

Support from the Top v Top-down Prescription: tensions over preventing and responding to prejudice-related bullying

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On 2 March 2011 the Equality and Human Rights Commission (EHRC) launched a major research report on prejudice-related bullying in schools.¹ The research aimed to establish what is being done by local authorities (LAs) to prevent and respond to different types of identity-based bullying in schools and the wider community.

Specific identity areas covered in the questionnaire were: race and ethnicity; Gypsy/Roma/Travellers; asylum seekers and refugees; religion and belief; learning disabilities and difficulties; disability; sexual identity and orientation; gender; gender identity. These areas reflect key equality strands and some sub-divisions of these strands (such as Gypsy/Roma/Travellers, asylum seekers or refugees and learning disability) which the EHRC identified as representing the groups likely to be at risk of experiencing bullying.

Introducing the report to an audience drawn from prominent specialist practitioners in the field of combating prejudice-related bullying in schools, Baroness Prosser, Chair of the Commission, said 'We wanted to see action to reduce the incidence of homophobic, transphobic, disability and religion-based bullying.' It is encouraging to see that this statement shows the EHRC and the government sharing the same aims.

The research showed that identity-based bullying is widespread, that it starts early, with nearly 50% of children aged 6 to 10 being bullied, and with 40% of those reporting being bullied at least once a week. Baroness Prosser pointed out that students being bullied are 15% less likely to achieve 5 A*-C grades at GCSE. The report presses for more and continuing evidence to be available: 'If you can't see a problem, you can't deal with it.' Here again there is a strong

accord with the government agenda in the Education Bill for transparency of information.

The report found that racist bullying is the most widely recognised and addressed of all forms of identity-based bullying, and that schools and local authorities saw this as a direct result of statutory duties and government guidelines. In fact, local authorities asked for *more* government guidance. The EHRC report is in disagreement with the government's intent to drastically reduce their suite of guidance for dealing with prejudice-related bullying. Evidence in the report was that preventative identity-based bullying guidance published by central government was mostly reported as being useful or very useful to LAs. Guidance regarding racist, homophobic and disablist bullying in particular appeared well received, with one third of LAs stating that each had been very useful. They also appreciated DCSF's *Safe to Learn* (2006) suite of guidance.

We see here a fundamental difference in the government perception of the guidance as being too prescriptive, and the local authorities' view of government guidance as being a much needed support. The EHRC research found that some LAs stated they did not have the time or the capacity to produce guidance of this nature. Furthermore, in view of the sensitivity of such issues, and the new and pernicious forms of bullying such as cyberbullying, and new understandings of the nature of different strands of identity-based bullying, and new statutory requirements on schools arising from equalities legislation, the LAs welcomed and, more than this, needed not only government guidance but clear government support. Some said that such guidance would enable them to produce their own local documents, as the government recommends.

In the subsequent discussion with the schools minister, Nick Gibb MP, leaders in the field of prejudice-related bullying made the same point time and time again about the need for guidance and a government lead on this issue. They talked about the value of the guidance, and described how difficult it was for schools to deal with the sensitive issues. The minister seemed not to be hearing them. His standard response was that the government did not want to be prescriptive – and this in spite of his statement that ‘some issues are out in the open, but teachers do not know how to deal with them’.

Mr Gibb, are you listening? **Can you not see a difference between the notion of top-down prescription and the need for support from the top? Could you reconsider the government position in respect of this sensitive issue?**

Also relevant to discussion of the Education Bill is another section of the EHRC report, because it impacts on the government agenda on monitoring information: It is essential for monitoring and reporting of prejudice-related bullying and incidents to be included in the government programme of transparency of information and for there to be consistent requirements across local authorities. Only in this way can the government keep informed of trends, developments, success stories and areas for concern, and use this information to inform their strategies and policies. Racist incident reporting requirements are widely acknowledged to have been responsible for raising awareness of racism and racist bullying and strengthening the drive to address them. It is to be hoped that the new government will now address the other areas of prejudice-related incidents and bullying that have so far been neglected.

In doing so, the government would have the support of local authorities. Tables in the EHRC report indicate that some LAs already extend the racist incidents procedures to other forms of prejudice-related incidents, and that most of them are in favour of extending recording and reporting. The report includes a number of positive statements from LAs about the value and purpose of doing so.

The launch of the EHRC report was timely, as it came at the committee stage of the Education Bill, with its stated aims of combating prejudice-related bullying. The meeting welcomed the government’s aims in this respect, and had broadly four requests:

- the need for support through government guidance
- the need for support through government directive
- the need to support and inform teachers on the issues and the requirements on training is this right?
- the need to extend racist incident recording and reporting to the other protected characteristics.

The EHRC research identified the role played by policy and guidance in directing identity-based anti-bullying work and in directing attention to particular areas.

In his speech at the launch of the EHRC report, the schools minister said that tackling poor behaviour and bullying is a priority for this government. He pointed out that a majority of pupils can have their learning compromised by the behaviour of a minority who consistently disrupt lessons. He went on to say that children who are bullied are less likely to achieve or to attend extra-curricular activities, and are otherwise disadvantaged

The phrase ‘behaviour and bullying’ crops up frequently in discourse about the Education Act proposals, but poor and disruptive classroom behaviour is not all bullying and neither is all of it carried out by pupils who bully. **It would be helpful to have a clear definition of the overarching term ‘behaviour’ in the Act.**

The strong statements made in the White Paper on the government’s intention to tackle prejudice-related bullying are welcome. Three bullying relationships in school are implicitly – if not explicitly – acknowledged: pupil to pupil, teacher to pupil and pupil to teacher.

The statement in the White Paper of the government’s intention in to ‘empower head

teachers to take a strong stand against bullying, especially racist, homophobic and other prejudice-based bullying' is very welcome, and an important acknowledgement of the serious hurt caused by prejudice related bullying. The Paper says it will:

'strengthen head teachers' authority to maintain discipline beyond the school gates, improve exclusion processes and empower head teachers to take a strong stand against bullying, especially racist, homophobic and other prejudice-based bullying.' Also *'The White Paper proposes to 'act to restore the authority of teachers and head teachers, so that they can establish a culture of respect and safety, with zero tolerance of bullying, clear boundaries, good pastoral care and early intervention to address problems.'*

However, if this means that in practice headteachers will be encouraged to issue stronger sanctions such as exclusions, this is not entirely satisfactory. The procedures for prevention must be included, also the procedures for recording and reporting incidents in order to monitor what is happening at school, local authority and national levels. There also needs to be explicit provision for preventative measures, and different models of addressing bullying. Not all pupils who bully should be written off. They need to be educated, and enabled to overcome their bullying behaviour and their prejudices. Only if all this fails should the school resort to exclusion. The role of prevention links also to the provisions on curriculum, and in particular to the proposals on Citizenship Education, and PSHE.

The government's intention to *'strengthen head teachers' authority to maintain discipline beyond the school gates,'* is a welcome statement, since much of the bullying pupils experience from their peers takes place on journeys to and from school, or just outside the school gates. Often it is not reported to the school, or perhaps headteachers are not aware of their powers or duty to deal with bullying in these situations. Provisions in the White Paper will help empower headteachers to extend their support for their pupils outside the school gates.

Overall, the government says it wants to support teachers – and this aim has to be welcome. However, different contexts need different kinds of support, and the lack of what the government refers to as prescription is not the most effective or desired support in every case.

A note on exclusions processes

The White Paper proposes to change the exclusions process. It also points to serious issues of inequality *'We must also address serious issues of inequality – both black boys and pupils receiving free school meals are three times more likely to be excluded than average.'* However it does not draw the conclusion that such inequalities should be examined and addressed. This is a serious omission – the more so because of the new context of changes in the exclusions process.

The Education Act will change the exclusion process to abolish the right to overturn a decision to exclude a pupil. The disproportionate exclusions of pupils from certain groups is well documented. African and Caribbean pupils, pupils from Gypsy, Roma and Traveller backgrounds, and pupils with special educational needs are all more likely to be excluded than pupils from other backgrounds. This proposal will therefore have a disproportionate adverse effect on these pupils, and should be looked at in the light of equalities legislation. Review bodies are to be set up, but it is unclear what the outcome might be from appeals to such bodies, if the possibility of reinstatement becomes unavailable. In the current situation, very few appeals overturn decisions (a figure of 2% has been cited) and there are many stories of pupils who have been wrongly excluded, often on grounds of inaccurate information. A notable case is that of racing driver Lewis Hamilton. The potential for injustice has to be weighed up against the feeling teachers have of being undermined by a decision to readmit – but surely the possibility of this happening should not provoke the blanket retraction of the right of all pupils to be heard and argue their case. We are after all are talking about a young person's entire life chances. And it is unlikely that a pupil who has

committed a serious or violent offence would have his or her appeal upheld.

To be fair, the Act does assert: *'We must also address serious issues of inequality – both black boys and pupils receiving free school meals are three times more likely to be excluded than average. Giving teachers the power to intervene early and firmly to tackle disruptive behaviour can get these children's lives back on track. And by improving the quality of education for those children who are excluded we can ensure they are given a necessary second chance, and provided with the means to turn their lives around.'*

Unfortunately though, there is no indication of how this should be achieved. **Again, the proposals are more explicit on sanctions than on prevention.**

The Act proposes that schools will retain responsibility for pupils they are excluding, and that their exam results will remain part of the school's overall results. This is at first sight a clever and quite appealing provision, and warrants a cautious welcome. The caveat, however, is to wonder: what if the school has already decided that the pupil is going to fail anyway? Is that part of the equation by which the school weighs up the pros and cons of attempting to support a pupil in school or to exclude them?

Most pupils attending pupil referral units do not go on to higher education, and this is another worrying outcome of the changes in the exclusions process, since they are likely to disproportionately affect pupils from black pupils and pupils with special educational needs. Already minority ethnic community organisations are discussing setting up their own pupil referral units to try to overcome this disadvantage.

Overrepresentation in exclusions of pupils from black and minority ethnic backgrounds has knock-on effects in areas other than education. Such pupils are, for example, more likely to be subject to police stop and search and stop and account procedures.

Conclusion

Finally, it is useful to return to the issue of prescription versus support. There are many ways in which the new legislation could be underpinned and made more positive through the government providing support to schools. Amongst the most useful would be:

- providing targeted inservice and initial teacher training to carry out all aspects of the behaviour agenda described in the forthcoming Act
- implementing the proposal in the White Paper to focus Ofsted inspection more strongly on behaviour and safety, including bullying, as one of four key areas of inspections
- maintaining the suite of guidance on preventing and responding to prejudice-related bullying, and enhancing and adapting it to conform to current and proposed education and equalities legislation and guidance
- setting out clear government requirements on schools to take account of equalities issues, including recording and reporting prejudice-related incidents and bullying
- issuing guidance on what monitoring information schools should be collecting and publishing to ensure equality of outcome for pupils

By giving support of this kind, the government will be empowering headteachers to implement the best practice in obtaining equal outcomes for their pupils, and giving skills, information and confidence to the teachers in the classroom.

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Note

- 1 *Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales* by Neil Tippett, Catherine Houlston and Peter K. Smith, Unit for School and Family Studies, Goldsmiths, University of London, http://www.equalityhumanrights.com/uploaded_files/research/64_identity_based_bullying.pdf.