



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
TUESDAY 2 FEBRUARY 2016
SENATE CHAMBER, PARLIAMENT BUILDINGS

Present:

Peter Weir MLA (Chairperson)
Sandra Overend MLA (Deputy Chairperson)
Chris Hazzard MLA
Danny Kennedy MLA
Trevor Lunn MLA
Nelson McCausland MLA
Robin Newton MLA

In Attendance:

Peter McCallion (Assembly Clerk)
Paul Stitt (Assistant Clerk)
Paula Best (Clerical Supervisor)
Kevin Marks (Clerical Officer)

Apologies:

Jonathan Craig MLA
Sean Rogers MLA

The meeting commenced in public session at 2:07pm.

1. Apologies

Apologies are as indicated above.

2. Chairperson's Business

2.1 Further Consideration Stage of the Shared Education Bill

The Committee noted that the Further Consideration Stage of the Shared Education Bill has been rescheduled.

The Committee noted tabled correspondence from the Minister including assurances relating to "tokenistic participation" in Shared Education and the associated draft amendment to the Bill.

Agreed: The Committee agreed to consider a Departmental briefing, on 10 February 2016, on: the revised "no religious belief" amendment and the Department's views on the "participation in Shared Education" amendment.

3. Matters Arising

3.1 Addressing Bullying in Schools Bill.

The Committee noted correspondence from the National Association of Head Teachers suggesting that Special Schools etc. be exempt from the provisions of the Addressing Bullying in Schools Bill.

The Committee also noted correspondence from the Northern Ireland Human Rights Commission in relation to anti-cyberbullying measures and related legal considerations.

4. Addressing Bullying in Schools – Committee Stage – oral evidence Departmental response

Departmental officials joined the meeting at 2:10pm.

Caroline Gillan, Director of Access, Inclusion and Well-being; and Alan Boyd, Head of Pupil Management Team, briefed the Committee as part of the Committee Stage of the Addressing Bullying in Schools Bill.

The Committee noted Departmental correspondence in respect of cyberbullying and school responsibilities.

The Committee continued its informal deliberations on proposed amendments to the Addressing Bullying in Schools Bill.

The Committee again considered commentary relating to cyberbullying and the role of school authorities in tackling this complex issue.

The Committee informally agreed that it would pursue amendments in respect of Clause 2 which would reasonably enhance the scope of a school's responsibility in order to include a wider range of bullying activities which might originate at any time but which have an impact on the victim's participation at school.

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

The Committee considered submissions from stakeholders which suggested that the Bill be amended in order to: require school anti-bullying policies to explicitly reference various forms of bullying; include specific reference to the implementation of school anti-bullying policies; and require the inclusion of independent schools, Early Years settings and Education Other Than At School (EOTAS) settings within the provisions of the Bill.

The Committee noted Departmental responses indicating that: relevant detail in respect of forms of bullying should be included in guidance rather than primary legislation; a requirement for schools to implement anti-bullying policies was already contained within the Bill; and that the inclusion of independent schools or Early Years settings would be inconsistent with existing Departmental policies. The Committee also noted Departmental assurance that EOTAS settings are already obliged to have anti-bullying and related policies.

Sandra Overend joined the meeting at 2:21pm.

The Committee informally agreed that it would not pursue related amendments.

The Committee considered submissions which suggested that the process for review of anti-bullying measures by schools should be time bound and should include consultation with pupils. The Committee also consider submissions which suggested that the Education Authority (EA) or the Education and Training Inspectorate (ETI) should be explicitly referenced in the Bill as having responsibility for monitoring the compliance of Boards of Governors (BoGs) with the provisions of the Bill.

The Committee noted Departmental arguments that a time limit on policy review might inhibit the natural evolution of school anti-bullying policies. The Committee noted also Departmental assertions that the Bill, as drafted, obliges BoGs to consult with pupils on their anti-bullying policies and that existing Departmental powers and duties in respect of inspection and governance obviated the need for explicit reference to either ETI or the EA.

The Committee informally agreed that it would pursue an amendment which would place an obligation on Boards of Governors to conduct a review of anti-bullying measures within a period of 5 years or less.

The Committee informally agreed that it would not pursue other related amendments.

The Committee considered submissions which suggested that the Bill be amended in respect of the scope of school anti-bullying responsibility in order to include: cyberbullying; reporting of criminal activity; proactive protections for Section 75 groups; explicit reference to extra-curricular activities; and the role of parents.

The Committee noted Departmental assertions that guidance – which is to be produced following consultation with schools, BoGs, parents and pupils – will address the scope of schools' responsibility including the inclusion of Section 75 groups etc.. The Committee noted also that cyberbullying and e-safety guidance are to be produced in the medium term by other bodies. The Committee noted the Department's argument that it would be difficult to define the role of parents in anti-bullying legislation and impossible to enforce compliance. The Committee also noted Departmental assurance that existing obligations on schools would require the reporting of criminal activity.

Danny Kennedy left the meeting at 2:40pm

As indicated above, the Committee is to pursue amendments relating to cyberbullying.

The Committee informally agreed that it would not pursue other related amendments.

The Committee considered submissions from stakeholders in respect of the transfer of anti-bullying responsibilities from school principals to BoGs.

Danny Kennedy rejoined the meeting at 2:43pm

The Committee noted the Department's clarification that the relevant provisions were necessary in order to remove a legal anomaly and ensure that a single legal body- BoGs – were ultimately responsible for compliance with the Bill, even though principals would retain operational control of anti-bullying measures.

The Committee informally agreed that it would not pursue related amendments.

The Committee considered submissions from stakeholders in respect of the directions to be issued by the Department under Clause 2(1).

The Committee noted the Department's clarification that its directions would be issued to all schools or individual schools and would relate to policy and not to individual bullying cases.

The Committee informally agreed that it would not pursue related amendments.

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

The Committee considered submissions which suggested changes to the drafting of Clause 3.

The Committee noted the Department's explanation that the current drafting is in line with best practice and that the use of "may" at Clause 3(3) was designed to ensure that the list of motivations set out in the Bill was not to be considered as exhaustive.

The Committee informally agreed that it would not pursue related amendments.

Trevor Lunn left the meeting at 2:49pm

The Committee considered submissions which suggested that the Bill should: prescribe the format and content of bullying records; set out how the records would be used by ETI in a school inspection; require the consent of the victim before a record is produced or retained by a school; and include protections so as to preclude the development of unofficial bullying league tables.

The Committee noted Departmental clarification that guidance on the format and content of records would be produced following consultation with schools. The Committee also noted that records were to be retained at school level and that currently, failure to maintain good discipline records by schools may lead to the exposure of those schools to civil legal liability. The Committee noted the Department's contention that the promotion of an anti-bullying culture would not be

supported by requiring victims' consent for the retention of records or deferring or amending the provisions of the Bill in order to evade possible reputational risk for schools – related to unofficial league tables.

The Committee informally agreed that it would not pursue related amendments.

The Committee considered submissions from stakeholders in respect of the list of motivations for bullying to be used in school records. Some stakeholders favoured the addition of particular groups to the list. Others suggested the addition of a catch-all term.

The Committee noted Departmental assertions that it was unnecessary to provide a catch-all reference as the Bill indicates that the list of motivations provided are not exhaustive. The Committee noted that the Department intended to amend the Bill in order to include 'those with dependents' in the list of motivations.

The Committee informally agreed that it would pursue an amendment to the Bill which would permit the Department to issue regulations that would provide for a list of motivations that could be used for schools when recording incidents of bullying activity.

The Committee considered submissions which referred to the absence of redress mechanisms in schools and the development of guidance by the Department making use of practice in other jurisdictions.

The Committee noted Departmental responses that the Northern Ireland Public Services Ombudsman Bill, when enacted, would provide an additional redress mechanism in respect of maladministration in schools. The Committee noted Departmental confirmation that it would take into consideration the best practice in other jurisdictions when developing its anti-bullying guidance.

The Committee informally agreed that it would not pursue related amendments.

Chris Hazzard joined the meeting at 3:09pm

Clause 4: Interpretation

The Committee informally agreed that it was content with Clause 4, as drafted.

Clause 5: Short title and commencement

The Committee considered proposed amendments suggesting that the Bill be subject to a 3 to 5 year review process and that the title of the Bill be changed.

The Committee noted the Department's argument that it would ordinarily review legislation and policy efficacy and that a related obligation was not required. The

Committee noted also the Department's assertion that the title of the Bill correctly summarised the objectives of the legislation.

The Committee informally agreed that it would not pursue related amendments.

Miscellaneous

The Committee considered commentary from stakeholders which referenced: anti-bullying research; duties in respect of young carers; policy alignment; and consistency of mental health provision in schools.

The Committee noted the Departmental assertion that general duties relating to young carers were outwith the scope of the Bill. The Committee also noted Departmental clarification that it would:

- revise its existing research instruments in order to review the effectiveness of its anti-bullying policy;
- review its safeguarding and related policies in order to ensure consistency; and
- respond to Committee concerns separately in respect of mental health provision in schools.

Danny Kennedy left the meeting at 3:16pm

The Committee informally agreed that it would not pursue amendments in relation to the issues raised above.

The officials left the meeting at 3:23pm

Agreed: The Committee agreed that it was content to proceed to formal clause by clause scrutiny of the Addressing Bullying in Schools Bill at its meeting on Wednesday 3 February 2016.

5. Any Other Business

There was no other business.

6. Date, Time, Place of Next Meeting

The Committee will meet again on Wednesday 3 February 2016, at 10.00am in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 3.23pm.

Peter Weir
Chairperson, Committee for Education
10 February 2016