

CAYMAN ISLANDS



Education Act, 2016

(Act 48 of 2016)

ANTI-BULLYING (SCHOOLS) REGULATIONS, 2022

(SL 54 of 2022)

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2022****(SL 54 of 2022)****Arrangement of Regulations**

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CAYMAN ISLANDS**Education Act, 2016****(Act 48 of 2016)****ANTI-BULLYING (SCHOOLS) REGULATIONS,
2022****(SL 54 of 2022)**

In exercise of the powers conferred by section 27A(4) of the Education Act, 2016, the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Anti-Bullying (Schools) Regulations, 2022.

Interpretation

2. (1) In these Regulations —

“**Anti-Bullying Policy**” means the school’s Anti-Bullying Policy which is referred to under section 27A of the Act;

“**bullying**” means any repeated conduct by a student where the conduct is intended by that student to have the effect of, or is of such a nature that the student ought to know that it would likely have the effect of —

- (a) causing physical, emotional, psychological or social harm to another student;
- (b) placing another student in reasonable fear of physical, emotional, psychological or social harm;
- (c) damaging the property of another student;

- (d) placing another student in reasonable fear of damage to that student's property;
- (e) creating an intimidating, threatening, hostile or abusive educational environment for another student;
- (f) disrupting the academic progress of another student;
- (g) damaging the reputation of another student; or
- (h) infringing on the rights of another student to participate in or benefit from any school activity or service;

“**conduct**” in relation to bullying, includes any action which is verbal, written, electronic or physical;

“**parent**” includes a legal guardian;

“**relevant authority**” means —

- (a) in the case of a Government school, the Department; or
- (b) in the case of an assisted school and an independent school, the governing body of the school or, if the school has no governing body, the owner of the school;

“**school staff**” includes a person employed to work at the school, either by the school or by a contracted service provider, or a person who volunteers his or her time to provide a service at the school; and

“**student**” means a person who is enrolled or attends classes at a school.

- (2) For purposes of the definition of the word “bullying”, in determining whether any repeated conduct constitutes an act of bullying, all the circumstances of the conduct shall be taken into account.

Anti-Bullying Policy and procedures

- 3. (1) An Anti-Bullying Policy shall focus on preventing and responding to bullying behaviour between students by recognising that —
 - (a) bullying behaviour is complex and can take many forms, including physical, verbal and social bullying;
 - (b) bullying can take place in both the physical and electronic environment;
 - (c) bullying involves a power imbalance where there is an actual or perceived unequal relationship between the target and the initiator that may be based on a multitude of factors; and
 - (d) bullying behaviour is not an individual action but is influenced by the actions and values of peer groups, schools, families, cultures, communities and societies.
- (2) An Anti-Bullying Policy shall encompass both prevention and response by —
 - (a) acknowledging that bullying behaviour is a risk to be managed;



- (b) recognising the prevalence, risks and dangers of cyber-bullying;
 - (c) outlining procedures to proactively prevent bullying behaviour by building students' social skills and creating a safe school environment;
 - (d) defining mild, moderate, major and severe incidents of bullying;
 - (e) identifying who is responsible for responding to each type of incident and the manner of that response;
 - (f) including a guide for stakeholders on the steps to take when bullying incidents occur;
 - (g) requiring the regular survey of students regarding their perceptions of safety from bullying behaviour and requiring the information gained from such surveys to be used to identify areas for improvement;
 - (h) providing for ongoing professional development of school staff to enable them to recognise and respond to bullying;
 - (i) specifying, in accordance with regulations 8 and 9, the disciplinary action required to be taken against the school leader and school staff if they breach the Anti-Bullying Policy or these Regulations;
 - (j) providing for disciplinary action to be taken against a student who —
 - (i) engages in bullying;
 - (ii) retaliates against another student as a result of a report made about bullying;
 - (iii) witnesses conduct which may constitute bullying or retaliation and fails to make a report to the school leader or a member of the school staff; or
 - (iv) makes a false allegation of bullying or retaliation knowing there is no basis to make the allegation;
 - (k) providing appropriate guidance and counselling for students to prevent bullying;
 - (l) providing support and interventions for both the targets and initiators of bullying;
 - (m) integrating the use of digital technology, including the use of student management systems, for data collection; and
 - (n) monitoring the success of anti-bullying strategies that have been implemented.
- (3) A school shall —
- (a) establish a system for confidential reporting of bullying;
 - (b) establish guidelines for parents to report bullying;
 - (c) encourage communication between parents and the school to share information about bullying behaviour;

- (d) encourage students to report bullying by creating a safe environment to do so; and
 - (e) ensure all teachers and other school staff take all incidents of bullying seriously and know how to respond appropriately.
- (4) A school shall ensure the Anti-Bullying Policy, procedures and programmes are widely advertised and readily accessible to school staff, students and parents by —
- (a) publishing them in multiple ways; and
 - (b) ensuring they are concise and clearly written.
- (5) An Anti-Bullying Policy shall, before implementation occurs, be submitted by the relevant authority to the Ministry for review and if the Ministry considers it appropriate, approval.

Role of the relevant authority and school leader

4. (1) The role of the relevant authority, in relation to a school, is to maintain accurate records and develop effective bullying prevention approaches and programmes that —
- (a) emphasise the importance of a whole-school approach that fosters an inclusive and respectful school environment for all students;
 - (b) focus on developing healthy social behaviours and strategies (rather than only addressing specific bullying behaviours);
 - (c) support the targets and initiators of bullying;
 - (d) provide for planning, monitoring and evaluation of outcomes;
 - (e) take a long-term, sustainable approach to preventing bullying; and
 - (f) provide for the professional development of school staff and the education of parents and legal guardians.
- (2) A school leader is responsible for the implementation and oversight of the Anti-Bullying Policy and the related procedures and programmes.

School staff and student reporting

5. (1) A member of the school staff has a general duty of care towards each student in a school and shall immediately report in accordance with paragraph (2) any act of bullying or retaliation that —
- (a) has been witnessed by, or that has come to the attention of, the member of the school staff; or
 - (b) the member of the school staff reasonably suspects to have occurred.
- (2) A member of the school staff shall make a report about any act of bullying or retaliation mentioned in paragraph (1) to —
- (a) the school leader; or



- (b) the relevant authority.
- (3) A student shall immediately report to the school leader or a member of the school staff any act of bullying or retaliation witnessed by the student, or that has come to the student's attention.
- (4) A report made under paragraph (2) or (3) shall be supported by a written statement of the observations, information and opinions surrounding the act of bullying or retaliation.

Investigation and notice to parents

- 6.** (1) A school leader shall —
- (a) on receiving a report of an allegation of bullying or retaliation;
 - (b) on receiving a report with respect to a suspicion of bullying or retaliation;
or
 - (c) on witnessing conduct which appears to be bullying or retaliative action, immediately investigate and record in writing the circumstances surrounding the conduct and take such measures as are appropriate to protect, during the course of the investigation, the student who is alleged to have been bullied.
- (2) A school leader shall, within twenty-four hours after receiving a report or witnessing conduct mentioned in paragraph (1), notify —
- (a) the parents of the students involved in the bullying or retaliative conduct if, in the opinion of the school leader, doing so would not result in harm to either the student bullied or the student accused of bullying; and
 - (b) any other relevant agency if the school leader is of the opinion that the issues identified in the report should be referred to another agency.
- (3) The information to be disclosed by the school leader when providing the notification under paragraph (2) includes —
- (a) the day on and (if known) the time at which the bullying or retaliation incident occurred;
 - (b) the nature of the conduct that constituted the bullying or retaliation;
 - (c) the nature of the harm to the student who was the victim of the bullying or retaliation conduct; and
 - (d) the measures taken or to be taken to respond to the report.
- (4) A school leader may refer a bullying incident to the relevant authority for determination.

Investigation outcome

- 7.** (1) After concluding an investigation under regulation 6, the school leader shall, within seventy-two hours, communicate in writing the outcome of the investigation to —

- (a) the parents of the students who were the subject of the investigation; and
 - (b) the person who made the report, unless the school leader is of the opinion that it would not be appropriate to do so.
- (2) The communication referred to under paragraph (1) shall include —
- (a) the findings on whether the allegations of bullying and retaliation are substantiated;
 - (b) the steps taken or proposed to be taken to protect the student who was bullied or retaliated against;
 - (c) the support that will be provided to —
 - (i) the student bullied in response to the harm that resulted from the bullying or retaliation; and
 - (ii) the student who engaged in the bullying or retaliation; and
 - (d) the disciplinary action, if any, imposed or to be imposed in response to the bullying or retaliation.
- (3) Where an incident of bullying or retaliation involves students from more than one school, the school leader first informed of the bullying or retaliation shall, within twenty-four hours after details of the incident were received, notify the school leader of the other school so that both may take appropriate action.
- (4) A school leader shall notify the relevant authority where a parent refuses to participate in any bullying intervention program and it is believed that the interests of the student might be adversely affected.

Disciplinary action against school leader and staff of Government school

8. (1) For the purposes of regulation 3(2)(i), the disciplinary action specified for school leaders and staff in the Anti-Bullying Policy of a Government school shall include —
- (a) in the case of a member of the school staff who is a civil servant, action permissible under the *Public Service Management Act (2018 Revision)* and the *Personnel Regulations (2022 Revision)*;
 - (b) in the case of a volunteer, suspension or termination of service; and
 - (c) in the case of a member of staff or sub-contractor of a contracted service provider, removal from the school.
- (2) A school leader or member of the school staff of a Government school who fails, without reasonable cause, to comply with their obligations under these Regulations or the Anti-Bullying Policy is liable to such disciplinary action as may be determined by the Department in accordance with the Anti-Bullying Policy.



Disciplinary action against school leader and staff of assisted school or independent school

9. (1) For the purposes of regulation 3(2)(i), the disciplinary action specified for school leaders and staff in the Anti-Bullying Policy of an independent or assisted school shall include —
- (a) in the case of a member of the school staff who is employed by the school or is a volunteer, suspension or termination of service; and
 - (b) in the case of a member of staff or sub-contractor of a contracted service provider, removal from the school.
- (2) A school leader or member of the school staff of an independent or assisted school who fails, without reasonable cause, to comply with the school leader's obligations under these Regulations or the Anti-Bullying Policy is liable to such disciplinary action as may be determined by the relevant authority acting in accordance with the Anti-Bullying Policy and if required, the Ministry.

Reports to the relevant authority and Ministry

10. (1) A school leader shall update or revise the Anti-Bullying Policy and procedures of the school in accordance with a written request made by the relevant authority or the Ministry.
- (2) A school leader shall, at the end of each school term and not later than the commencement of the subsequent school term, submit a written report to the relevant authority, containing details of —
- (a) all reported incidents of bullying or retaliation;
 - (b) the outcome of each bullying and retaliation investigation conducted under regulation 6;
 - (c) the disciplinary action taken against a student who engaged in the bullying or retaliation;
 - (d) the measures utilised to counsel the student who was the subject of the bullying or the retaliation and the student who engaged in the bullying and the retaliation;
 - (e) the measures and the outcome of the measures utilised to prevent a recurrence of the bullying or retaliation;
 - (f) the measures imposed against a member of the school staff or a parent for acting in contravention of these Regulations; and
 - (g) any other matter that may be required by the relevant authority.
- (3) If disciplinary measures are imposed against a school leader for acting in contravention of these Regulations, the relevant authority shall submit a written report to the Ministry for review and any other action that the Ministry deems appropriate.

Transitional provisions

- 11.** A school which was registered under the *Education Act, 2016* immediately before the commencement of these Regulations shall, within nine months after the date of the commencement of these Regulations —
- (a) ensure that an Anti-Bullying Policy is formulated in accordance with these Regulations; and
 - (b) submit the Anti-Bullying Policy for approval as required by section 27A(2) of the Act.

Made in Cabinet the 13th day of December, 2022.

Kim Bullings
Clerk of the Cabinet

