



EDUCATION & POLICY SUB-COMMITTEE

UTU Response: Addressing Bullying In Schools

The Ulster Teachers' Union (UTU) welcomes the opportunity to furnish you with our views on the effectiveness of the changes made to the school inspection process. UTU represents approximately 6,500 members of the teaching profession including principals, vice-principals, teachers and trainee teachers. UTU members are employed in all five area regions, across all the sectors in nursery, primary, post-primary (including grammar schools) and special schools. UTU welcomes the opportunity to provide a written submission that addresses the clauses of the Bill including any proposed amendments in accordance with your request.

1. Definition of Bullying

- UTU agrees with the Minister, in principle, that the issue of bullying has been an on-going and, continues to be, an ever-growing issue for schools across the sectors. While concurring with the strata on which bullying can occur, UTU is equally concerned about the vaguarity caused by s.1(2). While UTU appreciates the Bill's aim for completeness, a diagnosis of the presence of bullying based on equal weighting of "act" and "omission" is problematic. It is almost impossible for education practitioners to judge the dividing line that separates "act" from "omission" to rightly apply the legal description that denotes the presence of bullying or the lack thereof. Where s.1(2) exists in its current form, we are unsatisfied with the Bill's definition of bullying.
- While UTU acknowledges the attempts to define bullying, it remains concerned by the equally important, albeit vaguely applied, term that aims to point towards a solution in this Bill, namely, "addressing". The verb "addressing", as used in the title of this Bill and elsewhere in relating to bullying, needs further elaboration. It is unclear as to whether schools are being asked to address bullying as in to "say or write remarks"¹ about the issue in the bid to raise awareness or to "think about and begin to deal with (an issue or problem)"². The expectations being laid upon schools in this Bill with regards to the act of "addressing" [anything] must first provide clear guidance as to what is meant, implied

¹ Oxford Dictionary, Definition 2.2, <http://www.oxforddictionaries.com/definition/english/address>

² Oxford Dictionary, Definition 3, <http://www.oxforddictionaries.com/definition/english/address>

or expected by the term and its usage in this context; schools must be able to understand **exactly** what this Bill requires from them.

Role of Schools and their Boards Of Governors

- UTU would be quick to remind the Committee that Governors are appointed in a voluntary, unpaid capacity and already have a range of roles and responsibilities in supporting the principal and staff to deliver a high quality of education in their school. With the increased pressure to perform a duty enforced by law, schools may find recruiting or even retaining governors to be an arduous task.
- UTU agrees that the role of a governor is to contribute, within the bounds of their duties and responsibilities, to the process of school improvement, therefore it is logical that they should be involved in addressing bullying in schools. UTU is concerned, however, that in absence of any training for Governors, Principals and Teachers, that the implementation of this legislation is premature and recklessly exposes education professionals to the risk of litigation.
- The matter of governance is an issue for further reconsideration in this Bill. For example, the role of “preventing bullying involved registered pupils at the school” will undeniably prove to be problematic should bullying occur to or from school during the school term.
- UTU is disappointed that, despite the Minister’s recent statement that “Parents are the first people a child will learn from”³, parental partnership with schools in helping to address bullying has not been given more emphasis in this Bill. This puts this Bill at odds not only with current, professional practice and routines of schools within the context of school improvement, but also with the Minister’s own campaign: “*Education works better when you get involved*”.
- UTU believes that the Bill has stopped short in terms of providing specific instructions or a framework from which schools can evaluate their role of minimising bullying. Moreover, schools need specific guidance that not only details precisely how and when to take appropriate action, but what appropriate action can be taken.
- UTU believes that s.2(b)(ii) should be utterly removed. Not only is this unachievable and impossible to regulate, but it also contravenes current procedures that outline the extent of the duty of care extended to pupils, i.e. during the school day when pupils are on the school premises or during school-directed activities such as field trips and residential. It is contemptible to hold schools responsible for the behaviour of children off-site, be they part of a specific school community or another.

³ <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-de/news-de-210915-education-works-better.htm>

Duty to keep record of incidents and bullying

- UTU would strongly advise that s.3(1) should read: “The Board of Governors of a grant-aided school must ensure that a record is kept of all **reported** incidents or alleged incidents of bullying involving a registered pupil at the school...”. It stands to reason that incidents can only be recorded if they are reported. Schools cannot be held responsible for incidents that occur without the school’s awareness thereof and its subsequent inopportunity to handle the incident/s in question. The Bill does not make this distinction in s.3(1).
- As with the case of s.2(1)(b)(ii), UTU is concerned that schools are being put under impossible and unreasonable pressure to account for child behaviour “while travelling to or from school during the school term” (s.3(1)(b)). Adequate assessment of the events of the motivation would be unachievable when the facts surrounding an episode of bullying off-site would, most often, rely on accounts (of questionable reliance) from fellow pupils and/or parents. Verification of the details will result in exhaustive investigation and interviewing of all parties involved in the recorded incident in order to fulfil the expectations laid out in s.3(1) and (2).
- UTU believes that, within the context of s.1(d), s.3(2)(a) is unnecessary if not repetitious. The “motivation of the incident” must only be interpreted as laid out in this Bill, namely “with the intention of causing physical or emotional harm to that pupil or group of pupils”. The “appearance” of any other motivation would be irrelevant for the purpose of this Bill.
- Notwithstanding the seriousness of the issue at hand, UTU would like to remind the Committee that the procedures and responsibilities for carrying out the extent of this Bill will have serious implications for teacher paperwork and workload. UTU would urge careful consideration of what would be expected of teachers with regards to the administrative workload and to consult with teacher unions and stakeholders lest the currently unresolved workload issue surrounding assessment be replicated. Teachers are no less expected to violate the terms of the Teacher Workload Agreement in this matter than they have been in any other allotted responsibility thus far that would cause excessive workload-related stress and work-life imbalance. We would seek information as to how liaising and recording of bullying will be accommodated within staff time-budgets.
- UTU would urge that the Bill stipulate how the Department will regulate record-keeping, clearly describing how such information will be recorded and the degree of detail required. In accordance with the previous point, record-keeping must be manageable.
- Given the weight of responsibility upon schools and in particular their Boards of Governors, it is simply unacceptable to propose that “The Department may from time to

time publish guidance as to how a Board of Governors is to comply” (s.3(4)) with any aspect of the legislation. It is inarguably the responsibility of the Department to provide and expedite training and guidance prior to the implementation of the legislation. The use of “may” in this sub-section does not afford the urgency or sobriety that is rightly required in this Bill