



2016 CHAPTER 25

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.