

ADDRESSING BULLYING IN SCHOOLS BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by the Department of Education in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. This Bill is intended to; provide an inclusive definition of ‘bullying’; introduce a duty on the Board of Governors of each grant aided school to secure measures to prevent bullying; and introduce a duty to keep a record of incidents of bullying.
4. The public consultation ‘Addressing Bullying in Schools’ was launched by the Department of Education on 5 January 2015 and concluded on 27 February 2015. This consultation sought views on the main policy proposals for addressing bullying in our schools.
5. The majority of those who responded on the specific issues expressed the view that a legislative definition was required to ensure a consistent approach to bullying between schools. The majority of responses expressed the view that the central recording of bullying by all schools on a common IT system would allow schools to accurately assess the impact of their anti-bullying policies and practices and review them as required. They also considered that the access to this information would allow the Department to accurately assess the level of bullying across our schools and provide tailored guidance to address emerging trends on an informed basis.

OPTIONS CONSIDERED

6. In the course of policy development, the Department assessed the viability of alternative approaches. These included maintaining the dictionary definition of bullying and allowing schools to continue to record bullying incidents in the various ways that they were already doing. The proposals contained in the Bill were identified as the preferred options.

OVERVIEW

7. The Bill has 5 clauses. A commentary on each of the clauses follows below. However, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

COMMENTARY ON CLAUSES

Clause 1: Definition of Bullying

Clause 1 provides an inclusive definition of bullying.

Clause 2: Duty of Board of Governors to secure measures to prevent bullying

Clause 2 requires the Board of Governors of each grant aided school to determine measures to prevent bullying involving registered pupils, ensure these are pursued at their school; and ensure these are reviewed at intervals not exceeding 4 years. The measures determined by the Board of Governors shall apply to incidents: - occurring on school premises during the school day, whilst pupils are travelling to or from school during the school term, whilst pupils are receiving educational provision arranged on behalf of the school but delivered outside the premises of the school; or whilst pupils are in the lawful control or charge of a member of school staff.

In addition, Clause 2 permits the Board of Governors of a grant-aided school, to such extent as it thinks reasonable, to consider measures to prevent bullying using electronic communication; where this is likely to have a detrimental effect on a pupil's education at the school, even if the electronic communication takes place outside the boundaries already listed.

Responsibility to determine measures to promote good behaviour and discipline among pupils, including the addressing of bullying, is currently vested in the school Principal.

To prevent any conflict, the draft Bill includes an amendment to remove the Principal's duty in respect of bullying, as set out in Article 3(3)(a)(ii) of the Education (Northern Ireland) Order 1998.

Clause 3: Duty to keep a record of incidents of bullying

Clause 3 requires the Board of Governors of grant aided schools to ensure that a record is kept of all incidents of bullying or alleged bullying which involve a registered pupil whilst: on school premises during the school day, whilst pupils are travelling to or from school during the school term, whilst pupils are receiving educational provision arranged on behalf of the school but delivered outside the premises of the school; or whilst pupils are in the lawful control or charge of a member of school staff. The method of the bullying, its perceived motivation and the manner in which the school has addressed the incident must also be recorded.

FINANCIAL EFFECTS OF THE BILL

8. Implementation of the recording provisions in the Bill will incur costs, principally associated with the adaption 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. 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 2016/17 financial year.

It is not anticipated that there will be significant training costs for teachers and for Boards of Governors, however, this will be further explored during the development of supporting guidance for the Bill. Any training costs identified will be met within existing Departmental resources.

HUMAN RIGHTS ISSUES

9. The Department considers the provisions of the Bill to be in compliance with the Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

10. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the provisions in the Bill will not lead to discriminatory or negative differential impact on any of the section 75 groups.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

11. The effects of this Bill have been assessed and it is concluded that the provisions will not result in savings for, or costs to, businesses, charities, social economy exercises or voluntary bodies.

LEGISLATIVE COMPETENCE

12. The Minister of Education had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Addressing Bullying in Schools Bill would be within the legislative competence of the Northern Ireland Assembly.”