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AN ROINN

Oideachais

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Your Ref: 2492

2 February 2016

Dear Peter

ADDRESSING BULLYING IN SCHOOLS BILL

Thank you for your letter of 29 January 2016 requesting further information on the Addressing Bullying in Schools Bill, following evidence briefing on 27 January 2016.

The constraints applied to non-teaching school staff in respect of the bullying of school pupils, specifically whether a school code of conduct and related disciplinary measure will generally apply to non-teaching school staff

All staff, teaching and non-teaching, are in a position of trust and authority and have to adhere to the Code of Conduct in all aspects of their interaction with learners regardless of setting. The responsibility for investigating complaints against school staff rests with the Principal in the first instance. Each school is required to have a Parental Complaints Procedure in place, which sets out the process for parents to raise concerns in relation to the staff or school environment. All complaints should be taken seriously and given due attention by the Board of Governors. Where necessary Board of Governors may seek advice from the relevant Employing Authority.

The meaning and interpretation of 'omission' as set out in clause 1 of the Bill. Members sought, in particular, examples of omissions and confirmation that guidance to schools would provide adequate clarification.

We have been advised that in legal terminology, the word "cause" (*in terms of this Bill, Clause 1(1)(c) – "with the intention of causing physical or emotional harm..."*) may be both positive, in the sense that someone proactively causes harm, or negative; someone intentionally fails to act knowing that this failure will cause harm. "Omission" is a closely related concept identifying circumstances where someone fails to perform an act despite there being a legal duty or reasonable expectation that they should do so. For the purposes of the Bill, "omission" will principally relate to the deliberate exclusion or isolation of another pupil in circumstances where it would be easy or reasonable to include them; and where the decision to exclude is made with a deliberate intent to cause harm.

An example of where this could arise is where a pupil or group of pupils deliberately and unreasonably exclude another pupil from a group activity, where the participation of the additional young person could be easily accommodated (i.e. it would not cause a team to exceed a permitted maximum number of players); and where the exclusion of the individual is done with the deliberate intention of causing them emotional harm.

Yours sincerely

Russell

RUSSELL WELSH
Departmental Assembly Liaison Officer



Northern Ireland
Assembly

Committee for Education

Russell Welsh
Departmental Assembly Liaison Officer
Department of Education
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29 January 2016

Our Ref:2492

Dear Russell

Addressing Bullying in Schools Bill

Please pass on the Committee's thanks to officials for their briefing on Wednesday 27 January 2016 as part of the Committee Stage of the Addressing Bullying in Schools Bill.

Following this briefing, the Committee agreed to write to the Department seeking clarification regarding:

- the constraints applied to non-teaching school staff in respect of the bullying of school pupils, specifically whether a school code of conduct and related disciplinary measures will generally apply to non-teaching school staff;
- the meaning and interpretation of "omission" as set out in Clause 1 of the Bill. Members sought in particular, examples of omissions and confirmation that guidance to schools would provide adequate clarification.

Committee for Education

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A response at your earliest convenience and prior to the informal deliberation session on Tuesday 2 February 2016 would be greatly appreciated.

Yours sincerely

Signed Peter McCallion

Peter McCallion
Clerk
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