



Northern Ireland
Assembly

Research and Information Service Review of Bill Costs

Paper 000/00

3 December 2015

NIAR 632-15

Public Finance Scrutiny Unit

Addressing Bullying in Schools Bill – Assessing the Costs

On 30 November 2015 the Addressing Bullying in Schools Bill (the Bill) was introduced in the Assembly. This Review of Bill Costs provides a framework to facilitate Assembly financial scrutiny of the Bill. It should be read in conjunction with RaISe Bill Paper NIAR 612-15 (3 December 2015), wherein policy issues are addressed.

Introduction

On 30 November 2015 the Addressing Bullying in Schools Bill (the Bill) was introduced in the Assembly by the Minister of Education. The Bill is accompanied by an Explanatory and Financial Memorandum (EFM), which at paragraph 8 sets out the Department for Education's (DE's) assessment of the financial impact of implementing the Bill, if enacted as introduced.

This Review of Bill Costs is intended to supplement information provided in RaISe Bill Paper NIAR 612-15 (3 December 2015), wherein policy issues are addressed. The Review provides a framework to orientate the Assembly's financial scrutiny of the proposed Bill:

- Section 1 reviews key clauses of the Bill, as well as relevant paragraphs within the EFM; and,
- Section 2 provides concluding remarks, highlighting key observations relating to the financial implications of the Bill.

Scrutiny points are provided throughout the Review.

All references to "the Bill" are intended to refer to the Bill as introduced by the Minister.

1 Bill Clauses – as introduced

There are five clauses within the proposed Bill. This section reviews the estimated costs assigned to key clauses by the DE. It examines the DE's estimate, as specified in the EFM; while looking at the costs drivers and underlying assumptions.

1.1 Miscellaneous Clauses incurring no costs

Clause 1 provides an inclusive definition for the term "bullying", which would determine the scope of application of the other Bill provisions, if the definition is enacted as currently proposed. The EFM does not attach any costs to this Clause, which is reasonable given the Clause's definitional purpose.

Clauses 4 and 5 relate to the interpretation, short title and commencement of the Bill, and similar to Clause 1 would not incur costs, if enacted as introduced.

1.2 Clause 2: Duty of Board of Governors

Clause 2 prescribes a duty of care for Boards of Governors of grant-aided schools, requiring them to:

...determine and review measures to prevent bullying involving registered pupils at their school.¹

¹ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

In addition, under Clause 2 Governors would:

... ensure [that] the policies designed to prevent bullying among pupils registered at the school are pursued.²

To protect against potential future conflicts of interest within schools, Clause 2 would:

...remove the Principal's duty in respect of bullying.³

For this particular provision, the Bill's EFM states that:

...it is not anticipated that any training costs will arise which cannot be met within existing Departmental resources.⁴

The PFSU sought clarification around the likely costs involved with training. The DE's response focussed exclusively on teachers' training regarding the use of the new system.⁵

The DE's reply appears insufficient in that it does not include training for Governors. Moreover, there seems to be no information about other costs potentially arising under this Clause, such as those relating to:

- the periodic review of the school's measures to prevent bullying;
- consultation with the principal, parents and pupils; and
- dissemination of information on bullying prevention measures to all relevant parties.⁶

Without further information, it is difficult to assess what costs Clause 2 would impose on the DE, or the Education Authority of the schools concerned. If additional information is sought and secured, it would be necessary to revisit the costing for Clause 2.

Issues for Consideration:

The Assembly may wish to enquire:

1. Whether the DE considered the training requirements for grant-aided school Governors regarding this duty and related financial implications?
2. What are the estimated costs of training for the Governors of grant-aided schools likely to be?
3. Would the DE consider costs could arise from the proposed review of measures to prevent bullying, from consultation with the principal, parents and pupils in respect of bullying, or from the proposed dissemination of the information on bullying?

² DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

³ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

⁴ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

⁵ DE (2015) Email to PFSU from DE dated 20 October 2015.

⁶ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

4. Who would be responsible for the costs, e.g. the DE, the Education Authority or schools?

1.3 Clause 3: Duty to keep a record of incidents of Bullying

Clause 3 places a duty on grant-aided schools:

...to ensure that a record is kept of all incidents or alleged incidents of bullying which involve a registered pupil.⁷

The EFM states that this particular provision:

...will incur costs, principally associated with the adaptation and maintenance of the IT system to be used for the purpose of recording by schools and training to be provided to teaching staff using the system.⁸

It goes on to state that:

It is estimated that the adaptation of the IT system will cost in the region of £40,000. This funding will be sought from within existing resources for the 2015-16 financial year.⁹

The DE further advised that:

...the £40,000 cost identified was the initial estimate provided by C2k/Capita for building an anti-bullying recording module for the C2k Schools Information Management System (SIMS).¹⁰

The DE went on to state:

C2k provided this figure on an initial meeting at which [DE] outlined our envisaged needs for the system. A module was previously created to allow for recording of bullying incidents as part of a 2008 pilot project looking at electronic recording. C2k advised us that the projected costs were comparatively low because they expected that much of the code for the pilot project could be re-utilised. They have, however, warned us that the costs would need to be reviewed once a final detailed requirements specification for the software is agreed.¹¹

From the above, it appears that the contractor has not analysed the code of the pilot project, to assess whether it could be re-used. Furthermore, the code appears to be over seven years old, which raises a question as to whether it may require extensive re-writing. For example, it is likely that coding has advanced in those seven years, or

⁷ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

⁸ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

⁹ DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

¹⁰ Email to PFSU (20 October 2015): Information supplied by DE, 20 October 2015. Page 1.

¹¹ Email to PFSU (20 October 2015): Information supplied by DE, 20 October 2015. Page 1.

alternatively the SIMS system may have evolved, creating problems with interfaces in the system.

Issues for Consideration:

The Assembly may wish to ask:

5. What contingency plans would the DE put in place to fund the IT project, if it is unable to access the funding from existing resources as currently planned?
6. Would the DE re-visit the costs within the EFM to ensure that they are not significantly underestimated?

In addition to the costs of the IT system, the EFM states:

It is not anticipated that any training costs will arise which cannot be met within existing Departmental resources.¹²

The DE further advised the PFSU that:

We currently believe that, as the new module will be based on an IT platform already familiar to all teachers, a short online training lesson should be sufficient to allow them to use the new system.¹³

Given that the above training lesson would have to be designed and built, it is reasonable to assume that it would incur costs. In the absence of further information from the DE in this regard, no further comment can be made at this time. If such information is made available, it would be necessary to revisit the costing of Clause 3.

Issues for Consideration:

The Assembly may wish to request:

7. That the DE asks C2k to provide information on the cost to design and build a training course for the new anti-bullying module for SIMS, and that the DE share this information with the Assembly.
8. That the DE clarifies who would be liable for the above costs, e.g. the DE, the Education Authority or the grant-aided schools.

1.4 Other Issues

The Background and Policy Objectives of the EFM states that:

..the access to this information [records of bullying across NI] would allow the Department to accurately assess the level of bullying across our

¹² DE (2015) The Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

¹³ Email to PFSU (20 October 2015): Information supplied by DE, 20 October 2015. Page 1.

*schools and provide tailored guidance to address emerging trends on an informed basis.*¹⁴

The EFM does not provide any further information on this issue.

Issue for Consideration:

The Committee may wish to enquire:

9. What additional staff resources would be required to analyse the bullying data and disseminate the DE guidance.

10. The costs associated with any additional staff.

In the absence of further information from the DE in this regard, no further comment can be made at this time. If such information is made available, it would be necessary to revisit the costing of this Bill.

2 Conclusion

The EFM estimates that the costs associated with the implementation of the Bill (if enacted as introduced) would be in the region of £40,000, with no recurrent costs for subsequent years.

Departmental information on the Bill's estimated costs is limited and relates mainly to the design and build of a new module for SIMS. However, the IT contractor has stated that the estimate is dependent on the fact that it hopes to re-use the code from a pilot system that it had designed in 2008. If however, the code could not be re-used, it is possible that the costs would increase, potentially significantly if the additional SIMS module had to be designed and built from scratch. Additionally, the DE has not included costs relating to:

- training for teachers on the new system;
- training for Boards of Governors of the grant-aided schools on their new role;
- reviewing bullying prevention measures,
- consultation on bullying;
- disseminating information on bullying;
- the design and build of a training course on the new IT module;
- the potential additional staff resources to analyse the bullying data and disseminate DE guidance; and,
- who is likely to be responsible for meeting these costs.

The Assembly may wish to seek further information from the DE about the Bill, as indicated throughout Section 1. If additional information is sought and secured, it would

¹⁴ DE (2015) Addressing Bullying in Schools Bill – Explanatory and Financial Memorandum.

enable better assessment of the likelihood and extent of potential costs to be incurred by the implementation of the Bill. This would allow the Assembly to assure itself that the DE has robustly considered the financial impact of the Bill.