

HEALTH & MEDICINE

Public health: Coronavirus

CORONAVIRUS - TEMPORARY CONTINUITY DIRECTIONS ETC: EDUCATION, TRAINING AND CHILDCARE

EDUCATION

EDUCATIONAL CONTINUITY DIRECTION GIVEN UNDER PARAGRAPH 14(1) OF SCHEDULE 17 (TEMPORARY CONTINUITY DIRECTIONS EDUCATION NORTHERN IRELAND) OF THE CORONAVIRUS ACT 2020

Made 3 January 2021

Coming into operation 3 January 2021

1. The Department of Education in Northern Ireland in exercise of its power conferred by section 38(3) and paragraph 14 (1) of schedule 17 of the Coronavirus Act 2020 ("the 2020 Act") gives the following **Educational Continuity Direction**.

2. Before giving this direction, the Department had regard to the advice relating to coronavirus from the Chief Medical Officer and the Chief Scientific Advisor for the Department of Health in Northern Ireland.

3. The Department is satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of education.

4. The Department directs as follows:

Closure of educational establishments, and exceptions

5. Each school or educational establishment is required to restrict access from 00:01 on 4 January 2021 until 23:59 on 8 January 2021, except in so far as access is required for or in connection with any of the following:

- The activities listed in paragraph 6.
- The provision of education by way of remote learning in terms of paragraph 7.
- Delivery, planning and preparation for the provision mentioned in sub-paragraphs (a) and (b), and for the resumption of in-person attendance by pupils in terms of paragraph 8.
- Post primary schools will have flexibility to deliver face-to-face teaching to pupils due to sit public exams in January, should they wish to do so.
- Maintenance of buildings and facilities as considered appropriate, or any use of buildings and facilities for, or in relation to, other aspects of the response to coronavirus.

Continuing provision of education and related matters

6. All primary and post primary schools will open from 4 January 2021 or the commencement of Spring Term if that date is later to accommodate

- children of key workers; and
- vulnerable children and young people.

7. Each school (except for those specified at Para 8 a-c below) is required to provide education by way of remote learning as follows:

- to all primary school pupils from 4 January or the day after the commencement of Spring Term if that is later to 8 January 2021;
- to all post primary school pupils from 4 January or the day after the commencement of Spring Term if that is later to 8 January 2021;
- to all post-primary pupils in Years 8-11 from 11 to 29 January 2021.

Where a pupil is provided with education under paragraph 7, this requirement applies only to the extent each school considers necessary to ensure the provision of adequate and efficient school education for each pupil.

8. Schools and other educational establishments are required to open for in-person provision of education as follows:

- all nursery schools, nursery units attached to primary schools and pre-school education settings participating in the Pre-School Education Programme from 4 January or the commencement of Spring Term if that is later;
- all special schools from 4 January or the commencement of Spring Term if that is later;
- all Education Other Than At School centres from 4 January or the commencement of Spring Term if that is later;
- all primary schools from 11 January 2021;

e. all post-primary schools for pupils in Years 12-14 from 11 January 2021; and

f. all post-primary schools for all pupils from 1 February 2021.

9. Dickson Plan Junior High Schools may provide in-person provision of education for pupils in Year 10 as agreed by their Boards of Governors from 11 January 2021.

Requirement to have regard to certain matters, and to guidance

10. In making the provision or carrying on the activities set out in this Direction, schools must have regard to the objective of preventing the transmission of coronavirus, to the welfare of children and young people and staff, and to the importance of continuity of education.

11. In making the provision or carrying on the activities set out in this Direction, the Education Authority and each school must have regard to relevant guidance issued by the Department of Education.

12. The Department of Education NI in exercise of its power under Para 14 of Schedule 17 of the 2020 Act directs that any failure to comply with a duty imposed under the following provisions is to be disregarded to the extent that failure is attributable to this direction;

- the duty under Article 45(1) of the 1986 Order (duty of parents to secure full-time education of children of compulsory school age by attendance at school or otherwise);
- the duty under paragraph 1(4) of Schedule 13 to the 1986 Order (duty of managers of grant-aided school to admit child in accordance with attendance order);
- the duty under paragraph 3(1) of Schedule 13 to the 1986 Order (duty of parent of registered pupil to secure pupil's regular attendance at school of registration)
- the duties under regulations 14 and 15 of the Primary Schools (General) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No.402) and regulations 11 and 12 of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No.403) (terms and days of operation of school and dates of school holidays, etc).

CITATION COMMENCEMENT INTERPRETATION

1) **This Notice may be cited as the Coronavirus Act 2020 Educational Continuity Direction Notice No .1 Notice and shall come into operation on the 3rd of January 2021**

2) **Specified Period** The specified period is a period of 28 days from and including the commencement date unless the Department issues a cancellation Notice before that period. A further Notice may be issued after 28 days by the Department in respect of the same arrangements

3) In this Notice –

'Cancellation Notice' has the meaning set out in Para 17(8) of Schedule 17 to the Coronavirus Act 2020

'Commencement date' is the date mentioned in Para 1

'The Department' means the Department of Education in Northern Ireland

'school' has the meaning given in the Education and Libraries NI Order 1986

'pupil' has the meaning given in The Education and Libraries NI Order 1986

'Education Authority' has the meaning at S.1 (1) of the Education Act (Northern Ireland) 2014

'The specified period' shall be construed in accordance with Para 2

'Remote learning' means education provided to a registered pupil who does not attend school due to the stipulations of this Direction and as set out in Departmental guidance (see Circular 2020/5 - Guidance for Schools on Supporting Remote Learning | Department of Education (education-ni.gov.uk) and Circular 2021/01 – Further Guidance for Schools on Supporting Remote Learning – publication pending)

4) This Direction has effect until the earlier of –

- the end of the specified period or
- the revocation of this direction by a further direction given by the Department under a notice issued in accordance with Paragraph 17(8) of Schedule 17 of the Act

13. This Direction is published in accordance with paragraph 14 (5) of schedule 17 of the 2020 Act.

Sealed with the Official Seal of the Department of Education on 3 January 2021

Peter Weir

Minister of Education

(3710851)