

## ASSOCIATION OF TEACHERS AND LECTURERS

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### ***DCSF Consultation on Recording and Reporting Incidents of Bullying Between Pupils, and Incidents of Abuse against School Staff***

**Response from the Association of Teachers and Lecturers**

**March 2010**

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We support our members, as their careers develop, through first-rate research, advice, information and legal advice. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

#### **ATL policy**

ATL believes that teachers as professionals must be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating and implementing a shared understanding of the role of education in promoting co-operation, collaboration and community cohesion.

ATL fully supports initiatives aimed at tackling disadvantage and inequality in all their manifestations and particularly welcomes the *Every Child Matters* agenda as a vision and path towards greater equality, fairness and social justice in our society. Education is about meeting the needs of every child, supporting pupils' well-being and ensuring that all young people can achieve their potential, irrespective of their background. ATL is campaigning for education professionals to be properly supported and to be given the professional freedoms to continue to be at the centre of excellent teaching and learning for all.

#### **ATL response**

ATL strongly welcomes and supports the proposal of a new statutory duty on maintained schools to record serious and persistent incidents of bullying between pupils, racist incidents and incidents of verbal and physical abuse against school staff. We believe that this is a long overdue duty and welcome systematic action against all forms of bullying, racist incidents and incidents of verbal and physical abuse against school staff being taken as a result of this statutory requirement on schools.

ATL also believes that there is an important role for the further education (FE) sector, which provides a significant proportion of 14-19 education, in recording, reporting and tackling all forms of bullying between pupils. We would therefore suggest not only the extension of the proposed statutory duty to FE colleges, but also more widely of the requirement to record, report and to take action against racist incidents and incidents of verbal and physical abuse of education staff across this sector.

In this response, we focus in particular on:

- the nature and extent of bullying in schools;
- recording and reporting incidents of bullying between pupils;
- the collection of data by types of incidents;
- identifying incidents of bullying and the need for anonymised data; and
- implications of the new statutory duty for the workload of education staff.

### ***The nature and extent of bullying in schools***

Bullying, harassment and abuse wreck lives. The effects of bullying amongst pupils have been widely noted to include increased truancy rates, low educational attainment and dropping out of school without any qualifications, distress, fear and loneliness, lack of confidence, and an increased risk to self-harm and/or commit suicide. For example, 40% of lesbian, gay and bisexual men and women who had been bullied at school had made at least one attempt to self-harm, and more than 20% had attempted suicide.<sup>1</sup>

A 2008 survey by the charity Beatbullying has shown that more than 71% of secondary school pupils admit to having been the perpetrator of a bullying incident. For the purposes of the survey, bullying was defined as happening at least "twice a week over a period of six months and involving more than two types of bullying".<sup>2</sup>

Bullying is an expression of the fundamental lack of respect for others. Ofsted defines the intention of bullying as wanting to undermine and degrade an individual by picking on vulnerability and making difference a fault.<sup>3</sup> But apart from bullies being motivated by a desire to assert their own 'superiority' and to gain sense of 'respect' through the creation of fear, many bullies also act themselves from a fear that if they don't do it, it would happen to them. Others participate in bullying behaviour as a result of peer pressure or from a desire to be popular.<sup>4</sup>

ATL is extremely concerned at the persistence of bullying in schools. Bullying is generally fuelled by prejudice, frequently around protected characteristics under existing equality legislation. A recent survey by Teachers TV, for example, found that nearly half of all teachers considered racist bullying to be a problem in their school and that many worried about religious intolerance.<sup>5</sup> In November 2008, Beatbullying published

figures showing that around a quarter of pupils with a religious belief had been bullied by their peers, indicating a lack of cohesion between different communities.<sup>6</sup> Research by Mencap also noted that 8 out of 10 children with a learning disability had been bullied.<sup>7</sup>

Furthermore, bullying often focuses on the perceived non-conformity of the recipient of this behaviour to dominant social norms and expectations. For example, boys who are gay or bisexual and therefore prejudicially seen as the 'wrong sort of boys', or boys who are perceived by other boys (and girls) as not 'measuring up' to dominant forms of masculinity regularly become victims of homophobic abuse.<sup>8</sup> Stonewall has reported that nine out of ten secondary school teachers and more than two in five primary school teachers have witnessed homophobic bullying, name-calling or harassment of children and young people in their schools.<sup>9</sup>

Classroom observations have also indicated that boys frequently silence girls through sexist abuse and sexual harassment.<sup>10</sup> Girls' feminine subjectivities are thereby developed under constant pressure and surveillance by both boys and other girls to conform to accepted gender stereotypes. Sexual and sexist insults and bullying are a key means for children and young people to assert and position themselves in relation to dominant gender identities.<sup>11</sup> A 2009 ATL membership survey on sexist bullying found that almost 6 out of 10 respondents have witnessed or experienced sexual or sexist insults on a regular basis in their school or college. 56.5% reported that these insults occurred daily, several times a week or weekly.<sup>12</sup>

Verbal bullying is often regarded as less serious than manifestations of physical bullying, but its effects are no less severe for the recipient of this behaviour. If verbal bullying, in its various forms, is not challenged, it may be perceived by pupils as an acceptable form of conduct and therefore be potentially more likely to escalate into physical violence and assault. Effective anti-bullying policies and strategies recognise the need for a zero tolerance approach to all forms of bullying.

As regards bullying or harassment of staff, ATL is pleased that the consultation document acknowledges that anti-bullying policies should apply to them equally. ATL's recently revised publication "Bullying at Work" makes it clear that schools and colleges should provide safe, supportive working conditions for staff.

ATL's casework confirms that for a number of years bullying has been identified by our members as a problem arising from their work. Recently, ATL participated in research, conducted by the Centre for Research on Workplace Behaviours (Glamorgan Business School) into our members' experience of workplace bullying. The survey was completed by 3,643 ATL members. The full analysis is not yet complete and the findings are not yet ready for publication. However, some initial findings indicate that about a quarter of our members felt they had been bullied at work within the past two years and almost half believed they had witnessed bullying.

The survey confirmed ATL's experience that bullying is typically a "top down" phenomenon, with senior managers, head teachers or college principals identified as a perpetrator by just over half of those who were bullied. This was followed by line managers or heads of departments. Approximately one in ten of those who were bullied identified perpetrators who are not employed by the school/college, particularly pupils/students, parents, governors and local authority personnel.

It is hoped that the findings of the survey will be published during the summer of 2010.

### ***Recording and Reporting Incidents of Bullying Between Pupils***

Schools are already under a statutory duty to safeguard and ensure the well-being of their pupils. As public bodies, schools also have to comply with the requirements under existing equality legislation, in particular the public sector equality duties in relation to race, gender and disability, and a statutory requirement to have a race equality policy and monitor its impact on pupils, staff and parents. Furthermore, the Education and Inspections Act 2006 imposes a legal duty on schools to identify and implement measures to promote good behaviour, respect for others and self-discipline amongst pupils.<sup>13</sup>

These duties are not only linked with the duty to promote community cohesion but also with the Every Child Matters agenda which suggests that children's and young people's safety is a key foundation for being healthy, enjoying and achieving, making a positive contribution and achieving economic well-being. ATL believes that unless every member of the school community feels safe and valued, community cohesion and the motivation to make a positive contribution to that community remain a distant ideal.

The existing range and scope of duties on schools means that most schools will already be taking measures to record bullying incidents, but inconsistencies in legislation have meant that there are variations between schools in tackling all forms of bullying. In addition to promoting an inclusive ethos within the school, ATL agrees that keeping formal records of bullying incidents is an essential part of any successful anti-bullying strategy. We also believe that there are advantages in schools reporting this data to their local authority in order to access relevant support in their anti-bullying work or as a means to share effective practice with other schools in the area.

ATL welcomes the proposal to require schools' governing bodies and management committees of PRUs to send an annual report to their local authority which details the number of incidents and other relevant information in an anonymised form. We agree with the recommendation of the House of Commons Education and Skills Committee's Report on bullying which notes that school governors play a key role in effectively tackling all forms of bullying.<sup>14</sup> Governing bodies are not only a first formal recourse for parents wishing to raise concerns or make a complaint

in relation to any bullying incidents at the school, but they also act as a link between the school and its community.

Successful anti-bullying strategies recognise that tackling bullying and keeping children safe is a collective responsibility with wider implications for the entire community. ATL would therefore propose that the new duty to record and report incidents of bullying between pupils is placed on governing bodies rather than on head teachers.

ATL also encourages the designation of a 'champion' on the school's governing body to take responsibility for leading on the anti-bullying strategy of the school. Governing bodies should conduct regular reviews of the training needs of school staff and participate themselves in relevant anti-bullying training.

In order to ensure children's and young people's safety and welfare, ATL believes that all agencies and professionals who work with children and young people must share the responsibility to tackle all forms of bullying. Children's Trusts have a key role to play in facilitating a multi-agency approach to children's and young people's safety, and we welcome the transfer of responsibility for the local strategic Children and Young People's Plan to the local Children's Trust Board.

ATL is concerned, however, that the consultation document is virtually silent on the role boundaries and respective responsibilities of education staff and other professionals involved in the provision of extended services with regard to the new duty.<sup>15</sup> We also believe that the current proposals should not place a disproportionate emphasis on recording and reporting incidents of bullying at the expense of implementing appropriate action plans and monitoring the outcomes of any action. We fear that there may be a loss of confidence in the purpose of data collection if it is not followed by tangible action.

### **Recording of Incidents of Verbal and Physical Abuse Against School Staff**

ATL's publication "Bullying at Work" confirms that verbal and physical abuse can amount to bullying. The early indications of our recent survey (referred to above) are that many educational establishments are not equipped to address the bullying of adults and just over a third of those who responded felt that they worked in an environment which did not tolerate bullying.

ATL believes that the proposal to introduce an additional new duty to record incidents of physical or verbal abuse against school staff should not be limited to incidents involving registered pupils. Our survey indicate that one third of those who reported that they were bullied cited pupils/students, parents and governors as the perpetrators. In our view, incidents of physical or verbal abuse, whether on or off-site (including internet use) by current or former pupils/students, family members/carers and governors should be recorded. The information recorded should be included in information given to educational establishments to where the pupil/student has been transferred. We believe that this is in line with the overriding objective to keep all staff safe from bullying and harassment.

ATL notes the proposal that a “responsible member of staff” (the head teacher or SMT member) determines whether an incident falls within this category. We are of the opinion that while that someone has to take responsibility for the recording of incidents, agreement should be reached with the victim as to whether the incident falls within this category and in the event of dispute the victim’s view should prevail. Staff should be encouraged to report incidents and proper procedures in place to ensure that they receive proper support by the school or college.

### ***The collection of data by types of incidents***

The Education and Skills Committee’s report rightly notes that effective anti-bullying work depends on accurate and reliable data.<sup>16</sup> ATL agrees that this implies recording bullying incidents by type to facilitate targeted intervention. A 2007 ATL membership survey on homophobic bullying in schools and colleges, for example, asked respondents to identify the barriers to tackling homophobic bullying. The most frequently cited barriers included:

- a tendency to deal with homophobic behaviour more generally within the context of behaviour management; i.e. by merely stopping pupils from using homophobic language rather than also tackling the underlying culture;
- staff in schools and colleges being afraid to tackle homophobia for fear of ‘misinterpreting’ or ‘misjudging’ a situation, or being seen to ‘promote homosexuality’;
- Inconsistent reporting and recording procedures within schools and colleges, and a lack of follow-up; and
- A low prioritisation of homophobic abuse.<sup>17</sup>

Although 98% of schools have anti-bullying policies, only around 6% of schools currently have specific policies to deal with homophobic bullying. A requirement to record bullying incidents by type, in our view, will be an important step towards ensuring that bullying will be tackled in all its manifestations.

ATL welcomes the proposal to record all racist incidents. Despite legislation, there is a stubborn persistence of racist discrimination and bullying in our education system.<sup>18</sup> As the Macpherson Report has also shown, overt racism is often complemented by certain cultural and social processes. We are particularly concerned, for example, about research which shows pockets of deep ethnic segregation of schools which are often located in multi-faith and multi-cultural urban areas.<sup>19</sup> Furthermore, research by the Institute of Community Cohesion has found that there is a strong tendency, supported by residential segregation and parental choice policies, of parents withdrawing their children from schools with an increasing or greater proportion of pupils from different ethnic backgrounds.<sup>20</sup> A school’s duty to record all racist incidents, in our view,

therefore clearly signals a commitment to community cohesion as well as to the safety and welfare of all pupils and staff.

In the light of record levels of anti-Semitic incidents perpetrated in Britain last year and the rise of Islamophobia, ATL would also argue that the requirement to record all racist incidents should be levelled up, consistent with developments in equality legislation, to include incidents around religion or belief, but also SEN, disability, sexual orientation, gender and gender identity.<sup>21</sup> We believe that standardised forms to report and record different types of incidents should make provision for overlapping characteristics, for example, racist *and* sexist incidents. This may be done by enabling staff to identify the different characteristics of an incident by indicating the relevant features as applicable and then offering a fuller description of the incident.

### ***Identifying incidents of bullying and the need for anonymised data***

ATL agrees with the proposals in the consultation document that the collection of anonymised data is crucial to fostering “a culture where schools are encouraged to be open about incidents of bullying, have effective ways of dealing with bullying when it occurs and provide support to the victims of bullying”.<sup>22</sup> We strongly oppose any initiatives that would suggest to schools that reporting incidents of bullying would damage their reputation. ATL therefore expects that any actions taken by local authorities or Children’s Trusts as a result of the collection of data on the various forms of bullying, harassment and abuse would be across all schools in the area.

ATL also agrees that the anonymised data collected by local authorities and Children’s Trusts should be made available to central Government in order to allow for an analysis of national and regional trends. This data should also be made accessible, in our view, to education unions without necessitating requests under the Freedom of Information Act. We would not only consider this as an important signal of trust in the education workforce and its representatives, but also as evidence of an effective social partnership. Similar to our earlier argument about local authorities, we would expect the Government to commit to an action plan, including ring-fenced funding to support anti-bullying work in schools, based on the statistical analysis of the data.

To keep recording requirements to a manageable level in order not to potentially deter the recording of incidents due to workload, ATL proposes to reduce the essential information sought in relation to each incident to a description of the incident, including an indication of its type, the action taken, including who has dealt with the incident, and the outcome of any action taken. Categories such as the presence of bystanders and the involvement of gangs could be optional as applicable.

ATL would strongly caution against any assessment of the seriousness of an incident. Similar to the Stephen Lawrence Inquiry which defined a racist incident as “any incident which is perceived to be racist by the victim or any other person”, we believe that the recording of bullying

incidents must equally make provision for the perception of pupils or staff who experience bullying behaviour.<sup>23</sup>

Bullying is a complex and serious problem, which is often underestimated, misunderstood or played down. ATL believes that the greatest difficulty in tackling bullying effectively is the lack of a shared understanding of the nature and different forms of bullying. There is, for example, a tendency to suggest that bullying is merely 'boisterous behaviour' and 'playground banter'.<sup>24</sup> This, however, stands in stark contrast to a report by *ChildLine* which noted record levels of children's complaints about bullying to its helpline.<sup>25</sup> Similarly, an Ofsted inquiry into bullying in secondary schools found that children and young people see bullying as a more widespread and persistent problem than school staff or other adults.<sup>26</sup> This was also confirmed by a recent Stonewall report on homophobic bullying which noted that 65% of lesbian, gay or bisexual pupils experienced direct bullying, but only 23% have been told that homophobic bullying is wrong in their school.<sup>27</sup>

ATL therefore believes that there is a need for specific guidance and training for all education staff on identifying incidents of bullying to support the new statutory duty and ensure coherence in data recording and reporting. We also believe that the Government should set up a dedicated training and support programme to enable education staff to take consistent action against all forms of bullying, discrimination, harassment and abuse.

### ***Implications of the new statutory duty for the workload of education staff***

The proposed new duty will complement a range of other duties and requirements schools will already have to comply with, and ATL has some concerns over its implications for the workload of education staff. We would therefore suggest that the Government uses this opportunity to review, re-evaluate and streamline the existing collection of data by schools in line with new educational priorities.

ATL has consistently expressed concerns over the conflict between the vision and aspirations of the Every Child Matters agenda as opposed to the Government's 'Standards' policies in education. There is already sufficient evidence to show that intensifying competitiveness in education, through an emphasis on 'choice' not only divides local communities but also works against creating a culture of greater equity, fairness and social justice.<sup>28</sup>

Our schools and colleges are an important indicator of the core values within our society. Where schools are held accountable individually through institutional performance tables based on attainment data rather than equality outcomes, education staff are insufficiently supported in tackling bullying in all its manifestations and educating the whole child with an emphasis on social, moral and emotional learning that prioritises respect for the equality and dignity of all people regardless of their background.

ATL also believes that there is a need to recognise the important role schools play as centres of their communities and the key contribution made by the education workforce towards greater community cohesion which go far beyond a narrow, subject-confined understanding of teaching and learning. The range of duties on schools clearly indicate the wide remit and responsibility of education staff which needs to be reflected, in our view, in radically improved pay and conditions for the education workforce.

Sharon Liburd / Daniela Wachsening  
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#### **ENDNOTES:**

<sup>1</sup> I. Warwick et.al., Homophobia, Sexual Orientation and Schools: A Review and Implications for Action, DFES Research Report RR594, (2004) and I. Rivers, 'The Bullying of Sexual Minorities at School: Its Nature and Long-Term Correlates' in *Educational and Child Psychology*, 18 (1), (2001), pp.32-46.

<sup>2</sup> BBC News, '71% of pupils admit being a bully', 24 February 2008.

<sup>3</sup> Ofsted, *Bullying: Effective Action in Secondary Schools*, London, (2003).

<sup>4</sup> Teachernet, Definitions of bullying, available at <http://stg.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/racistbullying/introduction/termsanddefinitions/definitions> and BBC News, '71% of pupils admit being a bully', 24 February 2008.

<sup>5</sup> BBC, 'Teachers report 'racist bullying'', 23 April 2009.

<sup>6</sup> The Independent, 'Pupils are bullied for their beliefs', 17 November 2008.

<sup>7</sup> Mencap, 'Don't stick it – stop it', London, (2007).

<sup>8</sup> L. Dalley-Trim, J. Smith, 'Boys, Peers and Fear: The Negative Influence of School-Based Cultural Accomplices in Constructing Hegemonic Masculinities' in *Gender and Education*, 19 (2), (2007), pp.179-198; R. Pattman et.al., 'Boy Zone: Boys Talk About Girls and Masculinity' in *Young Minds*, 59, (2002), pp.28-30; C. Thurlow, 'Naming the 'outsider within': Homophobic Pejoratives and the Verbal Abuse of Lesbian, Gay and Bisexual High-School Pupils' in *Journal of Adolescence*, 24, (2001) p.26,

<sup>9</sup> Stonewall, *The Teacher Report: Teachers' perspective on homophobic bullying in Britain's primary and secondary schools*, (2009).

<sup>10</sup> Cf. C. Skelton, *Schooling the Boys*, (Buckingham: Open University Press, 2001), L. Dalley-Trim, 'The boys present... Hegemonic masculinity: a performance of multiple acts' in *Gender and Education*, 19 (2), 2007, pp.199-217, D. Epstein, 'Cultures of schooling/cultures of sexuality' in *Inclusive Education*, 1 (1), 1997, pp.37-53; and C.Oliver and M. Candappa, *Tackling Bullying: Listening to the Views of Children and Young People*, DFES Research Report, no. 400, March (2005).

<sup>11</sup> ATL, 'Doing Gender' – ATL survey report on aspects of sex/gender identity and homophobia, July 2007.

<sup>12</sup> ATL, 'Hitting Home' – ATL survey report on

<sup>13</sup> Cf. DCSF, Homophobic Bullying - Guidance, London, (2007), p.5.

<sup>14</sup> House of Commons, Education and Skills Committee, *Bullying – Third Report of Session 2006-2007*, p.38.

<sup>15</sup> Cf. ATL, Extended Services, position statement, March 2010.

<sup>16</sup> Ibid., p.35.

<sup>17</sup> ATL, 'Doing Gender'

<sup>18</sup> Cf. London Met, Experiences of BME teachers, 2006.

<sup>19</sup> BBC, "'Deep ethnic segregation' mapped in England's schools', 20 January 2010.

<sup>20</sup> Guardian, 'Segregation in schools fuelled by 'white flight', report warns', 10 July 2009.

<sup>21</sup> Reuters UK, 'Anti-Semitic incidents rise to record', 5 February 2010.

<sup>22</sup> House of Commons, Education and Skills Committee, *Bullying – Third Report of Session 2006-2007*, p.40.

<sup>23</sup> The Stephen Lawrence Inquiry, The Report of an Inquiry by Sir William Macpherson of Cluny, February 1999, p.328.

<sup>24</sup> DFES Conference on Countering Racist Bullying, 'Overheard', conference paper 7, 24 March 2005 and Daily Mail, "'Bullying' can be good for you – leave pupils to sort out spat, says expert", 30 January 2009.

<sup>25</sup> ChildLine, *Casenotes about Sexual Orientation, Homophobia and Homophobic Bullying*, August 2006.

<sup>26</sup> Ofsted, *Bullying: Effective Action in Secondary Schools*, London, (2003).

<sup>27</sup> Stonewall, The School Report, The experiences of young gay people in Britain's schools (2007).

<sup>28</sup> Cf. Centre for Equity in Education, *Equity in Education – New Directions*, (University of Manchester, 2007).