



Ballsbridge College of Further Education

Coláiste Breisoideachais Droichead na Dothra

Ballsbridge College

Anti-Bullying Policy

&

Procedures

January 2014

1. In accordance with the requirements of the Education (Welfare) Act 2000 and the code of behaviour guidelines issued by the National Educational Welfare Board (NEWB), the Board of Management of **Ballsbridge College of FE** has adopted the following anti-bullying policy within the framework of the school's overall code of behaviour. This policy fully complies with the requirements of the *Anti-Bullying Procedures for Primary and Post-Primary Schools* which were published in September 2013. This policy comprehends bullying that is either perpetrated by students or experienced by students in the College. The matter of intra-staff bullying is addressed in the following ETB policies.
 - Bullying Prevention Policy – Compliant Procedure for ETB Staff.
 - Harassment/Sexual Harassment prevention policy – complaint procedure for ETB staff.

2. The college's Board of Management recognises the very serious nature of bullying and the negative impact that it can have on the lives of pupils and is therefore fully committed to the following key principles of best practice in preventing and tackling bullying behaviour:
 - A positive college culture and climate which-
 - is welcoming of difference and diversity and is based on inclusivity;
 - encourages students to disclose and discuss incidents of bullying behaviour in a non-threatening environment; and
 - promotes respectful relationships across the school community;
 - Effective leadership;
 - A school-wide approach;
 - A shared understanding of what bullying is and its impact;
 - Implementation of education and prevention strategies (including awareness raising measures) that-
 - build empathy, respect and resilience in students; and
 - explicitly address the issues of cyber-bullying and identity-based bullying including in particular, homophobic and transphobic bullying.

- Effective supervision and monitoring of students;
- Supports for staff;
- Consistent recording, investigation and follow up of bullying behaviour (including use of established intervention strategies); and
- On-going evaluation of the effectiveness of the anti-bullying policy.

3. In accordance with the *Anti-Bullying Procedures for Primary and Post-Primary Schools* bullying is defined as follows:

Bullying is unwanted negative behaviour, verbal, psychological or physical conducted, by an individual or group against another person (or persons) and which is repeated over time.

The following types of bullying behaviour are included in the definition of bullying:

- deliberate exclusion, malicious gossip and other forms of relational bullying,
- cyber-bullying and
- identity-based bullying such as homophobic bullying, racist bullying, bullying based on a person's membership of the Traveller community and bullying of those with disabilities or special educational needs.

Isolated or once-off incidents of intentional negative behaviour, including a once-off offensive or hurtful text message or other private messaging, do not fall within the definition of bullying and should be dealt with, as appropriate, in accordance with the college's code of behaviour.

However, in the context of this policy, placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people will be regarded as bullying behaviour.

Negative behaviour that does not meet this definition of bullying will be dealt with in accordance with the college's code of behaviour.

Additional information on different types of bullying is set out in Section 2 of the *Anti-Bullying Procedures for Primary and Post-Primary Schools*.

Those who bully others in a non-physical way often do not realise that their actions may have serious legal consequences for them. **The reality, however, is that bullying may constitute a criminal offence.**

For example, bullying may constitute a criminal offence under **Section 10** of the **Non-Fatal Offences against the Person Act 1997**.

Section 10 of this act deals with harassment and provides that a person may be guilty of this crime if s/he:

'... without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her.

'For the purpose of this section, a person harasses another where-

- (a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other's peace and privacy or causes alarm, distress or harm to the other, and*
- (b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other'.*

Section 10 harassment is an arrestable offence and, if convicted on indictment, carries a jail term not exceeding 7 years. On conviction also, a court may make an order that the guilty party may not, for a specified period, communicate by any means, or come within a specified distance of a person's home or workplace.

Section 2 of the Prohibition of Incitement to Hatred Act (1989) makes it a criminal offence for a person *to publish or distribute written material, to use words, behave or display written material ... or to distribute, show or play a recording of visual images or sounds, if the written material, words, behaviour, visual images or sounds, as the case may be, are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred.*

Those convicted on indictment under this provision may be sentenced to a maximum of two years imprisonment and/or a fine of up to £10,000.00.

Even where bullying does not amount to a criminal offence, the perpetrator may be held liable for damages in civil court proceedings. For example, **statements made on social media sites are covered by the provisions of the Defamation Act 2009**, which at Section 2 defines a defamatory statement as ‘one which tends to injure a person’s reputation in the eyes of reasonable members of society’.

Many, young and not so young, seem to feel that by posting anonymously on social networking sites, they can guarantee that their identity is protected. This, however, is not the case. Indeed, in many cases the content of messages makes it easy to identify the perpetrator. In any case, where the Gardaí have grounds for believing that criminal activity may be occurring, applications can be made to the courts requiring the internet service provider or others in possession of relevant information to divulge a perpetrator’s identity. Where it is felt that bullying may amount to a criminal act, the college will seek legal advice and the matter will be reported to the Gardaí.

The college makes it clear to all members of the college community that bullying of any kind is unacceptable, irrespective of whether it is a student a staff member or any other person that is the subject of such behaviour. In this context, all members of the college community have a duty to bring to the attention of the Principal or Deputy Principal any incident of cyberbullying or harassment that they know about or suspect.

4. The relevant persons responsibility for investigating and dealing with bullying in the college are as follows:
- Deputy Principal
 - Principal