

Summary: Intervention & Options

Department / Agency: DCSF	Title: Impact Assessment of regulation placing a duty on maintained schools (and PRUs) to record all incidents of bullying	
Stage: Consultation	Version: 1	Date: 24 November 2009
Related Publications:		

Available to view or download at:

<http://www.>

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What is the problem under consideration? Why is government intervention necessary?

Anti-bullying practitioners who work with schools on reducing bullying have indicated that keeping clear records of incidents is crucial if a school is to effectively respond to and tackle bullying. Some schools already do this voluntarily, but through discussions with stakeholders we have become convinced that it is necessary to ensure this best practice is carried out in all schools in a coherent way, by legislating to make recording bullying compulsory. We are also planning to make it compulsory for these records to be reported to local authorities, dependant on consultation responses.

What are the policy objectives and the intended effects?

- Reduce the number of children and young people who experience bullying, thus increasing the number who are happy at school and go on to achieve successful adult lives, and decreasing the number who have to move schools or access alternative provision because of bullying.
- Reduce the number of teachers who experience physical or verbal abuse from pupils, thus increasing the number of teachers who are happy in their work and wish to stay in the profession for the long term, and reducing ill-health issues related to anxiety caused by physical or verbal abuse from pupils.

What policy options have been considered? Please justify any preferred option.

Do nothing - Currently advise in guidance that schools should record incidents of bullying and share information with LA voluntarily. Decided (through feedback from practitioners) that this was not enough to ensure practice was embedded across all schools.

- Considered writing a regulation which specified exactly what information schools should record, but initial feedback suggested these decisions were best made at a local level to minimise burdens.
- Considered not requiring records to be reported to the LA, but initial stakeholder feedback suggested this was too important to be voluntary.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? We will look to evaluate this policy in three years time. Using independent research to look at take-up rate of the duty to record; how LAs and schools are using the data and if bullying is reducing.

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Vernon Coaker

Date: *1/2/2010*

Summary: Analysis & Evidence

Policy Option:

Description: New duty on schools to record and report incidents of bullying, racist incidents or verbal abuse towards school staff.

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' We have considered four scenarios that reflect the different percentages of schools that might need to implement the regulation (costs over 10 years): a) 100 % of schools (costs = £155m), b) 70% (costs = £108m), c) 50% (costs = £77m), d) 30% (costs = £46.5m)
	One-off (Transition)	Yrs	
	£		
	Average Annual Cost (excluding one-off)		
	£		
		Total Cost (PV)	£
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' As follow, the number of pupils that have to effectively benefit (each year) from this intervention to cover the costs associated to each scenario: a) 1,800 pupils, b) 1,450 pupils, c) 900 pupils and d) 530 pupils.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
	£		
		Total Benefit (PV)	£
Other key non-monetised benefits by 'main affected groups' See Evidence Base section			

Key Assumptions/Sensitivities/Risks The most significant risk associated with this new duty would be if a school did not implement this duty. The school would therefore have broken the law. There is also the risk that the recording and reporting of bullying would not decrease the number of pupils who experience of bullying. Possible risk if data loss.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?		England	
On what date will the policy be implemented?		September 2010	
Which organisation(s) will enforce the policy?		OFSTED/LAs	
What is the total annual cost of enforcement for these organisations?		£	
Does enforcement comply with Hampton principles?		Yes/No	
Will implementation go beyond minimum EU requirements?		N/A	
What is the value of the proposed offsetting measure per year?		£ N/A	
What is the value of changes in greenhouse gas emissions?		£ N/A	
Will the proposal have a significant impact on competition?		No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £	Decrease of £	Net Impact	£

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

New duty on schools to record incidents of bullying, racist incidents and incidents of physical or verbal abuse towards school staff; and report these records to their local authority

Introduction

Bullying can have a devastating impact on the lives of young people, preventing them from achieving their potential in school and damaging their self-esteem. In fact LYPSE data shows that young people aged 16 who had been bullied are statistically more likely to be NEET than those who had not experienced bullying. Bullying experienced at school can also affect a young person into their adult life, as evidence from Brown and Taylor (2008) showed that experiencing bullying in school had a negative effect on average wages when the young person reaches 30-40 years of age.¹ This means that it is imperative to improve the information that schools and Local Authorities have about bullying incidents to allow schools to improve their bullying policies and tackle incidents of bullying.

Currently, DCSF guidance on how to prevent and respond to bullying recommends that:

'schools should record all incidents of bullying, including by type, and report the statistics to their local authority.' (Safe to Learn, 5.6)

However as this is not statutory at the moment then this recommendation to record incidents of bullying is not always put into practise. The intention of the new duty on schools to record and report bullying is to fully embed the best practise that is recommended by the department and the Anti-Bullying Alliance in schools.

Rationale

We are currently funding our National Strategies and Anti-Bullying Alliance field forces to ensure the recommendations included in *Safe to Learn* are implemented and embedded in schools. As such, many schools already have procedures in place for recording bullying incidents, and incidents of verbal and physical abuse against school staff, and are already accessing the benefits associated with this. As of summer 2009, 68% of primary schools and 70% of secondary schools were found to be adopting a rigorous approach to policy development using the DCSF guidance *Safe to Learn* and the *Charter for Action* as tools to drive and inform the process.² We assume that this includes developing effective recording and reporting processes, as this is a key recommendation in the *Safe to Learn* guidance. However, our field forces have reported that this practice is not fully embedded across all schools, but is a crucial part of any successful anti-bullying policy. The aim of this new duty is to ensure **best practice** on recording and reporting is embedded across all schools. Furthermore, by co-ordinating recording and reporting procedures so they are consistent across all schools, local authorities will be better able to support schools in developing and managing the process, and ultimately will be better able to support schools in their anti-bullying work, as they will have more and better information about the nature of the issue in schools.

¹ Brown S. & K. Taylor (2008): "Bullying, education and earnings: Evidence from the National Child Development Study", Economics of Education Review 27, p. 387- 401

² Based on school level data collected by the National Strategies to measure performance against their prompts on school performance. In Summer 2009 there was 100% returns from schools.

How record keeping will help

There are clear and tangible benefits for schools having systems in place which allow them to keep clear records of bullying incidents between pupils, and incidents of verbal and physical abuse against school staff. Clear records enable schools to:

- Pick up these incidents early and act to resolve them effectively;
- Monitor and evaluate the success of their anti-bullying policies for pupils and HR policies for staff more effectively;
- Respond to and manage individual cases more effectively;
- Promote the anti-bullying work of the school;
- Keep parents, pupils, governors and the local authority fully informed about bullying and harassment issues;
- Demonstrate defensible decision making in response to any complaints which may arise.

Clear records are an important part of meeting schools' statutory obligations to safeguard all their pupils. They should also help to ensure schools as employers are able to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. Schools have various duties under equalities legislation in respect of both staff and pupils and clear records should help to safeguard anyone in the school who may be targeted by bullies because of their gender, gender identity, race, religion, sexual orientation, and/or any special educational needs or a disability.

The introduction of the new requirements we are proposing to introduce will send out a clear message to school staff and pupils that their problems will be taken seriously and acted upon; it will help schools to collate important information that can be used in a number of different contexts; and it will encourage more widespread and effective reporting, prevention and tackling of bullying.

Assumptions

- Having clear recording and reporting processes in place improves the success of anti-bullying work in schools (assumption based on feedback and anecdotal evidence from a wide range of practitioners).
- A number of pupils refuse to attend school because of trauma related to experiencing bullying, and are thus provided for in alternative provision settings, funded by the local authority (we do not have estimates for the number of children in alternative provision because of experiencing bullying, but know that this is a small but noteworthy issue).

Facts

In Summer 2009, 68% of primary schools and 70% of secondary schools were found to be adopting a rigorous approach to policy development using the DCSF guidance *Safe to Learn* and the *Charter for Action* as tools to drive and inform the process.³ We assume that this includes developing effective recording and reporting processes, as this is a key recommendation in the *Safe to Learn* guidance.

³ Based on school level data collected by the National Strategies to measure performance against their prompts on school performance. In Summer 2009 there was 100% returns from schools.

Over the four terms up to Summer 2009, the percentage of local authorities self-reporting that they were providing good or outstanding support and challenge to schools to effectively ensure a reduction in incidents of bullying was between 75-78%.⁴

The bullying rate for 2007/08 for primary schools was 54.5% and for secondary schools was 44.6%.⁵ The rate for pupils who are bullied more frequently (at least once a month) in 2007/08 was 22.5% for primary schools and 17.2% for secondary schools.

Brown S. and K. Taylor (2008) have provided evidence showing that experiencing bullying at school negatively impacts on their average wages at age 30-40.⁶

Since 2004, the LSYPE has annually interviewed a cohort of young people who were in year 9 at first contact. 11,500 participants were interviewed in the third year. The bullying experiences reported by these pupils over the first three years of the survey (i.e. from age 13/14 to 16/17) have been analysed by Natcen. Most of the findings will not be published until early 2010, so the below are for internal use only until that point.

Analysis focussing on pupil outcomes at age 16/17 provided statistically significant⁷ indications that young people who had previously been bullied were less likely to be in full time school at age 16/17 than those who had not been bullied. In particular, those who had money or possessions taken from them were almost half as likely to be in full time school compared to those who had not. The study showed that the young people who had been bullied in any of the different ways were more likely to be NEET at the age of 16. In particular, they were more than twice as likely to be NEET if they had been excluded from friendship groups, or had their possessions taken from them.

The above findings present an overall indication that young people who had been bullied were more likely than those who had not been bullied to have left school at 16. Some were in work, while some combined college and training; but many were NEET.

Published analysis of the LSYPE data,⁸ which examined the relationship between being bullied and academic progress, indicated that, pupils who report being the victim of bullying make less progress than their non-bullied peers and the rates of progress are even lower when both pupil and parent report bullying.

Beatbullying's (2006) online survey of a self-selected sample of 2592 young people, aged 11-17, who reported being bullied in the last 12 months, indicated that 42% of these bullied young people reported taking unauthorised absences from school – 29% being absent once a week, or more. Though this study cannot provide robust estimates of prevalence, it strongly suggests that bullying may be an underlying factor in a proportion of cases of pupil unauthorised and persistent absence.

ChildLine's (2008) study,⁹ based on monitoring of calls to the helpline, gives a sense of the effects being reported by children of being bullied: sadness; loneliness; low self-esteem; fear; anxiety; poor concentration; self-harm; depression and suicidal thoughts / attempts.

⁴ Based on self-reported data from local authorities, collected by the National Strategies to measure performance against their prompts on local authority performance.

⁵ These statistics are based on the National Indicator for bullying (NI69), which is calculated from the TellUs survey. It represents the percentage of pupils that reported being bullied either inside or outside of school at least once over the last 12 months.

⁶ Brown S. & K. Taylor (2008): "Bullying, education and earnings: Evidence from the National Child Development Study", *Economics of Education Review* 27, p. 387- 401

⁷ Results were statistically significant at the 5% level. This means that the findings had a 5% or lower likelihood of occurring by chance.

⁸ DCSF, Schools Analysis and Research Division (2009) *Measuring Progress at Pupil, School and National levels*

⁹ NSPCC (2008) *Children talking to ChildLine about bullying*

- The impact of bullying on lesbian, gay and bisexual (LGB) young people

A 2000 study¹⁰ of around 200 (caution – small sample size) lesbian, gay and bisexual (LGB) young people indicated that, 50% of those who had been bullied at school had contemplated self-harm or suicide.

- In the workplace

A survey¹¹ in the early 2000s of 5,288 adults from various workplace venues in Great Britain examined the relationship between being a bully, or bullied, in the workplace, and being a bully, or bullied, at school. Analysis indicated that the highest risk of workplace victimization was for those who reported being both bullies and victims at school (bully/victims) and the second highest risk of victimisation was for those who reported being solely victims.

Policy options previously considered

Option 1) No-change (do nothing).

The department initially advised in the *Safe to Learn* guidance that schools should record incidents of bullying and share information with the local authority voluntarily to allow schools and LAs to have a better understanding of rates of bullying in their schools. This has been moderately successful because as of Summer 2009, 68% of primary schools and 70% of secondary schools were found to be adopting a rigorous approach to policy development using the DCSF guidance *Safe to Learn*. However there are still around 30% of schools who have not taken up this important step in tackling bullying in schools. Without this important information both the school and the Local Authority do not have the right information to be able to monitor the effects of their anti-bullying policy. It was therefore decided that (through feedback from practitioners) that the recommendation within the *Safe to Learn* guidance is not enough to be able to ensure best practise was embedded across all schools.

Option 2) Recording incidents of bullying but not reporting them.

After it had been decided that regulation was necessary to be able to ensure good practise the department considered requiring schools to record data on bullying incidents but not to report this data to their local authority. This would mean that the data recorded would be purely for the schools individual use to assess their progress on reducing bullying, the effectiveness of their anti-bullying policy and to be able to keep parents and governors informed about bullying and harassment issues. However because reporting would be voluntary, it was felt by stakeholders and anti-bullying delivery partners that the schools may not report the information as there would not be the lever of regulation or the school would record information but not act on it in the same way as it would if the local authority was involved.. There would therefore not be as big a benefit in reducing bullying as if the local authority received information but there would still be the same costs involved to record the incidents. It was therefore decided that the requirement to report incidents of bullying to local authorities was too important to be voluntary.

Option 3) Recording and reporting incidents of bullying – too prescriptive.

After policy discussions that accepted that regulation was necessary to ensure best practise was implemented in schools the department also considered writing a regulation which specified exactly what information schools should record. This regulation would specify the exact information needed to be recorded for example, type of bullying, severity of case, if this was a recurring bullying case, what actions had been taken previously. However after discussions with stakeholders (including teaching staff) initial feedback suggested that the decisions about what should be recorded would be best made on a local level to minimise the

¹⁰ Rivers (2000) *Social Exclusion, Absenteeism And Sexual Minority Youth*

¹¹ Smith et al (2003) *Victimization in the school and the workplace: Are there any links?*

burden on teachers and local authority staff and therefore minimise the costs of introducing the new duty.

It was therefore felt that requiring schools to record information about bullying and report it to the local authority would be the best way of ensuring that best practise is embedded. Whilst ensuring that schools and local authorities have improved information but without the burden of recording very specific pieces of information specified by government which would take more time and therefore have a higher cost.

As these options were discussed and researched at the policy stage we have not included a cost benefit analysis in this consultation stage impact assessment but have included the cost benefit break-even analysis for the proposed new duty.

How recording of bullying incidents helps: case studies analyses

Unfortunately, there is no overall data or research based evidence how recording bullying incidents affected schools anti-bullying policy and whether it reinforced the reduction of the level of bullying at schools. However, from case studies of the different schools in the UK who are already recording incidents of bullying it can be observed that most schools positively assess the impact of tracking bullying incidents and consider it as an important tool for dealing with this issue.

The following summary of case studies from diverse schools (2001-2009) indicate how the practice of tracking the bullying incidents improved the behaviour management at schools¹². According to the case studies¹³, behaviour recording systems (SLEUTH) enhanced behaviour management at schools. In particular, it enabled schools to accomplish following:

Rapid Intervention - Enabled far more rapid intervention; the time between behaviour and consequence is much quicker.

Quick & Detailed Reporting - The presentation of behaviour data is far more straightforward in comparison to the way schools used to work.

Managing Bullying

Evidence of Improvement -can easily be shown that behaviour has improved over time by using certain graphs, which helps to demonstrate that teaching and learning have improved. The lesson observations indicate that behaviour has improved.

Gender Attainment- used to profile the behaviour of boys and girls in the school. Easily address issues relating to attainment.

Monitoring Intervention Strategies

Engaging Parents- The data is used at parents evening's and contributes to an overall picture that schools are able to offer parents for each of the students.

Governors Meetings – Provides a simple means of sharing a range of detailed data specific to General discipline issues, Exclusions, Seclusions, the behaviour of individuals and of year groups.

¹² <http://www.schoolsoftwarecompany.com/index.php?page=casestudies>

¹³ <http://www.schoolsoftwarecompany.com/>

Demonstrating Improvements to OFSTED – to demonstrate how school behaviour policy works and how schools make decisions to manage behaviour at all levels.

Reviewing Policy - able to evaluate and modify aspects of school policy with far greater frequency. There is no need for periodic audits of behaviour to give an evidence base to review policy because schools already have their own.

A Whole School Proactive Approach - enabled a much more proactive response to behaviour throughout the school community from SLT to department heads and teaching staff.

Staff Deployment - When some schools analysed incident types by behaviour they noticed a high rate of Peer Aggression, particularly during lunchtime. As a result several reviewed their policies, looking particularly at how and where they deployed lunchtime support staff.

Supporting Students with SEN - Schools use the data with other agencies who work closely with the school and use the reports to manage referrals to the Family Liaison Officer who runs an anger management programme with some pupils.

Supporting Staff Development - Data has been used to inform schools professional development and has influenced the content of our behaviour policy. Schools are able to make suggestions to staff as to what type of strategies can be used to deal with specific behaviours and identify whether behaviour (positive and negative) is being met with the appropriate response.

Costs

a) Costs on schools

This new duty will represent a small time cost on those members of staff who are required to produce the reports of incidents of bullying (this will be mainly general teaching staff, although they may in some cases delegate the task to a member of support staff). However, proposals have been designed to minimise this through the use of a simple recording system and restricting the definition of bullying so only those incidents that are serious enough to require reporting are covered by the duty; and through limiting what fields of information we require schools to record.

One of the aims of the new duty is to assure children, young people and school staff that when they are involved in an incident, it will be taken seriously and adequately responded to. We hope this may encourage more widespread reporting of incidents. If this does prove to be an effect of the legislation, then school staff may incur a resource cost as they are required to respond to more incidents of bullying than previously. However, this is not really a 'cost' to the school overall, as it represents more effective performance against their duty to take measures to prevent all forms of bullying.¹⁴

This proposed legislation places a duty on governing bodies to ensure there is a procedure in place for recording incidents of bullying, racism and staff abuse, and take all reasonable steps to ensure it is complied with. It is also the governing body who is responsible for preparing the annual report for the local authority. In practice, the actual execution of these functions will be delegated to the head teacher and other school staff, but the duty will represent a small time cost on governing bodies as they will have to oversee the process. However, again this is really a 'cost' to the governing body overall, as the new procedures should enable them to meet their

¹⁴ Section 89 of the Education and Inspections Act 2006 requires all head teachers to determine a school behaviour policy, which must include measures to be taken with a view to 'encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils.'

duty to ensure the physical and mental health and emotional well-being of pupils, and ensure that pupils are protected from harm, more effectively.¹⁵

Estimated costs for recording bullying incidents at schools:

According to the latest evidence obtained from the research by Partners Andrew Aldridge, 40% of young people report experiencing bullying once in a year.¹⁶ Out of this 40%, 24% of children report that they have experienced bullying once in a week.¹⁷ This is around 10% of the pupil population that report experiencing bullying occurring at least once in a week within the school premises.

In terms of one-off costs DCSF's new duty to record bullying incidents does not require schools to use any expensive software or programs that would necessitate any additional costs. It is up to schools how they decide to track the bullying incidents: using special software, an existing program or by using special recording sheets. In addition many schools are already recording incidents of bullying to allow them to make an annual review of their bullying policy. Schools also often use management systems to record other information so already existing systems could be updated to include the facility to record incidents of bullying.

There may be other one-off costs involved in the duty for example in producing materials to advise schools on what constitutes an incident of bullying and in raising schools' awareness of the new duty. However we anticipate that these costs will be small.

For calculating the estimated costs of recording the bullying incidents, we assumed that on average it will take 1 hour per week of a teacher's time for each school for this activity. This could be either an hour of time for one specific teacher with responsibility for bullying in the school or an hour of time spread over several teachers spending approximately 5-10 minutes recording an incident. We have estimated that if 10% of the pupil population reports being bullied once in a week (based on the research based evidence); we presume that 1 hour per week will be sufficient for teachers to record these cases.

We cannot make an exact prediction of how many teachers will be involved in recording the bullying incidents per school nor the amount of bullying incidents occurring per day. A school might arrange to have one teacher who is responsible for recording incidents of bullying or have several teachers fulfil this duty. However, these won't affect the total amount of time needed for the recording, thus the costs remain the same. Therefore the calculations that follow are made according to time required per school and not by number of teachers involved.

We have used the hourly rate for primary and secondary teachers to calculate the costs of an hour of teacher's time. An hour of a Primary classroom teacher's time is £20.02 per hour (this includes the 25% uplift to account for teachers non-wage labour costs) and an hour of a Secondary classroom teacher's time is £22.90 per hour (this includes the 25% uplift to account for teachers non-wage labour costs). Based on average number of hours per day 2006, 2007 and 2008). These calculations of costs include the costs for secondary school, primary schools and PRUs. We expect the duty to extend to PRUs and Special Schools and we have based these costs on the secondary school teacher hourly pay.

Therefore the estimates of costs to schools as a result of teachers' time dedicated to recording bullying incidents according to this new duty on schools are as follows:

¹⁵ Section 21 (5) of the Education Act 2002, inserted by Section 38 of the Education and Inspections Act 2006, requires that when exercising all their functions, governing bodies must ensure the physical and mental health and emotional well-being of pupils, and ensure that pupils are protected from harm.

¹⁶ Partners Andrew Aldridge study 2009

¹⁷ Partners Andrew Aldridge study 2009

Costs if all schools in England had to implement this new duty.

Table 1

	Costs per week Per teacher, per school	costs per year per teacher per school	Costs for next 10 years per teacher per school	total costs in teachers time per week (England)	total costs per year(England)	total costs per 10years (England)
primary teacher	£20.02	£840.84	£8408.4	£341621.28	£14348093.76	£123,503,893
secondary teacher	£22.9	£961.8	£9618	£76966.9	£3232609.8	£27,825,292
PRU teacher	£22.9	£961.8	£9618	£10488.2	£440504.4	£3,791,724
total	£65.82	£2764.44	£27644.4	£429076.38	£18021207.96	£155,120,909

Because of a lack of precise data on the number of schools already recording the bullying incidents, we have set up **three different scenarios** and calculated their associated costs. The scenarios are as follows:

- Including costs if 70% of schools in England need to implement the regulation.
- Including costs if 50% of schools in England need to implement the regulation.
- Including costs if 30% of schools in England need to implement the regulation.

Our best estimate of costs, that only 30% of schools need to implement the regulation, is based on the current take-up rate of the *Safe to Learn* guidance which recommends that schools should record all incidents of bullying and report them to the Local Authority. This comes from National Strategies data of summer 2009 which showed that 68% of primary schools and 70% of secondary schools were found to be adopting a rigorous approach to policy development using the DCSF guidance *Safe to Learn* and the *Charter for Action* as tools to drive and inform the process.¹⁸

The costs if 70 % of schools need to implement the regulation.

If we assume that some schools already record incidents of bullying and they represent 30% of the whole school population, the new regulation will impose a cost on the remaining 70%.

Table 2

	Costs per week Per teacher, per school	costs per year per teacher per school	Costs for next 10 years per teacher per school	total costs in teachers time per week(England)	total costs per year(England)	total costs per 10years (England)
primary teacher	£20.02	£840.84	£8408.4	£239134.896	£10043665.632	£86452725.1
secondary teacher	£22.9	£961.8	£9618	£53876.83	£2262826.86	£19477704.4
PRU teacher	£22.9	£961.8	£9618	£7341.74	£308353.08	£2654206.8
total	£65.82	£2764.44	£27644.4	£300353.466	£12614845.572	£108,584,636.3

The costs if 50% of schools need to implement the regulation

¹⁸ Based on school level data collected by the National Strategies to measure performance against their prompts on school performance. In Summer 2009 there was 100% returns from schools.

Estimated costs of 50% of schools, thus assuming that the remaining 50% of schools of England are already recording incidents of bullying.

Table 3

	Costs week teacher, school	per Per per	costs year teacher school	per per per	Costs next years teacher school	for 10 per per	total costs in teachers time per week (England)	total costs per year(England)	total costs per 10years (England)
primary teacher	£20.02		£840.84		£8408.4		£170810.64	£7174046.88	£61,751,947
secondary teacher	£22.9		£961.8		£9618		£38483.45	£1616304.9	£13,912,646
PRU teacher	£22.9		£961.8		£9618		£5244.1	£220252.2	£1,895,862
Total	£65.82		£2764.44		£27644.4		£214538.19	£9010603.98	£77,560,454

The costs if 30% of schools need to implement the regulation.

Alternatively, if we suppose that the majority of schools in England (70%) are already recording incidents of bullying, this regulation would only impose a cost on the remaining 30%.

Table 4

	Costs week teacher, school	per Per per	costs per year per teacher per school	Costs for next 10 years per teacher school	total costs in teachers time per week (England)	total costs per year(England)	total costs per 10years (England)
primary teacher	£20.02		£840.84	£8408.4	£102486.384	£4304428.128	£37,051,168
secondary teacher	£22.9		£961.8	£9618	£23090.07	£969782.94	£8,347,588
PRU teacher	£22.9		£961.8	£9618	£3146.46	£132151.32	£1,137,517
total	£65.82		£2764.44	£27644.4	£128722.914	£5406362.388	£46,536,273

We expect that costs on schools will be by far the more significant costs of this new duty. However, we do expect other costs be incurred by the local authority and perpetrators of bullying. The following provides some detail on these costs.

b) Costs on local authorities

The local authority will receive an annual report giving statistics on rates of bullying in its schools. This could represent a cost on the local authority, as by implication once they have this information, they would be expected to act on it, and thus may have to spend more time analysing reports and developing effective interventions in response to findings. However, local authorities are already engaged in anti-bullying work (and have legal duties to engage in this kind of work¹⁹), so this data should on the whole just allow them to do the work they are already engaged in (and obliged to be engaged in) more efficiently and effectively.

We estimate that Local Authorities, like schools, may experience one-off costs in terms of installing new software or updating their current system to include the capacity to analyse

¹⁹ Under section 10(1) and (2) of the Children Act 2004, Children's services authorities (local authorities) must make arrangements to promote co-operation between the authority, its partners and others with a view to improving the well-being of children in their area. This includes the children's physical and mental health and emotional well-being, protection from harm and educational and social well-being. Under Section 11 (2)(a), children's services authorities must make arrangements for ensuring their functions are discharged, having regard to the need to safeguard and promote the welfare of children.

information that comes from schools on bullying. However we estimate that this cost would be small and would be part of Local Authorities ongoing work to tackle bullying in schools.

We therefore expect that the costs on local authorities to be rather small in comparison to those on schools.

c) Costs on perpetrators of bullying

Pupils who engage in bullying behaviour might be more frequently punished (and potentially excluded) because more incidents are brought to the attention of the school (as a result of an increase in incidents reported, as discussed earlier). However, these pupils will receive the support they need to change their behaviour, so although they may see it as a cost it should be a benefit in the long term (especially as Youth Justice Board research suggests engaging in bullying behaviour early in life is a key risk factor which increases the likelihood of an individual engaging in anti-social and potentially criminal behaviour later in life²⁰).

d) Costs on central government

If the outcome of the consultation process shows that there is an overwhelming desire for the Department for Children, Schools and Families to receive anonymised reports of the data which is recorded by schools then there will be a very small cost on central government. However the data that would be received would be received and processed through the existing systems which the Department uses to collect data from schools. Therefore if the new duty included making it compulsory to report data on bullying incidents this would not constitute an additional burden on the DCSF.

Benefits

At this stage we do not have evidence to know how many of those pupils suffering from bullying will benefit from this new duty. However, we know from some research the impact that bullying has on individuals in the form of loss of earnings. Therefore we have decided to carry out a **break-even analysis** using this evidence; we have estimated the number of pupils that should benefit from this new duty to cover its costs.

Benefits for pupils

This policy is designed to benefit pupils by reducing the number who experience bullying. Having more and clearer information about the nature and extent of bullying incidents in the school should allow school staff to develop better strategies to prevent bullying, and reporting this information to the local authority should again drive improvement as they will be able to support schools in a more tailored, informed and effective way. Similarly, this increase in the level of information available to schools and local authorities should allow them to respond more effectively to incidents of bullying when they do happen, and thus represents a benefit on all pupils (as they are all less likely to experience bullying) and those pupils who do experience bullying (as their problem is dealt with more quickly and effectively). Pupils who engage in bullying behaviour should also benefit, as they will be identified more readily and thus support services to help them address their problem will be made available to them.

²⁰ Risk and Protective factors YJB 2005

Brown S. and K. Taylor (2008) have provided evidence showing that experiencing bullying at school negatively impacts on pupils average wages at age 30-40.²¹ According to this paper, those pupils affected by bullying earn on average a 5% less at the age of 33 that those who did not suffer from bullying. So should this policy have a positive impact on these pupils, then these pupils' salary at the age of 33 would rise by around 5 % to match that of the average individual, i.e., an increase of £1,186 per individual and year²². We have assumed that the monetary value of the gap between those who suffered from bullying and those who did not will remain approximately similar over time and from the year they join the labour market (we assume at age 22).

We have therefore calculated how by reducing bullying, through the new duty, there would be an increase in potential earnings for those children and young people who would have been bullied had the duty not been in place. We have taken these potential increases in income and used them to calculate the potential monetary benefits of introducing the duty. We have then calculated how many children would have to be effected by the duty for their increase in earnings to cover the costs of the duty.

Table 5: Benefits to pupils

Number of pupils effectively affected each year	Additional earnings per year	Additional earnings for these pupils over 10 years	Total increase in earnings assuming this policy is in place for ten years (no. of pupils affected = no. affected year 1 x 10 years)
1	£1,186	£10,209	£756,407
530	£628,580	£5,410,619	£46,572,917 (it covers costs scenario 4)
900	£1,067,400	£9,187,845	£79,086,086 (it covers costs scenario 3)
1,450	£1,719,700	£14,802,638	£127,416,472 (it covers costs scenario 2)
1,800	£2,134,800	£18,375,689	£158,172,172 (it covers costs scenario 1)

Source: Own estimates based on Brown S. and K. Taylor (2008) and Annual Survey of Hours and Earnings.

We expect that pupils will be by far the biggest beneficiaries of this new duty. However, we do expect other benefits to schools, parents, local authorities and suppliers of software (if the school or local authority chooses to use software). The following provides some detail on these benefits.

Benefits for schools

By the same rationale as outlined above for a reduction in bullying incidents, school staff should benefit from a decrease in the number of incidents of verbal or physical abuse targeted towards them, and improved responses when these incidents do occur.

School leadership teams should also benefit from this policy, as keeping clear records will allow them to analyse trends in bullying more easily, and thus respond to it in a more targeted and effective way, and thus more effectively meet their duty to promote the well being of all pupils

²¹ Brown S. & K. Taylor (2008): "Bullying, education and earnings: Evidence from the National Child Development Study", Economics of Education Review 27, p. 387- 401

²² £24,908 is median full-time salary in 2008 – Annual Survey of Hours and Earnings, Office for National Statistics. We assume, following the paper quoted in footnote 2, that pupils suffering bullying earn on average £23,722 per year, i.e., £1,186 less (5%).

and prevent bullying. It should also allow them to respond to complaints from parents about bullying more effectively, as they will always have a clear audit trail and records of any incidents.

Schools generally should also benefit from receiving more targeted and informed and thus more appropriate and effective support from their local authority (as a result of the local authority having more information to plan work from).

Although we do not have information on how many hours of teaching time are used every week currently to deal with bullying incidents, as the new duty to record incidents of bullying will ensure that bullying incidents are properly recorded, this may decrease the amount of teaching time taken up dealing with bullying overall. This would mean there would be staff time savings from this new duty.

Schools can also use the information they collect in a number of reporting processes they are obliged to engage in. Through the new Apprenticeships, Skills, Children and Learning Bill, responsibility for the local strategic Children and Young People's Plan is being transferred from the local authority to the local Children's Trust Board. To enable the Children's Trust Board to monitor the implementation of the Children and Young People's Plan effectively, they will be able to require any of the Board members (which includes representatives of all schools) to provide them with information related to the plan. In some areas, the Children and Young People's Plan may deal with the issue of bullying, and as such the Children's Trust Board will have the power to require schools to provide information on bullying.

Clear records can be of considerable benefit to those schools working towards National Healthy Schools accreditation. They can also be used to complete parts of the Ofsted self-evaluation form effectively. Under the new inspection arrangements from September 2009, schools completing their self evaluation form will be strongly encouraged to use the Ofsted evaluation schedule and its associated guidance. This form, although still under review, asks schools to evaluate 'how effectively the school actively promotes equality of opportunity and tackles unlawful discrimination'. More specifically, it requires schools to assess 'the extent to which pupils feel safe', taking into account the extent to which they feel safe from different forms of harassment and bullying, including those related to faith, race, gender, sexuality and disability. In evaluating 'how well pupils behave', schools are guided to refer to documentary evidence (if relevant, for more than one year) about pupils' behaviour, including records of racist and bullying incidents, levels of incidents recorded in the school's accident book and also parents' and pupils' views of the standard of behaviour. Inspectors may ask to see such evidence as part of an inspection. Clear and comprehensive records of bullying between pupils, and how these incidents are dealt with should help schools in completing this part of the SEF.

Benefits for parents

Parents who wish to make a complaint about how the school has dealt with a bullying incident should find their complaint to be more effectively dealt with because the school will have a clear record of the incident and audit trail. Parents in general may feel reassured by the new legislation; because they know that the school cannot ignore an incident of bullying and are obliged to record it.

Benefits for local authorities

Local authorities should benefit as they will have access to more comprehensive and complete data on bullying, which should allow them to understand the nature of the problem more effectively and target their resources more appropriately, creating more success in reducing bullying. This is especially relevant to those local authorities who have chosen NI69 (reduce the proportion of children and young people who experience bullying) as one of their priorities in their LAA, but is relevant to all authorities as they have legal duties to engage in this kind of work.

As mentioned in the 'assumptions' section, local authorities have identified a problem with children and young people refusing to attend school because of trauma resulting from experiencing bullying, and thus requiring alternative provision. By reducing the number of incidents of bullying, we expect less pupils require alternative provision for this reason. Furthermore, as bullying is more quickly and effectively dealt with, we may see less pupils being excluded from school for engaging in bullying behaviour (as the school deals more effectively with incidents before they escalate). Both of these should cause a reduction in the number of pupils requiring local authority provided alternative provision. This will represent an economic benefit to local authorities, as alternative provision is much more expensive per pupil than mainstream education.

Benefits to suppliers of school software (If schools choose to use software to record incidents of bullying)

Suppliers of school software who may see increased demand for electronic programmes for recording incidents of bullying and thus this policy will represent an economic benefit for them.

Risks

The most significant risk associated with this new duty would be if a school did not implement this duty. The school would therefore have broken the law. There is also the risk that the recording and reporting of bullying would not actually decrease the number of pupils who experience of bullying.

Evaluation

We will look to evaluate this policy in three years time.

This will be done by the department looking, where appropriate, to contract independent research to evaluate the amount of take-up of the policy in schools, whether it is helping schools to reduce incidents of bullying, whether the information recorded is being reported to local authorities. It will also be important to see how local authorities are using the information to target schools who are reporting higher rates of incidents of bullying. It will be hard to measure the long-term benefits of the new duty after just three years but this time period will allow us to understand if the policy is being implemented and if the information is being used by schools and LAs to improve their anti-bullying work and tackle bullying through targeted interventions.

Monitoring plans

The consultation that this impact assessment is part of will be asking how best to monitor this policy in schools and local authorities and therefore we do not at this time know how we will be monitoring this new duty.

However as the new duty would make up part of a school's behaviour policy it would be subject to the school's OFSTED inspection. The reporting part of the new duty would also help to monitor if schools are compliant with the duty as the local authority would expect to receive a set of data either annually or quarterly from each school.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

Annexes

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