

An exploration of Irish second-level teachers' perceptions of bullying and duty of care: an educational and legal analysis.

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DECLARATION

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of Doctor of Philosophy is entirely my own work, and that I have exercised reasonable care to ensure that the work is original, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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ABSTRACT

An exploration of Irish second-level teachers' perceptions of bullying and duty of care: an educational and legal analysis.

Sinead Kane

Despite decades of research, bullying is still a significant international problem for schools and teachers from an educational and legal perspective. Moreover, the advance of technology has brought new and complex challenges for schools and teachers. Very few studies in Ireland bring the disciplines of education and law together in the way that this study does. The combination of these two disciplines makes an important contribution in the area of bullying. The duty of care that schools owe to their students 'inside' and 'outside' of school is uncertain and evolving. Most of the research on bullying has grown from the seminal work by Dan Olweus in the 1970s yet as society and technology has advanced so has bullying. The strength of the study is its analytical focus in both disciplines. Since the teachers' role is so important in combatting bullying it only makes sense to capture their thoughts in order to help improve future prevention and intervention programs.

My study is a transformative, critical, policy-oriented thesis which explored second-level teachers' perceptions of bullying and duty of care from an education and legal perspective. The overall objective of this qualitative study was to gain deep insight into how second-level teachers in Ireland understand factors such as: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy. Moreover, this study also considers whether such aspects influence their attitude to prevent and intervene in bullying inside and outside of school. The study used semi-structured interviews with twenty nine second-level teachers in Ireland (18 females and 11 males.) Thematic analysis was used to draw themes from the data.

The research findings suggest fragmented understandings of: duty of care, bullying, children's rights, law and policy. The teacher attitudes captured in the data, reflect ad hoc approaches to duty of care relative to bullying. Central to these findings was a feeling from teachers of being overwhelmed with the scale and pace of educational change. Thus, this study is not only significant for researchers but also: teachers, schools, boards of management, teacher unions, policy makers, legal professionals, parents, principals, management bodies, providers of ITE and teacher CPD.

CHAPTER 1: Introduction To The Study

1.1 Introduction

This introductory chapter will provide a brief overview of the study. The chapter will then explain the rationale and scope followed by a discussion of the theoretical framework. The uniqueness of taking an interdisciplinary approach to this study through bringing the disciplines of education and law together will be reviewed. In turn, the significance of the study will be highlighted. The chapter will also explain the research approach, research questions, hypotheses and a summary of the findings of this study. Towards the end of the chapter my positionality as a researcher will be discussed followed by an overview of the structure of this dissertation.

Despite decades of research, bullying is still a significant international problem and each jurisdiction strives to deal with it: culturally, legally and educationally relevant ways (Smith 2014). Teachers influence the lives of children and can play an important role in identifying and responding to bullying incidents (Mishna, Scarcello, Pepler, and Wiener, 2005; Smith and Sharp, 1994). However, teachers are operating in a teaching landscape dominated by neo-liberal agendas that have focussed on teacher accountability and the use of performance indicators as evidence of improved student learning. This is reflected in the data in this study where teachers like Harry and April said: *It's not teaching anymore.....It's too much pressure*. Further data from teachers on this point can be seen in chapter six. Teachers' work has become increasingly regulated and prescribed, with intensified bureaucratic responsibilities and keen public scrutiny (Hargreaves 2010; Price and McCallum 2015). Day *et al.* (2006, p.607) argue that teacher identity includes 'multiple selves' which, they suggest, are: "*continually reconstructed, through the historical, cultural, sociological and psychological influences which all shape the meaning of being a teacher.*" This research study would suggest that teacher identity is being corralled towards examination results and curriculum delivery. Thus, instrumentalism remains fundamental to the current nexus of teacher identity. Hence, teachers are torn between professional demands versus vocation and caring.

The problem that prompted this study is the lack of studies that exist in Ireland that take an interdisciplinary approach: namely bringing education and law together to analyse second-level teachers' perceptions of the factors influencing action on bullying such as: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy. Moreover,

there is a dearth of studies in the Irish context that consider whether such factors influence the prevention and intervention of bullying inside and outside of school.

Central to stopping bullying in schools are those who must effectively and consistently implement anti-bullying policies and programmes, the teachers (Rigby 2002). Teachers must be well equipped to handle bullying because failure to effectively and consistently intervene could actually make teachers part of the problem (Olweus 1993). Failure to intervene could simply stem from a lack of understanding of what bullying is and what to do about it. In order to address bullying in schools, teachers must be properly trained and given the necessary resources to identify bullying and know how to intervene (Mishna, Pepler and Wiener 2006).

Gaining an understanding of second-level teacher's perceptions of four factors: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy is important in informing future actions and legislation on bullying. Teachers operate amidst multiple conflicting demands on them including expectations of parents; expectations of students; perceived judgement of, and status ranking by their colleagues; professional requirements of the Teaching Council which include care for and respect for students; a perceived lack of preparedness and skills to cope with inclusion. Thus, capturing their thoughts makes sense when trying to inform policy because the domino effect of policy making impacts on children. Teachers are the adults who interact with children on a daily basis and therefore are key players in preventing and intervening in bullying. Thus, their views must be explored.

This study used a qualitative approach conducting semi-structured interviews with twenty-nine second level teachers in Ireland. The thesis will draw out some tensions that exist in relation to teacher responsibility, accountability and autonomy to reveal that (often hidden) neoliberal governing logics can operate to shift teachers' focus from care of the student towards care of the (professional) self. Teacher responsibility to care can be torn between market-based regulations and the care of the student. Aiming the gaze on the teacher for accountability purposes can have two concurrent effects. Firstly, it can contribute to losing sight of some of the broader structural challenges. Secondly, it potentially instils a fear in the teacher regarding their professional survival that may function to reorient their care and responsibility away from the student and towards their own self, mediated through the accountability measure mandated by the government.

1.2 Rationale and Scope of the Research

This study set-out to explore Irish second-level teachers' understandings of bullying and perceptions of duty of care with respect to same. Changes in our conceptualisation of childhood have played a role in our understanding of bullying and peer aggression. For example, bullying would not be seen as a problem if we did not understand that children can be hurt by it. We did not always understand the impact of bullying. For many generations, people perceived bullying as harmless teasing or joking (Rigby 2007). However, a remarkable change has occurred and bullying is no longer perceived as just a normal rite of passage through childhood. Bullying is now regarded as a serious problem for schools that warrants attention. More focus has been placed on our conceptualisation of childhood and children's rights. "Every child has the fundamental right to feel safe in school and be spared the oppression and repeated, intentional humiliation caused by bullying." (O'Moore 2010, p.11). The United Nations Convention on the Rights of the Child, UNCRC, (1989) can be viewed both as a catalyst and an expression of this new perspective. The UNCRC was adopted by the General Assembly of the United Nations in 1989. It is a treaty consisting of fifty four articles which provides guiding principles for the accordance of certain rights to children. It is the first international human rights instrument to recognise explicitly the civil rights of children.

The UNCRC is underpinned by four guiding principles: protecting children against discrimination; acting in the best interests of children; guaranteeing the right to survival and development; and giving voice to children. The concept of childhood delineated in the UNCRC signalled a fundamental change with regard to how children were viewed at that time. Such a change was transformative, as it flowed counter to traditional adult/child and teacher/pupil hierarchies (Waldron and Oberman 2016). It represented a movement from a view of children as the "property" or "appendage" of adults towards regarding them as developing citizens with their own rights which need to be recognised. However, despite having: "rights" children still get bullied. Children's rights' are unique because they have to be provided for by adults and the government. Recognition of the potential limits of children's abilities is encompassed in Article 5 of the UNCRC (1989, p.2): "*The State has a duty to respect the rights and responsibilities of parents and the wider family or others involved in the upbringing of the child in a manner appropriate to the child's evolving capacities*". Thus, there is potential to limit the capacity of children to creatively express their own agency in certain instances (Smyth, Lyons and Darmody 2013; Kilkelly 2010). Pointing to a tension between

respecting the wishes of parents and those people acting in locus parentis such as teachers while at the same time allowing children to have their say in issues which affect them. Bullying affects students and its consequences can be stress, low self-esteem and a general dissatisfaction with life (O'Moore 2010, p. 78). Second-level teachers are at the frontline of seeing students each day and so they have an important role to play. However, the demands placed on classroom teachers are increasing therefore making it more difficult to adequately address their duty of care.

Teachers are increasingly being positioned by the dominant logic of neoliberal rationality to question and weigh up the locus of their care. Policy which purports to be directed at the particular needs of students can have the paradoxical effect of orienting teacher care and responsibility away from the student. On face value the Irish National Action Plan on Bullying and Related Policies and Procedures (2013) appear an important move in line with the broader State agenda. The policy functions less as support for students and more as an accountability measure for teachers and schools. This National Action Plan on Bullying and Related Policies and Procedures (2013) is one that aims the gaze at teachers and schools rather than the Department of Education and Skills. On the surface, we might see this as a way of positioning teachers as policy actors through providing them with the autonomy to interpret and enact policy. What we actually see is an accountability structure that leads teachers towards a conduct of adhering to externally determined principles, rather than a structure of professional support to enable teacher autonomy. The National Action Plan on Bullying and Related Policies and Procedures (2013) has the paradoxical effect, of de-professionalising the teacher by prioritising adherence over judgement. Adequately preparing teachers to manage bullying requires more than a one-shot, lecture-format presentation on how to identify and respond to bullying. It requires presenting teachers with evidence based research from the perspective of teachers and the issues that affect them. It requires gaining teacher's perceptions concerning four factors such as: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy to see what affect such understanding has on the prevention and intervention of bullying. This research study thus took an interdisciplinary approach bringing education and law together in an attempt to uncover the nature of teachers' knowledge on bullying, and their perspectives on action for bullying from socio-legal viewpoints.

1.3 Theoretical Framework

Schools are powerful institutions which can exert significant influences. All political, social, cultural and religious elements are contained within schools, as are the biases which accompany human interaction (Drudy and Lynch 1993). The individual autonomy that resides in each teacher influences the culture and general climate of the school. The development of an ethos and the formation of school cultures are features which are heavily influenced by the principal and teachers. Commitment to the implementation of ethos by principals and teachers is vital in order that pupils and the school itself flourish. Whilst it is generally accepted that schools are in the business of teaching, the knowledge taught is a feature of the curriculum and the value system in which it is based (Donnelly 2000).

This study took inspiration from the work of Bronfenbrenner (1979), an early ecological systems theorist. Bronfenbrenner (ibid) conceptualised a child's environment as a multilayered set of interconnected environmental systems, which all influence the development of the child. The theory posits five systems. These are the micro- (e.g., parents, family), meso- (e.g., school climate), exo- (e.g., the wider community), macro- (e.g., law, media), and chrono- (e.g., historical events) systems. From this socio-ecological perspective, bullying is seen as a complex relationship issue that involves individual characteristics of the students, and characteristics that are influenced by a variety of contexts, including teacher, school, etc. Bullying prevention involves all levels of the ecological system. Bronfenbrenner's (ibid) ecological model would suggest that bullying behaviour is influenced by multiple relationships with peers, families, teachers, neighbours, and interactions with societal influences (e.g., media, technology). Within the context of this study, Bronfenbrenner's ecological model was used as inspiration within the frame of analysis offered by the King, Keohane and Verba's (1994) approach. In this respect, the researcher kept the five ecological systems to the fore of her mind as she engaged in critical review of data-sets during initial coding and more focused coding stages of the teachers' perceptions of duty of care, their expressions of empathy for students, and the identification of institutional stressors such as curriculum burden and impacts of law/policy. In this way, the researcher continually strove to consider the wide range of potential influencers (such as: institutional stressors, and legal/ policy obligations) at micro/meso/exo/macro/chrono levels on teachers' understandings and perceptions with respect to bullying throughout the data analysis process. The use of Bronfenbrenner's ecological systems theory/ model was thus not used as a conceptual

framework for this study, but rather as a guiding frame of reference while undertaking preliminary analysis of data-sets.

Donna M. Merten's (2007) notion of the Transformative Paradigm focuses on the intersection of 'mixed methods' and social justice, and informed the theoretical underpinnings of this study. The paradigm specifically recognises that realities are constructed and shaped by social, political, cultural, economic, and racial/ethnic values, indicates that power and privilege are important determinants of which reality will be privileged in a research context. This principle underpins many aspects of this dissertation, for example, among the most important aspects to highlight are a) the student-teacher relationship which is a power dynamic that can influence whether a student victim of bullying has his/her needs addressed due to variation in teachers' concept of childhood, the teachers' role-conception as having a job or a vocation; and the overarching culture of their school; b) teachers are in a subordinate power relationship with the government, state and Department of Education and Skills, and rarely get the chance to influence decision-making; my approach gives voice to those teachers' thoughts, perceptions and experiences towards bullying inside and outside of schools in order to influence government policy. She argues a "*qualitative dimension is needed to gather community perspectives at each stage of the research process, while a quantitative dimension provides the opportunity to demonstrate outcomes that have credibility for community members and scholars*" (Merten 2007, p.212).

Traditionally, Irish schools have been organised formally and informally in order to segregate diversity, for example, single sex schools, religious ethos, and separate provision for the disabled (Lodge, Devine and Deegan 2004). Hence, showcasing the influential power that schools can have when it comes to respect for diversity. Students who are diverse, and perceived as 'other', are vulnerable to bullying. For example, Lynch and Lodge (2003) found boys demonstrated higher levels of prejudice towards Travellers and gay males. If children exist in a school culture that doesn't value diversity then such children may be influenced by that type of culture. Developmental intergroup theory posits that when environments make social-group membership salient, children will be particularly likely to apply categorisation processes to social groups, thereby increasing stereotypes and prejudices (Hillard and Liben 2011). Thus segregation of school children on the basis of sex can make gender role beliefs more salient and represent a potentially powerful context for the socialisation of gender-typed behaviour (Maccoby 1998). Pellegrini and Blatchford (2000) argue that certain characteristics of school, and indeed

certain characteristics of classroom themselves, may influence a child's friendship choices. According to Lodge (2013) schools should foster opportunities for knowledge of, and respect for, a multitude of different identities. Parker et al. (2006) indicate that children who are liked by most members of a particular group enjoy acceptance in that group. If a group rejects a child, a consensus has formed among its members that that particular child is undesirable, unsuitable, or uninteresting (Parker et al. 2006). Consequently the school environment plays a key role in the friendships fostered among children, and in an Irish context that environment is often dictated by the prevailing ethos of the school.

Espelage and Swearer (2000; 2004a; 2001; 2004b) are best known for the application of social ecological theory to research on bullying. These authors contend that bullying is not solely a personality-based phenomenon, but rather is rooted in *environmental influences* (Espelage et al. 2000; Swearer and Doll 2001; Swearer and Espelage 2004). It is the interplay of individuals with each other within a given environment that influences bullying behaviours. The main principles of social ecological theory have its origins in Bandura's social cognitive theory, which advances the basic premise that behaviour, cognition and environment are interacting, bidirectional forces with each one influencing the other (Bandura 1986; 1989; 2001) The concept of self-efficacy lies at the centre of psychologist Bandura's (1989) social cognitive theory. Self-efficacy is a person's belief in his or her ability to succeed in a particular situation. Bandura described these beliefs as determinants of how people think, behave, and feel (1994). Since Bandura published his seminal 1977 paper, "Self-Efficacy: Toward a Unifying Theory of Behavioural Change," the subject has become one of the most studied topics in psychology. The concept of self-efficacy, aids in understanding the social-ecological nature of bullying. A strong sense of self-efficacy can help a teacher persevere in the face of difficult tasks while a poor sense of self-efficacy can lead to social-emotional problems. Bandura (2001) relates his concept of self-efficacy to the construct of personal agency, the degree to which one feels able to control events that unfold in the environment and, ultimately the degree to which one feels able to control one's own role in that environment. Understanding environmental influences that impact teachers' ability to prevent and intervene in bullying can help curtail the problem of bullying. In turn, this can create safer and happier environments for children.

1.4 Interdisciplinary Approach

This research brings together the disciplines of education and law¹ in an attempt to articulate what influences teachers' understanding of and actions on bullying. Education in the form of schooling is an agency of society and as such involves numerous stakeholders and is underpinned by more than one discipline. It is perfectly reasonable to note that the Courts engage with cases emerging out of schools. Thus, the value of applying a legal analysis to certain aspects of education. Devlin (1989, p. 222) notes: 'Law can only be understood in context, as part of the broader moral, political, social, economic, philosophical, psychological, sexual, and ecological spectrum. To believe otherwise is to be a jurisprudential navel gazer.'

The sociology of law is an interdisciplinary field of research that views law as a social construct and argues that law and all its manifestations should be studied empirically and contextually. The sociology of law can be traced back to the works of the founders of sociology such as Herbert Spencer (1820–1903), William Graham Sumner (1840–1910), Emile Durkheim (1858–1917) and Max Weber (1864–1920). These scholars were driven by sociological concerns and explored the development and application of law as part of efforts to describe and analyse the salient features of modern society. On the one hand, there were jurists interested in employing social scientific methods in the study of law such as Eugen Ehrlich (1862–1922), Leon Petrazycki (1867–1931) and Roscoe Pound (1870–1964). Sociology of Law developed as a distinct field of research after the Second World War.

1.5 Significance of the Study

Very few studies in Ireland bring the disciplines of education and law together thus making a contribution in the area of bullying. Moreover, the strength of the study is its analytical focus in both disciplines. Since the teachers' role is so important in combatting bullying it only makes sense to capture their thoughts in order to help make future prevention and intervention programmes. Teachers must be well equipped to handle bullying because failure to effectively and consistently intervene could actually make teachers part of the problem (Olweus 1993). Failure to intervene could simply stem from a lack of understanding of what bullying is and what to do about it. In order to

¹ Please note footnotes have been used in this thesis while discussing the legal discipline of this thesis. It is common practice to cite footnotes in a law discipline focused thesis unlike the discipline of education where footnotes are not common in a thesis. Because this thesis is taking an interdisciplinary approach the use of footnotes will be used when discussing elements of the law discipline.

address bullying in schools, teachers must be properly trained and given the necessary resources to identify bullying and know how to intervene.

This thesis will be available in the public domain thus providing a means for the general public to access information about bullying. I also intend to disseminate the findings through the publication of different sections in journal articles, book chapters, and conference papers. I hope that this study will start a dialogue and debate with all relevant stakeholders around the points raised in this study. These findings could also assist teachers, school management, educational psychologists, school counsellors and the Department of Education and Skills in understanding predictors that influence the likelihood of prevention and intervention in bullying. Finally, the recommendations can be used to construct, and/or adjust, prevention and intervention programmes and policies aimed at reducing bullying in the school environment.

1.6 Research Approach

This study employed a qualitative research design comprising of twenty-nine semi-structured interviews with second-level teachers in Ireland. The first phase of data collection was done by facilitating an informal ‘conversational style’ semi-structured interview inquiry with a small number of second level teachers. The research participants were known to me through professional educational networks and were enthusiastic ‘information rich’ participants in the research process. This informal ‘conversational style’ semi-structured interview inquiry took place in October 2015. The participants were three second-level teachers (one male and two females). This pilot study was very helpful as it gave the opportunity to reflect on and refine my interview questions. It allowed me to eliminate confusing and unnecessary questions that did not need to be included. It also provided the opportunity to time the interviews. Conducting sample interviews and trying out different kinds of questioning is a feature of most kinds of good research (Silverman 2010). Following on from this pilot study, the primary source of qualitative data emerged from detailed semi-structured interviews with 29 second-level teachers. A semi-structured *interview style list of questions* was developed to guide the interview process (see Appendix E). Saunders et al. (2007) equate the research approach to an onion; where the outer layer is research philosophy, the research approach lies within and leads to the research strategy layer. The qualitative data were analysed using thematic analysis (Braun and Clarke 2006) with the assistance of the NVIVO computer software.

Designing Social Inquiry: Scientific Inference in Qualitative Research, by Gary King, Robert O. Keohane, and Sidney Verba, (1994) stands as one of the most widely read books in contemporary political science. King, Keohane and Verba (ibid) sought to improve qualitative research by using well-established norms drawn from quantitative research. King, Keohane and Verba (ibid) have encouraged qualitative scholars to follow the principles of a particular quantitative template to ensure rigorous and credible qualitative work. The most suitable approach to address the research questions in this study was to adopt a qualitative approach but to give rigour to the data and so to apply the method of King, Keohane and Verba (1994) by using quantitative norms in approaching the analysis of qualitative data. Adopting such an approach is valid given that Willis (2007, p. 15) notes: “*There is a tradition in qualitative research that adopts the framework and belief systems of quantitative research.*” Whilst I have not conducted quantitative surveys for this research, I have borrowed quantitative norms such as hypothesis statements to enable the exposition of specific findings that will produce outcomes that “have credibility for the community”, in particular, teachers, schools, boards of management, teacher unions, policy makers, legal professionals, parents, principals, management bodies, providers of Initial Training Education (ITE) and teacher Continuing Professional Development (CPD), and that are more readily translatable into policy.

1.7 Research Questions

In following with King, Keohane and Verba’s (ibid) suggestion for using well-established norms drawn from quantitative research for qualitative research, the following four research questions and hypotheses were explored. The findings from the research questions are discussed in chapters’ four to seven.

Research Question 1

Research question one explores variation in teachers’ understandings of their duty of care relative to bullying.

Research Question 2:

Research question two asks what evidence is there of teachers’ expression of empathy for students, and what factors may contribute to or impact on teachers’ empathy.

Research Question 3

Research question three asks what is the impact of institutional policy demands, such as curriculum burden, on teacher awareness of and response to bullying.

Research Question 4

Research question four asks what are teachers' understandings of bullying, expectations of duty of care with respect to bullying inside and outside schools, and perspectives on the adoption of specific anti-bullying legislation in other jurisdictions.

1.7.1 Hypotheses

Taking into consideration the above four research questions this study had four hypotheses.

H1: The more expansive the teachers' understanding of the concept of duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying; and conversely, the more limited the concept of duty of care, the lower the likelihood of intervention by teachers to prevent or address bullying.

H2: Teachers who express high levels of empathy towards the child (i.e. are child-first oriented) are more likely to intervene to prevent or address bullying; conversely, teachers who express lower levels of empathy are less likely to intervene to prevent or address bullying.

H3: Teachers with perceptions of high levels of institutional stressors such as curriculum burden (i.e. also likely to be highly stressed/pressurised and fatigued/exhausted) are less likely to intervene to prevent or address bullying; conversely, Teachers with perceptions of low levels of institutional stressors such as curriculum burden (i.e. curriculum-induced burdens from government) are less burnt out and have more capacity for motivation to intervene to prevent or address bullying.

H4: Teachers in this study who have a high level of understanding of bullying and related legal/policy frameworks will be more likely to intervene and prevent bullying. Conversely, teachers who have a lower level of understanding of bullying and related legal/policy frameworks will be less likely to intervene.

These research questions and hypotheses are derived from education, law and sociology literatures, as detailed in the literature review. These hypotheses were not to be proved or disproved using a statistical testing method norm of quantitative data analysis, but rather the approach allowed me to analyse the interview data as evidence of support for outcomes in relation to teachers' likelihood of intervention to prevent bullying, as well as providing a more rigorous, literature-backed lens to the interview data, all of which complies with King, Keohane, and Verba's (1994) style of applying quantitative norms to the analysis of qualitative data. The coding or evaluation of the data reflects a more

categorical approach, e.g. whether a teacher has a 'high level' of empathy versus a 'low' level of empathy, than what a typical qualitative study might be associated with.

It is important to note that the 'likelihood of intervening' in bullying is a different kind of concept to teachers' understandings and perceptions of bullying. The datasets from questions posed provided insights into teachers' knowledge and perceptions in relation to four factors: *duty of care*, *student empathy*, *institutional stressors*, *understandings of law/policy* in the context of bullying in schools, as well as their willingness (or not) to prevent or address bullying. Teachers' likelihood to engage refers to whether they may or may not engage in action on bullying. In this regard, statements about existing knowledge, experience or attitudes to particular situations, context, concepts etc., and hypothetical musings about likelihood to engage in bullying were captured in these data-sets. The 'likelihood of intervention' was assessed by examining each teacher's response to the four factors, and exploring corresponding willingness (or not) to prevent or address bullying. It is critically important to record here that paramount in this research is the preservation of teachers' voices in the study, even if the voices are recording their hypothetical views on whether they would engage to prevent or address bullying, as opposed to an actual lived experiences.

The combination of the theoretical strength of the relationships between the four factors: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy, derived from the literature review, with King, Keohane and Verba's understanding of concepts within qualitative interviews provides the necessary justification. According to Google Scholar, King, Keohane, and Verba's (1994) book has been cited nearly 10,000 times since publication. Hence, my approach has methodological credibility.

1.8 Researcher Positionality

Sikes (2004, p.19) points out that it is crucial to understand "*where the researcher is coming from*" concerning their philosophical positions and basic assumptions, because these aspects have an influence on the choice and use of methodologies and procedures. Similarly, Wellington et al. (2005) highlighted: "*It is impossible to take the researcher out of any type of research or of any stage of the research process. The biography of researchers, how and where they are socially positioned, the consequent perspectives they hold and the assumptions which inform the sense they make of the world, have implications for their research*" (p. 21).

For some time I have been interested in the role of education in our society, as its role in the greater promotion and production of social values is often underappreciated and under-investigated. My personal background is that I am a qualified lawyer and a certified mediator. My primary degree was a BCL law degree and following on from that I did masters in law. I have been interested in law from an early age as I always had to fight for my rights because of my visual impairment. Since birth I have been registered as blind with just 5% vision. In primary school and secondary school I was bullied due to my disability. I was the only child in both primary and secondary school with a visible disability. The bullying in primary school consisted of physical bullying. In secondary school the bullying was more emotional and I was subject to peer isolation. When I was in school there was no cyber-bullying. Hence, I never experienced that form of bullying. I not only suffered bullying from peers but two teachers in particular never liked me and would repeatedly and wilfully assert power over me and make me feel degraded. It would be personally directed at me. Some students would have witnessed same. Looking back on my experience I believe that some students may just have been just copying what these particular two teachers were doing. At the time when I was in school I think the teachers overall may have cared but just didn't know how to handle my situation because I was different. The effect of the bullying caused me to become a very awkward child who never fitted into any particular group, a child who had very low self-esteem and a child who just hated going to school and being around other children. My personal experience of childhood bullying and my professional qualifications in law has led me to be interested in doing this work.

Having spent numerous years studying law in my BCL law degree, LLM masters in law and qualifying as a solicitor I used to view most situations as black and white. As a law graduate I was taught skills of how to persuade and negotiate. Social scientists are concerned about finding out what is true about the world, and to considering the life-worlds and truths of different groups. This is in contrast to lawyers who are interested in rhetoric that is, in persuading others irrespective of truth. I think it's time to bridge the gap between these contrasting viewpoints. This is an important rationale for my decision to do interdisciplinary research of bringing education and law together to get a fuller and deeper understanding of the issue of teachers' duty of care relative to bullying.

1.9 Thesis Structure

This thesis consists of eight chapters, of which this introduction is the first Chapter. This chapter has introduced: the research agenda, exploring the research

challenge, summary of the findings, thesis structure. Chapter Two is a review of the literature from an education and law perspective given that this study has taken an interdisciplinary approach. The literature review related to four areas namely: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy.

Chapter three focuses on the methodology, research design, participants, data collection, data analysis, trustworthiness of the research and ethical considerations. Chapter four to chapter seven are the empirical chapters which presents the findings of this study. Chapter four considering duty of care, found that that teachers with an expansive duty of care that incorporated a holistic view of the students' well-being (beyond the school curriculum) are more likely to intervene to prevent bullying. Chapter five, building on the duty of care factor, considers teachers' levels of empathy for students. This chapter found that those teachers low on Student Empathy shifted the responsibility for student empathy to health care professionals or social workers and were not likely to intervene because they viewed it as someone else's job. This comes back to the key question in relation to the policy output and implications from this study, with whom do the ultimate responsibility lie to prevent and intervene? Is it the Department of Education and Skills, Board of Management of Schools, Principals of Schools, teachers, parents, community or the students themselves? By contrast, those teachers high on expressed empathy considered empathy as a core part of being a teacher, got to know their students well and were therefore able to notice displays of distress, also expressed high levels of emotional self-efficacy, and saw themselves as acting as positive role models for students, took account of the diversity of the student body in terms of needs, abilities and socio-economic and home circumstances, and were more likely as result of all these factors to intervene to prevent bullying. Chapter six found teachers with perceived high levels of curriculum burden cited administration, paperwork, standardised testing and large class sizes reported a sense of being limited in their time available to spend with students beyond the curriculum. Many teachers noted that they are trained to teach but not for pastoral roles, and wanted proper training from the Department of Education for those aspects of the job. Many teachers said there is a pastoral care system in their schools for dealing with 'caring' issues which is required given their overwhelming curriculum burden. The intense burden on staff has engendered stress, frustration, hopelessness, worry, and confusion over work practices and has significantly limited the ability to be student carers within the core role of teacher, which clearly impacts on teachers' ability to intervene to prevent bullying inside and outside schools.

Chapter seven found that whilst all teachers were aware that a school policy on bullying existed, very few teachers could recall the policy or the definition of bullying within the policy. However many teachers could make a reasonable guess at the definition of bullying, therefore, the absence of knowledge of legal or policy definitions does not inhibit intervention with regard to bullying *per se*. The teacher cohort were roughly equally divided on whether they would like to see a specific anti-bullying law implemented in Ireland whether they were unsure and whether they were against. Chapter eight provides a discussion of the findings, implications of the study, and recommendations for further research and summarises some important conclusions drawn from my research. References and appendices are placed at the end of this thesis.

1.10 Chapter Summary

The focus of this preliminary chapter was to provide a brief overview of the study. The chapter explained the rationale and scope of the study, discussed the theoretical framework, and described the uniqueness of this study by taking an interdisciplinary approach through bringing the disciplines of education and law together. In turn, the significance of the study was highlighted. The chapter also explained the research approach, research questions, hypotheses and a summary of the findings of this study. Towards the end of the chapter my positionality as a researcher was discussed. This was followed by an overview of the thesis structure. The main intention of the next chapter (Chapter Two) is to explore the literature relating to the following four factors: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy.

CHAPTER 2: Literature Review

2.1 Introduction

This chapter presents the review of literature. The discussion opens with an overview of bullying, cyberbullying, and associated interventions. It then moves forward to present a review of literature related to four factors namely: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy. The duty of care factor will encompass literature relating to: the Irish legal system, private/public duty of care, and common law (case law). When reviewing student empathy the literature to be explored will be: empathy, student/teacher relationships, ethics of care, and culture. The chapter will then examine literature regarding institutional stressors such as curriculum burden and its impact on teachers. The last factor to be explored in the literature is law and policy. In that section the literature discussed will be school regulation, human rights, children's rights, a specific anti-bullying law.

2.2 Literature Review Process

The literature review process included a thorough search of databases as shown in Table 1. This search involved examining scholarly and professional literature. The scholarly databases used in the search included: Academic search complete, Education research complete, ERIC International, JSTOR, ProQuest, PsycINFO, SAGE Journals online, Taylor & Francis Online. The professional literature search included such as: Central Statistics Office, Department of Education and Skills, WHO (World Health Organisation), OECD (Organisation for Economic Co-operation and Development), Europa.eu website.

Literature Review: Sample Search Terms and Sources	
Key Words	Schools, Violence, Bullying, Youth Delinquency, Teachers' Perceptions, School Based Bullying, Cyberbullying, Bystanders to bullying, Human Rights, Teacher Accountability, Ireland, Duty of Care, Empathy, Curriculum, Law/Policy, Youth Violence, Anti-Bullying Legislation, Second Level Teachers Ireland. Education Policy Ireland.

	Mixed Methods.
Key Journals	<p>Journal of School Violence</p> <p>Children and Society</p> <p>Journal of Social Studies Education Research</p> <p><i>Journal of Educational Psychology</i></p> <p><i>Journal of Experimental Criminology</i></p> <p><i>Educational Psychology Review</i></p> <p><i>Journal of Emotional Abuse</i></p> <p><i>Journal of Adolescent Health</i></p> <p><i>Journal of Youth Adolescence,</i></p> <p><i>Teaching and Teacher Education</i></p> <p><i>Journal of Criminal Justice</i></p> <p><i>Cultural Studies of Science Education</i></p> <p><i>Journal of Mixed Methods Research</i></p>
Academic Databases	<p>Academic Search Complete, Education Research Complete</p> <p>ERIC International, JSTOR, ProQuest, PsycINFO, SAGE Journals Online, Taylor & Francis Online. BAILI, Lexus-Nexus. Wiley Online, Web of Science.</p>

Table 1: Literature Review - Sample Search Terms and Sources

Much of the literature review was completed using the Dublin City University library search bar function. The literature review was initially broad in its focus in order to enhance my own personal learning and background knowledge in the areas under consideration. I don't come from an education discipline background and so just wanted to have no pressure on me and instead I just wanted to read and learn. Hence, I didn't go

searching for any particular journal or any particular database. I looked at three areas: 1) Education, 2) Law and 3) Human Rights

For example, I would just type into the DCU library search bar (for articles) the words –

- Education children
- Law children
- Human rights children.

I would then just read the headings of what articles appeared and if they interested me I would read them. I did a lot of reading on – philosophy of education, what is the purpose of education, virtue ethics, best performing school systems, teachers in Europe, teacher policy Europe. The initial searches on literature relating to aggression and bullying used the following key search terms: peer-to-peer bullying, youth violence, Olweus Bullying model, bullying in school, bullying outside school, bullying school culture, school ethos, gender and bullying, crime and bullying, anti-bullying models, bullying Ireland Schools, and anti-bullying legislation.

Once I started becoming a bit more comfortable reading through education articles from a general perspective, I then started becoming more focused, refining to key-phrases such as:

- Teacher professionalism Ireland
- Secondary schools policy governance Ireland
- Teachers perceptions bullying Ireland

The search focus was now mainly on teachers, excluding other stakeholders such as: parents, principals. I also considered my research question and identified inclusion criteria which were formulated as key concepts. The key concepts were: Teachers' perceptions, Teachers attitudes, Perceived Barriers, Teacher Training, Secondary education, Ireland, Citizenship, Judgments, Legislation, Governance, Ireland, Massachusetts, Court, European Court Human Rights, Education for a Sustainable Future, Educational Change, Teacher Accountability, Teachers autonomy, Teachers self-regulation, Teachers self-direction, Mixed Methods. In doing the literature review the challenge was to find a balance between the two disciplines – education and law, and thus ensuring adequate coverage in areas such as: ethics of care and ethics of justice.

2.3 Bullying

Smith (2014) notes the concept of bullying first came to prominence in England through Thomas Hughes's (1857) book *Tom Brown's School Days*, in which Tom and some of his friends are tormented by Flashman and his gang at Rugby school. However, it wasn't until the 1970's that research on bullying started (Olweus 1973; 1978.) Since Olweus's early work, research on bullying has steadily increased (see Farrington and Ttofi 2009; Hymel and Swearer 2015). From the late 1980's onwards a number of books, and journal articles on bullying were appearing (for example, Besag 1989; Roland and Munthe 1989; Tattum and Lane 1989). Smith (2014) notes four waves of research on bullying: First wave of research: origins 1970's to 1988, Second wave of research: establishing a research programme: 1989 to mid-1990's, Third wave of research: an established international research programme: mid-1990s to 2014, Fourth wave of research: cyberbullying: 2014 to present day. Smith (2014) discusses the four waves and gives concise developments of bullying in each wave.

2.3.1 Definition and Prevalence of Bullying

Olweus (1993) suggests that *"a person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself."* (p.14). Roland (1989) defines bullying as *"long standing violence, physical or psychological, perpetrated by an individual or group directed against an individual who cannot defend himself or herself"* (p. 21). Along with Roland's definition, most researchers tend to follow Olweus' (1993) definition. Imbalance of power can be derived from physical strength, social status in the group, or from group size (e.g. a group targeting a single person). Power may also be achieved through knowing a person's vulnerabilities (e.g. appearance, learning problem, family situation, personal characteristics) and using this knowledge to harm him or her. Some researchers argue that the criteria of repetition or power imbalance are not necessary to define a situation as bullying (Smith and Brain 2000).

Bullying comprises verbal attacks (e.g. name calling, threats), physical behaviours (e.g. hitting, kicking, damaging victim's property), and relational/social aggression (e.g. social exclusion, rumour spreading) (Monks and Smith 2006; Olweus 1993; Smith 2014) up to the most recent forms of attacks through Internet and new technologies (also referred to as cyberbullying). O'Moore (2010, p.24) questions the claim that bullying must always be repeated, arguing that isolated incidents can also pose a serious threat.

There is a wide variation in prevalence rates of bullying across studies, partially due to differences in measurement and/or operationalisation of the bullying construct. Such inconsistencies have strongly influenced rate estimation, and scholars have called for greater consensus in definition and measurement (Menesini and Nocentini 2009). In a recent review, Juvonen and Graham (2014) report that approximately 20–25% of youth are directly involved in bullying as perpetrators, victims, or both. In a recent meta-analysis on bullying and cyberbullying prevalence across contexts (Modecki et al. 2014) with an overall sample of 335,519 youth (12–18 years), the authors estimated a mean prevalence of 35% for traditional bullying (both perpetration and victimisation roles) and 15% for cyberbullying involvement. Smith, Robinson, and Marchi (2016) used four surveys for a global comparison on bullying and victimisation: They found a very low agreement (from small to zero) in terms of correlations across surveys, raising concerns about using cross-national datasets to make judgements on the rates of bullying and victimisation in different countries. In another study, Sittichai and Smith (2015) came to the conclusion that there are important cultural and linguistic differences between eastern and western countries in terms of who does the bullying (friends in the same class or strangers), where it happens (classroom, playground), and types of bullying (social exclusion, extortion). In addition, definitions of bullying-like phenomena show linguistic variation and may be influenced by what is viewed as legitimate from a cultural point of view. Despite these differences, they concluded that bullying-like behaviours are fairly frequent in the 10 countries, showing comparable prevalence rates to those found in western countries (around 10%).

2.3.2 Cyberbullying

With the advent of smartphones, social media, and other communication technologies, digital media is playing a more significant role in the daily lives of adolescents in Ireland. This widespread use of technology among youth has led to new problems for school administration. One such problem is cyberbullying, which has quickly intensified as one of the main problematic issues faced by adolescents, parents, schools, and communities (Patchin & Hinduja 2014). Features unique to cyberbullying are the elements of anonymity, the potentially widespread audience, and the fact that there is no escape from cyberbullying attacks. Being anonymous shields aggressors from their targets, thereby allowing cyberbullies the opportunity and inclination to engage in behaviors they, otherwise, may not act out in person. Cyberbullying researchers Patchin

and Hinduja (2006) noted most cyberbullies choose to attack their victims privately. Also, with technology, aggressors have quick and easy access to a large audience and access to their targets at any time, from any place (Slonje & Smith 2008). Cyberbullying among youth is a problem affecting a meaningful number of students each year, and, by extension, the educators and administrators who care for them in the school environment (Hinduja and Patchin 2009). Alper and Goggin (2017) note that various scholars, policy makers, and activists have been working to reformulate children's rights for the digital age, as evidenced by the special issue of *New Media and Society* (2017) which discusses children's rights' in the digital age.

There is no universal definition of cyberbullying. The term is under regular debate by researchers regarding its definition and measurement. One reason for this debate is that researchers who conducted studies early on used the definition of traditional bullying, which includes the fundamental aspects of intentional harm, repetition, and an imbalance of power as a model to develop their own definitions of cyberbullying and to guide their inquiries. Some researchers argued that the criteria for traditional bullying as it was operationalised did not transfer well to cyberbullying, particularly regarding the inclusion of the imbalance of power (Hinduja & Patchin 2009; Kowalski et al. 2012). Cyberbullying is defined by O'Moore (2014, p.17) as "*aggressive, wilful behaviour that is directed by an individual or group against another individual or group with the help of technological devices, primarily mobile/smartphones and the internet.*" Cyberbullying is exclusively psychological and affords the perpetrator much greater opportunity to remain anonymous (O'Moore 2014, p.18). Hinduja and Patchin (2015, p. 11) define cyberbullying as "*wilful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices,*" which captures the essence of cyberbullying in a simple and fairly comprehensive statement. Approximately, one out of every four middle and high school students is a victim of cyberbullying (Patchin 2015). In Ireland, approximately 23% of children report experiencing traditional bullying whereas just 4% of this group report experiencing cyberbullying - this rises to 9% or 10% for mid adolescents (Livingstone and Hadden 2009). According to Patchin and Hinduja (2006) and Hinduja and Patchin (2009), the *bullying* part of cyberbullying refers to school-aged youth, so scholars in this area of research are more interested in studying youths who are under 18 because this behavior occurs more often in the adolescent population. In addition, the scholars who constructed this definition argue that this is the clearest and most comprehensive definition that exists in cyberbullying literature because it includes elements such as a *wilful* (e.g., aggressive or intentional act) act carried out by one or more adolescents using

technology (e.g., computer, cellular phone, tablet and so forth) to bully another adolescent (Patchin and Hinduja 2006; Hinduja and Patchin 2009; Hinduja and Patchin 2012). In addition, this behavior is *repeated* (e.g., duplicating and distributing digital content such as emails, pictures, videos) to cause psychological, emotional, and social *harm* to the targeted adolescent, and the targeted adolescent needs to perceive that he or she is being harmed (Patchin and Hinduja 2006; Hinduja and Patchin 2010b). This aggressive behavior falls under two categories: direct harassment such as sending verbal insults or physically aggressive messages, and indirect attacks such as spreading rumors, gossip, or jokes (Beran and Li 2005; Hinduja and Patchin 2009). There are differences between cyberbullying and traditional bullying. Kowalski, Giumetti, Schroeder, and Lattanner (2014) found that cyberbullies feel anonymous which gives them more of an incentive to be aggressive as they feel there will be no consequences. Additionally, the physical stature of a victim or the bully is not taken into account because the threat of physical harm is not present. In face-to-face bullying the bully can see the impact as the attack happens whereas the cyberbully cannot see any of the outcomes, perhaps resulting in further aggression.

Variations across definitions of cyberbullying are problematic as they may result in researchers examining the problem differently thus hindering the development of reliable and valid measures. Without agreed upon measures of the construct of cyberbullying, policy makers will continue to struggle to provide effective policy interventions. Existing definitions of cyberbullying often incorporate some of the criteria of traditional bullying for example: intent to harm, repetition, and imbalance of power. O'Moore's (2014) definition refers explicitly only to intent to harm by individual or groups, leaving it open for a single act to be deemed as cyberbullying. Hinduja & Patchin (2015) explicitly refer to two elements: intent to harm and repetition, thus declaring the need for a second act of aggression for the case to be deemed cyberbullying. Interestingly, neither refer explicitly to the imbalance of power criteria within their cyberbullying definitions. The absence of a specific reference to imbalance of power in either definition allows for more cases to be classified as cyberbullying.

The online context offers the challenge of scale and global reach. Due to the anonymity provided in online contexts, it can be difficult to identify the aggressor. Moreover, trying to define cyberbullying in a world that is fast paced with technology intensifies the difficulty in futureproofing the definition of cyberbullying. This issue becomes particularly important at a practical level where teachers may become confused

in their understandings of cyberbullying and associated duty of care inside and outside of school.

Research has found that cyberbullying leads to negative emotions such as sadness, anger, frustration, embarrassment, or fear (Berson, Berson and Ferron 2002; Cowie and Berdondini 2002; Ybarra and Mitchell 2007), which correspondingly have been linked to delinquency and interpersonal violence among youth (Aseltine, Gore and Gordon 2000; Broidy and Agnew 1997; Mazerolle et al. 2000; Mazerolle and Piquero 1998). Cyberbullying has also been tied to low self-esteem and suicidal ideation, school difficulties, assaultive conduct, substance use, carrying a weapon to school, and traditional bullying offending and victimization (Hinduja and Patchin 2007; 2008; 2009; Patchin and Hinduja 2010; Ybarra, Diener-West and Leaf 2007; Ybarra and Mitchell 2004). Many researchers and writers on cyberbullying (e.g., Ybarra and Michell 2004; Willard 2006) believe that the long-term effects of cyberbullying are as negative as those that accompany traditional bullying. Livingstone and Third (2017) note the key question confronting the policy and practice community is thus, ‘How can we foster children’s protection from harm online while simultaneously empowering them to maximise the opportunities of the digital age?’ Livingstone and Third (2017) recommend that we must concern ourselves not only with ‘what happens online’ but also with how what happens online is entwined with the conditions and possibilities of children’s everyday lives. This requires that we be wary of descending into technophilia, and, at the same time, we must resist the impulses of technophobia (Livingstone and Third 2017). This is not a problem unique to Ireland it is happening globally. Gleeson’s (2014) report commissioned by the Department of Education and Skills and the HSE National Office for Suicide Prevention in Ireland notes that a positive school climate where students feel they can trust teachers and other school authorities has been linked to lower incidence of cyberbullying. Moreover, a higher rate of students reporting cases whether they are victims or bystanders to cyberbullying.

In recent years, a number of cases of cyberbullying have been highly publicised in the media, illustrating the devastation that cyberbullying can cause. The deaths of two young sisters, Erin and Shannon Gallagher is widely recognised throughout Ireland, as well as international cases such as Phoebe Prince and Amanda Todd, whose plights were highlighted all too late. The Phoebe Prince case is one which sparked massive controversy in the United States and led to the subsequent criminal prosecution of six teenagers following the tragic suicide of the Irish adolescent. Phoebe Prince took her own life due

to incessant bullying, both physical and online in a case which had far reaching consequences for both the victim and the bullies (Lynch 2010). On October 10, 2012, Amanda Michelle Todd, a 15-year-old Canadian girl, committed suicide at her home in Canada. Prior to her death, Todd had posted a video on YouTube which she used a series of flash cards to tell her experience of being blackmailed into exposing her breasts via webcam, and of being bullied and physically assaulted. The video went viral after her death resulting in international media attention. The video has had more than 12 million views as of February 2017. Mishna, Cook, Gadalla, Daciuk, and Solomon (2010) have noted that the attitude of teachers play a significant role in determining teacher's level of awareness of bullying and how they engage in addressing and preventing middle school bullying. The difficulty for teachers is that there is a tension between the rights of students to engage in free speech and the cultural need for civility and control of the negative effects that cyberbullying exerts.

2.3.3 Intervention

Teachers who believe that they are unable to handle bullying, regardless of whether these beliefs are accurate or not, are less likely to actually intervene (Yoon 2004). Hawley and Williford (2015) discussed the theoretical underpinning of anti-bullying interventions. Using the Theory of Planned Behaviour, they argue that successful intervention requires changes in perceptions (for example, the nature of bullying), attitudes (about bullying behaviour and towards victims; reporting bullying and intervening), subjective norms (how do others think or expect I should behave?), and efficacy beliefs (feeling confident that actions such as reporting or defending will be successful and not result in negative consequences). All these would be necessary for changing actual behaviours. Ttofi and Farrington (2011) conducted a meta-analysis of school-based programs designed to reduce bullying, and demonstrated that these programs lead to a decrease in bullying, on average 20-23%. In addition, on average, victimisation was reduced by 17-20% (Ttofi and Farrington 2011). In their report, Ttofi and Farrington (2011) also examined the elements of anti-bullying programs that lead to the most reduction in bullying behaviors. They report that the more intensive a program is (in terms of hours of instruction and duration of program), the more successful it is on average. In addition, programs that included parent meetings, improved playground supervision, and firmer discipline for students who engage in bullying behaviors were more effective (Ttofi and Farrington 2011). Smith et al. (2012) disagree with some of the conclusions of Ttofi and Farrington,

(2011) and cite evidence that stronger program effects for KiVa (Kiusaamista Vastaa anti-bullying program) as well as Olweus Bullying Prevention Programme (OBPP) have been demonstrated for younger compared to older children. Similar findings suggesting greater reductions in bullying behavior among younger students have also been found for the Sheffield project (Smith & Ananiadou 2003). In their evaluation of the Sheffield project involving 23 schools, Smith & Ananiadou (2003) note that schools that had support from the school's leadership and that also had at least one senior staff member coordinate the school's antibullying efforts were the most effective.

2.4 Duty of Care

This section will review the literature relating to the Irish Legal System, Public Law/ Private Law and Common Law/Case Law.

2.4.1 The Irish legal system

The Irish constitution – Bunreacht na hEireann – was enacted on the 1st July 1937 and has been in force since the 29th December 1937. The Constitution is the fundamental law of the State. It is the primary source of principles, rights and ideals against which all legislation and case law must be measured. Other sources of law include legislation and common law. Decisions made by judges would be deemed as common law (precedent). Byrne and McCutcheon (2001) also note that the various sources of law do not exist as a homogenous whole but are broken down into various components. Substantive law may be divided into public and private law. Broadly speaking public law is that which pertains to the State and its agencies or which is concerned with the public interest. Public law embraces: Constitutional law, Administrative Law and Criminal Law. Private Law is concerned with relationships between private individuals and entities in which there is no significant public interest. Private law embraces areas such as: Contract Law, Tort Law, and Property Law.

2.4.2 Duty of Care in Private Law *ius commune*

Private law deals with the duty of care owed by individuals to one another is known as *ius commune* ('common law') or in its simplest version known as judge made law: caselaw from the courts. The duty of care under *ius commune* ('common law') is considered under the theory of tort law, in particular, the tort of negligence. The duty of care, under negligence principles has developed over time through caselaw. Claims against schools for breach of a duty of care would be taken under the realm of private law

namely the tort of negligence hence teachers are subject to the area of tort law and negligence. Interestingly, to note in tort law there is no tort of bullying. Glendenning (2012, p. 462) notes: ‘It is well settled that a teacher or school authority owes a duty of care to his or her pupils which may arise from the fact that parents have entrusted their children to the care and control of the school.’ Moreover, McMahon and Binchy (2013, p. 635) note: “*Clearly teachers and those involved in the management of schools have a duty of care in relation to pupils who attend the school.*” However, the situation regarding the duty of care owed to students relative to bullying which occurs outside of school is not as clear. In Irish caselaw the standard of care required of a teacher is that of a ‘careful parent’ however as McMahon and Binchy (2013, p. 635) note: “*It is possible that in a future decision an Irish court will drop the reference to the ‘careful parent’ and stress the fact that it is the standard of the reasonable school teacher or manager which should prevail. The degree of care required of the teacher, naturally, will vary with the circumstances and especially the age of the child.*”

The standard of care reference to a ‘prudent parent’ can be criticised on the basis that not all second-level teachers have children. Hence, the fact that the Irish courts use this as the standard of care test could be seen as illogical. Also teachers’ perceptions regarding culture and diversity may differ to that of a parent. Moreover, comparing a teacher who has in their care 30 students at any one time in a class compared to a parent who might only have 2 children seems illogical.

2.4.3 Duty of Care in Public Law *ius publicum*

Public law deals with the duty of care owed by the state to its citizen. Under the Irish Constitution 1937 (Bunreacht na hÉireann.) the Irish State owes a duty to children. The Constitution can only be amended through a referendum. The Irish constitution recognises fundamental rights under articles 40 to 44. In November 2012, the Irish electorate approved a new provision in the Constitution dedicated to children’s rights. O’Mahony (2016) notes the campaign itself was successful in passing the amendment, but the outcome was nonetheless seen as a disappointing one as the article has limited scope. The proposal to insert Article 42A into the Constitution was carried by referendum, but a legal challenge delayed the result until 2015. This meant a delay in advancing a number of significant legislative reforms in the area of child protection, notably the placement of the *Children First Guidelines*, on a statutory footing. The relevant

legislation, the Children First Act 2014, was signed into law on the 19 November 2015, but has not yet been commenced.

Article 42A of the Irish Constitution, provides that the State: “*recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its law protect and vindicate those rights*”. The article then sets out a number of provisions dealing with child protection and care. These provisions name the best interests of the child as the “*paramount consideration*” where adoption, custody and guardianship are concerned. There is also a requirement that “*the views of the child ... be ascertained and given due weight*” in matters of adoption, custody and guardianship, and where the State is bringing proceedings aimed at preventing “*the safety and welfare of any child from being prejudicially affected*”. The provision applies largely to family law and child protection, and omits, for example, criminal or health matters. The provision makes no direct reference to the UNCRC and omits from its ambit the UNCRC general principles of non-discrimination and the right to survival and development. However, the provision does form a basis on which two general principles of the Convention, namely the “best interests” and “voice of the child” principles, can be enshrined in the State’s law, policy and practice in the albeit limited arenas of family law and child protection.

An important case in the context of state accountability would be the *O’Keeffe v. Hickey* (1998) case. She was sexually abused as an eight-year-old girl in 1973 by her school principal, Leo Hickey while attending Dunderrow National School in Co Cork. In 1998 Hickey pleaded guilty to 21 sample charges relating to 21 girls and was sent to prison for three years. In October 1998 Louise O’Keeffe applied to the Criminal Injuries Compensation Tribunal for compensation and was awarded €53,962.24 euros (EUR). In September 1998 she also brought a civil action against: 1. Leo Hickey, 2. The then Minister for Education and Science, as well as against Ireland and the Attorney General, claiming damages for personal injuries suffered as a result of assault and battery including sexual abuse. She claimed: that the State had failed to put in place appropriate measures and procedures to prevent and stop Leo Hickey’s systematic abuse; that the State was vicariously liable as the employer of Leo Hickey; and, that the State was responsible as the educational provider under Article 42 of the Constitution. Leo Hickey did not defend the civil action so in October 2006 the High Court ordered him to pay Ms O’Keeffe €305,104 in damages. Following enforcement proceedings, in which Leo Hickey claimed he had insufficient means, he was ordered to pay Ms O’Keeffe €400 a month.

In March 2004 the High Court summarily dismissed the claims of direct negligence against the State. In January 2006 the High Court further held that the State was not vicariously liable for the sexual assaults by Leo Hickey and dismissed Louise O’Keeffe constitutional claim.

On the 19th December 2008, the Supreme Court dismissed Ms O’Keeffe’s appeal on the vicarious liability point. The Supreme Court found that the Irish primary school system had to be understood in the specific context of early 19th Century history and that, while the State funded the system, the management role of the church was such that the State could not be held vicariously liable for the acts of the teacher in question.

The Supreme Court noted that Louise O’Keeffe had not sued the patron of the school, Bishop Lucey, the diocese of which he was Bishop, his successors or his estate. Neither had she sued the owners of the School – the trustees of the property of the diocese of Cork and Ross, nor the manager of the school, Archdeacon Stritch, nor his *de facto* substitute, Fr. Ó Ceallaigh nor their respective estates or successors.

The Irish Supreme Court ruled against Louise O’Keeffe on the basis that Leo Hickey, although paid by the State, was employed by the school board of management. Therefore, the State bore no responsibility for the abuse.

After the High Court and the Supreme Court ruled the State was not liable, Louise O’Keeffe appealed to the European Court of Human Rights, which ruled in January 2014 that Ireland had failed to protect her from sex abuse in school. In Louise O’Keeffe application to the European Court of Human Rights, she argued that rather than being vicariously liable for Hickey’s actions, the State was directly liable for its own inaction. No measures were in place that would effectively detect and prevent child abuse in primary schools. Had such measures been in place, Leo Hickey would have been removed from his position far earlier and his litany of abuse would never have been allowed to go as far as it did. In a majority decision, the court of 17 judges ruled that the structure of primary education in Ireland in the 1970s failed to protect Ms O’Keeffe from sexual abuse by her teacher. The State was ordered to pay Ms O’Keeffe €30,000 in damages and €85,000 for costs and expenses. A state could not absolve itself from that obligation by delegating to private bodies or individuals. The court rejected the argument of the Irish Supreme Court that Ms O’Keeffe should fail for not first exhausting all legal remedies in Ireland as she had not sued the Bishop of Cork and Ross who was responsible for running the school. The European Court ruled that Ms O’Keeffe was entitled to choose from a

variety of legal remedies available to her. Louise O’Keeffe has made a key contribution on the international stage in bringing about State action to prevent child abuse.

2.4.4 Common Law - Caselaw

The ordinary principles of negligence apply in cases concerning school bullying that come before the Irish courts. A school’s liability in negligence depends on 3 inter-related requirements: – 1) The existence of a duty to take care. 2) A failure to take the care which can reasonably be expected in the circumstances. 3) Damage suffered as a result of that failure. On the basis that a duty exists, the next issue that arises is how this standard of care is assessed.

Let’s now look at an early case relevant to duty of care. The cornerstone of the duty of care principle was developed on the basis of the ‘neighbour principle’ by Lord Atkin in *Donoghue v Stevenson* [1932] A.C. 562. A duty usually arises out of some relationship or proximity, and in determining who is owed a duty of care, the cited words of Lord Atkin provide the answer: “*You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.*” (*Donoghue v Stevenson* [1932] A.C. 562.). The case involved a woman who had suffered shock and gastroenteritis upon the consumption of a bottle of ginger ale. The shock and gastroenteritis resulted from a decomposed snail at the bottom of the bottle. The plaintiff had no action against the shop owner, as he had not been negligent in any way. The question was whether the plaintiff should take an action against the manufacturer of the ginger ale. The Court ruled in her favour, finding that a duty of care was owed to your ‘neighbour’.

The standard of care imposed by the Irish courts on schools and teachers has been that of a ‘prudent parent’ or it is sometimes said that schools are in *loco parentis* (in place of a parent) when children are in their care. This prudent parent standard was first developed in an English case of *Williams v. Eady* (1893).² This case established the principle that a duty of care exists between a teacher or school and a student whenever the former has care or custody of the student. Lord Esher stated that: “*the schoolmaster [is] bound to take such care of his boys as a careful father would take of his boys.*”

² *Williams v. Eady* (1893) 10 T.L.R. 14, at p.42.

(*Williams v. Eady* 1893, p.42). McMahon and Binchy (2013, p. 636) note that: “*Although this statement has been quoted widely with approval in several decisions in this country and abroad, it has been criticised for being ‘unrealistic, if not unhelpful’ especially where the number of pupils in the school is high.*” Glendenning (2012, p. 461) also notes: “*Some of the older cases, although perhaps admirable, in their reasoning, may be somewhat out of step with modern thinking.*” Many cases in Ireland over time have adopted the ‘prudent parent’ standard. (see: *Lennon v. McCarthy*, Supreme Court, unreported, 13 July 1966: *Mulvey v McDonagh* [2004] IEHC 48: *Murphy v County Wexford VEC* [2004] IESC 49: *Maher (a minor) v The Board and Management of Presentation Junior School, Mullingar* [2004] 4 IR 211: *Veronika Trjasunova v Guardian Angels National School Blackrock* [2017] Circuit Court.) These cases related to school bullying. The courts in these cases took into account the level of: ‘awareness’ by the schools of bullying. McMahon and Binchy (2013, p. 636) believe that: ‘It is possible that in a future decision an Irish court will drop the reference to the ‘careful parent’ and stress the fact that it is the standard of the reasonable school teacher or manager which should prevail.’ Quill (2009) endorses a move away from imposing *a parental standard of care* noting that it would be keeping in line with changing social expectations.

The Supreme Court in *Murphy v County Wexford VEC* [2004] IESC 49 considered an action by a pupil against his school authorities for damages for personal injuries suffered by him during a lunch period in the school on the 7th May 1998. At the time of the accident the Plaintiff, was 16 years of age. The plaintiff had been struck by a chocolate bar in the eye during horseplay, causing him severe injuries. There had been no supervision of any kind by the school on that day in the area where the incident took place. The learned trial Judge found that the school had been negligent and awarded the Plaintiff the sum of €50,000. In its defence, the school (the Appellants) pleaded contributory negligence on the part of the Plaintiff. The Supreme Court held that schools are required to supervise and the degree of supervision will depend on a number of factors, including the age of the pupils, the location where they gather, the number of pupils present at any one time and the general propensity of the children at that particular school to act dangerously. Where a school is aware of potential or actual incidents of bullying, then the school is under a duty to take account of these incidents in determining the appropriate level of supervision in the school, particularly at break periods, where pupils are outside of the relatively controlled environment of the classroom.

In *Murphy v County Wexford VEC* [2004] IESC 49 both parties accepted that the duty of care owed by a school was correctly set out in *Lennon v. McCarthy and Anor*, an

unreported judgment of the Supreme Court of 13th July 1966, in which O'Dalaigh CJ said: "*The duty of a school master is to take such care of his pupils as a careful father would of his children (per Lord Esher MR in Williams v. Eady [1893] 10 TLR 41). But when normally healthy children are in the playground it is not necessary that they should be under constant supervision: Rassthane v. Ottley [1937] 3 All ER 902.*" Interestingly, "normally healthy children" suggests a particular view of childhood. It is easy to assume that definitions and expectations of age groups are fixed to certain categories: infants, children, adolescents, adults. However, childhood varies considerably among different cultures, especially between rich and poor societies.

In *Murphy v County Wexford VEC* [2004] IESC 49 the parties conceded that teachers are to be held to a standard based on *a reasonable person in loco parentis*, rather than *that of a reasonable teacher*, although it should be noted that the court did not express an opinion on the matter. The judgment of the court was quite short compared to many Supreme Court judgments. It was a three judge court with judgment delivered by the honourable Justice McCracken and Justice McGuinness concurring whilst Justice Fennelly dissenting. This case demonstrates that liability will be imposed if a school has a supervision policy but doesn't implement it.

The *Murphy* judgment was followed by Mr Justice Peart in the High Court case of *Wayne Maher (a minor) v The Board and Management of Presentation Junior School, Mullingar* [2004] 4 IR 211. In that case, the plaintiff, a boy of six, was severely injured in his right eye when, in a classroom of the defendant's school, another boy of the same age sitting at a table opposite to him used a rubber band to fire a pencil at him when the teacher had her back turned. The judge noted: "*... for a breach of duty of care to occur, there must exist in addition to the relationship of proximity (which clearly exists in the case of a school and pupil) the requirement of foreseeability.*" The judge in *Wayne Maher (a minor) v The Board and Management of Presentation Junior School, Mullingar* continued by stating that: "*....before the defendant can be liable, the court would have to be satisfied that it is reasonable that Ms Shaw [the teacher] should be expected to anticipate that the moment she turned her back (not literally) on the class in order to have a very short conversation with Ms Fitzsimons at the door of the classroom, it was probable or likely that some behaviour would occur which would cause injury to one or more of the pupils in her charge.*" Peart J. made the observation that: "*There can of course be situations in any school where the school is well aware of potential dangers, where for example there has been a history of disruptive and even violent behaviour on the part of a pupil or a group of pupils. Bullying would be a case in point. The duty of*

care of the school in such circumstances would extend to taking appropriate account of these known circumstances when deciding on the appropriate level of supervision in the school, particularly during break and recreation periods when pupils are outside the more controlled environment of the classroom." The judge confirmed that the standard of care required in school was that of a prudent parent, he explained that this meant: "*The school is expected to be no more and no less vigilant of those in its care than a prudent parent would be in his or her own home. In any normal child, if there be such a creature, there is always a certain propensity for horseplay and high spirits. Indeed, if it were not so, there might be some cause for concern.*" In the particular circumstances of the case, the judge held that the school was not guilty of negligence and that the student's claim failed.

In *Veronika Trjasunova v Guardian Angels National School Blackrock* [2017] Circuit Court.) Justice Raymond Groarke concluded that he could not prohibit a game of chase in the playground. Veronika Trjasunova, aged 13, sued Guardian Angels National School, Newtownpark Avenue, Blackrock, Co Dublin through her mother, Natalija Saveljeva. She had sued the school on the basis that its staff had been negligent in having failed to stop a game of chase, in which Veronika was engaged during a lunch break in the hard-surfaced school yard in April 2010. Judge Groarke heard that Veronika had been taking part in a game of chase with other children and had fallen, breaking her left arm. Other children had fallen on top of her. Veronika's legal team had alleged that the school did not have adequate numbers of staff in the school yard to supervise between 100 and 150 children engaged in different play activities and had failed to intervene and stop the game. The judge dismissed the claim against the school and said it was physically impossible to stop young children chasing one another in a school yard. The judge said that: "...this was simply an old-fashioned accident and I fail to see any liability on the part of the school for that accident." Dismissing Veronika's claim the judge said he believed no prudent, responsible and reasonable parent would have prohibited the game of chase that had been taking place in the school yard on the day. The school did not seek an order for costs against the girl's mother.

2.4.4.1 Applying Irish Case Law to a Bullying Context.

What we have learned so far is that Irish courts will apply general principles of negligence to cases involving school bullying. Secondly, we have learned that the standard of care test applied is that of a prudent parent. Thirdly, there are very few Irish cases related to school bullying concerning: schools and teachers liability. Moreover, any

cases that do exist normally will be settled outside of court thus leaving no reported judgment. In turn, not shedding much direction on the area concerning the duty of care owed by schools and teachers inside and outside of school.

The above cases namely: *Mulvey v McDonagh* [2004] IEHC 48; *Murphy v County Wexford VEC* [2004] IESC 49; *Maher (a minor) v The Board and Management of Presentation Junior School, Mullingar* [2004] 4 IR 211; *Veronika Trjasunova v Guardian Angels National School Blackrock* [2017] Circuit Court) do not discuss relevant questions such as how children's rights should be recognised concerning bullying among young people. These cases lack a human rights approach. Upon reading the judgments in the cases it is evident that much emphasis is given to the facts of the cases rather than any evaluation of 'human rights' law concerning children. Within these cases a missed opportunity was had to discuss children's participation rights. Also a missed opportunity was had to discuss economic, social and cultural rights and the Irish Constitution which is at the root of the issue concerning the duty of care owed by teachers to students inside and outside of school relative to bullying.

2.4.4.2 Duty of Care – Outside of School

The boundary of the duty of care is unclear concerning matters outside of school. McMahon and Binchy (2013, p. 661) question as to what exactly is the duty owed by the school to prevent internet bullying by students who post the bullying comments after school hours. Smith in (O'Moore 2013) notes: "...when a student bullies another student from the same school outside of that school, outside of school hours? What can the school do? May it discipline that student who bullies? The answer appears to be 'Yes', in certain cases." (O'Moore 2013, p. 478). Smith in (O'Moore 2013, p. 478): cites the case of *The State (Derek Smullen and Declan Smullen) v. Duffy and Others*, to back up his claim. This case involved the High Court upholding a principal's decision, after an investigation, to suspend a number of students involved in a fight outside school. This was followed by another High Court judge in the case of: *Student A and Student B v. Dublin Secondary School*, this case held that such: 'exceptional circumstances' where there is danger to life and property could justify immediate or long term suspension without notice or procedure. Glendenning: (2012, p.464) notes generally speaking, the courts will look at the circumstances of each case having regard to the foreseeability of the risk to students, the gravity of the threatened injury, the social utility of the conduct in question and the expense economic, social, physical, or psychological of preventing the injury. Consequently the degree of care required of the teacher in question will alter with the

circumstances and will depend on the age and mental maturity of the child, what the child was engaged in at the material time, and whether the risk of danger was foreseeable and therefore avoidable. It is worthy to note that there was a Supreme Court case in Ireland, while not bullying related, did look at the question of where a school's responsibilities lay, in terms of time and distance: Shane Dolan v. Timothy Keohane and Michael Cunningham (Unreported 8, February 1994). (Smith, in O'Moore 2013, p. 479). The facts of this case were that a primary school was 115 yards away at a diagonal from a secondary school. The plaintiff then 9, was a pupil at the former school. In general, the primary school student would leave their school at 3pm and be collected five to ten minutes later, by two to three privately owned buses. The collection point was in the vicinity of the secondary school point of entrance. There was a gate at the secondary school of two sections which could swing in or out. The primary school students had a habit of getting onto a section and swinging it in, with one foot on the ground and another on the gate. The section the plaintiff was on moved forward, catching two fingers of his left hand between a pillar and a gate, crushing them. The High court judge held that there was: 'no evidence' that the teachers in either school knew of the practice of swinging on the gate. He held that it was: 'unreasonable' that the primary school teachers had an obligation to supervise the student, when he had: "*crossed to the other side of the road and walked an appreciable distance to the gate of the secondary school.*" He said that "*children of the plaintiff's then age can get into mischief of various sorts between the time they leave the school grounds and arrive home.*" He held that the plaintiff was "*well outside the ambit of any possible duty of supervision on the part of the primary school teachers by the time he reached the gate.*" The decision was upheld on appeal to the Supreme Court, O'Flaherty J. giving the main judgment. The secondary school teachers, he held, had 'no duty' to supervise the plaintiff at that point. While there were "*clearly cases where the duty to supervise does not end at the school gate*", this case was not one of them. Denham J. agreed with O'Flaherty J., saying the accident occurred outside the primary school's grounds. While she said there would be liability in other circumstances, such as when: 'a young pupil is off the school premises owing to a lack of care of the school', this was not one of these. She went on to say there was no knowledge of the teachers of either school of the practice of swinging on the gate. While there may well be circumstances where a school is responsible for children on their way home, where, for example, the school has knowledge of a dangerous situation, this is not one of those. Smith in (O'Moore 2013, p. 492): interestingly points out: "*The remarks by Denham J. in the Dolan case, of a school perhaps being responsible if it 'has knowledge of a dangerous situation', could perhaps*

be used in a bullying context in a later case”. The *Dolan case* was in contrast to an earlier Supreme Court judgment, *Christina Hosta v. Patrick McDonagh, Canon Hyland and Another* (Unreported, 29 May 1973.) This decision was given by Fitzgerald CJ., appealing a High Court award of damages for negligence. The plaintiff, a schoolgirl, then 10 years old, left her school as part of a group of three girls, at around 12.30pm, through a double gate. She was struck by a car, both her legs were broken and her scalp lacerated. She made a ‘remarkably good recovery’ and had ‘no permanent disability.’ The court reduced the damages awarded to the plaintiff, holding her to be 30% liable, while the first defendant, the car’s driver, was 45% liable, and the second defendant 25% liable, for not having a suitable exit from the school, not having it supervised and allowing the plaintiff onto the road unattended.

The above cases are interesting. They concern the issue of negligence where students were physically injured outside the school. While not bullying related, the cases looked at the question of where a school’s responsibilities lay, in terms of distance and time. These two Supreme Court cases highlight that a parent of a student can sue a school for personal injuries alleged to result from the school’s negligence. So what can we learn from these cases about bullying. Denham J.’s obiter comment in *the Dolan case* could be used in a bullying context. It could be argued that based on Denham J.’s comment a school could be liable for bullying in the immediate vicinity outside the school.

2.4.4.3 Other Jurisdictions

England

It is also interesting to note that the English case of *Bradford-Smart v West Sussex County Council* [2002] EWCA Civ 7 or also see [2002] ELR 139 *could be persuasive here in Ireland*, in terms of a member of staff witnessing an incident in the school’s immediate vicinity. The case looked at the issue of bullying outside the school, and found that a school *might be obliged to intervene*, under its duty of care, if such bullying carried into the school. The school successfully defended the claim because the bullying occurred predominantly on the way to and from school, and staff had taken “reasonable steps” to prevent it from happening at school. In fact, the judge applauded the claimant’s form tutor for her diligence in keeping an eye on and protecting the pupil at school. This case highlights that the effect of a school’s duty of care at common law extends to taking reasonable steps to prevent bullying *within the school*, including one-off acts of aggression and the persistent targeting of one individual. While holding that schools are

not responsible for acts committed by pupils on other pupils outside their field of control (such as their neighbourhood, the court acknowledged that there might be circumstances when a school's failure to exercise its disciplinary powers in respect of action taken by one pupil against another outside school could amount to breach of duty of care. Although such circumstances would be few and far between, relevant factors would be whether the effects of the incident carried over into school and whether a reasonable head teacher would consider it necessary to investigate (Per Judge LJ at paras 34 and 36 [2002] ELR 139.)

Finland

In a Finnish tort liability case the court³ argued that name-calling is so common among pupils of secondary school age that it would be unrealistic to oblige the school to eradicate it completely.⁴ Although this argument is questionable, it is more important to focus on the underlying fact that we do have bullying cases where the school has done everything that it could, but the bullying continues nonetheless.⁵ The most recent tort liability case⁶ shows that sometimes school staff really cannot stop bullying despite the use of all possible measures. In this case, the physical and mental bullying occurred between 2007 and 2011, after which the pupil changed school and the bullying stopped. During these four years, the school staff followed the KiVa school anti-bullying programme, including regular lessons for all pupils and special lessons for pupils involved in bullying cases. They also used mediation and detention as measures to stop bullying, made child welfare notifications, reported the bullying cases to the parents of the victim and the perpetrator, and organised breaks between classes so that the class in question had breaks at different times than those of other pupils so as to make supervision more effective.⁷ They also asked a policeman and security expert to help, and expended

³ Rovaniemi Court of Appeal HO, 27 June 2003, S 02/541.

⁴ See; Gynther, P., (2012) 'Legal framework in violence in education: Country brief in Finland' International Journal for Education, Law and Policy, Vol. 8(1), pp.93-98 at p.98. Also see: Farrington, D.P., (1993) 'Understanding and preventing bullying' Crime and Justice: A Review of Research, Vol. (17), p. 418. Edited by Michael Tonry, The University of Chicago Press Books.

⁵ In this case (Rovaniemi Court of Appeal, HO, 27 June 2003, S 02/541). Bullying (mainly name-calling) happened very often by many different pupils. The school staff used discussions as an intervention measure, the victim was moved to a more peaceful class and the state of the victim was systematically monitored (every week). Staff intervened in every bullying situation, but bullying did not stop completely. Ultimately, the parents opted for home education for their child and claimed damages for the costs of home education.

⁶ Helsinki Court of Appeal, HO, 24 February 2016/321.

⁷ See; Gynther, P., (2012) 'Legal framework in violence in education: Country brief in Finland' International Journal for Education, Law and Policy, Vol. 8(1), pp.93-98 at p.98. Also see: Farrington,

significant resources on group building in the class. The court argued that the school staff had used many measures and had done more than in average bullying cases; as such, they had not failed to fulfil their duty of intervention. It could not be proven that more measures would have stopped the bullying. In addition, epilepsy – which the claimant had argued was caused by bullying – could not have been a result of bullying, according to the court. In a Finnish criminal case⁸, the court argued that while the school staff cannot stop the bullying, it does not automatically mean that they have failed to fulfil their duty. A pupil had been bullied physically and verbally for several years. In the first two years, the school staff did not work effectively. However, because they later applied almost every possible measure to stop the bullying, the district court decided to dismiss the charge and the Court of Appeal arrived at the same conclusion.

2.4.5 Ethics Perspective of Duty of Care in Education

Teaching is a moral profession (see for example, Sanger 2008; Sockett 1993). Students benefit both socially and academically when supported in a caring classroom and school environment (Noddings 1992; Tirri and Husu 2006). A caring teacher-student relationship can provide students with the motivation to want to succeed (Noddings 1988).

The ethic of care, first coined by Gilligan (1977) and later advanced by Noddings (1984), is a feminist model derived from sociological and philosophical perspectives. In Gilligan's research on moral development, she compared an "ethic of care" to an "ethic of justice" to describe two modes of reasoning. The ethic of justice is characterised as reflecting fairness, objectivity, and universal principles and rules while the ethic of care focuses on specific contextual circumstances and responsibility in relationships. Noddings (2005) described care not as an individual characteristic, but within the existence of a dyadic relationship. "*A caring relation is, in its most basic form, a connection or encounter between two human beings - a carer and a recipient of care, or cared-for*" (p. 15). According to Noddings' (2005) model, observed reciprocity plays a key role in the ethic of care. One of the criticisms of Noddings' formulation of care is the requirement that the cared-for must complete the caring relationship by reciprocating care to the one-caring. When teachers fail to understand the ways students from non-dominant cultures reciprocate caring they risk making faulty assumptions that students do not care

D.P., (1993) 'Understanding and preventing bullying' Crime and Justice: A Review of Research, Vol. (17), p. 417. Edited by Michael Tonry, The University of Chicago Press Books.

⁸ Turku Court of Appeal, HO, 15 December 2010, R10/527.

(Valenzuela 1999; White 2003). The end result of the miscommunication may include damaging existing teacher-student relationships or not allowing relationships to materialize in the first place. Valenzuela (1999) expanded on the concern about a cultural mismatch in communicating care between students and teachers: “*What looks to teachers and administrators like opposition and lack of caring, feels to students like powerlessness and alienation*” (p.94). Other scholars criticize the reciprocal care requirement in Noddings’ (2005) model, contending teachers should continue to demonstrate care for students even if from the teachers’ perspective—students are not returning the care. Often students who teachers perceive are not reciprocating care are the very students who need a relationship with a caring adult the most (White 2003). Care theorists, including Noddings (1988), distinguish between two types of care: aesthetic and authentic (Shiller 2009; Valenzuela 1999). Aesthetic care is concerned primarily with policies, processes, practices, and ideas that purportedly lead to student achievement. Teachers demonstrate aesthetic care when they praise students for adhering to school rules and performing well in classes (Shiller 2009). Authentic care emphasizes relationships of reciprocity between teachers and students (Noddings 1988). In practice, authentic care includes teachers embracing students as individuals and nurturing, mutually respectful relationships. Teachers may also demonstrate authentic care by learning about their students’ families and communities (Shiller 2009). When school staffs adopt an authentic care model students feel part of a learning community that respects and understands them (Maulucci 2010). Teachers, representing predominantly the White middle class culture, often fail to acknowledge and sometimes refuse to acknowledge their students’ backgrounds, histories, and life stories making it difficult to engage in reciprocal relationships with students (Valenzuela 1999). Creating a culture of authentic care in schools is also challenging because teachers, administrators, and schools are assessed—formally and informally, publicly and privately by how their students perform on standardized tests and other large-scale “one-size-fits-all” indicators. This practice encourages educators to focus on the application of aesthetic care rather than authentic care (Noddings 2005). Noddings’ work has been critiqued for its foundation in white, middle-class; heterosexual, feminine ethics (Wiedeman 2002) and many scholars claim it is therefore inappropriate for students of color (Thompson 1998; Van Galen 1993; Wilder 1999). Referencing Gilligan’s and Noddings’ work on the ethic of care, Thompson (1998) posited: “*Insofar as [these] theories of care fail to acknowledge and address the Whiteness of their political and cultural assumptions, they are in effect colorblind*” (p.525). Although scholars have criticised aspects of Noddings’ (2005) model, the basic

concepts of the model identify important issues explored in this study. If teachers work from the perspective of an ethic of care, expecting their students to reciprocate caring behaviours, but teachers and students use different behaviours to demonstrate caring, the mismatch may significantly impede the development of a caring relationship. Research suggests students of color expect teachers to *care about them* (authentic care) while teachers expect students to *care about school* (aesthetic care) (Valenzuela 1999). In response to Noddings' distinction between authentic and aesthetic care, is it possible students of color need a different combination of the two types of care than their White teachers are providing? Noddings' model provides a framework to consider the factors that may be impacting the development of caring relationships between White teachers and students of color.

O'Brien and O'Shea (2017) look at the area of wellbeing in education literature. They take a *Human Development Approach to Wellbeing* and make the case that such an approach is appropriate and helpful in developing a framework that is relevant for educators of young people in Irish second-level schools. A Human Development Approach to Wellbeing includes education centrally within its ambit, and also provides a broad disciplinary, developmental and perspectival basis for the consideration of wellbeing and associated states of illbeing.

O'Brien and O'Shea (2017) provide 'a wellbeing framework', sufficiently broad to embrace a variety of significant perspectives on wellbeing and human flourishing across disciplines and fields, and that will enable educators to consider and select what is most appropriate for their students within particular schooling contexts. They discuss curriculum reform at second level in Ireland, particularly with respect to the inclusion of a wellbeing curriculum at Junior Cycle. O'Brien and O'Shea (2017) also revisit their earlier work for the National Council Curriculum Assessment NCCA (*Wellbeing and Second-Level Schooling: A Review of the Literature*, O'Brien, NCCA 2008) which explored the broad terrain of wellbeing and how it relates to the schooling and education of adolescents from the perspective of human development. Building on that foundation O'Brien and O'Shea (2017) research synthesises key perspectives and approaches to wellbeing, that have relevance and meaning for second-level educators and their students. O'Brien and O'Shea (2017, p. 5) note we need to be: "...*sincerely engaged in making wellbeing a reality, a significant question within the context of education and as part of a wider socio-historical and cultural context.*" They further note "...*there are competing views of wellbeing each with its own account of the normative issues around human*

happiness and flourishing and its own account of human reality. This tension when acknowledged can make us distrustful of wellbeing: reluctant to believe that it can be lived in a meaningful way...” (O’Brien and O’Shea 2017, p. 5). The human development approach to wellbeing as discussed by O’Brien and O’Shea (2017, p. 29) proposes a “...*holistic, interdisciplinary and careful consideration of individual development along a continuum (lifespan, historical, global), and in relation to the specific environment, and culture of the school and wider community.*” What can be learnt from O’Brien and O’Shea (2017) is that good wellbeing should be founded on caring about students and the school community in the fullest sense, and in creating spaces for their ongoing development in all its complexity. Another learning is that teachers need to be agents of change. Teachers should not be marginal to the *design* of policy agendas around issues of wellbeing. O’Brien and O’Shea (2017, p. 29) note “...*it will involve teachers and students taking a stand on what matters to them, not as a didactic exercise or top-down care, but as genuine dialogical practice. It is an exciting journey, one that is real education, as it expands our horizons of expectation for human beings and for individuals as active agents in their school communities.*” Thus, encouraging teachers and students to locate and orient themselves on the wellbeing landscape in a way that makes sense in relation to their own experiences.

Noddings (2003) recommended that schools be redesigned so that care is produced and caring individuals are supported. Furthermore, she believed that through care and relationships, children will learn the aspects of ethics and morals. Noddings (2003) admitted that limited thinking has pulled society from the natural care that is necessary in education, and suggested “*to change the structure of schools and teaching so that caring can flourish*” (p. 180). By promoting care and ethics, education can help to create a higher level of cognitive development and a more “caring, ethical society” (p. 180). According to Noddings (2003), schools are entrusted with the development of ethical and moral human beings who are able to be successful and ethical citizens. Noddings (2011) believed education should prepare people for the work they will do, and instil values that are relevant for their futures. Furthermore, education should value the whole child, and teach moral and social issues throughout all curricula (Noddings, 2005).

2.4.6 Expansive Concept of Duty of Care

An expansive concept of the duty of care would encompass both an understanding of ethical and a legal perspectives on duty of care. Classroom demographics in Ireland are changing in ways that reflect greater cultural diversity in schools. Thus, an expanded duty of care would encompass a holistic view of the child.

Notions of duty, obligation, service, responsibility as well as care have historically framed the practice of teaching. Duty of care, from a legal sense, imposes a legal responsibility upon teachers to protect the safety and well-being of students in their care. This legal obligation requires educators to avoid conduct that is associated with an unreasonable risk of danger to others. Legal concepts of foreseeability and proximity stem from the case of *Donaghue v Stevenson* ([1932] AC 562). These two concepts are used to determine whether the implicated teacher/school body should have known that their acts or omissions could have caused injury or harm to those in their care. Having an expansive knowledge of duty of care would also involve being aware of children's human rights. A cornerstone of the development of universal child safe procedures is the rights that are outlined in the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC specifically recognises that children have a right to be protected from physical and mental harm and neglect and be able to enjoy the full range of human rights – civil, cultural, economic, political and social rights.

From an ethical perspective teachers' personal sense of responsibility potentially influences their instructional practices, psychological well-being, and ultimately their students' learning and performance. Responsibility is characterised by an internal sense of obligation and commitment, self-determination, and critical self-judgment. Responsibility also has a social dimension such that responsible persons are not entirely focused on their own needs and goals but also take into consideration the needs of others.

An expansive concept of the duty of care involves having knowledge of both law and ethics. Law and ethics often occupy the same "space," the laws of a given society are usually informed by that society's ethical stances.

2.5 Student Empathy

The chapter will now review the literature on student empathy, student/teacher/relationships, and culture.

2.5.1 Empathy

Research shows that empathy is an important mediator of bullying behaviour. Swearer et al. (2009) note that the literature has consistently found an association between aggressive behaviours and low empathy, and prosocial (helping) behaviours and high empathy. Hymel et al. (2010) view the capacity for empathy as a critical aspect of moral behaviour. They consider that Bandura's socio-cognitive theory of moral agency (Bandura 1999, cited in Hymel et al. 2010) provides a helpful perspective on bullying behaviours and also provides ways to address this behaviour. This theory suggests that moral reasoning is translated into actions through a number of self-regulatory processes. Over time children adopt the moral standards of the social groups to which they belong, and these guide their behaviour. The influence of these standards is dependent on whether individual's self-regulatory processes are engaged or disengaged.

Bandura suggests that there are various social and psychological processes that mediate this engagement and describes a number of ways people can morally disengage. One is by using cognitive restructuring (e.g., one form of cognitive restructuring is *moral justification* where aggressive behaviour is portrayed as serving a worthy function, or in the case of bullying it is perceived as normal behaviour). Another is *euphemistic labelling* when negative acts are described in ways that make them sound respectable (e.g., bullying is described as harmless teasing). A second way people can morally disengage is through minimising their role by handing over responsibility to someone else, and a third way is through disregarding or distorting the negative impact of behaviour.

Experts have suggested that empathy is a required teaching competency (Cooper 2010). For example, teachers high in empathy tend to perform better than other classroom teachers (Morgan 1984). Moreover, empathy has been identified as an effective tool for teaching in many academic areas, including history, science, and math (Yilmaz 2007). On the other hand, teachers low in empathy tend to be unsympathetic to victimized children (Kallestad and Olewus 2003) and perceive themselves as being unable to recognize and respond appropriately to bullying (Tsoulopas, Carson, and Matthews 2014). Empathy may also impact the extent to which teachers view peer victimisation as serious (Dedousis- Wallace, Shute, Varlow, Murrihy, and Kidman 2014) and as requiring intervention (Duy 2013). For example, teacher empathy is associated with disciplinary actions that involve contacting parents or school administrators (Garner, Moses, and Waajid 2013). Beginning and inexperienced teachers may be especially vulnerable to

experiencing a lack of concern or empathy for victimised children (Tettegah 2007). Interestingly, even when teachers are sympathetic to victimised students, their support diminishes as they gain more classroom experience (Boulton 1994). Few studies have attempted to identify the factors that may contribute to second-level teachers in Ireland responsiveness to prevention and intervention regarding bullying inside and outside of school. Even fewer studies have examined the role of interpersonal factors in these associations. The present study complements existing literature on practicing teachers, which demonstrates that the empathy and self-efficacy of teachers regarding bullying towards victims and aggressors predicts their likelihood of preventing and intervening to reduce bullying. Offering professional development opportunities in emotional competence and appropriate responsiveness to peer victimization would be especially beneficial for both beginning and experienced teachers (Bauman and Del Rio 2005; Jennings and Greenberg 2009). The present results of this study suggest that teacher training on attachment and empathy and other positive emotions may provide a pathway for addressing challenging classroom peer behaviour. For instance, teachers high in security of attachment are more likely than insecure teachers are to endorse the use of positive classroom management strategies (Morris-Rothschild and Brassard 2006).

2.5.2 Student/Teacher Relationships

Recent studies (Ettekal, Kochenderfer-Ladd, and Ladd 2015) have found that the chances of a teacher deciding to intervene on an instance of bullying are associated to different factors, namely his self-confidence to be capable of dealing with problems at school (Nicolaidis, Toda, and Smith 2002), his perception of the seriousness of the event, and his empathy towards the victim (Byers, Caltabiano, and Caltabiano 2011; Dedousis-Wallace et al. 2014). Teachers, in general, view bullying as wrong and believe that the victims need help; however, this does not necessarily translate into an actual intervention, since the fear of acting or the feeling of not knowing exactly what to do may prevail, leading to the desire that someone else take responsibility for intervention. This was quite evident in this current research where all teachers felt bullying was wrong but felt confused about their duty of care regarding bullying outside of school. A lot of teachers in this study felt that the pastoral care team and the guidance counsellors were the best people to deal with the issue of bullying. Again, signalling not having confidence to prevent and intervene.

Teaching contains emotion (Hargreaves 1998) and caring for students overall wellbeing is linked to the profession. The bystander theory from Latane and Darley

(1970) is interesting when considering teachers' role in the intervention process of bullying. This theory lists four main points of bystander behaviour. The bystander must 1) notice the event 2) interpret it as a problem 3) feel responsible for dealing with it 4) determine the mode of intervention. If the bystanders in this situation are teachers, the four stages could be modified to show that in order for a teacher to intervene the teacher must 1) notice the bullying behaviour; 2) interpret it as a problem that must be addressed; 3) take responsibility for dealing with the problem and 4) determine how to best handle the situation. It is important to understand teachers' perceptions of how they 'interpret' bullying as these will indicate what behaviour they perceive as bullying, when is it a problem and where should the line be drawn so that the behaviour should be reported. It is important that teachers and staff members have a clear understanding of when to intervene. If teachers are uncertain on the nature or severity of the behaviour, bullying situations may be overlooked or ignored. Bullying behaviours such as verbal abuse, social abuse and practical jokes are often ignored or tolerated by teachers and staff (Rigby 2008). Teachers often have difficulty dealing with pranks, verbal abuse, practical joking because students claim they were just kidding or fooling around (Kowalski 2007). According to Rigby, a leading researcher in the field of bullying, there is a continuum of bullying severity. Some behaviours appear to be less severe than others, although not all teachers know where to draw the line when it comes to reporting behaviour (Rigby 2008; Doll, Song and Simmers 2004). He admits that trying to specify what constitutes the different degrees of severity is almost impossible. Regardless of this problem, decisions must be made in order for teachers to know how to handle different situations. For example, giving someone the "cold shoulder" may be low on the severity chart, but excluding someone over a long period of time is a serious offense (Rigby 2008). An objective of this research is to uncover the reasons why teachers fail to report certain bullying behaviours. It is important to look at the areas that affect the reporting process for teachers. The ability to enact an ethic of care in teaching should be an expectation of effective teachers. Teachers need to be able to care for themselves, their students, the content, and other members of the school community. Too often, that ability to care is assumed rather than nurtured or taught.

2.5.3 Culture

School ethos is closely linked to school culture. The concept of ethos is the specific values lived out in practice in a shared communal space (Lodge 2013). In the

context of Irish education, Lodge and Jackson (2013) argue that ethos has tended to be a tired paradigm, one that focuses on the preservation of segregated dualities. The concept of ethos has been used in an Irish service-provision context as a means of delineating and containing difference, and this was actively supported by public policy (Lodge 2013). Lodge's (2013) study entitled *Valuing Visibility* was an action research project that set out to identify inclusive and positive practice in Irish post-primary schools; recognising the diversity of sexual identities that exist within a school community as well as identifying and exploring the perceived barriers to such practices (Lodge 2013). The project found that there was limited evidence of positive practices in the participating schools which recognised and included the diversity of sexual identities and relationships. A study by Pike and Waldron (2006) demonstrates how these ideas about national character can become ingrained. The study of primary school children, "*What does it mean to be Irish? Children's construction of national identity*", revealed that the children involved, all of whom were Irish citizens, equated Irishness with the Irish language, sport, music and dancing. When Pike and Waldron returned to discuss the findings with the children, they reported that the children recognised that their view and impressions of Irishness were influenced by the media and popular representations of Ireland and the Irish. As noted previously, images of national identity can also change over time. In line with this, Pike and Waldron remark that the absence of religion in the children's writing was striking. While they note that the children were open to the idea of cultural pluralism, they also found that there was a fear of losing part of their Irish identity as a result. Pike and Waldron identified the lack of acknowledgement of internal diversity in Irish society and the conceptualisation of Irish people as able-bodied, settled and white as causes for concern. However, they do assert that schools can make a difference and they call on educators to take responsibility to ensure that children are "*given the space and opportunities to explore, question and challenge existing conceptions of national identity.*" (Pike and Waldron 2006, p. 248.).

In Ireland, the school ethos and the Catholic Church role in education has had a huge impact in the provision and development of pastoral care and school culture in Irish schools. Previous research shows that to be Irish has meant to be white, settled/majority ethnic, and Catholic (Devine et al. 2008; Parker-Jenkins and Masterson 2013; Kitching 2014). In Ireland, initial teacher education programmes for primary and post-primary teachers are facilitated through a range of concurrent (undergraduate) and consecutive (postgraduate) programmes. Minimum entry requirements for programmes of initial teacher education are set by the Minister for Education and Skills, in consultation with

the Teaching Council. All initial teacher education programmes (primary, post-primary and further education) in Ireland that lead to registration must have professional accreditation from the Teaching Council. The Teaching Council's requirements for ITE programme content includes engagement with a range of diversity and inclusion issues and strategies.⁹

Parker-Jenkins and Masterson (2013) have noted that within Ireland, the approach to cultural diversity in professional practice has predominantly been left to the discretion of the individual teacher who may or may not have had training on diversity matters, and may vary in their level of personal commitment. Most schools in Ireland are bilingual, officially English and Irish. Other European languages are taught, but beyond recognition of multi-lingualism in Irish society this part of the curriculum is often lip service, a superficial bolted-on approach with little or no connection to the changing nature of linguistic diversity. The home environment has a huge impact on how people understand diversity. Most teachers today would have grown up in an Ireland where the dominant class was white and catholic. Thus, remaining in the childhood memories of teachers. If teachers today are still tied to a generation where parents had to deal with 'bullying as a part of growing up' then teachers may find it difficult to understand conceptions of bullying and care. Noddings (1984; 2003) has made it clear that caring values at home can make a definitive impact on the ethical development of a child. She also expressed how imperative it is for the school to equally support the caring values being taught at home. Thus, it is not just the teacher's responsibility to practice an ethic of care. All relevant stakeholders whether at home and in school have an ethical duty towards children to practice an ethic of care. In turn, this will shape school culture.

Culture is a significant factor that shapes human thinking and behaviour to a great extent. Thus, its influence on human beings affects their human rights. O'Mahoney (2007, p. 172) notes that in a globalised world there is a need: "*...to promote a culture of human rights based on a common humanity which at the same time respects different traditions where it is possible to allow moral space for them.*" In Ireland, everyone has a role to play in creating a culture of respect for children and their rights. No single measure will create this culture, but taken together a range of steps including both legal and non-legal measures are essential. In countries worldwide a solid constitutional footing for children's rights would be beneficial for children. Moreover, accessible complaints mechanisms and

⁹ Such as: Inclusive Education (Special Education, Multiculturalism; Legislation Relevant to School and Classroom; The Teacher and External Agencies.

effective remedies for holding the state to account will support the effective implementation of children's rights through legislation. In Ireland, more positive steps need to be taken to create a culture of respect for children's rights: training and public education will ultimately build consensus about how children should be treated. The realisation of children's rights in Ireland is ongoing as Ireland continues to use a welfare-based approach to children's issues rather than a rights-based approach, as necessitated by the UN Convention. A protectionist welfare approach continues to dominate policy development in Ireland. This approach characterises children as dependents in need of protection. Children are seen as the responsibility of their parents with the State offering only limited support to parents in their parenting role. While this may afford some support to certain children and families it shows limited recognition of children as a group with rights of equal value to those of adults. Children are an invisible entity in much policy-making.

The work of sociologist Anthony Giddens' structuration theory is useful to understand and analyse violence within the school system on a structural level. One of the elements of bullying is power imbalance. Hierarchies are determined by power. The structure which exists in the Irish education system has been and is heavily influenced by religious values, in particular the Catholic Church. Children model adult behaviour and if they are exposed to an environment where there is a lack of respect for diversity then children will model such behaviour among their peers. According to Giddens' theory (1984, p. 25) structural change and human agents are reliant which is called: 'duality of structure'. Giddens (1984) proposes that human agency and structure operate in a duality where agency influences structure and vice versa in a continuous relationship (see also Giddens and Sutton 2013, p.90). Hence, human actions both create and reproduce the structures that simultaneously enable and constrain action. It is the repetition of the acts of individual agents which reproduces the structure. This means that there is a social structure - traditions, institutions, moral codes, and established ways of doing things; but it also means that these can be changed when people start to ignore them, replace them, or reproduce them differently. In taking Giddens structuration theory into account it has to be questioned are teacher's mere agents of society who inoculate the dominant ideals, values, and beliefs of society in their students? Western society is meant to be democratic however most schools in western society are highly organised and hierarchical. Inequality and alienation in schools of subordinate classes has been reflected by the instrumental and organisational goals of schools. The implications for young people are that teachers'

beliefs and understandings of the goals and ethos of the school will shape whether they identify, prevent or intervene in bullying.

2.6 Institutional stressors

Whether we think of teaching as a profession or think of it as a vocation does make a difference in how teachers deal with students, what teachers do in the classroom and how they interact with colleagues, what commitments teachers are willing to make, what expectations can be reasonably imposed, what career goals teachers set, by what standards teachers measure success, and how they view the relationship with the institution in which they work.

Research over the past three decades has shown that the teaching profession is associated with high levels of perceived stress (Lieberman 1986; Roeser et al. 2013; Skaalvik and Skaalvik 2010). To summarize previous findings (e.g. Kyriacou 2001), teachers' perceived stress results from a relative lack of balance between demands and resources at school. Negative emotions (e.g., anger or anxiety) are associated with that mismatch (e.g., Kyriacou 2001). Poor working conditions can be sources of stress as well, e.g., no individual workplace at school, not enough paid time for cooperation or preparation, teaching unmotivated students, managing discipline in class, and having to agree with evaluations by others (Kyriacou 2001). Teachers have both curricular and extra-curricular obligations (Kyriacou 2001) such as planning, preparing and conducting lessons, supervising playgrounds, organising school events, coordinating with secretaries, and communicating with parents or social scientists. Furthermore, teachers have to deal with various impediments and constraints such as fixed timetables and limited resources. Teachers have little influence in decision-making or setting education standards (Egodawatte et al. 2011; Gallimore and Goldenberg 2001).

2.7 Law/Policy

The chapter will now review the literature on law/policy, this will include: school regulation in Ireland, Human Rights – UNCRC, Children Rights – Ireland, Specific Anti-Bullying Law.

2.7.1 School Regulation in Ireland

The post-primary education sector comprises of secondary, vocational, community and comprehensive schools (Department of Education and Skills 2014). Voluntary secondary schools comprising of 52.6% of the total number of schools, are privately owned and managed. The trustees of most of these schools are religious

communities or boards of governors. Although there has been a dramatic reduction in the number of members of religious orders and congregations involved in education in Ireland (Department of Education and Skills 2014), a Catholic ethos still remains in these schools (Skelly 2012). It is important to recognise that faith schools also include a number of schools which are Protestant or Jewish in ethos.

Vocational schools comprising of 34.8% of the total number of schools in Ireland are state-established and administered by Education and Training Boards (ETBs), while community and comprehensive schools, 12.6% of the school total in Ireland, are managed by Boards of Management of differing compositions (Department of Education and Skills 2014). Boards of Management are mainly made up of hard working volunteers with no expertise or training in legal issues; similarly, school Principals regularly face difficult decisions which may have serious legal consequences if the wrong decision is taken.

Changes in legislation such as the Education (Amendment) Act, 2012, the Children First Act, 2015, the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012, and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 are further pieces of legislation that all stakeholders, Boards of Management, and staff must take into consideration. Data protection is another area that is well provided for by legislation in Ireland. Schools may receive requests, formal and informal, for information and records from parents regarding particularly issues such as bullying. Thus, this impacts on a teacher's duty of care when recording what he/she knows about any bullying. The National Action Plan on Bullying and Related Policies and Procedures for schools (2013) require that schools record and be accountable for cases of bullying. Teachers face difficult issues if there is a breakdown in a marriage and the child is being bullied in school. One parent might tell the school that there is a "barring order" against the other parent and instruct the school/teacher not to let that parent know anything about the progress of the child. This puts teachers in a difficult situation regarding their duty of care and, regrettably, have little or no training on how to deal with same.

Another important document for schools to bear in mind is the revised version of the *Children First: National Guidance for the Protection and Welfare of Children* issued by the Department of Children and Youth Affairs in 2017. The revised *Guidance* is aimed at being a practical and supportive reference resource for teachers in dealing with abuse. In the Minister's forward note (Department of Children and Youth Affairs 2017, p.IV), Minister Katherine Zappone noted: "*It is everyone's responsibility to protect children and young people and to do our best to keep them safe.*" She notes; "*It is important that*

families, communities and professionals can recognise when a child or young person is being harmed and that they know what action to take in response.” Hence, schools and teachers need to read this document and take note of its contents to be truly satisfying their duty of care towards children. The revised *Guidance* updates previous versions. Moreover, it describes the four main types of abuse and sets out the steps which should be taken to ensure that the child or young person is protected from harm. It has been updated to include new information about the Children First Act 2015 and it includes specific information for the professionals and organisations that now have legal obligations to keep children safe. The *Guidance* also outlines the roles of the main statutory bodies involved in child welfare and protection: Tusla - Child and Family Agency, and An Garda Síochána. The *Guidance* also contains details of how to report a concern about a child and what happens once the report is received by Tusla.

2.7.2 Human Rights

Bullying in school is an issue that directly affects mental and physical health. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health is given legal foundation by a range of international legal instruments, including Article 25 (1) of the Universal Declaration of Human Rights, Article 12 of the International Covenant on Economic, Social and Cultural Rights, Article 24 of the CRC and Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as the right to non-discrimination as reflected in Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination. The UN Special Rapporteur on the Right to Health (2005) states: “33. *The international right to physical and mental health is subject to progressive realisation and resource constraints. This has a number of important implications. Put simply, all States are expected to be doing better in five years’ time than how they are doing today (progressive realisation). And what is legally required of a developed State is of a higher standard than what is legally required of a least-developed country (resource constraints)*”.

At international level, the United Nations and the Council of Europe have taken a number of measures in a bid to safeguard the rights of children and more specifically protect them from violence. The Convention on the Rights of the Child is of fundamental importance. Under Article 19, children are entitled to protection from all forms of violence and Member States are required to take all appropriate measures to protect them. The UN Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, which was adopted by the

United Nations General Assembly in 1989. Ireland ratified the UNCRC in 1992. The legal obligation on states to implement the UNCRC is set out in Article 4. This article requires states to take all appropriate measures to implement the Convention. Compliance with international human rights obligations varies across national jurisdictions. Dualist systems, including Ireland, separate national law from international law because states have the freedom and constitutional liberty to determine the relationship between international law and their internal law (Aust 2000, p. 150). Article 29.5 of the Irish Constitution states that every international agreement to which the State becomes a party, other than purely technical agreements “*shall be laid before Dáil Eireann.*”. Article 29.6 goes on to state that “*No international agreement shall be part of the domestic law save as may be determined by the Oireachtas*”. Read with Article 15.2.1 of the Constitution, which states that the sole and exclusive power of making laws is vested in the Oireachtas, Article 29.6 excludes international treaties from having the force of law at the domestic level unless they have been transposed into legislation by the Irish parliament. These provisions of the Constitution establish the ‘dualist’ nature of the Irish legal order.

The UNCRC enjoys the status of national law in states with a monist system where incorporation into the domestic legal system is automatic on ratification. As Kilkelly (2011) points out: “*Where this is the case, the UNCRC can be litigated in the domestic courts and authorities can be challenged about the failure to secure Convention rights to children. Where the Convention is not part of the national legal order, however, those who seek to have children's CRC rights vindicated may struggle to find an effective avenue of redress.*” (Kilkelly 2011, p. 146). Thus, as Kilkelly (2011) further notes: “*...innovative ways must be found to give the Convention more practical effect, especially at national level.*” (p. 146).

The closest Ireland has come to recognising children from a constitutional point of view was with the 31st Amendment to the Constitution in November 2012. The Children’s Rights Alliance (2014, p. 11) noted: “*The passage of the children’s referendum in 2012 was a vital step towards the full implementation of the UNCRC in Ireland. The Amendment provides an explicit recognition to children as rights holders and progresses implementation of the right to non-discrimination (Article 2); the best interests of the child (Article 3); the voice of the child (Article 12); the right to protection (Article 19); the right to alternative care (Article 20) and adoption (Article 21). The timely and full implementation of this constitutional amendment will help to foster a culture that actively protects and safeguards the rights of children.*” (See: Children Rights Alliance,

Report Card 2014 – Chapter 1: Children’s Constitutional Rights). However, despite receiving some rights in the constitution in 2012, the lack of constitutional provision for specific child rights results with no judicial duty to consider them (Kilkelly and O’Mahoney 2007, p. 2).

Ireland’s commitment to implementing the UNCRC has largely been realised through the National Children’s Strategy (2000) and its goals of giving children a voice in matters which affect them, of ensuring children receive quality supports and services and of achieving a better understanding of children’s lives. Another change is that there has been an increased concern for children’s welfare. The introduction of legislation such as the Child Care Act (1991) to make the Health Boards responsible for supporting childcare and providing family support services, the publication of *National Guidelines for the Protection and Welfare of Children* (1999), the Education (Welfare) Act (2000) and the Children Act (2001) to improve the juvenile justice system all represent significant developments in how we conceptualise childhood and an overall related approach to ensuring children’s welfare. In 2014, the Children First Bill was published, the aim of which is to place the Children First Guidelines on a statutory footing. Once enacted this piece of legislation will operate in conjunction with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 so as to provide a general suite of child protection legislation in the sphere of those working with children. Article 19 of the UNCRC deals with protection from abuse and neglect:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Bullying could be deemed as a violation of Article 19 of the UNCRC. Part 2 of Article 19 requires State parties to take:

Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

This highlights the onus on organisations to create and implement effective anti-bullying policies and strategies that prevent bullying from taking place and support children and young people when it does. Article 28 UNCRC deals with education, the article says that

State parties shall recognise the right of the child to education and states that it should be on the basis of equality. Further to this, state parties should also take measures to encourage regular attendance at schools and reduce dropout rates. Bullying can make children feel excluded in school and thus may drop out. Article 29 UNCRC of the convention deals with the aims of education. A child's education should be directed at developing the child's personality and talents, and mental and physical abilities to their 'fullest potential'. It also states that education shall prepare the child for an active and responsible life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others. An environment where a child is experiencing bullying will not be conducive and supportive to them reaching their full potential.

All children have the right to live and thrive in a safe and caring environment, free from all forms of violence. However, millions of children throughout the world face abuse, neglect, exploitation and violence every day of their lives, and in different settings such as their homes, schools, communities and work environments. Such violence has important consequences for children's lives in the short, medium and long term, affecting their physical and mental health, their education and their quality of life. The UN Secretary-General's Study on Violence Against Children (Pinheiro 2006), the first comprehensive global study on all forms of violence against children, confirms such violence exists in every country of the world, cutting across culture, class, education, income and ethnic origin. Therefore, despite human rights obligations and children's developmental needs, violence against children is often socially accepted, and is sometimes legal (UN 2006) for example in the case of child beating, female genital cutting and even the execution of child offenders in some countries. Despite this adverse context, the World Report on Violence against Children's central message is that *no violence against children is justifiable, and all violence against children is preventable* (Pinheiro 2006, p. xv). Violence against children continues to be a major problem, but there are signs of improvement. The 2013 Global Survey on Violence against Children (UN 2013), which assesses progress in preventing and eliminating violence against children since the 2006 UN study, finds that protection of children against violence is gaining increasing recognition on international, regional and national agendas. There has been a rise in the collective understanding of children's exposure to violence and its consequences for them, leading to strategic actions to protect children being undertaken in a number of countries. This has been reflected in normative, policy and institutional developments, which have advanced national implementation of prevention and response

measures for violence against children. Joint actions at many levels have helped address attitudes and deeply rooted social norms that condone violence against children, and have encouraged the mobilisation of social support for the protection of children against violence. Progress, to make a significant breakthrough, however, has remained slow uneven and fragmented (UN 2013). As such, violence against children remains a major global challenge, one that requires the urgent attention of and prioritisation by the international community.

The Council of Europe was a major contributor to the preparation of the UN Study on violence against children and, since 2006, has consistently included the elimination of violence as a priority of its transversal programme “Building a Europe for and with children”. A Europe free from violence against children is one of the five strategic objectives of the current Council of Europe Strategy on the Rights of the Child (2016-2021). According to the Strategy, *"In its efforts to address violence against children, the Council of Europe will continue to act as a regional driver of initiatives to promote the implementation of the recommendations of the UN Secretary General's Study on Violence against Children and to support the mandate of the Special Representative of the UN Secretary-General on Violence against Children"* (See paragraph 42, p. 15.) The Strategy includes action to:

- promote an integrated approach to the protection from violence,
- combat sexual exploitation, sexual abuse and trafficking as well as to eliminate corporal punishment, bullying, cyberbullying, gender-based violence and to protect children from violent extremism.

The Council of Europe contribution to the elimination of violence against children includes several legally binding treaties, policy guidelines and recommendations, monitoring of States compliance with international standards, training and capacity building programmes and two major campaigns (against corporal punishment and against sexual abuse). Such available at the Council of Europe website.

The EU Charter of Fundamental Rights provides the prohibition of torture (Article 4), right to integrity of the person (Article 3), right to education (Article 14). In Article 24 (rights of the child) it provides the right of children to the protection and care of children ‘as is necessary for their well-being’. The principle of the best interests of the child is set as the primary consideration in any cases and actions involving children. Article 20 of the EU Charter of Fundamental Rights establishes equality of persons before the law, Article 23 – the equality of men and women in all areas, and Article 21 prohibits

discrimination on the basis of ‘sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation’. All of these provisions must be kept in mind, because the EU Charter of Fundamental Rights is a part of binding primary EU law, which always has priority. Member States must comply with it, while applying the EU law, and the Charter may also be relied on by individuals in national courts. Regulation (EU) 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 provides that ‘particular attention should also be devoted to preventing and combating all forms of violence, hatred, segregation and stigmatisation, as well as combating bullying, harassment and intolerant treatment, for example in public administration, the police, the judiciary, at school and in the workplace’. Funds are allocated for Programme objectives, *inter alia* targeting discrimination on various protected grounds, rights of children, and violence against children (Article 4 of the Regulation and its Annex).

The European Convention on Human Rights (ECHR) prohibits torture and degrading treatment (Article 3), protects freedom of expression (Article 10) and freedom of religion (Article 9) within the certain limit established by the ECHR, prohibits discrimination (Article 14) and establishes the right to education (Protocol 1 Article 2). In addition, other relevant binding instruments are the 2011 Istanbul Convention on preventing and combating violence against women and domestic violence, and the Framework convention for the Protection of National minorities (Articles 6, 12), and European Social Charter (Article 7).

The EU Directive on the rights of victims of crime is also worthy of note. It establishes minimum standards on the rights, support and protection of victims, including children. It stresses that the latter have specific needs in regard to their protection on account of their vulnerability. (See – Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime.

While child protection systems are principally the responsibility of the Member States, the EU also plays an important role, The actions of the EU in this area have a direct impact on the relevant laws and policies introduced by the Member States, such as Ireland. The UN Secretary-General’s *Study on Violence Against Children* (Pinheiro 2006), and instruments like the Council of Europe *National Strategies to Prevent*

Children from Violence strengthens the case in favour of state and ultimately school responsibility with regard to bullying.

2.7.3 Children's Rights in Ireland

Children First: Guidance

The *Children First: National Guidelines for the Protection and Welfare of Children* was first published in 1999 and has been revised and updated a number of times. As mentioned earlier in the section 2.6.1 – School Regulation in Ireland - the *Children First: National Guidance for the Protection and Welfare of Children* was issued by the Department of Children and Youth Affairs in (2017). Within the *Guidance* at page 12 it notes: 'It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.' The *Guidance* at page 13 recognises that when children have rights that means that adults have duties: 'Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards must have a code of behaviour and an antibullying policy in place. If you are a staff member of a school, you should also be aware of your school's anti-bullying policy and of the relevant guidelines on how it is handled.' The *Guidance* at page 13 highlights the discretion that still remains where a referral 'may' be made as opposed to 'mandatorily' be made. The *Guidance* at page 13 notes: 'In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.' In terms of rights when words such as 'possibly abusive' and 'may need' are used it highlights how children may be treated differently depending on the adult teacher involved. All teachers have different perspectives. Hence, one teacher may think a situation is 'possibly abusive' whilst another may not. Therefore, in those situations children's rights won't be dispersed equally. Thus, this is why it is important for all teachers and schools to have a solid understanding of: duty of care relative to bullying inside and outside of school. In turn, this will allow greater consistency of applying children's rights to all children from a human rights perspective and will allow greater compliance with international human rights law.

Bullying is a human rights violation. It takes away students' rights to respect and dignity, and infringes on the basic human rights values of inclusion, participation and non-discrimination. An act of bullying is a form of violence, and can often have a serious impact on a child's physical, mental, moral and social development. The social

acceptance of bullying as a part of “growing up” exacerbates the problem, with many believing it to be a means by which children can “toughen up” and prepare for adulthood. Bullying affects everyone - not only youth who are bullied but also those who bully, those who witness bullying - even the whole school and community. It is important for parents, teachers and the wider public to take a more active role in identifying and curbing the practice of bullying and nurture a rights respecting culture that embraces differences among people.

Better Outcomes: Brighter Future

In April 2014, the then Minister for Children and Youth Affairs, Frances Fitzgerald TD, launched: *Better Outcomes: Brighter Future: the National Policy Framework for Children and Young People 2014-2020*. The Framework commits Government Departments to work together to achieve five national outcomes for children, encompassing health, education, child protection, poverty and youth participation. The framework pledges to promote child protection and welfare for children. The UN Convention on the Rights of the Child is at the heart of the document and the Framework is a powerful vehicle to deliver positive changes for children and young people. This national framework highlights, from a policy perspective, the duty to protect children which in turn strengthens the case in favour of the state bearing responsibility with regard to bullying.

Child Rights Referendum

On the 10th November 2012, a majority of the Irish population (58 per cent) voted in a nationwide referendum in favour of the government proposal to include child rights into the constitution (Referendum Commission 2012; Referendum Ireland 2012). However, such rights were very limited. The lack of constitutional provision for specific child rights results with no judicial duty to consider them (Kilkelly and O’Mahoney 2007, p. 2) and this Irish issue is internationally recognised (UN Committee 2006a, p.3). Dualism hinders international child rights where adjudication of international rights is generally more difficult in dualist legal systems (such as Ireland) than in monist systems. Progress is needed in the Irish legal commitment to child rights. The entry into force of the EU Charter of Fundamental Rights (EU 2000) in Ireland is helpful for child rights in Irish law (Kilkelly 2009, p.8). However, this Charter has limited provisions for children, only identifying them in four out of 50 substantive articles. Moreover, the lack of an operating international complaints mechanism under the UNCRC also reinforces the importance of addressing constitutional rights for children. The Irish constitution serves

children inadequately. It is good that an amendment happened however it didn't go far enough in terms of placing children at the forefront of having constitutional rights. Also it is important to note that litigation is difficult: expensive, often inaccessible and time-consuming. Consequently, Sloth-Nielsen (2008 p.64) explains, "*constitutional child rights along with relevant legislative developments, should mean: enhanced court interpretation and support; improved activities and efforts of national human rights institutions; and better resolution of child rights violations.*" If put into effect, attention should be paid not only to how the judges would reflect constitutional child rights in their jurisprudence, but also to the degree to which international child rights would inform their decision-making. Judges often require training to support understanding of the nature and scope of child rights and applicability in national law. However, the legal sphere is only one aspect of national governance. Let us now consider what education has done to help child rights.

Anti-Bullying Procedures for Primary and Post-Primary Schools

In September 2013, the Department of Education and Skills published the *Anti-Bullying Procedures for Primary and Post-Primary Schools*. The Anti-Bullying Procedures for Primary and Post-Primary Schools 2013 are not legally binding, but are a useful guide to what good practices a school should follow, in order to fulfil its duty of care. Its predecessor, the 1993 *Guidelines*, were looked at in this way by the courts, and its definition of 'bullying' was accepted by them. The 2013 *Procedures* set out a monitoring framework, which includes a requirement for schools to undertake an annual review of their anti-bullying policies and an increased focus by the Department of Education and Skills' Inspectorate on the actions schools take to create a positive school culture and to prevent and tackle bullying. However, no agency is tasked with examining schools' annual reviews or any trends or anomalies that may emerge from them. Hence, how do we know if the 2013 procedures are working or not if no specific body has been given the role to annually review how the procedures are operating? How do we know if the procedures are working or even effective if nobody doing annual reviews to scrutinise them. As a result, it is not clear how the State will fully track progress at a national level in relation to how different forms of bullying are being tackled in schools. Undertaking such a review would strengthen the framework in place for ensuring that the procedures are being properly implemented. This could lead to difficulties for the Irish Government if a case was taken to the European Court of Human rights with reference to Article 19 of the UNCRC. The Ombudsman for Children has no specific role in relation to the 2013

procedures. However, complaints in terms of the behaviour of various organisations and the welfare of children, including schools can be made to the Ombudsman for children. According to the Ombudsman for children booklet on making a complaint the potential complainant should first try and resolve the matter within the organisation, and check their complaints process, which in the case of the school would include the 2013 *Procedures*. If the person is still unhappy, he or she can then go to the Ombudsman for children.

2.7.4 Specific Anti-Bullying Law

Very little research attention has been given in Ireland to the area of whether specific anti-bullying legislation should be implemented. Dayton and Dupre (2009) note: *“Given the pervasive scope of the problem, and the extent of human suffering and harm resulting from bullying, it is astounding that this issue has received such limited attention by law makers.”* (p. 334).

Ireland has not enacted any legislation which directly states the word: “bullying” Yet, the s.23 (1) of the Education (Welfare) Act 2000 does requires all schools to have a written code of behaviour. Should Ireland have a specific anti-bullying legislation? Currently, there is no specific anti-bullying legislation in Ireland. Bullying is defined by the Department of Education and Skills in the Anti-Bullying Procedures for Primary and Post-Primary guidelines (2013) as: "unwanted negative behaviour, verbal, psychological or physical conducted by an individual or group against another person (or persons) and which is repeated over time" (See section 1.4.1. p. 6. These procedures make clear that this definition includes cyber-bullying and identity-based bullying (such as homophobic bullying and racist bullying). The procedures were published in September 2013. The New Procedures and the associated Department Circular 0045/2013 apply to all recognised primary and post-primary schools and to centres for education (as defined in the Education Act 1998) which are attended by pupils under the age of 18 years. The reference to the age of 18 years old is interesting because what happens if a person is in leaving cert and is 19 years of age – does the procedures apply to him/her? The answer would seem that the procedures don't apply because the procedures seem to be very clear on the age and don't give a further explanation as to what happens persons who are in their final year of school yet are 19 years of age. This can happen if children stay back a year in school and do transition year. The purpose of these procedures is to give direction and guidance to school authorities and school personnel in preventing and tackling

school-based bullying behaviour amongst its pupils and in dealing with any negative impact within school of bullying behaviour that occurs elsewhere. Yet, the purpose doesn't seem to be fulfilled if the procedures are answering the hard questions such as what duty of care does a second-level teacher and/or school owe to a 19 year old final year student who is being bullied by other classmates.

The procedures state that in any case where it has been determined by the relevant teacher that bullying behaviour has occurred: the parents of the parties involved should be contacted at an early stage to inform them of the matter and explain the actions being taken (by reference to the school policy); and the relevant teacher must keep appropriate written records which will assist his/her efforts to resolve the issues and restore, as far as is practicable, the relationships of the parties involved. The relevant teacher must record the bullying behaviour in the standardised recording template (and a copy must be provided to the Principal or Deputy Principal as applicable) in the following circumstances. Whilst the procedures have attempted to tackle bullying it has to be noted that the procedures does not make reference to a teacher who fails to carry out their duty of care. The procedures does not make reference as to how teachers can handle the paperwork involved in bullying whilst also dealing with other daily teaching duties. However, the procedures are very clear to point out that responsibility for tackling bullying in schools falls to the level of the individual school. It could be suggested that the Department of Education and Skills are being unfair by passing the buck of responsibility to the school. If a school feels under pressured then the implication is that they too will pass the buck not out of malice but because of being stretched beyond proper resources. Making teachers and schools do much paperwork with little support can have the implication of teachers and schools reclassifying bullying incidents so as to not be required to deal with same. Interestingly, there is no national database which records statistics of all schools dealing with bullying. If schools were mandatory obliged to record statistics then schools may not want to do so because of involving too much paperwork and moreover the league of table of school with the highest bullying might not look good for the schools at the top of the table with the most statistics.

2.8 Irish Education Governance and Advisory Bodies

This section provides an overview of professional, governmental and management bodies that play a role in advising, informing, managing and/ or reviewing conformance with educational policies and practices in Ireland.

2.8.1 Board of Management

The Education Act 1998 sets out a framework within which the various stake-holders in the education system are expected to operate. The duties and responsibilities of patrons and management are identified in the Education Act 1998. Section 14 of the Education Act 1998 provides for the establishment on an agreed basis of representative Board of Management (BOM) in recognised second level schools. Subject to the general supervision of the Patron/Trustees, the Board of Management, in accordance with the functions as set out in the Act, is responsible for the government and direction of the schools, the use of school resources and the management of its finances. Section 15 states: *“It shall be a duty of a board to manage a school on behalf of a Patron and for the benefit of students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which the board has responsibility.”* Subject to the general supervision of the Patron/Trustees, the Board of Management is responsible for the financial administration of the school. School finances and accounting have become a complex matter with schools handling a variety of funds. The Board of Management delegates the day to day management of the school to the Principal who is given authority to act on behalf of the Board. The Principal is required *“to carry out his/her functions in accordance with such policies as may be determined from time to time by the Board and regulations made under the Act”*. (Section 23).

2.8.2 The Teaching Council

The Teaching Council published the second edition of the Code of Professional Conduct for Teachers on the 20 June 2012 (The Teaching Council 2012). The Code sets out the standards of professional knowledge, skill, competence and conduct which are expected of registered teachers. The standards are underpinned by four core values – respect, care, integrity and trust, it’s interesting that the code only uses the word empathy once and the word curriculum once. The document doesn’t use the word bullying at all.

The Teaching Council updated the 2nd edition of the Code of Professional Conduct for Teachers in July 2016 (The Teaching Council 2016). The updated 2nd edition

of the code reflects some recent amendments to the Fitness to Teach provisions of The Teaching Council Acts 2001-2015, and a new section, entitled ‘Complaints relating to registered teachers’, has been added.

Only complaints which are of a serious nature relating to registered teachers can progress to an inquiry. Complaints can be made by anyone to the Teaching Council in relation to a registered teacher on one or more of the grounds which are set out in section 42(1) of The Teaching Council Act, 2001 – 2015 (The Teaching Council Act and subsequent amendments can be viewed on The Teaching Council website in the section labelled *Teaching Council Act*). The grounds include professional misconduct, poor professional performance, conduct contrary to the Code of Professional Conduct for Teachers and in certain circumstances, convictions. All complaints will be considered in accordance with the Teaching Council Acts, 2001 – 2015 and procedures and rules approved by the Teaching Council.

The commencement of the Council’s fitness to teach remit also brings Ireland into line with other professions within the State including doctors, solicitors, accountants and nurses and with teacher professional standards bodies in the UK, Canada, Australia and New Zealand, among others. It acknowledges the fact that while the vast majority of teachers do a very good job, day in day out, there will be a small number of times when teachers will encounter professional difficulties.

Interestingly, the updated Code of Professional Conduct for Teachers, July 2016, which can be downloaded from the Teaching Council of Ireland website (fitness to practice section) is at odds regarding one of the findings in my study. Many teachers in my study state that law/policy does not influence them whether to prevent or intervene in bullying. Whereas the code of professional conduct for teachers states at 4.6 page 8 that teachers should: “*inform their professional judgement and practice by engaging with, and reflecting on, pupil/ student development, learning theory, pedagogy, curriculum development, ethical practice, educational policy and legislation*” (The Teaching Council 2016, p.8). The first fitness to teach disciplinary case was due before the teaching council in November 2017, thus, showing the topical nature and relevance of this current research study.

2.8.3 National Council for Curriculum and Assessment

The National Council for Curriculum and Assessment (NCCA) was established in November 1987. The NCCA is a statutory body of the Department of Education and Skills. The twenty-five members of the Council are appointed by the Minister for a three-year term. The members represent the partners in education, industry and trade union interests, parents' organisations and other educational interests. The Council also includes one nominee each of the Minister for Education and Skills and the Minister for Children and Youth Affairs. The Minister for Education and Skills appoints the Chairperson. The Council is supported in its work by three boards and a number of development groups. Members of these represent similar stakeholders to the Council. The day-to-day work of the Council is led by the Chief Executive Officer supported by a full-time executive staff. The NCCA advises the Minister for Education and Skills on: curriculum and assessment for early childhood education, primary and post-primary schools, and, assessment procedures used in schools and examinations on subjects which are part of the curriculum. This advice is developed through research, deliberation, consultation and networks.

The Council sets out its work priorities in a three-year strategic plan. The NCCA strategic plan for 2015-2018 notes five strategic goals:

1. Curriculum and Assessment: *To develop innovative curriculum and assessment for engagement, progression, quality, inclusion and continuity across sectors*
2. Engagement and Networks: *To work with schools and other educational settings, teachers, practitioners, learners and others to build capacity for change and to inform curriculum and assessment development and implementation*
3. Knowledge and Research: *To generate, use and share knowledge and research to support the development of curriculum and assessment advice and practice in schools and other educational settings*
4. Communications and Profile: *To communicate, present and share the work and achievements of the NCCA to improve the profile of the organisation and its capacity to engage with others in leading and supporting educational change*
5. Governance and Corporate Affairs: *To develop NCCA governance and organisational structures, processes, skills and competences to achieve the vision of the organisation*

While the NCCA is not responsible for implementing curriculum change, it supports educational change in early childhood settings and in schools by developing a range of support materials such as examples of practice, online toolkits and planning resources, and by working with those introducing new developments to practitioners and teachers.

2.8.4 DES Inspectorate

The Inspectorate of the Department of Education and Skills (DES) works to improve the quality of learning for children and young people in Irish schools, centres for education and other learning settings. Section 13 of the Education Act 1998 defines the statutory functions of the Inspectorate. Sub-section 7 states that “An Inspector shall have all such powers as are necessary or expedient for the purpose of performing his or her functions and shall be accorded every reasonable facility and co-operation by the board and the staff of a school or centre for education”.

The “Code of Practice for the Inspectorate 2015” sets out how the Inspectorate conducts its work in schools. Responsibility for school improvement rests primarily with the board of management, principal and staff of individual schools (Inspectorate: A Guide for inspection in Post-Primary Schools, p.4). The Code specifies 4 principles underpinning the work of the Inspectorate in schools:

- A focus on learners
- Development and Improvement
- Respectful engagement
- Responsibility and accountability

From the 1st of September 2016, the work of inspectors in schools and the ensuing reports will be based on the standards set out in “***Looking at Our School 2016: A Quality Framework for Post-Primary Schools***”. The “Looking at Our School 2016” standards relate to 8 domains: learner outcomes; learner experiences; teachers’ individual practice; teachers’ collective/collaborative practice; leading teaching and learning; managing the organisation; leading school development; and, developing leadership capacity.

Inspectors will examine these domains and their reports will express how well standards are met in each domain using descriptors, for example, *Very Good, Good, Satisfactory, Fair, Weak*. A teacher or a board of management affected by an inspection may seek a review of the inspection using the procedures outlined in the “Procedures for Review of Inspections on Schools and Teachers under Section 13(9) of the Education Act, 1998”.

2.8.5 Education Acts

2.8.5.1 Education Act (1998)

Until the Education Act 1998 there was no comprehensive legislation governing the delivery of public education at primary and post primary level in Ireland. The Education Act, 1998 was signed into law in December 1998. The Act provides, for the first time, a statutory framework for the Irish education system at first and second levels. As such, it represents a landmark in Irish education. The Act sets out broad objectives and principles underpinning the education system and provides for the rights of children and others to education. It also clarifies the roles and the responsibilities of teachers, Principals, school patrons, Boards of Management and the Minister.

2.8.5.2 Education Welfare Act (2000)

Under section 23 of the *Education (Welfare) Act 2000*, the Board of Management of each school must prepare and make available a code of behaviour for its students. The Act requires that the school code of behaviour is prepared in accordance with Guidelines issued by the National Educational Welfare Board (NEWB). The *Education (Welfare) Act 2000* sets out certain matters that must be included in a code of behaviour. Section 23(2) of the *Education (Welfare) Act 2000* says: “A code of behaviour shall specify-

- (a) the standards of behaviour that shall be observed by each student attending the school;*
- (b) the measures that may be taken when a student fails or refuses to observe those standards;*
- (c) the procedures to be followed before a student may be suspended or expelled from the school concerned;*
- (d) the grounds for removing a suspension imposed in relation to a student; and*
- (e) the procedures to be followed relating to notification of a child’s absence from school.”*

The NEWB guidelines (2008) suggest that in order to comply with Section 23(2) and to have the best chance of achieving its objectives, the code of behaviour should address the following:

- the standards of behaviour expected in the school
- the plan for promoting good behaviour
- the ways in which the school responds to unacceptable behaviour
- the plan for implementing the code of behaviour
- school procedures for the use of suspension and expulsion.

Guidance on each of these aspects is provided in NEWB Guidelines.

In accordance with the Education (Welfare) Act, 2000 and the guidelines issued by the NEWB, all schools are required to have an anti-bullying policy within the framework of their overall code of behaviour. The *Anti-Bullying Procedures for Primary and Post-Primary Schools* issued in January 2013 (DES – Department of Education and Skills Circular 045/2013) are not legally binding given that they are only ‘procedures’ as opposed to statutory law. It is suggested that if the Irish State were serious about the issue of bullying and cyberbullying and taking into account their international obligations to children’s human rights law then the *Anti-Bullying Procedures for Primary and Post-Primary Schools* would be put on a legislative footing. Interestingly, the European Court of Human Rights case which concerned Louise O’Keeffe is of relevance here as well. In that case the European Court found that the Irish State cannot absolve itself of its accountability. Thus, rather than having ‘persuasive guidelines’ concerning such a serious issue of bullying. Moreover, a smokescreen section relating to bullying through the Education (Welfare) Act 2000, it would be more progressive in terms of children’s rights to have the procedures on a defined statutory footing.

2.8.6 Auditing School Factors in Bullying

The Department of Education and Skills produced detailed anti-bullying procedures in 2013. That document discussed principles of best practice both to minimize bullying and to address cases where they occur. The discussion included a recognition of the importance of a positive school climate characterized by positive, respectful, dialogical relationships across the entire school community. The guidelines stress the importance of school Board of Management, school leaders and teaching personnel being engaged, motivated and informed about wellbeing issues such as bullying. It also stresses the importance of there being shared, expansive, empathetic understandings of the nature and impact of bullying. It notes that the school’s prevention and intervention measures need to be respond to the school’s own cultural climate and the needs of individuals and need to be subject to ongoing review and evaluation, both internally and externally by the DES inspectorate. Its practical tips for building a positive school climate and its detailed discussion in chapter 6 provide a very useful framework for auditing school factors in bullying. The inter-departmental advisory document on mental well-being in post-primary schools, also produced in 2013, gives additional guidance to schools in this regard. This document also emphasizes the centrality of positive school climate, good

relationships between all members of the school community and opportunities for development of self-esteem. It outlines how schools can evaluate their own practices and cultures and provides a checklist in this regard. This material would be very useful for schools seeking to audit factors in relation to bullying.

2.9 Key Points from Review of Literature

The key findings from the literature review are described in Table 2 below.

Bullying	<p>Bullying is a <u>social relationship problem</u>.</p> <p>Bullying is a <u>mental health problem</u> - the psychological consequences for students involved in bullying is severe-depression, suicide, antisocial behavior.</p> <p>Solutions need to consider the entire social ecology. Bullying is a societal problem.</p> <p>Preventing bullying starts with every individual making a commitment to treating all humans with dignity, tolerance, and respect.</p> <p>There is scant research in Ireland and internationally bringing the disciplines of education and law together regarding teachers' perceptions of bullying. My literature review reveals there needs to be more joined up thinking between both disciplines.</p>
Duty of Care	<p>There are few extant cases related to bullying in schools as many such cases appear to be settled prior to the commencement of legal proceedings in Ireland. However, there are other cases covered by the tort of negligence that have implications for consideration of legal aspects of bullying within the Irish context. The boundary of the duty of care has further been found to be unclear concerning matters outside of school in Ireland. The standard of care in school is defined in Irish common law through use of the prudent parent test. However, this is not a realistic comparator as the teacher has far more children with more diverse needs than any parent would have. In other jurisdictions such as Northern Ireland, teachers are judged by</p>

	comparing them with a professional standard and a reasonable body of practice as exercised by their fellow teachers.
Empathy	The role of culture and environment has important implications for teachers when trying to prevent and intervene in bullying.
Institutional Stressors	The literature confirms that teachers are experiencing high levels of perceived stress from a lack of balance between demands and resources at school.
Law/policy	Ireland does not have a specific anti-bullying law but there are legal frameworks to address bullying in a range of other jurisdictions that could potentially used to inform discussions should such a law be found necessary to be created.

Table 2: Key Findings from Literature Review

2.10 Chapter Summary

The literature review highlighted that duty of care can be owed by a teacher/school in the realm of private law whilst the Irish state has a duty of care under public law due to international and national obligations. The factor of student empathy showed that teachers who show a genuine interest in students are more likely to build strong positive relationships with them. In turn, creating a positive culture within the school, thus, teachers have more self-efficacy to prevent and intervene in bullying. The impact of institutional stressors such as curriculum burden were explored and what the literature highlighted was teachers who are under too many demands end up with burn out and not motivated. Regarding the literature surrounding law/policy it was highlighted the importance of children's rights and human rights. Towards the end of the chapter literature was reviewed regarding anti-bullying legislation. The next chapter will discuss the methodology of this study.

CHAPTER 3: Methodology

3.1 Introduction

The overall objective of this qualitative study was to gain deep insight into second-level teachers in Ireland perceptions of four factors: duty of care, student empathy (teachers' expression of empathy for students), institutional stressors such as curriculum burden and law/policy that may influence the likelihood of their prevention and intervention of action on bullying. The study provides insight into the working environment in which teachers are employed; in particular the multiple demands they face each day. The study took an interdisciplinary approach by bringing the disciplines of education and law together.

This chapter describes the research design and methodology, and the data collection and analysis procedures used in this study. I will explain the reasons behind adopting a qualitative constructivist approach to conduct this piece of research. It also discusses ethical issues, sample selection, quality control, and limitations.

3.2 Research Aims and Justification

Whether one believes that there are truths simply waiting to be discovered or that the truths we perceive as such are socially constructed is dependent upon the philosophical foundation upon which the research is based. Such philosophical foundations reflect a researcher's beliefs and assumptions about the nature of reality and knowledge (truth) that in turn influences choice of methodology. The four principles of axiology, ontology, epistemology and methodology provide a framework for understanding research preferences (Denzin and Lincoln 2005b, p. 183). For the purposes of definition, ontology is concerned with the nature of reality, what exists and what can be known (Guba and Lincoln 1994), whereas epistemology refers to how we know what we know, or the philosophy of knowledge and the methods of obtaining knowledge (Burr 1995).

There are different forms of inquiry that emanate from different ontological and epistemological traditions to understand social reality (Guba and Lincoln 1994). The most commonly drawn distinction lies between positivist and interpretivist traditions and social scientists continue to raise the paradigm debate despite the warning by Atkinson (1995) that simplistic polarisation between positivism and qualitative inquiry will not do. He criticises the use of the concept of paradigm and the paradigm mentality. Such thinking of either choosing quantitative or qualitative restricts rather than extends knowledge

(Thorne *et al.* 1999). Thus, this is the reason why I choose to take an extensive approach to my study to gain deep insight into teachers' perceptions whilst at the same time applying rigour to the study. Hence, this is why I choose to follow the method of King, Keohane, and Verba (1994). Also through LG603, a DCU module in research methodologies that I took in 2014, I realised that it was possible to use positivist-leaning approaches to analysing interpretative qualitative data, and vice versa, which allowed me to consider using King, Keohane, and Verba (1994) in my third stage of data analysis. (Devine, 2012; Devine, 2018). King, Keohane, and Verba (1994) involves applying quantitative 'thinking frames' to a qualitative study, with the aim of in theory enhancing the rigour and credibility of the qualitative approach. In the context of this research, hypotheses were framed to help direct the focus of analysis of qualitative data-sets. This study took inspiration from the work of Bronfenbrenner (1979), as mentioned earlier in chapter 1. His work is helpful when examining the factors that influence teachers in the prevention and intervention of bullying because it shows there are other factors that exist which can influence a teacher.

Qualitative data provide 'thick descriptions' for the phenomenon under investigation in its real context (Miles and Huberman 1994, p. 10). The adaptation of a qualitative approach allows a deep insight into the perceptions of second-level teachers in Ireland. However, as Willis (2007, p. 15) notes: "*Quantitative research remains the dominant paradigm in many areas of the social sciences. Some researchers and policymakers even consider quantitative research the only real research.*" Very few studies in Ireland bring the disciplines of education and law together thus making a contribution in the area of bullying. Since the teachers' role is so important in combating bullying it only makes sense to capture their thoughts in order to help make future prevention and intervention programs. In adopting a qualitative approach it is important to note that Hammersley (1992), and Stake (2010) claim that certain research positions are selected to fit the research question being posed by the study. The most suitable approach to address the research questions in this study was to utilise a qualitative approach but to enhance the rigour the method of King, Keohane and Verba (1994) was followed by using quantitative thinking frames to inform the analysis of qualitative data. Adopting such an approach is valid given that Willis (2007, p. 15) notes: "*There is a tradition in qualitative research that adopts the framework and belief systems of quantitative research.*"

3.3 Research Paradigm (interpretivist)

The term paradigm originated from the Greek word *paradeigma* which means pattern and was first used in context of research by Thomas Kuhn (1962) to denote a conceptual framework shared by a community of scientists which provided them with a convenient model for examining problems and finding solutions. According to Kuhn (1977), the term research paradigm refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research. Guba (1990: p.17), notes a paradigm is: “a basic set of beliefs that guides action”. Denzin and Lincoln (2005a: p.22) state that a “*set of beliefs and feelings about the world and how it should be understood and studied*” forms the researcher’s paradigm or world view. Hence, a paradigm is therefore a conceptual framework that addresses questions such as “*What is the nature of knowledge?*”, “*What sources of knowledge warrant our attention?*”, “*How confident can we be that we know something?*”, “*What should the relationship between researcher and practice be?*” (Willis 2007, preface -p. x). Questions such as these help the researcher to decide what paradigm to use within his/her research.

Guba and Lincoln (1989) claim that questions of method are secondary to questions of paradigms. Therefore, a choice of method will be determined by the ontological and epistemological assumptions held by a researcher.

The history of social science research is full of attempts to understand the world; this curiosity has led to the emergence of different paradigms (Guba and Lincoln 1989). Therefore, the actions we take in the world and our actions as researchers cannot occur without reference to those paradigms (Lincoln and Guba 1985). Accordingly, in the following section, I will briefly delineate the main research paradigm used in this study.

This research represented an exploration of the multiple perspectives, meanings and ideas that secondary school teachers as individual actors attach to the events around them and which influence their actions and motivations. Thus, the research paradigm that was used in this research was rooted in interpretivism. This paradigm focuses on how social life is produced. The interpretivist paradigm denies there is an objective reality independent of the observer. Reality is mind dependent and influenced by the process of observation. Given that this study seeks to produce deep understandings of teachers’ perceptions of their duty of care then the interpretivist paradigm seemed the most appropriate fit. The interpretivist paradigm generally leads to the use of qualitative

research methods. In my research the method I used was semi-structured interviews. This enabled me as a researcher to gain a descriptive understanding of the values, actions and concerns of the teachers involved in the study.

Interpretivism advocates a relativist or constructionist perspective to ontology; an approach which the present study has adopted. According to this tradition, multiple and conflicting realities exist, therefore individuals hold different versions of what is knowledge, truth and reality (Guba and Lincoln 1994, p.110) which are socially, culturally, historically and personally influenced (Gergen 2001). Because there are individual versions of reality, they are seen as flexible or in a state of flux over differing times, culture and relationships (Stevens 1996) and therefore are not seen as definitive, unlike the positivist position. Epistemologically, interpretivism advocates that knowledge and meaning are derived from social processes and interpersonal relationships (Slife and Williams 1995, p. 77). As an approach it is concerned with people and the way they interrelate, what they think and how they construct their ideas about the world (Thomas 2009). Meaning is constructed through shared experiences and is therefore inductive in nature. Within this position, subjectivity is central to knowing, where the researcher and object under investigation are interactively linked (Guba and Lincoln 1994, p. 111); meaning is therefore co-constructed. The researcher has a central role in influencing the participant and the interpretation of findings (Coolican 2004, p. 225) and they use their own interests to help interpret and understand the views and behaviours of others. Interpretivism acknowledges this active role in knowledge production played by the researcher, rather than hiding behind a veil of objectivity as claimed by positivists (Stevenson and Cooper 1995, p.160). The key aim is to seek meaning and understanding which is gathered through qualitative methodology. In order to investigate teachers' perspectives on bullying and to gain a deeper understanding of those perspectives it is necessary to move away from positivist research with its focus on objective knowledge and separating facts from values (Robson 2002). Most research done on bullying to date has been quantitative in the form of surveys (Hong and Espelage 2012). Typically, quantitative data are collected on bullying using either self-report or peer report to identify bullies, victims, and bully-victims (Solberg et al. 2007; Olweus 2010). Quantitative studies, while giving us important data to examine, often eliminate an important element to the social phenomenon that is bullying: the voices of victims and bullies. As Torrance (2000) stated, *"If researchers and practitioners are to develop an in-depth understanding of bullying within a social setting, supported by findings which lead to a better understanding of intervention strategies, greater emphasis needs to be placed on*

qualitative research” (p. 16). Therefore whilst quantitative research has been necessary in order to highlight the need for further study within this area, it is now timely to move towards a field of research which is able to explore the issues surrounding a teacher’s duty of care relative to bullying in greater depth and from the perspectives of those involved. The researcher used her skills as a social being to try to gain a perspective on how others understand their world, specific to the situation being investigated. The emphasis was on the importance of understanding a situation through the eyes of the participants. Furthermore, the researcher’s ultimate aim was to establish a framework to account for human, social behaviour and then focus on the understanding and explanation (Cohen, Manion and Morrison 2011). Semi-structured interviews were used with the participants in this study. Studies using interviews allow researchers to interact with the respondent which provides opportunity for more questioning and discussion. Cohen, Manion and Morrison (2011) refer to the interview as a flexible tool for data collection that allows for greater depth, as opposed to other methods of data collection, such as surveys and experiments, employed as quantitative methods in the positivist approach. Some studies have used interpretivist methodology to understand the bullying phenomenon in schools. For example, Mishna (2004), conducted a pilot study using qualitative interview methods to investigate school bullying from the perspectives of parents and educators. Interviews were conducted with students in grades 4 and 5, their parents, teachers and school administrators, to extract important experiences with bullying and beliefs on the interventions. Likewise, Mishna, Scarcello, Pepler and Wiener (2005) employed a semi-structured interview format to gain an insight from teachers into their understanding and viewpoints on bullying. They established the need for support to address bullying incidents. This type of interview enables the researcher to interact with the respondent and opens the way for more questioning and discussion rather than a fixed set of statements that only allow opportunity to agree or disagree (Minichiello, Aroni and Hayes 2008). In a study by Sourander et al. (2007), information about bullying was collected from parents and teachers, during interviews, regarding childhood bullying predicting criminal offending in late adolescence. The study involved interviews with 8 year olds and later with the same participants as 16 - 20 year olds, generating useful information from this qualitative method, thus reinforcing this approach as most suitable for this study. Given the above research background, interviews were employed for this study as the most suitable tool for data collection to gain information regarding bullying behaviour and interventions, as the participants’ views provided the opportunity to further clarify these conflict issues.

The theoretical framework and perspective for this study is interpretivism. Interpretive research is fundamentally concerned with meaning seeking to understand social members' definition of a situation. O'Donoghue (2006) suggests the idea of interpretivism is that all human action is meaningful and has to be interpreted and understood within the context of social practices. This approach involves a person interacting with others and endeavours to give meaning to the action of others. This study examines second-level teachers' perceptions of their duty of care inside and outside of school relative to bullying. The reason for taking an interpretivist approach is because there is a lack of dialogue and awareness concerning a second-level teacher's duty of care inside and outside of school relative to bullying. Changes in our conceptualisation of childhood have played a role in our understanding of bullying and peer aggression. For example, bullying would not be seen as a problem if we did not understand that children can be hurt by it. We did not always understand the impact of bullying. Historically, bullying has not been seen as a problem that needed attention, but rather has been accepted as a fundamental and normal part of childhood. This indicates the socially constructed nature of bullying and the discourse around it. Semi-structured face-to-face interviews were used in this research as it was felt to be the best way to gain detailed descriptions of participants' experiences. The research questions were designed to allow consistent information across participants to be collected, providing a framework to gather a depth of detail required for thematic analysis. Each interview lasted on average 45 minutes.

Denscombe (2007) points out that: "none of the possible methods for data collection can be regarded as perfect and none can be regarded as utterly useless" (p. 134). Therefore, my choice of the general methodology of this study and the methods adopted are always open to any critiques or comments. I would have liked to spend time and observe interactions among people in each school but had to restrict data collection largely to interviews because of the limited time and resources available to me. Classroom observations and other ethnographic tools require a longer period of time than it was possible for me to assign to this study. The data collection and analysis in this study is interpretivist. However, a lot of the literature review and earlier work in the study on law is from an epistemological perspective positivist. Hence, this study is trying to juxtapose legal interpretation with sociological interpretation and then to identify the gaps if any between the two. The concept of: 'duty of care' needs to be interpreted from an interdisciplinary approach of bridging education and law together to understand teachers' perspectives concerning their duty of care relative to bullying inside and outside of

school. The problem is that this has not been done in Ireland before and thus the reason for this research. The general purpose of this study was to explore second-level teachers' perceptions of their duty of care inside and outside of school relative to bullying. It was an opportunity for teachers to voice their beliefs about duty of care to help create a better of understanding as to the challenges teachers face.

3.4 Ontological and Epistemological Perspective

Ontology considers the nature of the social phenomena at the heart of the area of research and focuses on what is the reality of the phenomena being studied (Usher 1996). Ontology therefore questions whether this reality "is external to individuals – imposing itself on the consciousness from without – or the product of individual consciousness" (Cohen et al. 2007, p. 7). My ontological perspective is that reality is mind dependent and influenced by the process of observation. Reality can only be represented through the eyes of the participants (Robson 2002). Thus, through this study the aim was to represent the voices of teachers of how they understand the duty of care they owe to young people relative to bullying. Cohen et al. (2007) argue that once ontological issues have been considered this leads on to the need to address the epistemological assumptions upon which research is based.

Epistemology is concerned with the nature of knowledge (Miller and Brewer 2003). This area focuses on how we know what we know and considers assumptions about what form knowledge can take, who can know this knowledge and how knowledge can be attained and communicated (Hitchcock and Hughes 1995). My belief is that knowledge is socially constructed and thus my research seeks to gain an understanding of the social processes that influence and reflect the experiences and perspectives of my participants. Hence, the epistemological stance of my research study is situated within the interpretivist paradigm as it focuses on concern for the individual and attempts to understand the participant's experiences (Denzin and Lincoln 1998). Taylor and Bogdan (1998) suggest that the key aspect of interpretive research is "*understanding people from their own frames of reference and experiencing reality as they experience it*" (p. 3). They also suggest that individuals construct their own views of the world and that there are multiple ways of interpreting these experiences. Teachers have their own perspectives and epistemological beliefs which the study wishes to explore. I subscribe to a social constructionist position which believes that different realities are created by various individuals as they interact in a social environment (Willis 2007, p. 96). I therefore believe that meaning making is a negotiated process that occurs when individuals interact with

one another. I have taken the ontological and epistemological stance that teacher professional development is subjectively and socially constructed and so I interacted with the research participants through semi-structured interviews.

3.5 Methodological Approach (qualitative constructivist)

Methodology concerns the various steps adopted by the researcher alongside the logic behind them (Kumar 2008). According to Draper (2004) this involves consideration of the philosophical principles which will guide both how the research is framed and also the type of approach that will be used to collect and analyse the data. In keeping with the social constructionist view, qualitative research will be used in my research study. Creswell (2005) highlights that constructivist researchers generate meanings and understandings because of interactions with their participants. The concept of: ‘duty of care’ needs to be interpreted from an interdisciplinary approach of bridging education and law together to understand teachers’ perspectives. Social scientists are concerned about finding out what is true about the world. This is in contrast to lawyers who are interested in rhetoric and in persuading others irrespective of truth. Hence, this study is unique in that it is trying to juxtapose legal interpretation with sociological interpretation and then to identify the gaps, if any, between the two.

The general purpose of this study was to explore second-level teacher’s perceptions of their duty of care inside and outside of school relative to bullying. It was an opportunity for teachers to voice their beliefs about duty of care to help create a better understanding as to the challenges teachers face. By choosing a qualitative approach this study illuminates the complex internalities of some teachers’ views in contemporary Ireland. It represents a new lens through which to conceptualise the second-level teacher’s role. The study through its qualitative depth has also generated a layered understanding of the policy practice gap concerning second-level teachers’ perceptions of their duty of care inside and outside of school relative to bullying. Qualitative research methodology can provide additional insight into more subtle types of bullying and can offer insights into factors that influence how children and adults understand and respond to bullying. Qualitative approaches privilege individuals’ lived experience and are ideal for inductive research that explores in-depth perspectives (Creswell 2007).

My study employed a qualitative research design because it provides the opportunity to gain a rich understanding of the role of the second level teacher in Ireland concerning the duty of care they owe relative to bullying inside and outside of school. Qualitative studies offer a more in-depth analysis of a phenomenon and, as described by

Merriam (2009), can be described by five main characteristics. The first characteristic is understanding the experiences of the participants, namely second-level teachers. Data collection is the second distinguishing characteristic of qualitative studies. Researchers spend a significant amount of time in the field, collecting data. In this study data was collected via semi-structured interviews. Spending time in the field allows researchers to study the phenomenon in its natural setting, thus increasing the richness and depth of understanding (Schwandt 2007). Third, the researcher is the primary instrument as opposed to surveys or other tools common to quantitative studies. Using the researcher as the instrument provides the researcher with a unique view of the phenomenon. Fourth, qualitative research can be considered inductive, where researchers obtain data and assemble it into meaningful explanations. Finally, qualitative studies provide a rich, detailed description of the participants' experiences. This allows researchers to bring those experiences to life for readers and provide insight that cannot be gained from quantitative studies.

This study used a *purposive sampling technique* proposed by Blaxter *et al.* (2001, p. 79) and Ryan (2006, p. 84-85), where the researcher identifies the most likely sources of valuable and interesting information, to meet the needs of the research questions. The first phase of data collection was done by facilitating an informal 'conversational style' semi-structured interview inquiry with a small number of second level teachers. The research participants were known to me through professional educational networks and were enthusiastic 'information rich' participants in the research process. This informal 'conversational style' semi-structured interview inquiry took place in October 2015. The participants were three second-level teachers (one male and two females). This pilot study was very helpful as it gave the opportunity to reflect on and refine my interview questions. It allowed me to eliminate confusing and unnecessary questions that did not need to be included. It also provided the opportunity to time the interviews. Conducting sample interviews and trying out different kinds of questioning is a feature of most kinds of good research (Silverman 2010). Following on from this pilot study, the primary source of qualitative data emerged from detailed semi-structured interviews with 29 second-level teachers. A semi-structured *interview style list of questions* was developed to guide the interview process (see Appendix E). The list provided a framework to explore themes. The interviewing stance was open-minded and so open type questions regarding broad themes were asked to get the teachers talking. When each participant was answering questions the researcher tried to follow new leads and made connections with earlier

utterances. An active listening stance was adopted to try and seek for any contradictions. The conversational mode adopted helped to create and maintain an egalitarian stance. The importance of: building rapport, exploring ambiguity, interpreting, describing, being sensitive, and creating a positive experience for participants is particularly relevant to the constructivist stance in qualitative research (Kvale 1996, p. 30). The interview enabled a spontaneous, conversational flow and exchange of ideas. It was designed to ‘get at’ or uncover the landscape of being a teacher in contemporary Ireland.

3.6 Research Methods (semi structured interviewing)

According to Wellington and Szczerbinski (2007), *“interviewing allows a researcher to investigate and prompt things that we cannot observe. We can probe interviewees’ thoughts, values, prejudices, perceptions, views, feelings, and perspectives”* (p. 81). In the same vein, Tuckman (1972, p. 173) points out that interviews help researchers to access what is *“inside a person’s head”*, which makes it possible to measure what a person knows (knowledge or information), what a person likes or dislikes (values and preferences), and what a person thinks (attitudes and beliefs). Therefore, the purpose of the interviews is *“to allow us to enter into the person’s perspective”* (Patton 2002, p. 341). This is a view supported by Wellington (2015) who argues that *“it offers people, whether they be employers, teachers, young pupils or students, an opportunity to make their perspectives known”* (p. 140).

As the main concern of this study is to inductively explore teachers’ perceptions of the duty of care they owe relative to bullying inside and outside of school and thus semi-structured interviews were the most helpful method. Smith (1995) highlights that: *“researchers use semi-structured interviews in order to gain a detailed picture of a respondents’ beliefs about, or perceptions or accounts of, a particular topic”* (p. 9). O’Leary (2010, p. 194) notes: *“your job is to talk only enough to facilitate someone else’s ability to answer. It is your interviewee’s voice that you are seeking and it is their voice that needs to be drawn out”* (O’Leary 2010, p. 194).

A factor that may affect interviews is the use of leading questions (Wellington and Szczerbinski 2007, p. 85). In the context of my interviews, I attempted to overcome these factors by establishing rapport with my participants. I developed a list of questions arising out of the pilot interviews. The full list included core questions that I asked of all my interviewees as well as other questions that gave me additional areas for exploration (see Appendix E. The purpose of this list of questions was to help guide me. However, I let

the participant steer the interview by allowing them answer the questions in the time needed. Hence, in some interviews I didn't get through all questions because I gave each participant the freedom to answer questions rather than putting set times to answer each question. I told the participants to ask me for clarification at any time concerning any question. It was apparent due to their lack of seeking of clarification that my participants seemed to understand my interview questions. This might be the result of their educational background and experience. I sought to avoid leading questions. I informed my participants that they had the flexibility to talk about relevant topics. I did not impose a tight form of questions during all my interviews.

Semi-structured interviews represent a compromise between the structured and un-structured interviews. Researchers usually use semi-structured interviews to explore the views and opinions of their participants (Gray 2009). Researchers also usually have a list of topics and ideas that sometimes are not all covered in one interview, and the aim is to expand the interviewee's answers (Gray 2009). In the semi-structured interviews, the researcher has more flexibility in terms of the ordering and organisation of ideas and topics to be covered. The answers need to be open-ended to give the interviewee more chances to develop ideas and thoughts (Denscombe 2001).

Semi-structured face-to-face interviews were used in this research. Semi-structured interviews are a form of human interaction between the interviewer and interviewee where "*knowledge evolves through a dialogue*" (Kvale 1996, p. 125). Secondly, "*semi-structured interviews may be more manageable than unstructured ones, while avoiding the inflexibility of the fully structured approach*" (Hammond and Wellington 2013, p. 93). Most interviews lasted 45 minutes with a small number lasting over one hour. Topics covered in the interview questions were as follows: 1. Background information – years of teaching, reason for career choice, 2. School culture/school ethos, 3. Bullying, 4. Duty of Care, 5. Future Policy. A full list of questions is contained in Appendix E. This list notes the core questions asked of all. Semi structured interviews, as Hancock and Algozzine (2006) noted, give participants the opportunity to express their views and beliefs freely. Ensuring honesty and truthfulness is important when conducting interviews (Patton 2002); therefore, I established a positive rapport with the participants by building a trust-based relationship that would convey empathy and understanding without judgment. All participants filled out the consent form, stating their willingness to cooperate in the study (see Appendix B) and all agreed to have the interviews audio recorded. Interviews provide valuable insight and thus were the main source of data for

the study. All interviews were audiotaped and transcribed. I made the transcriptions available for review to the respective interviewees. In addition, member checking of summaries was used during data analysis to ensure I was accurately telling the intended story of each interviewee. Written summaries of the interviews were e-mailed to each participant, and all participants verified that my summaries were accurate.

3.7 Sampling (purposive and snowball: participant profile)

Sampling is another important issue that researchers need to pay attention to (Cohen et al. 2000). Qualitative researchers usually select purposive non-probability sampling as it helps in the understanding of the ideas and perceptions of the participants in a given context in a particular time (Patton 2002). Purposive sampling involves the selection of a sample that the researcher already knows something about where he/she selects particular participants that are likely to provide the most valuable data (Denscombe 2007). “The advantage of purposive sampling is that it allows the researcher to hone in on people or events which there are good grounds for believing will be critical for research” (Denscombe 2007, p. 17). In the same vein, Patton (1990) stresses that: “the logic and power of purposeful sampling lies in selecting information-rich cases for study in depth. Information rich cases are those which one can learn a great deal about issues of central importance to the purpose of research” (p.169). Purposive sampling was used in this study whereby the researcher identifies the most likely sources of valuable and interesting information, to meet the needs of the research questions.

A sample of twenty-nine participants comprised this study. There were 18 females and 11 males. The average age range was 41 years of age. All schools were located in urban areas. Table 3 summarises key information about the participants and associated schools.

Participant Psuedo-names	Gender	Age range/ Age*	Years of Teaching Experience	School-type	Day or Boarding	Number of Pupils (gender mix)
Stephen	Male	60-70	43	Private Secondary	Day & Boarding	565 (mixed)
Ava	Female	40-45	19	Undisclosed School	-	-
Betty	Female	50-60	35	Voluntary Secondary	Day	200 (all boys)

Harry	Male	33	11	Voluntary Secondary	Day	200 (all boys)
Andrew	Male	50-55	32	Voluntary Secondary	Day	200 (all boys)
Dominic	Male	34	8	Voluntary Secondary	Day	200 (all boys)
April	Female	30-40	12	Voluntary Secondary	Day	200 (all boys)
Jack	Male	20-30	1	Voluntary Secondary	Day	200 (all boys)
Victoria	Female	40-50	12	Voluntary Secondary	Day	200 (all boys)
Robert	Male	36	10	***Undisclosed School	-	-
Peter	Male	40-50	15	Undisclosed School (DEIS School)	-	-
Hannah	Female	50+	35	Community College	Day	721 (mixed)
Caroline	Female	41	20	Community College	Day	721 (mixed)
Colette	Female	50-60	26	Community College	Day	721 (mixed)
Clodagh	Female	30	9	Community College	Day	721 (mixed)
Donna	Female	50-60	33	Community College	Day	721 (mixed)
Sandra	Female	40-50	26	Community College	Day	721 (mixed)
Orla	Female	51	18	Community College	Day	721 (mixed)
Alana	Female	44	20	Voluntary Secondary (DEIS School)	Day	275 (mixed)

Ryan	Male	40-50	15	Voluntary Secondary	Day & Boarding	400 (mixed)
Ailish	Female	20-30	8	Private Secondary	Day & Boarding	400 (mixed)
Audrey	Female	31	5	Private Secondary	Day & Boarding	400 (mixed)
Olivia	Female	30-40	15	Private Secondary	Day & Boarding	400 (mixed)
Liam	Male	30-40	10	Private Secondary	Day & Boarding	400 (mixed)
Cliona	Female	40-50	20	Private Secondary	Day & Boarding	400 (mixed)
Brenda	Female	30-40	9	Private Secondary	Day & Boarding	400 (mixed)
Aiden	Male	40	10	Private Secondary	Day & Boarding	400 (mixed)
Cathal	Male	30-40	5	Private Secondary	Day & Boarding	565 (mixed)
Melissa	Female	30-40	7	Undisclosed School (DEIS School)	-	-
<p>*Participants were offered the opportunity to state their age, or if they preferred, to indicate an age-range.</p> <p>** Delivering Equality of Opportunity in Schools (DEIS) are schools provided with additional supports to assist children and young people who are at risk or experiencing educational disadvantage.</p> <p>*** 'Undisclosed School' refers to where the participant did not disclose the name of his/ her school.</p>						

Table 3: Profile of Participants & Schools

The location of schools where teachers taught were rural, urban and city. The majority of participants were located in the provinces of Leinster and Munster. The school type represented was 4 school types: voluntary secondary (all girls), voluntary secondary (all boys), co-educational (ETB school) and co-educational (community school). The schools varied in size. Some participants came from a rural school and some came from an urban school. Some participants were teachers in Delivering Equality of Opportunity in Schools (DEIS) schools, which are schools provided with additional supports to assist children and young people who are at risk or experiencing educational disadvantage.

The subject profile of the teachers included: English, Gaelige, Maths, Science, Physics, Business, Foreign Language (German and French), Humanities (History and Geography) and Home Economics, CSPE and SPHE. The plan was to use teachers from a variety of backgrounds in order to hopefully provide a broader perspective on the issue rather than narrowing the scope by selecting similar participants. Creswell (2007) notes, *“This means that the inquirer selects individuals and sites for study because they can purposefully inform an understanding of the research problem and central phenomenon in the study”* (p. 125). Saunders et al. (2009) propose that purposive sampling enables the researcher to use their own judgment in the selection of cases which will best enable the research questions to be answered and objectives to be met. In choosing my sample the criteria considered included: gender; age; years of experience; location; and, school type. I wanted to have diversity of experience and understanding within my sample and this is why I felt it was important to consider these characteristics. In trying to recruit participants I evaluated what would be the most efficient way in terms of cost and time to recruit participants bearing in mind that I wanted diversity of experience and understanding. Five personal contacts working as second-level teachers helped me to identify a mixture of male and female teachers of different ages and in different locations. Through using my personal contacts I got to go to three secondary schools and interview teachers from those schools. From those three schools I used the recruitment method of snowball sampling which involves the identification of a small number of participants who will help in recommending other participants from the population (Gray 2009). *“The sample emerges through a process of reference from one person to the next”* (Denscombe 2007, p.42).

I found both methods of purposive sampling and snowball sampling useful. I found purposive sampling useful because it helped me gain diversity in my participants. I found snowball sampling useful because it helped me gain the remainder of participants that I needed. Some of the weaknesses with snow ball sampling is bias and group think. Also there is the chance of less diversity if people are referring to friends who think alike.

Confidentiality was granted to the individuals who were interviewed, thus increasing the level of reliability (Saunders *et al.* 2009). To ensure confidentiality of the participants, pseudonyms were provided for any identifying markers within the transcribed interviews.

The saturation point determines the sample size in qualitative research as it indicates that adequate data has been collected for a detailed analysis. Saturation, separate from sample size, can be simply defined as satisfaction with data. It is when the researcher reaches a point where no new information is obtained from further data. Theoretical saturation is the phase of qualitative data analysis in which the researcher has continued sampling and analysing data until no new data appear and all concepts in the theory are well-developed. Concepts and linkages between the concepts that form the theory have been verified, and no additional data are needed. No aspects of the theory remain hypothetical. All of the conceptual boundaries are marked, and allied concepts have been identified and delineated. In relation to my study, the number of indicators coded from the 29 interviews for each of the four factors of duty of care, student empathy, law and curriculum burden were sufficient to provide a reasonably complete picture of the teachers' understandings and perceptions of same. This indicates that conceptual/theoretical saturation was reached. The fact that patterns emerged across the 29 interviews in relation to each concept or factor was sufficient to allow me to establish a solid empirical basis for the main arguments in this study indicates that both theoretical and sampling saturation was reached. The fact that the relationships between the data and the teachers' perceptions of their likelihood to intervene in the summary graph of the findings were clear and understandable, and linked to theory, also indicates that no further interviews or data were required to complete the objectives of the study. Therefore sampling saturation was reached.

This sample might be considered small. However, I would highlight that the nature of this study is an exploratory one and I found this number of teachers very helpful to obtain the data that would enhance addressing my research questions. Patton (2002) stresses that: *"There are no rules for sample size in qualitative inquiry. Sample size depends on what you want to know, the purpose of the inquiry. What's at stake? What will be useful, what will have credibility and what can be done with available time and resources?"* (p. 244). In the light of this quotation, it is clear that qualitative researchers do not accept certain rules on the number of participants in a study. The sample size depends on the nature of the research and its aims. It also depends on the reasons and motivations behind doing a particular study. Moreover, sample size also relates to the contribution of the study and the time plan of the phases of the research.

3.8 Ethical Consideration

In the words of O'Leary (2010) "*ethics refer to principles or rules of behaviour that act to dictate what is actually acceptable or allowed within a profession*" (p. 41). Social science researchers need to conduct research ethically even though the relevant participants seem to be not concerned about ethics (Neuman 2007). The guidelines for research ethics generally include "*ensuring respondents have given informed consent...ensuring no harm comes to respondents'...ensuring confidentiality and, if appropriate, anonymity*" (O'Leary 2010, p. 41). In the same vein, Hammond and Wellington (2013) add that the conduct of research needs to be ethical. Based on the Dublin City University Code of Practice on Research ethics, I made relevant ethical considerations to conduct my study. These practices involved seeking permission and informed consent, maintaining anonymity and confidentiality and participant well-being. The next section discusses these principles with particular emphasis on how they were applied in the context of my study.

3.8.1 Seeking Permission

Researchers need to "*compose a proposal or research protocol*" when they are embarking on research to be evaluated by a relevant ethics committee (Gray 2009, p. 81). Consequently, I put forward my ethical application to be considered by the ethical committee of the Dublin City University. In the application, I made all the research aims explicit as well as how the research was to be conducted. Then, my proposal was approved by the ethics committee (see Appendix D).

3.8.2 Informed Consent

One of the essential ethical principles is "*never coerce anyone into participating; participation must be voluntary at all times*" (Neuman 2007, p. 51). Moreover, researchers need to inform their informants that their participation does not involve any element of deception or harm (Berg and Lune 2012). Furthermore, researchers need to ask participants to sign the written consent form before they are able to take part (Wellington and Szczerbinski 2007). Accordingly, all my participants were provided with an information sheet that included details about the nature and purpose of my research. I also gave them the chance to ask any questions which I clarified before they took part in my study. Each participant was invited to sign the consent form. (See Appendix B - the consent form).

3.8.3 Confidentiality and Anonymity

Qualitative research is sensitive to issues of confidentiality and anonymity as it involves the description of social events of participants (Willing 2008). Consequently, researchers need to change their participants' identities in order not to be identified by readers (Flick 2006). Moreover, researchers need to make their participants aware of the storage of and access to the data (Gray 2009). As a result, I used pseudonyms for all my participants. Furthermore, I made my participants aware that all data would not be accessible to third parties apart from my supervisor and/or the examiners. I also explained that all the audio files would be destroyed after the completion of this study. (See Appendix C – Plain Language Statement for participants).

3.8.4 Avoiding Harm

According to Neuman (2007), “*social research can harm a research participant in several ways: physical, physiological, and legal harm, as well as harm to a person's career, reputation, or income*” (p. 51). Research also is considered as unethical if the participants felt any form of stress or anxiety because of their participation (Flick 2006). Therefore, “*the researcher needs to take responsibility for the effects that the study is having on the participant*” (Willing 2008, p. 86). As a result, during the conduct of my research, I was always aware that my participants might feel that they are under investigation and that such a perception may influence the participants themselves or the research. Therefore, I ensured my participants understood that the purpose of the study was to explore their experiences and ideas which implied that there is no right or wrong answers to this inquiry. Moreover, I made them aware of the confidentiality and anonymity procedures that will be followed in this study.

3.9 Data Analysis

Researchers may approach their data in two different ways either deductively or inductively (Dewey 1910). In this section, I will discuss these two terms and attempt to highlight the one adopted in this study. In deductive approaches, researchers usually work from the more general to the more specific. They might begin with a theory about the topic of interest which is then narrowed down into specific hypotheses to be tested (Trochim and Donnelly 2006). When researchers generate their data deductively, themes or categories do not emerge from the data but rather from research questions, relevant literature or the researcher/s' own experience (Given 2008). The inductive approach was highlighted by Glaser and Strauss (1967) who state: “*we suggest as the best approach an*

initial, systematic discovery of the theory from the data of social research. Then one can be relatively sure that the theory will fit and work" (p. 3). This was highlighted in their grounded theory model where they advised discovering a theory or theories from data. Glaser and Strauss (1967) state that generating theory from data helps show that a certain theory fits an empirical situation and is understandable to both researchers and laymen.

Most qualitative studies are both inductive and deductive, which is the approach that I adopted in this study. Given that I conducted a literature review before I collected my data and then referred back to my literature this is a deductive approach. The inductive approach is reflected in the method I used for collecting the relevant data. The use of semi-structured interviews gave me the opportunity to follow the leads gained from my view of the data, *"not from the careful and exhaustive literature review of the traditional research design"* (Charmaz 1996, p. 47). However, I would agree that there are some limitations for this approach because *"no researcher enters into the process with a completely blank and empty mind"* (Strauss and Corbin 1998, p. 294). Moreover, I also share the idea that *"it would not be true to say that the inductive process takes absolutely no note of pre-existing theories or ideas when approaching a problem"* (Gray 2009, p. 15). This might also be reflected in Charmaz's words who highlighted that *"certainly any observer's world view, disciplinary assumptions, theoretical proclivities and research interests will influence his or her observations and emerging categories"* (p. 32). Having described the deductive and inductive approaches, the next section describes the method of analysis that I adopted to help me arrive at understanding my data.

Data analysis can often be the most difficult task to undertake when conducting a qualitative study (Merriam 2009). The transcripts were analysed using thematic analysis, a method for identifying, analysing, and reporting themes and patterns within data (Braun and Clarke 2006). Moreover, Nvivo software 11 was used to assist in the coding. The reasons for choosing this software is for its features that enable users to organise, categorise and retrieve their data easily. Richards (1999) also supports this when he pointed out: *"Nvivo has tools for recording and linking ideas in many ways, and for searching and exploring the patterns of data and ideas"* (p. 4). Moreover, it enables users to move things around and use different coding categories and groupings (Rademaker et al. 2012, p. 7). Finally, I found it a cost-effective option and accessible to download Nvivo through the university. It has been argued that computer software used to analyse qualitative data may distance researchers from the data they are analysing (Fielding and Lee 2002). Furthermore, another risk was highlighted by Yin (2011) who cautions *"One*

risk in using software is the added attention needed to follow the software's procedures and terminology. Such attention may detract from the desired analytic thinking, energy, and decisions that are needed to carry out a strong analysis" (p. 176). However, I entirely concur that: *"Some aspects of QDA [Qualitative data analysis] software programmes, such as the ability to generate coding automatically or search text for key words, phrases or patterns of words, can save a considerable amount of time"* (Johnston 2006, p. 385). Furthermore, using qualitative computer data analysis software can make the data more "transparent" (Ryan 2009, p. 142). Moreover, I have always been aware that: *"the computer and the text analysis packages do not do the analysis for the researcher"* (Basit 2003, p. 145). A view highlighted by Wellington (2015) who point out: *"CAQDAS (Computer-Aided Qualitative Data Analysis Software) can be helpful in case-study research but one should always remember that the software will not do the analysis for you. It may be a useful tool, for example, in searching for words and phrases, counting the incidence of those and thus helping to develop the codes and themes that you have conceived"* (p. 172). In the same vein, *"computers do not analyse data; people do"* (Weitzman and Miles 1995, p. 3) Thus, my own experience with Nvivo gave me the opportunity to realise that computer software *"...are not a substitute for thought, but they are a strong aid to thought"* (Weitzman and Miles 1995, p. 3). As soon as I installed Nvivo on my personal computer, I started exploring and structuring the different features of this software. I also attended some relevant workshops in order to be more familiar with its use. As a result, I felt that I was confident enough to exploit this software to enhance the analysis of my data. Having discussed how I used the Nvivo software, the next section describes two different issues about the role of theory in qualitative research.

3.9.1 Thematic Analysis

Thematic analysis is a useful method if the researcher is investigating an under researched topic, or if the researcher is collaborating with participants whose views on the topic are not known (Braun and Clarke 2006).

The six phases of thematic analysis as laid out by Braun and Clarke (2006) was followed: *"(1) familiarising yourself with your data, (2) generating initial codes, (3) searching for themes, (4) reviewing themes, (5) defining and naming themes, and (6) producing the report"* (p.87). A content analysis was utilised to group data into themes and emerging patterns were noted (Patton 2002).

3.9.1.1 Familiarising Yourself with Your Data

Familiarisation is the stage where the ‘immersion’ process takes place. It includes “*getting an overall sense of data*” (Wellington 2000, p. 135). This process is seen by Hennink et al. (2013) as “*it involves a process of discovery that enables you to remain close to the data and form an evidence-based understanding of the research issues*” (p. 205). In line with this, Braun and Clarke (2006) highlight that one needs to be immersed into their data in order to become familiar with its scope and boundaries.

This stage is also the first phase of the compiling process described by Yin (2011) who points out that researchers in this phase familiarise themselves with their interviews and field notes by the continuous reviewing and re-listening to the recorded data. Due to being visually impaired I discussed with my supervisor the option of having someone else transcribe my interviews as it would ease the burden on my eyes continually looking at a pc monitor screen typing up my interviews. My supervisor recommended a person who would transcribe my interviews. My interviews were put on a memory stick and hand delivered to the person who would transcribe them. The person then emailed me each interview once it was transcribed. To make sure there were no inaccuracies I assigned one day to each interview so that I could listen to the interview and look at the transcript on the screen at the same time. Focusing on one interview each day worked for me in terms of my eye sight as it allowed me not to be straining my eyes too much by looking at the pc screen. I started obtaining the familiarity aspect of my data as soon as I began listening to my interviews. This phase gave me an opportunity to be engaged with my data. As Braun and Clarke (2006) note: “*It is a good idea to start taking notes or making ideas for coding that you will then go back to in subsequent phases*” (Braun and Clarke 2006, p. 17). Therefore, I found this stage as an interesting and exciting experience because it is my first time to deal with qualitative data and attempt to understand the meaning my participants attached to my interview questions. Familiarisation for me is one of the most important stages when dealing with qualitative data because it gives the researcher/s the opportunity to start thinking about the general idea and aims of the data collection methods applied.

3.9.1.2 Generating Initial Coding

This phase actually starts when one has become familiarised with the data, and has developed a list of ideas that capture interesting meanings about segments of the text (Braun and Clarke 2006). This is further highlighted by Miles and Huberman (1994) who state “this part of analysis involves how you differentiate and combine the data you have retrieved and the reflections you make about this information” (p. 56). Furthermore, Miles

and Huberman (1994) define coding as “...attaching key words or tags to segments of text to permit later retrieval” (p. 44). In Nvivo, “...coding is carried out by applying nodes to segments of text” (Bryman 2012, p. 601).

In order for a researcher to make data come alive, they must read it over and over again, code it, color it, and keep track of possible themes that emerge from the data. I did these things but in my case because of being visually impaired I work from memory a lot. In doing data analysis I would listen to the interviews and think of key words that stood out to me. I would then make visual maps in my head such as – when teachers were speaking about being role models or their motivations to teach I would think to myself what could be a heading that this could fall under – I then thought of the words ‘Interpersonal Relationships.’ I was going to have that as a main heading in my thesis but then during the coding process it ended up getting broken down into student/ teacher relationships. There are many headings that I wanted to keep and expand on but because of the word count I couldn’t keep everything.

As I continued to code other themes emerged: (1) teachers’ perceptions are important in bullying prevention; (2) cyberbullying is problematic regarding duty of care inside and outside of school. (3) more professional development on intervention and prevention is needed.

As I have already indicated in the familiarisation phase, I started to use NVIVO to highlighted the chunks of data that carry attention-grabbing meanings. “*Sorting out the structure of significance*” (Geertz 1973, p. 9). In other words, I looked for expressions that may/will have reference to the relevant research inquiry. This view is further stated by Bryman (2012) who advises “...jot down a few general notes about what struck you as especially interesting, important, or significant” (p. 576). Accordingly, I attached some notes to the segments of texts in my interview transcriptions that appeared to be interesting for the relevant research. Bryman (2012) states that: “*For some writers a theme is more or less the same as a code, whereas for others it transcends any one code and is built up out of groups of codes*” (p. 578). In the same way, I sometimes consider a certain code as a theme on its own and sometimes a particular theme emerges from different codes. This is an idea highlighted by Hammond and Wellington (2013) who explain “*there is no single agreed approach to coding or even the terminology to describe the process so that terms such as ‘codes’, ‘themes’, ‘categories’ and ‘labels’ may be used interchangeably*” (p. 22). However, my main intention always was “...it is not the words

themselves but their meaning that matters” (Miles and Huberman 1994, p. 56). Thus, I paid less attention to the differences in the labels used and avoided to consider a certain label as the most correct one. Figures 1 and 2 present a sample of some codes in the initial stages of the data coding process. My only concern was to look for the meaning my participants make about their understanding of the phenomenon under investigation in this study. In other words, I maintained flexibility and did not follow rigid rules either throughout the whole research study or in this specific process of labelling. I believe that the core of qualitative research is looking for the meaning people make about any social phenomenon. I stopped using NVIVO as it was too challenging to use given my visual impairment, and moved back to using memory and colour coding hard copies of the transcripts.

Sample of some initial codes

Responsibility - *The Department of Education. There's a legal side to all of this and the Dept. has legal experts so why would schools, teachers, and parents try and be experts?*

Responsibility, whole school approach - *It's all of ours. If you think about it, they spend a lot of time here from 9 until 3 and some until 6 and I don't think we can relinquish responsibility. Parents can't do so either.*

Stressors – cutbacks - *it was horrific for the Dept. to cut the careers teachers because they were trained counsellors in the schools*

Culture – *a drip effect of information to kids is better than a once off. You start with first years and you talk about being aware of everybody. If this comes from one person, it's not good. If it comes from a whole staff, where in a class you are sensitive and you look out for each other, if that's a vibe that runs through a staff then kids see what your school stands for. If it's just written on a poster or on anti-bullying week. I don't think that has the same affect.*

Culture, norms, normalisation - *I think it's human nature. I'm not excusing it but human nature is human nature and people are people but you can affect it and if you catch things before they build up in the early stages, it's great.*

Self-efficacy, Confidence, Culture, Training, CPD – *I'm not a big believer in these big shiny things coming from these people in the departments and we get down posters, it's no use. It has to be on the ground. A school would need support from the Department through CPD, through paying for substitution when teachers are away doing it and we're not getting the support for any of that. I do think the Department should do more.*

Diversity, masculinity - *I think we need to be much more competent and accepting of difference and I don't like and wouldn't send my own son to an all boy's school and because I think that macho image isn't healthy. I think a mix school is healthier. There is more variety and acceptance of difference. I would much prefer mixed schools.*

Stressors, facilities, buildings, class size, overcrowding - *Schools lack space and I think class sizes are too big and preferably I would have bigger classrooms and less students in the class and I would have lockers in the classrooms to save time and I don't agree with kids down corridors on their own meeting other student or at lunch times there's chaos for hundreds of kids at lockers and there's so much interaction going on that it is inevitable that there will be a bit of harassment. It's a society problem.*

Figure 1: Sample Codes in Initial Coding Process

<p><u>Collaboration, Morals, Moral duty, Ethics of Care</u> - Even if the bullying is by students from another school, we still have a responsibility. There is an onus on us to let the other school know that children in our school are being bullied.</p> <p><u>Cyberbullying - A school is a community</u>. If that community spills over into an online community, then there are going to be connections between the two communities.</p> <p><u>Vocation, ethics of care, student-teacher relationships</u> - I'm constantly impressed by those I work with. They are motherly. They have so much time and energy.</p> <p><u>Environment, stressors, resources, ecology systems, responsibility, role of teacher, whole school approach, empathy</u> - Some children need social workers. It can't fall back on the teacher. If the child is not receiving the mental health services they need. Classes are too big. We teach the longest hours to the biggest classes in Europe. If a child you're teaching was to get into difficulty at the weekend, you shouldn't be at the end of the phone. That's another professional's job. For example, if someone said they were suicidal I would refer them on. I've never had any training in dealing with that. At that stage your job is to make referrals. It would be unwise to try and take it on you weren't trained in. Mental health issues are for other professionals. If a family issue arises, refer to the social worker</p> <p><u>Experience, conceptualisation of childhood</u> - Bullying in schools was never mentioned when I was doing my training. I was 20 years in system before someone in Dublin started researching it and we were all awakened to the whole thing of bullying. Prior to that we were all getting along with our classroom teaching.</p> <p><u>Responsibility, duty, role, law policy</u> - the Department washes their hands of all responsibilities</p> <p><u>Self-efficacy, autonomy, power, culture</u> - Teachers create atmospheres in their classroom and I think you can make it very clear from the start that you mightn't be a teacher who reacts strong to not having homework done but you do react strongly to someone laughing at others answering questions and so I think you create the atmosphere which says it won't be tolerated here.</p>
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Figure 2: Additional Sample Codes in Initial Coding Process

3.9.1.3 Searching for Themes

This stage involves categorising the different codes into potential themes and assigning the relevant coded extracts to the specific themes (Braun and Clarke 2006). This view is stated by Stirling (2001) who highlights “*go through the text segments in each code (or group of related codes) and extract the salient, common or significant themes in the coded text segments*” (p. 392). In this respect, Braun and Clarke (2006, p.

As I continued to search for themes – four overarching thematic categories emerged: teachers’ training and knowledge about bullying, their beliefs about bullying, strategies they use to help bullied children, and challenges teachers face when helping bullied children. For the purposes of explanation, I am hereby explaining two of these four thematic categories. In the context of *Teachers’ training and knowledge about bullying*, the common theme that emerged related to teachers’ limited training specific to school bullying. Specifically, teachers reported receiving very little formal training about bullying in pre-service courses. Also, teachers were not conversant in the type of training that would be needed in the context of bullying and duty of care. In the context of *Challenges teachers face*. Teachers identified several contextual challenges that can impede their ability to help students generally, as well as their ability to help bullied students more specifically. The most common challenge identified was having limited time to address issues related to school bullying or children’s peer relationships. Although teachers commonly endorsed the belief that teachers should attend to the social-emotional development of students, teachers also described feeling pressure to focus on academics. Teachers also reported that support and school resources (e.g., extra personnel, prevention programs) to address issues related to school bullying were limited. Teachers also noted that some resources they did have were of limited use (e.g., unclear anti-bullying policies, ineffective staff). Many teachers also reported that a significant challenge to helping was their limited awareness about incidents of bullying. Teachers noted being unable to know about bullying that happens outside their classroom and is not disclosed by students. Finally, teachers reported challenges related to working in a school with mostly low-income, disadvantaged families. Teachers voiced concerns about students’ lack of supervision at home, especially around their use of the internet and phones, which provide more opportunities for cyber-bullying.

Below you will see some text which has been taken from figure 4. The codes which I used are marked in mustard yellow. These codes came about when I read the participant quotes (blue marked text). In turn bringing about the emergent theme which is marked in the red text below.

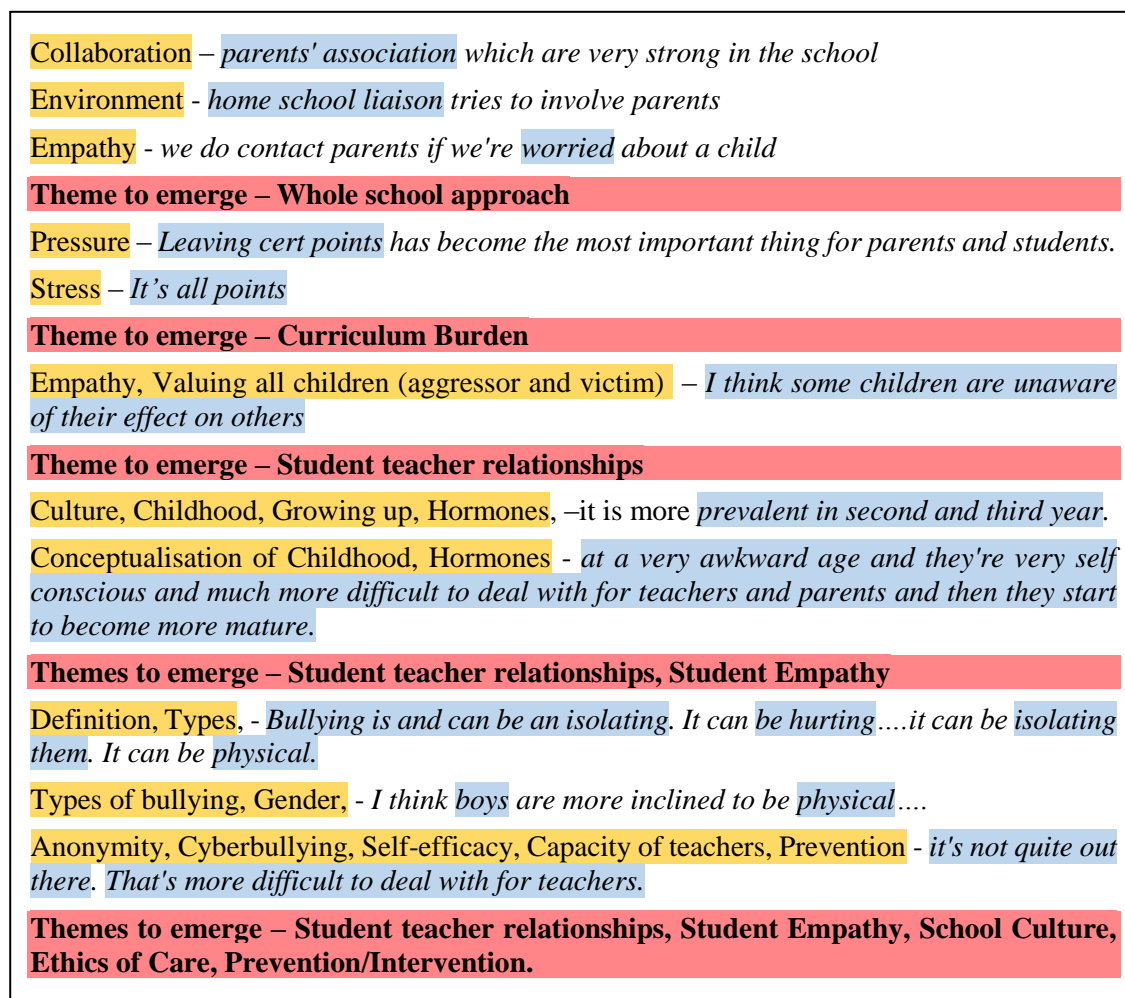


Figure 4: Example of Categorisation of Codes into Themes

3.9.1.4 Reviewing Themes

The goal of this phase is to review and refine the different themes (Braun and Clarke 2006). The same view is explained by Boyatzis (1998) who stresses that: “*It is essential to check their [the themes] compatibility with the raw information of your study*” (p. 36). At this stage of the research process I was very conscious of Bronfenbrenner (1979) ecology theory as mentioned in chapter 1 which highlights that teachers can be influenced by multiple factors and relationships. Thus, impacting on their values, beliefs and perceptions and in turn influencing whether they decide to prevent and intervene in bullying. Accordingly, I read through all my themes and checked that they matched the segments of text they were attached to. For example, some teachers spoke about school ethos/school culture/school climate. One teacher, Caroline noted: “*It depends on the ethos of your school. Openness. If you have a culture where students feel they can open up to any teacher if something is wrong...*” *it's not just words on a page. That they are treated*

with respect and we expect that from others too. This data responded to themes of: ‘Values Systems’ within the schools, which *was further categorised under ‘Respect & Integrity within School systems’.*

In this stage, the thematic map starts to take its shape. However, either in this phase or the one that follows, I sometimes decided to revise and adapt or adjust my coding which created some discomfort when I had to revisit the stage that I thought I had just completed. Nevertheless, Auerbach and Silverstein (2003) maintain that researchers should not feel disappointed about this because *“It is actually a positive step, because it means that you are learning about your participants’ subjective experience in a more nuanced way”* (p. 62). Braun and Clarke (2006) warn that researchers need to know when to stop because the coding may become endless. Therefore, *“when your refinements are not adding anything substantial, stop!”* (p. 21). Accordingly, I stopped coding my data when I felt that no more themes emerged and the same ideas were repeated.

3.9.1.5 Defining and Naming Themes

The fifth phase starts when researcher/s has/have developed a satisfactory thematic map of the data, then they need to define the themes that will be presented for the analysis (Braun and Clarke 2006). Similarly, Auerbach and Silverstein (2003) advise *“Name the themes with an easily understood phrase that expresses this common thread”* (p. 65). In line with this, Boyatzis (1998) stresses that the name should be: *“(a) conceptually meaningful to the phenomenon studied; (b) clear and concise, communicating the essence of the theme in fewer words possible; and (c) close to data”* (p. 31). In the same vein, I attempted to define and conceptualise each theme in order to help me present them to the reader. Moreover, I tried to keep the themes simple and clear in order to avoid any jargon. This view is supported by Auerbach and Silverstein (2003) who state *“the research participants should be able to recognise the themes as something they might have said”* (p. 65).

Themes are the broad codes assigned to the main issues arising in the data. These are then used in order to organise data, with reference to related subcategories. Themes come both from data and our prior theoretical understanding of the characteristics of the topic being studied. As an example: ‘Teachers’ understandings of bullying’ emerged as a refined theme, and contributed to findings that were framed within sections reporting on teachers’ understanding of ‘Duty of Care’ and ‘Law/ Policy’.

3.9.1.6 Producing a Report

The final step involves producing a report, which in the case of this study, is encapsulated in the formation of this dissertation document, which outlines the processes involved in conducting the research and reports on the findings, limitations and recommendations.

3.10 Quality Control

King, Keohane, and Verba (1994) encouraged qualitative scholars to follow the principles of a particular quantitative template. King, Keohane, and Verba's (1994) work is driven by a core premise: that "*the same logic on inference*" underlies quantitative and qualitative research (p.3). To enhance quality control in this study, King, Keohane, and Verba's (1994) suggestion for using well-established norms drawn from quantitative research for qualitative research was followed. King, Keohane, and Verba (ibid) argue that there is a '*unified logic of inference*' which underpins both qualitative and quantitative political science research. Their goal is to allow causal inferences to be drawn in qualitative research by following certain rules of research design. They argue that non-statistical research will produce more reliable results if researchers pay more attention to the rules of scientific inference, which they argue to be more clearly stated in quantitative research. They aim not at certainty as the goal for political science research, but rather at a method of arriving at valid inferences through the systematic use of established procedures of inquiry, thereby improving the reliability, validity, and integrity of research. The goal of their research design is inference: the making of descriptive explanatory inferences on the basis of empirical information. Scientific research adheres to a set of rules of inference on which its validity depends. For King, Keohane and Verba, the content of science is primarily the methods and rules, not the subject matter under examination, because the adherence to these rules will allow the researcher to study '*virtually anything*'.

The methods used by quantitative and qualitative researchers to establish quality and trustworthiness differ in many ways. Trustworthiness has four parts: 1. credibility as parallel to internal validity, 2. transferability as parallel to external validity, 3. Dependability as parallel to reliability and 4. Conformability as parallel to objectivity (Lincoln and Guba, 1985). These four aspects will be discussed below in relation to my research. Credibility refers to "*the extent to which a document (or indeed an interview) is*

sincere and undistorted’ (Wellington 2015, p. 214). For this criterion to be met in my study, I had several meetings with my supervisor where we reviewed my chapters and this provided me with comments and feedback. For qualitative researchers, the methods used to establish trustworthiness include credibility, transferability, dependability, and confirmability. For quantitative researchers, the methods used to establish trustworthiness include internal validity, external validity, reliability, and objectivity. (Lincoln and Guba 1985, p. 290).

One of the methods used in this study to ensure quality was credibility which included prolonged engagement with my research participants. This allowed me to learn traditions and customs of the participants and build trust. It is crucial for researchers to spend a good amount of time at a site and examine any questions that research participants may have regarding participation. Another method used to obtain credibility was persistent observation and in-depth looking at my research data. At all times during this study I have been aware that my data could be examined at a later date thus another method I used to enhance credibility was referential adequacy. This is a method used to store raw data in records to examine later and compare to other future studies to show the credibility of data. Another method in this research which shows credibility is negative case analyses, the use of conflicting findings builds a richer picture of the phenomenon and allows for continuous refinement of the results (Creswell 2013).

One of the methods of trustworthiness in qualitative research is confirmability, this involves a rigorous qualitative study to generate confidence in the results. Two of the most commonly applied strategies include audit trails and reflexivity, which are included in this research study. Audit trails are likened to a research study blueprint, outlining detailed procedural records maintained by the primary researcher. Throughout this research study I have worked from a blueprint namely having keywords and bullet points and provisional chapter titles in my head to guide me. This blueprint is accessible to an external researcher so s/he can attempt replication hence confirmability is strengthened. This research study has many note documents which includes observations about what procedures worked when doing this study and changes recommended for future study. This research study also included the strategy of reflexivity to add trustworthiness to the study. Reflexivity is the incorporation of the researcher’s background, knowledge, bias, methodology, and perspective superimposed onto a study. By using the strategy of reflectivity I have worked intentionally to neutralise my own bias, motivation or interest in this study. Another strategy I have used throughout this research to confirm its trustworthiness is I have tried to maintain authenticity throughout the research process

and in this research study. This strategy focuses on the contextual purpose of the research, identifying the intended value of the research. How does the research benefit participants? Are all the realities represented to give meaning to the findings? For me authenticity has always served as the ultimate goal from the beginning of this research. Research data should be credible and transferable to avoid the researcher from reaching an incorrect conclusion about a relationship in your observations (Trochim 2006). The trustworthiness of a study is dependent on the credibility of the researcher.

Transferability refers to the degree to which the results of qualitative research can be generalised or transferred to other contexts or settings (Trochim 2006). From a qualitative perspective transferability is primarily the responsibility of the researcher who is doing the generalising. The researcher can enhance transferability by doing a thorough job of analysing the research context and the assumptions that were central to the research (Trochim 2006). Transferability entails the idea that the findings of the study may be contextualised and significant in the environment where the research was conducted (Patton 2002). In other words, qualitative researchers conduct research in order to obtain findings that might only be applicable in that site in that time (Lincoln and Guba 1985). Therefore, researchers develop thick descriptions in order to give their readers opportunities to transfer the conclusions to other contexts (Lincoln and Guba 1985). Consequently, I believe the readers can assess and judge this study in order to “*increase the relatability*” of my work (Hammond and Wellington 2013, p. 82).

Dependability is closely related to credibility and the presentation of the latter is sufficient of the former (Lincoln and Guba 1985). However, dependability can be enhanced by an ‘auditing’ system where researchers keep records of their research process (Lincoln and Guba 1985). In the context of my study, I believe the dependability was enhanced when I had the opportunity to present my research to other researchers. Firstly, it was at the student seminar in Dublin City University, School of Education, May 2014, I presented the first stages in the design of my study. Secondly, in November 2015 I participated in the School of Education research students’ seminar. During these two events I had a very good opportunity to discuss my research. I also had valuable comments and feedback. Finally, the Anti-bullying Conference in DCU in June 2016 was helpful to share my research findings and have relevant feedback from and dialogue with different researchers and academics.

Conformability entails that researchers need to show that their personal values and theoretical affiliations did not explicitly impact on their research (Patton 2002). Yin (2011) explains that one of the most important objectives for building trustworthiness in

research is to make the research study accessible for others. In other words, researchers need to describe and document their studies in order to give others an opportunity to review, understand, and scrutinize the content of that work. This feature is referred to as *transparency* by Flick (2007) who states that researchers need to show their readers how they proceeded with their research and how they arrived at their findings and conclusions. This transparent representation will help in increasing the merit of qualitative research. I always have been aware that “*readers should be given enough information to decide whether they would have done the same and arrived at the same conclusions as the researchers or not*” (Flick 2007, p. 66).

Qualitative methods are useful for understanding the perspectives of teachers. Yet there continue to be concerns about this approach. One of the more frequent criticisms is that it appears hard to generalise qualitative findings to settings other than those studied (Patton 1990; Yin 1989). Hammersley (1990) has argued that qualitative research represents a distinctive paradigm and as such should not be judged by conventional measures of generalisability, or validity and reliability. Cronbach (1975, p. 124) notes that social phenomena are too context-specific to permit generalisability. He suggests the priority of qualitative research is to “*appraise a practice or proposition... in context*”. Denzin (1983, p. 133) also rejects generalisability as a goal: ‘every instance of social interaction, if thickly described, represents a slice from the life world’ and is thus a proper subject matter. By the nature of its scope and scale, qualitative research cannot provide evidence on prevalence, prediction, cause and effect, or outcomes and its findings are not statistically generalizable. However, qualitative research is ideally suited to providing in-depth contextualized accounts. It can offer more. Qualitative research can, sometimes, offer explanations for unexpected or anomalous findings generated by quantitative studies (Black 1994; Barbour 1999); or it may shed light on the mechanisms which account for correlations or relationships identified by a quantitative study. An example of the latter is provided by Sparks et al. (1994) whose work followed on from an epidemiological study of the patterning of childhood accidents, and which explored the nature of social class differences in interpretation and implementation of ‘safety rules’. Although qualitative findings are not statistically generalisable, they can be ‘theoretically generalisable’. This refers not to some rarefied abstract theoretical knowledge base but to explanatory frameworks or typologies developed from the data, or mechanisms identified which have applicability beyond the immediate context of the reported study. Lincoln and Guba (1985) argued that instead of using the term ‘generalisability’, it is more useful to talk about ‘transferability’ of qualitative findings. This relates to their relevance for

understanding similar issues and processes involved in other situations. In deriving models or explanations which are theoretically generalisable, qualitative research can also draw, where appropriate, on pre-existing bodies of theory most commonly those deriving from the social sciences.

Researchers who do not believe there is any way a qualitative study can be as reliable, valid, believable, or useful as a quantitative study should be assured that when the principles of trustworthiness are diligently applied, a qualitative study is just as rigorous and valuable as any quantitative study. But as Morse, Barret, Mayan, Olson, and Spiers (2002) note: *“While strategies of trustworthiness may be useful in attempting to evaluate rigor, they do not in themselves ensure rigor”* (p. 9). The quest for rigor in any qualitative study ultimately resides with the quality of the researcher’s purpose and practice and the verity of the unique depth and breadth of each participant’s ‘lived experience.

3.10.1 Critiquing notions of validity and generalisability

Validity, credibility, reliability, and generalisability are widely used as criteria for the evaluation of quantitative analysis. Their applicability to qualitative research is the subject of an on-going inter-disciplinary debate. Yvonna S. Lincoln and Egon G. Guba (1985) introduced the criteria of credibility, dependability, confirmability, and transferability for qualitative research to meet standards of 'scientific adequacy'. They placed these qualitative criteria in juxtaposition with similar concepts applied to establish the scientific adequacy of quantitative research, i.e. four pairs of paradigms - validity/credibility, reliability/dependability, objectivity/confirmability, and generalisability/transferability.

Validity/credibility is concerned with research framework. Validity is used to evaluate frameworks that are set in advance. Credibility is used to evaluate frameworks that are created in the process of research. After assessing the nature of the research framework, a researcher should use either validity or credibility, or both, as appropriate. For Lincoln and Guba (ibid), credibility is an element of 'trustworthiness' existing in parallel with, or in place of, the conventional criterion of 'internal validity'. Operational methods to establish credibility include member checking, peer debriefing, triangulation, negative case analysis and prolonged engagement/persistent observation (Guba 1981). An example of rigour being implemented in qualitative research can be seen in Owens et al. (2000) study of aggression in teenage girls, which included: checking

credibility of findings with students and teachers, and the fittedness of findings with external students and teachers, alongside assurance of auditability of findings through the maintenance of data and coding schemes. In the context of this research study, validity was ensured through considered and prolonged engagement in data collation, multiple readings of transcripts and of the coding to ensure alignment between same, and rigorous reflection and refining of emerging themes in alignment with Braun and Clarke's thematic analysis framework, and the maintenance of an audit trail. The researcher didn't utilise respondent checking as the participants indicated at the outset that due to work commitments and time constraints, they wouldn't be available for engagement in multiple meetings with the researcher.

Given the goal of the research is to understand what is required to tackle bullying in secondary schools in Ireland, a retrospective design framework generating likelihoods to intervene had to be generated, and its credibility is based on the observations of the four factors of empathy, burden, law and duty of care that are underpinned by theory. King, Keohane and Verba's (1994) approach the question of generalisability / plausibility of interpretive and qualitative research in the following terms:

A retrospective research design may help us to gain some valuable information about the empirical plausibility of a causal inference, since we might well find that high and low values of the dependent variable are associated with high and low values, respectively, of potential explanatory variables. However, if this design is to lead to meaningful—albeit necessarily limited—causal inferences, it is crucial to select observations without regard to values of the explanatory variables. We must not search for those observations that fit (or do not fit) our a priori theory. The observations should be as representative as possible of the population of observations to which we wish to generalize. (p. 143)

There are limitations to generalisability of the in-depth findings from the twenty-nine teachers interviewed: the sample was not a random sample, and the number of cases is too small for any parameters of quantitative notions of generating law-like generalisations to be considered. What King, Keohane and Verba's (1994) approach does is use the same quantitative principles of ensuring a link between data and theory to generate observable implications from a small number of qualitative research targets. And they argue that the observations selected must not be selected specifically to match with *a priori* theory to generate causal inferences. In my study, I applied a retrospective analysis after the thematic analysis, which led to the creation of the model summary of findings, where the patterns showed relationships between the four factors and the likelihood of intervention to prevent bullying. The design is meaningful in King, Keohane and Verba's (ibid)

approach because I did not search for observation to fit this model, therefore the causal inferences are plausible empirically. King, Keohane and Verba (ibid) acknowledge that these causal inferences are necessarily limited, and I agree that the inferences I generated are limited given that I cannot know that my observations are exactly representative of the population of observations I or others may wish to generalize to. The likelihood of the transferability or otherwise of the findings of this study could only be substantiated by replication of this study in future research.

3.11 Structuring of Findings Chapters

Chapters 4-7 will present the findings, organised within the following themes and subthemes as shown in the table 4.

Chapter 4: Findings relating to duty of care	<ul style="list-style-type: none"> • Vulnerable groups • Ultimate Responsibility for duty of care • Environment • Cyberbullying • Effects of Bullying • Confusion as to what bullying is
Chapter 5: Findings relating to Teachers' expressions of empathy	<ul style="list-style-type: none"> • Teacher Personality • Factors that impact teachers • Motivation to teach • Teachers as role models • School Climate/School Ethos
Chapter 6: Findings relating to Institutional Stressors	<ul style="list-style-type: none"> • Time and Pressure • Deprofessionalism prevents caring relationships • Self-Efficacy • Future for teachers
Chapter 7: Findings relating to Law/Policy	<ul style="list-style-type: none"> • Definition of bullying • School Policy • Ireland to legislate or not • US laws, Massachusetts Law

	<ul style="list-style-type: none"> • Standard of Care • Human Rights • Unions – collective Power
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Table 4: Structuring of Findings in Chapters

The above themes and subthemes in the table came about as a result of looking at the literature, looking at the data and the framing of the 4 main research questions

It involved a three stage process:

1. Drew factors from the review of the literature. Example factors such as: Care, Respect, Integrity, dignity, equality, fairness, trust, culture, burnout, stress, job satisfaction, resilience, self-efficacy, teacher well being.
2. Applied thematic analysis to the range of factors identified from the literature. Further refined via parsimony (having the fewest amount of variables). Example, all the following factors could go under – Institutional stressors (factor 3). Culture, burnout, stress, job satisfaction, resilience, self-efficacy, teacher well being. From this thematic analysis of the literature, the four main factors emerged, Duty of care, Student Empathy (teachers expressions of empathy), Institutional Stressors, Law/policy. Draft research questions were then framed around these four factors.
3. In the final stage, the ‘logic of inference’ approach endorsed by King, Keohane and Verba (KKV) was adopted to hone and frame the final 4 research questions and accompanying hypothesis. Hypotheses were considered for each of the draft research questions. Following a critically reflective process each research question and accompanying hypothesis was re-drafted multiple times as I critically reflected on what high levels of teachers’ understandings of bullying/law/policies, and/or their expressions of empathy for students. might mean in term of their action on bullying. The final 4 research questions and accompanying hypothesis were eventually articulated as outlined in the thesis.

I found this three step process effective as it enabled me to use the logic of inference on a relatively small qualitative data set by isolating factors. I was also inspired by the processes in other forms of analysis such as grounded theory types of research where the data can be used to inform policy.

3.12 Chapter Summary

In this chapter, I have discussed the research design and methodology adopted in this study. The chapter started with the research aims and justification where I explained the reasons and motivations for adopting a constructivist qualitative approach. The chapter also discussed the research method (semi-structured interviews) which was used in this study. The chapter then highlighted that purposive and snowball sampling was used to gather participants for this study. Ethical considerations were then presented. The chapter then focused on discussing the data analysis. The final parts of this chapter discussed quality control and the strategies I used to ensure a credible research project. The limitations of this study were also explored.

CHAPTER 4: Teachers' Understandings of Duty of Care

4.1 Introduction

This chapter explores the empirical narratives gained from the semi-structured interviews relating to teachers' understanding of duty of care relative to bullying. Within this chapter areas such as: vulnerable groups, ultimate responsibility for duty of care, environment, cyberbullying, effects of bullying, and confusion as to what bullying is will be discussed.

Teachers' beliefs about bullying and their duty of care will influence whether or not they will intervene. The likelihood that teachers will intervene in bullying is influenced by a number of factors, including their attitudes about the perceived seriousness of bullying, their level of empathy toward the student being bullied, and their efficacy beliefs (Yoon 2004). Studies have shown that the degree to which teachers perceive bullying to be a serious problem has a direct impact on how likely they are to intervene when faced with a bullying situation (Dedousis-Wallace and Shute 2009; Ellis and Shute 2007; Kochenderfer-Ladd and Pelletier 2008). In a study by Troop-Gordon and Ladd (2015), the belief that bullying is a normal experience for school-aged children was related to more passive approaches to intervening with bullying. Thus, highlighting those who believe that bullying is a normal part of childhood will be less likely to intervene and won't have much regard for duty of care and childrens' rights.

In a study examining individual and contextual factors impacting teachers' attitudes and responses to bullying, Small, Neilsen-Hewett, and Sweller (2013) concluded that the success of prevention efforts depends on teacher education and building teachers' awareness of and sensitivity to bullying. Another study conducted by Hektner and Swenson (2012) found that teachers' beliefs about bullying behavior impacted individual intervention decisions, as well as rates of victimisation within schools, pointing to a connection between individual beliefs and those of the school culture.

Research indicates that teachers tend to interpret physical aggression as bullying more often than indirect or verbal aggression, and consider it more serious and worthy of intervention than indirect bullying (Boulton 1997; Craig et al. 2000; Hazler et al. 2001; Mishna et al. 2005). Teachers are more inclined to intervene in physical bullying situations than situations of verbal, social, or cyber bullying. Teachers who underestimate the risks inherent in indirect and verbal bullying, are less likely to intervene (Blain-Arcaro et al. 2012). In parallel with Mishna et al. (2005) study who note that teachers identify and

intervene in bullying according to how serious they judge the incident I hypothesise that Teachers who underestimate the risks inherent in indirect and verbal bullying, are less likely to intervene. In turn, not fully exercising their duty of care towards children thus making childrens' rights less of a priority. Research shows that verbal, indirect, and cyber bullying have significant negative effects on children that in some cases may exceed those caused by physical bullying. Consequently, an important component of anti-bullying programs would be to raise teachers' awareness of the seriousness of bullying and how they understand their duty of care relative to same.

4.2 Duty of Care

This section will now explore the findings in relation to teachers' understandings of their duty of care as a predictor of the likelihood of preventing and/or intervening in bullying. Variation in understandings of the concept of bullying lead to different understandings of duty of care in relation to bullying in schools. Teachers with a measured and coherent concept of bullying are more likely to be accurate in identifying bullying and proactive in responding toward the practice of bullying. All participants were asked - *When I mention the words duty of care to you, what do you automatically think of?* The majority of teachers replied in very simplistic language.

Hannah is one of the participants who showed an expansive view of duty of care in turn making her more likely to being proactive in responding toward the practice of bullying. Hannah showed enthusiasm towards her job and viewed herself as the '*school mom*'. Cliona also signalled an expansive view of duty of care making her more proactive to want to identify and intervene in bullying. She mentioned that she felt that she had a moral and legal duty of care outside school especially in cases where children may not have a parent figure in their life. *In some cases, we may have children without a father or a mother so therefore the teacher has to substitute or replace that person.* Cliona showed empathy towards her students when she said: *After school it is our duty because the student may feel they have no one else to turn to.* Cliona is signalling that she wants to make children feel cared for and safe. Cliona sees teaching as a vocation not just a job/profession: *...the teacher's role is not simply to communicate their knowledge of the subject. The teacher has a combined role nowadays.* What can be seen from Hannah and Cliona is that they have 'attachments' formed to their students. When a child sees and feels that he or she can rely on his/her primary caregiver for the fulfilment of his/her needs, the child is emotionally secure (Bowlby 1982). He or she has a sense of attachment. He or she can adapt more easily to new social situations (Elicker, Englund and Sroufe

1992). The desire to form secure attachments is not limited to infants, toddlers, and children; it continues to motivate social behavior throughout a human's life span. Research has documented associations between insecure attachments and aggressive behavior problems (Elicker et al. 1992). Drawn from research by Furman, Rahe, and Hartup (1979), children who had avoidant, insecure, withdrawn, and anxious behaviors, and who felt negatively about themselves, would benefit from interventions providing them with "confidence-boosting, assertiveness-training" experiences. When a classroom becomes a safe and nurturing place, children can form attachments and learn.

In this study Stephen described himself: *As a school leader...* which highlights that he sees himself with the power to make a difference in the lives of the students. Stephen said his understanding of duty of care is to make sure: *that everyone in the school is ok...happy and if they have a problem outside of school I deal with it.* During his interview Stephen expressed warmth and affection for his students. He described that: *Even if the students is being bullied by another student from another school I will investigate it. I will ring the other school principal and tell them what is happening.* Likewise to Stephen in this study Harry also views his duty of care as a child centred one. *Being a teacher and a child centered education that should come first...* Harry focuses on the happiness and the safety of the child: *The duty of care is that the child has a happy and safe time in school. That's what my duty of care is for the 236 boys here regardless of who they are and background.* Having teachers like Stephen and Harry are important as they show leadership, openness, and empathy, all important aspects in identifying and intervening in bullying. Teachers are a critical component of bullying prevention and intervention because the majority of bullying occurs in a school setting (Bauman and Del Rio 2006) and teachers have been shown to be impactful in combating bullying (Flaspohler et al. 2009).

In this study, Andrew also had an expansive view of his duty of care. When asked what he automatically thinks of when he hears the words duty of care, he responded: *The responsibility I take for the welfare of students in my care.* When asked if he had a duty of care outside school he responded: *Yes, if I become aware of something.* When asked if he had to come up with a definition of duty of care, what it would be, he responded: *anything that would involve the moral, social and legal welfare of students.*

Jack like Andrew had an expansive view of his duty of care. When the words duty of care are mentioned to him he automatically thinks of: *The general support and welfare of students.....their overall wellbeing.* Regarding bullying outside of school Jack felt –

You've got to address that. Both Andrew and Jack show an expansive view of duty of care by wanting to care for the student's overall wellbeing. An expansive view of duty of care ties in with (Noddings 2002) work regarding ethical and moral foundations of teaching, schooling, and education. Noddings' (2002) argues that care is a basic human need; therefore, caring should be a foundation for ethical decision-making (p. 11). Fundamentally, children learn to *care-about* (caring for others in the public realm which is the foundation for social justice) by first being *cared-for* (face-to-face encounters where one person directly cares for another) (p. 22). Therefore, Noddings argues that educators have to show in their behavior what it means to care.

In this study Cathal also had an expansive duty of care view. Again highlighting the more expansive the concept of their duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying. Conversely, the more limited the concept of duty of care, the lower likelihood of intervention by teachers to prevent or address bullying. Cathal said when he thinks of the words duty of care he thinks: *Automatically, kids.* Cathal also believes he has a moral duty of care outside of school: *It's a moral duty. Legally a teacher goes 9-4 and goes home.* Cathal showed his understanding nature and empathy when he described how he would handle if he saw any of his student being bullied or doing the bullying at the weekend outside of school. *I walk over to them ...I would chat to them and ask them about their weekend...* Cathal feels this is the best approach which shows he is more open to sorting the matter in a calm manner and being a role model to the students. Cathal feels just because you are outside of school doesn't mean that you have no moral duty: *You're still their teacher and their guide...* Cathal described an incident that he has previously dealt with where he: *collected a student and his friends and brought them for a walk on the beach. One of them was depressed. This was a Sunday night.* It is clear that Cathal is very motivated by his vocation of being a teacher. This highlights the more expansive the concept of their duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying. Cathal described how some teachers aren't as motivated as him and have less empathy: *A lot of teachers clock in 9-4 and teach.* Cathal continued by describing teachers who: *get the results and that's the definition of a good teacher in society. This is why I kind of resent the job.* Cathal feels devalued when he shows a lot of caring but isn't seen as a *good teacher* compared to a teacher who get the grades for students. *Sometimes if a teacher gets an A grade that's a good teacher. If a teacher doesn't get an A but is a really caring teacher that doesn't matter.* Cathal also described some of his biggest concerns regarding duty of care: *Being afraid to step into the friendly role and being seen as*

unprofessional. Cathal described that his vocation for kids means that he doesn't always follow the rules which can be seen as unprofessional. He described an incident of two first year students where one slapped the other. He told them to go for ...*a lap around the school* and to sort it out and make friends. Cathal described how he should have followed rules: It probably was unprofessional to tell them to go off and have a walk and a little chat and then come back....However, he feels If it had of been done professionally and not taking them by the heart, they could hate each other for six years.

Interviewing principals and policy personnel might give a different perspective. The NEWB (National Educational Welfare Board) Guidelines on Codes of Behaviour stress the importance of clear, positively-worded statement of school rules. Cathal is showing that he is acting outside school rules. There are clear guidelines for teachers about professional boundaries with students such as 'Safeguarding Trust' in the context of schools under Church of Ireland and other Protestant patronage. Cathal talked about affection and showing support and the limits of duty of care. He described a situation where the grandfather of his student died around the same time as his grandfather died, around three weeks beforehand, and so he put his arm around him and rubbed him on the back to comfort the student. Cathal knows this this could be exceeding his duty of care by putting his arm around the student, however he feels showing empathy and affection to care for the student is more important.

Robert also had an expansive view of his duty of care. He believed he had a duty of care outside the school and felt that pastoral care was important. Robert's expansive concept of duty of care makes him more likely to intervene in bullying and more proactive in trying to prevent it. When Robert was asked what does he think of when he hears the words duty of care he said: *'In loco parentis'*. Asked what that meant he said: *We are responsible for the mental, emotional and physical well being of our students while they're in school*. Robert was asked do you think about the moral and social side before thinking of legal duty of care? Do you think pastoral care needs are a big part of your duty of care? He answered in the affirmative for both questions. *Yes, very much so. A student who is unhappy is not going to fulfil any of their potentials so we need to support students that way.*

Peter had an expansive of duty of care. When asked about what does he automatically think of when he hears the words duty of care he said: *I should take responsibility for taking care of the kids and watching out for them*. Peter was asked - Are you acting in loco parentis? *Yes. We have lots of roles. We are fathers and mothers to some and we are psychologists and shoulder to cry on and we give advice and pastoral*

care and facilitate their education. When asked about what is your school's view in relation to duty of care outside of school? Peter said: *I don't think we have a policy on that. We don't have written instructions on duty of care outside of school but I think it is on our own shoulders and then it's up to us if we see something. I've seen incidences outside of school and I've reported them to top management.* Peter has highlighted how his expansive view of duty of care lead him to taking action and intervening when he saw incidents of bullying outside of school. Caroline has an expansive view of her duty of care making her more likely to intervene in bullying. She said when she thinks of the words duty of care, she automatically thinks of: *'students'*. She feels: *all teachers have a broad duty of care apart from just the curriculum to look after everything about the student to physical fitness, to what they learn and think and how they develop and how they access supports around the place.* She is mindful about the wellbeing of students but also about law and policy. *So much of the things we do are caught up by law even things like first aid and have you the right training and all of the different things you do you have to follow the law and child protection policy and you follow that.* Caroline was asked are you sufficiently aware about your duty of care? She replied: *I don't know everyone is but I did a Masters in Education management and leadership and so all the legal side was in that and I like legal things and I like finding out and knowing the ins and outs so I would but I suppose with teachers starting out it is hard to know the boundaries.*

Sandra would have a very expansive duty of care as she sees her students like her own children. *For me, it would be seeing myself as I would look after my children. It is my duty to protect the children in here equally as I would my own.* Sandra also believes she has a duty of care outside of school regarding bullying. *If it impacts on school life in any way, shape or form then yes. I do think we have a role to play.* Ailish had an expansive view of duty of care and talked about the 'holistic' environment. *creating this holistic atmosphere in the school and an environment where they can be free from fear of being mocked.* Ailish believes she has a moral duty of care outside of school. *If you did see something that you thought was inappropriate or wrong or dangerous you would have a moral obligation to deal with it or help.* Ailish was very passionate and motivated about her job: *Being a teacher is the kind of role you are putting yourself into and it would be very unfair if you were clocking off at 4 o'clock and you were aware of something going on and not addressing it or trying to help that student.* Ailish highlights the more expansive the concept of duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying; and conversely, the more limited the concept of duty of care, the lower likelihood of intervention by teachers to prevent or address bullying.

Audrey had an expansive view of duty of care taking into account moral and legal concerns making her likely to intervene in bullying and being able to identify bullying. When Audrey was asked what did she think of when you heard the words duty of care she responded: *Child protection acts. making sure that when we're here, we're like parents.* Audrey felt she had a duty of care outside school. She felt this was more of a moral duty rather than legal as at 4pm your legal duty is done. *Yes. In this school it doesn't end at 4pm....Moral. Legally it is done and once you're gone home, I would report it.* Audrey said if she saw her students on a Saturday afternoon bullying another then she would intervene. *I would get involved, which is probably wrong. I wouldn't allow it.* Asked would she not fear her safety, she responded: *No. ...I'm not afraid of anybody. Even if it was grown men. That's your personality. I'd have to be in the thick of it.* Thus, Audrey's expansive view of duty of care comes down to her personality and her character of strength.

Olivia had an expansive view of duty of care but highlights limits and so Olivia falls into the middle ground of intervening. This middle ground of intervening appears to be due to regulation. Olivia said when she hears the words duty of care she automatically thinks of: *Looking after a child is in need of help.* Olivia commented on the boundaries of the duty of care *...there are certain lines you cannot cross there whether it is emotional support or these days you can't even give a child a hug. That might be what they need. But there are times you have to be more stand off which I find difficult.* Olivia did note if cyberbullying did happen that she had a moral obligation to intervene but noted some reservations *...if it is someone in a neighbourhood who is not involved in the school then it is more complex.*

Brenda also had an expansive view of duty of care. When she hears of the words duty of care she thinks of: *Protecting and ensuring safety of students... kids know that they can contact me outside of school and management know that. It's no secret.* Asked how students would get in contact she said by work email. *The student knows all the teachers' emails.* Brenda noted that students can contact teachers via email outside of school. This shows Brenda's level of wanting to care for the child by being open to receiving communication from the students outside of school. Brenda was asked does emailing teachers outside of school hours pose difficulties for duty of care. She responded: *I'd say it's a grey area.* Brenda felt her duty of care outside of school was both moral and legal. However, Brenda did note she felt confused about her duty of care outside of school hours: *I find it difficult because we're a boarding school. We've kids*

who stay over the weekend and who are under our care. Brenda explained that she has received messages at the weekend from students. Asked what the messages consisted of she said: *Suicide. Like I said. I email back the kid and make contact and check in that they're ok and contact the principal.* Brenda was asked - Where does your duty of care end? She responded: *I suppose electronic communication is not easy. I think if you get the message you are better off acting on it even if it was a joke.* Brenda was asked - From the school's perspective, are you expected to be on email all the time? She responded: *No. I check my email as they come in. That's habit. Not expected.* Brenda also talked about the other grey areas regarding duty of care. *When a kid is 18, we have 6th years who are 18 and they're adults. Legally beyond child protection. I think bullying is a child protection issue because it can cause serious consequences so just the same as in neglect or abuse and it would come under emotional abuse, but for someone who is 18 it is grey. Legally they're an adult and the reporting procedures are different and I don't know if there's legislation around that. After 18 you don't report to the HSE or you don't do this. It goes somewhere else.* Brenda also discussed duty of care and cultural difference. *Some parents don't want their kids involved regarding religious education.* As can be seen from Brenda – the more expansive the concept of their duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying; and conversely, the more limited the concept of duty of care, the lower likelihood of intervention by teachers to prevent or address bullying.

Aiden has an expansive view of duty of care. When he hears the words duty of care he thinks of: *the first thing that comes to mind is safety. Then you know there is basic and physically needs and ...ensuring they have educational opportunities available to them and things like that but mainly safety.* Aiden believes he has a duty of care towards the students outside of school. He did note some concerns in relation to duty of care regarding information on students. *I think if you ask classroom teachers then some of their concerns would be that they can't exercise their duty of care if they don't have all the information on a child.* Aiden feels frustrated that *they don't know everything that there is to know yet they're expected to keep them safe. That's a difficulty. How much is appropriate for teachers to know so they can exercise their duty of care. A lot feel they would like to know more than they currently do.* In terms of going forward Aiden did see some problems with his duty of care and cultural differences *...we have a broad range of cultures here and I do think that part of duty of care is to ensure that everyone is respected and part of that would be ensuring we understand the culture they are live in and come*

from...the wide range of cultures that exist in the student population is not necessarily reflected in the teaching staff population and there is a deficit in relation to some teachers' backgrounds. That can impede your capacity to deal with situations as they develop.

Ava's understanding of duty of care was not expansive but not limited either. She talked about being a professional as opposed to focusing on vocation. She described her duty of care: *...for that particular period when the children are in her care.* This would imply that she would intervene in bullying in school, whilst outside school maybe not. Ava was asked what her school's view of duty of care outside of school. She responded that she didn't know. Yet, she does accept that children are connected through school: *I don't think a school can duck out because they left the building. Those students wouldn't know each other without that school.* April seemed to fall into the middle ground regarding her view of the concept of duty of care. For April your duty doesn't stop at 4pm when school day finished: *You never stop at 4pm. Even incidents that happen during the day, all evening long all you think about is what you can do to resolve them.* Yet during the interview April also noted there had to be boundaries to her duty of care. *There has to be boundaries. They're not our kids.* She felt her duty of care did not extend to a child on a Saturday night at 8pm. *No. I need my time.* Even though April noted that there had to be boundaries she showed empathy by recognizing that children can come from broken homes and that poverty exists and this can impact on children. April acknowledging boundaries but showing empathy is what has her in the middle ground for her view of the concept of duty of care. *There are situations where a kid is not being cared for or looked after at home, you will do whatever you can to make sure that kid has everything they need. It's as simple as making sure they have a lunch or that they have a breakfast. They're things you do without having to be told.* Duty of care outside school can be confusing for teachers especially if it involves students from another school. Ava said if it involved students from another school she believes the schools should collaborate and work together: *I think our school should get in contact with that student's school. As educational professionals it is not as clear cut but principals can ring other principals and make them aware of what's going on online.*

In this study Dominic's view of duty wasn't expansive or limited, he was in the middle ground. He described his duty of care of making students happy in turn showing his empathy. To Dominic the words duty of care meant: *Students and their sense of self and how they feel about themselves and making sure they're ok with themselves. Make sure they're as happy as can be in the environment they're in...* However, he said

regarding his duty of care outside of school *It's important to understand the bigger picture...* Dominic was referring to that family environment and the role parents' play is important as well not only teacher intervention to bullying. Colette also appeared to be in the middle ground regarding her view of duty of care. Whilst she admitted that she was on the pastoral care committee and that she would intervene in bullying outside of school, she appeared undecided and contradicted herself because when asked about duty of care outside of school, she replied: *I find more and more things are dumped on teachers. That kind of stuff should be directed at parents rather than teachers.* This would suggest that Colette feels overburdened by many stressors and in turn views the role of duty of care as someone else's job. Thus, highlighting that she is not too keen to be sorting out issues regarding bullying.

Donna appeared to be in the middle ground regarding her view of duty of care. When Donna was asked what words do you think of when you hear duty of care she said: *I think of my responsibility to the children. How much care I have to give them.* Donna did believe she had a duty of care outside of school but felt the duty was limited and there was a boundary. *You shouldn't go beyond the situation you're dealing with. If I'm dealing with a child being bullied outside school and I know there was other stuff going on that I felt this child wasn't getting good parenting, I can't step beyond the line...stick to what I'm dealing with and not to interfere.*

In this study Alana also had a middle ground view of duty of care. When the words duty of care were mentioned to Alana she said she thought of: *It's caring for the individual.* When asked was it moral or legal, she responded: *Both. It's formal, so you think more legal. In the backgrounds moral but because it's a term you think more legal but in the background is a moral duty of care.* In describing her duty of care she said: *It's the safety of the child.* Alana was asked: what was her school's view about duty of care outside of school. She responded: *...because it's boarding that we have a duty of care on the round all the time. ...There is a sense our care is for them when they're with us on the grounds. We can't care for them at home.....when they go home, we have handed over care to their parents/guardians.* This would suggest that if cyberbullying is happening at home then Alana would be unlikely to intervene. However, later in the interview Alana suggested she would intervene even if they were at home. She talked about cyberbullying and being aware of it: *There is a duty of care if you have an awareness.* This uncertainty with changing her answers would suggest she is in the middle ground regarding her view of duty of care and whether she would be likely to intervene.

Ryan believes he has a duty of care outside of school. *If they were my students, I would feel even more keen to act or responsible for what they were doing.* Ryan would appear to be middle ground regarding his view of duty of care and how likely he is to intervene in bullying situations. He is conscious of the questions that should be asked. Also his answer is phrased as if it is the pastoral care teacher role to deal with bullying as opposed to teachers as a whole. *I do think there is a difficulty for teachers who are in the pastoral role or the form teacher. When you discuss situations with bullies or those who are being bullied, you have to be very careful about phrasing questions. There is a funny line between finding out what you need to find out and prying. It's a difficulty. There is no necessary solution. It is something we are all conscious of.*

Liam has a middle ground view to duty of care as he believes he has a duty of care outside of school but that it is limited: *Yes. We do. It is limited on what we can do...Family environment plays a role. I don't think our responsibility ends at 3.45 but maybe our ability to take action is limited once things happen outside of school.* Liam noted that he has a good rapport with his students but is conscious that maybe he might be breaching his duty of care by being supportive towards them. *It wouldn't ordinarily be acceptable, however the rapport we have with students on the sports field you put an arm around a student.* Liam appears to be in the middle of being torn between professions versus vocation. This middle ground view of duty of care allows him to identify and intervene in bullying situations and be supportive but he is conscious of litigation and child protection and accountability.

Melissa also falls within the middle ground on the view of her duty of care. The more expansive the concept of their duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying; and conversely, the more limited the concept of duty of care, the lower likelihood of intervention by teachers to prevent or address bullying. Melissa feels she has a duty of care after 4pm. Melissa wasn't fully sure about the full extent of her duty of care. She said she feels her duty of care outside school was a legal duty. *I would say a legal duty. I don't know. I presume it's within my remit.* Melissa was asked was there a boundary to her duty of care? She responded: *When students leave the school and no longer a student.* Melissa view of duty of care shows that she does care about her students. Noddings (2005) suggests that caring relationships are essential to teaching. There is little focus on teachers' perceptions in Ireland regarding their duty of care relative to bullying inside and outside of school. This study demonstrates how

teachers can make a powerful difference by caring in authentic and culturally responsive ways.

In this study Betty has a limited view of duty of care as she appears to take a passive role to her job as she said she just follows direction from management. Betty described a serious incident between two students: *Recently, there was a very serious incident between a first and second year where a boy ended up in hospital in [undisclosed location] due to a serious injury after a punch, but the school could not act in the same way that it could if it happened in school.* Betty described that it was difficult for teachers and schools (they) to intervene if they don't see the incident: *They weren't witnesses. Guards and hospitals were involved. There was whole other set of professionals involved.* [The location of the hospital was removed to prevent any identification of this teacher or student.] Teachers are often overlooked as an integral part of bullying prevention and intervention efforts, possibly due to their lack of intervention in bullying situations (Yoon and Bauman 2014; Veenstra *et al.* 2014). However, although a large majority of bullying is reported to teachers or personally witnessed by teachers (Newman, Frey and Jones 2010), intervention occurs in only about one in four cases (Veenstra *et al.* 2014). This disconnect is unfortunate, as teacher intervention is associated with reduced bullying occurrences and victimization (Flaspohler *et al.* 2009). Researchers have examined teacher intervention and proposed common teacher characteristics (empathy and perceived level of bullying seriousness) related to intervention (Bauman and Del Rio 2006; Boulton *et al.* 2014; Yoon 2004). Individuals who indicate higher empathy towards victims and perceived levels of bullying seriousness have a greater likelihood of intervening in bullying situations (Bauman and Del Rio 2006; Boulton *et al.* 2014; Yoon 2004). This positive relationship suggests that these characteristics are related to and necessary for teacher intervention.

Victoria had a middle-range view of her duty of care. This was due to a lack of knowledge. In turn, this makes it more difficult for her to identify and intervene in bullying. As stated throughout this chapter the more expansive the concept of their duty of care, the higher the likelihood of intervention by teachers to prevent or address bullying; and conversely, the more limited the concept of duty of care, the lower likelihood of intervention by teachers to prevent or address bullying. Victoria was asked when I say the words duty of care to you, what do you think of? *In loco parentis. You treat any child with the care that you would treat your own with.* Even though she showed empathy in her response her further comments showed a limited understanding to her

duty of care. When Victoria was asked - what do you think are the boundaries of your duty of care? She answered: *I think they should be quite strict*. When Victoria was asked - What's your school's view in relation to duty of care outside of school? Does your school believe they have a duty outside of school? She replied: *I don't know*. Victoria lacked knowledge and in turn limited her view of duty of care making it harder for her to be proactive in intervening in bullying. Victoria noted: *It's great you're doing this because I don't know what my duty of care is*. However, she did note: *I know I have to report instances of sexual abuse and I know there is mandatory reporting there but other than that, I'm unclear*.

Clodagh had a limited view of duty of care. When she was asked what she automatically thinks of when she hears the words duty of care: She responded: *Minding them*. When asked about her duty of care outside of school she said: *Is it terrible if I say no?*. As the interview continued she changed her mind but I wasn't convinced by her tone and her uncertainty that she would report. Regarding duty of care outside school she later said: *I would report it but not get involved*.

Orla would appear to have a limited view of duty of care making her less likely to intervene or be able to identify bullying. When asked what she thinks of when she hears the words duty of care she responded very vaguely and not fully sure: *That I have a duty if I know about something that I should do something to*. Orla believes she has a duty of care outside of school but it is unlikely that she will be able to intervene given her lack of knowledge and confident to deal with cyberbullying. *We do, but it's difficult. I'm 51 and I really don't have the knowledge and up to date with the cyberbullying that goes on*.

The Bystander Intervention Model (Latane and Darley 1970), which consists of five sequential and necessary steps for intervention (notice an event, interpret it as an emergency, take responsibility, have knowledge, intervene), offers a plausible explanation for why teachers fail to intervene to help victims of bullying. Effective intervention occurs through engagement in each step of the model, therefore, a lack of preparedness and involvement in the specific steps could explain a lack of teacher intervention in bullying situations.

4.2.1 Vulnerable Groups

The majority of teachers in this study felt they didn't owe a higher duty of care to vulnerable classes of students such as those in minority groups. However, the majority of teachers did emphasise even though they don't feel they have a higher duty of care they are more sensitive to such students.

Do you think have you a higher duty of care to vulnerable groups?		
Higher Duty	Unsure	Same for all students
Victoria	Olivia	Clodagh
Colette	Alana	Brenda
Deirdre	Peter	Robert
Ava	April	Ciara
Harry		Liam
Jack		Aiden
Cliona		Melissa
		Andrew
		Hannah
		Sandra
		Ailish
		Audrey
		Cathal
Stephen, Betty, Dominic, Orla, Ryan	Didn't comment to the question as it didn't come up in the interviews.	

Table 5: Duty of Care to Vulnerable Groups

Victoria believes vulnerable groups should be owed a higher duty of care. *I do. You have to address the needs of vulnerable students. There should be a higher duty.* Victoria also noted: *We would love to have a breakfast club in our school because we know there are hungry students and we would love to be able to provide that...but we don't have the funds. Our school is in debt.* Colette was different and said: *It should be the same for all, but I would think that we do have an extra duty towards people with disabilities or if they're different in sexuality because they're vulnerable. It's important for schools to be looking out for that.* Brenda also believed: *You have equal care to all students.* Robert also felt: *It's the same. To do otherwise is discrimination in itself.* When I asked Robert how did he understand 'vulnerable' he said: *Vulnerable means that they potentially have weaknesses that would leave them open to being exposed.* It didn't appear as if Robert had a clear understanding as to what 'vulnerable' meant and thus this would impede his ability to identify bullying of a student who comes from a minority class and

is vulnerable. Peter was unsure about whether the duty of care should be higher for vulnerable minority groups. He said: *It should be the same for all but because it's in the media and we have policies and we're reminded about minorities and those with disabilities that we are more sensitive and we might let it go if it is between two people and if we see that they're a minority we will step in.* Caroline felt that all students who get the same duty of care. *Everyone deserves a high duty of care. Certain people might require more of me to provide that duty of care.* Caroline further noted that 'vulnerable' doesn't just mean a person from a particular minority group. *If someone is vulnerable, it might not be someone from one of those groups. It might be someone whose mother died...Everyone deserves high levels of care and you might need at certain times to give more of yourself...* Liam was of a similar view: *I can see why certain categories of students might be more vulnerable but our duty of care is the same and high expectations across the board.* Likewise Aiden said: *Duty of care is still the same but you have to work harder to ensure the minorities are cared for.* Donna felt her duty of care was higher for vulnerable minority groups. *I think I should have more because if I know they're vulnerable. It's all very legal.* When asked how did she define vulnerable she said: *Children who don't have a good solid home situation...Those who are neglected or come from poverty. Those who are homosexuals.* April was unsure whether a higher duty of care existed for 'vulnerable' minority groups because she felt the perception of being vulnerable was broad and not limited to a certain minority group. *You can be vulnerable in a majority without having a disability.* Ava felt that a higher duty of care existed for minority students. *If someone is vulnerable, then it is very black and white. I suppose they would have a higher need. They would be different because they might be more vulnerable in the class group.* Ava was asked how does she define vulnerable? *Doesn't fit in to the group or anywhere. No comfort zone. Most kids have someone. A vulnerable person may have no one. No support or back up from others. Isolated.* As can be seen so far perceptions of what 'vulnerable' is can vary from teacher to teacher and thus one teacher may deem someone vulnerable and identify it as bullying whereas another teacher might have a different perception as to what vulnerability and bullying means. Like Ava, Colette felt there was a higher duty of care for vulnerable groups. *It should be the same for all, but I would think that we do have an extra duty towards people with disabilities or if they're different in sexuality because they're vulnerable..* Some teachers contradicted themselves. When referring to her duty of care Olivia said: *I think it's higher to vulnerable groups.* When further asked - Do you have a higher duty of care to a coloured person over another? Olivia answered: *No. I treat them all the same.* Alana was unsure as to whether

there should be a higher duty of care for vulnerable groups however she did recognise that: *You're more aware of your duty of care and you are concerned they could become targeted. You're more sensitive and watching how others are around them because you know what can happen.* Melissa felt the duty of care was the same for all: *My duty to care is to care for all equally but as demands go what I give to some can't be at the cost to others and I can't within a class, and this is moving away from bullying, but in a class if I have to teach page 33 to 20 students, I make sure all of them get to the same level.*

4.2.2 Ultimate Responsibility for Duty of Care

Understanding teacher's perceptions' about who they feel the ultimate responsibility regarding duty of care relative to bullying should lie with is an indicator as to whether they are likely to identify and intervene in bullying. Many teachers commented that the duty of care relative to bullying is not just an issue that affects them that other relevant stakeholders are involved as well. Andrew noted: *I find the Department of Education grand. But if a teacher might be bullying a child, the Department are slow to helping you deal with that situation.* Andrew was asked does bullying of students by teachers happen. He said: *It has in my experience. It does happen.* Stephen also felt that the Department of Education and Skills weren't doing enough and thus weren't being role models for teachers and showing leaderships: *I think people in the department are a little bit behind the rest of the World when it comes to doing something about bullying. They were always a little bit late...with cyberbullying guidelines...with gender change.* Stephen noted that with issues such as cyberbullying that there were no proper guidelines on bullying outside of school and no guidelines on how to deal with gender change. He said these issues are having: *a huge impact on schools at the moment.* Stephen said that given there are no guidelines: *You have to come up with your own template.* Stephen also said: *In our school, the board of management it rarely intervenes. They leave it up to teachers and principals to fix. We run the school.* Likewise Colette said the teachers in her school have to deal with the bullying themselves without help from the Department. She noted the Department of Education and Skills: *...don't actually have any in service to help teachers deal with bullying. We have to learn ourselves. We have to read up on it.* Donna felt that the Department should show more support to schools and teachers: *As situations get worse and legal issues come into it, the Dept. should consult with people and a template for schools to follow.* Brenda felt unsupported by the Department of Education and Skills making it difficult for her to identify and intervene in bullying. *The Dept. bang around definitions and they want an anti bullying policy...but there's no*

training...I think they have a definition that is too broad. I think it leaves out things that aren't repeated that cause harm or disturbance. Jack noted: The department is getting better but I think as a nation we're a very reactive nation...Social media has pushed the proactive part of government bodies.

Ailish said in her school the teachers are very motivated to deal with bullying: *It's discussed in staff meetings. We have a weekly staff meeting ...and any issues that may arise between students are discussed.* Likewise Audrey said that teachers in her school has many meeting and they are all aware of what issues are going on for different students. Olivia said: *There would be some of us who would be hands on and others would turn a blind eye.* Olivia was asked why do you think teachers do that? Olivia responded: *They are doing it for self preservation. When you reveal something that you've seen or suspect then you are leaving yourself open for question or perhaps there might be consequences with parents involved of the victim or the person who you believe is the perpetrator.* Brenda noted that teachers deal with it differently. *There's general guidelines but from teacher to teacher if a student is saying they're being bullied and we go through it and that would be part of my job. Another teacher might say they're only messing. I hear that.*

Peter feels that many relevant stakeholders aren't doing enough: *Not enough is being done by The Dept. By parents and by board of management to eradicate the problem. We have policies and we can all go on the internet and access bullying policies and read the legislation but putting it into action is the problem.* Caroline noted that not all teachers are motivated to deal with bullying. *Some would see it as not their job.* However, Caroline feels: *it's everyone's job. If you stop a comment in class, you might stop it escalating later. But sometimes lack of job satisfaction and overwhelmed with work makes teachers less motivated to deal with bullying.* Caroline also noted: *I don't think parents do enough...Not all but a lot of parents want us to be the discipliners because they want to be friends with their child.* Caroline felt that parents: *need to take more of an active role.* Whereas Colette felt: *Parents can often make situations worse. ...By believing their own kids and not standing back from the situation.* Colette also said: *I know parents who will actively say to their child if anyone does anything to you, you give them a good slap.* Clodagh noted that dealing with bullying can be difficult if you don't have the cooperation of parents: *...we had a talk about safety on the internet and a lot of parents didn't come to it so that would lead me to think they're not as concerned as they should be. Maybe they don't consider their own child a bully.* Ava said her fellow teachers are very motivated to deal with bullying: *Teachers are very motivated. In my school, they do*

take welfare seriously and to heart. ...I think the Department need to take it seriously. It's recognised to be a really important issue. Of all the stakeholders I wouldn't criticise anyone. Sandra felt: *The Department of Education sit on the fence. In relation to parents, they can be supportive but very often can only see it from their child's point of view. We have to look at the whole picture.* Alana noted that you have to look at what is happening at home amongst the parents because even if teachers are motivated to want to identify and intervene in bullying it isn't easy when there are family difficulties: Alana discussed a case that she dealt with a few years ago where there was things going on at home and disagreements between different families and that filtered into the classroom. Alana noted that *this became a case where Child A got the support of others in the class to bully Child B but this was all being fuelled by things going on at home between parents. Child B was having an awful life because of this.* Thus, Alana felt even though teachers may desire to identify, intervene and stop bullying they can't control parents who are fuelling the bullying and telling the children what to do. Alana described another incident where she thought an incident of bullying was sorted between two pupils but when they left the school the mother of Girl A *was outside with others and they attacked Child B.*

4.2.3 Does Environment Impact on Duty of Care

Bronfenbrenner's (1979) ecological theory served as inspiration to consider a wider range of elements that could impact on teachers' perceptions of bullying and duty of care. Social ecological theories of development (Bronfenbrenner 1979; Swearer and Hymel 2015) posit that individuals develop through the proximal processes and constantly interact with their immediate environment. In this study the majority of teachers felt that family background was an issue that prevent children from making progress. Harry said: *Family environment plays more of an important role than teachers and peers. It's number one. The number one educator is at home. We only have them for 6 hours during the day and the rest of the day they're at home.* Ava noted: *Problems in parent relationships is a big thing.* Collaboratively working with others (including parents, other teachers and school staff) is a critical skill that all teachers need to acquire and subsequently needs to be actively taught in teacher training programmes. Moreover, the participants in the current study are right to state that they are not psychologists or social workers and, by implication, cannot be expected to assume a role that involves treating students' social and emotional difficulties. However, several studies have pointed out that teachers should have the skills to identify students who are at risk and to be able to gently refer such youth on to the appropriate welfare staff (Phillippo and Kelly 2014;

Reupert and Maybery 2007). Although teachers understand that family background can impact a child's ability to make progress it is important for teachers to respect the family background. The following comment by Peter would appear judgmental given that Irish family life and culture is changing and that same sex couples are becoming more prominent in Irish society. Peter felt that you need a stable family background: *you need a mam and a dad...* Clodagh felt the problems which prevents a child from making progress in school are: *Background. Finance. Support at home for school. Poverty. Children coming to school hungry.* Espelage and Swearer (2003) remarked that bullying is an ecological occurrence that continues over time because of the complex interactions between and among individuals. Stauffer, Heath, Coyne, and Ferrin (2012) found in their study that teachers were more receptive to antibullying programs that shared responsibility among parents, teachers, and administrators. In contrast, Bauman, Rigby, and Hoppa (2008) found that a sample of U.S. teachers and school counsellors handled school incidents of bullying differently. They determined that the counsellors and teachers had different preferences in bullying strategies.

4.2.4 Cyberbullying

Students are increasingly using electronic means to extend the reach of traditional bullying, including beyond the limits of the school day (e.g., Hinduja and Patchin 2008; Law et al. 2012; Patchin and Hinduja 2011; Ybarra, Mitchell, Wolak and Finkelhor 2006). Peer-to-peer cyber bullying is of particular concern, because of its increasing prevalence (Ybarra et al. 2006), negative effects on school climate, individuals' academic performance, and mental health (Tokunaga 2010). By definition, cyber bullying involves the transmission of negative or mean-spirited content via the Internet or digital devices (Hinduja and Patchin 2008) and can reach students anywhere they have Internet or mobile phone access, making it especially invasive. Cyber bullying can take many forms (e.g., harassment, threats, gossip, stalking, exclusion, and pranks), be anonymous or known, and be carried out by individuals or groups (Feinberg and Robey 2008).

The participants in this study noted that cyberbullying adds complexity to their duty of care especially if it happens outside of school. Ava noted: *I think it adds to the complexity because before someone couldn't be a victim of aggression if they went home but now they can. Now things are on the internet for everyone to see.* Ailish said that cyberbullying: *It is relentless and I don't think teachers are aware of how technology can affect a person and their life really.* Peter feels that: *social media is a very dangerous and powerful tool.* Cliona feels cyberbullying is: *Extremely dangerous because it is difficult*

to control with social media, Twitter, Facebook and all of that. Liam also thinks cyberbullying is: *Extremely dangerous because it is difficult to control with social media, Twitter, Facebook and all of that.* Unlike Liam, Betty didn't seem to understand how dangerous cyberbullying can be. When Betty was asked had she come across cyberbullying, she replied: *I'm watching a debate about in the media.* Teachers seeking their sources through the media as opposed to evidence based research may not be the most reliable. In turn, not fully informing the teacher of how to identify and intervene in bullying. More worryingly from Bettys' comment's is that she perceives cyberbullying to be something of the 'future' as opposed to the 'present' thereby indicating she doesn't have a full understanding of what cyberbullying is and how it is impacting on the youth of today. When Betty was asked - Do you experience cyberbullying here in this school? She responded: *No. I'm aware that they send texts and it's going to be massive in the future. I have missed it in my career.* Betty was then asked - Do you feel as a teacher you have a duty of care when cyber bullying is happening? *Absolutely. Anything that is reported to you. I am a responsible professional adult and I must respond.* Bullying no longer stops at the school gate at 4pm. This raises moral and legal dilemmas for schools and teachers. Do schools have the authority to discipline students for speech that was created off school grounds? It's mostly the discretion of the school as to how they want to act regarding bullying outside school grounds. In turn, teachers will then follow the guidance from the school principal. In this study, Harry said cyberbullying is very difficult to detect because you don't see when it's happening. He also said: *As a teacher ...it's out of your hands...But if it comes into the school and it impacts, we can try and deal with it here and get to the root of the problem.* Andrew said: *My knowledge isn't great about cyberbullying.* Thus, making it more difficult for him to identify and intervene in bullying.

Robert feels that the issue of cyberbullying outside school should fall to the parents not the teachers. *I think parents should take responsibility.* Sandra noted: *In some cases, parents have asked me to remove the child's phone because they don't want to be the bad person...I say to them that they must parent. I have to be involved in school life but at home they must parent.* Orla doesn't feel confident enough to deal with cyberbullying making it more difficult for her to identify and intervene in bullying. *I'm 51 and I really don't have the knowledge and up to date with the cyberbullying that goes on. I think it's really big for kids to have to deal with and if they do something stupid it's all over Facebook and it's really difficult.* Teachers in this study expressed a low level of confidence in dealing with bullying outside school. The teachers felt this way because it

hard to detect bullying outside of school when they don't see it happening. April said: "*A lot of the time we don't know about it. It's so private and it has to be brought to our attention by another kid or the person themselves.*"

The vast majority indicated that they would appreciate more training. Stephen felt: *There is very little direction given from the teaching council as of yet.* He also described an incident of cyber bullying where a girl received *a vicious message online from someone in the school. But the student she had accused had his phone hacked. Someone else sent the message.* In trying to sort the situation Stephen had to be mediator to *thirteen parents involved and worked on the problem for three days.* Stephen said he found out who was sending the messages. He said the parents were going to punish the student and Stephen felt that was the right approach as the student had to learn how to gain the trust of the people around him again.

It is unrealistic and likely ineffective to ban the use of mobile devices or social media (Cramer and Hayes 2010), but policies for mobile and media etiquette can provide basic parameters for students' behavior in school and outside of school with each other. The process of developing such policies should engage stakeholders from throughout the school community and shouldn't just be left to teachers (e.g., administrators, teachers, parents, school board members). Such policies should address possession of devices on school grounds, use of specific applications during instructional time, acceptable and unacceptable behavior, due process, documentation procedures (e.g., maintaining printouts or photos of online content), and predetermined consequences such as parent notification, seizure or search of devices, or disciplinary actions (e.g., detention, suspension, expulsion). For school policy to be legally sound, it should include a clear definition of applicable electronic communications and prohibited behaviors (i.e., "the who, what, and when" according to Goodno 2011, p. 669) and disciplinary procedures (see Goodno 2011, for example language), and these should be provided in writing to all students and families (e.g., via annual dissemination of the student code of conduct). In addition to describing inappropriate digital behaviors, school policies should address desired use for instructional purposes (e.g., in class activities, group projects, and homework). School policies should describe acceptable and unacceptable electronic communications between students both during and outside of school time and school events, as well as describe potential illegal communication (e.g., hate speech, other discriminatory communications against vulnerable groups, and threats) consistent with the legal principle of *reasonable foreseeability* (Cramer and Hayes 2010). Such policies should be aligned with or integrated into student conduct policies on harassment,

discrimination, and bullying to promote the safety and well-being of students inside and outside of school.

If efforts to address suspected cyber bullying suggest a need to search a student's personal digital devices, administrators should consult with legal counsel or school law-enforcement so as to prevent any unreasonable search and seizure (Patchin and Hinduja 2011). Proper procedure potential searches should be included in school policy to ensure that staff, students, and families are aware of the circumstances under which searches may be carried out, the types of evidence sufficient to trigger a search, and the protocol under which they would be conducted, including whether a parent should be present during any search (Patchin and Hinduja 2011). Protocols should be in place for contacting law enforcement when cyber bullying includes violent threats, stalking, hate speech, or obscene photos (Feinberg and Robey 2008). Thus, there must (a) be reasonable grounds to believe the search will procure evidence of rule or law violation and (b) the search must not be excessively intrusive given the student's developmental status. Failure by teachers and schools to act on the above ignores the role of technology in practice and places both students, teachers and schools at risk.

4.2.5 Effects of Bullying

The teachers identified several effects of bullying. Olivia noted it can cause many effects: *It can cause problems that are psychological, physical and it can cause emotional difficulties later in life with lack of confidence.* This relates to research literature which states the common effects of bullying are stress, low self-esteem and a general dissatisfaction with life (O'Moore 2010, p. 78). The overall consensus from all the participants was that bullying affects the educational outcomes of students. Ava noted that the bullying affects students' education and their ability to learn. *Their emotions are all caught up. They're not able to focus on their work.* The majority of participant's echoed Ava's comment that studies are affected. Ailish felt a student will fear school. *I think if you're being bullied in school you are probably dreading break time...You're bound to be taking your mind off studies.* Sandra highlighted that you go into survival mode: *I think if you are unhappy...a lot of your time will go into surviving as opposed to the academic...* Aiden also noted: *I think for students to achieve their full education or academic ability they have to be happy and enjoying school and because of bullying they mightn't achieve those. Self confidence is important in learning.* Melissa felt one of the effects of bullying is that: *I think it will hinder children from flourishing and developing and from thriving in school.* Dominic noted: *If a student isn't happy, it will affect their*

willingness to come to school. Bullies are the ones who don't want to be here. To learn, you have to be in the best environment possible. Stephen felt that students will have lower self-esteem and in general will have a dissatisfaction with life. *It affects their self-esteem. Sometimes they can't sleep or study.* Brenda noted: *One incident can throw a child off their game and afraid to come to school because of one thing that was said.* Andrew believes that bullying affects the education outcomes of children. *It stunts their development and attacks their self-esteem and confidence.* Given the different effects that bullying can have it is important that teachers intervene and try and prevent bullying. Teacher inaction or avoidance in response to students' violent behaviors is associated with higher levels of peer victimisation (Marachi, Astor and Benbenishty 2007).

4.2.6 Confusion about Bullying

Teachers are on the frontline of dealing with bullying every day. Thus, it was important to find out from them some examples of what made them confused about their duty of care relative to bullying.

Stephen – Sending pictures

Ava – Calling each other names/joking

Betty – Pushing and shoving around the locker area.

Andrew – Emptying books out of bag.

Victoria – Having drink squirted in your eye.

Robert – Forcing one girl to be friends with another.

Dominic – Slagging between students.

Stephen described an incident which involved a girl who had previously been bullied. The girl then started sending pictures of herself to a boy in the school via online. Stephen described at first he didn't know whether the girl was being bullied and if that was the reason as to why she was sending the pictures. Through investigating the matter and through working with the boys' parents the matter got resolved.

Ava described that sometimes the boys would call each other names and she wouldn't be sure if it was joking, teasing and or bullying. She said: *Sometimes you would have to go and ask them who on the receiving end if they felt it was bullying. They might just laugh it off and say no.* Ava described that she was confused as to why there was a focus on intent: *That's why I'm surprised bullying is about intent because I thought the*

affect was more important on the receiving end. Betty described that she can be confused if it is bullying when: there is pushing and shoving around lockers which is a confined space. The lockers are at different levels so it seems to me that the boys who are on the lower levels get pushed around more. When Betty was asked was it harmless fun, she said no because the lockers were on a narrow corridor. Sometimes it's survival of the fittest tactic. It's also sometimes settling old scores between them. Andrew described how a student had his books emptied out of his bag and left there. My first thought was it bullying that was going on there until it was explained to me that they were good friends and it was a prank. Victoria described a situation where she was confused as to whether it was bullying where: A guy came up to me last week and he was crying because he had drink squirted into his eye. Victoria noted what made her feel confused was she had one student in front of her crying and another saying it was an accident.

Robert described a situation which made him confused about his duty of care relative to bullying and whether to intervene or not concerning two girls and their friendship. *One feels she's isolated and the other doesn't want to be her friend. We assumed that it was bullying but we've checked with the teacher and how they behave in class and her story isn't quite checking out to that of bullying.* In primary school these two girls were friends but they now had gone into 1st year of secondary school. One of the girl's found new friends and just wanted to be with them all the time and didn't want to be with her old friend. Her old school friend felt excluded and in turn felt bullied. Robert said he felt confused as to what to do because he didn't want to force the 1st girl to be friends with someone that she didn't want to be friends with anymore. Despite being confused Robert was somewhat critical of the girl who felt bullied by saying: *She's very weak academically and socially. She hasn't read the social norms... The other student hasn't said directly but has made clear that she doesn't want to hang around.* It would appear there is a lack of empathy here on Robert's part. As mentioned previously, Craig, Henderson and Murphy (2000) and Bauman and Del Rio (2006) found that having empathy for those impacted by bullying has been shown to be related to teachers' likelihood to intervene to address bullying, and thus it is reasonable to suppose that Robert would be less likely to intervene given his lack of an empathetic disposition towards the pupil. Dominic noted that slagging can be confusing as to whether it is bullying: *Guys who think they're having fun by slagging but the guy who is the butt of the joke, you'd be concerned that they wouldn't think it's funny.* In situations such as the above it can be hard for teachers to know whether to intervene or not. In the back of their minds is regulation and making sure they comply with their duty of care but at the same time they want to

resolve the situation as amicably as possible without having to get too formal. April said in trying to decide whether a situation is bullying or not then: *It depends on the situation and trying to read the situation*. April was asked - How do you read the situation? *You look at the reaction of the person it is said to. I know that sometimes doesn't work. A lot of the time they hide their feelings. You would know the kids so well, like in a school like this*. April's point about knowing the student's comes back to the issue of empathy that teachers have for students. Thus, being familiar with your students and having a strong relationship with them will help in *reading the situation*. Teachers who are able to *read the situation* right will be more confident in intervening and thus students who need teachers' help will be dependent on teachers who are confident in their ability to *read the situation*. Hence, this comes back to the deeper question of do we want teachers who use their own value judgment, have discretion and autonomy or do we want all teachers following the one rule and thus no discretion.

Research shows that school based antibullying interventions might only be successful when teachers are committed to addressing bullying behaviors (Kallestad and Olweus 2003). Thus, teachers play a crucial role in bullying prevention and intervention efforts.

4.3 Chapter Summary

This chapter explored the empirical narratives gained from the semi-structured interviews relating to teachers' understanding of duty of care relative to bullying. Within this chapter areas such as: vulnerable groups, ultimate responsibility for duty of care, environment, cyberbullying, effects of bullying, and confusion as to what bullying were discussed. The narratives of the participants in this study revealed that variation in understandings of the concept of duty of care will influence the likelihood of teachers' intervention to prevent or intervene in bullying. The next chapter will explore teachers' expressions of empathy.

CHAPTER 5: Discussion Of Teachers' Expressions Of Empathy

5.1 Introduction

Research question two asked what evidence is there of teachers' expression of empathy for students, and what factors may contribute to or impact on teachers' empathy? Thus, the analysis explored teachers' expressions of empathy for students versus their focus on curriculum, and in turn examined tensions between profession and vocation, and accountability versus autonomy. Within this chapter areas such as: teacher personality and factors that contribute to or impact on teachers will be discussed: namely, motivation to teach, teachers as role models, school climate.

The likelihood that teachers will intervene in bullying is influenced by a number of factors, including their attitudes about the perceived seriousness of bullying, their level of empathy toward the student being bullied, and their efficacy beliefs (Yoon 2004). Studies have shown that the degree to which teachers perceive bullying to be a serious problem has a direct impact on how likely they are to intervene when faced with a bullying situation (Dedousis-Wallace and Shute 2009; Ellis and Shute 2007; Kochenderfer-Ladd and Pelletier 2008). In a study examining individual and contextual factors impacting teachers' attitudes and responses to bullying, Small, Neilsen-Hewett, and Sweller (2013) concluded that the success of prevention efforts depends on teacher education and building teachers' awareness of and sensitivity to bullying. Another study conducted by Hektner and Swenson (2012) found that teachers' beliefs about bullying behavior impacted individual intervention decisions, as well as rates of victimization within schools, pointing to a connection between individual beliefs and those of the school culture. A study conducted by O'Brennan, Waasdorp, and Bradshaw (2014) supports the development of programs and policies that build teacher empathy by examining the impact of school staff connectedness on prevention efforts. These authors found that activities that strengthen staff connections to students, colleagues, and the larger school community not only impacted staff willingness to intervene but also increased their level of empathy toward the students involved (O'Brennan et al. 2014). Low levels of empathy are associated with a low likelihood of teacher assistance for victims (Craig et al. 2000; Dedousis-Wallace and Shute 2009; Yoon 2004). Based on this research, I hypothesise that *Teachers who are more curriculum centred are less likely to engage with combating bullying*. Teachers with a complex multidimensional understanding of bullying are more

likely to perceive themselves as having a duty of care outside of school. (Yoon, 2004). However, one factor that did affect levels of intervention was the degree to which teachers felt confident and trained to do so (Baumann and Del Rio 2006). These realisations make intervention in bullying situations problematic, to the extent that children display distress in different ways and at different levels. If teachers do not take the time to become familiar with their students' culture, they could be mistaken in their perception of the seriousness of bullying incidents and the level of intervention that is warranted (Baumann and Del Rio 2006).

5.2 Teacher Personality – Empathy for Students

Teachers possessing a high level of emotional capacity are considered to be better able to create an atmosphere suitable for developing supportive and inspiring relationships with their students, to structure lessons that develop students' strengths and capacities, and to foster personal commitment and motivation among their students (Roorda, Koomen, Spilt and Oort 2011). This is even more critical in an environment in which mainstreaming, multi-culturalism, and other social and educational reforms contribute to diversity in most educational settings (McAllister and Irvine 2000). Batson (1991) posited that the primary mechanism of helping stems from the emotional reaction one experiences in response to another's problem. Witnessing another person in need produces empathic concern that, in turn, produces helping behavior and the desire to reduce the distress of the person in need (Batson and Oleson 1991). Batson (1987) contended that an altruistically motivated person will intervene when helping is possible, when the benefit of helping is seen as positive, and when the benefit of helping is more positive than the benefit of someone else helping. Teachers who display high levels of empathy towards all children (both the victim and the child who bullies) will care more about their duty of care and will be child centred rather than curriculum centred. Teachers who report a higher level of empathy are more likely to report intervening in bullying (Craig, Henderson and Murphy 2000; Yoon and Kerber 2003). I therefore hypothesise that *the more empathy teachers feel toward victims, the more likely they are to get involved to stop the harassment* (Craig et al. 2000; Mishna et al. 2005; Yoon 2004). If we understand that a large majority of bullying begins in schools, then teachers and school personnel are key to any long-lasting intervention efforts (Salmivalli et al. 2004). Many participants in this study showed empathy when relating their duty of care to being child-centred.

One of the themes characterising those high on empathy was how each of them in their own way expressed how empathy is a core part of their concept of being a teacher. Cathal for example, said *you have to reshape or remould their perception of what it is to be a teacher. Is it a natural quality*, implying that having empathy is a natural element of what is a teacher. Cathal noted for some teachers being a teacher is just a job: *At 4pm, they're gone...* Referring to colleagues he perceives as being low on empathy and therefore not really being teachers, *...it infuriates me a lot of teachers I work with who have new cars zoom out the gates every day. It's the same old people*. Cathal was highlighting that to truly care for students that you have to make allowances for time and not just be gone when school finishes at 4pm. The sense I got from Cathal is that teaching for him is a vocation and he devotes all his time to his students. In showing such empathy for his students he finds he has *no time left over for himself*. Victoria said *I think we need to be more and learn empathy to others* but mentioned the burdens and time constraints. When Olivia was asked – how do you make teachers care about bullying if they genuinely don't – she responded that teachers need to relate and view the student as if it was their own child: *Make it personal...ask them if they have ...a child of their own? Create empathy*. Robert highlighted that for the teacher-student teacher relationship to be meaningful it had to be one based on empathy: *Any relationship has to be based on empathy for it to be constructive and positive and ongoing*. For the relationship to be meaningful it has to encompass many factors as noted in research. Thompson (1998) stated that teachers must understand the cultural, political, and economic histories of every student. Respect must be shown for all forms of diversity, and teachers need to be open to discussing differing views. Grant and Williams (2004) asserted that a teacher must assess his/her own beliefs, background, behavior, and attitudes to understand how these affect not only the students, but also the teacher's ability and desire to care. Caroline highlighted that practicing empathy can encompass teachers facing moral dilemmas what to do – whether choosing to tend to one student or choosing to attend the whole class: *... when the student was sick. I may have a class but I'll leave them. That may not be 100% right but if it was a class I was worried I would get someone else in. It means I'm behind with the class I left*. Empathy is a skill: one that can be developed through practice, time, and commitment. In dealing with bullying, empathy is important as Peter noted: *Cool head, understanding and empathy*. Jack also echoed these comments: *They need to show empathy to a student and confidentiality*.

Some participants in this study showed a lack of empathy. These participants 'excused' or 'contextualised' their attitudes such as Brenda, who implied a lack of empathy

saying: *There's an element of turning a blind eye*, she followed that up by normalising it sayin: *We find that in everything*. She also distanced herself from the non-empathetic statement that: *sometimes staff take the approach to get kids to toughen up...* by saying *I can't name people*, implying that its other teachers that take this approach. Whether it Brenda or other teachers who take the approach of turning a blind eye to bullying implies that bystanders do exist amongst teachers in the prevention and intervention of bullying. Ava was another teacher displaying a low level of empathy. She was noting that bullying can sometimes be linked to mental health issues or family issues. When looking at a bullying situation it is important to look at both victim and the person doing the bullying circumstances whereas Ava didn't seem to have much empathy for doing this as she felt: *Mental health issues are for other professionals. If a family issue arises, refer to the social worker*. Likewise Colette displayed mostly empathy for the victim and a low tolerance level for the student doing the bullying, she noted: *I think that we often leap to their defence in situations like bullying and refuse to believe that children actually do bully. That's a real problem*. There is insufficient research exploring the development of social-emotional competencies in teachers, and even less dealing with empathy in teachers (Cooper 2010). However, there is a large body of literature identifying teachers' self-efficacy as one of the key motivational notions influencing the behavior of teachers and affecting students' learning (Klassen, Tze, Betts and Gordon 2011). Cooper (2004) found that empathic teachers contribute to children's self-efficacy and to their motivation to learn. Empathic teachers have been shown to strengthen their pupils' sense of belonging to their schools, enhance their relationships with teachers and peers, and boost their confidence in the school climate (Schutz and DeCuir 2002). It is unclear which factors contribute to empathy in teachers and how to cultivate it (Arghode et al. 2013). Goroshit and Hen (2014) found that while gender, years of experience and academic degrees were not strong predictors of empathy among teachers, ESE (emotional self-efficacy) was. Thus, self-efficacy in teachers has been viewed as a possible predictor of teacher empathy.

5.3 Factors that Contribute to or Impact on Teachers

5.3.1 Motivation to Teach

Whether teachers think of teaching as a vocation or a profession appears to make a difference in how they deal with students. Some participants in this research felt very strongly about being called to be a teacher such as Ava said: *I'm a religious person. In Christianity and Catholicism, a teacher is a noble vocation. It's not just a job. It's a*

calling. Ava spoke with a lot of energy and enthusiastically about being called to be a teacher. In turn, she was displaying high levels of empathy for her students: *You are called. It's a way of using your gifts to show people how important, unique and loved they are by God and those around them. That influences me. It's not just a job. It's who I am as a person. It's the way I express my gifts in the world.* Staying true to the 'right reasons' can be difficult in this modern day. In the past the outcome of education was considered a public good but education is increasingly perceived as a business transaction, a product which can be bought and sold. Thus, the teacher's objective is to help realise the economic potential of the learner (Giles 2008). The educator has become the supplier, controller and objective evaluator of a students' learning (Codd 1999). This regulation of education has translated into an increasing sense of misalignment between teachers' personal beliefs about teaching and the education system's pursuit of social and economic goals which are less humanistic friendly. Literature suggests that this is detrimental to teacher well-being (Chater 2005; Palmer 2004; 2000; 1998).

Many participants in the interviews remarked they went into teaching because they had a passion to want to teach. Andrew noted: *I always wanted to teach since the time I was in secondary school.* April said: *I wanted to do it since I was very young.* Many participants revealed that they were motivated to choose teaching because they saw their teachers as role models. Betty said: *Good experiences of the education system myself. I had an admiration for my primary and secondary school teachers as role models.* Hannah noted: *Inspirational teachers when I was in school myself.* Not all participants had positive role model teachers as can be seen from Cathal's comment: *I hated school because teachers didn't talk to me unless I was in trouble. Teachers were always hard on kids from the start and the hope was that they won't misbehave and it was every day. None ever asked if I was okay or did I enjoy something or that kind of thing. To me, that led me to hate school...* As can be seen the teachers in the lives of the participants involved in this study had a big affect on them. It highlights that teacher empathy is important in creating meaningful relationships with students. Bandura's (1997) social learning theory is of significance. Bandura's (1997) theory implies that the way students behave is determined by the people they interact with. Therefore, the more students observe and relate with teachers and their fellow learners, the more they are likely to be moulded into well behaved members of society. In this study Harry remarked that the teacher he had in school is what motivated him to choose teaching; *I would've had some very good role models when I was in school.* For Olivia teaching is more a job then a vocation: *It's*

something I happened into by chance and it was something I really love doing. I wouldn't have said it was a vocation. Cliona noted that the motivation to do teaching really comes back to the personality of the teacher: *The personality of a teacher is very important and it's very important to engage with students.* Likewise Jack noted that your personality has to be interested in young people. *I was interested in young people and I had a good bit of dealings with them and I thought that would transfer into teaching. I saw it as a career that would suit me and I would enjoy.* Teachers' motivation to teach may seriously influence an education system's progress. Teacher's positive attitudes towards teaching are vital for school improvement (Leithwood, Harris, and Hopkins, 2008) and this depends not only on the substance of their jobs but also their conditions of work. Thus, it is important to study motivation among teachers in the Irish education system as a decisive factor for the improvement of prevention and intervention in bullying.

5.3.2 Teachers as Role Models

According to Lickona (1991), schools and teachers should educate for character, especially through teaching respect and responsibility. Lumpkin (2008) notes teachers with character deal honestly with students in a trustworthy manner, nurture mutual trust and respect with and among students, treat others respectfully by believing in the inherent dignity of every person, and execute their responsibilities in morally accountable ways. Noddings (1992) advocated that moral education is based on teachers showing students that they care for them as unique individuals. Teachers must have the attitude and mindset to want to be good role models. In many countries and regions, it has been pointed out that inadequate teacher education and insufficient resources often impede teachers from developing the appropriate mindset or attitude necessary for inclusive classroom practice (Florian and Linklater 2010; Forlin and Chambers 2011; Forlin 2012; Sharma and Loreman 2014).

The majority of teachers in this study said they see themselves as role models. Ailish said: *I try my best to inspire them and to try and be a person that they could come to.* Audrey likewise sees herself as a role model but made it gender specific implying females need more role models than men. *Female empowerment and business women. We have a responsibility to promote that.* Audrey strongly believes in being a role model due to her own personal experience: *In school, I had teachers who would put you into a box and they wanted you to stay in the box.* Hence, Audrey was passionate in stressing that it is important to be a role model for students especially women to highlight to them

that they can be whoever they want. Olivia likewise felt that it was important to be a role model due to her past experience. *I have experience bullying when I was younger and I would do my utmost to ensure my conduct towards my students and my colleagues is not aggressive.* Cliona referred to her passion for teaching. *I would like my students to emulate my enthusiasm and passion for the subject.* Cathal also saw himself as a role model saying that: *....you are some kind of a catalyst for positivity in their life...You have to be in their corner.* Melissa felt young people need guidance. *Young people need role models and guidance they need people to look up to. They're only starting out.* None of the teachers referred to being role models through dress code or how they express themselves through body language.

5.3.3 School Climate/School Culture

School climate refers to the quality of life in a school based on experiences within the school related to norms, goals, values, relationships, learning practices, and organizational structures (Cohen, McCabe, Michelli and Pickeral 2009). School climate includes a school's values, practices, and interpersonal interactions that contribute to the inner sphere of school life, as well as the overall organisational structure (Cohen et al. 2009). Students' perceptions of the school climate as supportive are associated with a greater likelihood of seeking help from adults at school for bullying and threats of violence (Eliot et al. 2010; Gottfredson et al. 2005). Students who attend schools with a positive climate may engage in fewer risk-taking and violent behaviors (Resnick et al. 1997), and report feeling safer at school (Syvertsen, Flanagan and Stout 2009).

The perceptions of teachers in regards to human caring, motivation, and teacher efficacy carry a great deal of weight in creating a positive school climate (Ellet et al. 1997). When school climate is positive, teachers spend more time building relationships, and collective teacher efficacy evolves, student performance increases, negativity toward socio-economic status lessens, parent and teacher relationships improve, and teachers become more committed to the school (Brinson and Steiner 2007). The majority of teachers in this study, when referring to school climate/school culture, noted that in their school: *There is a nice friendly atmosphere.* Ava noted that in her school: *The small classes mean that the teachers and the students know each other quite well.* Despite noting that: *It is a nice school to work in,* Ava did note the lack of diversity in Ireland regarding teachers could affect culture *Irish teachers are not varied in terms of culture. We could do with more diversity.* However, Ava notes: *A teacher working here from somewhere*

else would have to toe the line. Betty noted that in her school the culture is very much *Catholic school ethos*. Ireland in the past has had a reputation for being a catholic culture oriented school system. Betty noted that this religious aspect can have an affect on how students perceive the culture of the school if the student has no religion yet the school ethos/climate in their school is an *Emphasis on Catholic services like masses per term to celebrate different events like the beginning of lent, pre Christmas, or end of school year graduation mass. There are prayers at different times. Reminders before staff meetings and formal events that this a Catholic school.* Victoria noted in her interview that the principal of the school will have an affect on the culture in the school and this in turn will affect how the teachers relate to the culture of the school given that they take direction from the principal of the school. *We have just had a change of principal so the ethos and culture is changing.* Victoria noted that to her school culture meant: *Culture is about the history of the school and the day to day interactions between teachers and students and pupils and themselves.* Victoria said that in her school *homophobic bullying* was common. She said *...it is related to the culture of the school. There is a certain image of what a boy should be and in our school it is that he is good at hurling paramount. He would be academically able and that he be one of the lads... There is a strong masculine culture here.* This highlights the culture within a school can have an impact on students and their sense of belonging to that school. A particular within a school will in turn impact on teacher's empathy towards whether to prevent and intervene in bullying. For Caroline: *Culture is the way we do things and what happens on the group rather than what we would aim to do.* Caroline noted that in her school: *The culture is very caring and when I arrive here the vice principal was a nun and is still very much a part of the school and I think she has had a huge influence on the culture and not only was she religious she practiced what she preached*

All teachers in this study agreed that culture comes from outside forces and impacts the school. Hannah noted *Culture often comes from outside. Having taught abroad, I taught in Saudi for five years so that culture would impact on how subjects were taught in the school, as does how our culture impacts on how we teach here.* The majority of teachers in the interviews agreed and noted that a holistic approach should be taken. Donna said that the culture and ethos in her school is: *It's a good school that does the best for everyone it can. We have a good mission statement which covers all aspects of getting the best out of every student, not just academically.* Like many teaches in the interviews Colette noted that they tried to cater for the diversity of students that exist in their school and respect their culture. *We try as far as possible to treat each student as an individual*

with different needs and we try and look after not only their academic performance, but also their emotional health and all of that and their physical health. April stated that despite her school having a religious ethos this does not prevent them from being caring. *It's a caring school that includes everyone. There's a religious side too. We pride ourselves on looking after everyone.* April like many teachers noted that when schools are small it is easier for teachers to have better relationships with students and detect bullying *Because we're such a small school it is easier for us to recognise if there is any bullying going on.* The findings from the interviews reveal that caring matters when it comes to the school climate and culture, caring teachers do make a difference in students' lives. Studies have found that teachers' perceptions of positive school climate relate to decreased teacher burnout (Grayson and Alvarez 2008), increased intention to stay within the teaching profession (Weiss 1999), and a feeling of empowerment through assuming ownership of problems and actively working toward solving them (Short and Rinehart, 1993).

Research has indicated that when teachers felt supported by other staff and administration, they viewed school climate more positively and were more likely to engage in bullying prevention curriculum in their classrooms (Gregory, Henry, Schoeny, and Metropolitan Area Child Study Research Group, 2007). Taking a socio-ecological perspective (Espelage and Swearer 2004), bullying incidents unfold in social contexts which are not only constituted by single individuals such as the bully or the victim (Yoon 2004), but also by the interaction of peers e.g., bystanders, reinforcers, defenders (Salmivalli 2010) and adults e.g., teachers, school administrators, counsellors (Hawkins, Pepler and Craig 2001). It is therefore important, that anti-bullying efforts target the whole system, aiming for a supportive and respectful school climate/culture where students can feel safe and secure. This is best done by whole-school approaches where school educators and students are committed to creating a bullying-resistant climate (Bosworth and Judkins 2014).

5.4 Chapter Summary

The analysis in this chapter explored teachers' expressions of empathy for students versus their focus on institutional stressors such as curriculum. In turn, examined tensions between profession and vocation, and accountability versus autonomy. Also in the chapter teacher personality and factors that contribute to or impact on teachers were highlighted namely, motivation to teach, teachers as role models, school climate. Through

establishing and modelling empathic connections with students, children will learn empathy with one another by observation of adults and the culture that exists in their environment. The next chapter presents an overview of teacher's perceptions of institutional stressors such as curriculum burden with a view to considering how it might impact on their motivation to prevent and intervene in bullying.

CHAPTER 6: What Are The Stressors? Institutional Policy Impact.

6.1 Introduction

This chapter presents an overview of teacher's perceptions of institutional stressors with a view to considering how it might impact on their motivation to prevent and intervene in bullying. This connects with the second research questions which aimed to examine teachers' expressions of empathy for students versus their focus on curriculum, and thus examined tensions between profession and vocation, and accountability versus autonomy. Within this chapter areas such as: preventing and intervening in bullying, time and pressure, de-professionalism prevents caring, self-efficacy, and future for teachers will all be explored.

Poor working conditions, such as inadequate staff, materials, equipment, and space (Hakanen, Bakker and Schaufeli 2006; Leithwood et al. 2001), and excessive job demands including large workloads, pressure to meet deadlines, and increased role demands outside of academic instruction, such as management of individualised education plans (Grayson and Alvarez 2008; Leithwood et al. 2001; Maslach et al. 2001), increase the likelihood that teachers will experience symptoms of burnout. At the community level, lack of parent and community support, such as support for school programs, is also associated with increased rates of burnout (Grayson and Alvarez 2008).

Teacher burnout has been shown to have significant negative consequences both for the teacher and the students whom they serve. Burnt-out teachers have increased rates of absenteeism and attrition (Maslach et al. 2001; Toppinen-Tanner et al. 2005), and decreased productivity, quality of work, effectiveness, satisfaction, and commitment (Maslach and Leiter 1997; Maslach et al. 2001). Stress related primarily to the emotional exhaustion characteristic of burnout is also associated with health problems, including headaches, sleep problems, fatigue, and high blood pressure (Armon et al. 2010; Maslach and Leiter 1997; Maslach et al. 2001; Shin et al. 2013; Toppinen-Tanner et al. 2005).

As mentioned previously, teachers' sense of self-efficacy has been shown to positively correlate with job satisfaction and negatively correlate with feelings of stress and burn-out (Aloe et al. 2014; Zee and Koomen 2016), and furthermore the likelihood of intervening to prevent bullying is positively correlated with high levels of self-efficacy (Vennstra et al. 2014). Therefore, if teachers experience burn-out, they may not intervene

to prevent bullying due to lower levels of self-efficacy, and in this sense, it can be argued that teachers could become bystanders to bullying. Maslach et al. (2001) argue that burnout can be “contagious” and can disrupt job tasks. Teacher burnout also negatively impacts their students (Brunsting, Sreckovic and Lane 2014). Teachers experiencing stress and burnout often believe that they are unable to affect students’ lives or academic achievement, and, thus, do not see a purpose for continuing to care or put forth effort into their profession (Haberman 2004). As expected, then, teacher burnout affects students’ motivation and learning (Zhang and Sapp 2008). As well, individuals with high levels of burnout physically and psychologically withdraw from their job responsibilities (Maslach and Leiter 1997; Maslach et al. 2001). Burnt-out teachers provide less emotional support. This includes feeling less sympathetic towards students, and physically distancing themselves from students (Zhang and Sapp 2008). A study found that teachers with high levels of burnout were less likely to refer misbehaving students to out-of-school suspension, reflecting what could be a byproduct of teachers’ withdrawal as it relates to symptoms of burnout, although other explanations are also plausible (Pas et al. 2010). Still, it is clear that there are significant negative student outcomes associated with teacher burnout. I therefore hypothesise that *given* burnt-out teachers provide less emotional support to their students and are more distant, it is expected that they would be less likely to adequately attend to students’ concerns about bullying.

6.2 Preventing and Intervening in Bullying

The teachers in this study were asked – how do they address bullying in their school when it happens. The majority of the teachers all seemed to know what they needed to do. Melissa’s comment best summarises how other teachers viewed what to do – there was a hierarchy system to follow. Melissa said: *There's a ladder system and if you think of it as a mind map, so low level is class teacher, and high level is year head, and it has to be reported.*

The overall message coming through from all teachers interviewed was that there was a structure in place to deal with bullying when it happened: Dominic noted: *There's a structure with tutors and year heads. We'd inform them first of the relevant students.* Dominic also noted: *Sometimes students don't realise what they're doing and it can be off the cuff comments and sometimes a quiet word will amend the situation.* Even though all teachers in this study knew that there was a structure in place to address bullying, it doesn’t mean that all teachers deal with bullying the same way. Bauman and colleagues (2008) found considerable variability in the reported advice given to victims by school

staff, suggesting that teachers may not always agree on how best to advise and assist victims.

These variations in teacher recommendations may partly reflect teachers' beliefs about peer victimisation, including normative or dismissive beliefs about aggression. Robert believes that teachers have a lot of power to intervene: *We have tremendous power as teachers. We see students every day and we see how they behave with others.* Audrey feels teachers can do a lot to intervene in bullying but not all teachers are willing to do so: *I do my best to intervene. Some don't do anything. Some don't want to be involved.*

Teachers' beliefs regarding victims and aggressors predict how they respond to aggressive episodes (Troop-Gordon 2015). Melissa noted a barrier to preventing and intervening in bullying is: *Parent reactions.* She noted *...the child is shouting and aggressive and the parents are doing the exact same thing in front of them and doing it to you.*

Dominic believes he can prevent and intervene in bullying inside the school but not outside the school. *Certainly within school grounds. With what goes on down the streets and outside the school grounds, it's virtually impossible for teachers to patrol that...* Dominic believes: *It's important that schools have a strong pastoral care set up in their schools and that students ...can turn to someone who will help them with their problems.* It has also been shown that teachers' self efficacy in stopping bullying incidents (e.g., Byers et al. 2011; Skinner, Babinski and Gifford 2014), moral orientation (e.g., Ellis and Shute 2007), and empathy towards the victim (e.g., Yoon 2004) are important moderator factors regarding their strategy use.

In this study, Peter noted the issue of bullying has external factors and thus this prevents him from fully reducing bullying: *Realistically I can reduce but I don't think we can eradicate it. It's an issue that is bigger than one school and one class and a teacher or two and it is a problem in society.* The majority of the participants felt they had a role to play but that external bodies also had a role. Clodagh noted: *Me as a teacher; not eradicate it. It's very difficult because a lot of it happens outside school with social media.* Melissa said *...we have bigger classes in first year than before and we don't have enough seats for them.* She said they have to *wait weeks for the stools* and so doesn't feel optimistic about getting help from outside sources – such as the Department of Education and Skills to deal with bullying despite being under pressure.

Harry sums up many participants' views when he states: *When you're thinner with resources it's harder to deal with all the issues that pop up. The same number of issues are popping up and we cannot deal with them because we've less hours and people.* Andrew feels afraid, worried, and concerned *...if I'm dealing with a bullying situation, I shouldn't be afraid of what will happen to me. I would worry that the department wouldn't support me. Not have such a situation where I have a trail of paperwork two miles long and a period of time that could take 45 years before it is brought to a conclusion.* Andrew feels annoyed like many other participants: *The Department of Education keeps pushing the responsibility away from themselves and they are happy for the school to deal with everything.* Ava noted: *A lot of career guidance counsellors have been taken away... Any accountability has to take into account that if you make school's responsible then give them more resources. It's like social workers. Give schools the resources they need.* Given that teachers are the most likely individuals to handle bullying incidents (Smith and Sharp 1994), their perceptions and experiences should be integral to prevention and intervention (Craig et al. 2011). The majority of participants expressed the feeling that they don't feel knowledgeable about current issues in their role as teacher. Victoria feels teachers need more training and support to help them prevent and intervene in bullying: *I think we all need to be educated. For example, the transgender issue and people were talking about it and we don't understand these things until we're faced with a situation and so we need to be educated and about the needs of Muslim students and about those with disabilities. We're just not.* Victoria spoke for many teachers in this study when she said: *I think teachers often feel overwhelmed by the idea that you don't feel you can be good enough. I suppose it's the realisation that a lot of problems are complex and you need support service.* Peter noted: *I think it's like they're tying our hands behind our backs and asking us to do things and making life difficult for us to do our jobs.* Cathal noted that if you haven't entered teaching for a vocation you can end up resenting it due to regulation and workload: *you have to love the kids and know them...It doesn't work otherwise and then they're wondering why teachers get resentful.* Lucy noted teaching is *not a job for everyone. Not everyone is suited to it.* The above data reveal that 'teacher identity' is increasingly constructed through the measurable outcomes lens of institutional stressors placed on teachers. There is a nebulous sense of external pressure; wanting teachers to deal with more, solve more and to do so with less resources. The findings resonate with Hargreaves' (2003: p.6), conclusion that: *"Teachers in overcrowded and highly centralised educational contexts, complain of: eroded autonomy, lost creativity, restricted flexibility; where professional community collapses, and the love of learning disappears."*

Melissa like many teachers noted: *The classrooms are changing...times are changing*. The pressures and challenges of increasing accountabilities within the teaching profession seemed to weigh heavily with these teachers. Clodagh expressed the view of many teachers that they all try to do their best but sometimes feel helpless and overwhelmed: *I think everyone tries their best but it is hard to target bullying because some of them are so good at it that it's hard to catch*. Clodagh feels reluctant to show a duty of care outside of school as she feels there is enough of demands placed on her by the school system rather than being a 'fulltime mammy' as well. Aside from all the documentation required and the demands placed upon them teachers reported being bombarded by the requests to do more. A portrait evolved of individuals who felt overwhelmed trying to manage their workload and increasing demands while being accountable for student outcomes and their own performance. The multiple demands can make teachers emotional fragile because as Victoria noted: *I think in my school because we've had three suicides, everyone is hyper sensitive about the issue and tries to deal with things. The suicides weren't related to bullying but we would be concerned*.

6.3 Time and Pressure

Time is a critical element of teachers' work. Teachers' schedules are highly structured into distinct allotments of time, most of it spent with students. Time is a limited resource and how it is allocated is largely out of teachers' control (Hargreaves 1998; Ladd 2011; Lottie 1975 2002; Metz 1993). This lack of time leaves little room for engaging in anything other than the immediate requirements of teaching. The vast majority of a teacher's day is spent in a classroom away from colleagues, which can make them feel isolated. This lack of communal time can make authentic collaboration between teachers difficult, and collaboration is imperative to making policy advocacy work. Teachers need dedicated time with colleagues to have the substantive conversations necessary in order to make sense of the policy issues (Coburn 2001; Spillane 2004).

In this study many teachers noted high levels of curriculum burdens. Harry said: *Every school is trying their best but we're under such pressure: resource and teacher wise and numbers and stipulations to the department, it makes it very difficult*. Harry feels overwhelmed by the pressure: *I've no time. Administration is taking over. That's my big worry for teaching*. Like Harry many participants in this study felt that the teaching landscape has been dominated by what could be considered as neo-liberal agendas that have focussed on teacher accountability and the use of performance indicators as evidence of improved student learning. April said: *It's not teaching anymore...It's too much*

pressure. Teachers' work has become more increasingly regulated and prescribed, with intensified bureaucratic responsibilities and keen public scrutiny (Hargreaves 2010; Price and McCallum 2015). Colette said: We've had to take on so many things. When I started teaching it was just a case where you taught your subject. Now we have to be and have an idea of psychology, counselling, etc. I remember one girl got pregnant and the principal ran around to all the religion and SPHE teachers to see if they had covered that.... He was worried in case we got sued. This is evidence of Colette experiencing accountability stressors to make sure the school and teachers have covered themselves in certain 'subjects'. However, as has already been noted throughout this study teachers face multiple demands and thus getting through the curriculum on all subject areas such as religion and SPHE isn't an easy task.

Colette, like many teachers in this study, feel they don't have the training to deal with the accountability measures being imposed on them. *Teachers are not trained. I never had training on how to identify kids with learning difficulties or anything like that when I did my HDip. I never had a bullying module. Never had anything related to anything like this. I don't think it has changed.* In a future study, it could be worth interviewing principals and policy-makers as they might provide additional information and insights.

Teaching remains fundamentally a caring profession, focussed on looking after other people and requiring high levels of social skills and emotional labour to successfully engage and motivate students, as well as maintain effective relationships with the broader school community (Aspfors and Bondas 2013). The combination of these intense, and at times competing, occupational demands, requires teachers to demonstrate both a well-developed capacity for resilience (Gu and Day 2013; Johnson et al. 2014; Mansfield et al. 2016) and a robust professional identity (Beltman et al. 2015; Day and Lee 2011). Jack said: *School has a huge responsibility, but when we're constrained by a very broad curriculum and standardised testing it is difficult.*

DeFrank and Stroup (1989) indicate that teaching has been associated with significant levels of burnout. Alana like many participants in this study said: *You're always racing.* Researchers have attempted to identify occupational stressors in the teaching environment. These include: work overload, role ambiguity and conflict; pressures of the teacher's role; inadequate resources; poor working conditions; lack of professional recognition; low remuneration; lack of involvement in decision-making; lack of effective communication; staff conflicts; and pupil misbehaviour (Boyle et al. 1995; Pithers and Fogarty 1995; Pithers and Soden 1998). These occupational stressors have been associated with higher levels of burnout, distress, depression, and absenteeism

(Griffith, Steptoe and Cropley 1999; Mazur and Lynch 1989; Pierce and Molloy 1990). In this study Peter described the day as being '*hectic*'. He also said: *a lot of people mock teachers for having holidays during the year but when we are teaching for those 8 or 9 months it is highly pressurised and there's no time in the day to rest or even when you do have a free class you are correcting or photocopying or dealing with kids with issues.* The capacity to be resilient in difficult circumstances can be enhanced or inhibited by the nature of the context, in which individuals are immersed, the people in those settings with whom individuals associate and the strength of an individual's beliefs or aspirations (Day et al. 2006).

In this study Caroline said like many other participants that lack of time was a big issue for her. She said: *Any little incident that happens here whether bullying or not could take you three or four classes.* In line with previous research (Achwarzer and Greenglass 1999; Blase 1982; Cherniss 1993; Hobfoll 1988; 1989), it is predicted that teachers with high perceived coping resources, both internal (e.g., self-efficacy) and external (e.g., school resources), will perceive fewer barriers and difficulties (potential stressors) to achieving learning objectives, and as a consequence (according to Blase 1982) they will be less affected by stress and burnout, and vice versa.

In this study Donna and Andrew echoed other participant's comments that '*...time and resources. They're nearly non-existent.*' Fullan and Hargreaves (1996) warned that many change efforts in schools actually alienate teachers from reforming their instructional practices. This can be seen in Sandra's comment: *Teachers are trained to teach their subjects and now the role is pastoral. Not all teachers are comfortable in that role. We're not always skilled in seeing what is in front of our eyes and teachers are very busy. They have more paperwork than they have ever had to do and this takes away from time they used to have for spending time with students.* Many people feel a sense of *security* from doing things in familiar ways, disrupting teachers' well-established professional and instructional patterns could result in a *fear of the unknown* (Fullan 2001; Greenberg and Baron 2000). Furthermore, if teachers feel that the school environment for change is unsafe, they not only are unlikely to embrace new practices but might also become defensive and resort to their old habits (Goleman, Boyatzis and McKee 2002).

One of the greatest sources of frustration and concerns for the teachers in this study was the constant struggle to balance the day-to-day demands and pressures of the job. Alana, like many teachers, noted: *The class today is very different to the class I started teaching in. There are students coming from homes where the culture is different and values are different and I may not understand them all.* The cultural gap between

students and their teachers in Ireland can be a factor in students' academic performance and in how teachers prevent and intervene in bullying. Culture is central to student learning, and every student brings a unique culture to the classroom. Teachers must become knowledgeable about their students' distinctive cultural backgrounds so they can translate that knowledge into effective instruction and enriched curriculum. *Cultural competence leads to more effective teaching.* As students become more diverse, they are likely to benefit from different teaching strategies. In Irish society there need to be a broader range of culture diversity amongst teaching staff, apart from the stereotypical, white, female, catholic teacher. However, it would appear that teachers have very limited time to know all cultures in their class. Participants in this study described themselves as “*overwhelmed*” by the demands placed upon them and the limited time available to meet these demands. They reported increasing responsibilities while at the same time facing work stressors and barriers that were perceived as limiting their work performance effectiveness. Added to these concerns were higher job performance expectations from administration and greater accountability demands. Class size was perceived as exacerbating the day-to-day pressures and this posed barriers to effective teaching. Like many teachers Orla said: *Full time teaching is really difficult and more demands and more and more pressure about points and that's not what it's about. We should be trying to encourage the love of learning.*

The implications for teachers being pressurised and challenged is that this may lead them to become people who bully. Studies estimate that teacher bullying rates range from 1.7% to 40 % (Olweus 1996; Delfabbro et al. 2006). Teacher-student bullying is a real problem (Hyman and Perone 1998; McEvoy 2005; Tamutiene 2008; Twemlow and Fonagy 2005; Zerillo and Osterman 2011). Twemlow et al. (2006) conducted a quantitative study to examine teacher bullying. They concluded there are two types of teacher-bully, sadistic and bully-victim. A sadistic bully “has stable self-esteem, little anxiety, and bullies for pleasure” (p. 195). Conversely, a bully-victim “provokes bullying and then acts in a victimized way after he or she is attacked” (p. 195). Twemlow et al. also determined that teachers who reported being bullied when they were a child were more likely to bully students inside and outside their classroom. The authors noted that non-bully teachers often end up in an avoidant and bystander role because of fear of union issues or conflicts with colleagues. Teacher-student bullying behavior may be more detrimental than the more studied peer-peer bullying issue (Halkias et al. 2003).

Teachers in this present study noted that they wouldn't be surprised teachers bully students due to the pressures and challenges that teachers are under. Alana noted: *Yes. It's a personality way of dealing with students...The teacher may be under pressure...It's not right but we're all human and this is what happens.* Alana further noted: *You're King in your own classroom and it in some way can be semi unquestioned in classes and that can attract some people who enjoy the sense of power.*

In the literature review teachers have admitted to bullying their students; Twemlow and colleagues (2006) found that 45% of their teacher sample answered in the affirmative when asked if they had ever bullied a student. In this present research, when asked do you think teachers bully students, Ailish answered: *...the teacher may have a chip on their shoulder about a child and that child can do no right.* Liam noted that if teachers did bully students it would be because of power and other factors: *I think if it did happen it could be a power trip.* Future studies could consider doing interviews with principals, policy-makers and other bodies which might provide additional perspectives or evidence. The confirmation that teachers may bully their students is consistent with the Stressor-Emotion Model of Counterproductive Working Behavior Model, which suggests that depending on personality, when certain individuals are exposed to stressors they are more likely to aggress toward others (Spector and Fox 2005). Research has found empirical evidence in support of this model (Estévez, Murgui and Musitu 2009; Mathisen and Einarsen 2007) for instance, employees reported that stress was the number one reason as to why they engaged in bullying behavior (Mathisen and Einarsen 2007). Individuals have been found to often engage in aggressive behaviors because they have lost control within a stressful environment (Jenkins et al. 2012), or as a result of burnout (Twemlow et al. 2006). Brenda noted that teachers can bully students but it's brought on through the pressure and stress of the working environment: *...you are trying to get through a curriculum and you have X amounts of classes a week and there's pressures and then a student is disruptive or causing an issue and you end up zoning in on them.* Findings from this dissertation suggest that respondents speculate that teachers who bully students may be doing so not simply because they want to be aggressive toward their students, but rather because they encounter highly stressful working environments. The findings in this research suggest that teachers feel isolated: Ava noted: *Unions don't take on many issues. Teachers have been left very isolated. As a group you have a voice.*

Struggling with the day-to-day pressures of a workload that seems unmanageable appeared to be a constant source of stress for the participants. This impacts on children

because if teachers are stressed then it is likely to affect how they deal with the duty of care they owe to children relative to bullying inside and outside of school. Harry noted that more support is needed to alleviate the pressure on teachers: Harry felt: *I do think the Department should do more*. Many participants questioned the logistics of trying to balance so many demands within the confines of the day. What seemed to be particularly trying was the amount of ‘red tape’ and ‘write up’ to make sure that he/she had ‘covered themselves’ regarding any reported incident of bullying.

Perception of external control is verified by Sexton’s study (2007), which reported that over 70% of teacher participants thought that teacher autonomy was being continually eroded by outside forces: including the Department of Education and Science, parental demands, media, school management and recent legislation. Peter felt it was a lot easier in the past. *My job 15 years ago was way easier than it was now*. Peter was asked to explain further. *We have lots of staff meetings and we have lots of files and documents and folders to fill out*. The findings from this current study show that nurturing relationships within instrumentalist environments is difficult due to time and pressure demands.

Day *et al.* (2006), argue that teacher identity includes ‘multiple selves’ which, they suggest, are: “continually reconstructed, through the historical, cultural, sociological and psychological influences which all shape the meaning of being a teacher.” It is hard for teachers to meet all accountability measures whilst trying to care for and nurture relationships with a diverse students. Many teachers in this study like Peter noted: *We need guidance counsellor hours to be reinstated. That would be helpful and especially in our schools. We are limited for our guidance hours. She has to spend her time on giving kids advice on their careers rather than other issues*. Teachers are being asked to take on several roles in a very short space of time. The role of teacher has transformed from that of caring mentor to that of skilled professional. Some consider that an educational approach based in nurturing and relational principles may inadvertently reduce social status and professional respect for teachers (Baker *et al.* 1997). Professional legitimacy is rearticulated through this performative state of being, and acting professionally has taken on new meaning. Forrester (2005) argues that this emphasis essentially devalues or makes invisible other important aspects of teachers’ work that might be conceptualised as “caring activities.”

Characteristics and qualities that once defined professionals and were valued by teachers--namely respect, trust and social status have been exchanged for technical skills and professional expertise. All these traits can be seen in the Code of Professional Conduct for Teachers issued by the Teaching Council of Ireland (June, 2012). The role of the Teaching Council is to regulate the teaching profession and the professional conduct of teachers, to establish and promote professional standards, to support the continuing professional development of teachers and to promote teaching as a profession. Its establishment in 2006 represented a milestone in the development of teaching as a profession in Ireland, and had been advocated for by many in the teaching profession over several decades. Today, there are almost 73,000 registered teachers in Ireland, serving education at primary, post-primary and further education levels. With more than 4,000 schools involving close to a million pupils/ students, the contribution which the teaching profession makes to society is significant.

6.4 Deprofessionalism Prevents Caring Relationships

The majority of teachers felt that their profession has been deprofessionalised and in turn prevents them from caring due to pressures and challenges. April noted she wouldn't advise people to go into teaching: *It's not teaching anymore. No, I wouldn't advise them. It's too much pressure on somebody.* Deprofessionalism of teachers is evident in society (Beck and Young 2005). Various studies corroborate teachers' deprofessionalisation as they consider how teachers' knowledge, experience, and judgment are devalued in this era of high-stakes accountability (Sleeter 2005; Stillman 2011; Valli and Chambliss 2007). Valli and Buese (2007) similarly point to the control-oriented policies such as accountability reforms that limit teachers' autonomy and their capacity to respond to classroom complexities – such as bullying - an issue of particular concern for teachers who work with diverse students. Enomoto and Kramer (2007) note the common conflict between duties and desires in the area of education. They illustrate the duties of teachers required through the “*minimum standards of learning*” which include content standards and testing. However, in teachers, the “*desire to comfort and provide safety (for children)* may come first, thus conflicting directly with the duty to meet academic standards” (p. 29).

In this research Alana noted: *There's more pressure than when I started. It's constant. Lots of changes in curriculum.* In this study, many teachers noted *frustration* with educational reform in the areas of time management, a focus on testing, and the struggle between duties versus desires. Linking these frustrations to a teachers' identity

and agency, reform ultimately challenges teachers' sense of competence or wisdom. School change will be difficult if teachers have to constantly struggle with the contradictions between their lived experiences and the new priorities educational change and reform create. Olivia said: *If you can't take pressurised situations and you have no empathy for young people, it's not the job for you. ...If you feel inadequate you can be harder on pupils.* Olivia's comment highlights how teacher's own attitudes will affect whether they prevent and intervene in bullying by noting that teachers who can't handle the job or don't have self-efficacy will be *harder on pupils*.

Evident from the interviews is that teachers want to care and protect students. When referencing duty of care Hannah noted that: *I should be the school mom.* Caroline also noted: *It's because we try and protect them so much...* This feminist approach of emphasising relationships has been criticised by Federle (1994) who argues that relationships merely emphasise children's dependencies rather than their rights. Federle (1994) contends that a focus on the dependence of a child masks the inequalities of power within the relationship. Debates about childrens' rights' versus adults being protectionist centres around do we want a child's rights based approach or a duty based approach. Whilst it might seem somewhat counter-intuitive, the UNCRC provides strong support for regulating children's lives through a direct focus on the decision-maker. This can be seen through the language and concepts employed in the Convention. For example, Article 19, paragraph 1, which mandates that 'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence'. There is no mention of rights; the language of duty alone is used as the most effective means to convey the underlying relationship between the child and desired outcome. Whether a duty based approach or rights based approach should exist in Ireland is in need of further debate and research but what this study highlights is that it keeps the debate alive.

Hannah explained how America makes teachers' very much accountable. She noted in America: *They're only interested in outcomes and not the methods.* Whereas *In Saudi Arabia it's all about you taking care of our children. It was the taking care of that was emphasised. They wanted results as well.* When Hannah was teaching in America: *We lost all sense of the child...We ticked the box.* Hannah described how deprofessionalisation of teachers in America meant *there was very little room to be a caring teacher.* Hannah described that she would like to see an approach in Ireland to that taken in Saudi Arabia *I found in Saudi, the laws were based on the children.* Hannah felt

valued when teaching in Saudi Arabia *I was very much more listened to because they would have a strong sense of a teacher being like a hero because they have wisdom.* Hannah's comment brings together what this research has been stating throughout the previous chapters that culture plays a major part in how we view and conceptualise children and in turn whether we take pastoral care seriously or not. Most teachers in this research noted they had a pastoral care system in their school. Peter noted that they don't have any: *We don't have any. Management, not by choice, let it to teachers to deal with these pastoral care issues themselves.* When asked did he have time – Peter responded: *No. We don't have training and we're not told to.* When Peter was asked if a student told him that they were suicidal due to bullying, would he be able to deal with that – Peter responded: *No. I don't have training. It's something I would like because in my own school in the last two years we have had 3 deaths and 2 as a result of suicide and one other death but not suicide.* Like Peter the majority of participants in this study would feel more confident if they had the proper training. Hannah would feel more confident, safer, and more secure if the Minister for Education reformed duty of care by: *Put a law in place that creates space for proper caring to take place in the school system.* This seems to be a very aspirational type of reform. Much of the above reveals feeling of frustration, stressed, pressured, confused, worried, disconnected, overwhelmed, and hopeless. These feelings on the part of the teachers are caused by not feeling their voice is heard and not being able to bring about change in their work. The demands of school life leaves less time for teachers to engage in the more personal aspects of teaching such as building caring relationships with their students. All of this causes role ambiguity. The above data reveals that changing work conditions have altered teacher's commitment to the core professional value of education as choosing to teach for a vocation. Betty feels worried as a teacher that many teachers don't have training on pastoral care issues. *My worry now is that there are people who only have teacher training.* Andrew like many teachers feel it is a resources issue. *In a school like this we don't always have the resources to provide pastoral care.* April feels there needs to be more guidance counsellors and pastoral care teams. *Now more than ever. Especially with cyberbullying... They need to know that there is somewhere they can go and someone they can talk to instead of having to wait until break times or end of classes.* The fact that most teachers emphasised their needs to be more resources in place highlighted the fact that teachers feel it is not their role to be dealing with 'caring' issues. That such issues are more for pastoral care teams or guidance counsellors. This shows that teachers are identifying themselves as being passive and not wanting to be active. It highlights that teachers want to pass the buck to someone else to

deal with the ‘problem’ issues. Again as mentioned throughout his research it comes back to the issue of teachers being torn between professions versus vocation. It would appear that teachers want to pass their duty of care on to ‘*more trained*’ personnel. Given that teachers are under a culture of *competitiveness* and trying to *get results* then it is reasonable to see why they would want to pass on their duty of care when they feel it isn’t ‘education’ related. Robert doesn’t feel confident in pastoral care issues: *It's sometimes a case where even with my friends I don't always pick up on things, so I think it's not the easiest thing in the world to do.* Megan feels pastoral care is not her job. *I'm not the person to answer that. We have a good system here and if a child has a pastoral care need you can go to the pastoral care team.* Interviewing principals and policy personnel might have given greater insight into the ongoing issue in Irish schools regarding the reduction in guidance and other support personnel. Moreover, as well as the reduction in promoted posts. This would give some additional insight into the pressures being reported by the participants in this study.

6.5 Self-efficacy

The literature examining the connection between efficacy and bullying intervention reveals that teachers with stronger efficacy beliefs are more likely to intervene (Duong and Bradshaw 2013; Yoon 2004). A recent study by Dedousis-Wallace et al. (2014) supported the idea of providing teachers with education on bullying to increase their self-efficacy, which increases the likelihood of their intervention. The literature examining the connection between efficacy and bullying intervention also reveals that teachers with stronger efficacy beliefs are more likely to intervene (Duong and Bradshaw 2013; Yoon 2004). A recent study by Dedousis-Wallace et al. (2014) supported the idea of providing teachers with education on bullying to increase their self-efficacy, which increases the likelihood of their intervention.

Instead of perceiving difficult tasks as threats to be avoided, educators with high self-efficacy face obstacles as challenges to be overcome (Bandura 1997). Teachers who possess high self efficacy also motivate and challenge themselves and guide their actions by visualizing success (Bandura 1997; Paglis and Green 2002). Moreover, educators with high self-efficacy are more likely to embrace new ideas and try new strategies to meet their students’ needs (Tschannen-Moran et al. 1998).

6.6 Future for Teachers

Research in different cultures shows that most teachers perceive teaching as a highly rewarding occupation but that many teachers also experience severe stress and

symptoms of burnout (Johnson and Birkeland 2003; Neves de Jesus and Lens 2005; Skaalvik and Skaalvik 2015; Stoeber and Rennert 2008). Carol Ann Tomlinson (2016) has called for leaders to care for teachers and for teachers to care for themselves. All teachers in this study were asked about their thoughts of the future for teachers. Harry said: *I'm concerned for young teachers.* Colette said: *Money is bad. Too much pressure. Don't get the respect in the community you used to. 30 kids in a room. 5 of them might have difficulties like learning difficulties and behavioural problems. Teachers are trying to deal with this daily and yet get their curriculum covered.* Data in this study revealed that teachers feel there needs to be more emphasis placed on creating space for teachers to build sustainable, emotional bonds and understanding with their pupils, but also with their colleagues and pupils' parents in the reform of schools. April said: *We need more time in our daily duties and a specific period where kids can come to us...There's too much emphasis on cramming kids into a classroom and trying to get through a curriculum.* Teachers need help and support, as well as emotional relief when meeting difficult and exhausting relationships (cf. Hargreaves 2000; 2001). International research reveals that teacher attrition - the departure of teachers from their teaching jobs - has become a global problem (Chang 2009; Hong 2012; Ingersoll 2001). We should pay attention to both teacher stress and teacher job satisfaction because they may have serious negative or positive consequences on teachers preventing and intervening in bullying. Caroline said *...it's one of those jobs when you get days where you wonder why you're doing the job and then you get days where you realise why you do it and realise it's for students.* Liam noted teaching *It's a rewarding profession if you go into it for the right reasons.* Cliona said: *I would point out the potential pitfalls...There are more and more nowadays as opposed to twenty years ago.* Brenda said: *I would always say from a financial perspective; it is not the best paid job for the responsibility you have. It is something which you need to be passionate about.* The findings present a valuable analysis of school teachers' perspectives on their profession. Unlike most teachers in the study Dominic feels the future for teachers is exciting. *It's exciting. A lot of teachers seem to be unsure...I'd be excited about it.* Jack said he wouldn't advise anyone to go into teaching unless it's a profession they really wanted to do. *It's a profession you really want to do and if you ask me now I would say no.* The working environment plays an important role in enhancing and sustaining teachers' motivation towards teaching, giving of their best to their profession (Andere 2014). Andere (2014) found teachers in Finland to be passionate about teaching, loving their job and putting all efforts into their work. This has resulted in high achievement for their students. The study attributes teachers' high level

of motivation towards their work to a combination of intrinsic and extrinsic factors, including a sufficiently good salary, free time, small groups, a cordial atmosphere with colleagues, homogenous teacher professionalism, pedagogical autonomy, well-designed and furnished school buildings and availability of other resources, a high quality of life, equalities and opportunities, and taking pleasure and feeling affection and interest in human contact.

Participant Name	Answer
Stephen	No comment
Ava	Excited
Betty	No Comment
Harry	Concerned
Andrew	Exciting
Dominic	Excited
April	It's not teaching anymore.
Jack	Wouldn't advise to do it.
Victoria	A challenge but worthwhile.
Robert	Under a lot of strain
Peter	Pressure but rewarding.
Hannah	Best job in the world.
Caroline	Future is bright.
Colette	I'd hate my daughter to be a teacher.
Clodagh	No comment.
Donna	It's pressurised.
Sandra	It is stressful but it is the greatest profession.
Orla	It's becoming very pressurised.
Alana	Pressure and lots of changes.
Ryan	No comment.
Ailish	No comment.
Audrey	Get experience first. Dealing with children under 18 should be a vocation and not something that just suits you.
Olivia	You have to be cut out for it. If you're coming into it because you've got great summer holidays, then you won't last. If you can't take pressurised situations and you have no

	empathy for young people, it's not the job for you.
Liam	Have a passion for teaching and working with young people.
Cliona	We have a strong obligation to satisfy parents. They must feel their children are in a safe, learning, environment. It's hard to create that.
Brenda	It depends on the person. I would always say from a financial perspective; it is not the best paid job for the responsibility you have. It is something which you need to be passionate about.
Aiden	I'd say it's the best job ever.
Cathal	I think it is full on and you're not done when you're done and you're preparing for the next day which is part of your remit and you're planning things.
Melissa	Not everyone is suited to it. Certainly I love working with young people and I'm happy in my school.

Table 6: Future for teachers

6.7 Chapter Summary

This chapter presented an overview of teacher's perceptions of institutional stressors. This connected with the second research questions which aimed to examine teachers' expressions of empathy for students versus their focus on curriculum. Thus, examined tensions between profession and vocation, and accountability versus autonomy. Within this chapter areas such as: preventing and intervening in bullying, time and pressure, deprofessionalism prevents caring, self-efficacy, and future for teachers were highlighted.

Data analysis of the twenty nine participants in this study revealed that teachers are finding that bullying has become more complex, difficult to detect, and challenging. Teachers believe that dealing with bullying requires more time, extended training, more effective strategies for responding to bullying incidents, and more successful ways to engaging the cooperation of parents. The stress of dealing with an increasingly complex problem such as bullying in the face of institutional stressors such as: curriculum burden, limited time, training, and support may be contributing to a more general increase in emotional exhaustion and burnout for teachers. In turn, making teachers feel

overwhelmed by accountability. Hence, not truly caring for the student but more caring for a self-interest to account and safeguard oneself.

There were perceptions by participants of an overcrowded curriculum and the struggle felt by teachers to engage in reflective practice due to pressures of time. The image of '*overload*' emerged as quite consistent across participant responses. The implications of teachers feeling frustrated is that it leaves little encouragement for teachers to create positive relationships with their students because it takes time away from teaching. Most literature suggests that teacher-student relationships are important in a classroom setting (Friedman 2006; Martin and Dowson 2009; O'Connor and McCartney 2007; Pianta 1999; 2006; Pianta et al. 2008; Watson and Ecken 2003).

The next chapter looks at teacher's perceptions of bullying, duty of care and anti-bullying legislation.

CHAPTER 7: To Legislate Or Not! Second-level Teachers Outlook On Bullying, Duty Of Care And Anti-bullying Legislation.

7.1 Introduction

This chapter presents the findings relating to teachers' understandings of law/policy with a view to considering how this may impact on the likelihood of their action to prevent or intervene in bullying. The final research question concerns: what are teachers' understandings of bullying, expectations of duty of care with respect to bullying inside and outside schools, and perspectives on the adoption of anti-bullying legislation from other jurisdictions?

Within the chapter areas such as: definition of bullying, school policy, to legislate or not to legislate, USA anti-bullying legislation such as the Massachusetts anti-bullying law, standard of care, human rights, and unions will all be discussed.

7.2 Definition of Bullying

Teachers in this study were asked to give a definition for bullying. Each of the participants provided different definitions of bullying. Betty defined bullying as: *It's any behaviour that you experience towards you that is physical or verbal or nonverbal*. Harry noted: *My understanding of it is that it must be consistent. If the child is upset because of an individual or a group, then it is bullying*. Andrew definition of bullying was: *Any situation where a child feels threatened or hurt or demeaned in any way by another student*. A large portion of teachers either did not adequately define the concept of bullying or they failed to make reference to either physical, verbal, social, or electronic bullying in their definitions. April defined bullying as: *It's knowing that your actions are causing hurt and continuing to do it*. Similar to Mishna and colleagues' (2005) study, physical and verbal forms of bullying were most frequently cited in school staff's definitions of peer victimization, and social (i.e., relational) victimisation was mentioned less frequently. This can have severe implications for victims, as school staff may be less likely to recognize and intervene in instances of relational bullying. Several participants made reference to "emotional", "psychological" and "mental" forms of bullying and/or harassment in their definitions. It is unclear what behaviours or actions these terms were meant to encompass, but it can be inferred that participants were referring to outcomes, and not defining characteristics or forms of bullying. This further highlights the

importance of ensuring that schools have appropriate and accurate bullying policies and educational seminars in place so that staff clearly understand the various forms of bullying and can distinguish bullying behaviours from consequences of bullying (i.e., bullying can have psychological *consequences*, but there is not a form of bullying that is classified as “*psychological bullying*” per se). Furthermore, many respondents loosely defined peer victimization as “aggressive behaviour” or “experiences inflicted... that have a negative impact.” Such definitions are vague and do not explicitly reflect actual forms of bullying (i.e., physical, verbal, social, or electronic). If teachers and other school personnel conceptualize “aggressive behaviour” as only physical bullying, then they may be less likely to intervene in instances of social, verbal, or electronic aggression. In order to effectively address bullying in schools, staff (and students, with the help of staff), must recognise a range of behaviours in the conceptualisation of bullying, which includes both direct and indirect forms. Olweus’ (1993) seminal definition of bullying states that “a student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students” (p. 9).

Children engage in teasing behaviours (e.g., name calling) that are playful and relatively friendly in nature on an everyday, and at times repeated, basis, and the children involved in the teasing are usually of equal power or strength (Olweus 1997). It is when the repeated teasing becomes degrading, offensive, and persists despite obvious signs of distress from the target, that it is considered bullying (Olweus 1997). This is important for both school staff *and* students to be aware of; for school staff it can aid in the identification of true instances of bullying, decrease time spent on disciplining students for actions that are not actually indicative of bullying, and facilitate discussion with students regarding what exactly constitutes bullying behaviour. Teachers should set aside class time to discuss with their students what bullying is, as research highlights the importance of dialogue surrounding this topic (Olweus 1993; Olweus et al. 2007). By engaging in classroom discussion surrounding the definition of bullying, teachers can help students learn how to better interpret social situations and how to respond more appropriately to teasing, whether it is real or imagined. Classroom discussion on this topic can also provide children with strategies and the language for intervening in instances of bullying as opposed to being idle bystanders (Craig, Pepler and Atlas 2000).

7.3 School Policy

Participants in this study were asked did they know what the definition of bullying was in their school policy. The majority of participants were aware that a policy existed

however very few participants could recall what was in the policy. Most participants gave short answers similar to those of Clodagh: *I don't know it word for word*. Other participants gave responses similar to Harry *Off the top of my head, no*. Alana *Off the top of my head, I don't know*. Liam *I don't. I can't recite*. Ryan *I don't. Sorry*. Jack *I'm not aware of it. I'm only here a month*. Olivia stated: *It's causing upset either emotional or physical*. Brenda noted: *It's the Dept. one. It is something which recurs more than once*. Peter responded: *I don't. I remember reading it but I've been here so long that a lot of policies I don't have time to be reading them*. Betty answered: *It would be a very standardised definition*. Interestingly, Ava didn't know what the definition of bullying was in the policy due to language: *No. It's all in Irish*. Ava was probed further and asked was it available in English? *I don't think so*. Donna stated: *I cannot give you a word for word definition*. Donna was asked do you have any general sense of it? She replied by guessing: *Anything that would make another person feel uncomfortable*. Audrey also tried to guess the definition *I would assume it's if someone feels uncomfortable with something going on in the school*. Worryingly, Cathal couldn't even tell if the definition required the act of bullying to be repeated. He said: *I don't know*. Stephen said: *All I remember about the policy is, it is a very large document*. Dealing effectively with bullying in the school setting requires well-prepared teachers who are motivated and empowered to work with children and who are willing to address the consequences of school bullying (Dayton and Dupre 2009). Teachers who are equipped with strategies to deal with bullying often are willing to intervene when necessary. In this study Melissa felt it was ok that she didn't know the definition of bullying in the school policy as she knew where to locate it if needed. *Off my head, I don't know. I can't recall but I have a copy of it in my teacher diary*. Hannah noted that in her school policy that the definition of bullying was: *It's long winded but it is if any child feels that they're being intimidated or uncomfortable in the company of someone else*. Likewise Orla wasn't fully sure but took a guess: *Not off hand. Anything that makes someone feel isolated or is mean to someone and doesn't respect an individual*. Robert was clearer as to the definition of bullying in his school policy: *It's a lengthy definition but includes verbal, physical and technology*. Preparing middle school teachers to handle bullying incidents is essential because teachers must intervene immediately and efficiently when bullying occurs (Yoon and Bauman 2014). However, teachers often are unsure how to respond when bullying incidents happen (Rigby and Bauman 2010). Ahtola, Haataja, Kärnä, Poskiparta, and Salmivalli (2012) investigated the perceptions of teachers after administering the KiVa Antibullying Program in 33 schools. To determine the effects of the program on teachers' perceptions of school

bullying, Ahtola et al. obtained data from 128 teachers in non-controlled schools and 110 teachers in controlled schools. Ahtola et al. found that the teachers who participated in the program felt more competent to deal with bullying than the teachers who did not participate in the program. The program resulted in better attitudes concerning ways to deal with bullying, even though it was not the aim of the program to change the teachers' attitudes.

As noted above most of the participants in this study were unsure of the definition of bullying in their school policy. Colette was able to say that it had to be repeated and involved cyber bullying. *I wouldn't be able to say it word for word, but it's definitely about students ostracising or putting down students or getting involved in cyber bullying on a consistent and long term basis.* Andrew gave a guess as to the definition of bullying in his school policy: *Anything where a child feels any way threatened or uncomfortable or demeaned by another student.* Brenda noted that the definition of bullying in their school policy was: *It's the Dept. one. It is something which recurs more than once.* Interestingly, when Brenda was asked should all schools be able to have their own anti-bullying policy or should there be one unified one, Brenda said: *No. I think we should distinguish between different schools. In some schools you've got more of a bullying problem like in the inner city schools who need a tougher policy. For private schools, such as this, we have to go much gentler.* Brenda is labelling children from inner city schools which is not helpful to seeing bullying as a societal problem rather than an individual problem. Hektner and Swenson (2012) argued that teachers' reactions to bullying affect the extent to which bystanders are willing to intervene. Rigby (2011) argued that "what is conspicuously lacking and under resourced is the training of teachers in dealing with bullying and assisting them in making an appropriate and effective choice method" (p. 281). Rigby (2011) stated that teachers are unaware of their choices when confronting incidents of bullying. Rigby (ibid) suggested that teacher preparation to deal with bullying comprise the following steps: *"1. Knowledge of intervention strategies currently being implemented in schools. 2. An examination of appropriate strategy choices for different types of bullying. 3. An examination of factor that may cause certain strategies to work more than others in a given environment. 4. Information about available resources that will assist in the development of knowledge and skills pertaining to the strategies. 5. Commitment of teachers to thoroughly evaluate their intervention methods by carefully monitoring the results."* (p. 282).

As can be seen from the above the majority of participants don't know the

definition of bullying is in their school policy. This is worrying as it can imply that: 1) The teachers may not be interested to know the definition; 2) The teachers may not care; and, 3) The teachers may genuinely forget due to their workload. Whatever the reason it doesn't serve the best interests of the child or the human right of the child for the teacher not to have a general understanding of the definition. It wasn't expected that the participants would have a word for word definition of bullying from their school policy. However, it would seem logical that the teachers would have some general gist because knowledge is power. If you have the knowledge then you can use that knowledge to assist you in action. A recent systematic review revealed that anti bullying policies might be effective at reducing bullying if their content is based on research and theoretical evidence and if they are implemented with a high level of fidelity (Hall 2017). However, more research is needed in this area to improve anti-bullying policies and teachers understanding of bullying and duty of care.

7.4 Ireland - To Legislate or Not to Legislate

In Ireland, there is no specific anti-bullying law. Neither is there any specific cyberbullying law. However, the following pieces of legislation can be applicable in many cases to cyberbullying. The making of nuisance and malicious calls is a criminal offense under Section 13 (1) of The Post Office Amendment Act 1951. Under The Criminal Damage Act 1991, it is an offense to damage property (Section 2) make threats to damage property (Section 3), and to gain unauthorised access of data (Section 5). The Non-Fatal Offenses Against the Person Act 1997, Section 10, deals with harassment: when a person's acts intentionally or recklessly, seriously interferes with the other's peace and privacy or causes alarm, distress or harm to the other'.

The main body of legislation governing equality and discrimination is the Employment Equality Acts and the Equal Status Acts. Both of these pieces of legislation have been amended since they were originally enacted, most significantly by the Equality Act 2004. The amended Acts are sometimes referred to in legal contexts as the Employment Equality Acts 1998 and 2004 and the Equal Status Acts 2000 to 2004, Both the Employment Equality Acts and the Equal Status Acts prohibit discrimination on nine grounds, which are gender, family status, marital status, sexual orientation, religion, age, race, disability and membership of the Traveller community. Discrimination is the treatment of a person in a less favourable way than another person has been or would be treated in a comparable situation. The legislation prohibits discrimination, including

indirect discrimination and discrimination by association. Harassment occurs when a person subjects the victim to any form of unwanted conduct related to any of the discriminatory grounds that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim. Sexual harassment occurs when a person subjects the victim to any form of unwanted verbal, nonverbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim. In both cases the unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other materials. Lodge & Lynch, (2004, p.21) note: "*Sexual harassment and harassment of a student at an educational establishment is prohibited. Principals, teachers and others in positions of responsibility in a school may not harass or sexually harass students at a school...*" The Employment Equality Acts 1998 and 2004 and the Equal Status Acts 2000 to 2004, apply generally to schools regarding bullying hence, why the legislation is worthy of note when considering the issue of teacher's understanding of the prevention and intervention of bullying.

In tort law there is no tort for 'bullying.' Hence, to take an action against a school or teacher regarding bullying would come under private law and the realm of tort law which involves the tort of negligence. To take a case against the Department of Education and Skills would come under public law mainly to do with constitutional law. The *Louise O'Keeffe* case would be helpful to a person taking a case against the Department of Education and Skills for bullying regarding human rights. In *O'Keeffe v. Ireland*, the Grand Chamber of the European Court of Human Rights (ECtHR) held that Ireland had violated Article 3 of the European Convention on Human Rights (European Convention) by failing to protect O'Keeffe from the sexual assaults.¹⁰

Ireland's primary school system is overwhelmingly owned and managed by religious denominations, with the small remainder owned and managed by organisations committed to the provision of a multi-denominational alternative. The historical arrangement between Church and State, the Irish State has always discharged its duty to provide for free primary education exclusively through the provision of funding to privately owned and managed schools. Consequently, in *O'Keeffe v. Hickey*, the Supreme Court held that on ordinary tort law principles of vicarious liability, primary school

¹⁰ O'Keeffe, 2014-I Eur. Ct. H.R. at 206-207.

teachers are employed by the individual school and not by the State. Consequently, the State bears no liability for torts committed by teachers in the course of their employment.

On January 28, 2014, the Grand Chamber of the European Court of Human Rights held in *O'Keeffe v Ireland* that despite Ireland's delegation of authority to religious denominations, the State was obligated to protect students from sexual assaults. The court reasoned that the State had an obligation to guarantee Article 3 of the European Convention on Human Rights (ECHR), fundamental rights, because no one, especially vulnerable children in primary education, should be subject to inhuman treatment. The court also noted that such an obligation could not be absolved through the delegation of powers. The decision leaves unanswered the scope of interpretation in future cases of abuse such as bullying in school and the accountability of the Irish State.

In determining whether the Irish State was obligated to protect O'Keeffe and fellow pupils from the sexual assaults, the court noted that the events took place in 1973 and stressed that it would assess the State's obligation under the standards of 1973.¹¹ The court held that because Article 3 guaranteed fundamental rights, especially to vulnerable children in the primary education context, the State was inherently obligated to protect children from harsh treatment.¹²

In this case O'Keeffe argued that pursuant to Articles 3, 8, and 14 of the European Convention read together with Article 2 of Protocol 1, Ireland had a duty to organise its education system to ensure the protection of children, as facilitated in Article 42 of the Irish Constitution.¹³ She claimed that the State failed to provide sufficient legal obligations or guidelines to ensure that relevant actors would vigilantly monitor and cure possible ill treatment of children.¹⁴

The European Court of Human Rights noted in the *O'Keeffe* case that the Irish State had "*an inherent obligation . . . to ensure [the vulnerable children's] protection*

¹¹ *O'Keeffe*, 2014-I Eur. Ct. H.R. at 191.

¹² *O'Keeffe*, 2014-I Eur. Ct. H.R. at 192-193.

¹³ *O'Keeffe v. Ireland*, 2014-I Eur. Ct. H.R. 155, 185-86. Article 42 of the Constitution also provides in relevant part: "The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children." Constitution of Ireland 1937 art. 42(1).

¹⁴ *O'Keeffe*, 2014-I Eur. Ct. H.R. at 186. O'Keeffe claimed that the State created neither primary nor secondary legislation to prevent the sexual abuse of children. *Id.* at 187. Although the State claimed it had established regulations, such as the 1965 Rules, O'Keeffe alleged that such regulations were not primary or secondary legislation, had an unclear legal basis, were vague in applicability, and unavailable to the public. *Id.* Moreover, the State lacked an effective decision and complaints procedure and, as a result, was not notified of complaints of abuse. *Id.* at 186-87.

from ill-treatment, especially in the primary-education context, through the adoption, as necessary, of special measures and safeguards."¹⁵ However, the language of the majority opinion is interesting in that it imposes such an obligation, not as an inherent requirement of the European Convention of Human Rights, but as an obligation stemming from the State's role in public primary education. This novel approach creates uncertainty in the interpretation of inherent positive obligations rooted in articles outside of Article 3, and as mentioned in the dissent, may impose ideological visions on the best practices of public service.¹⁶

The ECHR's judgment in *O'Keeffe* depended largely on the fact that the State had no legal framework that protected children in the education system, which led to the State's failure to safeguard children from ill treatment.¹⁷ In considering the impacts of the judgment, it is unclear whether the court will impose new positive obligations in future cases involving the duties of public servants. For instance, the ECHR could extend its logic in *O'Keeffe* to create a positive obligation on the Irish state regarding the duty of care relative to bullying inside and outside of school.

In trying to ascertain participants awareness regarding law/policy participants were asked – does your understanding of current legislation inform your daily work. Participants answered as seen in table 7.

Does your understanding of current legislation inform your daily work?		
Yes	Unsure	No
Betty	Harry	Stephen
Andrew		Ava
Peter		Dominic
Hannah		April
Caroline		Jack
Clodagh		Victoria
Donna		Robert
Sandra		Colette
Alana		Cliona
Ailish		Cathal

¹⁵ *O'Keeffe*, 2014-I Eur. Ct. H.R. at 192-93.

¹⁶ *O'Keeffe*, 2014-I Eur. Ct. H.R. at 214-15 (Zupancic, Gyulumyan, Kalaydjieva, De Gaetano, Wojtyczek, JJ., dissenting).

¹⁷ See *O'Keeffe*, 2014-I Eur. Ct. H.R. at 198 (emphasizing the lack of an effective regulatory framework, which if in place could have prevented such ill treatment).

Olivia		Melissa
Liam		
Brenda		
Aiden		
Participants Orla, Ryan and Audrey didn't answer this question as it didn't come up in their interviews. Their interviews were short on time as they had to go to class.		

Table 7: Participants Current Understanding of Legislation

Participants in this study were asked would they like to see a specific anti bullying law implemented in Ireland such as the Massachusetts anti-bullying law in Boston, and their responses can be seen in table 8.

Do you want a specific anti-bullying law implemented in Ireland such as the one in Massachusetts, Boston?		
Yes	Unsure	No
Andrew	Stephen	Betty
April	Ava	Victoria
Jack	Harry	Robert
Peter	Dominic	Hannah
Clodagh	Colette	Caroline
Audrey	Donna	Alana
Olivia	Sandra	Ailish
Liam	Brenda	Melissa
Cliona	Aiden	
Cathal		
Participants Orla and Ryan didn't answer this question as it didn't come up in their interviews. Their interviews were short on time as they had to go to class.		

Table 8: Anti-Bullying Law such as Massachusetts, Boston

7.4.1 USA – Laws

All fifty states in the United States of America have passed school anti-bullying legislation. The first being Georgia in 1999. Montana became the most recent and last state to adopt anti-bullying legislation in April, 2015. Georgia's anti-bullying legislation was strengthened in 2010 with the passage of Senate Bill 250, which included a provision

allowing for those accused of bullying another student to be reassigned to another school in order to separate the offender from the victim of bullying. New Jersey could be seen as having one of the toughest laws. In New Jersey each school has to report each case of bullying to the State and the State will grade each school based on bullying standards, policies, and incidents. Each school must have an effective plan to deal with bullying. All school staff are required to deal with any incidents of bullying reported to them or witnessed by them. Teachers must report any bullying incidents they witness to the administrators. Toso (2012) concluded that states were not enforcing the legislation and that districts do not consistently review policies to conform to legislation. Bruening et al. (2017) study pointed to several barriers that oppose the work of schools and districts in the prevention delivery system to implement the Iowa anti-bullying law as intended. Bruening et al. (2017) discussed:

1) Individual level factors such as:

- General capacity: teachers too overwhelmed to prioritize antibullying policy implementation.
- Innovation-specific capacity: administrators report staff uncertainty about their role

2) Organisational level factors such as:

- General capacity: schools have limited time and resources for policy implementation
- Innovation-specific capacity;
 - Limited funding for implementation.
 - Difficulty finding and selecting bullying prevention programs.
 - Uncertainty in applying the law's definition of bullying in schools.
 - Difficulty obtaining information on how to use the state reporting system.
 - Challenges of understanding the school's jurisdiction in the enforcement of the law.
 - Organizational and leadership commitment to antibullying policy communication and training.
 - Organizational climate of safety and trust in reporting bullying.

3) Contextual factors such as:

- Student over- and under-reporting of bullying complicates investigations,

- Administrators encounter challenges communicating with some parents about bullying,
- Communities have limited capacity to address bullying,
- Schools encounter difficulties following the evidence trail in cyberbullying,
- Media portrayals of bullying are in conflict with school and district definitions.

Bruening et al. (2017) study is interesting given that a lot of the factors mentioned that appear to be barriers to implementing the Iowa anti-bullying are common issues cited by teachers throughout this present study. Hence, this makes it questionable if Ireland implemented an anti-bullying law would the same issues arise. Research conducted in other jurisdictions helps determine the transferability of their findings to the implementation of an anti-bullying law in Ireland.

7.4.2 Massachusetts Law

Another interesting jurisdiction in America is Massachusetts. In 2010, students at South Hadley High School, Massachusetts, Boston, were prosecuted in connection with the suicide of Phoebe Prince, a student at South Hadley High school. Phoebe was verbally abused publicly and in Facebook posts, she was threatened with physical abuse and received hostile text messages. Multiple teens (also known as ‘the mean girls’) were charged with criminal harassment, civil rights violations and were sentenced to probation and community service. The sensationalised death of Phoebe Prince in 2010 in Massachusetts shone a spotlight on schools and their role in responding to bullying. Following Phoebe Prince’s death, in May 2010, anti-bullying legislation was implemented. Massachusetts approved SB 2404, an act relative to bullying in schools on May 3, 2010 as reflected in Chapter 92 of the Massachusetts session laws of 2010. The law, Massachusetts General Laws Chapter 71, § 37O, (M.G.L. c. 71, § 37O) known as the Massachusetts School Bullying Prevention and Intervention Law, mandates that districts establish a school policy to protect student victims through prevention, reporting, investigation and intervention. In its original form as enacted in 2010, the law only addressed student-on-student bullying. In 2014, the Legislature amended M.G.L. c. 71, § 37O to include all members of school administration, faculty and staff as potential perpetrators of bullying against a student. The law prohibits bullying on school grounds and property immediately adjacent to school grounds, at all school-sponsored or school-related activities regardless of the premises, at all school bus stops and on all buses and other transportation controlled by the district, and by means of any communications device controlled by the district. However, bullying is also prohibited at any location or time and by any electronic means

regardless of its ownership or control if it creates a hostile school environment for the victim, infringes on the victim's rights at school or "materially and substantially disrupts the education process or the orderly operation of a school." (Massachusetts anti-bullying law, M.G.L. c. 71, § 37O).

In July 2010, Phoebe's parents filed a complaint against the South Hadley Public School District with the Massachusetts Commission Against Discrimination. They claimed that the school district did not do enough to protect their daughter from bullying. While school administrators were allegedly informed about the bullying from students and Phoebe's mother, the school was accused of taking no action. In November 2010, the family reached an agreement and withdrew the complaint. It was reported in the media, at the time, that the parents of Phoebe Prince settled a lawsuit with South Hadley school district for in or around \$225,000.

When discussing, with participants in this study, should the Massachusetts anti-bullying law be introduced in Ireland with Harry said *I would look at it but the wording would be very important*. Likewise Andrew would be open to an anti-bullying law in Ireland so long as teacher were provided with sufficient supports: *I would be in favour of it so long as we are provided with the supports to help us go through with it*. Participants were divided as to whether the Massachusetts law should be introduced into Ireland. Jack felt that '*absolutely*' the Massachusetts law should be introduced in Ireland. Likewise Melissa said yes. Cliona was also open to the idea of the Massachusetts law. *Yes. I do. Absolutely*. Liam was also open to the law: *I think I would be open to it*. Some participants felt the Massachusetts law shouldn't be introduced into Ireland. Robert noted: *No. Parents need to be held accountable*. Aiden couldn't care either way if a law was introduced. *I'm not too concerned whether a school is made legally liable or not*. Likewise Brenda was unsure - *Yeah. Well, I don't know. Probably*. Peter was interested in the idea of introducing a similar law to the Massachusetts anti-bullying law but feels Ireland is a society that does more talking then action. *In an ideal world it would be great but we are far away from bringing a law like... I think that in Irish society we say a lot of things but never act upon it... We are and we are a nation of complainers and we are a nation of saying we will do things as opposed to action and I think we are reactive*. Hannah would be against a law like Massachusetts being introduced in Ireland. *I think it's too easy a solution. It's a tick the box situation. Often that situation can be used to bully a teacher who made a wrong call, but did the best they could at the time. It should go back to the parent*. Hannah feels that bullying has been sensationalised. *I have a problem with how things are put out in*

the public domain. It's about sensationalism. When asked who sensationalises – the Hannah responded: *The media.* Caroline would be against a law like Massachusetts being introduced in Ireland. *No. Things are never black and white and if schools do nothing. What is nothing? Do you talk to the parent? How far can we go? If you have a bully who doesn't respond to anything.* Caroline continued... *we're only human. We deal with so many things in school and we try our best to make sure all is dealt with. We can't deal with everything especially with Facebook. We can't be responsible for the world.* Sandra doesn't know whether an anti-bullying law would work in Ireland. *I'm not sure if it should be law because I think that can be difficult. I think if it impacts on school life, then we do have an obligation.* Melissa doesn't think the Massachusetts law would work here as she feels low confidence in our current general laws. *I think of our laws and I think of our law system. I think in Ireland you can get away with murder and get a few years and be out again.*

The anti-bullying law in Massachusetts came about like many other anti-bullying laws in US states as a result of public outcry and moral panic. In his description of a moral panic, Cohen (2002, p. 1) pointed out that; *'Sometimes the panic passes over and is forgotten...at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way society conceives itself.'* In summary, the Massachusetts anti-bullying law requires teachers and other school staff to report bullying, mandates training for all teachers and staff and implements plans on prevention and intervention. It also creates a broad definition of bullying that incorporates cyberbullying.

7.4.3 Evaluation of Anti-Bullying Laws

Despite the proliferation of anti-bullying legislation in the USA, there has been very little empirical examination of the 'effectiveness' of such laws in reducing bullying. Instead, existing research on anti-bullying laws has focused almost exclusively on 'content analyses' of anti-bullying laws, (e.g., Limber and Small 2003; Strabstein et al. 2008; Stuart-Cassel et al. 2011). In a 2003 review of the literature on anti-bullying laws and policies, Limber and Small noted that *"the question of whether state laws can provide a useful vehicle for reducing bullying behavior among children remains unanswered"* (p. 448). In a follow-up review paper written over a decade later, Cornell and Limber (2015) similarly stated, *"Although the content of state anti-bullying laws has been evaluated and contrasted, remarkably little research has been conducted to study how these laws and policies are implemented and to what effect"* (p. 341). A recent study has compared the

effectiveness of different state anti-bullying laws on reducing bullying behaviors among high school students from 25 U.S. states (Hatzenbuehler et al. 2015). That study found that state laws that have a statement of scope, describe prohibited behaviors and require school districts to develop local policies were associated with reduced bullying. While valuable, this cross-sectional study could not assess how behaviors of students and teachers changed after the passage of new laws.

In another study Ramirez et al. (2016) looked at 6th, 8th, and 11th grade children who completed the Iowa Youth Survey in 2005, 2008, and 2010. They coded the respondents by survey year, so that they could track responses as being before the law, 1 year after, and 3 years after. They then looked at responses indicating both bullying (relational, verbal, physical, and cyber) and teacher intervention and response. Ramirez et al. (2016) expected to see an immediate increase in the reporting of bullying following the law's implementation, followed by a decrease; and they also expected to see an increase in teacher intervention. What they actually found, on the first part, matched their expectations immediately after implementation, bullying seemed to increase, which they credit to increases in reporting; and over the following three years, decreased. The teacher part, however, did not entirely match their expectations. They did find that **when** teachers **did** intervene, that reduced the odds of being bullied by 50%. However, the law did not improve teacher intervention over time. Ramirez et al (2016) noted that focused intervention training of teachers and adults on campus wasn't a feature of the Iowa law, and in fact, isn't part of many state anti-bullying laws. Hence, maybe this is a reason for the lack of teacher intervention. Much remains to be learned about the effectiveness of anti-bullying laws and policies and about the factors that contribute to their successful implementation. To be maximally effective, the study of anti-bullying laws and policies requires an interdisciplinary, team-based response, drawing on and integrating theories and methods from such diverse fields as law, public policy, psychology, anthropology, sociology, and history (Hatzenbuehler et al. 2014). There are several potential benefits of an interdisciplinary approach to the study of anti-bullying laws and policies, including the triangulation of multiple sources of data to strengthen causal inferences

Anti-bullying laws have a theoretical basis, following a socio-ecologic approach in prevention to improve school safety climate through activities at the community-, administration/staff-, and student-levels (Dresler-Hawke and Whitehead 2009; Espelage 2014). Bullying is a significant problem for children around the world, and may have serious physical and mental health consequences. The law and policy has an important

role to play in preventing bullying and/or addressing bullying when it occurs. Laws and policies are not the only solution, but that effective laws and policies may be *part* of the solution. Understanding which elements of anti-bullying legislation and policies, outside of Ireland, are more or less effective is vital. In addition, acknowledging that laws and policies may be more or less effective depending on how they are implemented and investigating how to improve implementation is crucial. Future research is called for in this area.

7.5 Standard of Care

The standard of care imposed by the Irish courts on teachers has been that of a 'prudent parent'. The term *in loco parentis* is used to describe the duty of care in common law that a teacher has towards a pupil, to the effect that a teacher has a duty to take the same reasonable care of the pupil that a parent would take in those circumstances. *In loco parentis* emanated from Lord Esher's classic statement in *Williams v Eady* (1893) 10 TLR 41, that: "[T]he schoolmaster was bound to take such care of his boys as a careful father would take of his boys." In the High Court in Northern Ireland, the recent case of *Megan Murray v Mark McCullough as Nominee on Behalf of the Trustees and on Behalf of the Board of Governors of Rainey Endowed School* (2016) NIQB 52 Stephens J took the opportunity to revisit the authorities. He defined the duty of care as being owed to the particular child or young person 'not out of benevolence or paternalism, but as of right'. In this case the claimant sustained serious dental injuries when struck by a hockey stick in a school match aged 15. The main injuries would have been prevented if she had been wearing a mouth guard. The claimant's case was that the school should have made her wear a mouth guard, or advised of the risks. Further, her parents should have also been advised so that they might have the opportunity of attempting to persuade her to wear the guard. The court was critical of the use of the terms 'parent' or a 'prudent father', stating that the "*paternalistic approach... diverts attention from the fundamental and simple proposition that the standard is to take reasonable care in all the circumstances*". Stephens J. said "*I would prefer that the standard of the duty of a school teacher should not be expressed as taking such care of his pupils as would a reasonably careful parent of the children of the family but rather taking reasonable care in all the circumstances*." Thus, the yardstick is not to be the 'careful or prudent father', but 'reasonable care'. Steps to be taken to discharge this duty remain high as young children may not be able to weigh up and assess risks. The judge found as a matter of fact that the school had 'highly

recommended' the wearing of a mouth guard, explained why, and reinforced this with regular warnings of the risks of not wearing one. It was repeated in writing in the school dress code for sports. Indeed, the claimant owned a mouth guard and wore it on occasion. The court held that, in the circumstances, the school was not negligent. The court in this case sought to recognise the 'reasonable care in all the circumstances'. Moreover, it sought to provide judges with a degree of flexibility which they can apply to the particular facts of a particular individual case.

Participants in this research were asked what they knew about the standard of care expected of them. Peter answered *I couldn't answer that. I don't know what standard of care that is expected of me.* Caroline thought the standard of care was beyond the parent test. *I think recently they look at it in some cases now the standard of care is beyond the prudent parent.* Caroline further noted: *Your standard of care can't be compared to a prudent parent because a prudent parent isn't minding 30 kids at home.* Likewise Donna noted the difficulties with using the 'prudent parent' test as it's unrealistic to compare a teacher who may have 30 in a class to a parent who might only have two kids. *A very high standard. When you've 30 students in front of you, you can't give the same level of care you would give to your child at home...* For Sandra the standard of care related to supervision: *We think of it that all teachers are in their classes at all times, no class unsupervised.* Sandra also noted the difficulty being judged by the Irish courts to the standard of 'prudent parent' given that the teacher on a daily basis has a mixture of different students. *We have mixed ability here and if you're talking about an inclusive education, we have people of all nationalities and some who have physical and emotional needs, members of travelling community, we also have students with syndromes, so to expect teachers to be a prudent parent, I don't think we can.* Alana said her standard of care is based on judgment calls. *It's never been formalised... It sounds wishy washy. It's never been formally said to me.* Alana continued that the standard should be judged against a reasonable body. *I think a reasonable body especially because I think prudent parent was very good 30 years ago but now we have more diverse cultures and different values between families which can be different.* Like many participants – Ailish didn't know what the standard was: *I don't know anything legally about what we're required to but I would put a high standard on myself.* When discussing the standard of care required of a teacher and what she knows Olivia referred to risk and being able to identify risks and that being the benchmark for her standard of care. *My job is to identify somebody I feel is at risk and go to the next step which is to contact the liaison person.* Brenda feels that being compared to the practice of what other teachers do rather than a prudent parent

test is the best standard to be judged by. *I think you probably need the UK system and comparing them with other teachers. It would give better insight.* Aiden said he would be worried being compared to other teachers rather than being compared to a prudent parent. *I would worry about the body of teachers thing because of the union involvement and they can dictate what is appropriate behaviour for a teacher and that could be pointed to as bench mark of teacher practice because that's what teachers are mandated to act like. Prudent parent. I like the concept of acting as a parent but it's a difficult one.* Discussions with teachers suggest that their understandings of the concept regarding standard of care owed were vague.

7.6 Human Rights

Despite advances in conceptions of childhood and children's rights in Ireland, the overarching presence of seeing children as passive and not active citizens' remains. Very few participants mentioned rights or human rights in the interviews. Alana felt: *The rights of the child are different to the human rights because children have more rights.* This is an interesting comment as the participant seems to be distinguishing and separating human rights and children's rights'. However, children are human and therefore have 'human rights'. There appears to be a lack of understanding on the part of the teacher regarding children rights and human rights. Cliona also noted: *Children's rights are more important than human rights. There is a distinction. We are dealing with children under eighteen and we should be ever so conscious of their rights as we prepare them for the adult world.* The 'becoming' child is seen as an 'adult in the making', who is lacking universal skills and features of the 'adult' that they will become (Brannen and O'Brien 1995; James and James 2004; James and Prout 1997a; James, Jenks, and Prout, 1998; Jenks 1982; 1996; Qvortrup 1991; 1994). Hence, perceiving the child as a human 'being' or human 'becoming' tends to involve conflicting approaches to what it means to be a child. The first is that it is explicitly future orientated. This necessarily places the onus of importance on that which the child will be rather than that which the child is. The child is seen as 'a future adult' rather than as a 'young human being' in his or her own right. Young (1990, p. 41) writes, the child 'is seen as progressing from a state of vulnerability to sophistication, from an earlier lack of skills to a later possession of abilities'. This perspective not only implies that 'competency' is something that is acquired the closer one is to becoming 'adult', but also that competency is necessarily (and only) an adult characteristic, i.e. one that children cannot possess. Hence, how teachers and all other relevant stakeholders view the concept of childhood and children rights has an impact on

the prevention and intervention of bullying. In *O'Keeffe v Ireland*, the European Court of Human Rights found that Article 3 of the European Convention on Human Rights created a positive obligation on states to protect children from ill treatment, including sexual assault. Although the outcome of the judgment was favourable for O'Keeffe and other victims of sexual abuse, the implications of the judgment are still unclear. The awareness of bullying and cyberbullying in the educational context may influence the court to broaden the scope of liability. For example, in future cases the government may be liable for psychological ill treatment. The language of the judgment expressly states that positive obligations under Article 3 are inherent in the nature of government tasks, "especially in a primary-education context."¹⁸

In *Affective Equality: Love Care and Injustice* (2009) Lynch explains why the issue of care is such an important equality issue. She argues that care is a relational activity focused on nurturing people as humans, and of course, environmentally it is about nurturing the natural world. Care involves repairing, maintaining and enhancing human life within families, communities and within and beyond nation states. Caring involves emotional work, being attentive, available, and committed. Lynch (2009) notes that a human rights framework operating alone is highly individualistic, it assumes people have the capacity to claim their right but many do not. Those who are least powerful to assert their rights can be ignored or treated unjustly (e.g. carers, children, intellectually disabled people). Therefore she suggests that a rights-based approach to justice needs to be aligned with an ethics of care.

7.7 Unions – Collective Power

The majority of participants felt that being attached to a union was important. Ava summed up the majority response regarding the importance of being attached to a union. *You have a very little voice as an individual. Collectively you do.* Themes of passivity and compliance were coming through from Ava and other participants. Ava also noted: *Teachers have been left very isolated. As a group you have a voice.* Some participants were not attached to a union such as Harry: *Personally, I'm not part.* Likewise Robert is not part of a union and doesn't feel it is important to be attached to one. Andrew cautioned that being part of a union can have positive and negative aspects to it. *A positive is it provides training. Negative is in my experience that the teacher takes the side of the teacher whether they are right or wrong.* April feels being attached to a union isn't helpful

¹⁸ O'Keeffe, 2014-I Eur. Ct. H.R. at 192-93.

but that you have no choice: *To be honest, you've no choice... All decisions that are made are made by the union, so if you're not part of it, you're on your own.* Peter feels it's important to be attached to a union so teachers can stick by one another. *I'd say if we weren't it would give opportunity to unmoral management to take advantage of teachers and to bully them and to harass them.* Clodagh echoed this unified voice for teachers as to why being part of a union is important; *For your own security in the event something did happen or there was an allegation made;* Olivia echoed the majority of participants when saying that being attached to a union is important as it provides support; *if a complaint comes in against you.* Again this issue of collective power and collective voice is seen in Melissa answer *...it is a difficult profession nowadays...You feel you have a voice and a part of these changes.* Cliona felt that union are important because they protect rights. *It's their job to protect the teacher's rights.* Donna referred to work conditions as the importance of being attached to a union. *In terms of work conditions, or pay, or maybe discrimination or those who are treated badly at work.* Alana feels if *...an accusation was made and I would have the financial support of the union to help me.* Teachers join trade unions for different reasons with the view that union bargaining will improve their welfare. Bandura (1997) construct of collective self-efficacy is helping here when analysing why teachers want to join union. Bandura (1997) suggested school systems will display characteristics consistent with either collective levels of high or low efficacy. Similar to individuals with higher levels of efficacy, groups should display greater abilities to utilising opportunities and either change or circumvent obstacles, while groups with lower collective self-efficacy should demonstrate less ability to take advantage of opportunities and to become more easily discouraged by obstacles they encounter. School teachers 'set the tone' of the school culture (Price 2012, p.42), a proposition with widespread support in the school leadership literature. Thus, the culture they set impacts on their attitudes regarding the prevention and intervention of bullying.

7.8 Chapter Summary

This chapter presented the findings relating to teachers' understandings of law/policy with a view to considering how this may impact on the likelihood of their action to prevent or intervene in bullying. Within the chapter areas such as: definition of bullying, school policy, to legislate or not to legislate, USA anti-bullying legislation such as the Massachusetts anti-bullying law, standard of care, human rights, and unions were all discussed.

Teachers often overlook bullying situations because of their inability to recognize what bullying is and is not (Yoon, Sulkowski and Bauman 2014). Teachers' failure to recognise key bullying indicators often result in improper responses, thus making the situations even worse for the victims. Veenstra, Lindenberg, Huitsing, Sainio, and Salmivalli (2014) argued that because of teachers' important role in implementing antibullying strategies, they should be considered the main recipients of antibullying workshops. Burger, Strohmeier, Sprober, Bauman, and Rigby (2015) noted, "A crucial factor to reduce bullying in schools is the competent handling of bullying incidents by teachers" (p.196).

Legislation might be necessary within the Irish context given that teachers in this study have such varied understandings of bullying (some of which are very narrow). Most don't appear to be familiar with how bullying is framed within their school policy, nor with how that policy expects bullying to be handled in their school. Therefore, perhaps there could be learning from some of the international legislation presented. I presented the participants examples of international anti-bullying legislation and asked for their views on the requirements in the legislation. The next chapter will discuss the conclusions and recommendations of this study.

CHAPTER 8: Conclusions and Recommendations

8.1 Introduction

My study is a transformative, critical, policy-oriented thesis which explored second-level teachers' perceptions of bullying and duty of care from an education and legal perspective. The overall objective of this qualitative study was to gain deep insight into how second-level teachers in Ireland understand four factors such as: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy. Moreover, this study also considers whether such aspects influence their attitude to prevent and intervene in bullying inside and outside of school. The study used semi-structured interviews with twenty nine second-level teachers in Ireland (18 females and 11 males.) Capturing teachers' perceptions of four factors such as: duty of care, expressions of empathy, institutional stressors and law/policy is important because it helps to determine if teachers are likely to prevent and intervene in bullying. It is important to note the complexity and interrelatedness of these factors when interpreting issues exploring bullying and duty of care.

The purpose of this final chapter is to provide a summary of the findings. The substantive findings, relevant research literature and hypotheses will be discussed. The chapter will then discuss the contribution made by this study which is the unique approach of analysing this study from two disciplines: namely education and law. The limitations of the study will then be explored. The chapter will then examine the policy implications for this study followed by discussing future research. There will then be a section of reflectivity for me to highlight my experience and reflections of this PhD journey. The chapter will then focus on recommendations.

8.2 Findings of the Study

8.2.1 Substantive Findings

It is clear from this study that teachers with an expansive duty of care that incorporated a holistic view of the students' well-being (beyond the school curriculum) are more likely to report that they do or would intervene to prevent bullying, corroborating the hypothesis posed. Crucially, these teachers made a distinction between what law and policy mandate and what is morally right, and felt a duty to pursue the latter even at the expense of the former (Caroline, Sandra, Peter, Cathal, Robert). Teachers that were less likely to report that they would or do intervene cited a narrower notion of duty of care,

raising legal limits and regulations as the boundaries to their duty to care for students. The school culture in relation to the prevention of bullying and a holistic view of their students was a major intervening factor: where it was pro-active, it clearly enhanced the feeling of empowerment for teachers with an expansive duty of care to intervene to prevent bullying. Conversely, teachers citing time periods, norms, and other limitations with respect to duty of care were more likely to place the duty onto parents, to cite the issue as a 'grey area' or cite limitations in terms of institutional burdens and time. These teachers also expressed: (1) uncertainty about their concept of duty of care, with others relying on distinct formal, strict, legal, or management-mandated notions (2) uncertainty about their ability to recognise bullying and to make distinctions between the Irish cultural norm of 'slagging' and harmful verbal abuse, and (3) limited notions of what constitutes bullying. The latter was evidenced by those teachers delineating physical bullying from non-physical, i.e. cyber bullying, verbal, or body language forms of bullying (Orla, Clodagh, Victoria, Betty, Melissa). Others occupied a middle-ground (Ryan, Ava, Collette) noting specific limitations on duty of care. Many felt that the Department of Education and Skills had shirked responsibility in ensuring clarity on duty of care.

Building on the duty of care factor, the second predictor of the likelihood of reporting intervention is teachers' levels of empathy for students. I hypothesised that teachers with a high level of empathy, who are "child first"-oriented as opposed to being "curriculum first"-oriented would be more likely to report an intention to intervene. The results of this study broadly supported this relationship. Teachers who take the time to get to know their students well are more likely to understand whether a child is negatively affected by the behaviour of others by understanding variation in displays of distress at an individual level. Teachers high on empathy expressed the conviction that empathy is a core part of their concept of being a teacher (Cathal, Robert, Olivia). These teachers also expressed empathy for the students perpetrating bullying and the victims of bullying, and took account of the diversity of the student body in terms of needs, abilities and socio-economic and home circumstances. These teachers, similar to the efficacy they felt in identifying and responding to bullying beyond norms or legal limits, also expressed high levels of emotional self-efficacy, were sensitive to others and indicators of bullying, and saw themselves as acting as positive role models for students. The culture of the school also had a bearing on the agency of teachers, but notably the religious orientation or ethos of the school had little distinguishing effects on levels of student empathy. Those teachers with lower levels of empathy were perceived by some interviewees to be leaving the

school at 4pm, driving new cars. These teachers shifted the responsibility for student empathy to health care professionals or social workers. Some minimised the effect of bullying, citing that staff get the children to 'toughen up' or said that the staff themselves 'turn a blind eye' to bullying. These findings have implications for teacher recruitment and suggest the need for psychometric testing and keen interview evaluation techniques to assess levels of empathy in candidates if the issue of bullying in schools is to be tackled.

From an evaluation of the literature and an analysis of the data it was evident that participants who are controlled by stressors such as curriculum burden reported a sense of being less enabled to intervene to prevent bullying due to burn out, stress, pressure on time and fatigue. Attitudes toward recommending teaching to others and the future for teachers were used to complement information on this orientation. In this study, teachers with high levels of curriculum burden cited administration, paperwork, standardised testing and large class sizes which limited their time available to spend with students beyond the curriculum (Clodagh, Melissa). Significant numbers of teachers mentioned the teaching landscape being dominated by the neo-liberal agenda, with associated performance indicators as indicators of student learning in an instrumentalist environment. Some cited these enormous and overwhelming pressures as a trigger for teachers' behaviour in class that bordered on bullying students. All long-standing teachers noted the huge change that has occurred in their jobs over the past fifteen years. Many teachers noted that they are trained to teach but not for pastoral roles, and wanted proper training from the Department of Education for those aspects of the job (Betty, Peter, Hannah, April), however, many said that some teachers are personally uncomfortable with student interactions that go beyond curriculum and into the personal realm. (Victoria, Sandra) In this respect, many teachers cited guidance counsellor hours as vital components of the school timetable and lamented the cutbacks to those hours imposed several years ago. Many teachers said there is a pastoral care system in their schools for dealing with 'caring' issues which is required given their overwhelming curriculum burden. As regards recommending the profession to others, many teachers cited poor pay and pressurised conditions as issues (Collette, Brenda), with the majority saying it is rewarding if entered into for the right reasons, i.e. for the students. There is no doubt that a lack of time and resources and specific training are felt by everyone as limitations on teachers' ability to notice and attend to bullying in schools as well as the wider aspect of building caring relationships with their students. The intense burden on staff has

engendered stress, frustration, hopelessness, worry, and confusion over work practices and has significantly limited the ability to be student carers within the core role of teacher.

Whilst all teachers were aware that a school policy on bullying existed, very few teachers could recall the policy or the definition of bullying within the policy (Robert, Hannah). Many teachers could make a reasonable guess at the definition of bullying (Olivia, Orla, Andrew, Collette). The literature argues that having knowledge of a strategy to deal with bullying is a pre-condition for empowerment to tackle bullying, and many teachers did refer to a 'ladder' system and going to a liaison person in order to report suspected bullying (Olivia). The teacher cohort were roughly equally divided on whether they would like to see a specific anti-bullying law implemented in Ireland (Andrew, Peter, Clodagh, Olivia, Cathal) whether they were unsure (Brenda, Sandra) and whether they were against (Hannah, Caroline, Robert, Melissa). The latter were divided between the need to ensure that parents take responsibility and are held accountable also, and whether the law could actually work in practice, as bullying is not a black and white issue and many people get away with crimes that are against the law. Only a minority of teachers mentioned children's rights (Alana, Cliona). The Unions and Courts came into play with respect to interpreting legal concepts such as teachers' duty of care being 'in loco parentis' that some teachers had concerns about (Aiden, Sandra).

8.2.2 Literature and hypotheses

There is no doubt the changes in the nature of the job, and the extraordinary pressures of curriculum burden and administration (van Veen et al. 2001), combined with new levels of diversity within the student body have impacted on teachers' perceptions of their ability and willingness to deal with bullying in schools. In this regard, one could infer neo-liberal policies implemented at a macro level are negatively impacting on teachers' likelihood of intervening to prevent bullying within school systems. Awareness of policy and law on bullying does not appear to influence a teacher's willingness to intervene to prevent bullying as much as teachers' personality/ dispositions in terms of high levels of expressed empathy for students which in turn is related to having an expansive and morality-based concept of duty of care. In other words, if a teacher is willing to engage, it's because of their personal qualities, so recruitment strategies for empathaths are essential if tackling bullying is taken seriously by the Department of Education and Skills. Nonetheless, a reduction in curriculum burden, in class sizes and in administration would free up time for teachers to be more empathetic and would certainly reduce the justification that many might use for turning a blind eye to the problem. It is

also clear from the findings that bespoke pastoral and anti-bullying training could empower those who are pre-disposed to intervene and reduce confusion for those who are unsure about intervening.

The first two of the four hypotheses under investigation in this thesis, specifically duty of care and student empathy (teachers' expression of empathy for their students), were supported by the evidence. There is also some evidence that curriculum burden is felt by every teacher, and for some teachers it is cited as a hindrance to intervening, but those teachers with high empathy and an expansive duty of care would intervene regardless. Teachers' empathy, attitudes towards bullying, and perceptions of the seriousness of bullying incidences have been shown to predict responses to bullying (Dedousis Wallace and Shute 2009; Yoon and Bauman 2014; Yoon 2004). Research strongly indicates that, although rewarding, teaching is a particularly stressful occupation and that teacher stress is an international phenomenon (Chan 2002; Johnson et al. 2005; Liu and Onwuegbuzie 2012; Montgomery and Rupp 2005; Stoeber and Rennert 2008). International research also reveals that teacher attrition (the departure of teachers from their teaching jobs) has become a global problem (Chang 2009; Hong 2012; Ingersoll 2001). Hence, listening to teachers' perceptions about stress and job satisfaction as it relates to preventing and intervening in bullying is important because they may have serious negative or positive consequences, respectively, both for the teachers' wellbeing and for the quality of education. Possible consequences of teacher stress are reduced teacher self-efficacy (Klassen et al. 2013), lower job satisfaction (Collie et al. 2012), lower levels of commitment (Klassen et al. 2013), higher levels of burnout (Betoret 2009), and increased teacher attrition (Skaalvik and Skaalvik 2011), whereas job satisfaction is predictive of lower levels of absenteeism and attrition (Sargent and Hannum 2005; Skaalvik and Skaalvik 2011; Wriqi 2008; Zembylas and Papanastasiou 2004). Although stress and motivation to leave the teaching profession as well as job satisfaction and motivation for teaching are related to both teachers' life situations and personal characteristics, stress and job satisfaction are also related to teachers' working conditions as seen in the literature and in the data of this study e.g., Day et al. 2007; Klassen and Chiu 2010, 2011; Skaalvik and Skaalvik 2011, 2015). The purpose of this study was to explore Irish second-level teachers' understandings of bullying and perceptions of duty of care with respect to same. The literature review covered four areas: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy. Hence, my study is an important

contribution to the literature in these respects. Lightening the burden could have a small effect in increasing the likelihood of intervention to prevent bullying but is not the primary determinant. Finally, the fourth hypothesis was rejected based on the evidence that high levels of awareness and knowledge of policy and laws in the area of bullying had little or no effect in teacher's decisions to intervene or not intervene in cases of bullying.

The introduction of a specific anti-bullying law in Ireland raised questions about its potential efficacy and there were worries about introducing new or inappropriate or unrealisable responsibilities on teachers; nonetheless, slightly more teachers were in favour of the idea than were unsure or against the idea. Introducing law could force the government and Department of Education and Skills to introduce mandatory anti-bullying training for teachers, to be more circumspect in the recruitment of appropriate personality traits in teachers, to provide more resources like guidance counsellors, pastoral care teams to schools, that in turn could have a knock-on effect in reducing curriculum burden, all of which have a significant impact on the likelihood of teacher intervention to prevent bullying in schools.

8.2.3 Summary of the Findings

Teacher's capacity to deal with bullying is influenced by variations in their understanding of the following factors: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy. Most of the participants in this study said they understood that they had a duty of care in school. The majority of participants felt they had a moral duty of care outside of school regarding bullying and cyberbullying. Most participants said they would act if they saw bullying/cyberbullying outside of school. However, this is only teachers expressing that they would act as opposed to this study having evidence of teachers' actual behaviour. This sense of moral duty may stem from the fact that teaching can be seen as a vocation. When asked why the participant's entered the teaching profession the majority stated it was something they always wanted to do. The majority of participants stated they were unsure about their duty of care outside of school regarding cyberbullying from a legal point of view and the majority felt they needed training and support regarding this issue.

A meta-analysis of the research literature and examination of the data from the participants in this study highlights that teachers' empathy for students is influenced by many factors. All political, social, cultural and religious elements are contained within

schools, as are the biases which accompany human interaction (Drudy and Lynch, 1993). This study took inspiration from the work of Bronfenbrenner (1979), his work was helpful when examining the factors that influence teachers in their reported prevention and intervention of bullying because it shows there are other factors that exist which can influence a teacher. Thus, teachers' perceptions of the following: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy will affect whether they decide to prevent and intervene in bullying. An analysis of the literature and data in this study also reveals that positive relationships between teacher and student are fundamental to managing student behaviour. Better links between home and school, might enable teachers to anticipate emerging problem behaviour and plan to minimise impact on other students. However, participants in this study revealed that parents are not always easy to deal with in trying to prevent and intervene in bullying. Some participants felt that student aggressors learn that behaviour from their home environment. All participants in this study felt that home environment was a big factor in dealing with a student.

The findings in this study reveal that teachers' perceptions of institutional stressors connects with teachers' expressions of empathy for learners versus their focus on curriculum. Thus, tensions exist, as evidence in the literature and data in this study that teachers are torn between vocation versus profession, and accountability versus autonomy. There were trends in the data which showed that teachers felt overwhelmed by curriculum pressures such as lack of time, big classes, administrative writing up. Also dealing with increasing levels of inclusion and various cultures seemed to overwhelm teachers who do not feel sufficiently skilled to manage such inclusion issues. Also the pace of societal and technological change external to school can overwhelm teachers. I did not see any themes emerge regarding teachers feeling burdened by ongoing industrial action; lack of permanency or promotional opportunities. However, they did make reference to low pay which is part of that industrial relations arena.

The data in this study revealed that very few teachers were aware about law/policy. The majority of teachers in this study were unaware of the definition of bullying in their school anti-bullying policy. Many teachers gave vague guesses as to what the definition might be. Moreover, many teachers did not know what standard of care was expected of them by Irish Courts. Fewer than five teachers mentioned or averted to children's rights and human rights. Many teachers mentioned that they do not have time for law/policy as they have to get through the curriculum and thus time is a constraint for them reading law/policy. Many teachers said they are more concerned with what is

happening in the corridor with children and making their own professional judgment rather than what is written in a policy. Teachers expressed mixed views as to whether Ireland should have a specific anti-bullying law. All teachers expressed the view that they needed more training and more support to deal with bullying.

The Louise *O’Keeffe Case* which is mentioned in this study is of particular relevance. The European Court of Human Rights judgment is complex, however one of the key parts of the decision is a finding that Ireland violated Article 3 of the European Convention on Human Rights. Article 3 of the ECHR states *No one shall be subjected to torture or to inhuman or degrading treatment or punishment*. The Irish State has been judged by the European Court of Human Rights to have failed in its positive obligations towards Louise O’Keeffe to prevent and punish the torture, inhuman and degrading treatment that she suffered. Ireland also violated Article 13 ECHR, which obliges the State to provide an effective remedy to complaints of rights violations.

Analysis of the interviews in this research and public policy documents affecting Irish children suggests that the Irish Government is, in the main, limiting its responsibilities to children regarding duty of care concerning bullying. It would seem unacceptable and not in line with the spirit of the UNCRC for the Irish State to just let schools and teachers deal with the issue of bullying and duty of care and for schools and teachers to take full responsibility. A rights-based policy approach would reflect the UNCRC, by mapping targets to specific articles of the UNCRC and creating monitoring mechanisms matched to the international mechanisms that exist for the UNCRC regarding bullying and duty of care would be helpful.

8.2.4 Graph of the Findings

The graph of the findings (see Figure 4) plots the positions of each of the 29 participants in relation to each of the four factors of duty of care, student empathy (teachers’ expression of empathy for their students), institutional stressors such as curriculum burden and law/policy, and incorporating the overview of each of the participants (see Appendix F). Participants coloured-coded green are those who are likely to intervene to prevent bullying; those in yellow are 'unsure'; and those in red are unlikely to intervene. Examining each quadrant in turn, for patterns between the four factors and the likelihood of prevention and intervention, firstly, it is very clear from the Empathy quadrant, that those low in empathy are mainly coloured red, i.e. not likely to intervene, and the majority of those in-between on the empathy scale are mainly coloured yellow, i.e. there is uncertainty over intervention, and all of those coloured green (bar two) are in

the high empathy category. This shows a clear pattern of relationship and indicates that student empathy is the clearest association with likelihood to intervene. Looking at the curriculum Burden quadrant, another pattern is noticeable: the only occupants of the low burden area are those coloured green, i.e. likely to intervene. In terms of duty of care, the expansive sector is mostly populated with 'interveners' in marked contrast to the limited sector which has only red and yellow coloured participants, i.e. those least likely or uncertain to intervene. Interestingly, the presence or absence of an anti-bully law makes little difference to those who are interveners or on the fence regarding intervention. It appears that those who are unsure about whether a law should be brought in or not are equally divided between the red, yellow and green participants. That said, the majority of those saying 'yes' to the law are interveners, which indicates that the law is perceived as enabling for that group, and would clarify their legal duty of care, not just moral duty of care as they would see it, regarding bullying prevention and intervention inside and outside of school.

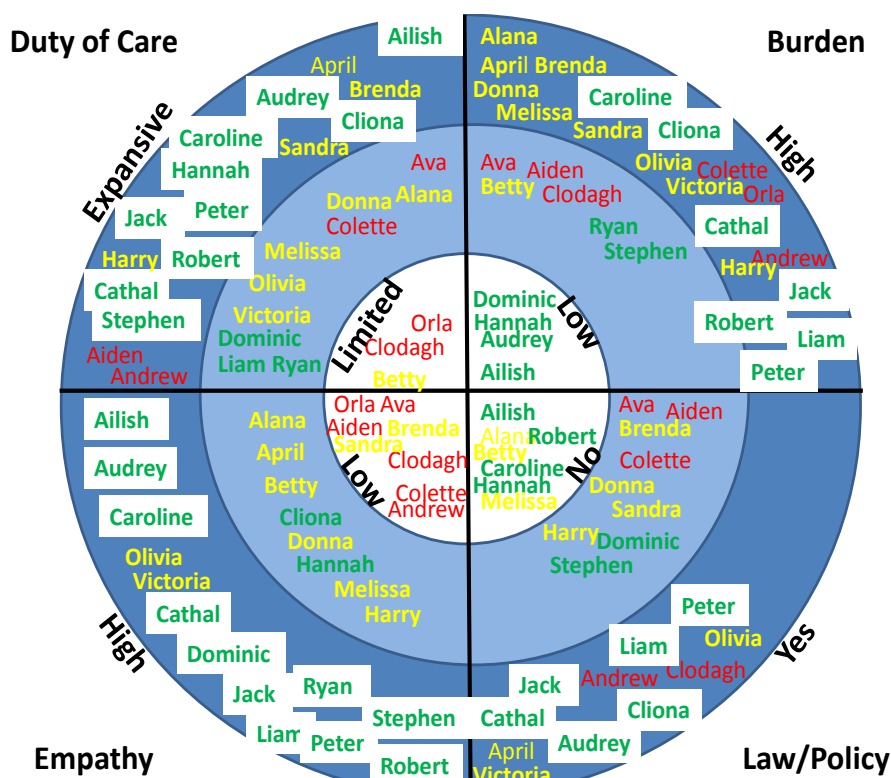


Figure 4: Graph of the Findings

8.3 Contribution of this study

Very few studies in Ireland bring the disciplines of education and law together thus making a contribution in the area of bullying. Moreover, the strength of the study is its analytical focus in both disciplines. This thesis will be available in the public domain thus providing a means for the general public to access information about bullying. I also intend to disseminate the findings through the publication of different sections in journal articles, book chapters, and conference papers. The researcher hopes that this study will start a dialogue and debate with all relevant stakeholders around the points raised in this study. These findings could also assist teachers, school management, educational psychologists, school counsellors, teacher educators, the Teaching Council and the Department of Education and Skills in understanding predictors that influence the likelihood of prevention and intervention in bullying. Finally, the recommendations can be used to construct, and/or adjust, prevention and intervention programmes and policies aimed at reducing bullying in the school environment.

8.4 Limitations of the Study

Any research is subject to limitations, and is always conducted within contextual and methodological constraints.

The study used interviews as the primary data-collation method, to gain insight into teachers' meaning-making processes. However, the use of other methods such as observation during various times of the day in the classroom and around the school grounds, may have enhanced the research findings by enabling more insights into the culture of the school and the translation of school anti-bullying policies in practice.

A second limitation is that the experiences of the second-level teachers in this study cannot be seen as representative of all secondary teachers in Ireland; the sample size was small and drawn from only two of the four provinces in Ireland. Most of the sample was female: namely 18 female and 11 male. All participants were white and from Ireland. Despite such limitations, the study does not aim for generalisation (Smith and Osborn 2008) rather it was designed to yield rich and deep data regarding the experiences of second-level teachers in Ireland within a certain time and place.

A third limitation was the sole focus on researching with teachers, rather than with a broader range of stakeholders. Although it is important to consider teachers' perspectives on bullying, teachers are only a single group within the school community.

Generating data from students, school management, other school staff, parents and other individuals in the school community may yield different - and possibly critical - perceptions and experiences regarding bullying. Similarly, engagement with members of policy-making bodies, advocacy bodies, providers of teacher education and those with expertise in education and/ or law would further enhance the insights presented here.

A fourth limitation to my study may include a lack of sufficient detail on school characteristics in terms of religious ethos, social class, gender breakdown, etc. that would have been very useful for comparisons with other school contexts.

A fifth limitation concerns lack of contextual data relating to teachers' personal experiences of bullying, such as experiencing bullying themselves as children or indeed in the workplace. This could have provided useful information on motivations of teachers to engage to prevent or address bullying.

Finally, as is the case with other small scale studies, there are limitations associated with transferability of findings to other contexts. In this regard, the researcher has acknowledged that the findings of this study are not transferable or generalizable beyond the context that has been researched in this study.

8.5 Policy Implications

Gaining an understanding of second-level teacher's perceptions of four factors: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy is important because it impacts on pending and existing case law against schools/teachers. Teachers operate amidst multiple conflicting demands on them including expectations of parents; expectations of students; perceived judgement of, and status ranking by their colleagues; professional requirements of the Teaching Council which include care for and respect of students; a perceived lack of preparedness and skills to cope with inclusion. Thus, capturing their thoughts makes sense when trying to inform policy because the domino affect of policy making impact on children. Teachers are the adults who interact with children on a daily basis and therefore are key players in preventing and intervening in bullying. Thus, their views must be taken seriously and they must be involved in the decision making process of policy in the area of four factors: duty of care, student empathy (teachers' expression of empathy for their students), institutional stressors such as curriculum burden and law/policy.

8.7 Future Research

Within this study there was a discussion of second-level teachers' expressions of empathy. In a future study, respondents could be asked to participate in an instrument testing for empathy using a tested scientific scale to compliment the interviews. Structured observation by the researcher in the school setting could also be incorporated by the researcher going to the school and observing teachers as they interact with students in the classroom and their colleagues in the staff room.

After examining a range of literature on the topic of teachers' roles in bullying some themes have been recurrent, while some questions have been left unanswered. There is a need for further research on how all relevant stakeholders understand the second-level teacher's duty of care relative to bullying inside and outside of school. Future researchers should integrate the perceptions of teachers about school bullying into programme development to enhance initial teacher education and continuing professional development in this area.

8.8 Reflectivity

I came into this PhD journey from a law background and very much from a perspective that things are black/white. Moreover, I held the view that regulation – namely a specific anti-bullying law – was necessary in Ireland to regulate all relevant stakeholders' duties and obligations. As my PhD journey progressed I found it challenging because I do not come from the education discipline and I am not a sociologist but was engaging with materials and ideas from both of those disciplines. The completion of interviews with the second-level teachers was a very insightful process as I got to hear first-hand of the pressures and challenges faced by teachers. I was able to tell by tone of voice and body language which teachers were extremely passionate about their students versus those teachers who were more likely to want to leave at 4pm when school closed. I was able to see how the pressures of daily school life can make reading law/policy another 'thing' for teachers to do. Moreover, I saw how being focused on law/policy and being too cautious can make the teacher care more about themselves rather than care for the student. I was able to see how in a busy curriculum that empathy can get pushed to the side because teachers don't have the time and feel they don't have the training and so it is passed onto someone else –namely 'the guidance counsellor'.

During this PhD journey a lot of literature was reviewed as various paths were considered for this PhD which were not all followed. However, the extensive review of

the literature still remains in my mind. Now that I am at the end of my PhD process I still believe that a specific anti-bullying law would be helpful in Ireland but feel that law should not punish teachers but more give clarity as many participants in this study were confused about their duty of care outside of school. I think such a law needs to focus on the Irish State responsibility regarding duty of care and bullying. This in turn would align with Ireland's international obligations under the UNCRC – United Nations Convention for the Rights of the Child. However, it is difficult to see the Irish State implementing such a law by imposing most of the responsibility on themselves. This is evident given that most of the participants in this study asserted that the Department of Education and Skills let teachers fend for themselves and pushed the responsibility onto schools and teachers rather than taking the responsibility themselves.

Engaging in scholarly writing requires: defining the problem, conducting the literature review, linking the issue to a theoretical framework to support the problem, and developing the research questions, all of which developed my skill set. My doctoral journey was frustrating and challenging but ultimately satisfying. I would define the PhD course as; “a journey you know when it starts but you never know when it finishes”. My PhD experience has given me the confidence to conduct qualitative research and the skills and knowledge necessary to go with same should I decide to do further research in the future.

8.9 Recommendations

8.9.1 Duty of Care

To make any serious advance towards a rights-based approach to policy and practice for children regarding bullying the duty of care owed by relevant stakeholders: namely: Irish State, Schools, Teachers, Community, and Peers must be acknowledged. It is necessary to take a three-pronged, parallel approach. The three areas where change and development should be considered are: governance, the protection and promotion of children's rights and the participation of children. Changes in these three spheres should occur simultaneously.

The Irish State currently does not collect statistical data in relation to children and bullying. It does not require schools to report such statistics. This lack of statistical data adds to the invisibility of children in policy-making. Joined up thinking across the various departments such as: Department of Children and Youth Affairs, Department of

Education and Skills and Department of Health should develop mechanisms, across departments, for the systematic gathering of data on children regarding bullying and how it has impacted on their mental and physical life and wellbeing. In turn, such data would help to develop policy in providing the appropriate services for all children affected by bullying – the victims and the aggressors. By allowing children become visible through the process of collection of statistical data, it will in turn, bring children to the forefront for budgetary analysis. Efforts should be made to harmonise the age range at which different statistics on children are collected to facilitate evaluation of policy and budgetary actions.

Bullying and cyberbullying have long term effects on children. Bullying happens inside and outside of school. Education in Ireland is compulsory between the ages of 6 and 16 years of age. Given that children are mandated to go to school and that bullying can occur in school it would be worthwhile to consider an Ombudsman for Education in Ireland to deal specifically with bullying cases. The recommendations for such a proposed body would include that it:

- be established on a statutory basis;
- be independent of any government department;
- set in place procedures to assist consultation with children;
- be enabled to make decisions in relation to complaints, which would not be legally binding; and
- have, where necessary, the right to take legal action before the Irish or European courts.

If children are to become active participants in a democracy they need opportunities to learn how to participate. This should be part of their general life experiences and opportunities to participate in the management of institutions such as schools, where they are the primary users, should be made available. Such opportunities will assist children in recognising, and believing that they are respected as individuals and that their views and opinions will be given attention. The UNCRC can act as a mirror against which the duties and obligations of adults and of the State and their response to these obligations can be reflected.

While there has been a noticeable increase in reference to children's rights in policy documents regarding bullying over the last few years in Ireland we cannot afford to be complacent. There is still a distance to travel before Irish legislation, policy and

practice moves away from conceptualising children as passive dependents in need of protection. We need to move towards developing strategies, regarding the duty of care owed by all relevant stakeholders concerning bullying that encourages the protection of the rights of all children with their active involvement in the process. To affect such change the Irish Government needs to show leadership to not only have influence nationally to society and children but also internationally as a leader in this area.

8.9.1.1 Childrens' Rights

The duty to protect children from school bullying is based on children's rights and especially the United Nations Convention on the Rights of the Child (UNCRC) According to Article 19 of the UNCRC, bullying must not be allowed:

State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

According to General comment No 13 of the Committee on the Rights of the Child, the term 'violence' includes bullying among children. (General comment No 13, 2011, CRC/C/GC/13, p.10).

Article 42 of the UNCRC, obliges states parties, on ratification, “to undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.” Not one participant in this study mentioned the UNCRC. Article 44 of the UNCRC offers an implementation guide to establishing policy awareness of children’s rights. These guidelines would provide a useful baseline to evaluate progress in the Irish State. The guidelines propose that States Parties:

- adopt comprehensive overall strategies and action plans;
- ensure that legislation is fully compatible with the Convention;
- develop structures for co-ordinating policies relevant to children;
- establish permanent mechanisms for the co-ordination, monitoring and evaluation of policy;
- ensure systematic gathering of data on children (including budgetary analysis) as a basis for policy-making;

- implement the economic, social and cultural rights of children to the maximum extent of available resources;
- establish an independent body to promote and protect the rights of the child; and
- take initiatives in co-operation with civil society.

8.9.1.2 UNCRC

As noted in the Report of the Ombudsman for Children (2015) to the UN Committee on the Rights of the Child on the occasion of the examination of Ireland's consolidated Third and Fourth Report to the Committee, published by the Ombudsman for children office: *"The UNCRC has not been incorporated into Irish law. Certain principles of the Convention have been partially incorporated into primary legislation in a number of domains but there are others – such as education and health – in which legislation clearly lacks a child rights-based approach or does not exist at all."* (April 2015, p.2, para 2.2.1.). For an overview of the extent to which Ireland has incorporated the Convention into domestic law, see: Kilkelly, and Lundy (2012, chapter 4.4.).

8.9.1.3 Right to Health

Bullying is an issue which affect the health of children. A report by Kilkelly and Savage (2013) entitled: *Child-Friendly HealthCare: A Report commissioned by the Ombudsman for Children*, (Dublin: OCO, 2013) noted that: that child-friendly healthcare in Ireland could be further advanced, by: setting standards on the rights of children in healthcare settings; raising awareness among children and parents of children's rights in healthcare; providing appropriate training to healthcare professionals on children's rights in healthcare; conducting situational analyses of current practices in Ireland with a view to highlighting and sharing good practices; providing for a collaborative, coordinated and integrated approach to progressing a child-friendly approach across the healthcare system and within all healthcare settings attended by children; and establishing the practice of taking into account the views and experiences of children as a core value of the Irish healthcare system.

8.9.1.4 Access to Free Legal Aid – Right to be heard

In light of Articles 3 and 12 of the UNCRC, the child's best interest must be assessed in bullying situations. It is important to remember that the right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention⁹⁸ and, especially in cases when pupils have to change the location where

education is provided, it is essential to clarify her/his views and take these into account in accordance with the age and maturity of the child.

Children should have access to free legal aid provided by lawyers trained specifically in representing children. A comprehensive and compulsory programme should be integrated into existing school curricula (maybe into the SPHE programme) to teach all children about human rights, particularly their own rights under the Convention on the Rights of the Child.

Bullying may violate a number of constitutional rights. The first right which is often violated is the victim's right to equality. Article 40.1 of the Irish constitution provides that “*all citizens shall...be held equal before the law*”. This is qualified however, by allowing the State in legislating to nonetheless have due regard to “*differences of capacity, physical and moral, and of social function*”. The non-incorporation of treaties directly into the Irish Constitution resulting in a lesser protection for human rights in Ireland, the need for improved equality provisions and the need for a stronger position for children in the Constitution are just three examples of where the Irish Constitution requires strengthening. Article 29.6 of the Irish Constitution should be amended to provide that where the State solemnly signs and ratifies an international convention its provisions should have the force of law in the State. It is proposed that an interpretative provision into the Constitution providing that those fundamental rights guaranteed under Article 40- 44 are to be interpreted, in so far as possible, in conformity with the provisions of international conventions ratified by the State. This option could lead to positive benefits for human rights protection at home and our international reputation. It should be noted; the Constitution of Ireland does not explicitly guarantee a right to privacy but the courts have recognised an unremunerated right to privacy as one of the personal rights in the Constitution.¹⁹

Ireland has signed but not yet ratified the UNCRPD. Article 24 of the Convention requires States to recognise the right of persons with disabilities to education and ensure an inclusive education at all levels. States are further required to ensure that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability and those persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live. It would be hoped that

¹⁹ *McGee v. Attorney General* [1974] IR 284; *Kennedy and Arnold v. Attorney General* [1987] IR 587.

Ireland would ratify the UNCRPD in the near future to show leadership in valuing children with disabilities in the education system.

Another interesting area related to children rights is that of the 2014 case of *O’Keeffe v Ireland*. The judgment of the Grand Chamber of the European Court of Human Rights (ECtHR) clearly underlines that the Irish State has an inherent positive obligation to regulate the provision of education, including by protecting children from abuse and putting in place a legal framework to prevent violations of their human rights. As the court noted: “*a State cannot absolve itself from its obligations to minors in primary schools by delegating those duties to private bodies or individuals*”. This study relates to secondary school and as noted the comment by the court relates to primary school but I’m sure the comment can transfer to a secondary school context. Also as noted by the court the Government’s argument that the State was released from its Convention obligations as the applicant had chosen to go to the particular school in question was also dismissed as she had no “*realistic and acceptable alternative*”. Thus, taking this case into considering it would be hoped that the Government would do a full assessment of Ireland’s current legal framework concerning children’s rights and bullying and teacher’s roles. This also relates to a section further down in this chapter concerning: Legislation.

In this study it has been shown that Irish case law views the standard of care that teacher’s (in the Republic of Ireland) owe is that of a *prudent parent*. However, in the High Court in Northern Ireland, in 2016, the case of *Megan Murray v Mark McCullough as Nominee on Behalf of the Trustees and on Behalf of the Board of Governors of Rainey Endowed School* (2016) NIQB 52 revisited the general test of negligence of a school and schoolteachers for injury to a pupil, and did so in a sporting context. Stephens J took the opportunity to revisit the authorities. He defined the duty of care as being owed to the particular child or young person ‘not out of benevolence or paternalism, but as of right’. He was critical of the use of the terms ‘parent’ or a ‘prudent father’, stating that the “*paternalistic approach... diverts attention from the fundamental and simple proposition that the standard is to take reasonable care in all the circumstances*”. He went on to say: “*I would prefer that the standard of the duty of a school teacher should not be expressed as taking such care of his pupils as would a reasonably careful parent of the children of the family but rather taking reasonable care in all the circumstances.*” Thus the yardstick is not to be the ‘careful or prudent father’, but ‘reasonable care’. Stephens J seeks to provide judges with a degree of flexibility which they can apply to the particular facts of a particular individual case.

The common law in Ireland recognises the *prudent parent* test as the standard of care. Moreover, both international law and the interpretation of the Irish Constitution have frequently been excessively parent orientated. According to Kilkelly Article 42 of the Constitution “*views the child’s education from the parent’s perspective and does not explicitly identify the child’s right as one that they hold independently from their parents*”. Likewise, O’Mahony states that “*Irish law does not go far enough in the protection of the educational rights of children in the manner in which the educational rights and interests of parents are allowed to prevail in the event of any conflict with the rights of children, even where this is not necessarily in the best interests of the child.*’

Thus, a recommendation of this study is for policy makers in Ireland to assess the roles being assigned to teachers and parents in education. Moreover, it recommends that policy makers need to examine the standard of care and duty of care owed by all relevant stakeholders in terms of; international obligations, Irish Constitution, Irish Legislation, and Common Law. This assessment is needed to help in preventing and intervening in bullying inside and outside of school and to ensure children’s rights from an international and national perspective are being met. The respective rights of the child, the parents of the child, and the interests and corresponding duties of the State, have meant that the balancing of the competing rights and needs is complex. This has been reflected in case law when the Irish courts, and indeed the law, have “*struggled to strike an appropriate balance between the interests of the various parties in cases where they have come into conflict*” (O’Mahony 2006, p.26).

With regard to the balancing of the various constitutional rights at issue, it is important to ensure that children’s rights as individual rights holders are considered and upheld without discrimination. Section 42A was inserted into the Constitution of Ireland in 2015 following the Thirty-First Amendment of the Constitution (Children) Act 2012. This amendment provides recognition of children’s rights at a constitutional level, and clearly establishes the duty of the State to protect and vindicate those rights through its laws. The first paragraph of Article 42A of the Irish Constitution is a strong endorsement of the principle of non-discrimination and represents an important paradigm shift in recognising children as active rights holders. This important commitment should form the basis for the further enhancement of children’s rights within Irish law and policy. Thus, a further recommendation would be to assess how this new constitutional provision relates to the role of teachers in Ireland and the duty of care they owe inside and outside of school regarding bullying.

8.9.2 Mandatory Training – Pre-service and CPD

8.9.2.1 Children’s Rights Training

In 2011, the Ombudsman for Children Office published a children’s rights analysis of a reflective sample of its investigations. The findings of the analysis indicated a lack of awareness among public bodies of children’s rights as recognised by international instruments; a failure by public bodies to rigorously apply the best interests principle and to ensure that children’s views are appropriately considered in the context of decision-making; and deficits in awareness as regards the impact of decision-making on children and how quickly harm can be done to children. Accordingly, the analysis highlighted the need to prioritise children’s rights training for all relevant public bodies, including professionals working with children and those making decisions that impact on children, either directly or indirectly. (See: Kilkelly 2011).

8.9.2.2 Meaningful Teacher Development

Downes and Cefai (2016) note both bullying and early school-leaving prevention require teacher professional development and pre-service preparation focusing on: developing teachers’ relational competences for promoting a positive school and classroom climate, including a focus on teachers’ conflict resolution and diversity awareness competences; early warning/support systems to identify pupils’ needs for those at higher risk. A strong theme from most of the teachers in this study was the need for meaningful teacher development. The majority of teachers felt and wanted more training and support to dealing with the issue of bullying. In providing training – relevant stakeholders such as the Department of Education and Skills and Boards of Management of schools need to give teachers formal understanding of the various forms of bullying and their responsibility to intervene in bullying. Shariff (2009) recommends mandating professional development for all teachers regarding bullying.

Creating the space for teachers to actively engage in an exploration of human rights and equality is a critical component to the support of teacher’s professional development. (Irish Human Rights and Equality Commission 2015, p. 18). Successful experience of in-service training (O’Moore and Minton 2003) ABC Model adapted from Roland, 1997: Develop a network of trainers, provide regional training. provide local support, provide professional accreditation. According to literature, the majority of staff feels that more training is required to enhance their skills on how to respond effectively to bullying (Rigby and Griffiths 2010, p. 354). Furthermore, literature stresses that

schools need to provide continual support for staff and parents by providing them with ongoing, practical training (Bauman et al. 2008, p. 851; Rigby and Griffiths 2010, p. 354). Consistent with the philosophy of a whole-school approach, literature states that responding to bullying requires team work (Rigby and Bauman 2007, p. 7).

8.9.2.3 Media Image of Second Level Teachers

Examining the way that the mass media portray teachers and their unions is of particular importance, since their discourse shapes the perceptions of the public. Goldstein (2011) argues that the US media have visually and textually presented the No Child Left Behind (NCLB) Act and market reforms as the only way to address the inefficiencies of public education by attacking teachers' unions and individual teachers. Teachers, too, are not immune to the effects of the media. When teachers look to find answers to issues of bullying, they need to have reliable sources of information, and not merely a pop-star's personal hypothesis as solutions to bullying. Teachers need to feel valued as professionals and receive adequate recognition and reward.

8.9.3 Student Empathy

8.9.3.1 Whole School Approach

Teachers in this study all noted that they felt needed more training and support. Moreover, in this study, the teachers noted that parents can be difficult to deal with and not all show cooperation in trying to resolve bullying situations. Most teachers felt that the duty of care regarding bullying inside and outside of school cannot just stop with them, in turn; they felt a whole school approach needs to be taken to bullying inside and outside of school. This view is supported in the literature which stresses that a whole-school approach has the potential to generate a positive school climate and address the social environment and culture surrounding bullying (Bradshaw and Waasdorp 2011, pp. 44-45). Pepler and Craig (2000) recommend a systemic approach to bullying in schools that includes the involvement of the whole school community (parents, teachers, administrators, support staff, and the students, through peer-to-peer mediation). Their report offers a comprehensive overview of the short and long-term responsibilities of all stakeholders in bullying prevention. Ttofi and Farrington (2011) review found the most effective programme elements associated with a decrease in bullying were: parent training/meetings, teacher training, improved playground supervision, disciplinary methods (that are not reducible to firm or zero tolerance approaches), cooperative group work between professionals, school assemblies, supports for parents, classroom rules and

classroom management, a whole-school anti-bullying policy. The most effective programme components for reducing the prevalence of being bullied were: videos, disciplinary methods, parent training/meetings and cooperative group work between professionals. Literature highlights that all individuals involved need to ‘buy-in’ to the process as this is critical to the success of any anti-bullying effort, especially multifaceted whole-school approaches which can be difficult to implement without high levels of commitment and dedication from those involved (Bradshaw and Waasdorp 2011, pp. 47-48; Rigby and Thomas 2010, p. 45). Literature further emphasises that anti-bullying initiatives should bring together experts from various disciplines, and in co-operation with them, utilise their expertise in developing anti-bullying programmes and policies (Farrington and Ttofi 2009, p. 84).

I would suggest that anyone interacting with children in schools be trained through an emotional literacy program conducted by professionals on the topic. This would be a critical first step in building a foundation for redesigning the school culture to be an empathic community of inclusion. Tapping into community resources such as social workers, school guidance counsellors, or mental healthcare professionals to assist with continued evaluation and integration of empathy within the school would be a recommended starting point to ensure sustainability of the redesign. Furthermore, sending representatives from the school to attend conferences that offer sessions involving emotional literacy topics would be another way to stay abreast of current trends and research. In addition, I believe every student should have the opportunity to understand and feel empathy through education and experiential learning. Educating the whole child is an educator’s ultimate responsibility. Further research needs to be conducted on empathy in education so we can measure our current perceptions and develop programming that addresses issues surrounding emotional literacy. This study is a beginning point of understanding the need for pre-service training in empathy as well as in-service training to keep educators current in the evolving field of emotional literacy and its link to an improved educational experience for students and educators.

8.9.3.2 School Climate

The task of changing and improving school climate is not an easy assignment. Human behaviour doesn’t just change because new values or laws are announced. Mandating a “week of respect” or a week of “no name calling” is a nicety but has little impact on creating a *lasting change* in school climate. Packaged programmes advertised to eliminate bullying are also not the answer. In creating a positive school climate it is

important to look at the keystone piece of the puzzle. Human beings need social interaction and *positive relationships*. All stakeholders, not just teachers, should nurture relationships and help all children feel connected to their school. It is incumbent upon us to aspire to create schools where every school community member feels valued and respected, and every student is given the opportunity to learn and grow to be a healthy, productive member of society. Teachers clearly must be involved in any discussion of school climate, as they are both affected by it and contribute to it. The absence of studies to date that directly seek to understand how safety measures are perceived by teachers, how they affect teachers, and how teachers, in turn, affect students, is a glaring omission. Specifically, we need to know more about teachers' general feelings about safety in their schools, how particular safety measures affect teachers' own feelings of safety and their feelings about the workplace. Solutions that seek to change school culture and adolescent behaviour take time and concerted collaborative effort. For continuous improvement, a culture of reflection and evaluation would be recommended as significant in the leadership of school improvement.

8.9.4 Institutional Stressors: Curriculum Burden

8.9.4.1 Unions

Unions can play a key role in creating a body of professional knowledge relating to the prevention and intervention in bullying. It is critical that the voices of teachers be heard through unions. Hargreaves and Flutter (2013, p. 51) note that “*teachers need a voice that will be listened to and taken seriously if they are to make the public aware of their responsibilities and expertise*”. The pressures and challenges that impacts teachers on a daily basis has to be taken seriously. An exam, curriculum, performance based education system does not encourage teachers to take a holistic view of care and therefore impacts on how the teacher will show care to a student. Thus, the teacher will be incentivised to only do the minimum to fulfil their duty of care rather than connecting with the student from a holistic view of the ethic of care. With demands from parents, administrators, and policy makers, combined with the time constraints teachers often make decisions in survival mode. Hence, in order to meet teacher’s needs and desires, teachers’ roles and budgets must be critically discussed. By including teachers in decision making regarding reform, leaders validate teachers’ wisdom and lived experiences.

8.9.5 Law/Policy

8.9.5.1 Framework

The UN Secretary-General's Study on Violence Against Children (Pinheiro 2006), the first comprehensive global study on all forms of violence against children, noted at page XVIII: *"Appropriate legal frameworks are vital to ending violence against children, but preventing and responding to violence does not mean adopting unilateral, tough or repressive measures."* The UN Secretary-General's Study on Violence Against Children (Pinheiro 2006) demonstrates that: *"effective responses to violence involve comprehensive efforts, combining long-term investment in prevention, challenging attitudes which condone or support violence, reliable data collection, and improving the functioning of State institutions and ensuring accountability."* As noted in the Report of the Ombudsman for Children to the UN Committee on the Rights of the Child on the occasion of the examination of Ireland's consolidated Third and Fourth Report to the Committee, published by the Ombudsman for children office: *"Ireland does not yet have a comprehensive national strategy or a coordinating framework to eliminate violence against children in line with recommendations of the UN global study on violence against children and the Committee's General Comment on Article 19 of the Convention respectively"* (April 2015: p.24, para 6.4.2.). In the same report the Ombudsman for Children Office noted: *"A significant minority of complaints made to the OCO annually relate to education and the issue of how peer-bullying among children is dealt with in and by schools"* (April 2015: p.24, para 6.3.1.) In the report the Ombudsman for Children Office also commented on the *Anti-Bullying Procedures for Primary and Post-Primary Schools* published by the Department of Education and Skills in September 2013. The new *Procedures* set out a monitoring framework, which includes a requirement for schools to undertake an annual review of their anti-bullying policies and an increased focus by the Department of Education and Skills' Inspectorate on the actions schools take to create a positive school culture and to prevent and tackle bullying. The Ombudsman for Children Office noted: *'no agency is tasked with examining schools' annual reviews or any trends or anomalies that may emerge from them. As a result, it is not clear how the State will fully track progress at a national level in relation to how different forms of bullying are being tackled in schools. The OCO believes that undertaking such a review would strengthen the framework in place for ensuring that the procedures are being properly implemented.'* (April 2015: p.24, para 6.3.2.). By undertaking such a review

would also give second-level teachers the opportunity to voice their perceptions about the procedures.

8.9.5.2 Policy

In March 2017 the Ombudsman for Children, Dr. Niall Muldoon, addressed the Joint Committee on Education and Skills where it was discussed should there be a separate/new office of Ombudsman for Education. The Ombudsman noted that he felt his office was able to deal with complaints rather than through the creation of a separate Education Ombudsman. He said the Office is well-established and is now more than 30 years old. He also noted in recent years, the office has built up considerable expertise in examining complaints about the education sector. He was of the opinion to create such an office would cause confusion.

Teachers reported feeling that people who are not in the classroom make decisions without thinking about the ramifications. It appears that policy makers could benefit from more input from teachers. Teachers who are listened to by policy makers are more likely to feel respected and empowered as professionals (Fullan 2015). According to the teachers, cyberbullying has become a huge problem for them. Literature notes that as methods of bullying change with advances in technology, so do prevention and intervention policies and procedures (Rigby and Griffiths 2010, p. 354). Literature finds that the most important preventative method is the education of everyone in the school community about responsible internet interactions (Hinduja and Patchin 2011, p. 25).

Policy-makers need to be responsible for adequate resource allocation. Monies should be earmarked for professional development. Policy-makers could also benefit from allocating time and resources for collaborative action research with colleges, universities, and schools. In addition, study circles may help bridge the gap between community members, parents, teachers, and policy-makers.

There needs to be a drilling down of the layers to fully understand the issue of duty of care that second-level teachers owe relative to bullying inside and outside of school. First, it needs to be asked what type of legal system we want in Ireland – Dualist or Monist. Moreover, a rights based society or paternalistic or a balance. Once these questions have been answered policy makers need to drill deeper again and look at issues of institutional power and culture that exists in Ireland. In looking at power it needs to be asked who holds the power – and how much power do second-level teachers have in tackling the bullying problem among students in Ireland. If second-level teachers have little power but yet we expect to give them numerous tasks and an erroneous duty of care

then it has to be questioned is our society bullying teachers to conform to institutional power systems.

8.9.5.3 Legislation

The question of how to sustain a system that effectively protects the victim in cases when school staff fails to fulfil their responsibilities is worth consideration. It should be noted that Article 4 of the UNCRC, requires that states undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention. School Bullying is not defined in Irish legislation – an anomaly that will complicate the prevention of and intervention in bullying cases. The word 'bullying' is only mentioned in the Department of Education and Skills Anti-Bullying Procedures 2013 which obligates Irish schools to draw up a plan to safeguard pupils against bullying. There should be regulation concerning what responsibility and duty the Department of Education and Skills should bear, what schools and teachers should bear, what parents and pupils should bear. Regulation should outline who should investigate the case, who has a duty to report the case, measures and result, and to whom the report should be sent. In addition, a binding timeline for intervention could be necessary because intervention is more effective if it occurs soon after the incident. Awareness amongst adults is the basis for early intervention and, for example, a duty to organise anonymous surveys of pupils concerning bullying should be regulated.

A special ombudsman for school children could be introduced, as in Sweden, where there is a Child and School Student Representative who represents students who have been bullied in court (Swedish Education Act 6:15). This kind of system could be an appropriate way to strengthen the legal protection of a victim.

School rules may have some effect in the prevention of bullying, especially if pupils are involved in the development of these, but school rules cannot replace legislation because of their non-legally binding nature and lack of supervision. School rules and plans are problematic instruments from the viewpoint of equality between children living in different parts of the country. The autonomy of Irish schools has led to a situation where the legislator is reluctant to enshrine binding rules concerning the tasks of local schools. The responsibilities to intervene in bullying cases should be clearly and bindingly regulated in the Irish system.

There are strong reasons for statutory intervention, particularly the argument that the lack of remedies for pupils breaches their human rights and their rights under the UN Convention on the Rights of the Child 1989. In order to avoid a vast number of claims

the statute, which should apply throughout Ireland, would need to set down tests that would limit the potential liability of schools, teachers, etc., but at the same time ensure that they are held liable when they have seriously failed a pupil. With respect to individual teachers/head teachers the statute could protect school employees from personal liability unless they are guilty of misconduct that is reckless, malicious or negligent.

Also the school would only be liable where it had actual knowledge of the bullying but failed adequately to respond to it. The school could be directly liable where they had failed to put in place adequate policies and procedures for dealing with bullying, including measures for disciplining perpetrators and protecting victims. They could also be vicariously liable for a breach of duty when it is established that his/her failure to carry out his/her statutory duty was closely connected to his employment and was attributable directly or indirectly to the action/inaction of the school. The parents of bullies should also be liable under the Act when it can be established they knew about the bullying and did little or nothing to deal with it. The remedy should be compensation or an interim interdict/interlocutory injunction against the perpetrator, with parents, teacher or head teacher or school held responsible and liable for its enforcement.

Teachers in this study were mixed as to whether a specific anti-bullying law should be implemented in Ireland. The teachers who were in favour of an anti-bullying law showed openness to it. Hence, further discussion and research is needed. If an anti-bullying law was to be introduced in Ireland it is hoped that it would be a law which wouldn't just focus on the duty of care that second-level teachers owe – it would be a law that would focus on all relevant stakeholders: parents, students, teachers, board of management, media, Department of Education and Skills. Swearer et al. (2009) outlines ten best practices to include in anti-bullying policy, namely: Changing the school climate; Training staff; Assessing bullying behaviours; Including staff, parents and students in anti-bullying action; Creating safe school teams; Establishing clear rules and consequences; Increasing supervision; Providing individual support; Including classroom time for social-emotional learning; and finally, Monitoring and continuing anti-bullying efforts. Drafting anti-bullying legislation in Ireland could centre on these issues. Also added to the legislation could be all relevant stakeholders' duties such as: schools, teachers, parents, and media.

It should be noted that Section 7 of the Ombudsman for Children Act 2002 provides that the Ombudsman may advise Ministers of the Government on any matter relating to the rights and welfare of children, including the probable effect of implementing proposals for legislation. From a national policy perspective Better

Outcomes, Brighter Futures (BOBF) sets the Government's key commitments to children and young people up to the age of 24 from 2014 to 2020. The Policy (Goal 3) articulates the importance of listening to and involving children and young people as a fundamental social inclusion process through which they are empowered to become actors in the decisions that affect their lives and to be socially included, active citizens in their own right. As part of this, Goal 3 states that the Government recognises the right of children and young people to have a voice in decisions that affect them, both individually and collectively. It particularly stresses the importance of having a voice in decisions made in their local communities, schools and in the wider formal and non-formal education system. The Strategy also stresses that accommodations and supports are required to ensure that the voices of 'seldom-heard' children are heard (e.g. children with disabilities, stressing that while their voices may be harder to reach and hear, they are no less important). Hence, future studies could interview students as to whether they would want a specific anti-bullying law in Ireland and if so what should be in it. Moreover, the study could ask students for their perceptions concerning how effective do they perceive teachers to be in the prevention and intervention of bullying.

The judgment of the European Court of Human Rights in the Louise O'Keeffe case raises significant constitutional issues within Ireland in terms of bullying. It should be noted; that neither the High Court nor the Supreme Court considered Louise O'Keeffe's claim that the State (Minister for Education) was negligent "*arising out of the State's purported failure to put in place appropriate measures and procedures to detect and prevent sexual abuse by the first defendant.*" See - L. O'Keeffe v Leo Hickey, the Minister for Education and Science, Ireland and the Attorney General, Judgment of Mr Justice de Valera, 20th January 2006. The only claim that was considered against the State was that based on vicarious liability, largely a matter of private rather than public law and which did not directly depend or engage the constitutional obligations of the State. While the Constitution recognises the rights to bodily integrity, privacy and primary education, all of which rights may be regarded in substance as having a counterpart in Articles 3, 8, 13 and Article 2 of Protocol 1 of the ECHR, the question arises as to whether domestic law (the Constitution, as supplemented by the law of tort) provides an adequate remedy for a breach of ECHR rights in claims of bullying and cyberbullying.

It is recommended that the relevant departments such as the Minister for Education, Minister for Health and the Minister for Children in Ireland consider such issues and release a report on how the State intends to fulfil its international responsibility

taking into account the UNCRC – convention on the rights of children and the European Court of Human Rights judgment of the Louise O’Keeffe case when it comes to matters of preventing abuse such as bullying/cyberbullying.

8.10 Chapter Summary

This final chapter provided a summary of the findings. The substantive findings, relevant research literature and hypotheses were all discussed. The chapter then examined the contribution made by this study which is the unique approach of analysing this study from two disciplines: namely education and law. The limitations of the study were then explored. The chapter then assessed the policy implications of this study followed by discussing future research. The chapter then highlighted my reflections regarding this PhD journey which was important to me because this PhD has been a life changing experience for me. It has required a lot of hard work, dedication, and persistence. The chapter then closed by making recommendations in the following four areas namely: duty of care, empathy, institutional stressors such as curriculum burden, and law/policy.

Teachers will never improve learning in the classroom unless they are given the opportunity to help improve the conditions surrounding the classroom (Fullan, 1993). This highlights that teachers should be valued, respected and have their perceptions listened to when policy makers are making decisions about prevention and intervention of bullying strategies. Teachers, as middle management, need to be part of the decision making process. In turn, this will inform decision makers of what challenges teachers face ‘on the ground’ on a daily basis regarding prevention and intervention of bullying inside and outside of school. Central to the idea of shared decision-making is the view that leadership is not the sole domain of the individual (Department of Education and Skills) at the top (Fullan 2015).

Teaching cannot exist in “*isolation from the cultures of schools and communities or the historical and political context of school and society*” (Cochran-Smith/Rame 1991, p. 280). Fullan (2006) has suggested that successful school improvement is dependent on teachers believing that they can make a positive contribution to the students they teach and the relationship between teachers and external stakeholders such as: Government, parents, etc. can impact on this belief. Moreover, the Department of Education and Skills need to take more responsibility/accountability especially considering the ECHR *Louise O’Keeffe case*.

Addressing what Cochran-Smith and Fullan raised above, this study has shown that institutional stressors such as curriculum burden does impact on teachers' likelihood to intervene to prevent bullying. However, if teachers are already high on student empathy (showing high expressions of empathy) and have an expansive duty of care, neither high curriculum burden nor the presence or absence of a specific anti-bullying law will be regarded as barriers to their likelihood to intervene. Lowering institutional stressors, such as curriculum burden, would only have an ameliorating effect on those who are pre-disposed to intervene, and the introduction of a specific anti-bullying law would enable those who are unsure as to whether to intervene or not. The government has a clear 'duty of care' to take responsibility and measures to reduce institutional stressors such as curriculum burden, create a specific anti-bullying law and recruit more empathetic teachers and introduce sufficient training for those teachers who are currently in the job.

All of the above will enhance teacher knowledge surrounding their 'duty of care' relative to bullying inside and outside school. This in turn will have a domino effect by filtering down to all children – victims and aggressors - by empowering children to be knowledgeable and proactive about the rights that they have under the UNCRC. Bullying is a form of violence. It violates the human rights of child. The best interests of the child must be "a primary consideration" in all actions and decisions concerning them, and must be used to resolve confusion between different rights.

This study has provided an opportunity for relevant decision makers to become informed regarding the perceptions of Irish second-level teachers concerning four factors: duty of care, teacher's expressions of empathy, institutional stressors such as curriculum burden and law and policy. I choose to do this PhD because I wanted to inform and enhance knowledge. The choice now lies with relevant stakeholders, especially policy makers, how they wish to use such knowledge gathered.

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APPENDICES

Appendix A: Letter of Invitation to Participants



Dear Participant,

My name is Sinead Kane, a full-time doctoral student at the Anti-Bullying Centre, School of Education, Dublin City University. We are conducting a research study about: *how second-level teachers in Ireland understand their legal duty of care owed to students inside and outside of school concerning bullying.*

The reason for the study is there is no qualitative data in Ireland on this subject area. Second-level teachers are pivotal in addressing pastoral care needs of young people relative to bullying. Hence, it is important to allow the voice of the teacher be heard as to how teachers view themselves as professionals and the duty of care they owe to their students concerning bullying. To participate in this research, you will answer questions in semi-structured interviews about how you understand your duty of care towards your students when bullying occurs inside and outside of school. The questions will be open-ended and broad. The length of the interviews will be 90 minutes. Of course this is voluntary, and you can stop participation at any time without penalty. Emails and letters of correspondence will be deleted at the end of the study. Interview notes will be kept for a two year period until after my dissertation is passed and doctorate given. Please note in my future dissertation or future publications, there will be no identifying information.

If you would like to participate or have any questions, please contact me at kane5@mail.dcu.ie I am the investigator who will be conducting the data collection. If you have any questions about your rights as a volunteer in this research, contact the School of Education, Dublin City University. There are no known risks associated with this research, but talking about world views can be uncomfortable or bring up issues. If so, let me know and I will provide you with some resources for assistance. There is no direct benefit to you as a participant, however sharing your views will help the education community and legal community in Ireland in furthering research on the legal duty of care owed by teachers and schools in Ireland.

Yours sincerely, Sinead Kane

Appendix B: Informed Consent Form



STANDARD ADULT CONSENT FORM FOR INTERVIEW PARTICIPANT

RESEACHER: Sinead Kane, Full-time doctoral student, Anti-Bullying Centre, School of Education, Dublin City University.

Dublin City University, Research Ethics Review Committee has approved this study.

Participant Name

Date

I have been provided with a detailed explanation of the procedures to be followed in the project. I understand that the purpose of this study **is to understand second-level teacher's duty of care towards young people relative to bullying inside and outside of school.**

I understand that my participation in this study will last for approximately 1 hour and will take place at an assigned room in DCU or at a location convenient for myself.

I understand that the interview will be recorded. I understand that the interview will be transcribed for analysis.

I understand there are no known or anticipated risks associated with participation in this study.

The possible benefits for me participating in this study **is an increased awareness concerning a teacher's duty of care owed concerning bullying among young people inside and outside of school.**

I understand that my details will remain confidential in any published dissertation. All data will be secured on password-protected computers.

I understand that I will receive no compensation for my participation in this study. Participation is voluntary and I may refuse to participate at any time. My refusal to participate will not result in any penalty.

By signing this agreement, I understand that the researcher does not expect that my participation in the study will hurt me in any way. There is no plan to reimburse me for any costs I might incur as a result of participating in this study.

I agree not to discuss the interview after the session. I also give my consent to be audio taped. I hereby give my consent to be the subject of your research.

Confirmation of particular requirements as highlighted in the Plain Language Statement

Participation in this study will involve being interviewed by me, for approximately 60 minutes; the interview will focus on relevant theories, ideas and opinions in the context of you as a teacher. With your permission, I will audiotape the interview.

Participant – please complete the following (Circle Yes or No for each question)

Have you read or had read to you the Plain Language Statement Yes/No

Do you understand the information provided? Yes/No

Have you had an opportunity to ask questions and discuss this study? Yes/No

Have you received satisfactory answers to all your questions? Yes/No

Are you aware that your interview will be audio taped? Yes/No

Confirmation that involvement in the Research Study is voluntary

Participation in this research study is voluntary; you may withdraw your participation at any time. There will be no penalty for withdrawing before all stages of the Research Study have been completed.

Advice as to arrangements to be made to protect confidentiality of data

Data and information gathered will be stored securely. There will be no public access to the audiotapes; these tapes will be destroyed by me on completion of the final research project. Confidentiality of information, while promised, is subject to legal limitations and, in the event of a subpoena or a freedom of information claim, protection cannot be guaranteed.

Any other relevant information

The sample size for this project will be relatively small; every effort will be taken to ensure the privacy and anonymity of participants. Teachers and schools will not be named or identified. Teachers will be referred to as Teacher 1, 2, 3 etc; schools will be given fictitious names. Biographical details, if relevant, will be included in the following format: number of years teaching experience; date of appointment; qualifications etc. School details, if deemed relevant, will be presented as: Number of staff; rural/ urban location; school type etc.

Signature:

I have read and understood the information in this form. My questions and concerns have been answered by the researcher. I consent to take part in this research project

Participant's Signature: _____

Name in Block Capitals: _____

Witness: _____

Date: _____

Appendix C: Plain Language Statement



Postgraduate Research Study

Second-level teacher's legal duty of care inside and outside of school in Ireland relative to bullying.

INFORMATION SHEET FOR PARTICIPANTS

You are being invited to be involved in this research study. Before you decide whether you want to take part, it is important for you to understand why the research is being done and what your participation will involve. Please take time to read the following information carefully before making any decision to participate. Please contact me if anything is unclear or if you would like more information. Take time to decide whether or not you wish to take part.

Thank you for reading this.

What is the purpose of the study?

This part of the study is to collect information **from second-level teachers of their understanding and perceptions of their duty of care towards young people regarding bullying inside and outside of school.** Bullying is a common issue for many young people and so it is important to collect information on **how teachers understand what duty of care they owe to young people.**

Number of participants needed?

I am looking to find 30 second-level teachers to do interviews with me.

Why have I been chosen?

You are being invited to take part in this study because second-level teachers play a significant role in young people's lives. Also a study of this nature has **NOT been completed in Ireland** before and it gives a good opportunity for the voice of the teacher

to be heard on the issue of the ‘duty of care’ that should be owed when school bullying occurs.

What will participation involve?

The interview will be carried out at an assigned room in DCU or in a location most convenient for you. The interview will be based around a **semi structured interview pattern** and will take approximately 60 minutes. The minimum time for the interview is 30 minutes and the maximum time for the interview is 60 minutes. A timeframe of 40 minutes would be good – the length of a class in school. The interview is an opportunity for you to express your views on the duty of care second-level teachers owe concerning school bullying.

Will the interview be confidential?

Anyone taking part in the interview is confidential. Their name is not recorded. Neither is where they work. I can reassure you no identifying information is given in the research. The whole point of the research is gathering your thoughts and feelings about the subject matter as opposed to recording your personal details such as name. I will be the only person who will have access to your consent form and transcript of interview.

Will the interview be recorded?

With your consent the interview will be recorded and later transcribed into text form. Recordings of interviews will be deleted upon transcription. As part of the presentation of results, your own words may be used in text form. This **will be anonymised**, so that you cannot be identified from what you said. All of the research data will be stored as hard copy in locked filing cabinet at DCU until completion of my research.

Please note that:

- You can decide to stop the interview at any point
 - You need not answer questions that you do not wish to
 - Your name will be removed from the information and anonymised.
- Thus, your identity will not be known in my thesis research.

Benefit - There is no direct benefit to you as a participant – example there is **no payment for participating** in the research however sharing your views will help the education

community and legal community in Ireland in furthering research on the **duty of care owed by teachers** and schools in Ireland.

Any other relevant information?

The sample size for this project is relatively small; every effort will be taken to ensure the privacy and anonymity to which you are entitled. Teachers and schools will not be named or identified: teachers will be referred to as Teacher X,Y,Z, etc; schools will be given fictitious names. Biographical details, if deemed relevant, will be included in the following format: number of years' teaching experience; qualifications, etc. School details, if deemed relevant, will be presented as: rural/urban location; school type, etc.

Taking Part

If you agree to take part in this research, I will ask you to sign a consent form at the interview. The consent form will outline what is involved in the interview, how it will be recorded, how the data will be stored and who will have access to any information given. DCU's Research Ethics Committee has a set protocol for researchers; this study will comply with those rules.

Please note

If this study has harmed you in any way you can contact the School of Education, DCU using the details below for further advice and information:

Supervisor's Name	Dr. James O'Higgins Norman
	School of Education Studies,
	DCU
Email	james.ohigginsnorman@dcu.ie
Phone	01 7007417

Second-level teacher's legal duty of care.

Information sheet for you!

Hello, my name is Sinead and I am looking at how second-level teacher's understand their duty of care that they owe to young people concerning bullying. Please have a look at this leaflet and call me if you have any questions, or would like to be interviewed. Thank you for

What is the study about?

This part of the study is to try and understand your experience of the duty of care you owe to your students concerning bullying that happens inside and outside of school.

Why have I been chosen?

You are very important and with your help we can learn more about the duty of care owed to young people regarding bullying

What will happen in the

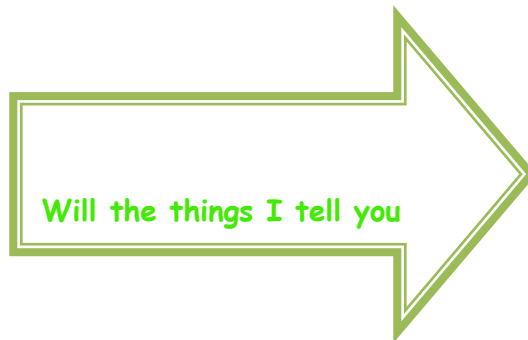
I will be asking you some questions about your experience as a teacher, how you understand your duty of care, what you understand to be bullying, what you understand as your role. The interview will take place in a room at DCU or a place convenient for yourself. **It will take 60 minutes.** If you agree, the interview will be recorded. **I will use your words but not your name – No one will know who you are!**



Can I stop the interview?

You can stop the interview any time.

You do not need to answer
any questions you don't want to.



Will the things I tell you

No one will know who you are in my
research. Your name will be kept
confidential and only known by me
and if my supervisor requests
same.

**Please feel free to contact me with any
questions:**

Sinead Kane

sineadie@eircom.net

or

kane5@mail.dcu.ie

**If you feel this study has harmed
you in any way you can contact
DCU using the details below:**

Supervisor's Name Dr. James
O'Higgins Norman

School of Education Studies, DCU

Email

Appendix D: Letter of approval from DCU, Research Ethics Committee

Ollscoil Chathair Bhaile Átha Cliath
Dublin City University



Ms Sinead Kane
School of Education Studies

24th August 2016

REC Reference: DCUREC/2015/161

Proposal Title: A qualitative exploration of second-level teacher's perceptions of their duty of care towards young people relative to bullying

Applicant(s): Ms Sinead Kane, Dr James O'Higgins Norman & Dr Majella McSharry

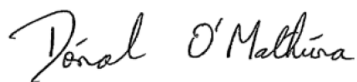
Dear Sinead,

Further to expedited review, the DCU Research Ethics Committee approves this research proposal.

Materials used to recruit participants should note that ethical approval for this project has been obtained from the Dublin City University Research Ethics Committee.

Should substantial modifications to the research protocol be required at a later stage, a further amendment submission should be made to the REC.

Yours sincerely,

A handwritten signature in black ink, reading 'Dónal O'Mathúna'.

Dr Dónal O'Mathúna
Chairperson
DCU Research Ethics Committee



Taighde & Nuálaíocht Tacaíocht
Ollscoil Chathair Bhaile Átha Cliath,
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Appendix E: Copy of Interview Questions

NOTE – During each interview it was hoped to get through as many questions as possible. However, due to time constraints and trying to let teachers' answers as openly as possible it was possible to always get through all questions. I was aware of this before going into the interviews hence I made sure that each respondent would be asked a minimum of 2 questions from under each of the headings. The highlighted questions were asked of everyone.

Copy of Semi-structured interview questions

Identifier

1. Where did you do your teacher training Ireland or abroad?
2. What motivated you to choose teaching as a career?
3. What are the demographics of your school? Composition, size etc?
4. Is your school single-sex, co-education, denominational?

School Ethos

1. Describe the culture and school ethos of where you work?
2. What is your meaning of school ethos?
3. Is there an ideal school ethos?
4. What criteria makes for a good school ethos?
5. How would you support the ethos of the school?
6. What does school culture mean to you?
7. What is the relation between school culture and a school's capacity to deal with bullying?
8. Are parents involved in the ethos of the school?
9. Is there a duty to promote the moral, social and cultural development of pupils in your school?

Bullying

1. Changes in our conceptualisation of childhood has played a role in our understanding of bullying and peer aggression. For example, bullying would not be seen as a problem if we did not understand that children can be hurt by it. What do you think?

2. Does every child who acts in a bullying way intend to hurt another child? What do you think?
3. What is your meaning of bullying?
4. What do you think are the motives for bullying?
5. Describe to me who you think a 'victim' of bullying is?
6. Describe to me who you think a person who 'bullies' is?
7. What do you think is verbal aggression?
8. What do you think is physical aggression?
9. What is your meaning of harassment?
10. What do you think of when you hear the term 'victimisation'?
11. What do you think about the role of 'gender' and bullying?
12. Do you think bullying affects the educational outcome of students? And Why?
13. Does your school have an anti-bullying policy?
14. Is it a stand-alone policy or is it integrated into a discipline policy?
15. What is the definition of bullying in the school policy?
16. Have you been in a position when you thought it was bullying between students but were unsure? Have you an example?
17. How do you address bullying in your school?
18. Do you believe that you can effectively address bullying and reduce or eradicate it in your school? What factors cause you to feel this way?
19. In your experience of working with colleagues and personnel inside and outside of your school, how would you describe their motivation to address bullying?
20. Cyber-bullying happens through the use of technology, it can be hard for teachers to know when to intervene especially if this happens outside of school, what are your views?
21. In Massachusetts, in the USA, there is a law aimed at preventing bullying in schools. It prohibits bullying that takes place outside of school if it causes a hostile environment for the child inside of school – what would you think about such a law being introduced here in Ireland?
22. The Massachusetts law requires schools to report the number and nature of bullying incidents to the Department of Education as it allows the opportunity to measure how much bullying is taking place or who is being bullied? What would you think about something like this being introduced in Ireland?

23. What strategies are needed to stop bullying?

24. How do you **address bullying** in your school? If you were aware that it was happening, what procedure falls into place?

25. What do you think realistically teachers in schools can do **to prevent and intervene** concerning bullying?

Duty of Care

1. What are your views of your duty of care?

2. What do you see as your duty of care towards students concerning bullying?

3. How would you describe duty of care?

4. What is your school's view in relation to duty of care outside of school?

5. What is your own personal view of your duty of care concerning bullying that happens outside of school?

6. Does your understanding of current legislation inform your daily work?

7. What are your views about your duty of care and bullying and vulnerable groups?
In Massachusetts, certain groups are defined as vulnerable to bullying such as students with disabilities.

8. Do you think teachers need to become more aware about the duty of care owed to young people relative to bullying?

9. What skills and knowledge do you think teachers need to address bullying?

10. What training should be put in place to increase your understanding of your duty of care?

11. Do you think it should be pre-service or continuing professional development or both?

12. Have you any extra-curricular responsibilities?

13. What do you think the boundaries of your duty of care should consist of?

14. What do you think is appropriate supervision of a student during lunch breaks, recreation, and outside of school?

15. The standard of care imposed by the Irish courts on schools and teachers has been that of a 'prudent parent'? What do you know about the 'standard of care' expected of teachers?

16. In the UK and Australia the courts examine *the standard of care* that would be exercised by a *reasonable teacher or school*. – "responsible body of expert opinion." Do you think it should be the prudent parent test used in Ireland or a professional teacher? Or do you know enough about them to comment? For example, in a UK case the actions of a school were such that a responsible body of professional opinion would have agreed that the school had done enough to protect the plaintiff. Indeed the court noted that the school had taken: "thoroughly sensible and well-balanced steps both to prevent the same thing happening in school and to counteract any effects upon her educational performance and development." What do you think?
17. The degree of care required of the teacher in question will alter with the circumstances and will depend on the age and mental maturity of the child, what the child was engaged in at the material time, and whether the risk of danger was foreseeable, what do you think?
18. What are your views regarding duty of care when you consider issues such as children's rights' and human rights laws and policy documents?

Future Policy

1. What do you think realistically teachers and schools can do to prevent and intervene concerning bullying?
2. Can you see any problems going forward in relation to cultural differences and duty of care? How can they be overcome or prevented?
3. What would be your views on what problems prevent a child making progress in school?
4. What changes would you suggest to lawmakers, policymakers, and other decision makers to improve the work of addressing bullying in schools?
5. Are there any other issues or factors you would like to share that form your opinions about duty of care and bullying inside and outside of school?
6. Do you think being attached to a union is important? If so, why or why not?
7. Do you think professional development courses are important? If so, why or why not?
8. Do you go to conferences? If so, why or why not?

9. Whose responsibility is it to provide best practice concerning bullying, duty of care, and teachers?

10. What are your thoughts about the future for teachers?

11. Is there anything else that you would like to add about bullying or bullying policies that I may not have asked about?

Appendix F: Overview of Participants

Some participants gave their exact age whilst others picked an age range. I wanted the decision to lie with the participant as to whether they wanted to reveal their age. Please note all participants names have been changed to secure anonymity.

Stephen

Stephen did his teacher training in Ireland. Stephen didn't mention what subjects he taught. Stephen is in the age range of 60-70. Stephen teaches in a boarding school. In the school there would be about 670 students. The school is very diverse as they have students who study there from several countries. It's a voluntary fee paying secondary school. It's under the Church of Ireland ethos. Stephen is catholic. He feels his faith/religion makes no difference in how he follows the school ethos or culture in the school. From speaking to Stephen he came across confident, energetic and had a love for teaching and being around people. He saw himself as a leader. He has been involved in teaching for 42 years and feels that it's the students who keep him alive and young. In answering questions Stephen keep bringing it back to the students and thus showed that he is very student centred. He did mention during his interview that teachers are under pressure due to many tasks. However, he more focused on the importance of taking a holistic view towards the child then pressures that teachers face. Stephen noted that he felt diversity was important. Moreover, that each teacher should know the student's personal circumstances inside and outside of school such as their home environment.

Ava

Ava is in the age range 40-45. Ava did her teacher training in Ireland. She choose teaching because her aptitude suggested she would be good at it. She teaches in an all Irish school. It is a small secondary school with around 215 pupils. It is part of the ETB school system. In Ava's interview there was a balance – she noted her school is quite an academic school and traditional. However, she did note that the small classes mean that the teachers and the students knew each other quite well. Whereas in Stephen's interview he kept bringing his answers back to the students whereas Ava was referring to her passion for children but also the conformist burden of meeting academic standards. Ava like Stephen did note that it was important to value difference and diversity. Ava like Stephen saw herself as a role model towards the students. However, Stephen talked very much about leadership and showing leadership to students. Whereas Ava came across in her answers as passive

and didn't really talk about leadership. This to me would imply that Ava wasn't as high on self-efficacy as Stephen. Ava didn't seem to take the issue of bullying as serious as Stephen. When asked did bullying occur in her school – she said 'Not that I'm aware of.' Yet, she continued by describing in her own words 'little things' and 'nothing massive' and 'little drama'. Ava felt such things were '...very big to the person at the time.' Ava came across in some of her answers as passive to her role for caring about bullying. This was most seen when she said; 'The guidance counsellor deals with a lot of those types of issues and she is very good and she is very visible.' Ava did refer to the pressures that teachers were under and felt more resources were needed. Ava as a participant wasn't as clear cut to figure out whereas with Stephen it was obvious by his answers that he was very proactive in wanting to resolve any bullying issues and that he was confident at being a leader. For example, Ava said there was no bullying in her school but then continued to describe incidents which appeared to be bullying. Ava said she saw herself as a role model and that pastoral care was very important but saw the guidance counsellor role more important to deal with bullying than her own role. Ava described diversity being very important and that Irish teachers aren't varied in terms of culture. However, she also emphasised that she is a religious person and very focused on Christianity and Catholicism. Hence, as can be seen Ava seemed to be borderline and in the middle in terms of figuring her out.

Betty

Betty is in the age range 50-60. Betty did her teacher training in Ireland. She chose teaching because she had a good experience of the education her school teachers were her role models. Betty teaches in an all-boys single sex Catholic school. There are 225 students. When discussing school ethos and culture Betty focused on the fact that the school has a Catholic school ethos. She noted there is an emphasis on Catholic services like masses per term to celebrate different events like the beginning of lent, pre-Christmas, or end of school year graduation mass. There are prayers at different times. Reminders before staff meetings and formal events that it is a Catholic school. Betty came across as very sensible. She discussed that bullying can be a problem and also expressed concern that guidance counsellor hours have been cut. She emphasised that having training for teachers and resources were very important and this was clear from her answers.

Harry

Harry is 33 years old. He did his teacher training in Ireland. He chose teaching because he had good role models when in school and also he enjoys working with young people. However, he did mention he also likes the lifestyle of the teacher regarding summer holidays as it allows him time to spend with his family. He teaches in a single sex boy's school where there is 236 students. He mentioned the school is Catholic but there are students of many different denominations which are welcomed in the school. The main point that was coming through a lot of Harry's answers was that he felt; 'Every school is trying their best but we're under such pressure resource and teacher wise and numbers and stipulations to the department, it makes it very difficult.' Harry felt resources such as more guidance counsellors are more important than law/policy. A lot it was evident from Harry's answers that he didn't feel confident in handling bullying. He felt there were a lot of 'grey areas' surrounding bullying and cyberbullying and 'schools are still playing catch up.' Harry showed empathy for his students when he said that he wasn't concerned about law/policy instead he was concerned with what was happening on the ground and in the corridors as opposed to reading policy documents. Harry felt family environment plays more of an important role than teachers in preventing and intervening in bullying. Harry was very focused in his interview on the pressures and strain that teachers are under. Moreover, he felt that the Department of Education and Skills should be doing more. He also felt concerned for the future for teachers. He feels that the Department should be paying for for substitution when teachers are away doing training. Harry wouldn't encourage anyone to go into teaching due the current pressures which exist.

Andrew

Andrew is in the age range of 50-55. He did his teacher training in Ireland. He said he always wanted to teach since the time he was in secondary school. He likes helping young people. He teaches in a single sex voluntary secondary school with around 236 students. The school is catholic with a catholic ethos. Andrew felt a whole school approach is worthwhile in preventing and intervening in bullying but said such an approach doesn't happen at the moment. Andrew raised an interesting point regarding not only do peers bully one another but teachers who bully students. Andrew noted: 'I find the Dept. of Ed. grand. But if a teacher might be bullying a child, the Department are slow to helping you deal with that situation.' Andrew appeared quite critical of the Department of Ed in his answers. He felt they 'wash their hands' of a lot of the responsibility regarding bullying. Also Andrew expressed fear that he feels he is judged a lot. A lot of Andrew's answers reverted back to fear of accountability, feeling stressed to pressure of responsibility and

also feeling lack of support and help from the Department. Very few teachers referred to childrens' rights. Whereas Andrew was one teacher who did – he said; 'Children rights and human right are important. They have to be respected.' The main point that was coming through in most of Andrews' answers was that: 'The Department of Education keeps pushing the responsibility away from themselves and they are happy for the school to deal with everything.'

Dominic

Dominic is 34 years old. He did his teacher training in Ireland. He choose teaching because when he was in school he had good role models and he wanted to replicate those teachers. He teaches in a single sex school of 240 students. It's a Christian brothers school and so he said the culture and ethos of the school is one which focuses on the holistic view of the student. Dominic spoke a lot about that schools shouldn't just focus on academic ability and instead view the child from a holistic point of view. This highlights Dominic's empathy for students. Dominic felt that it is easier to detect bullying within school ground however outside school he said: ' With what goes on down the streets and outside the school grounds, it's virtually impossible for teachers to patrol that, but in around the schools with supervision and a culture created where respect is the culture we create, then yes.' Dominic said that in dealing with bullying: 'It's important to understand the bigger picture'. Again showing empathy. Even though Dominic expresses empathy he also shows that he doesn't think law/policy should hold schools responsible for bullying/cyberbullying outside school. He said: 'I don't think it's right to hold a school responsible for something that happens at the weekend.' When Dominic was asked does his understanding of current legislation inform your daily work? He said no. Dominic didn't really focus on curriculum burdens or stress or pressure he more focused on the importance of having a strong pastoral care system in schools.

April

April is in the age range 30-40. She did her teacher training in Ireland. She choose teaching because she wanted to do it since she was very young. She teaches in an all boys school. She said the culture and ethos of her school is very caring and includes everyone. April said because her school is a small school it is easier to recognise if there is any bullying going on. She said any bullying that is going on is dealt with very sensitively. April was asked what was the definition of bullying in her school policy and she said she didn't know. Hence, showing a lack of understanding of policy. April said cyberbullying

is a: 'tough one.....There's very little I would know about how to deal with that kind of thing.' Even though April knows very little about law/policy when asked should an anti-bullying law be introduced into Ireland she said yes. Interestingly when April was asked what strategies are needed to stop bullying, she replied; 'Communication and understanding of what bullying is.' Yet, April didn't know what the definition of bullying was in her school anti-bullying policy. In turn, highlighting her lack of ability to effectively identify and prevent bullying. Despite saying she didn't know much about cyberbullying April did say she felt she had a duty of care outside of school. She said it was a moral duty of care. This highlights April's empathy for her students. April said she doesn't have an understanding of current legislation to allow it to inform her daily work. April said most teachers are concerned with what is happening on the ground rather than law/policy. April said the ultimate responsibility of duty of care should lie with parents but that doesn't always happen. April noted: 'There are situations where a kid is not being cared for or looked after at home, you will do whatever you can to make sure that kid has everything they need. It's as simple as making sure they have a lunch or that they have a breakfast. They're things you do without having to be told.' April noted pressures and stress that teachers are under due to 'paperwork'. April believes more resources would solve many problems. April noted: 'There's too much emphasis on cramming kids into a classroom and trying to get through a curriculum.' April's interview finished by her saying: 'It's not teaching anymore.....It's too much pressure on somebody.' She said she wouldn't advise anyone to go into teaching.

Jack

Jack is in the age range of 20-30. Jack did his teacher training in Ireland. He choose teaching because he was interested in young people. He teaches in a single sex boys schools. He wasn't sure how many students were in the school but knew it was a small school. He said the culture in the school is very inclusive. Jack said he didn't know what criteria makes a good school ethos because he felt: 'A lot of schools try and fit into a box. I like to see schools individualise it more for each student and cater for each student on an individual level'. Jack feels the curriculum can be too academic. Jack felt religion shouldn't play a part in school ethos. He felt schools should be separate from religion. He was critical that in primary school that priests sit on boards of management. He felt this impedes culture and diversity. Jack felt one religion shouldn't be valued over another. Jack felt a holistic view to education and children should be taken and not just be academic. Jack noted the pressures that teachers and schools are under: '.....we're

constrained by a very broad curriculum and standardised testing it is difficult.’ Jack was low on understanding policy because when he was asked does his school have an anti-bullying policy he replied: ‘I’m sure it does. I’m not aware of it. I’m only here a month.’ He didn’t know what the definition of bullying was in the policy. Jack felt he did owe a duty of care regarding bullying/cyberbullying even if it happened outside school. Jack said he didn’t know of any legislation regarding his role of a teacher and bullying. Jack wasn’t too concerned about law/policy. He noted: ‘The hands on work is most important.’ Jack noted that teachers; ‘....need to show empathy to a student and confidentiality.....and make sure they have the student's best interest at heart. It's a careful skill.’ Jack feels a one fit all policy approach to bullying by the Department of Education and Skills won’t work. He feels: ‘I think it would be more effective if schools do it themselves because they would have a greater understanding of the students coming in.’ Jack wouldn’t advise anyone to go into teaching because; ‘The Department are throwing so much change at teachers that is very hard to manage all of these changes when there is a cut in resources and when there is still a strict regime in how they test, i.e. the Leaving Cert.’ He feels it’s; ‘overload’ for teachers.

Victoria

Victoria is in the age range 40-50. She did her teacher training in Ireland. She choose teaching because she was interested in people, a love of education and the lifestyle. She teaches in a single sex boy’s school of 208 students. It’s a Christian Brothers school. Victoria noted the school had just had a change of principal so the ethos and culture was changing. Victoria noted it was a catholic school with catholic values being promoted. Victoria said she had issues with it being a catholic school: ‘....because there is a lot of non Catholics in the school and I have never gone against the school ethos. I keep that to myself.’ Victoria noted the majority of teachers in the school are catholic. Victoria said before the interview to get a job in the school: ‘Backgrounds are known before interview.’ Hence, your religion of being a catholic teacher will determine whether or not you get the job. Victoria also noted the culture in the school is very much a boys’ school with GAA and Irishness being important. She said she has witnessed homophobic bullying. Victoria noted in her school: ‘There is a certain image of what a boy should be....’ In Victoria’s school there is a strong masculine culture. Victoria also noted that: ‘the former principal was a more caring, quieter, gentler man and the new principal is far more focused and less interested in the individual and more interested in creating a better academic image for the school. He would like to bring it up in the league tables...’ Victoria noted in the

school now there is a: 'stricter culture' in the school and 'zero tolerance.' Victoria showed her empathy for students when she highlighted that she was: 'very conscious' that bullying can hurt. She said she has witnessed it in her school and even: '....as a parent I have a daughter who was severely bullied and traumatized by it in an all girls' school.' Victoria noted that when dealing with bullying which is reported you have to be very 'sensitive' in how to handle it as it can end up making the bullying worse for the victim. This shows Victoria's empathy however in another comment Victoria was more robust stating: 'Teachers create atmospheres in their classroom....' She said it is up to teachers to create atmospheres in their classroom of zero tolerance showing that bullying won't be tolerated. Victoria said in her school: '....because we've had three suicides, everyone is hyper sensitive about the issue and tries to deal with things. The suicides weren't related to bullying but we would be concerned.' Victoria noted the suicides were related to: 'family difficulties' and one child had a; 'learning difficulty.' Victoria feels it is: 'horrific' that the Department of Education and Skills cut career guidance counsellors. Victoria noted the stresses and pressures of being a teacher: '....there's very little time if something happens in class to go back and check it out.' Victoria doesn't believe there should be an antibullying law in Ireland. Victoria believes there needs to be more funding and more resources to deal with bullying. She believes there '....needs to be cultural competence training and I think we need to be more and learn empathy to others.' Victoria sees 'huge' problems going forward for teachers regarding: 'religious difference'. Victoria said a lot of teachers can feel: 'overwhelmed.' Victoria feels teachers and schools: '...need support from the top down and things like guidance career hours gone is terrible....'.

Robert

Robert is 36 years of age. Robert teaches Spanish and sometimes PE. He did his teacher training in Ireland. He choose teaching because initially he had a passion for languages and then travelled to Asia. He worked in Asia as a teacher; teaching English. He ended up loving the job and when he came back to Ireland he did teacher training in Ireland. He teaches in a mixed boarding school with Protestant history ethos. The school has 640 students and the break down is about 60/40 boys and girls. Robert said despite being a Protestant ethos school, the school is open to all religions. Robert noted the school values fostering positive relationships amongst students and between students and staff. He said the school provides a holistic education, but at the same time values academic excellence and fulfilling academic potential. Robert talked about being involved in extra-curricular activities with the students which he feels is important. Robert feels you can't really blame

teenagers for bullying because: ‘.....teenagers are just a magnification of our own society.....I think that bullying is something that is a domino affect.’ Unlike many participants Robert was able to somewhat recall what the definition of bullying in the school anti-bullying policy was, he said; ‘It's a lengthy definition but included verbal, physical and technology.’ Robert was critical that there are so many bodies standing up for mental health and bullying but yet; ‘....the first point of call for mental health is the guidance counsellor and for a lot of schools their hours have been halved. It's a disgrace.’ Robert feels he has a duty of care outside of school if the bullying comes into school and affects the child. Robert doesn't believe there should be an anti-bullying law. He noted: ‘You can't bring in a law without the structures in place.’ He feels parents need to be held accountable. Robert noted that pastoral care was important. He felt: ‘A student who is unhappy is not going to fulfil any of their potential so we need to support students that way. Robert felt his understanding of current legislation doesn't inform his daily job practice. He said he is more concerned with broader principles such giving and getting respect from students rather than legalities. Robert said: ‘A teacher's job is to encourage respect in the classroom and tolerance and openness.’ He also said: ‘Any relationship has to be based on empathy for it to be constructive, positive and ongoing. Robert feels bullying is becoming trickier to identify. He feels male bullying has become less physical and more: ‘under the radar like subtweeting which is where people bully others but never refer to their names. So even if messages are screenshotted, the person is never mentioned but it is clear to everyone in the group who it is.’ Hence, making it hard for teachers to identify that actual bullying is going on. If Robert could make any changes regarding bullying it would be to; ‘Reinstate guidance hours. Provide annual training for staff. Make parents accountable.’ Robert feels it is the responsibility of the Department to provide best practice regarding bullying. Robert feels teaching is not financially rewarding. He feels you need to love the job. He said teaching at the moment: ‘It's under a lot of strain. It seems to be people going in opposite directions with the Dept. and unions. People are working against each other.’

Peter

Peter is in the age range 40-50 years of age. He did his teacher training in Ireland. He choose teaching because he loves helping people. He said he felt very comfortable giving people instruction and seeing them learn and progress. He teaches in a coeducational

school of 470 students. Its 60% boys and 40% girls. The ethos of the school is a Christian Catholic ethos. Peter feels the criteria to make a good school ethos is diversity and having a variety of teachers from different age groups and backgrounds. Peter said he has to; 'buy in to the written ethos of the school and I personally don't agree with 100% of the things written in the ethos.' Peter like many other participants couldn't recall the definition of bullying in the school anti-bullying policy. When asked had he any vague idea he responded: 'I remember reading it but I've been here so long that a lot of policies I don't have time to reading them.' Hence, this shows that Peter isn't too concerned with law/policy. When asked - Do you think is it your duty to read them or is it duty of principal to remind you? He responded: 'Both. I should be rereading them alone but then I should also be reminded.' Peter said he teaches in a disadvantaged area and he said there is a lot of social disadvantage, economic problems, one parent families and social injustice. He said that in the school they would have children who have Aspergers, autism, and ADHD. He said: '....it is noticeable in class how different they are to mainstream kids and I see them easy targets' to be bullied. Peter feels: '...not every teacher would tackle bullying in the correct way.' Asked why, he responded that there are many reasons: 'Maybe a teacher isn't confident in dealing with it and they wouldn't have the skills and they maybe don't know what to do or what the procedure is. maybe they should've read the policy or the document and maybe if they just pretend it didn't happen, they might think it will go away and they don't bring trouble on themselves. There's a lot of extra work in dealing with an issue.' Peter feels teachers are under a lot of pressure: 'My job 15 years ago was way easier than it was now.....We have lots of staff meetings and we have lots of files and documents and folders to fill out.' Peter noted that administration work for teachers has: 'exploded in the last year' and '...our principal is on our back about protecting ourselves and being prepared if you get an inspection...' Peter said the day is: 'hectic' and that: '....a lot of people mock teachers for having holidays during the year but when we are teaching for those 8 or 9 months it is highly pressurised and there's no time in the day to rest or even when you do have a free class you are correcting or photocopying or dealing with kids with issues or can't access lockers or are missing notes. You don't have time to sit and rest for 40 minutes.' Peter noted that: 'Schools lack space and I think class sizes are too big and preferably I would have bigger classrooms and less students in the class.' Peter feels he does have a duty of care towards students outside of school but feels: '..we need management and parents to help us.' Peter feels we are a nation of: 'complainers' and 'reactive'. He noted: '...we are nation of saying we will do things as opposed to action...' In dealing with bullying Peter believes you need: 'Cool head, understanding

and empathy. Knowledge of policies and procedures...' Peter feels there has to be a whole school approach to bullying. Peter feels social media is a huge issue for teachers especially older generation teachers. He feels training, resources and money needs to be invested.

Hannah

Hannah is 50 years of age. She did her teacher training in Ireland. She choose teaching because of inspirational teachers that she had in school. She teaches in a DES school. She said there is a lot of children from underprivileged backgrounds. She said the school has a good reputation for children with special needs. She said there are 700 students in the school. She said the culture of the school is that they are focused on caring. Hannah noted that the: 'The area we come from doesn't have a value on education and our school is very caring and they need that based on where they come from.' Hannah noted: 'Culture often comes from outside. Having taught abroad, I taught in Saudi for five years so that culture would impact on how subjects were taught in the school, as does how our culture impacts on how we teach here.' Hannah said dealing with parents can be difficult: 'parental involvement is not always positive....because the background of teachers is maybe middle class and our parents are not I think we need as people to be aware of that their values don't always line up with our values and we have to respect theirs. If we think they're underachieving as parents, we have to remember that they are doing the best they can do.' Hannah showed empathy when she said: 'Children come from very difficult homes in this school. If I was brought up in their house, would I be as good? That's what I ask myself before I make a judgment on them.' Hannah seemed to lack empathy when she noted: 'bullying was one of the topics that was trendy for a while. Not that bullying doesn't happen, it does. We've always had to deal with it.....the bully just has to cry that they were bullied first and we can't touch them.' Hannah feels family background plays a huge part: 'Sometimes what one person perceives to be bullying is not what someone else would perceive. A lot of families are challenging and other kids come from quieter families and if they're shouted at and in their face, they perceive it as bullying and others will think it's the norm.' Many participants in this study didn't know the definition of bullying in their school anti-bullying policy whereas Hannah had a vague idea. Hannah said she had a duty of care to students even if bullying happens outside school: 'It doesn't matter if it is a home situation or a bullying situation. We take care of them even if the thing that upsets them happens outside the home.' Hannah said her current understanding of law informs her daily practice: 'We have to cover ourselves under the letter of the law.

As a teacher you need to go way beyond the rule of law.’ Hannah doesn’t believe anti-bullying laws are the solution. She feels they are too easy an option. She also feels the media sensationalises stories too much: ‘I think it’s too easy a solution. It’s a tick the box situation. Often that situation can be used to bully a teacher who made a wrong call, but did the best they could at the time. It should go back to the parent.’ Hannah feels we shouldn’t focus on the ‘system’ we should focus on ‘humanity.’ Hannah noted: ‘.....having taught all around the world and seeing how different systems work and don’t work, it’s brought me back to not focusing on the systems but humanity. One person taking care of another. All kids have to learn that they’re all humans and have different lives and it’s OK. They don’t have to be the same. But it is ok to be different.’ Hannah noted that America is one place she wouldn’t want Ireland to follow because they are ‘only interested in outcomes and not the methods.’ Whereas Hannah felt: ‘I found in Saudi, the laws were based on the children. I have to clarify. The school was a school for Princesses and it’s maybe not the norm but as a teacher I could go in and say I need to talk to parents and I was much more listened to because they would have a strong sense of a teacher being like a hero because they have wisdom.’ She noted in Saudi Arabia that they are focused on taking care of the children as well as results but America it’s just results. Hannah noted she used to do preservice training and CPD training courses but has stopped now because of the teaching council. She noted: ‘Their courses are ridiculous. It’s like how to chase a fish in a fish bowl. They’re not appropriate. They’re not relevant.’ Hannah feels the Minister for Education needs to: ‘Put a law in place that creates space for a proper caring to take place in the school system.’ Hannah would advise people to become teachers as she feels: ‘It’s the best job in the world.’ Hannah was asked is the job pressurised she said: ‘No.’ Hannah was asked: Is there too much administrative work? She replied: ‘Yes, but I don’t actually do it. I think the focus on our job is the teacher in the classroom taking care of the kids.’ Hannah said: ‘I’m concerned about the kids and every part of their lives to make sure they feel comfortable coming to me about their situation.’ Hannah noted: ‘There’s so much going on in a child’s life and it’s not covered in legislation. Children could be acting out through grief and you want me to punish them? You can’t just put a label and a sticker on that and send them off into life with a second hurt on top of the first hurt. That’s why I feel very strongly.’

Caroline

Caroline is 41 years of age. She did her teacher training in Ireland. She chose teaching because a teacher in school suggested it to her and a lot of her relatives work in the

education sector. She teaches in a mixed ETB school which is a DES school. Caroline teaches home economics, religion and SPHE. She feels: '...all teachers have a broad duty of care apart from just the curriculum to look after everything about the student to physical fitness, to what they learn and think and how they develop and how they access supports around the place.' Caroline said she mostly focuses on 'students' rather than 'law/policy.' However, Caroline was aware that: 'So much of the things we do are caught up by law even things like first aid and having the right training and all of the different things you do you have to follow the law and child protection policy and you follow that.' Caroline feels she is sufficiently aware about duty of care because she did: '...a Masters in Education management and leadership and so all the legal side was in that and I like legal things and I like finding out and knowing the ins and outs so I would but I suppose with teachers starting out it is hard to know the boundaries.' Caroline feels that we have become too 'protectionist' over kids and this in turn: '....we disable them. I don't think we allow them to go out and make their own decisions or judge people on their gut instinct. They're so warned. I think that's the biggest thing now is that they don't have coping skills. We try and manage everything.' Caroline feels we should be more empowering children rather than constantly trying to protect them. Caroline noted: 'When we were young you'd go out in the morning and come back in the evening and if you were really late you would find a friend who had a phone in their house and now with my own kids I go mad if I don't know where they are.' Caroline said subtle bullying happens in the classroom such as: 'sighing' at each other and outside of school its: 'cyberbullying.' Caroline said with girls: 'isolation' is a big thing. However, Caroline said with guys its more: 'direct'. Caroline was asked: what was the definition of bullying in the school anti-bullying policy. She said she didn't know. Caroline said she had a duty of care outside of school because it normally filters into school. She feels the duty of care boundary is: 'blurred.' She noted: '...if a student comes in and distraught on a Monday morning after stuff that happened on Facebook over the weekend and other kids are here in the school then we have to deal with it. We can't say it happened at the weekend and it's nothing to do with us.' Caroline said in their school there is a very strong pastoral care system in place which she feels is important. Caroline noted that some teachers are more motivated than others to deal with bullying. She said this is due to: '....personality types and some would see it as not their job.' She said some teachers view dealing with bullying more a job for the principal and the teacher's role is to teach. However, Caroline feels: 'It's everyone's job. If you stop a comment in class, you might stop it escalating later. But sometimes lack of job satisfaction and overwhelmed with work means they can't take on

anymore.’ Caroline feels parents don’t do enough. Caroline was cynical about the Department of Education and Skills stating their real motive for dealing with bullying is for: ‘political outcome or statistics’. She said when it comes to supporting the school the Department of Education and Skills don’t provide it: ‘We’re left at loose ends with kids in trouble and you go home on a Friday evening and you don’t know what’s going to happen over the weekend. When you look for help, they pass you on to someone else. You can’t access services quickly.’ Caroline feels an anti-bullying law is not the solution because: ‘Things are never black and white....’ Caroline feels having an anti-bullying law would turn into: ‘....another paperwork exercise.’ Caroline feels teaching is a pressurised job. Caroline noted daily work is more informative than law/policy: ‘It’s what’s happening every day that informs what we do.’ Caroline feels it is the ethos and culture of the school and how teachers interact with children which will shape dealing with bullying. Caroline feels more training and CPD that is relevant is needed to deal with bullying but feels such training and CPD needs to be specific and of high quality.

Colette

Colette is in the age range of 50-60 years of age. She did her teacher training in Ireland. She chose teaching because when growing up there was: ‘a limited number of jobs in comparison to now.’ She teaches in a mixed school of 680 students. She said the ethos of the school is a: ‘holistic approach.’ Colette thinks: ‘we are too protectionist and I think we allow our children to be bad mannered and to do what they want. I think that we tell them that all the time how fantastic are and they don’t always have a concept of reality then. I think that we often leap to their defense and in situations like bullying and refuse to believe that they’re children actually do bully. That’s a real problem.’ Colette believes a typical victim of bullying: ‘It’s people who are different.’ Colette didn’t know the definition of bullying in the school anti-bullying policy but did make an attempt to recall it: ‘I wouldn’t be able to say it word for word, but it’s definitely about students ostracizing or putting down students or getting involved in cyber bullying on a consistent and long term basis.’ Colette said teachers are very motivated to deal with bullying. However, she wasn’t as positive about the Department of Education and Skills: ‘.....apart from maybe putting out a policy, they don’t actually have any in service to help teachers deal with bullying. We have to learn ourselves. We have to read up on it.’ Colette said in terms of parents that: ‘Parents can often make situations worse.’ Asked how she said: ‘By believing their own kids and not standing back from the situation... In fact, I know parents who will actively say to their child if anyone does anything to you, you give them a good

slap.’ Colette feels parents need to be more responsible rather than implementing an anti-bullying law: ‘I find more and more things are dumped on teachers. That kind of stuff should be directed at parents rather than teachers.’ Colette feels the skills that would help teachers deal with bullying is knowledge and: ‘Listening to both sides. I think that's missing from the way teachers are trained. We are not trained to listen. We are trained to deliver. We need to be thought that there are two sides to this....’ Colette feels pastoral care is important and has been on the pastoral care committee for twenty years. She said poverty exists in the school and that children come to school hungry. She said there is a breakfast and lunch club. She said it's not free, but it is heavily subsidised. In terms of policy Colette noted: ‘We have the policies. We don't have administrative support. We have inadequate school based resources. Lack of time would be one.’ She also highlighted that teachers are under pressure: ‘We've had to take on so many things. When I started teaching it was just a case where you taught your subject. Now we have to be and have an idea of psychology, counselling, etc.’ Colette despite saying earlier that she said pastoral care was important seemed a bit annoyed that she had to have many roles. In terms of parental responsibilities Colette said: ‘I come across a lot of parents who are bullies themselves. They bully their wives and kids. They wouldn't understand what bullying means. They would be the parents who would tell their kids to give that person a dig if they are saying something about them or go further so they know never to do it again.’ In terms of reporting bullying Colette said: ‘The idea of being a 'rat' is a problem as kids get older but it always seeps out in some way. I find that some of the more responsible kids will report and risk it.’ Colette said gender is a problem: ‘Gender is definitely a problem. We would have transgender students in our school this year for the first time. She has changed her name to a male name just last year.’ Colette noted that the transgender student in 5th year changed her name and was getting hormone treatments and is now in 6th year. Colette said when the student’s name was changed from female to male: ‘....there was a bit of slagging.’ Colette also noted that teachers bullying students happens: ‘That happens. Not so much now. But up until 5 or 6 years ago, I would say certain students were bullied by teachers. They were more likely to be male.’ Asked why it happens Colette referred to gender: ‘The macho male thing. They'd be more intimidating physically and with their voices. Generally male teachers don't have the same problem with discipline as females. I witnessed teacher on teacher bullying.’ Colette said being part of a union is important because: ‘.....I would have come across teachers who were bullied by principals and vice principals and you need an outside body to help you deal with something like that.’ Colette feels a whole school approach should be taken to

bullying but also feels: ‘...it starts with the department of education to train teachers and then parents.’ In terms of the future for teachers Colette said: ‘I’d hate my daughter to be a teacher. I love the job but it’s gone so difficult now.’ Colette reasons that: ‘Money is bad. Too much pressure. Don’t get the respect in the community you used to. Discipline has become more difficult. 30 kids in a room. 5 of them might have difficulties like learning difficulties and behavioral problems. Teachers are trying to deal with this daily and yet get their curriculum covered.’ Colette feels there is a lot of red tape.

Clodagh

Clodagh is 30 years of age. She did her teacher training in Ireland. She said she always wanted to be a teacher and it’s the only thing she wanted to do. She loved school when she was in school. She teaches in a mixed school of 600 students. Clodagh didn’t know what the definition of bullying was in the school anti-bullying policy. She was asked did she have any general gist and she said no. Clodagh feels dealing with bullying: ‘It’s very difficult because a lot of it happens outside school with social media.’ Clodagh said teachers are motivated to deal with bullying but she not so sure about parents: ‘...we had a talk about safety on the internet and a lot of parents didn’t come to it so that would lead me to think they’re not as concerned as they should be. Maybe they don’t consider their own child a bully.’ Even though Clodagh said she wanted to be a teacher since being very young she didn’t seem to portray such enthusiasm in her answers. For me I got a sense that for Clodagh teaching was just a job not a vocation. When asked did she have a duty of care outside school she responded: ‘Is it terrible if I say no?’ Clodagh further noted: ‘I’m their teacher not their parent and for me to reprimand somebody out of school hours is going beyond my role. I would report it where our students were involved.’ Clodagh would be open to an anti-bullying law being implemented in Ireland. In terms of current policies Clodagh said: ‘All the policies are there and we have read them and it’s to be mindful of them all the time because they do go to the back of your mind.’ Clodagh said poverty exists for some of the children that go to the school and that some children go to school hungry. Clodagh feels more CPD training is needed to deal with bullying. Clodagh feels the ultimate responsibility for duty of care should rest with the parents. Clodagh feels there are many barriers for teachers in dealing with bullying: ‘Time is a barrier because if a student is upset and you have 30 kids outside your door you can’t take time to talk to that child.’ Clodagh feels: ‘I think everyone tries their best but it is hard to target bullying because some of them are so good at it that it’s hard to catch.’

Donna

Donna is in the age range of 50-60 years of age. She did her teacher training in Ireland. She choose teaching because her mother was a teacher and she has lots of relations who are teachers. She teaches in a mixed school with nearly 700 pupils. Deidre doesn't believe there is an ideal school ethos: 'I don't think so because you have to match your ethos to your community. There aren't a one size fits all.' She said the criteria that makes a good school ethos is: 'The needs of the students.' Donna wasn't sure what the definition of bullying in the school anti-bullying was but made a guess at recalling it: 'Anything that would make another person feel uncomfortable. This can include verbal or excluding someone.' Donna doesn't see 'slagging' as bullying because it's part of Irish culture and she said: 'Slagging goes on even between teachers.' She also noted: 'I lived abroad for a year and other people I have met in other European countries find that difficult.' When asked was there bullying in the school Donna said: 'I don't think there is.' When asked was there any recent incidents, Donna said – just one and described the incident: 'It was one person making comments to another person in the canteen. They were comments about implying that the child couldn't afford their own lunch.' Donna said because the child was upset it wasn't deemed as slagging it was deemed as bullying. Regarding motivation to deal with bullying Donna said teachers in the school are very motivated to deal with it. She also said: 'Parents are receptive if you contact them. They accept it.' Regarding the Department of Education and Skills, she said: 'I think they're helping teachers. We could get more guidelines.....maybe the Dept. could make an anti-bullying policy.....As situations get worse and legal issues come into it, the Dept. should consult with people and a template for schools to follow.' Donna said she is more concerned with pupils then law/policy. She also noted: 'I haven't had situations where I've had to think about my legal duty and asked myself if I was right or wrong.... I've never had a talk on how to deal with the legal side of situation.' Donna feels that if cyberbullying happens outside of school and affects the students in class then she does have a duty to do something about it. Donna was a bit unsure whether a specific antibleeding law should be introduced in Ireland. Donna said in dealing with bullying in the school a zero tolerance approach needs to be taken: 'To show that bullying is taken seriously.....It is essential for them to know that it's not tolerable.' Bullying is a pastoral care issue but interestingly when asked - What about pastoral care hours in school? Deidre answered: 'I'm not the person to answer that. We have a good system here and if a child has a pastoral care need you can go to the pastoral care team.' Donna feels there needs to be more

guidance from the Department of Education and Skills: 'You can always say that we need more time and money. It's not always the solution. They leave schools to their own devices and there should be a template for those things so we're all on the same hymn sheet.' Deidre also stated: 'I would like a talk on....what my duty of care is in and out of school. It would come from the Dept. They have legal people who work for them. Why not have a course for all teachers as opposed to schools doing their own thing? Maybe increase awareness.' Donna felt being attached to a union is important: 'In terms of work conditions, or pay, or maybe discrimination or those who are treated badly at work.' Donna said it is the Department of Education and Skills responsibility to provide best practice with regards to bullying and duty of care. '....the Dept. has legal experts so why would schools, teachers, and parents try and be experts?' Donna would encourage people to go into teaching. She noted: 'I would. It's pressurised and you work hard and I don't think you could do it if you weren't enjoying it to some extent. I don't think they're over worked compared to people in other professions.' Deidre said time is always an issue for teachers: 'I meet parents after school in school. I can't deal with it during the day. I see them during lunch times sometimes. The bell won't interrupt me to give me the right head space. Donna said some children don't want the bully knowing they have told the teacher about the situation. Donna noted: 'A child came to me about being bullied and I suggested speaking to the other student and they asked me not to.' Donna feels a whole school approach needs to be taken to bullying. Moreover, that principals and deputy principals need to demonstrate leadership skills.

Sandra

Sandra is in the age range of 40-50 years of age. She did her teacher training in Ireland. She said she has always wanted to do teaching ever since being in school. She teaches in a mixed school of around 677 students. Sandra didn't know the definition of bullying in the school anti-bullying policy. Sandra said she hasn't been in a situation where she was unsure if it was bullying or not because she said: 'You have to investigate every situation.' She said she would sit down with other teachers and ask for their opinions on situations. Sandra said in trying to tackle bullying: 'The Department of Education sit on the fence. In relation to parents, they can be supportive but very often can only see it from their child's point of view. We have to look at the whole picture.' Sandra said if bullying happens outside school and impacts on school life then she does have a duty of care. Sandra was unsure whether a specific anti-bullying law should be implemented in Ireland. Sandra noted that not all teachers are comfortable with pastoral role duties: 'Teachers are

trained to teach their subjects and now the role is pastoral. Not all teachers are comfortable in that role. We're not always skilled in seeing what is in front of our eyes and teachers are very busy. They have more paperwork than they have ever had to do and this takes away from time they used to have for spending time with students. They need to be trained in the skills in picking up on things that are in front of them.' Sandra seemed very cautious during the interview and focused a lot on: '...you have to protect yourself...' Regarding parents, Sandra noted: 'In some cases, parents have asked me to remove the child's phone because they don't want to be the bad person.' Sandra feels there should be more sanctions for parents. Sandra feels that: '...teachers need protection and at times they are vulnerable. I would like greater protection and for the Department to support more....' Sandra feels a whole school approach needs to be taken to providing best practice in terms of preventing and intervening in bullying. Sandra feels that teaching: '...is stressful. But, to me it is still the greatest profession.'

Orla

Orla is 51 years of age. She did her teaching abroad. She choose teaching because she likes the idea of working with young people and she loves her subject which is science. She was also in youth work for 10 years. It's a co-ed school. Orla talked about curriculum burden and stress. She felt there is too much emphasis on the Leaving Cert points. Orla believes bullying is most prevalent in 2nd and 3rd year because of 'hormones'. Orla noted: 'The first years come in full of enthusiasm and I think they're quite young in themselves. The second years and third are at a very awkward age and they're very self-conscious and much more difficult to deal with for teachers and parents and then they start to become more mature.' Orla said children who are different or neglected at home are normally the ones who are isolated and bullied. Having a disability and also neglect from family environment are two issues which stood out from Orla's interview. She noted that children who are different and who come to school neglected {'smelly'} often are the ones bullied. Orla described some instances of bullying where a guy 'on the autism spectrum' was being bullied. This raises the issue about disability and bullying and vulnerable minority groups and should there be a higher duty of care to such groups. Orla also noted that due to her age being 51 years of age that she finds it hard to identify and prevent cyberbullying. She feels she doesn't have the up to date knowledge to know about cyberbullying. The main point coming out of Orla's interview was about curriculum burden. She noted: 'As a teacher you're so busy trying to control, teach, get through the curriculum and you've so much going on....' Orla noted that: 'Full time teaching is really

difficult and more demands and more and more pressure about points and that's not what it's about. We should be trying to encourage the love of learning.' She also noted: 'I think it's becoming very pressurised. Instead of teaching, it's becoming very badly paid and I think young teachers are not being treated fairly.' Orla is a teacher who focused a lot on the stresses and strains of the job.

Alana

Alana is 44 years of age. She did her teacher training in Ireland. Alana said she 'fell into it'. She chose it because she had aunts and uncles who were teachers. Moreover, she felt it would give her; '...options for other things afterwards.' Hence, unlike some of the other participants children were not at the forefront of Alana's mind when choosing children. She was more self-focused and concerned with options for her own career. She teaches in a country boarding school. It is a church of ethos school. It is mixed; boys and girls. There are about 600 students in the school. When asked was there an ideal school ethos she said no because; 'One size does not fit all.' She felt a school ethos for a country boarding school would not fit an inner city school. Alana teaches English, computers, CSPE, maths and RE. Alana felt bullying between boys can be a lot more physical whereas with girls it can be more subtle. She gave the examples of; Whispering, the alienation and looks. She felt; 'Girls manipulate others to be involved so the person feels more isolated...Boys are more open about it and it can be more obvious or it might look like slagging and it can be hard to decipher.....feminist boys can be easy targets.' Alana said she didn't know the definition of bullying in the school anti-bullying policy. Alana said she finds 'slagging' difficult to understand if bullying or not. She also said the layout of lockers is important. She noted: 'Every time a child goes to a locker and someone pushes up against them, then it is bullying in a way. That's a grey area. You have to build up observations before you pounce.' Alana felt there is a moral duty of care regarding bullying outside school if teachers are aware that it is happening. It seemed from Alana's interview that she doesn't really concentrate on law/policy she just watches what other teachers do and follows in line with them. Alana said that she would prefer to be judged against the reasonable body of teachers test rather than a prudent parent test in court because nowadays there are so many different cultures; 'So you can't be all things.' Alana was asked what school barriers exist in dealing with bullying. Interestingly, earlier Alana said she didn't know what the definition of bullying was and she then said later on in the interview a barrier to dealing with bullying was; 'If you're not informed of what's going on you can misread behaviours and that can be a huge factor.' Alana noted that time

constraints was also a barrier: 'You're always racing.' Alana noted in her interview that teachers can bully students. She said: 'It's a personality way of dealing with students....The teacher may be under pressure.....It's not right but we're all human and this is what happens.....You're King in your own classroom and it somehow can be semi unquestioned in classes and that can attract some people who enjoy the sense of power.' Alana noted; 'There's more pressure than when I started. It's constant. Lots of changes in curriculum.' Alana felt pastoral care is very important and happens in her school.

Ryan

Ryan is in the age range 40-50. He did his teacher training in England. Ryan went into teaching because he was always involved in different voluntary youth areas like coaching and he felt teaching was the right job for him. He teaches in a co-ed school of 400 students. There is also a boarding component of 100 students. It's a Church of Ireland school. Ryan said his school is very community based and inclusive. Ryan appeared to have a lot of empathy for students as he talked about 'community' 'inclusion' 'diversity' 'respect. Ryan also talked about teachers are role models for children and that this is very much: 'part of being a teacher.' Ryan highlighted a relevant issue regarding bullying and sport and noted that it can be difficult to identify if it is bullying. He also noted: 'If something involves fitness and there is always one guy who comes in last or struggles to finish, there could be a bit of laughter. I think laughter can be a quite tricky one because it's hard to pin down what someone is laughing at.' Ryan was very conscious of not being a bystander to bullying when sport is being played in school. Ryan noted: *Potentially. I'd find that bullies, in my experience, tend to be sneaky. They tend not to do things in the open. It is often behind peoples' backs. It is subtle. It is sneaky.....the bullies wouldn't come to light as much in a session where you've got everyone doing the same thing.I have had cases where in changing rooms afterwards there have been incidents that I have had to act upon because students come to me.* This highlights that Ryan has high empathy for victims whilst not much empathy for the bully and is conscious that sport can be used as a cover up to inflict physical bullying. Ryan's interview was mostly focused on the students. He felt he was clear on law/policy. However, he didn't give me much detail on same hence don't know was he fully clear. The main point which came from his interview was the issue of identifying and preventing bullying through sport and contact games. This also raises the issue of how coaches treat their students when playing rugby if they shout at them aggressively as to whether that is bullying in itself and what is the duty of

care on the part of the teacher – to push the student to the limit and shout during the game or to be calm and just let the student try their best.

Ailish

Ailish is in the age range of 20-30 years of age. She did her teacher training in Ireland. It was her interest in her subject that made her choose teaching. She teaches art, craft and design. She teaches in a private secondary school which is mixed of just over 430 students. Ailish didn't know the definition of bullying that exists in the school anti-bullying policy but made a guess at recalling it: 'I wouldn't know it word for word but I have a general gist. We all get an antibullying policy at the start of every year and we all have to sign it and it outlines the various types of bullying.' Regarding joking and teasing Ailish noted: 'I would monitor the situation and look at the person who is having a joke. If they're laughing along it's hard to know if they are being hurt. Usually you can tell by the reaction of both parties if it involves intent to hurt or if it just a joke they're having.' Ailish said in her school they are very motivated to deal with bullying. They have weekly staff meetings and any issues that arise between students are discussed at the meetings. In terms of dealing with parents she noted: '...it can be difficult for a parent to accept the fact that their child might be bullying another.' Ailish feels she does have a duty of care to students outside of school. She said it more a moral duty of care. Ailish feels that if an anti-bullying law was brought into Ireland that it should be more a moral guide rather than legal consequences for teachers. Ailish is more concerned with morals than law/policy: '.....your moral compass should guide you every day rather than thinking back on some form that you signed at the start of the year.'

Audrey

Audrey is 31 years of age. She did her teacher training in Ireland. She teaches business. She said she chose teaching because: 'Honestly, my husband wanted me to settle down. I'm a business woman, really. I was always a career woman. This isn't something I thought I'd settle on doing.' She said: 'I run my own business as well so I have a lot of real life experience to bring instead of just the book.' She teaches in a mixed school of 415 students which is a Church of Ireland ethos. Audrey noted that teachers need to adapt to the ethos of the school: 'I'm not Church of Ireland, but I'm adaptable to working here with students who are. A lot of us aren't, but when we're in school we are. We do the songs and hymns. Some are atheists. You yourself have to bring your changes within the environment you work in.' Audrey sees herself as a role model for students: 'I'm very

much into female empowerment and believing everyone is who they think they can be regardless of anything. In school, I had teachers who would put you into a box and they wanted you to stay in the box and that's who you are and you're only capable of certain things....Anyone can be who they want to be. I embody that within my classes.' Audrey noted being a teacher with no children might be easier than having a family: '.....when I'm here I'm 100% here and I know them all. But maybe if I had a family and had other things going on, it would be different. For now, I feel like I'm responsible.' Audrey noted that some teachers can bully students because: 'I don't think it's intentional but it is human nature. When I was in school, I was bullied by teachers when I was there.' She noted it's down to: 'personalities' of teachers. Audrey didn't know the definition of bullying in the school anti-bullying policy but took a guess: 'I would assume it's if someone feels uncomfortable with something going on in the school. We go through a document once a year and it tells us how to talk to people and not put words in people's mouths and not to paraphrase.' Audrey noted a barrier to dealing with bullying can be parents: 'The parents in this school are quite intense.' Audrey said the motivation inside the school to deal with bullying is good as they have regular staff meetings. Audrey feels there needs to be more training pre-service and CPD regarding bullying. Audrey said an anti-bullying law should be implemented in Ireland. Audrey noted: '....there should be more legal acts for us to follow with CPD.' Interestingly, when asked - What do you think are your boundaries of your duty of care? Audrey responded: 'I don't think there should be any. No matter what's going on, you're responsible.' Audrey noted when dealing with bullying she does her best but not all teachers are like her: 'I do my best to intervene. Some don't do anything. Some don't want to be involved.' In terms of reform Audrey noted: 'They need to change the Dip, the requirements to get into it. I think this whole Garda vetting thing isn't enough. That doesn't mean that personality wise you're cut out for it either. How come there's no psychological testing?How come we have community liaisons, and we don't have bullying liaisons?...' Audrey said for anyone thinking of choosing teaching they should get experience first as many teachers go into it for the lifestyle. She also noted: 'I think anything that involves dealing with children under 18 should be a vocation and not something that just suits you. It's something you want and willing to do.' She questioned: 'How many people would go into it if we didn't finish work at 3.45? We'd see a lot of people running for the hills.'

Olivia

Olivia is in the age range of 30-40 years of age. She did her teacher training in Ireland. She said she chose teaching because she saw the job in the paper and applied for it. She said she did it unqualified for a year and really liked it and so went on and did her teacher training. Also both her parents are teachers so she had exposure to it from early age. She teaches in a mixed school which has a Church of Ireland school ethos. Unlike many participants when Olivia was asked did she know the definition of bullying in the school anti-bullying policy she said: 'It's causing upset either emotional or physical.' In the interview Olivia came across as very proactive in trying to prevent, identify and intervene in bullying. She noted she does 'background research' by watching and talking with other colleagues if she suspects bullying. Olivia noted not all teachers care about bullying: 'There would be some of us who would be hands on and others would turn a blind eye.' Olivia said teachers bully students because: 'It's the sense of having power over someone.' She further noted: 'They are doing it for self preservation. When you reveal something that you've seen or suspect then you are leaving yourself open for question or perhaps there might be consequences with parents involved of the victim or the person who you believe is the perpetrator.' Olivia believes its taking the easy way out not to deal with bullying. Olivia noted dealing with parents can be difficult because if you talk to them that their child is bullying then they see it as: '...personal attack on the parent.' Olivia sees herself as a role model and cares for all students: 'I treat everyone fairly and equally and I listen to both sides of the story and make up my own mind as opposed to being influenced.' Olivia highlighted that she is more about children then policy/law. She said in dealing with bullying: 'My first reaction is to be practical and hands on....I try and make myself aware of documents but I'm very much in the moment as in the moment as what to what I can do.' Olivia feels she has a moral duty of care for students outside of school. Olivia believes empathy is what will help teachers care about bullying even for the teachers who only see teaching as a paying job. Olivia noted: 'Make it personal. Try and appeal to them and ask them if they have ever been in a position where it happened to them or if they had a child of their own? Create empathy.' Olivia feels because of current policy she cant show as much care to children as she would like: '...there are times you have to be more stand off which I find difficult.' Olivia noted the demands on teachers: 'I'm afraid too many policies and paperwork will make it harder for people to intervene.' Olivia said family plays a role in dealing with children: 'Environment of child will always influence schooling.' Olivia showed empathy when she noted: 'If a child comes to me and they're looking extremely tired or upset or withdrawn, then I feel I need to look after them.' In terms of reform Olivia noted: 'I would ask for more autonomy and to be able to

go on a hunch on my own without too many steps or policies to follow. You need one clear document saying it's ok to do this, and not ok to that. At the moment I don't know what the right way to react is. I want to go with my heart but I have to check first what implications there might be to me if I cross the line because it is a profession and you can't leave yourself open to further action later on if you make a decision that someone says is wrong.' Olivia noted the stresses of being a teacher: 'If you can't take pressurised situations and you have no empathy for young people, it's not the job for you. I would say that to people. I would ask them if they were sure about their personality traits and mental health. If you're someone who is anxious or takes criticism badly, then you need to think carefully because it is a job where you are open to criticism nearly every day and you need to know the difference when criticism is useful or when someone is actually having a go. You need to be careful if you project this onto students. If you feel inadequate you can be harder on pupils.' Olivia noted that teachers can bully teachers: 'It's a power trip and struggle. Someone trying to prove themselves better than someone else....You try and make someone's life miserable so that they're not better than you.' Olivia noted: 'You need a system of support in the school for teachers as well as pupils. You have someone to turn to.' She said this system doesn't exist in schools because: '...as adults we're expected to just get on with it.' She said in her school there is a support system: 'I've had times when I've felt I had someone to turn to. You need someone outside who is impartial like the union.'

Liam

Liam is in the age range of 30-40 years of age. He did his teacher training in Ireland. He chose teaching because he had happy memories of school and a family member was a teacher. He teaches in a mixed school with a Church of Ireland ethos. He noted in the school there is a strong pastoral care system and a strong sense of community. Liam thinks pastoral care is very important: '.....because of the small size of the school, a lot of the students know most teachers and feel teachers are approachable and we also have a chaplain.' Liam didn't know the definition of bullying in the school anti-bullying policy. Liam doesn't seem to have a strong self-efficacy. He noted: '....bullying can be hard to label....bullying situations are hard to identify and define....I can't say I would be 100% confident I would be able to label everything the right way.' Liam feels the Department of Education and Skills are putting all the responsibility on schools to deal with bullying: 'I think schools are already having enough issues and lack of support and funding for middle management staff and support from Dept. is a problem.' Regarding bullying

outside school Liam feels he has a duty of care but feels it's limited: 'I don't' think our responsibility ends at 3.45 but maybe our ability to take action is limited once things happen outside of school.' Liam feels to be a good teacher you have to have a: 'a passion for teaching and working with young people.' He feels: 'It's a rewarding profession if you go into it for the right reasons.'

Cliona

Cliona is in the age range of 40-50 years of age. She did her teacher training in Ireland. She teaches in a school of 400 students. She chose teaching because she loves explaining things to students and passing on the passion for her subject to her students. She also felt she has the right personality to be a teachers – something which she feels is very important to be able to engage with students. She teaches Spanish. She sees herself as a role model for her students. When she thinks of duty of care she thinks: 'Responsibility, concern, interest in my students and consciousness of my position as teacher because I am their guardian at that moment in time. I'm representing their parents. If anything were to happen, I would be responsible.' She feels she has a duty of care outside school as well. She feels the duty of care outside of school is both a moral and legal duty of care. Cliona noted: 'After school it is our duty because the student may feel they have no one else to turn to.' Cliona noted that: 'In this sort of a school, most of us are involved in extra curricular activities after school, so it's very positive because the students do see us after school hours and the teacher's role is not simply to communicate their knowledge of the subject. The teacher has a combined role nowadays.' Cliona feels when pupils are 'different' it encourages bullying. Cliona didn't know the definition of bullying in the school anti-bullying policy: 'I don't know exactly the wording towards bullying.' Cliona feels that an anti-bullying law should be implemented into Ireland. Cliona doesn't feel there should be one unified antibullying policy for all schools: 'No. I think we should distinguish between different schools. In some schools you've got more of a bullying problem like in the inner city schools who need a tougher policy. For private schools, such as this, we have to go much gentler. We need a subjective approach to it. We need to adapt the rules to each type of school.' Cliona feels teachers need more pre-service and CPD training. Cliona noted that teachers do bully students because: 'Competition, looking for praise, looking to be seen as they're doing the job better than you.' Cliona noted there are more problems nowadays being a teacher than twenty years ago. She noted: 'Back then, society was a safer place to live in. Now, thanks to social media, society is a dangerous place. Society has become more competitive. There are more

hazards for children. We have a strong obligation to satisfy parents. They must feel their children are in a safe, learning, environment. It's hard to create that.'

Brenda

Brenda is in the age range of 30-40 years of age. She did her teaching training in Ireland. She wanted to be a teacher since she was in school. She teaches: guidance counselling, careers, head of SPHE, music and history. Brenda showed empathy for all kids when she noted: 'A lot of the time the person doing the bullying often has a whole back story that either the school is not aware of and maybe while it is not an excuse it does need to be looked at.' Brenda said the definition of bullying in the school anti-bullying policy was: 'It's the Dept. one. It is something which recurs more than once.' Brenda said in class she sees a lot of slagging between students: 'There's a point where it is no longer funny and it's trying to get them to see that...' Brenda showed a lot of empathy during her interview. She noted that sometimes a student can tell her: '...they think they're being bullied. They just say they think. It's not a definite statement and you go through what's happening and look at what's upsetting them. The fact it upsets them is enough for me.' Brenda seemed frustrated because she said even though her school has an anti-bullying policy and even though it comes up in discussion: '...there isn't actually much work done on it in a concrete sense of what to do.' She noted: 'from teacher to teacher' it is dealt with differently. She also noted that some teachers don't care about bullying: 'There's an element of turning a blind eye. We find that in everything. There's a certain amount of it. I can't name people. More what I mean is not the not reporting it but it's saying that sometimes staff take the approach to get kids to toughen up.' Brenda was critical about the Department of Education and Skills saying: 'The Dept. bang around definitions and they want an antibullying policy....but there's no training...' Brenda feels she has a duty of care outside school but feels it's a 'grey area'. Brenda said: 'The student knows all the teachers' emails.' Brenda noted that students use the email to email assignments. Brenda noted that she has previously received an email at the weekend from a student who was suicidal. She said this can cause issues in terms of duty of care because of if she does or doesn't see the email. Brenda feels: 'I suppose electronic communication is not easy. I think if you get the message you are better off acting on it even if it was a joke.' Brenda was unsure if a specific anti-bullying law should be introduced in Ireland. Regarding law/policy Brenda said there are many grey areas: 'When a kid is 18, we have 6th years

who are 18 and they're adults. Legally beyond child protection.....someone who is 18 it is grey. Legally they're an adult and the reporting procedures are different and I don't think there's legislation around that. After 18 you don't report to the HSE...' Brenda feels definitions need to be clearer from the Department of Education and Skills. Brenda said she has hugged a child when the child is upset thus giving contact. She said she knows she shouldn't but feels for the child. Brenda feels the best way to tackle bullying is: 'Whole school approach is better because I have information from everyone.' Brenda said teaching: '...is not the best paid job for the responsibility you have. It is something which you need to be passionate about.' Brenda noted the pressures of being a teacher: '....you are trying to get through a curriculum and you have X amounts of classes a week....' Brenda noted that teachers can bully children. She said maybe it's a: 'personality clash.' She also noted: 'There are times when you have to raise your voice when you're trying to get them to stop talking but after that it comes down to everyone having a bad day. It's whether it's repeated. There's days you will fly off the handle...It's about saying sorry. I think there's a human side to it but there's limits if you hit a kid. Job over. Most of it is verbal.'

Aiden

Aiden is 40 years of age. He did his teacher training in Ireland. He said he originally worked in science research but enjoyed working with young people and so he decided to change and become a teacher. Aiden feels: 'Culture and ethos are two concepts which are poorly defined in the Irish education system and are interchangeable.' Aiden said relationships between teachers and students is what normally makes up the culture of the school and ethos. He said some schools have a very prescriptive school ethos where you behave in a certain way and you follow the rules exactly and you reach standards. When Aiden was asked did he know the definition of bullying in his school anti-bullying policy, he said he did but yet didn't cite same. He said it's quite long and comes from the Department of Education and Skills. Aiden said when he is trying to determine if something is bullying he will always look to see is the pattern: 'repeated, for him the pattern has to be repeated. Aiden said the only time he would consider a once off incident to be bullying is with social media because it can be repeated by others and escalates very quickly. When asked should an anti-bullying law be brought into Ireland – Aiden responded: 'I'm not too concerned whether a school is made legally liable or not.' When answering this question Aiden didn't really seem to care and seem to want to put much thought into the answer. Aiden came across as tired and lacking energy. When asked

should his duty of care end at 4pm when school finishes he said: 'I work in a boarding school so it is different in my world, I am responsible for kids after 4pm and at night and at weekends.' Aiden feels his duty of care is the same for all students whether they in a minority group or not however, he noted: '....you have to work harder to ensure the minorities are cared for.' Aiden said one of the biggest concerns for teachers is they: '...don't have all the information on a child.' Hence, this leads to frustration because he said teachers are expected to keep children safe. Aiden said that in his school there is: 'a broad range of cultures' and so teachers have to be more understanding and respect different cultures. He also noted: '....the wide range of cultures that exist in the student population is not necessarily reflected in the teaching staff population....That can impede your capacity to deal with situations as they develop.' When asked about the future for teachers Aiden said: '....it's the best job ever. There is massive intensification of teacher workload....complicated and very demanding and not well rewarded but it's ok. Difficult to get permanency. But definitely. If someone wanted to do it, they should do it. It's not easy though.' Even though Aiden said: 'It's the best job that passion didn't really convey through the interview. It seemed to me through his body language and tone that he was tired with the job. The impression was given that Aiden is fed up with dealing with issues such as 'bullying' and that he has become somewhat cynical to people using the term 'bullying' thus lacking belief and empathy. He noted: 'I think while the understanding of bullying in school is quite good, I think outside of school there's still a lack of understanding. It becomes a phrase for parents to use to raise up the priority of whatever issue they're having. If they just call it bullying regardless of what incident occurs, it is almost automatically dictated as a bullying issue. If they aren't happy they call it bullying.' Aiden said the term bullying is: 'Savagely overused.' He noted: 'Any letter of complaint or any phone call related to a complaint relating an incident between two kids or a teacher and child it is always called bullying.' Aiden was cynical about parents motives to use the term bullying: '...calling it bullying they can extract a better response and.....they know schools have to and will take it more seriously because it's called bullying.....kids as well.' Aiden feels it's a means for parents and children to seek attention: 'It's a means of putting more priority into your issue and it becomes more of priority if you call it bullying.' Aiden noted that parents can be intimidating and use the media as a way to try and frighten teachers: '.....they'll say they will go public with this. A parent did last Thursday and came in and the first thing she said was her daughter was being bullied and I'm going to the media so while it doesn't affect me in most cases, certainly the perception from parents is that going to the media will allow them to extract more importance with

their issue.’ Aiden feels the media will sensualise the story as they: ‘only get one side of the story.’ Aiden feels in situations like that the Department of Education should offer PR support. Another difficulty Aiden sees is the conflict of interest that exists of students who bully, their parents being on the board of management. He says: ‘It happens quite a lot.’ In trying to deal with it: ‘It is complicated....you ensure you do everything by the book and like everything else due process.’

Cathal

Cathal is in the age range of 30-40 years of age. He did his teacher training in Ireland. He teaches PE and History. He left school quite young because he: ‘....hated school because teachers didn't talk to me unless I was in trouble.....No one ever asked if I was okay or did I enjoy something or that kind of thing.’ He then got a part-time job and after a few years decided to become a teacher. He works in a mixed school of 640 pupils. He said it is a boarding school and so he is on duty at night time by staying in the boarding school. He said his school is very friendly and welcoming. Cathal talked a lot about respect for his students during his interview. He conveyed a lot of passion and enthusiasm during the interview for the students in turn showing a lot of empathy. He talked a lot about talking on the ‘same level’ of students and this in turn creates a positive environment. Cathal kept emphasising throughout the interview through his words how: ‘The only reason I teach is because I love kids.’ Cathal noted: ‘I know it is a professional game but I try to be a friend’. Cathal came across quite friendly in the interview. He said in trying to create strong relationships with his students: ‘I ask them about home and I ask them about things and outside of their lives...’ Cathal was asked do teachers bully students, he was quick to answer no and seemed shocked that such a suggestion would be made: ‘No. Let it be said that every teacher for whatever reason would have their favourites and those they get along with better. That's life. They shouldn't but it's impossible not to and if you've a crowd of 600 you will get on better with some than others and that's how life works and but you never obviously.’ He further noted: ‘There's no teacher who is out to be bully and if you want to be a teacher the last thing in your mind is going in that you want to bully a student.’ Cathal teaches PE and he noted sport can be used as a veil to cover up bullying such as in contact sport games. He also noted coaches can be aggressive and can bully: ‘coaches are teaching kids to be aggressive and then boys are in dressing rooms and I see this before PE and they name call and they laugh.....it comes from a place where they're taught to be aggressive but you need manners here.’ When asked did he know the definition of bullying in the school anti-bullying policy he said: ‘It's verbal, physical and

I think we have social media in it.’ He didn’t know if it had to be repeated. Cathal felt he did have a duty of care outside of school. He said: ‘It’s a moral duty. Legally a teacher goes 9-4 and goes home.’ Cathal said he is a role model to students: ‘I like to think that while you’re not their parents you are some kind of a catalyst for positivity in their life and then they will approach you if they have a problem.’ Cathal feels being too friendly with students can sometimes be seen as too ‘unprofessional.’ Cathal feels teachers can build relationships with students through clubs and societies after school. However, he said: ‘...it infuriates me a lot of teachers I work with who have new cars zoom out the gates everyday. It’s the same old people. I understand it. I’m a single man. I don’t have a family but if I had one and different priorities perhaps mine would be different. To be honest, I don’t see how I’d find time to have a family being a teacher. At 4pm, they’re gone and it’s up to the younger crew coming in to establish that rapport.’ For Cathal law and policy isn’t the top of his priorities: ‘I don’t go looking for policies...I think using your cop on rather than checking policies is more important. I wouldn’t go running straight away for policies although I have been in the past corrected on them...’ Cathal feels in order to make teachers truly care about bullying if they genuinely don’t care then: ‘...you have to reshape or remould their perception of what it is to be a teacher. Is it a natural quality.’ He also emphasised: ‘...you have to love the kids and know them and then you teach them. It doesn’t work otherwise and then they’re wondering why teachers get resented.’ Cathal said teaching is a very pressurised job: ‘it is full on and you’re not done when you’re done and you’re preparing for the next day which is part of your remit and you’re planning things’. But Cathal feels if you love being around kids then you will be able for the pressure. He also said the definition of a good teacher shouldn’t be based on what grades a student gets it should be based on how much care they show the student.

Melissa

Melissa is in the age range of 30-40 years of age. She did her teacher training in Ireland. She always wanted to be a teacher. Her parents were teachers. She teaches maths and science. She teaches in a mixed school of 257 pupils about 60% boys and 40% girls. Melissa sees herself as a role model. She noted: ‘Young people need role models and guidance they need people to look up. They’re only starting out.’ Melissa talked about children in her interview but she also talked a lot about being in line with policies. She noted: ‘I’m employed to follow the codes that are set out whether it’s code of behaviour or antibullying or respect or just like you have a dress code you have to follow it.’ Melissa noted that children attention spans have changed because of technology and everything

being so instant. Melissa felt bullying was different to harassment. She felt: ‘Harassment is more a term used in adult world...I think of harassment as someone not being as deeply hurtbullying for me represents something deeper and long term...’ Regarding whether she thought victimisation and bullying were similar she said: ‘I’m confused about that one. I can’t explain it. I wouldn’t match them together but if I saw them together I wouldn’t think it was unusual.’ Melissa spoke very highly of her school all throughout the interview. She said she has never experienced bullying in her current school or any other schools that she has worked in. When asked were there any little examples, she said: name calling. Melissa was asked did she consider name calling as bullying and she said yes. Hence, she appeared confused as to whether she had experienced bullying in her school and other schools. Melissa didn’t know the definition of bullying in her school anti-bullying policy: ‘Off my head, I don’t know. I can’t recall but I have a copy of it in my teacher diary and everyone does and it is laid out along with the ethos and codes of conduct.’ She said in terms of reporting bullying, it is a ladder system: ‘There’s a ladder system and if you think of it as a mind map so low level is class teacher and high level is year head and it has to be reported.’ Melissa feels she has a duty of care after 4pm – when asked was that a moral or legal duty – she said: ‘I would say a legal duty. I don’t know. I presume it’s within my remit.’ Hence, there was a lot of times throughout the interview that Melissa seemed confused. Melissa said her colleagues in school are very motivated to deal with bullying, she noted: In my school we are. The word stamp it out came to mind.’ Melissa’s school takes a zero tolerance approach. Melissa doesn’t think an anti-bullying law in Ireland would work because she said the court system is already too blocked up and that our current laws is too lenient. Earlier in the interview Melissa said she is concerned with policies but later in the interview she said she is concerned with morale in the school and caring for children. She also said there is a zero tolerance approach to bullying in the school but later on said she would be more concerned with: ‘I learn more from talking to guidance counsellors or behaviour support teacher than I would than looking at legislation..’ It seemed she wasn’t fully sure. Melissa noted some of the barriers to preventing and intervening in bullying is: ‘Inadequate resources. Parent reactions.’ Melissa noted poverty exists in the school and so they have a breakfast club. Melissa said teachers do bully students, she noted: ‘I’m going to say something here that would be controversial but I think older teachers and older generation.’ She said the reason why is because those teachers were bullied as students because back then it was seen as ok. She feels young teachers can be bullied by students. She noted: ‘....it can be very difficult if teachers are not suited to the role. If you don’t have that inner make up

which makes you a strong person....' Melissa feels reform in education needs to centre around: '....create very workable and clear policies on what exactly duty of care is and these have to be agreed upon and not just pushed through without teachers being on board.' Melissa feels being a teacher: '...it is a difficult profession nowadays. There's a lot being asked...' Melissa said: 'I love my job....One note of caution is that it is not a job for everyone.' Melissa noted the stresses and strains of being a teacher. She said: you have to volunteer and have lots of energy: 'Last night I was at a fashion show for my transition years until 10pm. I don't get paid for that. We're being pushed all the time. I'm a young teacher. I'm not one of those who is fed up and burned up. I've loads of energy and am involved in loads and you would want to have loads of energy for what you're being asked to do.'

Appendix G: Presentations of my research

- **2016 – 22nd/23rd August 2016** – Presented my research at the Emerging Researchers' Conference (ERC), "Leading Education: The Distinct Contributions of Educational Research and Researchers", University College Dublin, Dublin, Ireland.
- **2016 – 9th June 2016** – Presented my research at the Bullies, Bullied and Bystanders: Advancing Knowledge, Understanding and Practice in Education. International scholarly conference, Dublin City University, Dublin, Ireland.
- **2015 – 15th October 2015** – Presented my research along with discussing Title IX and the Cleary Act (USA Act) at EUSA – EUSA is a not for profit international education organisation which works in partnership with colleges and universities to implement study abroad programs in London, Dublin, Madrid, Paris and Prague. Venue was Boston College, Stephens Green, Dublin, Ireland.
- **2015 – 12th May 2015** – Presented my research at Stravanger, Norway with other ABC colleagues from DCU. The lecture I presented on was then used in a module collaboration between Stravanger and DCU. The module was called **ES597** Prevention and Intervention of Bullying in Learning Environments. Online lecture.
- **2015 – 7th of February 2015** – Presented my personal story at the DCU, Tedx event, Dublin City University, Dublin, Ireland. Sinead Kane, Noble Call to End School Bullying –
YouTube Link – 793 views. <https://www.youtube.com/watch?v=jp0tsbfKi6s>
- **2014 - 4th September 2014** – Presented my research at the National Cyberbullying Conference, Dublin Castle, Ireland.

Appendix H: Journal Article

Kane, S., and O'Moore, M., The EU Directive for Victims of Crime: how it applies to victims of bullying? Irish Criminal Law Journal 2013, 23(3), 83-87.

Subject: Criminal law .**Other related subjects:** European Union.

Keywords: Bullying; EU law; Ireland; Victims;

Abstract: Explores how EU Directive 2012/29 (Victims' Directives) applies to and can benefit the victims of bullying. Lists matters the Directive was designed to ensure. Notes the restorative justice provisions in arts 12 and 25 of the Directive. Identifies: the two types of bullying, traditional and cyber- bullying, and the overlap between them; the effects of bullying; the special needs of bullying victims; and how victim support services can adapt to better serve bullying victims. Considers whether bullying should be categorised as a criminal offence in Ireland and the position under current legislation.

Legislation Cited: Directive 2012/29 on minimum standards on the rights, support and protection of victims of crime, and replacing Framework Decision 2001/220/JHA Non-Fatal Offences Against the Persons Act 1997 s.5, s.10 (Ireland) Post Office Amendment Act 1951 s.13 (Ireland) Data Protection Act 1988 (Ireland) Data Protection Act 2003 (Ireland) Prohibition of Incitement to Hatred Act 1989 s.4 (Ireland)

Appendix I: Table reflecting graph findings.

Pseudo-name	Duty of Care			Empathy			Burden		
	Expansive	Mid	Limited	High	Mid	Low	High	Mid	Low
Ailish	Ailish			Ailish					Ailish
Alana		Alana			Alana		Alana		
April	April				April		April		
Audrey	Audrey			Audrey					Audrey
Ava		Ava				Ava		Ava	
Betty			Betty		Betty			Betty	
Brenda	Brenda					Brenda	Brenda		
Caroline	Caroline			Caroline			Caroline		
Cliona	Cliona				Cliona		Cliona		
Clodagh			Clodagh			Clodagh		Clodagh	
Colette		Colette				Colette	Colette		
Donna		Donna			Donna		Donna		
Hannah	Hannah				Hannah				Hannah
Melissa		Melissa			Melissa		Melissa		
Olivia		Olivia		Olivia			Olivia		
Orla			Orla			Orla	Orla		
Sandra	Sandra					Sandra	Sandra		
Victoria		Victoria		Victoria			Victoria		
Aiden	Aiden					Aiden		Aiden	
Andrew	Andrew					Andrew	Andrew		
Cathal	Cathal			Cathal			Cathal		
Dominic		Dominic		Dominic					Dominic
Harry	Harry				Harry		Harry		
Jack	Jack			Jack			Jack		
Liam		Liam		Liam			Liam		
Peter	Peter			Peter			Peter		
Robert	Robert			Robert			Robert		
Ryan		Ryan		Ryan				Ryan	
Stephen	Stephen			Stephen				Stephen	

Pseudo-name	Law/Policy			Likelihood to Intervene		
	Yes	Unsure	No	High	Unsure	Low
Ailish			Ailish	Ailish		
Alana			Alana		Alana	
April	April				April-Low	
Audrey	Audrey			Audrey		
Ava		Ava				Ava
Betty			Betty		Betty-Low	
Brenda		Brenda			Brenda	
Caroline			Caroline	Caroline		
Cliona	Cliona			Cliona		
Clodagh	Clodagh					Clodagh
Colette		Collette				Collette
Donna		Donna			Donna-Low	
Hannah			Hannah	Hannah		
Melissa			Melissa		Melissa-Low	
Olivia	Olivia				Olivia-High	
Orla						Orla
Sandra		Sandra			Sandra	
Victoria			Victoria		Victoria-High	
Aiden		Aiden				Aiden
Andrew	Andrew					Andrew
Cathal	Cathal			Cathal		
Dominic		Dominic		Dominic		
Harry		Harry			Unsure-Low	
Jack	Jack			Jack		
Liam	Liam			Liam		
Peter	Peter			Peter		
Robert			Robert	Robert		
Ryan				Ryan		
Stephen		Stephen		Stephen		