

OPINION

How to deal with bullying in schools

Bullying is still a common occurrence within New Zealand schools.

Fortunately, there are many things schools can do to help prevent or resolve bullying issues.

Schools' legal duties

Schools have obligations they need to meet to prevent bullying.

Each school and its board of trustees is required to provide a safe physical and emotional environment for students.

That means schools should be bully-free.

As well, under the Health and Safety in Employment Act 1992, schools are legally obligated to take all practicable steps to ensure no harm befalls their students. Schools that tolerate bullying or take no action, could face prosecution for breaches of health and safety legislation.

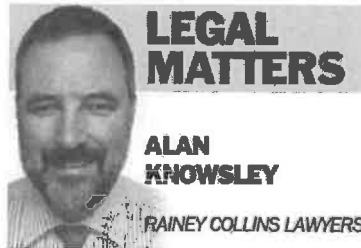
The Teachers Council places an ethical obligation on all registered teachers to prevent bullying. Complaints can be issued against teachers seen to be acting or failing to act in a way that breaches their code of ethics.

Pro-active policies

Policies empower staff, pupils, and parents if they:

- Set out commonsense proactive measures designed to prevent bullying behaviours.
- Establish processes for recognising and responding to bullying in the classroom or the playground.
- Cover all common types of bullying (including lower level instances, physical bullying, cyberbullying and bullying that raises human rights issues).
- Set out processes for evaluation of common bullying issues and appropriate responses.
- Provide clear and fair processes when escalation is necessary. That includes processes for disciplinary actions against those found to be instigating bullying.

It is important any policies put in place by a school achieve buy-in from the wider school community. Schools should engage in an active consultation process when designing policies.



LEGAL MATTERS

ALAN KNOWSLEY

RAINEY COLLINS LAWYERS

school community, and should be readily available for anyone who wants to consult them. There should be a copy of the policy available on the school's website, at the school office and in each new student's enrolment pack.

Respect for the victim

Staff need to be trained to ensure those who report or are victims of bullying behaviour can expect the school to:

- Acknowledge their complaint, and take it seriously.
- Investigate to quickly get to the bottom of what's going on, and why.
- Follow up by taking the appropriate steps under the relevant policies and processes.
- Communicate each step of the way, so the victim or complainant knows what the school is doing.

Respect for the instigator

Schools provide a sense of community for all their children.

When dealing with those who have instigated bullying, a broad view is best and staff should be empowered by policies that allow them the flexibility to address what might be going on in the background.

Rights of natural or procedural justice also apply if disciplinary action is initiated.

Discipline outcomes

It is important to obtain a full understanding of what happened and how it fits into the school's policies and processes.

For lower-level incidents, teachers may simply talk to those involved or give the instigator a detention or, in more serious cases, refer the dispute to the principal.

At that point other disciplinary actions might be considered.

that happens, a full process must be adequately followed to ensure rights are respected.

The school board can also deal with exclusions and expulsions if the matter is serious enough. Once again, a full and fair process must be followed.

To fully address bullying, schools need to be comprehensive in their response.

External agencies and support

In some cases, another agency may need to be involved.

For example, with bullying involving sexual orientation, gender, race or disability, it may be appropriate to contact the Human Rights Commission.

In other cases, wider issues might be at play and it may be appropriate to contact the police or Child Youth and Family.

The Education Review Office, Ministry of Education, New Zealand School Trustees Association, Human Rights Commission and Office of the Ombudsman also have resources available to help schools handling complex bullying problems.

It may also be appropriate to contact the school's legal advisers.

Complaints processes

If parents are not satisfied with the way the school has handled a bullying problem, an effective complaints process can help ensure issues are adequately addressed at a lower level.

Parents might broach the subject with the board of trustees through a written complaint. If they do, they should be invited to any meetings where the issue will be discussed.

Parents may also complain to the Education Review Office, Ministry of Education, Ombudsman or the Human Rights Commission.

Schools should engage in any process in a proactive manner and take advice at an early stage from the School Trustees.

■ Column courtesy of Rainey Collins Lawyers, phone 0800 733484. If you have a legal

Policies should also be They could include stand- inquiry, email
communicated to the wider downs and suspensions. Where aknowsley@raineycollins.co.nz.
