



**AN BILLE OIDEACHAIS (LEAS) (LEASÚ) (UIMH. 2), 2012
EDUCATION (WELFARE) (AMENDMENT) (NO. 2) BILL
2012**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to amend the Education (Welfare) Act 2000 in order to provide for binding, mandatory measures to be imposed on the board of management of each school to ensure that the welfare of the child is adequately safeguarded in relation to all forms of bullying that may occur within the school.

The Bill states clearly the definition of bullying and addresses the different forms it can take as well as the different motivations that may be behind it.

The Bill introduces a new section in which the onus of responsibility is placed upon the board of management and the elected officer of that board to adopt and implement an “anti-bullying” policy in every recognised school.

The Bill provides procedures which must be adhered to when a complaint is made by a pupil or their parent/legal guardian or upon a member of staff coming to know of a pupil or other person within the school being bullied.

This new section provides parents or legal guardians with the security of knowing the exact measures being taken by the board of management in relation to the individual case and it also ensures that regular and accurate communication is kept between the officer and the parent or guardian.

A requirement is placed upon the Minister for Education to introduce regulations based on existing Guidelines which will have the effect of giving the Guidelines, in their current form, legal status and thus making such Guidelines mandatory practice.

The Minister shall then review the Guidelines in order to ensure best practice is adopted in accordance with modern day schooling. The Minister will then be obliged to review the Guidelines on a two-yearly basis. By giving these Guidelines a legal footing, it ensures that they are strictly followed, ensuring the safety and wellbeing of each pupil.

*Deputy Jonathan O’Brien T.D.,
December, 2012.*