

Legal Regulation & Education: Doing the Right Thing?

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Making schools responsible for cyberbullying amongst young people: Are we doing the right thing?

This paper aims to comment upon the impact of the Education Act 2006 and the Education and Inspections Act 2011 in terms of how schools deal with cyberbullying, and contrast the new responsibilities given to schools against fundamental rights belonging to the child.

Cyberbullying behaviour perpetrated by adults is often prosecuted as a crime. The same type of behaviour committed by young people is normally treated as a behavioural problem. The Crown Prosecution Service has publicly stated that prosecutions of children for bullying behaviour over social media will be rare.

Although parents are first and foremost responsible for the welfare and discipline of their children, they often lack the resources and the knowledge to deal with cyberbullying. Social networks, located all over the world, are notoriously difficult to regulate with good effect. So schools in the UK have been handed the legal reins to discipline young perpetrators of cyberbullying and assist victims. In a sense, schools have been unwittingly transformed into a National Cyberbullying Taskforce, and we currently do not have adequate data as to whether or not this is a good idea.

The Education and Inspections Act 2006 allows UK schools to control the behaviour of children in their own homes by compelling the school to create disciplinary policies incorporating out of school behaviour, and cyberbullying. Head-teachers are tasked to make serious decisions affecting children, such as excluding students who have breached the behaviour policy. What little we know about how effective schools are at managing and administering these policies include that some schools in the UK do this better than others, and even schools that do it well are taking on the responsibility with a great deal of anxiety. The time taken by teachers and safeguarding officers to deal with sexting, Facebook disputes and other types of bullying spread by an army of mobile devices is alarming, and on the increase. The Education Act 2011 creates new powers for teachers to search and delete images and files from devices belonging to students. Initial research suggests these powers are not being used, instead, some schools are looking for assistance from not-for-profit organisations such as the Professionals Online Help Service for advice, and when necessary, to act as an intermediary with the social media network. In addition, teaching professionals are aware that the exercise of powers such as search and delete interfere with childrens' fundamental rights. Particularly their right to freedom of expression and respect for their private life. Yet this must be balanced against victims' rights to a private life, and importantly, to dignity. The Education Act 2011 expects teachers to make such evaluations.

While schools need the power to discipline students when necessary, it is vital they are not left to deal with such complex and potentially serious matters by themselves. Better

outcomes would be gained by focusing on creating fast, accessible channels between schools and social networks rather than relying upon individual schools, acting in relative isolation, to take a heavy handed approach with cyberbullying.

Methodology

This paper will draw upon the initial findings of ongoing qualitative research expected to be completed in January 2015, including semi-structured interviews with staff and students in schools across England. The aim of the study is to ascertain how schools manage cyberbullying behaviour, what resources they draw upon and what outcomes they produce for perpetrators and victims.