



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Addressing Bullying in Schools Bill:  
RaISE Briefing

20 January 2016

# NORTHERN IRELAND ASSEMBLY

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### Addressing Bullying in Schools Bill: RaISe Briefing

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**Members present for all or part of the proceedings:**

Mr Peter Weir (Chairperson)  
Mrs Sandra Overend (Deputy Chairperson)  
Mr Jonathan Craig  
Mr Trevor Lunn  
Ms Maeve McLaughlin  
Mr Robin Newton  
Mr Seán Rogers

**Witnesses:**

Miss Caroline Perry Northern Ireland Assembly Research and Information Service

**The Chairperson (Mr Weir):** I welcome Caroline Perry from the Research and Information Service. If you present your findings, we will then open it up to members for questions.

**Miss Caroline Perry (Northern Ireland Assembly Research and Information Service):** Thank you, Chair. In this briefing, I will present some of the key findings from the series of focus groups that the Assembly commissioned us to do on the Bill. First of all, I will give a quick overview of our approach. We conducted a total of 16 focus groups with post-primary pupils in November and December of last year. We aimed for a good mix of school management types and covered them all, including a special school, an Irish-medium school and education-other-than-at-school students. I would like to take this opportunity, if I may, to thank the schools and pupils for their valuable contributions.

I turn now to the key findings. It is important to note that the participants in the focus groups really emphasised the harmful and detrimental effects of bullying. They discussed the impact that it can have on students' mental health in detail and highlighted the fact that it can even lead to suicide. It really was an important issue for them. Another key theme across all the focus groups was concern about the widespread nature of cyberbullying. Participants said that it could actually be more damaging, because there is the potential for a large number of witnesses. It is also permanent: it can never really be deleted or removed.

I will look now at people's views on the definition set out in the Bill. The majority of participants did not agree that the definition should stipulate that the perpetrator intended to cause harm. Instead, they thought that the impact on the victim and their feelings should determine whether the incident was bullying. Another key disagreement was that almost all the pupils thought that the definition of bullying should extend to interactions between teachers and pupils, not just to those between pupils. They talked about the inherent power imbalance between teachers and pupils; pupils feel that they would not be believed, if they reported being bullied by a teacher. There were mixed views on whether acts

need to be repeated; but there was agreement that the omission of an act is an important criterion and should be there.

I will now consider the duties of boards of governors detailed in the Bill. In line with the findings of the Department's survey, the majority of pupils agreed that schools should be responsible for addressing bullying during school hours or on school property. Views on whether responsibility should extend beyond that were more mixed, although there was a slight majority in favour. Most participants thought that the school should be responsible for cyberbullying, particularly if teachers became aware of it. Some said that an incident might begin in school, but then develop on social media overnight. Then, when they went to the teacher, the teacher said that it was not their responsibility. Quite a number of participants also thought that the school's responsibility should extend to when pupils are wearing school uniform. They talked about the idea that they are representing the school when in uniform. They felt that the school should also be representing them. They talked about the duty of care that the school had towards them. They also said that incidents of bullying are likely to spill over into school hours and affect them throughout the school day, when they are in class with the perpetrator and that sort of thing.

I turn now to the Bill's provisions for recording incidents. Pupils supported the general principle of recording incidents of bullying, agreeing that it could help schools and policymakers to address the problem. However, there was consensus that teachers would not be aware of all incidents of bullying and that statistics based on the records were therefore unlikely to represent a true reflection of what is going on in schools. Students highlighted a number of factors behind the under-recording, including feelings of shame and embarrassment on the part of the victim; a perception that teachers do not always take bullying seriously; and the fear that reporting could intensify bullying, particularly if a record had been made as a result of reporting the incident. There was also the perception that many teachers are less aware of electronic bullying and may not understand how to deal with it. They might say, "Just go and delete that", but they do not understand that that will not actually deal with the problem. Participants also raised a number of concerns about the recording of data, including the implications for their privacy. They were worried that teachers might treat them differently if they were involved in an incident, either as the perpetrator or as the victim, and whether it could have an impact on their future education or employment if information was released. They also worried about whether schools would follow due process when recording incidents: there might be conflicting accounts, and a teacher's bias could come into the record. They had some concerns there. In light of these concerns, the majority of participants raised the issue of consent. They suggested that the victim of bullying should have a say in whether a record is kept about the incident. They felt that was particularly important where it related to something quite personal or if they feared retribution as a result of reporting the incident.

I turn now to the Bill's reference to motivation. Participants discussed a wide range of motivations for bullying. The most commonly noted motivations related to factors outside those listed in the Bill. Pupils thought that internal motives drive a lot of bullying, such as jealousy, problems at home and as an outlet for anger. There were also social reasons or the desire to fit in with friends. Another factor was appearance, and a smaller number talked about the section 75 categories of race and religion and so on. Pupils said that it would be very difficult for teachers to determine the motivation behind an incident: it is not black and white; the victim may not understand why they were bullied; and the perpetrator may not be honest about their motivation. They also thought that it could be quite difficult for schools to assign blame in cyberbullying, because the original posting could be redistributed by other people. How would schools decide who was responsible for that?

To summarise, our research found that young people support some aspects of the Bill, but there were concerns about a number of key areas, particularly the focus on the perpetrator's intent rather than the impact on the victim; the exclusion of staff from the definition; the scope of policies in relation to cyberbullying; the under-reporting of bullying incidents; whether schools would follow due process; and finally the potential implications for privacy. Most pupils believed, as I mentioned, that they should be able to give their consent in this regard.

**The Chairperson (Mr Weir):** That is very useful. It is good to get those at the cutting edge of this. I will open up for questions.

**Mr Lunn:** Since we started this, the question of interactions between teachers and pupils has come to the fore. I see the figures here, but did you get the impression that this is a serious concern, particularly when the pupils were responding? I cannot help thinking that sometimes it might be difficult to distinguish between a teacher bullying a child and a teacher trying to get the best out of a

child by imposing pressure on them in a way that they are perfectly entitled to do to push them. Is there any discussion about that?

**Miss Perry:** Yes, some pupils thought that it could be difficult to see where the line was. It might just be a teacher's way or their method of pushing a student. However, a lot of pupils said that they have seen pupils singled out for humiliation and degradation by a teacher. Almost all the participants in our focus groups thought that the definition should include teachers. They felt quite strongly about that. It can also work the other way, when pupils bully teachers. In the Department's pupil survey, 56% of pupils thought that it should include teachers and 24% disagreed. Twenty per cent did not know or were neutral. In the focus groups, definitely, there was quite a strong impression of that.

**The Chairperson (Mr Weir):** I have a couple of people to bring in here. This is one of the issues that we are grappling with. Do you have any additional information? You said that there was a mixed response on whether a single incident could constitute bullying or whether it had to be repeated. I suppose from a definitional point of view that is one of the areas that has been raised, and different opinions have been given to us. Do you have any more information?

**Miss Perry:** In the focus groups, views were quite mixed. Some people were saying that there could just be a one-off or an argument between pupils. Others were saying, "Yes, it could be a one-off, but it could be extremely damaging. It could stay with you". Cyberbullying is a very permanent thing, and a lot of people see it, so the harm is there. It was quite mixed. Looking at other jurisdictions, in the Republic of Ireland, for example, repetition is set as a criterion, but an exception is made where a single offensive or hurtful act takes place on social media, which might be viewed or repeated by others. There is a difference there. All the American states have legislation on this now, but the majority of them do not include repetition. There are different approaches, which I drew attention to in my Bill paper. The academic literature requires repetition as a criterion, but the practice varies.

**The Chairperson (Mr Weir):** The variation in practice may be a result of looking at what is there on social media. You said that the academic focus is on repetition. Is the trend from a legislative point of view moving towards the inclusion of single acts? Is there a shift away from repetition?

**Miss Perry:** I am just looking at a table in my Bill paper. In England, it is not statutory, but they include repetition. Finland includes repetition, as does the Republic of Ireland, but, as I mentioned, a single act on social media is an exception to that. Scotland does not include repetition, and it exists in fewer than half of the American states as well. The Northern Ireland Anti-Bullying Forum supports the inclusion of repetition, as does the World Health Organization. It is quite difficult to say; there is quite a variation.

**Mr Lunn:** I want to raise the issue of cyberbullying. It is a big thing in this report, and it is clearly a bigger thing than we might have realised it was when we started this. The Bill as it stands talks about the repeated use of electronic communications, and that is as far as it goes in terms of cyberbullying. The Bill also makes it quite clear that it applies only to acts that happen during school hours. Cyberbullying does not happen on school premises, and nor does it have to happen in school hours to have a serious effect on school activity. If somebody puts out something derogatory about a fellow pupil in their own time in the evening that goes viral, everybody in the school knows about it and it is every bit as much a bullying act, surely, as if one pupil had confronted another pupil verbally in the school. Have you any thoughts about that?

**Miss Perry:** It came out very strongly in the research that I did for the Bill paper and in what the pupils were saying in the focus groups. Cyberbullying is very much an evolving thing; it is not just a one-off. It might start in school with something and then develop on social media, or it might begin on social media and develop in school. Even if it is not developing in school, the participants in the focus groups were saying that they are in the class with the perpetrator all day, and that is very difficult for them to deal with. It is very much an evolving issue. There was some research by Stranmillis University College and Trinity College, Dublin which said that parents will approach schools and ask them to deal with incidents of cyberbullying that their children have been affected by. There is a lot of evidence that schools really struggle to understand where their responsibility lies and where it ends.

**Mr Lunn:** If it affects the smooth running of a class, or if it is having a detrimental effect on a particular pupil because of the actions of another pupil, surely it is part of the responsibility of the school to try to do something about it, and it should be reported.

**The Chairperson (Mr Weir):** There is one thing that we need to be careful about, and it will apply in a number of instances. If something is not necessarily covered under this legislation, whatever definition we eventually come up with, that does not mean that the school should simply ignore it. There is that aspect of things as well.

**Mr Lunn:** I cannot help thinking that, to date, schools have chosen to ignore a lot of these things —

**The Chairperson (Mr Weir):** That may well be.

**Mr Lunn:** — because it is difficult to deal with, but that does not mean that they should not themselves be educated and trained in how to deal with it. The manipulation of a situation through the Internet or social that affects a child has far more potential for serious harm than, perhaps, somebody getting involved in a bit of a fight.

**The Chairperson (Mr Weir):** That is fair enough.

We have to decide whether particular issues should fall within or be brought within the scope of the Bill. From that point of view, maybe the Clerk is glad that we got the extension. Also, without prejudging anything, there may be some aspect on which, although not seeking a legislative amendment, we might want to press the Department on some form of additional action. It may be that the scope of bullying cannot simply be covered by one Bill and that other actions need to be taken.

**Mr Lunn:** The findings of your research are that children have a huge concern about this.

**Miss Perry:** Yes, very much so. It came out very strongly.

**Mr Rogers:** Thank you, Caroline, for your work. I want to follow on from Trevor's point, which was that schools choose to ignore it. Did you find through your research or from the focus groups that schools are not well equipped, in terms of professional development etc, to deal with it?

**Miss Perry:** In my research for the Bill paper, a number of training needs were identified, and previous research by McClure Watters and so on suggested that the Department conduct a training needs analysis. There are issues, particularly in relation to cyberbullying. A lot of teachers report that they do not feel equipped and maybe do not understand all the different social media applications that children use. As I mentioned, some pupils said that teachers just tell them to delete something but do not understand that that does not deal with the issue. Also, teachers cannot go in and look at what has been put on Facebook, Snapchat or whatever other application, and there is a privacy issue as well. The need for training came out very strongly in the other research.

**Mr Rogers:** I notice that the focus groups were made up only of post-primary pupils. There were almost 5,000 responses to the Department's consultation. What response did the Department get from primary-school pupils and their parents? I do not know what other constituency offices are like, but, in the last two weeks, I have been dealing with two cases of bullying in primary schools, and it is the parents who bring the cases to me.

**Miss Perry:** I need to look at the breakdown of responses and come back to you on that. Of a total of 4,939 responses, the vast majority were from pupils — 4,221. Teachers, parents and other stakeholders made up the remainder of about 700. I will come back to you with an exact figure for the parents.

**Mr Rogers:** Thank you.

**Mrs Overend:** Trevor brought up cyberbullying. It was a good discussion because it is an issue that we need to give further consideration to. It leads us back to the presentation that we had yesterday on mental health issues and the responsibility for pastoral care. We need to define where responsibility for all of this lies so that everything knits together. As you say, it is the responsibility of schools to ensure good relationships and that children feel secure when in school. We need clarification from the Department on what the responsibilities are in that area.

I thought it interesting that the research found a concern that, when children are wearing school uniform, they are representing their school, so the school should support them. That would be difficult to define, though, because some children wear their school uniform for longer than others. Some do

not go home immediately after school, and incidents could happen in that period for which the school would not be responsible. What do you think of that?

**Miss Perry:** It was an interesting point that came up a few times. It was not a question that we asked directly; pupils brought it up. They talked about their schools impressing on them that when they are in their school uniform, they are representing the school. They felt that it should work the other way, too, and talked about the school's duty of care. The practicalities of that are another issue, I guess, but their view was that the school should have more responsibility for them when they are wearing their school uniform

**Mrs Overend:** It is probably a fair point. There probably should be an analysis of each individual situation.

**The Chairperson (Mr Weir):** We are talking about incidents in school hours, but an incident might arise, say, at a Saturday morning sports event at which pupils are representing their school. I do not know whether, ultimately, we will want to cover such a situation. Is that covered? That example is connected to the school: it is an extracurricular activity organised by the school. Does that fit with the definition?

**The Committee Clerk:** The Bill states that the scope of a school's responsibility extends to:

*"while the pupil is in the lawful control or charge of a member of the staff of the school".*

I think we should ask the Department whether that means a Saturday morning football club or school trip.

**The Chairperson (Mr Weir):** We should. It is an area that we want reassurance on.

**Ms Maeve McLaughlin:** Repetition was touched on, and I am about to, if you will pardon the pun, repeat it. You mentioned the Twenty-six Counties and said that repetition was a criterion, but there was almost a notion that cyberbullying could be a single offence. Is that legislated for somewhere else?

**Miss Perry:** It is not legislated for; it is just policy and guidance, I think.

**Ms Maeve McLaughlin:** It is at the discretion of individual schools.

**Miss Perry:** Yes, it is. It is in guidance, which refers to it being repeated over time but also states:

*"placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people will be regarded as bullying behaviour".*

Repetition is still there, but it is the potential for it to be repeated.

**Ms Maeve McLaughlin:** Is it in guidance for this legislation or just in general guidance?

**Miss Perry:** No, there is no legislation on bullying as such; it is just in guidance.

**Ms Maeve McLaughlin:** The research report refers to concerns about record-keeping. Is the concern just that it is inconsistent? Will you elaborate?

**Miss Perry:** Pupils had a few concerns. There was the issue of whether a school would follow due process and make sure that the records were accurate. They said, for example, that somebody could make something up because they wanted to get somebody else in trouble; a perpetrator might give a false account; or there might be conflicting accounts. How do schools get to the bottom of that?

Pupils were also concerned about their privacy. They were worried that teachers might view or treat them differently if they saw that they had been involved in an incident of bullying. They were worried that there could be implications for their employment and education if that information were to be

released in the future. It was in light of that that they raised the issue of consent. A lot of them felt that they should be given the opportunity to say whether an incident should be recorded.

**Ms Maeve McLaughlin:** I was going to touch on the issue of consent. It seems peculiar that there will be processes in play in which consent from the pupil is not in place. Did that issue come up in the focus groups? Are there examples where consent from the pupil to proceed with whatever action is not in place?

**Miss Perry:** I think that the policy on record-keeping is very much up to individual schools and how they want to do it. From what I have read of the Bill, I do not see consent in there. It is probably for the Department to state whether that will be in the guidance.

**The Chairperson (Mr Weir):** I understand why there are concerns about consent. The only problem I can see with that is, I suspect, one of the reasons why it is not in the Bill. If you are talking about the consent of a victim for an incident to be recorded, that would be a huge opportunity for the bully or bullies to intimidate that victim by saying, "If any of this is mentioned, you're to make sure that we're not mentioned etc", particularly bearing in mind the nature of bullying. However we define it, a large element is a form of intimidation, particularly where there is a power issue. I can understand why some people would want consent to be included, but I think that it would put the victim in an incredibly difficult position, and maybe unnecessarily so. That is more of an opinion than a question.

**Mr Craig:** Caroline, yet again, this is a good bit of research. To be honest with you, there are some intriguing findings in it. I find it intriguing that pupils are of the opinion that, while they have the school uniform on, there should be an obligation on the school with regard to bullying and antisocial behaviour. I can see in what you have found that there is a question mark against and a divergence of opinion about the definition of bullying and the distinction between an act of bullying and an act putting pressure on someone to do something. If we are being honest, we all face that in life. I really cannot get my head around whether it is an act of bullying to force someone to back gay marriage if they want to become a candidate or whether it is an act of putting pressure on them. I do not know; I cannot define it. From your findings, where did that divergence of opinion among pupils go? What were their views on it?

**Miss Perry:** Do you mean which aspects of the definition they were happy with and which they were not?

**Mr Craig:** It is about how we define an act of bullying. I find it intriguing that there is a difference of opinion there. Will you draw out what some of the differences were?

**Miss Perry:** Yes. As I mentioned, there was agreement on the omission of an act of excluding people. Pupils agreed that that should be included. They felt that exclusion could be just as damaging as verbal, physical or electronic bullying. They were not happy with the omission of staff either. They felt that teachers should be included.

The views on repetition were mixed. Some said that an argument with somebody could be just a one-off but, if repeated, might become bullying. Others said that a one-off act could be very damaging for an individual and stay with them, even though it happened only once. They were also worried about that happening on social media because of the number of witnesses to it. They felt that a one-off act on social media could be particularly bad and had the potential to be permanent.

Intention was another interesting element. The majority disagreed with that criterion. They felt that there should be much more reflection on the impact on the victim and his or her feelings and that it did not matter whether the intention was to hurt. They said that, sometimes, people do something just to fit in with their friends and may not mean to hurt but that can still be very harmful to the victim. Others said that they were bullied in primary school and felt that the perpetrators did not really mean it — it may have been because of their age — but that it was really quite hurtful. That was an interesting area on which they diverged from the definition in the Bill.

**Mr Craig:** That range of views tells you that those surveyed struggle to define an act of bullying as opposed to an act of stupidity or unintentional hurt. I find it intriguing because I know for a fact that all schools struggle with that concept. It is a judgement call. When teaching staff investigate any allegation of bullying, it is a judgement call for them. I get what you are saying, though. There has to be a victim-centred approach to how much damage, whether intentional or unintentional, was done to

the victim by what was said or done. The secret in this legislation is to give some flexibility in how you deal with an act of bullying, whether it is high-scale, low-scale or whatever. What is coming back is that a level of flexibility should be allowed. Do you agree with that, Caroline? Given the divergence, is that what the survey is really saying?

**Miss Perry:** It is difficult to say. There was definitely agreement that omission and teachers should be in there, but the views were much more mixed on repetition, so that is a difficult one to call.

**Mr Craig:** Of course, Caroline, I find the view on teachers being in intriguing. When you conduct a survey, you have to be careful. Were the pupils aware that, when an allegation of bullying or any allegation is made against a teacher, they are automatically into a disciplinary procedure that can have a devastating impact on their career? If they are not aware of that, you will get a different set of opinions. Do you understand what I am saying? For the life of me, I would not think that pupils would be aware of that.

**Miss Perry:** They did not raise that. In a focus group, we try not to lead; we try to ask a lot of open questions and so on. I cannot say whether they were aware, but nobody mentioned it.

**Mr Newton:** Thank you for the work, Caroline. Yesterday, we listened to a group of pupils give a presentation on mental health issues. They said that, whilst some schools are very good at pastoral care, others are very poor. Your report, in the section titled "Recording bullying incidents" states that there is:

*"a fear that reporting may worsen bullying; a perception that reporting is futile ... ; pupils may not wish to identify as being bullied due to feelings of embarrassment or shame; and a view that teachers often misidentify bullying or fail to take it seriously".*

What was the strength of feeling on those issues? How strong do you think those perceptions were?

**Miss Perry:** Those issues came out in every group. There was consensus among all the pupils that teachers were not always aware of bullying and that it is often under-reported. Those issues came up time and time again. There were a lot of fears about retribution and retaliation for reporting incidents, which the Chair mentioned, and that is a big factor in why they might not want to report. It came out quite often that they felt that there might be no point in reporting bullying and that teachers might not take it seriously. Some pupils said that, because of where they live, everything is taken as banter, even when it could be quite harmful — it is misinterpreted. There are a lot of issues with that as well. They talked a lot about being embarrassed by an incident of bullying and not wanting to identify as a victim. They might not even see themselves as a victim. Maybe they feel that this is just what goes on. There were a lot of concerns about teachers failing to take bullying seriously and about reporting incidents to teachers who dismissed them. This was a sample of 16 schools, but those issues came out time and time again. The wider research here and in other jurisdictions also supports the issues that came out. Under-reporting and the reasons for it are supported by that, too.

**Mr Newton:** Would you describe the feelings as strong?

**Miss Perry:** Yes. It came up so often.

**Mr Newton:** It came up in each of the groups.

**Miss Perry:** Definitely in the majority of them.

**Mr Newton:** It was a factor in each group.

**Miss Perry:** Yes.

**The Chairperson (Mr Weir):** Caroline, that is extremely helpful to our deliberations. Thank you for a very good research paper. We will make great use of that as we move ahead.

**Miss Perry:** Thank you.