
Major changes in the new Education Bill

Overview

The Education Act 2001 has been the primary legislation in education for the past 13 years. It was necessary to make changes in 2009 [Education (Miscellaneous Provisions) Act 2009] and now the Department of Education and Children believes the time is right to look at new legislation in some key areas. By considering a new Education Bill all areas of the present legislation will be considered.

This consultation is about the policy principles that may be used as the basis for drafting the new Education Bill. The Department of Education and Children is looking to bring the Island's legislation up to date to reflect changes in education practice both in the UK and other jurisdictions.

We are looking for views from members of the public on:

- the major changes being proposed for inclusion in the new Bill
- the proposed changes to amend or add to existing legislative provisions

Our proposal

We want to ensure that education legislation:

- is up to date
- covers education provision for lifelong learning
- enables the Department to deliver an education provision that meets the needs of Isle of Man residents and businesses

- complies with safeguarding legislation

Why we are consulting

The consultation will help the Department of Education and Children understand views from members of the public on the changes to some of the policy principles on which the new Education Bill will be based.

Introduction

Our proposal

We want to ensure that education legislation:

- is up to date
- covers education provision for lifelong learning
- complies with safeguarding requirements
- enables the Department to deliver an education provision that meets the needs of Isle of Man residents and businesses

What is your name?

Name

What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response. Your email address will not be used for any other purpose.

Email

Are you responding on behalf of an organisation?

Please select only one item

Yes No

If yes, what is the name of your organisation?

Do you live on the Isle of Man?

Please select only one item

Yes No

Please state the first 3 digits of your post code. For example: IM0

May we publish your response?

More information

- Publish in full – your first name and surname, organisation name, along with full answers **will** be published (your email will **not** be published)
- Publish anonymously – only your responses **will** be published (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publically on the hub (your response will only be part of a larger summary response document)

(Required)

Please select only one item

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

Proposed areas no longer included in the Education Act 2001

It is proposed that the following areas in the Education Act 2001 are **not included** in the new Education Bill:

- Religious Education – This is a specific section in the present Act specifying what has to be done and what exemptions exist for both religious education and assemblies
- Religious Education Advisory Committee (REAC) – Discusses religious education issues and decides on a religious education curriculum
- Education Council – The Education Council came into existence after changes in 2009 and members sit on various bodies such as governing bodies or hearing panels, as well as discussing education issues and advising the Department of Education and Children.

Religious Education

The Department feels Religious Education is a subject like any other one in the school curriculum and therefore should be treated in the same manner by inclusion in the **curriculum regulations**, rather than in primary legislation. The nature and content of assemblies has changed and it is necessary to reflect this in legislation.

The present Education Act 2001 determines:

- what can and cannot be done in terms of religious education and assemblies
- when children can be excused and what should happen for such education

Specific subjects studied in school are determined in regulations rather than being specified in the Education Act 2001. This means that as a subject the material to be studied will be determined by lead professionals in schools in collaboration with the Department of Education and Children.

Parents who opt to send their children to a Faith School have already opted into religious worship, so it is **proposed** that there will be no need to include clauses 13 and 14 of the 2001 Act in the new Bill.

The sections of the current Act that put in place the Religious Education Advisory Committee (REAC) are also **proposed** be removed and the role of this Committee to be reviewed by the Department.

Religious Education Advisory Committee

REAC Membership includes:

- leaders from across several Christian denominations
- religious youth groups
- the Bishop (who chairs)
- IOM Freethinkers
- primary and secondary phase RE subject leads
- members of the Education Council
- a senior representative from the Department of Education and Children

Responsibilities of REAC include:

- preparing a Religious Education syllabus for pupils on the Isle of Man
- advising the Department of Education and Children on matters relating to Religious Education

1 Do you agree that Religious Education should be treated the same as any other curriculum subject through the curriculum regulations?

Please select only one item

Yes No Unsure

Your comments

2 Do you agree that the role of the Religious Education Advisory Committee is no longer required?

Please select only one item

Yes No Unsure

Your comments

Education Council

The 2009 Education (Miscellaneous Provisions) Act replaced the former Board of Education with the Education Council, whose role is to act as a body that advises the Department as necessary and members sit on various panels and hearings. Education Council members also act as Department representatives on each school governing body.

Education Council members are appointed after interview and must display knowledge of the education system. The Council has a maximum of 10 members.

The role and value of the Education Council has been questioned by:

- schools
- parents
- the Department

It is proposed that the new Bill will **remove** the Education Council and **replace** it with Department Appointed Governors, so that a Department representative will continue to be on school governing bodies.

The Department Appointed Governors will also sit on appeal and hearing panels, but will not have an advisory role.

3 Do you think that the Education Council has a role in providing advice to the Department?

Please select only one item

Yes No Unsure

If yes, what do you think the role would include?

Proposed new areas in the Education Bill

Areas proposed to be included in the Education Bill:

- Inspection and quality assurance of the educational provision of pre-school settings (currently they are only inspected by the Registration and Inspections Unit of DHSC in regard to their compliance with the Regulation of Care Act and Regulations)
- Regulation and registration of private tutors, training and educational establishments as currently there is no statutory role in ensuring checks are undertaken

Inspection and quality assurance of pre-school settings

The Pre-School Credit Scheme currently provides:

- 10 hours universal credit per week
- 12.5 hours credit per week for lower income families

The Scheme was introduced **without** the Department having the legal authority to carry out inspection and quality assurance of the pre-school education being provided and paid for by IOM Government.

The Department of Health and Social Care have the ability to inspect nursery and pre-school settings for the care they provide for children but this does not extend to the education element being provided for preschool children.

The proposal in the new Bill is to give the Department of Education and Children the **legal authority** to inspect the quality of the pre-school education being provided using a quality assurance framework.

4 Do you agree that pre-school education should be quality assured?

Please select only one item

Yes No Unsure

Your comments

Regulation and registration

Regulation and registration of private tutors, training and educational establishments

At present there is **no regulation** around private tutors or educational / training establishments. At present anyone can establish themselves as a tutor or educational/training establishment.

Private tutors are **presently not checked**:

- with the Disclosure Barring Service (DBS) for whether there are safeguarding issues
- to confirm that they can deliver the subjects they say they can

Currently the Department of Education and Children **does not** have a statutory obligation to ensure tutors or educational/training establishments are checked. The Department of Education and Children is seeking to ensure safeguarding procedures are implemented.

Private tutors

The Department is proposing to ask **all** tutors:

- to be voluntarily registered
- to ensure that they have a DBS check
- to confirm they are qualified to teach the subjects they are offering
- to confirm they have received safeguarding training.

It is proposed that a **list** of registered tutors would be on the government website.

Training and educational establishments

Currently anyone can set up an educational establishment on the Isle of Man and there is currently **no governance** in place to **regulate the activities** of

such an establishment, with the exception of sections 52 and 53 of the current Act which controls awards and degrees that can be offered.

In the past the Island has already experienced the negative effect of an unauthorised provider.

The Department is proposing that educational establishments **voluntarily register** in the same way as tutors.

5 Should the Department provide a list of registered tutors and educational establishments?

Please select only one item

Yes No Unsure

Your comments

6 Should all providers of education, particularly to children, be suitably qualified to teach the subject on offer and police checked?

Please select only one item

Yes No Unsure

Your comments

Proposed areas to be strengthened or amended

Areas in the current Act that are proposed to be strengthened or changed:

- Governing bodies
- Home education
- School attendance
- Special Educational Needs
- Catchment areas
- Behaviour

Governing Bodies

The roles of governing bodies in our school and at University College Isle of Man (UCM) need:

- to be more robust
- to provide rigour
- to challenge decisions
- to play a more significant role in the life of the schools

In the new Act, it is intended that governing bodies will have **more** clearly defined role and responsibilities.

It is proposed to tighten the rules around:

- co-opted governors
- length of tenure of governors
- the number of governors (currently a minimum of 3 and maximum of 6)
- the inclusion of a Department appointed governor rather than an Education Council one

7 Is the role of Governors in schools clearly understood and recognised by parents?

Please select only one item

Yes No Unsure

Your comments

8 Do you have a recommendation on the number of governors and how long they should serve on the governing body?

Please select only one item

Yes No

If so, how many governors and for how long should they serve.

Home education

It is a **duty of parents** of children of compulsory school age to ensure that they receive a suitable education.

A suitable education is defined in the current Act as 'efficient full time education suitable to their age, ability and aptitude taking into account any special educational needs.'

This parental duty applies whether the education is provided in schools or at home. The Department has a **duty to enforce** this requirement so that a suitable education is given.

At present the Department has no way of ensuring that parents who choose to home educate meet the suitable education provision in Section 24 of the Education Act 2001.

Home education is not, in itself, a risk factor for abuse or neglect. However, there is potential that these children can become 'invisible' and in these cases there is a safeguarding risk of isolation from professionals. The **aim** is to establish an **appropriate scope of duties** for the Department to ensure that children do not go unseen.

The Department is seeking to add another subsection to the existing clause 24 to allow the Department to introduce regulations which **may require parents to provide evidence** to the Department of the Education of the educational provision their children are receiving.

9 Should the Department seek evidence from home educators on the education they are giving to their children?

Please select only one item

Yes No Unsure

Please state your reasons.

School Attendance

The 2009 Act gives the Department powers to impose fixed penalties on parents or guardians for poor attendance at school and it has been successful in reducing long term attendance issues.

There have been a growing number of incidents taking place in public places during school hours that are due to children who are suspended from school. This may arise as they are not supervised by their parents at home during this time.

The Department is looking to extend the provisions further to fine parents whose children are out in a public place **during school hours when they are suspended**. It is proposed that this fine can be imposed by the Department or possibly the Police.

10 Do you agree with this proposal?

Please select only one item

Yes No Unsure

Your comments

Special Educational Needs

This is one area that has changed significantly since the 2001 Act was introduced.

Special Education Needs (SEN) legislation **needs to be updated** to ensure that there is clarity in what is available for the parents of children with SEN in the Isle of Man. In particular regarding:

- information
- access and guidance
- redress
- appeals
- mediation
- dispute resolution

Clarity is needed around entitlement to additional services for children with SEN and the procedures to qualify for provisions. This needs to be an **Isle of Man specific approach**.

We **need** the ability in the new Bill to be able to put in place **regulations** to:

- detail the role of the Department in carrying out assessments
- determine level of need and support for children with additional needs
- cover all children from an early years setting to the time they leave full time education.

It will also clearly define the roles of educational psychologists in the terms of state and private education.

11 Is clarity around access to services for children with SEN needed?

Please select only one item

Yes No Unsure

Your comments

12 Does the role of educational psychologists need further clarification?

Please select only one item

Yes No Unsure

Your comments

Catchment Areas

In order for the Department to run its schools efficiently it is proposed that a child **will attend** their catchment area school **unless** they meet more **specific exception criteria** than is currently the case, which will be defined in regulations.

Regulations will define reasons why an out of catchment request can be submitted for the Department's consideration.

13 Should children always attend their catchment area school unless their needs cannot be met by the school?

Please select only one item

Yes No Unsure

Your comments

Behaviour

Inappropriate behaviour 'at the school' is an aspect of school life which needs to be considered particularly how it is dealt with.

Headteachers cannot police what happens outside the school gate, but there may be circumstances where inappropriate behaviour outside of the school grounds can affect and be detrimental to the effective running of the school.

The current Education Act 2001 is silent on **school activities** that take place elsewhere such as school trips. The current sections of the 2001 Act **need to be expanded** to cover these instances.

We are **not** proposing to put in any changes to address pupil behaviour **outside** the school environment.

14 Should the same behaviour standards for students that apply while 'at the school' be applicable when they are attending school-based events such as trips?

Please select only one item

Yes No Unsure

Your comments

15 Who do you feel is responsible for dealing with inappropriate behaviour of students outside the school environment?

Please select only one item

- Parents / guardians Teachers Both Other

If other, please state who should be responsible:

Please state your reasons.

Final thoughts

Please state any additional comments you have regarding this consultation.