



**Joint Committee on Education, Further and Higher Education,
Research, Innovation and Science:
'School Bullying and the Impact on Mental Health'**

**Submission by the Ombudsman for Children's Office
19 February 2021**

1. Introduction

- 1.1. The Ombudsman for Children's Office (OCO) welcomes the decision taken by the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science (Joint Committee) to include the issue of school bullying and its impact on mental health in its Work Programme for 2021.¹ We also appreciate the Joint Committee's invitation to the OCO on 5 February 2021 to make a submission to inform its examination of this topic.
- 1.2. As the Joint Committee is aware, the OCO is an independent statutory body which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act (as amended), the OCO has two core statutory functions:
- to promote the rights and welfare of children up to 18 years of age
 - to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and voluntary hospitals that have or may have adversely affected a child.
- 1.3. The OCO is making this current submission in accordance with our statutory duties under sections 7(1)(b), 7(1)(c), 7(1)(e) and 7(4) of the 2002 Act. The purpose of this submission is to briefly highlight a number of issues relating to school bullying and children's mental health that have arisen in the context of our work. We hope that the Joint Committee will give due consideration to these matters in the context of its current examination of school bullying and its impact on mental health.
- 1.4. In light of Ireland's obligations under international children's rights standards, the OCO encourages **the Joint Committee approach the topic of school bullying involving children**

¹ Joint Committee on Education, Further and Higher Education, Research, Innovation and Science (2021), [Work Programme 2021](#), p.4.

and its impact on children’s mental health as a children’s rights issue. In this regard, bullying involving children needs to be recognised as a phenomenon that infringes children’s right to freedom from all forms of violence and that it can have an injurious impact on children’s inherent dignity and enjoyment of their other rights. Having regard to the UN Convention on the Rights of the Child (UNCRC),² which Ireland ratified in 1992, these rights include children’s rights to non-discrimination (Article 2); to life, survival and development (Article 6); to privacy (Article 16); to the highest attainable standard of health, including mental health (Article 24); and to education (Article 28).

- 1.5. The status of bullying involving children as a children’s rights issue of international importance and concern is indicated by, for example, resolutions adopted by the UN General Assembly on protecting children from bullying³ and by the considerable attention given to the matter by the UN Special Representative of the Secretary General on Violence Against Children.⁴ The establishment in 2020 of the ‘International Day against Violence and Bullying at School, including Cyberbullying’⁵ can be seen to highlight both the extent to which schools can be a site of bullying and the important role that schools can play, and must be supported to play, in combating bullying involving children. In this regard, it is notable that the List of Issues Prior to Reporting (LOIPR) that the UN Committee on the Rights of the Child (UN Committee) published in November 2020 in respect of Ireland includes a request for information about measures taken to tackle bullying, with particular reference made to cyberbullying and bullying in schools.⁶

2. Prevention and early intervention: hearing the views of children and young people

- 2.1. As the Joint Committee is aware, Article 12 of the UNCRC provides that children have a right to express their views freely in all matters affecting them and to have due weight given to their views, in accordance with their age and maturity. In its General Comment on the right of the child to be heard, the UN Committee advises that affording weight to children’s views is particularly important in a number of areas, including the prevention of bullying.⁷ In this regard, **the OCO urges the Joint Committee to engage directly with children and young people so that their perspectives and ideas can inform the Committee’s deliberations.**
- 2.2. In 2012, the OCO published a report arising from a consultation that we undertook with over 300 children and young people about dealing with bullying in schools.⁸ While this

² United Nations (1989), [Convention on the Rights of the Child](#).

³ The most recent resolution on protecting children from bullying was adopted by the UN General Assembly in 2018. See <https://undocs.org/pdf?symbol=en/A/RES/73/154>.

⁴ For more information, go to <https://violenceagainstchildren.un.org/content/bullying-and-cyberbullying-0>.

⁵ For more information, go to <https://en.unesco.org/commemorations/dayagainstschoolviolenceandbullying>.

⁶ UN Committee on the Rights of the Child (2020), [List of Issues prior to submission of the combined fifth and sixth reports of Ireland](#), para. 19(h).

⁷ UN Committee on the Rights of the Child (2009), [General Comment No.12: The right of the child to be heard](#), para. 109.

⁸ Ombudsman for Children’s Office (2012), [Dealing with Bullying in Schools: A Consultation with Children and Young People](#).

consultation took place almost ten years ago, we are of the view that the perspectives shared by participating children and young people remain relevant and we encourage the Joint Committee to revisit this report.

2.3. The purpose of this consultation was to hear children and young people's views and ideas about actions that they felt could contribute to dealing effectively with bullying among children in school. Taken together, their viewpoints suggest that work with and by schools in relation to this matter can benefit from a two-strand approach comprising prevention and intervention strategies. Among the notable aspects of the views shared by children and young people are:

- the strong emphasis they placed on preventive measures and, in particular:
 - initiatives dedicated to raising awareness and understanding of bullying among children and young people
 - programmes focused on tackling discriminatory attitudes that can give rise to bullying and on developing children's appreciation of and respect for diversity
- their broadly shared view that schools and professionals working in schools have an important role to play in supporting children and young people to:
 - understand bullying and its underlying causes
 - raise concerns and speak up about bullying
 - actively participate in the development, implementation and review of anti-bullying measures, including relevant school policies and procedures and whole school actions and initiatives.

2.4. Having regard to the Joint Committee's current focus on the impact of bullying on mental health, it is also worth noting that children and young people who participated in this consultation were particularly emphatic about the importance of supporting children and young people to understand the hurt and harm that bullying can cause, including the immediate and longer term physical, psychological and emotional effects that bullying can have on a child.

2.5. More recently, the OCO conducted a consultation with young people under 18 years receiving inpatient care and treatment for their mental health.⁹ Implemented in 2017, the consultation supported young people to share their views about mental health services arising from their experiences as services users of engaging with primary care services through to specialist inpatient services. It was notable that, although the consultation focused on mental health services, participating young people chose to include a focus on education and schools. In this regard, the young people spoke about the importance of school staff (principals, deputy principals, teachers and counsellors) having sufficient knowledge about mental health to be able to support young people in relation to their mental health and wellbeing, including young people experiencing mental health difficulties.

⁹ Ombudsman for Children's Office (2018), ['Take My Hand': Young People's Experiences of Mental Health Services](#).

2.6. This focus on the role of education and schools carried over into changes which the young people felt could improve supports for young people's mental health. Similar to the children and young people who shared their views with us about dealing with bullying in schools, these young people placed considerable emphasis on prevention and early intervention measures. Identifying school as a site for awareness raising, education and support in relation to young people's mental health and wellbeing, they made a range of recommendations, including:

- Schools should offer regular workshops and awareness days as part of a mental health education programme for students and staff. Speakers on mental health and mental health specialists should visit schools to increase awareness of mental health among staff, students and families.
- Young people who are related to or friends with students experiencing mental health issues should have access to support and information from counsellors and therapists in school.
- Senior students should be supported to provide peer education to combat common stereotypes and help overcome the stigma of mental health difficulties.
- Additional therapists or guidance counsellors should be made available to alleviate the anxiety of having to wait for long periods of time to see a suitable person in school. Young people with serious mental health issues should have access to regular appointments in school with a counsellor or therapist.

2.7. The OCO welcomes the increased attention that has been given in recent years to supporting children's mental health and wellbeing and the research, initiatives and programmes that are being developed and implemented both to promote children's wellbeing and to address issues, including bullying and cyberbullying, that can have a corrosive impact on children's mental health. We are of the view that prevention and early intervention measures are a key component of an effective response to school bullying involving children, including as regards its impact on mental health. Accordingly, **the OCO encourages the Joint Committee to include a strong focus on prevention and early intervention in the context of its current examination. In this regard, we suggest that particular attention should be given to:**

- **training, resourcing and support measures that can strengthen the capacity of professionals working with children and young people in schools**
- **how prevention and early intervention measures can be coordinated and mainstreamed effectively in and across the formal education system.**

3. Oversight, monitoring and evaluation

3.1. The Action Plan on Bullying published in 2013 included a recommendation that the Inspectorate of the Department of Education (formerly the Department of Education and Skills) should lead a thematic evaluation of bullying in schools, in collaboration with relevant partners and involving a sample of primary and post-primary schools. The

recommended purpose of this proposed evaluation was to assess the effectiveness of actions taken by schools to create a positive school culture and to prevent and tackle various forms of bullying, including homophobic bullying.¹⁰ As far as the OCO is aware, this thematic evaluation has never been implemented.

3.2. Of additional concern is that the Department of Education has not reviewed its 2013 Anti-Bullying Procedures for Primary and Post-Primary Schools.¹¹ Furthermore, the Department does not collate schools' records of bullying incidents among children. As a result, it appears that an opportunity is being missed to generate data at national level that could usefully inform the development of measures to strengthen how bullying is addressed in and by schools.

3.3. In this regard, it is worth noting that the UN Committee's LOIPR for Ireland published in November 2020 includes a request for information from the State about measures taken to improve the collection and quality of disaggregated data on the implementation of the UNCRC, including on child victims of violence, sexual exploitation and abuse, and bullying. Furthermore, the UN Committee has requested disaggregated data from the State about cases of bullying and harassment in schools.¹²

3.4. In light of the above, the OCO encourages the Joint Committee to include the matter of oversight, monitoring and evaluation in its current examination and, specifically, to seek to establish what actions the Department of Education has taken and is proposing to take to:

- **monitor and evaluate schools' implementation of the 2013 Anti-Bullying Procedures for Primary and Post-Primary Schools**
- **review the 2013 procedures**
- **improve the collection, collation and analysis of data about bullying in schools involving children and young people.**

4. Complaints to the OCO concerning bullying in schools

4.1. Schools' handling of bullying among children is a recurring theme in education-related complaints to the OCO.¹³ In this regard, we continue to see variations in schools' capacity to address complaints and disclosures with due regard to the best interests of the children concerned.

¹⁰ Anti-Bullying Working Group to the Minister for Education and Skills (2013), [Action Plan on Bullying](#), p. 110.

¹¹ Department of Education and Skills (2013), [Anti-Bullying Procedures for Primary and Post-Primary Schools](#).

¹² UN Committee on the Rights of the Child (2020), [List of Issues prior to submission of the combined fifth and sixth reports of Ireland](#), para. 7(a)(i) and para. 43(c).

¹³ See OCO's [annual reports](#).

The OCO is also concerned about the lack of a clear, proactive process on the part of relevant State agencies to engage with schools when children are removed from school due to unresolved bullying concerns.

Our experience of dealing with school-related complaints, including complaints concerning schools' handling of bullying, highlights the need for an effective statutory framework for school grievance procedures. As such, the Education (Student and Parent Charter) Bill 2019,¹⁴ which is currently at Second Stage in Dáil Éireann and is listed in the Legislation Programme for the Spring Session 2021, should be progressed as a matter of priority.

The OCO encourages the Joint Committee to seek comprehensive information from the Department of Education in relation to:

- a) mechanisms to review the efficacy of schools' complaint-handling procedures, including to address complaints about alleged bullying**
- b) measures taken to support schools when bullying also involves serious child protection and welfare factors, to ensure the follow-up processes have regard to the best interests of all children involved.**

¹⁴ [Education \(Student and Parent Charter\) Bill 2019](#).