



## 2016 CHAPTER 25

### **Definition of “bullying”**

1.—(1) In this Act “bullying” includes (but is not limited to) the repeated use of—

- (a) any verbal, written or electronic communication,
- (b) any other act, or
- (c) any combination of those,

by a pupil or a group of pupils against another pupil or group of pupils, with the intention of causing physical or emotional harm to that pupil or group of pupils.

(2) For the purposes of subsection (1), “act” includes omission.

### **Duty of Board of Governors to secure measures to prevent bullying**

2.—(1) The Board of Governors of a grant-aided school must—

- (a) ensure that policies designed to prevent bullying involving a registered pupil at the school are pursued at the school;
- (b) determine the measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying involving a registered pupil at the school—
  - (i) on the premises of the school during the school day;
  - (ii) while travelling to or from the school during the school term;
  - (iii) while the pupil is in the lawful control or charge of a member of the staff of the school; or
  - (iv) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school;

- (c) review those measures—
  - (i) at intervals of no more than 4 years; and
  - (ii) (without prejudice to sub-paragraph (i)) at such times as the Department may direct;
- (d) before determining or revising those measures, consult (in such manner as appears to it to be appropriate) the principal and the registered pupils at the school and the parents of those pupils;
- (e) in determining or reviewing those measures, have due regard to any guidance given by the Department;
- (f) prepare a written statement of such measures and secure that—
  - (i) a copy of that statement is given or otherwise made available, free of charge and in such form as the Board of Governors considers appropriate, to the parents of all registered pupils at the school and to the staff of the school; and
  - (ii) copies of the statement are available for inspection at the school at all reasonable times, free of charge and in such form as the Board of Governors considers appropriate; and
- (g) secure that such measures are taken.

(2) The Board of Governors of a grant-aided school may, to such extent as it thinks reasonable, consider measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to preventing bullying involving a registered pupil at the school which—

- (a) involves the use of electronic communication;
- (b) takes place in circumstances other than those listed in subsection (1)(b); and
- (c) is likely to have a detrimental effect on that pupil's education at the school.

(3) Directions under subsection (1)(c)(ii) may be given—

- (a) in relation to grant-aided schools generally;
- (b) in relation to a class or description of grant-aided school; or
- (c) in relation to any particular grant-aided school or schools.

(4) In Article 3(3)(a)(ii) of the Education (Northern Ireland) Order 1998 (duty of the principal to determine measures) omit the words “and, in particular, preventing all forms of bullying among pupils”.

### **Duty to keep a record of incidents of bullying**

3.—(1) The Board of Governors of a grant-aided school must ensure that a record is kept of all incidents of bullying or alleged bullying involving a registered pupil at the school that occur—

- (a) on the premises of the school during the school day;
  - (b) while travelling to or from the school during the school term;
  - (c) while the pupil is in the lawful control or charge of a member of the staff of the school; or
  - (d) while the pupil is receiving educational provision arranged on behalf of the school and provided elsewhere than on the premises of the school.
- (2) A record under subsection (1) must—
- (a) state what, from all of the circumstances, appears to be the motivation of the incident;
  - (b) state the methods of bullying, as defined by section 1; and
  - (c) include information about how the incident was addressed.
- (3) For the purposes of subsection (2)(a), motivation may, for example, relate to—
- (a) differences of religious belief, political opinion, racial group, age, sex, sexual orientation or marital status;
  - (b) differences between persons with a disability and persons without;
  - (c) differences between persons with dependants and persons without;
  - (d) differences between persons based on gender reassignment;
  - (e) differences between persons based on pregnancy.
- (4) The Department may by order subject to negative resolution amend subsection (3).
- (5) The Department may from time to time publish guidance as to how a Board of Governors is to comply with the duty to keep a record under this section; and in complying with the duty under this section a Board of Governors must have due regard to any guidance for the time being published under this subsection.

### **Interpretation**

#### **4.—(1) In this Act—**

“the Department” means the Department of Education;

“pupil”, when used without qualification, means a person of any age for whom education is provided under the Education Orders except a person for whom education is provided by a nursery school.

(2) Other words or expressions which are defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning in this Act as in that Order.

**Short title and commencement**

5.—(1) This Act may be cited as the Addressing Bullying in Schools Act (Northern Ireland) 2016.

(2) This section comes into operation on the day after this Act receives Royal Assent.

(3) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.