STATUTORY RULES OF NORTHERN IRELAND

2022 No. 146

JUSTICE

The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022

Made - - - - 22nd March 2022

Coming into operation in accordance with Regulation 1

The Department for Justice, in exercise of the powers conferred by section 26 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021(**1**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 and shall come into operation on 1st April 2022.

Interpretation

2. In these Regulations—

"abusive behaviour" has the meaning given by section 2 of the Act;

"the Act" means the Domestic Abusive and Civil Proceedings Act (Northern Ireland) 2021;

"compulsory school age" has the meaning given by Article 46 of the 1986 Order;

"child" means a pupil or a student within the meaning of this paragraph;

"class teacher" for the purposes of these Regulations means persons of the following description at an education provider—

(a) classroom assistant;

(b) course instructor including any substitute;

(c) lecturer including any substitute;

(d) member of teaching staff including any substitute;

(e) relevant support staff;

"a designated person" means—

(a) the key adult safeguarding lead or deputy at an education provider;

(**1**) 2021 c. 2 (N.I.)

(b) the designated child protection officer or deputy at an education provider;

(c) the designated safeguarding officer or deputy at an education provider; and

(d) any other person at an education provider acting in an equivalent capacity to those persons described at paragraphs (a) to (c);

"the Education Authority" means the body established by section 1(1) of the Education Act (Northern Ireland) 2014(**2**)and for the purposes of these Regulations refer to staff carrying out a child protection or safeguarding function;

"the Education Orders" has the meaning given by Article 2(2) of the 1986 Order;

"an education provider" means—

(a) a school (which includes a nursery school) within the meaning of Article 2(2) of the 1986 Order;

(b) an institution of further education within the meaning of Article 2(2) of the Further Education (Northern Ireland) Order 1997(**3**);

(c) a non-school body which provides pre-school education (or any facility or setting at which pre-school education is provided);

(d) the College of Agriculture, Food and Rural Enterprise in Northern Ireland;

(e) any body or facility folding a contractual relationship with the Department for the Economy for the purposes of providing publically funded vocational training programmes or apprenticeships; and

(f) any other body or facility which provides education or training of any kind (or any facility or setting at which education or training of any kind is provided);

"an incident of domestic abuse concerning a child" has the meaning set out in Regulation 4;

"pre-school education" has the meaning given by Article 17(8) of the Education (Northern Ireland) Order 1998(**4**);

"pupil" means a person—

(a) aged under compulsory age who is registered in their immediate pre-school year for a funded pre-school education place; or

(b) who—

(i) has achieved compulsory age;

(ii) is aged under eighteen years;

(iii) is registered at an education provider; and

(iv) in respect of whom education is provided under the Education Orders at an education provider;

"a relevant incident" means—

(a) any police recorded incident of domestic abuse which a relevant person reasonably believes constitutes an incident of domestic abuse concerning a child, or

(b) any incident (including a potential incident) involving domestic abuse which comes to the attention of a relevant person, which the relevant person reasonably believes constitutes an incident of domestic abuse concerning a child;

(**2**) 2014 c. 12 (N.I.)
(**3**) S.I. 1997/1772 (N.I. 15)
(**4**) S.I. 1998/1759 (N.I. 13)

"a relevant person" means a police officer or police support staff within the meaning of the Police (Northern Ireland) Act 2000(**5**);

"relevant support staff" means any person at an education provider, other than a class teacher, who—

(a) acts in a pastoral care role;

(b) acts in a disability support role; or

(c) is a member of education and training and support staff;

"student" means aged over compulsory school age but under 18 years and who is—

(a) registered at a recognised institution of further education within the meaning of Article 2(2) of the Further Education (Northern Ireland) Order 1997;

(b) registered at the College of Agriculture, Food and Rural Enterprise in Northern Ireland; or

(c) registered on a publically funded vocational training programme or apprenticeship provided by a body holding a contractual relationship with the Department for the Economy at any facility or setting in Northern Ireland;

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986(**6**).

Disclosure of information by a relevant person to a designated person

3.—(1) A relevant person may disclose information to a designated person where—

(a) there has been a relevant incident; and

(b) they reasonably believe that such disclosure is necessary for the purposes of enabling the designated person to—

(i) effectively take account of the needs of the child, and any impact that the incident may have had on them; and

(ii) provide support to that child, where appropriate.

(2) For the purposes of paragraph (1) "information" means—

(a) the date, location and approximate time of the incident;

(b) the nature of the incident;

(c) the severity of the incident, where relevant;

(d) the name and date of birth of the child that the incident concerned and their usual address, where different from the location of the incident;

(e) who the incident involved and their relationship, if any, to the child;

(f) information about whether or not the child was present, or in the immediate vicinity of where the incident occurred, and if in the home, where the child was in the home;

(g) information about where a child was neither present or in the vicinity of the incident but by reason of being present at the scene shortly afterwards (for example) perceived the aftermath; and

(h) such other information relating to the incident as the relevant person reasonably believes is necessary for the purposes mentioned in paragraph (1)(b).

(**5**) 2000 c. 32 (N.I.)
(**6**) S.I. 1986 No. 594 (N.I. 13)