

Addressing Bullying in Schools Act (NI) 2016 - Information for Parents & Carers

Introduction

The law about bullying in schools has changed. The Addressing Bullying in Schools Act (NI) 2016 was introduced on 1 September 2021

This new law has three main parts:

1. It provides a legal definition of what bullying is, which all schools must use;
2. It requires all schools have to have an Anti-Bullying policy, kept under regular review; and
3. It requires schools have to keep a record of reports of bullying, and the steps it took to deal with these.

Defining Bullying

In the past, each school could come up with its own definition of bullying. This was confusing and made it harder for all schools to consistently recognise when bullying had occurred. The new legal definition of bullying can be found on the Department of Education (DE), Education Authority (EA) or Northern Ireland Anti-Bullying Forum (NIABF) websites - but it can be summarised as:

Bullying is behaviour, which is usually repeated, carried out to intentionally hurt, harm or adversely affect the rights and needs of another or others.

Bullying can take many different forms. It could be:

- Physical - like hitting, kicking or punching;
- Verbal - like calling someone nasty names or teasing them;
- Written down – physically, electronically; or posted online for others to see; or
- Deliberate exclusion - repeatedly leaving someone to make that person feel bad.

Bullying can be a mix of a few or all of these behaviours.

The intention to cause harm is a key aspect of bullying behaviour. Bullying is not just playing around or having a laugh. It's not an accident or someone feeling hurt when that wasn't meant to be the outcome. An individual argument, falling out between friends or even a fight will usually not be bullying. Bullying is when one person, or a group of people, do something intentionally to cause hurt to others; particularly when that intentional behaviour is repeated. While the Act does allow schools to treat one-off incidents as bullying, this should be a very rare occurrence and each school's Anti-Bullying Policy will explain how the school will decide whether to take this unusual step.

It is therefore important that schools, parents/carers and pupils have a common understanding of the definition of bullying which is set out in the school's Anti-Bullying Policy.

It is also important to understand that even if a school determines an incident is not bullying, for whatever reason, it must still respond appropriately; but in these cases it will do so by following its pupil behaviour policy rather than its Anti-Bullying policy.

School Responsibilities

Boards of Governors

The Act makes the Board of Governors in a school collectively responsible for the development and implementation of its Anti-Bullying Policy and practices. They must:

- Ensure that an Anti-Bullying Policy is in place.
- The policy is freely available to parents and pupils.
- It is followed correctly when incidents are reported.
- That the policy is working effectively to support pupils and reduce bullying.
- That the Policy is reviewed, at least every four years; and the views of parents and pupils are sought as part of any review.

The Act also clarifies when the schools' Anti-Bullying Policies will apply. It requires schools to have in place measures aimed at preventing bullying behaviour:

- On the school premises, during the school day;
- While travelling to and from school;
- While in the lawful charge of a member of school staff (e.g. school trips); or
- While the pupil is receiving education away from the school (e.g. an A-Level pupil attending classes in another local school)

Online Bullying

Most cases of cyber bullying happen outside school, meaning schools are not always able to take direct action.

Schools can put in place measures which may help to prevent online bullying occurring outside of school hours. For example, pupils may learn/be given advice about online behaviour and its risks through the school curriculum and by taking part in activities for Anti-Bullying Week and Safer Internet Day.

It is important to understand that while the Act allows schools to respond to online bullying incidents, it makes it clear that it is for each school to determine what it will and will not do. Schools should clarify within their Anti-Bullying Policy, exactly what boundaries they have chosen to set.

Recording of Bullying Incidents and Alleged Incidents

The Act requires schools to keep a record of all incidents of bullying and alleged bullying behaviour that are reported. Schools must record:

- How the bullying behaviour is happening (the methods, e.g. verbal, physical, online).
- What, based on the information available, is the apparent motivation for the bullying behaviour (e.g. race, religion, sexual orientation, gender identity, disability, etc.).
- How the incident was addressed by the school.

The records will allow the school to understand the scale and nature of bullying within the school, ensure its policy is working, quickly identify and take action if any new issues emerge; and to ensure that pupils are receiving appropriate and effective support. The records will show that it has taken every incident seriously and acted promptly to resolve the situation.

These records will be part of the school's normal, confidential pupil records and will not transfer if a pupil moves to a new school.

What do these changes mean for me?

Most of these changes are about ensuring greater consistency in how schools seek to prevent bullying, ensuring they have the information they need to monitor the problem within their school; and to take action quickly where the same issues show up repeatedly. The Act will not change how children and young people, or their parents and carers, should raise any concerns about bullying behaviour with a school. In such a situation you should:

- Report your concerns to your child's class or Form teacher;
- If you are not satisfied with the school's response you should ask to meet with the Principal; and
- If you are still unhappy, you can make a written complaint to the Chair of the school's Board of Governors.

If you have exhausted the school's complaints process, you can raise the matter with the Northern Ireland Public Services Ombudsman (NIPSO) who can examine whether the school has followed its policies correctly.

Because of their duties under this new law, you can have confidence that schools are taking the issue of bullying very seriously. Everyone in school has a role to play, and the law set out the responsibility of every school to work to protect its pupils, to prevent bullying from happening and to promptly and effectively respond to any bullying behaviour that occurs. The records will be evidence of this and you will be entitled to see any records which mention you / your child. Schools are required, however, to protect the confidentiality of all of their

pupils and so you will not be entitled to see details of any action taken regarding any pupil involved other than yourself / your child.

Further Support

NIABF has produced a toolkit for parents and carers around working with their child's school to address bullying concerns. This resource, and more help and support, can be found on the NIABF website at [Northern Ireland Anti-Bullying Forum toolkit](http://www.endbullying.org.uk/publications/pc-toolkit/)

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