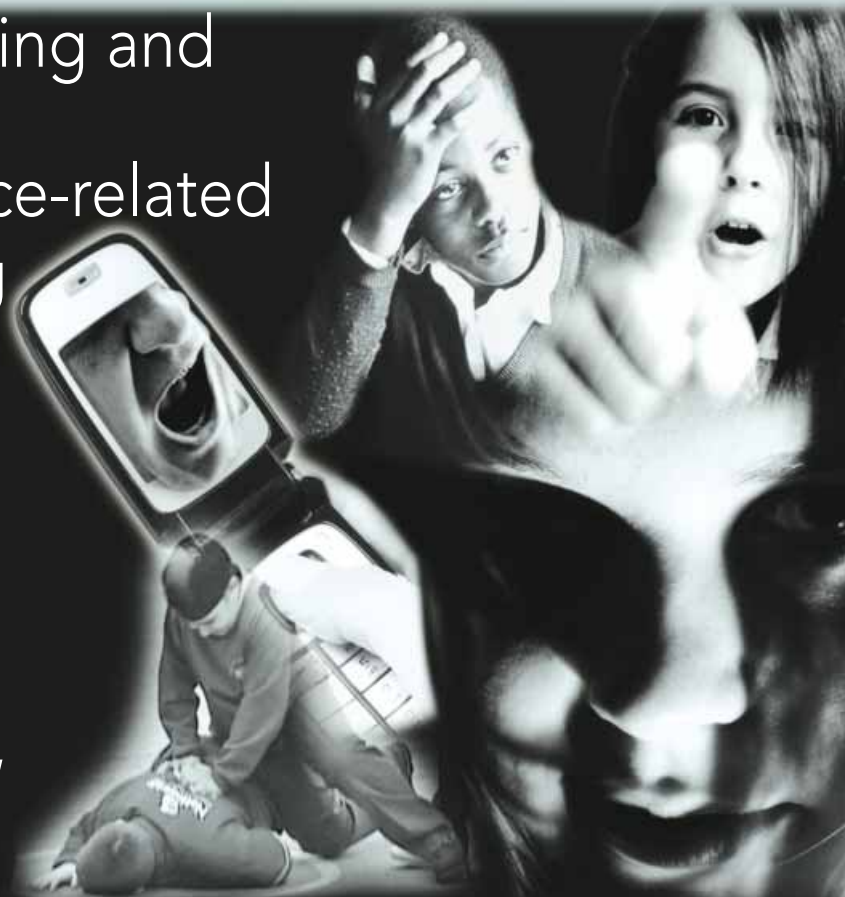




Preventing and tackling prejudice-related bullying



equality
matters

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INTRODUCTION

The NASUWT has been at the forefront of the campaign to highlight the problem of prejudice-related bullying.

The NASUWT believes that all children and young people and staff in schools have a right to learn and work in a safe and secure environment that is free from intimidation, harassment, abuse and fear, and where they feel valued and respected. That is why the NASUWT is committed to a zero-tolerance approach to bullying and to supporting schools in their efforts to tackle the problem.

The effects of bullying can last a lifetime. It is an invidious problem that seriously damages individual self-esteem, confidence, health and participation.

The NASUWT is committed to equality of opportunity for all pupils and staff and actively opposes all forms of unfair discrimination.

The NASUWT was the first union to launch a programme of work on prejudice-related bullying. Tackling prejudice-related bullying is a key part of the NASUWT equalities strategy.

DEFINING THE PROBLEM

Prejudice-related bullying is a social problem that has its roots within wider social discourses that seek to justify negative behaviour towards particular groups within society.

Prejudice-related bullying is often characterised by abusive behaviour, intolerance or ostracism on the grounds of an individual's gender, gender identity, ethnicity, body image/size, sexuality, disability, age, religion or belief.

Prejudice-related bullying implies not only that individuals may be targeted by bullies on the grounds of their identity and social characteristics, but also that individual bullies form alliances with other individuals who they believe to have common interests and a common identity.

Given its roots, effective strategies to tackle prejudice-related bullying require concerted action across all spheres of society, as well as in schools, to create a climate in which difference and diversity are recognised, respected and celebrated.

Bullying that is prejudice related can include verbal and physical assaults, threats, offensive 'jokes' or language, mockery and ridicule, insulting or abusive behaviour and gestures, graffiti, and theft and damage to property. It can also include the exclusion of others on the grounds of their identity or characteristics. In particular, it should be noted that prejudice-related bullying is based on irrational views, beliefs and fears, leading to dislike and hatred of different individuals and groups. This form of bullying seeks to exploit the most vulnerable. It attacks diversity and belonging within schools and society and cannot be tolerated or ignored.

Children and young people

It is difficult to gauge the extent of bullying of children and young people within schools. A number of studies have attempted to quantify the problem. ChildLine monitors the types of calls received each year and the concerns raised by children and young people. For the last 15 years, bullying has been the number one reason that children call ChildLine. In 2014, ChildLine received 45,000 calls about bullying.

The Department of Education Northern Ireland (DENI) 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that 39% of Year 6 pupils and 29% of Year 9 pupils reported being bullied at school, and 21% of Year 6 pupils and 21% of Year 9 pupils reported that they had bullied another pupil at school in 2011.

Figures from the DENI show that in the academic year 2012/13 there were 224 suspensions for bullying, 157 for verbal abuse or attack against a pupil and 1,233 for verbal abuse or attack against staff.

The impact of bullying should not be underestimated. Bullying is a damaging activity and the effects can last into adulthood. In the short term, bullying has an immediate impact on the wellbeing of the target, lessening confidence and lowering self-esteem, and this can lead to a fear of attending school. The health of the target is affected and symptoms are similar to those associated with stress: anxiety, panic, sleeplessness, headaches and mental distress.

There is some evidence that some victims and perpetrators suffer long-term effects. Prolonged bullying can lead to other illnesses and there are cases of children suffering conditions such as skin rashes and hair loss. In the UK, for people aged 15-24, suicide is the second biggest cause of death after road accidents. In numerous cases of suicide amongst young people, bullying is cited as a factor.

Bullying on the grounds of prejudice can be particularly harmful to individuals, whether on the grounds of gender, gender identity, ethnicity, body image/size, sexuality, disability, age, religion or belief. These forms of bullying thrive on exploiting the differences between pupils and therefore often rely on targeting those who are minorities within a peer group or class, isolating them and exacerbating any fears they have of not fitting in.

In adult life, those who have been chronically victimised and bullied can have lower self-esteem and be prone to depression. Where bullying has been prejudice related, problems can be exacerbated by any further discrimination that individuals face in society.

The long-term outcomes for bullies can also be serious and, compared to their peers, numerous studies show that bullies are more likely to be involved in other forms of antisocial behaviour such as vandalism and drug abuse. There is also evidence to suggest that bullies are more likely to be convicted of crimes in adulthood.

Bullying must be recognised, understood and taken seriously. Bullying is too often dismissed as 'part of growing up' or just 'teasing and joking'. The phrase 'it was just a joke' has been used since time immemorial by perpetrators of bullying, victimisation and harassment to excuse and justify their behaviour.

Some schools claim that they do not have a problem with bullying. The NASUWT finds this difficult to accept. Often these schools either do not understand the issues or they believe that identifying the problem will harm the reputation of the school. The high-stakes accountability regime in which schools operate is a prime motivator for this latter reaction.

Teachers

Teachers face the issue of bullying on two levels. Firstly, as professionals they have to deal with the consequences of pupil-on-pupil bullying and, secondly, they can also be the victims of bullying.

How a school responds to the bullying and harassment of its staff will be indicative of how seriously and how effectively the bullying of pupils is tackled. A school that fails to tackle effectively bullying of its employees will find it more difficult to develop an effective and credible response to safeguarding pupils.

Prejudice-related bullying and harassment of teachers themselves regrettably appears to be widespread. In 2011, the NASUWT carried out a survey on prejudice-related bullying and harassment amongst teachers and headteachers in schools. It showed that a substantial proportion of teachers are victims of prejudice-related bullying. One third of respondents reported that they had been a victim of bullying/harassment in the last 12 months. Two thirds of teachers who had experienced prejudice-related bullying had been subject to it more than once. For one in five teachers, bullying was a consistent feature in their working life.

Age-related bullying/harassment was the most common type reported by teachers in 41% of cases. This was followed by bullying related to race/ethnicity (19%), body image (16%) and gender/sex/trans (14%). Comparing data collected from this survey with data in the 2007 NASUWT Safe to Teach? Report suggests that prejudice-related bullying may have increased, particularly with regard to age-related bullying/harassment.

Almost half of all cases reported in the 2011 survey were perpetrated by a person's immediate line manager (48%), just over a third were perpetrated by a colleague (36%) and around a quarter were perpetrated by pupils (25%).

Bullying must always be taken seriously, and swift and firm action should be taken, whoever is the victim. It should also be recognised that if pupils who are themselves victims of bullying see teachers being bullied with no action being taken, it will make their fear of reporting the bullies and their own isolation even worse.

TYPES OF PREJUDICE-RELATED BULLYING

Homophobic bullying

Homophobic bullying is increasingly recognised as a widespread problem in schools and is the second most prevalent reason for bullying of children and young people. Given the nature of this bullying, however, many individuals who are bullied may be unwilling to report the problem to parents, staff or colleagues since they may fear being further stigmatised and isolated. The problem of homophobia is often a hidden problem, because individuals may be unwilling to talk about it and may not feel safe in doing so.

ChildLine reports receiving an estimated 2,725 calls a year about sexual orientation, with boys accounting for 55% of these calls, even though they represent only 25% of all calls to the helpline. Specifically, over a half of these calls related to individuals who reported being bullied on the grounds of homophobia (according to 2014 data).

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that almost 5% (almost 4% of girls and over 6% of boys) had 'received a message with insults calling me gay (whether true or not)'.

The language used by school children and the recent increased use of the word 'gay' to indicate something that is bad, 'uncool' or 'naff' have heightened these issues. Beatbullying has reported that 81% of primary age children identify the use of the word 'gay' as a way of attacking or making fun of someone.

The School Report published by Stonewall in 2012 asked more than 1,600 lesbian, gay and bisexual children a range of questions about school.

More than half (55%) reported that they had experienced homophobic bullying in Britain's schools. Of those who reported being bullied, over half had experienced verbal homophobic bullying and almost a quarter had experienced cyberbullying.

Sixteen per cent had experienced physical abuse and, alarmingly, 6% had received death threats. Almost a third of pupils who had experienced homophobic bullying said that they had changed their plans for future education because of it.

Only half of respondents reported that their schools say homophobic bullying is wrong, while almost two thirds in faith schools reported that their school did not say such bullying was wrong.

Complaints of homophobic bullying are often treated less seriously than some other forms of bullying and complainants are often urged not to raise or pursue the issues.

Alarming, Stonewall's survey The Teachers' Report showed that nine in ten teachers and non-teaching staff at secondary and primary schools have never received any specific training on how to prevent and respond to homophobic bullying. More than a quarter of secondary school staff (28%) would not feel confident in supporting a pupil who decided to come out to them as lesbian, gay or bisexual. Two in five would not feel confident in providing pupils with information, advice and guidance on lesbian and gay issues. Half of secondary school teachers who are aware of homophobic bullying in their schools say the vast majority of incidents go unreported.

A 2011 report by the Rainbow Project painted a picture of widespread homophobia across Northern Ireland. *Through Our Eyes: Experiences of Lesbian, Gay and Bisexual People* found that more than a quarter of gay people in Northern Ireland have complained about homophobia in their workplace. The Report also found that one in four gay, lesbian, bisexual or trans people hid their sexuality while at work in the private sector.

The NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that teachers are also victims of homophobic bullying, with 7% of respondents reporting that they had been bullied or harassed on these grounds.

Racist bullying

Bullying and harassment on racist grounds is a persistent issue that affects schools, including those where there are relatively few pupils or staff from black and minority ethnic (BME) groups.

Racist bullying is distinct from bullying on the grounds of religion/belief and is often directed against individuals based on skin colour but might also include bullying against individuals because of their ethnic or national origin, including those from Traveller, gypsy or Roma communities, or based on their residential status, including asylum seekers and refugees.

In 2014, ChildLine received over 1,400 calls from children about racist bullying.

There has been a rise in racist bullying directed towards immigrants from Eastern Europe and it is important that schools do not simply see racist bullying in terms of a perspective based on notions of black pupils and white pupils.

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools* in the North of Ireland showed that over 90% of Year 6 and Year 9 pupils felt that it was 'wrong' to bully other pupils on account of their race or skin colour. However, 6.9% of Year 6 pupils and 4.1% of Year 9 pupils admitted bullying other pupils 'with mean names or comments about his or her race or colour'. Also, 14% of Year 6 and 7.6% of Year 9 pupils indicated that they had been bullied 'with mean names or comments about my race or colour'.

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that bullying on the basis of race or ethnicity was the second highest defined type of prejudice-related bullying experienced by teachers, with 19% of respondents reporting that they had been bullied or harassed on these grounds.

The survey also showed that schools in some areas are faced with organised racist or fascist activity. Fifteen per cent of respondents reported that they had been aware of organised racist or fascist activity inside or outside of the school. Eight per cent were aware of it inside the school and 9% outside the school. These schools may need additional support from local authorities, trade unions and other bodies to ensure that children, young people and staff are protected from these influences. Activities of racist and fascist groups can prompt bullying activities against BME pupils.

Faith-based bullying

Faith-based bullying is directed against individuals and groups on the grounds of their religious belief or affiliation. It may also include bullying behaviour directed against individuals who are of no faith.

The problem of faith-based bullying in schools has intensified in recent years, particularly in the case of Islamophobia. The term 'Islamophobia' refers to anti-Muslim prejudice and racism based upon unfounded hostility towards Islam. It is an issue for all schools, regardless of the number of Muslim pupils or staff within the establishment. Many BME children will have been caught up in the rise of Islamophobia since the events of September 2001 and July 2005, regardless of their actual faith.

The prejudice is not confined to the perceptions of being Muslim, and children within faith schools particularly can be singled out for not being

part of, or being different from, the predominant groupings within a school. The rise in the number of actual and aspiring faith-based schools and the widely held public perception that this sort of education is better than the secular alternative may well lead to a rise in bullying based on faith.

There is some blurring of the lines between bullying on the grounds of faith and race. Whilst the two areas are inextricably linked, the manner in which these prejudices are manifested is often distinct and this should be tackled in different ways.

A report by BeatBullying (2008) indicates that of the 800 young people surveyed about interfaith bullying, 23% who practised any religion reported being bullied because of their faith, 13% said they had been bullied because of religious stereotyping and 9% because they wore religious symbols.

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that pupils from 'Neither Protestant or Roman Catholic Communities' and 'Other' religious communities were more likely to be bullied than pupils from Protestant or Catholic backgrounds.

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that 11% of respondents had experienced bullying on the grounds of religion or belief.

Ageist bullying

Ageist bullying is directed against individuals on the grounds of their age and may be targeted at children and young people and staff, often leading to exclusion from the social group or network. Pupil-on-pupil bullying in relation to age usually exists in the context of the hierarchies of power and seniority within schools of older children bullying younger children. This is the norm exclusively the case.

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that age-related bullying of teachers had increased rapidly since the Union's last survey carried out in 2007. Worryingly, 41% of respondents reported being a victim of age-related bullying compared to 9% of teachers in 2007.

Disability bullying

Bullying on the grounds of disability, like other forms of prejudice-related bullying, is linked to irrational and unfounded beliefs, assumptions and stereotypes about the disabled person and her/his abilities. A lack of

positive portrayals of disabled people (particularly children) in the media has exacerbated this type of bullying.

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that pupils with a disability were more likely to experience bullying, with 34% of Year 6 and over 40% of Year 9 pupils reporting that they had been verbally bullied because of their disability.

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that 11% of respondents had experienced bullying on the grounds of disability.

The lack of specialist educational support is also a contributory factor to disability-based bullying. The NASUWT supports the 'Make school make sense' campaign, organised by the National Autistic Society (NAS), calling for improved provision for pupils with autism. A survey of 1,400 parents with autistic children carried out by the NAS in 2006 found that two out of every five children with autism had experienced bullying. The campaign from the NAS calls for more in-school support for students, one of the key factors in helping to tackle the impact of this type of bullying. Forty per cent of children on the autistic spectrum are subjected to prejudice-related bullying and the experience of children from a BME background is consistently worse.

Sexist bullying

Sexist bullying is most commonly directed against girls and women and is often sexual in nature. Sexual bullying is a form of gender-based bullying. It includes behaviour with a sexual element that is harmful, non-consensual and repeated.

Typically, this could include sexual comments and name-calling; spreading of sexual rumours; use of technology to spread sexual gossip, comments or images; and non-consensual touch (for example, touching, pinching or slapping body parts, pulling bra straps and clothes, pulling down trousers, or lifting up skirts).

Girls are most likely to face sexual bullying, perpetrated by boys, but boys can also be subject to sexual bullying by girls and there can be sexual bullying between young people of the same sex.

In November 2010, a YouGov poll commissioned by the End Violence Against Women (EVAW) coalition found that close to one in three 16-18 year old girls say they have experienced unwanted touching at school and

71% of 16-18 year olds say they have heard sexual name-calling such as 'slut' or 'slag' towards girls at schools daily or a few times a week.

In January 2009, the national domestic violence charity Women's Aid released the results of a survey carried out in conjunction with *Bliss*, the teenage girls' magazine. The results showed that approximately one in five *Bliss* readers have been physically hurt by someone they were dating. For 16 year old girls, this goes up to one in four. The survey also showed that nearly a quarter of 14 year old girls have been forced to have sex or do something else sexual they didn't want to do by someone they were dating.

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that almost 4% of Year 9 pupils (over 5% of girls and just under 2% of boys) had 'received a message with unwanted sexual suggestions, jokes or threats'.

Sexist and sexual bullying is not confined to pupils. The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers showed that 13% of respondents had been bullied on the grounds of gender.

Transphobic bullying

Transphobic bullying occurs when people are bullied due to their gender identity or their perceived gender identity or because they do not conform to culturally conventional gender roles. 'Trans' is an umbrella term that describes people whose sense of gender or gender identity is seen as being different to typical gender norms.

Children of school age may experience gender variance, which could make them a target for bullying. According to figures provided by the Gender Identity Research and Education Service (GIRES), one in 1,000 school children suffer from gender dysphoria – roughly one pupil for every high school – though not all of them will seek gender reassignment surgery.

According to research by GIRES and the trans pressure group *Press For Change*, most children who experience gender variance fail to complete their school education and, more seriously, around half of all trans teenagers will make a suicide attempt before they turn 20. Trans teachers are also at risk of transphobic bullying.

Transphobic bullying is commonly underpinned by sexist attitudes. Men and women may be equally affected. An individual may also experience transphobic bullying as a result of perceptions that a parent, relative or

other significant figure displays gender 'variance' or is trans. Transphobic bullying could include teasing due to a person's clothing or appearance, referring to a boy as 'she', abusive graffiti or physical assault.

Gender variance is different to sexual orientation. Gender identity is different to sexual attraction. Trans people, just like everyone else, can be straight, lesbian, gay or bisexual. Therefore, transphobic bullying is different from homophobic bullying, although there are similarities.

Bullying on the grounds of body image/size

Bullying on the grounds of body image/size is one of the most prevalent forms of prejudice-related bullying.

Recently, the level of such bullying has been exacerbated by national concerns about rising levels of obesity. Research suggests that children who are perceived to be overweight are often considered to be inferior and less valued than others in educational and social terms. The media's constant reinforcement of concerns about body image/size and the trivialisation of these issues is a key factor related to this problem.

The Girlguiding UK Girls' Attitudes 2011 Survey Report showed that well over half (55%) of young women believe that the pressure to look like a celebrity causes them stress.

Similar findings in a poll carried out by Ipsos MORI found that 50% of women feel under pressure to look good at all times and 46% of women feel under pressure to lose weight.

And it is not just girls. A survey conducted by the YMCA and the Centre for Appearance Research (CAR) at the University of the West of England showed that one in ten boys said they would start taking steroids to build muscle if they were unhappy with the way they looked.

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers in schools showed that bullying on the basis of body image is a common form of prejudice-related bullying, with 16% of respondents reporting that they had been bullied or harassed on these grounds.

Examination of prejudice-related bullying demonstrates a hierarchy of bullying in which some forms of bullying are treated less seriously than others. Bullying on the grounds of body image/size emerges as often being considered the least important. It is too often trivialised and dismissed as 'part of growing up' or playground banter.

CYBERBULLYING – A TOOL OF THE BULLY

The NASUWT recognises that developments in the digital landscape provide positive and productive channels of communication and significantly improve support for learning and the working practices of teachers and other school staff.

However, the Union is concerned about the abuse of social media, internet sites and mobile phones and has a well-established campaign against cyberbullying in schools.

Advances in the use of information and communications technology (ICT) have provided new and sophisticated tools with which bullies are able to carry out their activities.

Cyberbullying may involve the abuse of e-mail, internet, social networking sites, virtual learning environments (VLEs), digital cameras and mobile phones and has emerged as a key challenge for schools affecting both pupils and staff.

These advances in technology mean cyberbullying can take place at any time. The bully often remains anonymous and can conduct their activities from the comfort of their homes while the bullied are no longer able to find any refuge in theirs. This type of bullying is often more damaging, as offensive and hurtful messages or images can be spread quickly and seen by many people.

The DENI 2011 research *The Nature and Extent of Pupil Bullying in Schools in the North of Ireland* showed that 15.5% of Year 6 and 17% of Year 9 pupils indicated that they had experienced cyberbullying in the past couple of months. The number of those admitting to carrying out cyberbullying was 5.2% of Year 6 and 6.6% of Year 9 pupils.

Cyberbullying is also having a devastating effect on teachers' health, wellbeing, confidence, self-esteem and, in some cases, career progression as a result of employers trawling websites for information.

The NASUWT's long-standing campaign against cyberbullying has emanated from increased casework and reports from teachers and headteachers that showed they had fallen victim to bullying and harassment incidents, particularly from pupils. This abuse had not only contributed to increased workload but also provided a vehicle for prejudice-related bullying and harassment of staff.

Of particular concern was the increased use of websites such as YouTube and RateMyTeachers by pupils to abuse staff and make malicious and false allegations against them.

During 2007, the NASUWT collated evidence from teachers and headteachers in order to identify the extent of the problem of cyberbullying. The response to the online survey was overwhelming. The evidence demonstrated that the abuse of these websites and mobile phones by pupils has caused physical and mental distress of many teachers and headteachers which was having a damaging effect on their health, wellbeing and career prospects.

In a survey carried out by the Union in 2012 on 'The Abuse of Social Media and Internet Sites', well over a third of respondents reported that they had an insulting comment, allegation of inappropriate behaviour with a pupil, comment on their performance or other comment posted about them online or on a social networking site.

The vast majority of cyberbullying incidents against teachers had been carried out by pupils aged between 11 and 16 years of age. However, abuse had also been received from pupils as young as five years of age.

THE LEGAL CONTEXT

There are a number of statutory obligations on schools with regard to behaviour, which establish clear responsibilities to respond to bullying.

The Education and Libraries (Northern Ireland) Order 2003

This Order requires all grant-aided schools to include within their discipline policy an anti-bullying policy which includes measures to prevent all forms of bullying among pupils.

The Order places specific duties upon the Board of Governors of a grant-aided school to:

- Article 17 – safeguard and promote the welfare of registered pupils at all times when the pupils are at school or in the control or charge of a member of school staff;
- Article 18 – ensure that there is a written child protection policy to determine the measures to be taken to protect pupils from abuse and to review these measures on a timely basis; and
- Article 19 – consult with the pupils and parents before making or revising the discipline policy. Principals are also required to consult with pupils and their parents before determining measures to encourage good behaviour and to prevent bullying.

Schools are monitored for compliance through school inspections of the pastoral care arrangements.

At the time of going to press, the current legislation was under review. The Minister of Northern Ireland is considering replacing the above with a single piece of legislation on bullying. The NASUWT has responded comprehensively to the Minister's proposal.

Section 75 of the Northern Ireland Act 1998

The vast majority of schools in Northern Ireland are funded with public money yet operate, essentially, as independent bodies. Public schools are maintained by a grant of funds made available from education and library boards (ELBs) and a consequence of this system is that boards of governors and principals hold ultimate power in relation to how the school is run.

A significant difference between schools in Northern Ireland and those in the rest of the UK is that for the purposes of Section 75 of the 1998

Northern Ireland Act, a key piece of equalities legislation similar to the 2010 Equality Act, Northern Irish educational establishments are not designated as public bodies. This makes tackling homophobia in schools within a legal framework extremely difficult for both teachers and students.

In 2005, the Equality Commission Northern Ireland commissioned the National Foundation for Educational Research (NFER) to 'develop a range of potential options that can further equality in schools; and to provide a detailed implementation plan on the preferred option(s)'. The NFER then carried out a public consultation and organised consultation seminars to assist in their research.

Their discussion paper, *Mainstreaming Equality Objectives in Schools in Northern Ireland*, was presented to the Equality Commission in April 2006 and noted that there was a 'virtual unanimity of views concerning the desirable moral and political ethos and purposes of section 75' of the Northern Ireland Act 1998.

Despite this finding, and despite pressure from lobbying groups and progressive organisations, the Equality Commission has failed to take this forward.

UN Convention on the Rights of the Child

Although children and young people are covered under the Human Rights Act 1998, their rights are more clearly specified under the UN Convention on the Rights of the Child. Although neither specifically mentions bullying, bullying behaviour does breach a number of the articles in both. Moreover, both outline the responsibilities of adults to protect and safeguard children and young people from bullying behaviour.

European Convention on Human Rights

Schools and colleges are public authorities and therefore bound not only by domestic legislation, but also by international human rights obligations to which the UK government is signatory. Article 2 of the First Protocol of the European Convention on Human Rights (ECHR) guarantees that no-one shall be denied the right to education. It could therefore be argued that young people are being denied this right if schools do not adequately protect them against bullying.

Article 13 of the ECHR guarantees that everyone whose convention rights are violated shall have access to an effective remedy. The education

structures of Northern Ireland mean that there is a de facto breach of this article, since Boards of Governors have ultimate authority over what happens in their school and there is no statutory mechanism to bring a complaint against either a school or a board of governors.

Equality Act (Sexual Orientation) Regulations (NI) 2003

These Regulations make it unlawful for service providers to discriminate against people because of their sexual orientation in the provision of goods, facilities and services, including the provision of education.

However, they do not protect the rights of teachers and other members of the educational workforce and in any case are an inappropriate mechanism for a young person subjected to homophobic bullying in school.

These regulations place a negative duty on service providers (not to discriminate) as opposed to a positive duty to promote equality, so the burden of proof falls on a young person to prove that s/he has been discriminated against.

Criminal Law

Although bullying in itself is not a specific criminal offence in the UK, it is important to bear in mind that some types of harassing or threatening behaviour – or communications – could be a criminal offence, for example under the Protection from Harassment (Northern Ireland) Order 1997, the Malicious Communications (Northern Ireland) Order 1988 and the Communications Act 2003.

If school staff feel that an offence may have been committed, they should seek assistance from the police. For example, under the Malicious Communications Act 1988, it is an offence for a person to send an electronic communication to another person with the intent to cause distress or anxiety or to send an electronic communication that conveys a message that is indecent or grossly offensive, a threat, or information that is false and known or believed to be false by the sender.

At the time of going to press, all the above legislation was current but the Minister had made reference to possible reviews of the law.

TACKLING PREJUDICE-RELATED BULLYING

The 2011 NASUWT survey on prejudice-related bullying and harassment amongst teachers and headteachers highlighted that schools still need to do a lot of work to eradicate prejudice-related bullying of both pupils and staff.

The survey showed that more than half of all prejudice-related bullying or harassment incidents are not reported – only 15% of victims reported every incident that occurred. There were three main reasons for this under-reporting. These were due to concern about the negative impact on future careers, because the victims did not think appropriate action would be taken, and fear of future reprisals as a direct result of reporting.

Half of all victims of bullying/harassment were not at all satisfied with the school/college response to bullying/harassment that had been reported. In 45% of cases, the victim was not aware of whether further action had been taken by the school/college.

The DENI has several policy, guidance and research documents which are relevant to the prevention of bullying and promotion of an anti-bullying culture within schools. These include:

- *Pastoral Care in Schools: Promoting Positive Behaviour* (2001);
- *Pastoral Care in Schools: Child Protection* (1999);
- *Every School A Good School: The Governors' Role* (2011);
- *Every School A Good School: A Policy for School Improvement* (2009);
- *Every School A Good School: Supporting Newcomer Pupils* (2009);
- *Taking Boys Seriously – A longitudinal study of adolescent male school-life experiences in Northern Ireland* (2012).

The Department's anti-bullying policy is managed by the Pupil Support Team (PST).

The DENI funds, and is a member of, the Northern Ireland Anti-Bullying Forum (NIABF). The Forum has over 25 members from statutory and voluntary organisations campaigning against bullying. The Forum was established in 2005 and hosted by Save the Children. The National Children's Bureau has hosted the Forum since September 2011. The NIABF co-ordinates the annual Anti-Bullying Week across Northern Ireland. This includes producing resources and activities for schools, delivering a public awareness raising campaign and engaging with various stakeholders to communicate key anti-bullying messages.

School policies

The NASUWT believes that there should be a whole-school approach to preventing and tackling prejudice-related bullying. An effective anti-bullying strategy will involve all members of the school community, should be regularly monitored and must meet legal requirements.

Schools need to have in place effective systems to deal specifically with the problem of prejudice-related bullying.

There should be a clear policy in place to deal with bullying and harassment of pupils and staff. School anti-bullying policies and procedures should include specific reference to prejudice-related bullying in all its forms. The school policies should be developed in consultation with the NASUWT and other trade unions and parents and should be communicated to all staff and pupils.

In addition, the NASUWT advocates the following:

- school behaviour policies and exclusion guidance should state specifically the sanctions to be applied to incidents of bullying. The NASUWT believes in zero tolerance;
- in school policies, mobile phones should be treated as potentially offensive weapons and pupils' access to them prohibited during school sessions;
- school cultures and practices inhibit the reporting of prejudice-related bullying incidents and this problem needs to be rectified;
- steps should be undertaken to promote teachers' and pupils' confidence in reporting prejudice-related bullying incidents and to address the fear of reprisal;
- there should be effective recording and reporting of all incidents of bullying/harassment as a basis for tackling the problem and adjusting strategies;
- school policies and procedures should neither require teachers nor encourage them to provide individual mobile phone or e-mail contact details to pupils;
- children and young people should be educated about bullying and healthy and respectful relationships, and the wider curriculum used to raise issues relating to bullying;
- comprehensive professional development should be provided for staff on how to:

- spot the signs of bullying of staff and pupils and how to respond swiftly and sensitively;
- create an environment and response structure where those who experience bullying feel confident in reporting incidents of bullying;
- encourage those who witness bullying to speak up;
- safeguard children;
- assure the health, safety and welfare of staff.

Use and abuse of technology

Developments in technology have made significant improvements in support for learning and in the working practices of teachers and other members of the school workforce.

There is growing evidence of the abuse of technology, particularly mobile phones, e-mails and internet sites. They are not only contributing to increasing workload but also providing a vehicle for the prejudice-related bullying and harassment of staff and for false allegations to be made against them.

A variety of social networking sites are commonly used, e.g. Facebook, Twitter and YouTube. The NASUWT advises all teachers to carefully review all internet sites where they have recorded any personal information that could be accessed either by students or employers.

What teachers can do to protect themselves

- Check the school behaviour policy or procedures on acceptable use of technology to ensure that it covers school staff.
- Keep personal phone numbers private and do not use personal mobile phones to contact pupils or parents.
- Avoid 'friending' pupils or parents or adding them to personal contact lists. This may give them access to personal activity and information, allowing them to make inappropriate contact. They may also be giving teachers access to inappropriate information.
- Do not post information publicly that you wouldn't want employers, colleagues, pupils or parents to see.
- Keep passwords secret and protect access to personal computer accounts.

- Always restrict access to personal Internet accounts and set privacy levels.
- Avoid retaliating to or personally engaging with cyberbullying incidents.
- Inform the appropriate person in authority in the school of any incidents at the earliest opportunity.
- Keep a record of all incidents (with dates, times, witnesses, feelings experienced). Many of the incidents may appear trivial in isolation, so it is important to establish if there is a pattern over time.
- Contact the NASUWT for further advice if you become a target of cyberbullying.

What to do if you are a victim of prejudice-related bullying

The NASUWT provides advice and support for any individual who feels that they are the victim of bullying. All NASUWT members have a vital role to play in working with the Union to tackle workplace bullying within their workplace.

There are a number of strategies that individual members can employ when experiencing bullying and to avoid it. The individual should remember that it is not their fault that they are being bullied.

They should:

- speak to an NASUWT Representative as soon as possible;
- keep a log of the bullying, including copies of memos and letters and a diary of events;
- speak to someone about the bullying, such as a family member, a counsellor or a trusted work colleague;
- where the bullying is having a detrimental effect on health, contact a GP;
- consider contacting the Teacher Support Network (see page 27);
- find out whether there is an employee assistance scheme available;
- consider options such as assertiveness training and mediation;
- avoid going to meetings with the bully alone and consider whether it is possible to minimise contact with the bully.

THE NASUWT's CONTINUING CAMPAIGN

The NASUWT has been at the forefront of raising the problem of prejudice-related bullying.

The NASUWT previously engaged in a constructive dialogue with the then DCSF on a programme of work to tackle prejudice-related bullying in schools. This resulted in a range of guidance on tackling bullying related to race, religion and culture in 2006, followed by advice on cyberbullying, along with the launch in September 2007 of the overarching *Safe to Learn?* Report on how to embed anti-bullying work in schools.

The issue of prejudice-related bullying now has a much higher profile than ever before. However, there is still more to be done to raise awareness of its nature and effects to enable a coherent and comprehensive national framework for supporting schools in tackling bullying to be developed.

The NASUWT will continue to expose bullying where it occurs, supporting members to combat this by all appropriate means, including, where possible, legal redress.

The NASUWT will continue to issue advice highlighting the support available and on what to do if experiencing bullying. This is supplemented by the high quality training provided for NASUWT Workplace Representatives on the skills of representation, handling grievances and in specifically dealing with bullying.

The NASUWT will continue to tackle bullying through campaigns to raise awareness both of the problem of workplace bullying and the horrific impact that it can have on teachers and children and young people.

The NASUWT's campaign

The NASUWT will continue to campaign for:

- a curriculum that reflects and teaches about the racial, cultural and religious diversity of the UK and the world and tackles issues of stereotyping of gender roles and sexual orientation;
- heightened awareness of the use employers are making of the contents of social networking sites;

- the Health and Safety Executive's (HSE's) good practice guidance and workplace health and safety audits to include reference to the abuse of technology;
- greater protection in law for the victims of malicious and false allegations and cyberbullying.

Useful contacts

Anti-Bullying Alliance

www.anti-bullyingalliance.org.uk

Childnet International

www.childnet.com

UK Safer Internet Centre

Helpline and resources: www.saferinternet.org.uk

Teacher Support Network

www.teachersupport.info.

Advice and support

NASUWT Northern Ireland National Centre

Ben Madigan House, Edgewater Office Park, Edgewater Road, Belfast BT3 9JQ

Tel: 028 9078 4480

E-mail: rc-nireland@mail.nasuwt.org.uk

Website: www.nasuwt.org.uk

Department of Education Northern Ireland (DENI)

Rathgael House, Balloo Road, Bangor BT19 7PR

Tel: 028 9127 9279

Website: www.deni.gov.uk



NASUWT

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The largest teachers' union in Northern Ireland

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