
DEPARTMENT OF EDUCATION, SPORT AND CULTURE

RHEYNN YNSEE, SPOYRT AS CULTOOR



Isle of Man
Government

Reillys Ellan Vannin

Education (Amendment) Bill

A Consultation Document

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Summary

About this Consultation

The Department is seeking views from the public on areas that are considered appropriate for updating in the proposed Education (Amendment) Bill.

Who is this document for?

Within 'Our Island Plan', which sets out the Island's vision for the next 10-15 years, one of the Strategic Priorities is to provide 'Outstanding lifelong learning and development opportunities for all'.

To work towards this priority, the Department views it as essential that the opinions of those with a vested interest in education are considered. For this reason, the Department is seeking public views in developing the future of education on the Island.

Key points

The draft Bill is available to view or download as a related document on the Consultation Hub and should be considered alongside the Education Act 2001 (the "Act"), which is also linked on this consultation webpage.

The Bill is intended to make amendments to the following clauses;

- Promoting the Education of Children who are looked after
- Alternative provision of Education
- Religious Education
- Admissions and School Capacity
- Additional Safeguarding Measures
- Emergency School Closures
- Children who are not in school
- Educational Grants and Funding
- Additional Educational Needs

The Bill is intended to fulfil the below objectives:

1. Update elements of the Act to reflect changes in areas considered a priority
2. Strengthen the Department's vires

Consultation on the Education (Amendment) Bill

The Department has finalised its undertaking to refresh its existing legislation that governs the Island's education system. The new amendment Bill aims to update and modernise some areas of existing education law.

Previous consultation results addressed by the Bill

The results of the previous consultation on the Education Amendment Bill have been published and are available for review online on the Government Consultation Hub. The consultation requested feedback from a range of stakeholders. The link to the results of the consultation is below:

[2024 Education Amendment Bill](#)

The Department of Education, Sport and Culture conducted a consultation to gather stakeholder and public feedback on areas identified for updating in the proposed Education (Amendment) Bill. This consultation was open for a six-week period from 27 March to 10 May 2024.

The overarching vision of 'Our Island Plan' is to build a 'secure, vibrant and sustainable future for our Island Nation'.

Education plays a fundamental role in achieving this vision and the Department has committed to updating its existing legislation to ensure that it is suitable and relevant for future education provision.

In order to deliver this commitment, the Department is seeking to introduce an Amendment Bill to implement change in the following areas which have been identified as a priority:

- Promoting the Education of Children who are looked after
- Alternative provision of Education
- Religious Education
- Admissions and School Capacity
- Additional Safeguarding Measures
- Emergency School Closures
- Children who are not in school
- Educational Grants and Funding
- Additional Educational Needs

To ensure your opinion is considered, please proceed online and click 'continue'.

Alternatively, you may also submit responses by e-mail or post to:

Name: DESC Policy Hub

Address: Thie Slieau Whallian, Foxdale Road, St John's, Isle of Man, IM4 3AS

Email: DESCPolicyHub@gov.im

Privacy Statement

This consultation is anonymous. Your response will be published as part of a larger summary response document.

If you submit a response, by clicking 'Submit Response' you will give us permission to analyse and include your response in our results. After you click Submit, you will no longer be able to go back and change any of your answers. However, there is an option for you to provide an email address and if you do provide this it will only be used to send a receipt and a link to a PDF copy of your response.

The Department of Education, Sport and Culture would encourage that no personal data is provided however any personal data erroneously or intentionally provided will be anonymised before a response is published and will not be shared beyond the Policy Hub Team.

Please read our [Privacy Policy](#) for more details and your rights.

Reasonable adjustments and alternative formats

DESC is committed to equal opportunities and our aim is to make our documents easy to use and accessible to everybody.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation, please email DESCPolicyHub@gov.im or telephone (01624) 685808.

What happens next

Following the consultation, the results will be reviewed.

Where appropriate, we will liaise further with respondents.

A consultation summary will be produced and made available on the Consultation Hub.

The Consultation period will end on **15th June 2025**.

About you

Are you responding as:

- A parent/carer with one or more children registered at one of the Department's schools or UCM
- A parent/carer with one or more children not registered at one of the Department's schools or UCM (home schooling or private school)
- A child or young person
- A student at UCM
- A member of the public
- A teacher or Education Professional
- A member of an advocacy group, please name:

- A member of an organisation, please name:

- Prefer not to say

May we publish your response?

Please read our [Privacy Policy](#) for more details and your rights.

Publish anonymously – only your responses may be published on the hub (your organisation and email will not be published)

Do not publish – nothing may be published publicly on the hub (your response will only be part of a larger summary response document)

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

Supporting children who are looked after

Since 1st September 2020, the Virtual Head teacher has had a non-statutory duty to promote the educational outcomes of all children who are looked after, through strategic leadership and support, to promote high aspirations and seek to secure the best educational outcomes for children and young people in care

Changes:

Clause 5 allows the Department to create a virtual school by Order. By creating a virtual school it would allow the Department to promote the educational achievement of children aged 5-19 who are subject to a care order, an interim care order or qualify under section 25, section 27, section 76 of the Children and Young Persons Act 2001.

What does this mean:

This will give the Department the legal mandate to continue to support these children following completion of compulsory school age until they are 19 if they remain in education. It will also provide a clear framework that will allow the Department to prioritise the needs of these children.

Question 1:

Do you agree/disagree/neither agree nor disagree with the Department introducing this strategic duty?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Alternative Provision of Education

This measure provides a statutory framework for establishing education facilities outside of traditional school premises under certain conditions, to support pupils' needs. It is designed to cater for children who may not be able to access a conventional school environment, due to various challenges, such as dangerous or harmful behaviours, or being subject to a court order.

Children at risk of significant harm or those subject to court orders often require support from multiple agencies, including education, social services, and youth justice. The alternative provision centre may offer a multi-agency approach, bringing together various services to provide comprehensive support where necessary. This integrated approach ensures that all aspects of the child's needs are addressed, leading to better outcomes.

Changes:

Clause 4 provides that the centres will have the primary purpose of providing education and support for children who cannot be safely educated in a provided, maintained or special school because they are subject to court orders or are at risk of significant harm to themselves and/or others. This ensures that children who cannot be safely or effectively educated in a traditional school setting still receive a suitable education.

Clause 6 allows for the establishment of alternative provision centres by Order.

What does this mean:

The measure will have a positive impact on children who are placed in alternative provision centres. These children will benefit from placements that are better suited to their needs, maintaining community links, and allowing for long-term pathway planning. This ensures they are in the right placement for their needs at the right time.

Despite being educated off site, children will remain on the school roll. This ensures continuity in their education and allows for a smooth transition back to a traditional school setting if and when it becomes appropriate.

Question 2:

Do you agree/disagree/neither agree nor disagree with the establishment of alternative provision centres who will have the primary purpose of providing education and support for children who cannot be safely educated in a provided, maintained or special school because they are subject to court orders or are at risk of significant harm to themselves and/or others?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Religious Education

[Section 12 of the Education Act 2001](#) (opens in a new tab) states that religious education must be '*wholly or mainly of a broadly Christian character*'.

Changes:

- Clause 7 amends Section 12 of the Act to broaden Religious Education to include multiple beliefs, not just Christianity.

What does this mean:

This amendment will ensure that all pupils are offered opportunities to engage with different religions and non-religious philosophical convictions in their own locality as well as in the wider world.

Question 3:

Do you agree/disagree/neither agree nor disagree to the changes to Section 12 of the Education Act 2001 to cover multiple beliefs?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Admissions and schools' capacity

The [Education Act 2001](#) entitles children to attend the school in their given catchment area, as prescribed by the [School Catchment Areas Order 2022](#).

There is increasing strain in certain schools on the Island, due to the increasing number of children living in the catchment areas. This can be problematic for schools as there is no legal power to declare a year group/class or school full once capacity has been reached. This means that schools cannot deny admission to a child who is resident within a catchment area despite not having the capacity or resources to meet their needs.

The Department has limited powers to manage admission to pupils who may pose a significant risk of harm to other pupils already at their school. The new measure grants Head teachers, with Department approval, the power to refuse admission to children where required for safeguarding reasons. This ensures the safety and well-being of all students.

Admission appeals are currently heard under the Education (Admission Appeals) Regulations 2004[1], this measure introduces an independent appeals process for admissions. By allowing an independent body to hear appeals, the legislation provides a mechanism for parents and guardians to challenge decisions regarding their child's school admission.

Overall, this measure is necessary to ensure that schools can manage their capacity effectively, allocate resources appropriately, and maintain a safe and supportive learning environment for all students.

Changes:

Current provisions within the Act do not provide the Department and schools with any powers to restrict admission to a school that is already at or over capacity.

Clause 9 amends Section 15 to allow for the restriction of admissions to a particular school year group once they have reached capacity. This empowers schools to manage their student numbers more effectively and maintain a conducive learning environment.

Clause 9 amends Section 15 to include the power for the Head teacher (with Department approval) to refuse admission to any child whose admission would seriously prejudice the admission of any child already registered at the school. This ensures that the safety and educational needs of existing students which are prioritised.

Clause 10 adds Section 15A which allows for the school to redirect them to another school or Alternative Provision Centre.

Clause 27 introduces an independent appeals process, providing for an independent body to hear appeals for matters regarding school admissions.

What does this mean:

The new measures allow schools to declare a year group or class closed under specific conditions when site capacity is reached. This helps manage student numbers more effectively and ensures that schools can maintain a high standard of education.

The new measure also grants Head teachers (with Department approval) the power to refuse admission to children where required for safeguarding reasons. This ensures the safety and well-being of students.

By allowing an independent body to hear appeals, the legislation provides a mechanism for parents and guardians to challenge decisions regarding their child's school admission

Question 4:

Should schools with Department approval have the powers to declare the year group, class or school full upon reaching capacity, even where this would deny entry to a new child within the school's catchment area?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Question 5:

Should schools have the power to refuse entry to a child whose admission would seriously prejudice any child already registered at the school?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Question 6:

Do you agree/disagree/neither agree nor disagree with the proposed changes to the independent appeals process?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Additional Safeguarding Measures

Under existing law, parents have a duty to notify the Department of their educational arrangements if they choose not to register their child at a Department school. This measure introduces several key changes to improve data sharing between Government agencies, enhancing the safeguarding and support of children and families.

Without a clear legal framework, multi-agency collaboration can be inconsistent, leading to gaps in understanding a child's situation. Multi-agency information sharing not only protects children from harm but also helps in the earlier identification of support needs. This ensures that children get the help they need to make the best possible start in life. By combining data from various Government agencies, professionals can create a clearer and more accurate picture of the risks and needs, leading to better assessments, protection, and support for the child.

Changes:

Clause 11 establishes a clear legal framework for information sharing duty as a clear legal basis to both disclose and request information about a child for the purposes of safeguarding and promotion of welfare. This will promote a more seamless sharing of information so that professionals can consider the full picture of a child's life.

Pursuant to Article 6(1)(e) of the GDPR, this processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e., child protection and safeguarding purposes).

Clause 11 amends Section 16 to create powers where a notification of home schooling is received by the Department for a child who is registered at a school that is subject to a Section 46 enquiry or has a Child Protection Plan under the Children and Young Persons Act 2001.

Safeguarding consideration would be given with respect to matters connected with the education of the child via a multi-agency risk assessment made by the child's core group as to whether the child can be removed from the school register and the Department will have powers to keep them on the school register where it is determined that the risk of the child suffering significant harm is increased, if removed from school and therefore prudent for the school to continue to take an interest in the child's educational progress. This ensures that decisions are made based on a comprehensive understanding of the child's circumstances.

What does this mean:

This measure improves safeguarding and support for children by enhancing data sharing and multi-agency collaboration. Professionals can legally share and request information about a child's welfare, enabling a comprehensive understanding of the child's situation.

When a homeschooling notification is received for a child with safeguarding concerns, a risk assessment will determine any additional risks. The Department can prevent a child from leaving the school register if there is a risk of significant harm, ensuring the child's best interests are prioritised.

Question 7:

Do you agree/disagree/neither agree nor disagree that the Department should have a clear framework to share the register of children not educated in our schools with other Government agencies, for the purposes of safeguarding?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Question 8:

Do you agree/disagree/neither agree nor disagree that the Department should have the powers to keep children on the school register where it is determined that the risk of the child suffering significant harm is increased, if removed from school?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Emergency School Closures

There is no provision in the [Education Act 2001](#) which allows the Department to close schools in an emergency situation. Currently, this is done either by Ministerial Decision or through the Emergency Powers Act 1936, but could be exercised more efficiently and in a more responsive manner if the power lies with the Department.

Examples of scenarios where such a power could be relevant are during periods of adverse weather, Public Health emergency, as experienced during the Covid-19 pandemic, risk or threat of harm to the school community and any other risk, threat or occurrence of similar gravity.

Changes:

Clause 14 grants the Department the power to direct any school to close in an emergency situation. This ensures that decisions can be made swiftly and appropriately,

What does this mean:

This measure gives the Department the legal power to close schools during emergencies, like severe weather or public health emergencies. The Department will communicate school closures promptly to parents, students, and staff through various channels, including school websites, social media, and local news outlets. Coordination with other Government agencies and emergency services will ensure that closures are managed effectively and that alternative arrangements are made where necessary.

Overall, this measure is necessary to provide the Department with the legal authority to close schools in emergencies, ensuring that the safety and well-being of students and staff are prioritised.

Question 9:

Do you agree/disagree/neither agree nor disagree to place authority on the Department to exercise the power to close schools in an emergency?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Children who are not in school

The Department respects the right of all families to home educate where it is done in the best interests of the child. [Section 24 of the Education Act 2001](#) sets out that the responsibility for children’s education rests with their parents. Should parents not wish to send their child to a school, they can make other suitable arrangements in the form of Home Education or private education.

This is expanded in [Section 24A](#), under which parents have a duty to notify the Department if they do not register their child at one of the Department’s school and instead choose to register their child at a private school or provide home education.

Changes:

Clause 15 amends Section 24A of the Act so that parents who choose to educate their child outside of Department schools will be required to notify the Department in the first term of each academic year rather than just once.

What does this mean:

This measure ensures that the Department has up-to-date information on all children's education arrangements, while respecting parental choices. By requiring the parent to notify in the first term of each academic year, the Department can better support parents and whilst ensuring that no child is missing in education.

Question 10:

Do you agree/disagree/neither agree nor disagree with the amendment that parents are required to notify the Department in the first term of each academic year if they choose to educate their child outside of the Department’s schools?

- | | | |
|--------------------------|--------------------------|---------------------------------------|
| Agree | Disagree | Neither agree
nor disagree |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Please use this space for any further comments you wish to make:

Educational Grants and Funding

Financial Support for Further Education and Training:

The Department currently provides financial support, scholarships, and bursaries to prevent hardship, with awards subject to means testing. However, this has limited access to financial support for individuals seeking to transition to careers in high-demand fields, like teaching and nursing.

Financial Support for Early Education and Childcare:

This measure allows the Department greater autonomy in providing funding support for further education and training. It includes the expansion of the universal Childcare Credit Scheme and the introduction of bursaries for training in fields critical to national interests, such as nursing and teaching.

Changes:

Clause 16 amends Section 37 of the Act to enable regulations to be made in relation to specify the courses of study for which funding can be made available under subsection (1) and conditions to which such availability is subject. This measure allows the Department to create regulations for the manner in which these bursaries will be made available, ensuring targeted support for critical sectors.

It also provides for the payment of childcare credit and connected matters. The Childcare Credit Scheme provides for the award and payment of childcare credits to child day care centres and childminders for children aged 3 and 4. These credits are paid monthly and can be used towards the total cost of childcare, ensuring consistent support for families. Current provisions for the Childcare Credit are made under Section 3 of the Financial Provisions and Currency Act 2011.

What does this mean:

The new measure will allow the Department to provide bursaries without the need to consider hardship. This change addresses the need for more flexible financial support, enabling individuals to pursue training in critical fields, without being hindered by means testing.

The amendment also gives the Department more autonomy, ensuring that resources are effectively allocated to meet the community's needs and support the Island's long-term goals.

This measure ensures that more families can access affordable childcare, promoting early childhood education and supporting working parents.

Question 11:

Do you agree/disagree/neither agree nor disagree the amendment to the Act to enable regulations to be made in relation to specifying the courses of study for which funding can be made available ensuring targeted support for critical sectors?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Additional Educational Needs

'Special Educational Needs' is the term used when a child has a learning difficulty. [Section 18 of the Education Act 2001](#) defines that a child has a learning difficulty if:

- (a) *he has a significantly greater difficulty in learning than the majority of children of their age;*
- (b) *he has a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of their age in provided schools; or*
- (c) *he is below compulsory school age and is, or if special educational provision were not made for them would be, likely to fall within paragraph (a) or (b) when they are of compulsory school age.*

Through the Education (Amendment) Bill, the Department is addressing additional educational needs with modernisation of the terminology used to enable more inclusive practice and introduces an independent appeals process.

The change from 'special educational needs' to 'additional educational needs' reflects a shift towards more inclusive language, aligning with the new Inclusive Education Policy¹. This policy aims to ensure that all students, regardless of their needs, are supported in a way that promotes equality and inclusivity. By updating the terminology, the legislation acknowledges the evolving understanding of educational needs.

¹ [Inclusive Education Policy 2024](#)

Inclusive Education and Early Support

An [inclusive education](#) ensures that all pupils fully belong to, and participate in, the school community. This means schools should consider the educational needs of all pupils when planning their provision arrangements and developing their curriculum, to enable all students, including those with AEN, to actively participate in their school community.

The introduction of 'personalised learning plans' instead of 'reports on special educational needs' signifies a move towards a more individualised approach to education. This change ensures that each student's unique needs are met through tailored educational strategies, fostering a more supportive and effective learning environment.

Guidance

The power to publish guidance that staff must adhere to ensures that educational practices are aligned with the latest standards and best practices, providing a clear framework for educators to follow.

Independent Appeals Process

Finally, the introduction of an independent appeals process is a significant step towards ensuring fairness and accountability. By allowing an independent body to hear appeals, the legislation provides a mechanism for parents and guardians to challenge decisions regarding their child's educational needs. This process ensures that the Department takes reasonable steps to identify and meet the needs of all children with additional educational needs, promoting transparency and trust in the educational system.

Overall, these changes are necessary to modernise the educational framework, promote inclusivity, and ensure that all students receive the support they need to succeed.

Changes:

Clause 19 amends terminology throughout the Act from 'special educational needs' to 'additional educational needs'.

Clause 20 amends terminology in Section 59(1) of the Act from 'difficulty' to 'need'.

Clause 12 amends an error in Act in s18(4)(b) which should read both 'maintained' and 'provided' schools rather than just 'provided'.

Clause 13 amends terminology in Section 19 and any other references through the Act from 'Report on child's special educational needs' to 'personalised learning plan' to reflect current practice.

Clause 13 creates a power for guidance to be published so that staff must have regard to such Department published guidance.

Clause 27 introduces an independent appeals process, providing for an independent body to hear appeals for matters regarding the Department's duty to take reasonable steps to identify all children with additional educational needs and in doing so, where required, make provision to meet their needs. Existing regulations Education (Special Educational Needs) Regulations 2004 will need to be updated to refer to the new appeals process.

What does this mean:

- Terminology change from 'SEN' to 'AEN'.
- Terminology change from 'report on child's special educational needs' to 'Personalised learning plan'.
- Create Independent appeals process

Question 12:

Do you agree/disagree/neither agree nor disagree with the proposed amendments to the terminology from special educational needs (SEN) to additional educational needs (AEN)?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make:

Question 13:

Are you content with the proposed changes to the Independent appeals process?

Agree

Disagree

**Neither agree
nor disagree**

Please use this space for any further comments you wish to make: