



Written Evidence for Committee Stage of the *Addressing Bullying in Schools Bill*

**Dr Noel Purdy, Chair
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Address : Northern Ireland Anti-Bullying Forum (NIABF)
c/o National Children's Bureau
The NICVA Building
61 Duncairn Gardens
BELFAST
BT15 2GB

Telephone: 028 9087 5006

Email: info@niabf.org.uk

Website: www.endbullying.org.uk

Introduction

The Northern Ireland Anti-Bullying Forum (NIABF) brings together over 20 regional statutory and voluntary sector organisations all acting together to end bullying of children and young people in our schools and in our communities. NIABF was formed by Save the Children, at the request of the Department of Education, in August 2004 and was formally launched in November 2005. NIABF is currently hosted by the National Children's Bureau (NCB).

The Northern Ireland Anti-Bullying Forum (NIABF) is working towards a society where children and young people can live free from bullying. Its vision is of a society where bullying is unacceptable; a culture where every child and young person is safe and feels safe from bullying, and where every child and young person is respected in their diversity; a society with a preventative, responsive and restorative anti-bullying ethos; a society where the views and contribution of children and young people are respected and they are valued participants; and where everyone has a role to play in taking a stand against bullying.

Its aims (as set out in its current Strategic Plan) are:

- To further develop the Northern Ireland Anti-Bullying Forum as the lead inter-agency forum in the planning and implementation of a coordinated approach to all aspects of anti-bullying policy and practice.
- To promote the voices of children and young people as valued participants in NIABF policy and practice.
- To influence and support schools and others settings in the development of effective anti-bullying policy and practice.
- To inform and influence public policy, legislation and opinion in all matters relating to anti-bullying.

Each year since its formation NIABF has continued to extend its reach, both in schools and in other places where children and young people come together. Over the past year NIABF has delivered many assemblies, workshops, presentations and other activities in schools and youth groups across Northern Ireland, directly communicating key anti-bullying messages to more than 12,000 children and young people. We have spoken to hundreds of parents and carers, giving them information on how to support their children to understand bullying behaviour and our collective role in tackling it. We have published articles in newspapers, magazines and online, raising awareness of bullying and its impact of our children and young people. We have worked with our colleagues across the sector, to promote a shared understanding of bullying and how, together, we can tackle it. And we have delivered presentations and facilitated workshops at conferences and seminars, right across Northern Ireland.

In September 2013 the Minister of Education invited NIABF to carry out a review of existing legislation, policy, guidance and practice in Northern Ireland in relation to bullying in schools. This comprehensive review was submitted to the Minister in December 2013 and identified four areas most urgently requiring attention:

1. Anti-Bullying Policies: All schools should be required through legislation and guidance to have an anti-bullying policy which includes an agreed DE definition of bullying; a focus on a comprehensive range of forms of bullying (including cyberbullying, homophobic bullying, transphobic bullying, disablist bullying, bullying due to race, faith and culture, sectarian bullying, bullying of Looked After Children etc.); details of measures to prevent and respond to incidents of bullying, including support for the child who is bullied and the child who is displaying bullying behaviour; reporting mechanisms; details of what pupils, parents and teachers should do in response to a bullying incident; details of the appeals procedure for parents dissatisfied with the school response to a bullying incident; and, information regarding the regular review and

updating of the policy. Such a policy should be accessible to all, and should be the result of meaningful and accessible consultation with all staff (teaching and non-teaching) as well as pupils and parents. In order to support schools in developing such policies, there is an urgent need for clear and regularly updated guidance, which might include templates, checklists, exemplars of best practice etc.

2. Recording of Incidents: All schools should be required through legislation and guidance to record centrally details of any incidents of bullying behaviour, using C2K SIMS and/or the Bullying Concern Assessment Form available in Effective Responses to Bullying Behaviour. Such a reporting mechanism should include details of the method and motivation involved, an outline of the incident, a report on the support offered to the child who is bullied and the child who is displaying bullying behaviour, and an on-going record of support and interventions including a note on the effectiveness of the intervention. It is also proposed that this central record should be made available to the school's Board of Governors and should be available for inspection by the ETI. Such a reporting structure would help avoid current inconsistencies in recording, would facilitate more effective management of bullying behaviour within individual schools and would allow more accurate collation of data. Notwithstanding the obvious benefits of this consistent approach, it is acknowledged that schools may be cautious about making such sensitive data publicly available.
3. Training/Resources: There is an urgent need for additional training and resources to be made available to schools as they seek to address new and complex forms of bullying in particular. This training must begin at the level of Initial Teacher Education where there is a need for an agreed common programme across all ITE providers in the province. There is also a need for in-service training for all school staff (teaching and non-teaching), and additional resources for schools (especially in relation to new and complex forms of bullying) as they seek to educate their pupils. The need for resources and funding for schools as they seek to engage with and educate parents about their crucial role in tackling bullying behaviour was also consistently highlighted by school leaders at the seminars on 4th November and 2nd December 2013. Schools should be encouraged to begin the developmental process by carrying out an initial audit of their training needs. Schools also need more curricular resources which are appropriate to the age and ability of their pupils and which tackle a wide range of forms of bullying behaviour. More extensive work could be done to highlight (perhaps on the DE website) the existing body of resources which NIABF has developed over recent years through its Anti-Bullying Week activities, but also including links to other useful websites and resources, including those which have been created by Forum members. Furthermore continued funding from DE is required to facilitate the ongoing development of resources by NIABF for use during Anti-Bullying Week and throughout the year and to ensure that all NIABF resources remain relevant and up to date. At the seminars on 4th November and 2nd December 2013 principals also called for more education of parents and carers and it is acknowledged by Forum members that parents and carers, as the primary educators of their children, play a vital role in tackling bullying. NIABF, with support from DE, is uniquely placed to provide support and information to parents and carers, as well as the wider public, around the issue of bullying and to promote the role that everyone has in taking a stand against bullying.
4. Evidence/Research: In all of the planned development of anti-bullying work, there is agreement that an evidence-based approach must be adopted at all times. The NIABF acknowledges the value of the three large-scale pieces of research funded by DE in 2002, 2007 and 2011. However, while acknowledging the international comparability offered by using a survey based on the Olweus model, it is suggested that in future, such a research instrument be adapted to encompass a wider range of methods of and motivations for bullying (as identified and represented by Forum members), and that the sample be extended to include children in non-

mainstream educational settings. It would also be valuable to consider extending the research to other year groups as well as years 6 and 9, acknowledging the need for research into the experiences of children in Early Years settings, and also the Foundation Stage and Key Stage 1, but also older children at Key Stages 4 and 5. Further DE funding for more focused research on particular aspects of bullying would also be welcomed in between the four-year cycle of large-scale studies. There are many areas urgently requiring research focus including the development of resilience among children, and the current provision and effectiveness of anti-bullying work in Initial Teacher Education. Article 31 of the UN Convention on the Rights of Persons with Disabilities also states that any research data should be disaggregated by disability to help “identify and address the barriers faced by persons with disabilities in exercising their rights”, and that all research findings should be made accessible to persons with disabilities. Finally all research undertaken must to be placed within the context of an international rights-based framework and involve the participation of children and young people, with the findings communicated to children and young people in an age-appropriate format.

When the Consultation Document *Addressing Bullying in Schools* was launched in January 2015, NIABF facilitated a number of consultative events with children and young people which helped ensure that a very high percentage of the 4800 responses came from pupils themselves (87%).

NIABF Response to the *Addressing Bullying in Schools* Bill

NIABF would like to welcome the Bill in broad terms as an important and timely step forward in DE’s work to support schools in their work to address bullying. In the following response, we will address each clause of the Bill in turn.

Clause 1: Definition of Bullying

NIABF welcome the efforts of DE to provide an agreed definition of bullying in schools in legislation and feel that this will end the current wide variation of definitions employed across schools in Northern Ireland (which was highlighted in NIABF’s 2013 Review). It is clear that there is much confusion among pupils, teachers and parents as to what exactly is meant by bullying, and that this can lead to inconsistent understanding by children and young people, but also inconsistent reporting and responses by schools. It is therefore fundamentally important that we have a robust definition of bullying in the Bill, as its implementation will determine incidence and reporting (as outlined in Clause 3).

Bullying is not just a problem for Northern Ireland; it is an issue in *every* school in *every* country. Similarly over the past forty years there has been a growing body of international research into bullying in schools, which has considered the nature and incidence of bullying but also the effectiveness of different forms of intervention. In responding to bullying in schools here in Northern Ireland it is therefore important that we don’t ignore this international body of knowledge.

There is now widespread international agreement that there are three core components to the definition of bullying behaviour which distinguish it from all other forms of aggressive behaviour:

1. The definition must include reference to an intention to harm (the behaviour is not accidental)
2. Bullying behaviour is repeated behaviour (not a one-off action)
3. There is an imbalance of power (in which the victim finds it difficult to defend him/herself)

This is of course not to suggest that other forms of aggressive behaviour which don’t meet these three criteria should be condoned by schools, but simply that they should be dealt with under the school’s discipline policy rather than its anti-bullying policy. So schools must continue to deal effectively with all acts of aggression which are non-intentional and/or one-off incidents and/or where there is no

imbalance of power. NIABF simply wishes to acknowledge the focus of the anti-bullying legislation which should relate to bullying alone.

In advocating a definition based around these three core criteria, NIABF refers to the leading anti-bullying experts in the world (key criteria are underlined for emphasis):

Dr Dan Olweus – University of Bergen, Norway “the father of bullying research”

“A student is being bullied or victimised when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students... It must be stressed that the term bullying is not (or should not be) used when two students of approximately the same strength (physical or psychological) are fighting or quarrelling. In order to use the term bullying, there should be an imbalance in strength (an asymmetric power relationship): The student who is exposed to the negative actions has difficulty defending him/herself and is somewhat helpless against the student or students who harass” (Olweus, 1993, p. 9/10)

“A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself.” (Olweus Bullying Prevention Program)

Prof Peter K Smith – Goldsmiths, University of London

“Although there is no universally agreed definition, there is some consensus, at least in the western research tradition, that bullying refers to repeated aggressive acts against someone who cannot easily defend themselves” (Smith, 2014, p.14)

Prof Smith has also confirmed in personal correspondence that the new European Anti-bullying Network decided in December 2015 to include imbalance of power in its definition of bullying

Prof Ken Rigby – University of South Australia, Adelaide

“Bullying involves a desire to hurt + hurtful action + a power imbalance + (typically) repetition + an unjust use of power + evident enjoyment by the aggressor and generally a sense of being oppressed on the part of the victim” (Rigby, 2002, p.51)

Reference must also be made to the existing DE definition which is included in its Child Protection guidelines and which defines bullying as “Deliberately hurtful behaviour, repeated over a period of time, where it is difficult for the victim to defend himself or herself” (DE, 1999). Similarly NIABF itself has defined bullying explicitly making reference to the abuse of power as follows: “The repeated use of power by one or more people intentionally to harm, hurt or adversely affect the rights and needs of another or others” (NIABF, 2005)

In terms of legislation NIABF would draw the committee’s attention to the Accepting Schools Act 2012 from Ontario, Canada. In this commonwealth country, whose legal system is based on the UK, the legislative definition clearly includes all three core criteria: intent to harm, repetition and the imbalance of power:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Subsection 1 (1) of the Education Act is amended by adding the following definition:

“bullying” means aggressive and typically repeated behaviour by a pupil where,

(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

- (i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
- (ii) creating a negative environment at a school for another individual,
- and
- (b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; ("intimidation")

It is clearly important that the definition in the Bill is effective, and to that end we have contacted leading anti-bullying experts in Ontario, Canada. Prof Wendy Craig is Professor and Head of Psychology, and also Scientific Co-Director of PREVNet at Queen's University, Kingston, Ontario. When asked in personal correspondence if she knew of any difficulties with the inclusion of the imbalance of power criterion in the definition, she replied "No problems to my knowledge". The following is taken from Pepler and Craig (2014) *Bullying Prevention and Intervention in the School Environment: Factsheets and Tools*¹ and highlights how support can be provided to help schools differentiate between teasing, aggression and bullying.

How to identify Bullying, Aggression and Teasing

CRITICAL QUESTION	TEASING	AGGRESSION	BULLYING
Is this behaviour reciprocated?	Usually The teasing is shared equally.	Usually Not There is usually only one aggressor.	No There is a person who bullies and a person who is victimized.
Do both people look like they are having a good time?	Usually It takes place within a strong, positive, relationship.	No One person is the aggressor.	No One person is in distress or being harmed.
Is the behaviour fun?	Usually Both people enjoy the banter.	Usually Not It can alienate and be embarrassing.	No The person bullying intends to cause fear.
Has this happened before with these individuals?	Yes It occurs when there is a familiarity.	Possibly It may be a one-time event.	Yes Bullying is typically repeated behaviour.
Is there a power differential?	No It illustrates closeness and affection.	Possibly It can happen within a weak relationship.	Yes There is always a power imbalance.

Tool has been developed by PREVNet, www.prevnet.ca

In considering the proposed definition of bullying in Clause 1 of the Addressing Bullying in Schools Bill, NIABF would argue that:

¹ http://www.prevnet.ca/sites/prevnet.ca/files/prevnet_facts_and_tools_for_schools.pdf#page=8

- Only two of the three core criteria are included: repetition and intention to harm.
- There is no imbalance of power in the current definition of bullying.
- This weakens the definition and allows some forms of aggressive behaviour (e.g. repeated, intentional acts of aggression between equals) to be included as bullying behaviour when there is no imbalance of power.
- This will mean that schools will be mis-recording such behaviour as bullying which will inflate their incidence levels: schools will effectively be recording many more incidents than necessary.
- This makes our Northern Ireland definition different from and weaker than other definitions used and agreed internationally, including Ontario's legislative definition (Accepting Schools Act, 2012).

One proposed solution would be to leave the legal definition as currently written in the Bill, but include the imbalance of power criterion in the ensuing statutory guidance. However this would effectively create two definitions, which simply confounds the current situation when we are seeking precisely to agree one single robust definition. If schools are then asked to tick a box in the reporting system to indicate whether there is an imbalance of power, then surely they are capable of identifying this at the outset.

We are aware that the NAHT has raised concerns at the absence of the imbalance of power from the proposed definition in Northern Ireland has suggested that its members are indeed capable of distinguishing bullying from non-bullying aggressive behaviours.

Finally, and crucially, having provided evidence above that an imbalance of power can be successfully written into anti-bullying legislation (e.g. in Ontario, Canada), we would ask similarly that DE provides robust evidence and a convincing rationale on their part for not including the imbalance of power in the Bill's proposed definition.

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

NIABF welcome the responsibility placed on the Board of Governors to ensure that the policies designed to prevent bullying among pupils registered at the school are pursued at the school, and are of the opinion that the limits set regarding the extent of that responsibility are reasonable (on school premises during school day, travelling to and from school during term, and while under school staff supervision).

NIABF recognises that this responsibility is best shared among the Board of Governors rather than being the responsibility of one sole governor. It is expected that the responsibility for the day-to-day outworking of the anti-bullying policy should be delegated to the principal.

NIABF feels that the timescale for the school to review its policies should be more strictly determined than simply "from time to time". There is evidence that many school anti-bullying policies are not regularly reviewed, and that these should be reviewed annually or biannually to ensure that they are up-to-date with the latest developments in bullying (e.g. cyberbullying where new technologies are evolving fast) and also in interventions (e.g. to take into account new research findings in relation to the effectiveness of specific strategies).

In the consultation with registered pupils and their parents (which has been statutory since 2003) it would be important for schools to have to keep a record of the date, nature and extent of that consultation process.

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

NIABF welcomes this clause but would make the following suggestions to strengthen it:

It is important that there is a statutory requirement on schools to retain their records/reports of bullying incidents, since the impact of bullying behaviour has been proven to be enduring. Failure to have this set in legislation could lead some schools to delete their records with undue haste.

It would be important that there is a requirement in the Bill so that all schools must submit their reports to the Education Authority/DE. As NIABF noted in their 2013 Review, schools are apprehensive about the use of this data by the EA/DE and in particular are cautious of careless media reporting of incidence levels. It will be important here that the media are carefully briefed in relation to this, and made aware for instance that often the reported incidence of bullying can rise in a school following an intervention since pupils are more aware of the nature of bullying and also are more aware of how to report it.

In subsection 2, it is essential that schools record not just the *motivation* for the bullying (e.g. disablist, homophobic bullying) but also the *method* (e.g. physical, verbal, cyber, social exclusion, material, indirect). We had suggested this already in the 2013 NIABF Review.

While it is recognised that the list of possible motivations is not exclusive, it might be helpful to explain that these are based on the Section 75 categories. NIABF would argue that there are other important motivations for bullying behaviour such as physical appearance, social status, care status etc which should be mentioned in the legislation and/or guidance.

Further Information

Representatives from NIABF would welcome the opportunity to present oral evidence to the Committee on either 13 January 2016 or 20 January 2016.

For further information please contact Lee Kane, NIABF's Regional Anti-Bullying Coordinator, on leekane@niabf.org.uk or 028 9087 5006.