

the
rainbow



project

Addressing Bullying in Schools

Submission to the Committee for Education

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Addressing Bullying in Schools Legislation – Committee Stage

Introduction:

The Rainbow Project is the largest organisation in Northern Ireland which works to support the mental health and wellbeing of people who are lesbian, gay, bisexual and/or transgender and their families.

Founded in 1994 as a sexual health organisation for gay and bisexual men, The Rainbow Project has developed into an organisation which seeks to meet the needs of the LGB&T community in Northern Ireland through research, advocacy and the development of services.

Background:

In 2006 The Rainbow Project conducted research into the mental health of young gay and bisexual men.¹ This research identified that many gay and bisexual young men had experienced severe and prolonged periods of bullying because of their actual or perceived sexual orientation and that, those who had experienced bullying had significantly poorer mental health compared to those who had not experienced bullying.

In 2010, The Rainbow Project was funded by the Tudor Trust to develop and education equality project. This project developed training packages for teachers and a guide to include sexual orientation and gender issues within the curriculum. The project also developed a report on education in Northern Ireland which identified a number of short-comings in how the education services in Northern Ireland were failing to provide safe and welcoming environments for LGB&T students².

The recommendations arising from this report included:

- Placing a statutory duty to promote equality of opportunity, similar to section 75 of the Northern Ireland Act 1998 on schools and their boards of governors,
- Mandatory training for all teaching and non-teaching staff on sexual orientation and gender issues
- Reviewing the statutory curriculum to include sexual orientation and gender issues
- Anti-bullying legislation which specifically enumerates the different motivations for bullying including homophobic and transphobic bullying

¹Out on Your Own – McNamee 2006 http://www.rainbow-project.org/assets/publications/out_on_your_own.pdf

² Left out of the Equation – Boyd 2011 <http://www.rainbow-project.org/assets/publications/left%20out%20of%20the%20equation%20may%202012.pdf>

The Rainbow Project has been a leading voice in calling for anti-bullying legislation in Northern Ireland by working with umbrella organisations such as the Northern Ireland Anti-Bullying Forum and by making the issue a matter of public importance³.

Draft Legislation:

The Rainbow Project welcomes the decision of the Department of Education to bring forward draft legislation to address bullying in schools. We believe that legislation is necessary to create a uniform definition of bullying across all schools and to ensure that teachers and other staff are aware of their obligations to prevent bullying. Legislation is also required to ensure that there is adequate monitoring and recording of bullying incidents so that schools can demonstrate that they are responding to bullying appropriately but also to ensure that the Department has an accurate picture of the level of different forms of bullying in schools in Northern Ireland.

Section 1: Definition of bullying

The Rainbow Project agrees with the Department's definition of bullying as set out in the draft legislation.

Section 2: Duty of Board of Governors to secure measures to prevent bullying

The Rainbow Project believes that this section of the legislation should be amended. The greatest challenge to tackling homophobic and transphobic bullying in schools in Northern Ireland is that individual schools may determine what motivations for bullying will be included in their anti-bullying policies. Many schools in Northern Ireland do not specifically refer to homophobic and transphobic bullying in their policies and where these motivations are not specifically referenced in the policy, it places an undue burden on young people who have been the victims of homophobic and transphobic bullying to ensure that they are given equitable treatment by their schools. It also creates confusion among teachers who are often unsure of how or whether they are to tackle homophobic bullying when it is not included in school's policy.

The Rainbow Project believes that, if this legislation is to have a positive impact on LGB&T young people, it must be mandatory for schools to specifically refer to homophobic and transphobic bullying, as well as other prejudice-motivated bullying within their policies. This cannot be a decision left to individual Boards of Governors.

Therefore The Rainbow Project recommends that Section 2(b) be amended to include an obligation to specifically include, as a minimum, bullying motivated by:

- a) Racism
- b) Sectarianism

³ <http://www.bbc.co.uk/news/uk-northern-ireland-22217011>

- c) Homophobia
- d) Transphobia
- e) Sexism
- f) Disableism

Schools should feel able to supplement this list with additional motivations but as these are the characteristics for hate crimes, it is appropriate that all schools should specifically refer to these motivations as a minimum.

Section 3: Duty to keep a record of incidents of bullying

The Rainbow Project agrees with much of this section but believes that some amendments will be necessary.

The Rainbow Project believes that the recording of the motivations for incidents should be mandatory and therefore recommends that at section 3(3) 'may' should be replaced with 'shall'.

The Rainbow Project also believe that at Section 3(3)(c) 'gender reassignment' should be replaced with 'gender identity'. This is because many young trans people will not access gender affirming therapies until they have left school but are still vulnerable to transphobic bullying. The motivation of 'gender identity' is therefore a more accurate definition of the motivation for transphobic bullying.

Conclusion:

The Rainbow Project believes, that legislation is required to ensure that homophobic and transphobic bullying, along with all other forms of bullying are adequately tackled in schools across Northern Ireland.

The Rainbow Project thanks the Department of Education for bringing forward this legislation and thanks the Committee for Education for giving this important legislation its due scrutiny.

The Rainbow Project believes that many of the fundamental principles of this legislation are correct but in order for it to have a positive impact on LGB&T young people, one of the most vulnerable and marginalised groups in Northern Ireland, some minor amendments are required to ensure that homophobic and transphobic bullying are given the attention and statutory framework they require.

Should the Committee desire further information, The Rainbow Project would be very happy to provide the Committee with oral evidence.