

**Subject:****WELFARE AND PROTECTION OF PUPILS EDUCATION  
AND LIBRARIES (NORTHERN IRELAND) ORDER 2003****Circular Number:  
2003/13****Date of Issue:  
18 June 2003****Audience:**

- Principals and Boards of Governors of all grant-aided schools.

**Summary of Contents:**

The Education and Libraries (Northern Ireland) Order 2003 came into operation on 1 April 2003. The full text of the Order can be viewed on the Department's website at [www.deni.gov.uk/about/d\\_legislation.htm](http://www.deni.gov.uk/about/d_legislation.htm)

This Circular informs schools and their Boards of Governors about a number of important new legal requirements in respect of the welfare and protection of pupils.

**Enquiries:**

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**Governor Awareness:**  
Essential**Status of Contents:**  
Advice  
Information**Related Documents:**  
The Education and Libraries  
(Northern Ireland) Order 2003  
No 424 (N.I. 12)**Superseded Documents:**  
None**Expiry Date:**  
Not applicable**DE Website:**  
This Circular is also available  
on [www.deni.gov.uk](http://www.deni.gov.uk)Tel: 028 9127 9749  
Fax: 028 9127 9100**Additional copies:**  
Tel: 028 9127 9545

## **PURPOSE OF CIRCULAR**

1. This Circular is intended to ensure that schools are informed about the new requirements on the welfare and protection of children which became effective from 1 April 2003; and to advise schools on sources of advice and guidance in ensuring compliance with the new requirements.

## **ARTICLE 17 – DUTY TO SAFEGUARD AND PROMOTE THE WELFARE OF PUPILS**

### **Requirements**

2. This Article extends to all grant-aided schools the existing duty on the Boards of Governors of schools with boarding departments, contained in the Children (NI) Order 1995, to safeguard and promote the welfare of pupils. The Article imposes a duty in respect of all registered pupils whether they are on the school premises or elsewhere while in the lawful control or charge of a member of staff of the school.

### **Implications**

3. The duty makes explicit an implied duty of care which schools have always accepted and exercised and it is not expected to have any immediate implications for schools. This new requirement provides Boards of Governors with the legal basis for taking an active interest in all aspects of a school's activities that promote pupil welfare.

### **Advice and Guidance**

4. Pupil welfare embraces all aspects of pastoral care, child protection, pupil behaviour, health and well being, safety and security. Advice and guidance on child protection and pupil behaviour are covered later in this Circular.

5. Officers from the relevant Education and Library Boards and CCMS are available to provide advice to schools on health and safety matters. The Education and Library Boards and CCMS provide training for members of Boards of Governors about their responsibilities and on topics identified by Boards of Governors through surveys of training needs.

6. A list of relevant DE Circulars is at Appendix A.

## **ARTICLE 18 – CHILD PROTECTION MEASURES**

### **Requirements**

7. This Article imposes a requirement on the Board of Governors of every grant-aided school to have a written child protection policy and sets out how this should be done. In brief, the Board of Governors is required:-

- to decide on measures which will be taken by all persons associated with the school to protect pupils from abuse;
- to have regard to any guidance from the Department, the Boards and, where appropriate, CCMS in deciding these measures;
- to have a written statement of these measures prepared and a copy given to parents;
- to ensure that the measures are carried out; and
- to review these measures from time to time.

## **Implications**

8. This new requirement is not expected to have any immediate implications for schools, unless their current child protection policy pre-dates the Department's Circular 1999/10 - Pastoral Care in Schools; Child Protection.

9. All schools have been aware since 1999 of the Department's position on the need for them to have a child protection policy and that any policy should incorporate the most recent best practice guidance. This position has been reinforced by the introduction of specific arrangements for the inspection of pastoral care, including child protection, in schools.

## **Advice and Guidance**

10. The Designated Officer for Child Protection at the Education and Library Board, or CCMS will provide advice to schools on general issues and/or specific cases.

11. Training on child protection matters is organised by the Education and Library Boards and is available to the Chairs of Boards of Governors or their nominated Governors, school principals, and designated teachers or their deputies. Each year schools are asked to nominate persons for this training.

12. Current guidance from the Department is contained in:

- Circular 1999/10 – Pastoral Care in Schools Child Protection
- Education and Training Inspectorate - Evaluating Pastoral Care (1999)

## **ARTICLE 19 – SCHOOL DISCIPLINE: MEASURES TO PREVENT BULLYING**

### **Requirements**

13. This Article amends Article 3 of the Education (NI) Order 1998 on schools' discipline policies to require that the prevention of bullying be specifically addressed and to ensure consultation with pupils.

14. In brief, the new requirements are that:

- the Board of Governors must consult with registered pupils on the general principles which will be reflected in the school's discipline policy; and
- the principal, when deciding on measures which will be used to encourage good behaviour in the school, must specifically include measures to prevent bullying among pupils; and
- the principal, before deciding on measures to encourage good behaviour, must consult with pupils registered at the school and their parents.

### **Implications**

15. All schools will need to be satisfied that their current discipline policy deals with the prevention of bullying among pupils in a sufficiently clear and robust way to satisfy the new legal requirement. Any changes which school authorities make to their current discipline policies must be the subject of consultation with registered pupils and their parents.

## **Advice and Guidance**

16. Each Education and Library Board has a Behaviour Support Team whose staff are available to provide assistance to schools in a number of ways around promoting positive behaviour. Training in behaviour management can be accessed through programmes organised by the Boards' Curriculum Advisory and Support Service.

17. The Boards and CCMS have published material on promoting good behaviour. In addition further relevant guidance is contained in:

- DE publication 'Pastoral Care in Schools: Promoting Positive Behaviour' (2001); and
- Save the Children post primary resource pack 'Focus on Bullying' (2002).

**DE CIRCULARS ON PUPIL WELFARE MATTERS**

<b>REFERENCE</b>	<b>TITLE OF CIRCULAR</b>
2001/14	Class Sizes in Practical Subjects in Post-primary Schools
1999/17	Parental Responsibility: Guidance for Schools
1999/10	Pastoral Care in Schools: Child Protection Child Protection Booklet
1999/9	Pastoral Care in Schools: The Use of Reasonable Force to Restrain or Control Pupils
1999/8	Safety in School Workshops
1999/7	Safety in Music
1999/4	Disclosure of Educational Records: Assessment Units
1998/25	Promoting and Sustaining Good Behaviour in Schools: Summary of New Legislative Provisions
1996/37	Fireworks Safety
1996/35	Security in Schools: Offensive Weapons Act 1996
1996/16	Misuse of Drugs: Guidance for Schools (4 documents)
1995/19	Class Project Attendance Module: Attendance/Absence Recording by Schools
1994/27	Peanut Allergy – Laboratory Experiments
1994/26	Building Handbook Section 4: Secondary Schools
1994/18	Sanitary Facilities in Schools
1994/3	Expulsion of Pupils: Appeals Tribunal Regulations
1992/17	School Leaving Date
1992/4	Safety in Home Economics and Catering (Secondary and FE)
1994/3	Safety in Home Economics Lessons (Primary Schools)
1991/3 and 1990/11	Gas Isolation Controls
1990/14	Storage of Liquefied Petroleum Gas (LPG) in Educational Establishments
1990/23	Corrosion of Metals in Swimming Pool Buildings
1990/28	Disclosure of Criminal Background of Persons with Access to Children
1989/38	Halon Fire Extinguishers
1989/36	Safety in Outdoor Education
1989/21	Cellular Foam Filled Equipment and Furniture
1989/6	Reducing the use of CFCs and Halons
1989/4	Vandalism, Crime and Fire Precautions in Educational Establishments
1989/3	Fire Precautions in Educational Establishments
1988/29	Detachable Pen Tops – Risk to Pupils
1988/26	The Use of Asbestos in Educational Establishments
1988/19	Oxygen and Acetylene Welding Systems
1988/4	Fume Cupboards in Schools
1987/54	Excessive Wood Dust in School Workshops
1987/9	AIDS – Some Questions and Answers – Facts for Teachers, Lecturers and Youth Workers
1986/17	Fire Precautions in Schools and Institutions of FE – Storage of Foam Filled Equipment for Physical Education and Sport
1986/13	Wood Dust in Practical Teaching Rooms and Cuttings Areas

