

School Anti-bullying Policies in the UK and USA: A Perspective of Education Law

Summary

Introduction

Since 1970s, bullying in schools has become widely viewed as an urgent health and education concern that has moved to the forefront of public debate on educational legislations and policies in advanced countries (Stuart-Cassel, Bell, & Springer, 2011). Meanwhile, the governments of the UK and USA, two members of OECD, have passed special laws to regulate different types of bullying (Moore, Jones, & Broadbent, 2008). The aim of this study was to examine the policy measures used to prevent bullying in schools in UK and USA, and implications of anti-bullying mechanisms for schools in Taiwan were proposed accordingly.

Method

In order to examine the roles, duties, rights and cooperation of stakeholders, such as bullies, victims, school staff, administrative organizations, parents and relative external groups, in the anti-bullying network in detail, the historical comparative method was adopted to figure out and explain the similarities and differences of anti-bullying policies in the UK and USA. The data for this study was mainly drawn from secondary sources including books, laws, regulations, journals, government reports and guidelines, legislative papers and newspapers. Through document analysis and literature review, implications were extracted in the perspective of education law.

Results

First, even though the central government system of the UK and USA are different, both nations have corresponding laws and administrative guidance for local governments regarding anti-bullying policies. The laws clearly outlined the authority and power that the school's teaching staff holds in handling students' deviant behavior, including bullying; this is a significant characteristic of the two nations' anti-bullying policy.

Second, many local governments and school administrators in the UK and USA believed that strongly enforcing the zero tolerance policy toward bullying is essential in maintaining school safety. Although primary and secondary schools in both nations have the power to determine the disciplinary actions for deviant behaviors including bullying, the education laws (including common law and statutes) of the two nations complied with the important principles of the administrative laws to ensure basic human rights of students and the safety in schools (Ford, Hughes, & May, 2010; Leyland & Anthony, 2013; Thomas, Cambron-McCabe, & McCarthy, 2009).

Furthermore, stakeholders of schools in the UK and USA, including the teaching staff, parents, and local governments, all play a responsible role in preventing bullying in schools. In addition, alternative education provided by institutions other than the school should be ensured in terms of time and quality, and thus being able to offer another educational option for students, who are suspended due to bullying, outside the public school system.

Discussion and Conclusion

From the perspective of education law, the anti-bullying policies of the UK and USA could be examined in the following six aspects:

(1) Complying with the principles of administrative law

On one hand, the principle of legality and principle of legal certainty must be taken into account to authorize the school's teaching staff so that they can take reasonable disciplinary actions to maintain the order in school. On the other hand, the due process of law must be respected to ensure the basic rights of the students and their parents.

(2) Designed to fulfill the requirement of school safety

The anti-bullying policies of the two nations were authorized by law so that school's teaching staff are guaranteed to handle bullying behavior firmly with a legal basis, and then a practical reporting mechanism could be established due to the uniformity between power and responsibility. As the result, a safe learning environment without bullying could be created.

(3) Introducing parents' accountability

In both nations' anti-bullying policies, parents are demanded to take a part of the responsibility for their child's behavior, reflecting the policy trend of involving parents in anti-bullying measures. However, the UK has established statutes to prosecute and fine parents who failed to improve their child's deviant behavior in school. Compared to the USA, the UK implemented a significantly stronger and more active stand requiring parents sharing responsibilities for their child's bullying behaviors.

(4) Supporting counseling and disciplinary action

Schools and local authorities in the UK and USA not only conducted the preventive measures, such as regularly supplying the counseling personnel and improving the anti-bullying mechanisms, but also enforced disciplinary actions including detention and suspension as the consequences of serious incidents, like bullying. Both preventive support and afterward consequences were indispensable to maintain the quality of learning and the safety in campus.

(5) Providing alternative education by institutions other than the school

The anti-bullying policies in the UK and USA have discarded the idea that the government is the only provider of the public educational service. The policies have made alternative education by institutions other than the school available so that the education system can be more flexible to accommodate diverse needs of students.

(6) The positive influence of the policies

The results of the Health Behavior in School-Aged Children Study conducted by the World Health Organization revealed that the number of 11-year-old bullying victims increased in the UK and decreased in the USA, but the number of 15-year-old bullying victims in both nations decreased

significantly (Currie et al., 2012). This implied that the anti-bullying policies of the UK and USA had a positive effect, at least at the age of 15, which was the peak of laddish and deviant behaviors.

Implication

Therefore, compared to the current anti-bullying policies in the UK and USA, the Taiwanese government should, to the best of its effort, improve the relevant laws so that the teaching staff in schools are able to handle deviant behaviors, such as bullying, more effectively with the confidence of legal back up. At the same time, rules regarding the parents' responsibilities for their child's deviant behaviors in school should be introduced to include the paramount role of parents in pupils' social development, and alternative education should be made available from sources other than the school to allow the flexibility in education system and to accommodate the diverse needs and status of youngsters.

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