

**Review of the 2013 Action
Plan on Bullying and the
Anti-bullying Procedures
for Primary and Post-
primary Schools'**

June 2022



INTO Submission for the 'Review of the 2013 Action Plan on Bullying and the review of the 2013 Anti- bullying Procedures for Primary and Post-primary Schools'

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Introduction

The Irish National Teachers' Organisation (INTO) represents over 44,000 teachers in primary and special schools in the Republic of Ireland. The INTO welcome the opportunity to make this submission to the Department of Education (DE) on the topic of the *Review of the 2013 Action Plan on Bullying and the review of the 2013 Anti-bullying Procedures for Primary and Post-primary Schools*. At the outset, we wish to note that the INTO has, over the years, been involved in advocating for the promotion of anti-bullying policies and procedures within schools and the wider community, as well as providing support for the compilation of up-to-date anti-bullying policies within schools.

Furthermore, the INTO advocate for and support schools in the implementation of anti-bullying policies and practices which protect and uphold the safety and inclusion of all members of the school community, to ensure both the safety of pupils and the dignity of all teachers in their workplaces. In this regard, we particularly welcome the revision of the *Anti-Bullying Procedures for Primary and Post-Primary Schools*, which have been implemented since 2013. We note the importance of updating current anti-bullying policies and procedures, particularly in the context of other forms of identity-based and cyber-bullying which are prevalent in society and schools in recent years. The importance of providing regular, dedicated access to professional development for teachers, school leaders and boards of management, as well as information evenings for parents should form an integral part of the updating of current anti-bullying procedures. This would greatly assist in ensuring the inclusion and collaboration of all stakeholders in the prevention of bullying in schools and the wider school community.

However, it must be acknowledged that there is currently a considerable challenge posed within schools for school leaders to effectively deal with bullying, due to the already unsustainable workload they face on a daily basis. The *Chief Inspector's Report 2016–2020*¹ found that many boards of management were ill-equipped to deal with all their responsibilities, which were being passed on to school leaders. In order to equip schools to effectively manage and implement anti-bullying initiatives, adequate supports for administrating and leading schools must be provided by the Department of Education, including the restoration of middle management teams and enhanced supports for smaller schools.

Definition of bullying

The Department of Education, in the context of current anti-bullying procedures, defines bullying as “unwanted negative behaviour, verbal, psychological or physical, conducted by an individual or group against another person, which is repeated over time.”² It is submitted that the need for a clear and common definition of bullying should be provided for within any new framework for anti-bullying which is implemented on foot of this review. This definition, whilst framed in age-appropriate language in a primary school context, should align with the wider societal definition of bullying. Notably, workplace bullying is defined as “repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work” and an emphasis in a broader societal context is placed on the high threshold which incidences of bullying must meet in order to be proven.³ In this regard, school policy should clearly outline both a commonly accepted definition of bullying which is consistently applied, as well as a clearly defined threshold for determining whether various incidences of undesirable behaviour which may take place within constitute bullying behaviour.

Whilst a commonly held definition bullying should be applied in a school setting in terms of assessing the threshold for bullying, the definition in a school context requires careful consideration of its application in an age-appropriate and child-friendly manner. In short, whilst the legal threshold should apply in terms of assessing whether or not bullying has taken place in a school context, it should be defined and communicated in child friendly language which takes into consideration the educational contexts in which bullying may manifest. There must be a universal acceptance of the definition of bullying, as well as the threshold for bullying behaviour in both schools and in wider society and an understanding of the difference between once-off incidences of inappropriate behaviour and the legally accepted definition of bullying as defined by repeated patterns of unwanted, inappropriate, and undermining behaviour. It is recognised that there are specific categories of bullying behaviour which may be directed towards minority groups, for example, racist bullying, and homophobic/transphobic bullying towards those who identify or who are perceived to identify as LGBTQ+. Any new anti-bullying circular should identify clear

1 www.gov.ie/en/publication/611873-chief-inspector-reports/

2 <https://assets.gov.ie/24429/3b6f3db2de154ebaa1f69a0856c97c8e.pdf>

3 Ruffley -v- The Board of Management of St Anne's School [2017] IESC 33.



examples of what constitutes bullying under each specific category. As with current policy, it would be intended that any new circular would be applied in conjunction with current practices which encompass documents such as the school's *Anti-Bullying Policy* and *Code of Behaviour*, as well as relevant child protection guidelines.

Jurisdiction of schools to address incidences and/or allegations of bullying

It is recognised that bullying can take place in a wide range of settings, including school contexts. There are currently a number of administrative policies in place in schools to address bullying. These policies include the *Code of Behaviour*, *Child Protection Procedures* and *Dignity at Work Policy*. In accordance with the *Education Welfare Act (2000)*, all schools are required to have an anti-bullying policy within the framework of their overall *Code of Behaviour*. Schools are currently obliged to implement their anti-bullying policy in accordance with the relevant Department of Education circular on anti-bullying (*DES Circular 0045/2013*). It is expected that schools will carry out investigations in line with the requirements set out in such procedures. This includes a principal's termly report provided to the board of management (BOM) in relation to bullying cases reported, and the annual review by the BOM of the school's anti-bullying policy and procedures and its implementation by the school. It is intended that the policy would be underpinned by preventative strategies which are embedded and communicated to all members of the school community in order to foster and facilitate a whole-school approach to anti-bullying. A recent Department of Education *Report on the Implementation of Aspects of Anti-Bullying Measures* in April 2022 highlighted the high level of compliance of primary schools in implementing and monitoring anti-bullying measures in schools, noting that "most primary schools were meeting the requirements of the five aspects of the Anti-Bullying Procedures that were reviewed by inspectors during incidental inspection visits. These aspects related to the provision of an anti-bullying policy, recording of incidences of bullying, reporting to the board of management, communication of the anti-bullying policy and annual review of the policy."⁴

It is further acknowledged that, increasingly, bullying can arise in a wide range of settings whereby various external bodies may have a role in responding, for example, parents, Tusla, An Garda Síochána and wider social media platforms. Updated policies and procedures are required in order to specifically address the contexts in which schools have a remit in investigating certain incidences of bullying which may be reported to school personnel, and which do not directly take place on the school premises or within the confines of the school day. Such policies should clearly define the role of the school in relation to such incidences of bullying. Furthermore, specific criteria should be clearly provided within the circular as to what should be taken into account to determine if or in which circumstances schools have a remit in investigating incidences of bullying. It is recommended that incidences of bullying which do not occur on the school premises and during the school day should fall outside of the remit of a school in terms their role in investigating any such incidences. It is acknowledged that there should be a shared responsibility to tackling bullying and it is important to note the necessity for other external agencies and statutory bodies, where appropriate, in investigating and dealing with various reported incidences of bullying, such as those which occur in contexts outside of the school environs.

In order to effectively manage bullying in a school context, the important role of parents must be emphasised within any new frameworks introduced in relation to anti-bullying. In order to collaboratively deal with bullying, a focus should be placed on the provision of information and training for parents. Schools must be supported and adequately resourced to play a key role in the education of staff, pupils and parents in recognising bullying and fostering preventative strategies through the facilitation of anti-bullying initiatives. An agreed and common understanding of what constitutes bullying is key to assisting with this, as well as the provision for a common framework within anti-bullying procedures for dealing with instances of bullying. Parents are the primary educators of their children and, as such, any effective approach towards anti-bullying must encourage and facilitate a partnership approach between schools and parents, as well as other educational stakeholders.

⁴ www.gov.ie/en/publication/93c45-report-on-the-implementation-of-aspects-of-anti-bullying-measures-in-schools/



Supports required to effectively embed preventative strategies

It is essential that future policy provides supports and resources for schools to adequately educate the school community in relation to creating awareness and promoting anti-bullying strategies. All schools must be appropriately and robustly supported in order to embed a culture of inclusion and the promotion of positive attitudes in relation to diversity. A cross-curricular approach is essential in order for the full implementation and success of any anti-bullying measures which are recommended by the DE. The current review of the primary school curriculum provides an opportunity to ensure that the principle of inclusion firmly underpins all aspects of a redeveloped curriculum with accompanying guidelines for teachers and school leaders.

Furthermore, concrete supports must be put in place in order to acknowledge the important role within schools in embedding, reviewing and monitoring anti-bullying policies and procedures. Such supports should include dedicated posts of responsibilities, the provision of enhanced, age-appropriate programmes (such as Stay Safe) for increased awareness, guidance on safely navigating the online space and specialised and up-to-date training for the entire school community, including the BOM, school staff, parents and pupils. This should be introduced in parallel with adequate, appropriate and timely supports of the services of NEPS, CAMHS and relevant outside agencies. Smaller class sizes would also enable teachers and school leaders more time to support pupils who experience bullying.

The responsibility of all stakeholders in effectively combatting bullying in schools must be recognised and their roles clearly defined. A fine balance must be struck between the relevant roles of various stakeholders involved in addressing bullying and the fostering of an ethos under which bullying is unacceptable. As such, the clarification of the school's remit is essential as it is recognised that bullying can and does arise in a wide range of settings where different external bodies may play a role in responding.

Recommendations

The INTO would like to summarise its proposed recommendations for the *Review of the 2013 Action Plan on Bullying and the review of the 2013 Anti-bullying Procedures for Primary and Post-primary Schools* as follows:

- ⌘ A clear, child-friendly definition of bullying should be provided in any future policies or procedures in relation to anti-bullying.
- ⌘ The remit of a school to investigate and address allegations of bullying should be clearly set out, recognising that bullying can arise in a wide variety of contexts where a number of external bodies may play a role in responding to incidences of bullying. Specifically, guidelines should provide clear examples of incidences of bullying which fall within the remit of the school to investigate which should not include incidences which occur outside of the school environs and/or within the ordinary school day.
- ⌘ Financial and concrete supports are required in order to effectively resource schools to manage bullying in schools and embed preventative strategies and initiatives, together with the increased supports of external agencies in dealing with instances of bullying such as NEPS, CAHMS, and other external agencies. A specific emphasis should be placed on supports for school leaders, the augmentation of middle management posts and supports for smaller schools.
- ⌘ Support for the provision of the education of all stakeholders to ensure that there is a common understanding of both the definition of bullying and a common framework for addressing any incidences of bullying which may arise in the school context.

Conclusion

In conclusion, the INTO recognises the need for the review of current anti-bullying procedures and policies in schools, namely, the 2013 *Action Plan on Bullying* and the 2013 *Anti-bullying Procedures for Primary and Post-primary Schools*. Furthermore, we remain committed to proactively supporting and assisting schools in relation to the implementation of relevant anti-bullying procedures. We call upon the Department of Education to provide for the provision of proposed measures and recommendations in respect of this review process to be implemented in a timely and supportive manner and for further supports to be implemented at national level by the Department of Education. We, once again, welcome the opportunity to engage with the DE and to make this submission on the topic of anti-bullying procedures in schools.