforts to prevent bullying and violence in schools.

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[15] ECNI's 'Promoting Sexual Orientation Equality – *Priorities and Recommendations*', October 2013 (pages 8). Available at http://www.equalityni.org/addressinginequality

[16] *Indicators of Equality and Good Relations in Education*, ECNI, June 2012, *www.equalityni.org*

[17] See *Concluding Observations of Committee on Rights of Child*, 2008

Racist Bullying

6.9   In the Commission's policy paper, Promoting Racial Equality – Priorities and Recommendations, the Commission highlighted the bullying experience by minority ethnic pupils and made a number of recommendations to address this form of prejudice-based bullying.[18]

6.10   The paper notes, recent Department of Education research on the *nature and extent of pupil bullying in schools in the north of Ireland* highlighted that 14% of Year 6 and 7.6% of Year 9 pupils admitted being bullied 'with mean names or comments about my race or colour'. [19]

6.11   Research by NICEM has also suggested that 'the response of schools to the issue of racist bullying appears to vary enormously... this was often characterised by not taking the issue seriously either minimising it or ignoring it altogether' and that '...in the majority of cases, schools tend to lack knowledge of how to effectively confront the issue and in some cases have difficulty acknowledging that a problem exists. In cases where action is taken, the measure is often unsatisfactory'.[20]

6.12   The report also noted that, in 2008 the Northern Ireland Anti-Bullying Forum (NIABF) evaluated the success of a pilot for recording incidents of bullying in schools in Northern Ireland. The report confirmed that 'the effective use of data assists with improving anti-bullying policy and practice' and the system was 'proportionate in terms of management and operational demands on a school'.

6.13   Research by Queens, in 2013 has also noted the need 'to look beyond achievement gaps in assessing minority ethnic children's differential experiences in education, highlighting the potential of belongingness as a concept for further study'. [21]

6.14   The Queens University research found that ethnic minority pupils experienced lower levels of belonging and higher levels of exclusion compared to their White, settled Northern Irish

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[18] Recommendation as set out in its ECNI *Race equality position paper*, May 2014 Promoting Racial Equality – Priorities and Recommendations

[19] DENI research on *nature and extent of pupil bullying in schools in the north of Ireland*, 2010

[20] NICEM *Promoting racial equality in NI post primary schools, June 2011*

[21] *A need to belong?: The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands', QUB, 2013*

peers. The experiences of Irish Traveller children were the most negative. While educational aspirations were high among Chinese/Asian children, 'less positive outcomes were found in relation to other outcomes like their self-worth, participation in clubs and their subjective health'.

Pupils with Special Educational Needs (SEN) or a disability

6.15   The Commission has previously noted the high level of bullying experienced by pupils with SEN. The Education and Library Boards survey of the experiences of children with SEN in schools indicated that 58% of those surveyed at KS2, 55% of KS3 and 45% of KS4 experienced bullying, and the report indicates that there is a clear link between the incidence of bullying and SEN. Research on the nature and extent of bullying in Northern Ireland Schools found that 'there is evidence that disabled children and young people are more vulnerable to bullying'.[22]

Sexist and Transphobic Bullying

6.16   Bullying targeted at an individuals' gender and based on sexist attitudes or gender stereotypes, (often referred to as sexist or sexual bullying and most commonly experienced by girls), has not been well researched here. However, guidance issued by the Department for Children, Schools and Families in England, highlighted, 'young women and girls report that [sexist] bullying has become a normal part of their everyday lives….because of the gender stereotypes and social norms surrounding female identity'.[23]

6.17   In addition, research has found that transphobic bullying is a significant problem in school settings. The report found that 'worryingly, on occasions, young people reported that staff who were aware that bullying was occurring did not offer support or attempt to end the harassment. Such experiences left young people feeling profoundly isolated to the extent that they suffered depression, self-harmed and had suicidal thoughts'.[24]

6.18   The report also found that 'typically staff lack the appropriate awareness and knowledge to respond to incidences of

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[22] See footnote 19.
[23] DCSF *guidance for schools on responding to sexist, sexual and transphobic bullying*., 2009
[24] *Grasping the nettle*, 2013, ICR

transphobic bullying and that 'many young trans people in Northern Ireland are dropping out of education permanently because of the negative impact transphobic bullying has on their lives and the inability of schools to adequately support them'.