

This document is a transcription of the text of the on-line consultation being carried out by the Isle of Man Government in connection with its proposed 2019 Education Bill. In common with most consultations the preferred means of responding is through a multi-page on-line form, which means it is impossible to see all the questions without working through each page.

This document consists of the text from each page accumulated into a continuous format. On-line pages are identified as "Page N", and items from drop-down panels are indented and italicised.

The two questions specifically concerning home education are on Page 11 and have been [highlighted in dark blue text](#). Home educating families may wish to respond to other questions in addition to these.

The New Education Bill

Page 1

Introduction

1. What is your name?

Name

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response. By entering your email address you will be able to save your work and come back to it at a later stage. Your email address will not be used for any other purpose than those stated.

Email

3. Are you responding on behalf of an organisation?

- Yes
- No

If yes, what is the name of your organisation?

Organisation

4. Do you live on the Isle of Man?

- Yes
- No

5. Please state the first 3 digits of your postcode. For example, IMO
First 3 digits of your postcode...

6. May we publish your response? Please read our Privacy Policy for more details and your rights.

*More information
(Required)*

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- *No, please do not publish my response*

Principles and duties

The Education Bill seeks to set out some fundamental principles of education in the Island which the Department must take account of. These are based on the feedback received from the previous consultation.

7. Do you agree that these principles are sufficient to underpin the education system of the Isle of Man now and in the future?

The principles

a. that each child and young person should be enabled to receive an education that helps them to make appropriate progress and to become a fulfilled and valued member of society

b. that the mainstream educational system should so far as possible reflect and implement the AEN principles (see section [AEN principles])

c. that education in the Island should include provision for vocational and other practical training so far as possible

d. that education in the Island should include provision for life-long learning so far as possible

e. that children, young persons and their parents should have a reasonable degree of influence over the kind of education which is provided to them

f. that the educational system should support the cultural integrity and identity of the Island

g. that the educational system should support the development of a diverse society based on mutual respect

h. that providers of education in or for the Island should make appropriate use of developing technology, including facilities for remote and virtual education

i. that education in the Island should be provided economically, effectively and efficiently

- agree
- neither agree or disagree
- disagree

Please briefly explain why you have given this answer in the text box below.

8. Are there any other principles that you feel are missing and why? If so please answer in the text box below.

Premises

The Department has included a provision seeking a contribution from the church towards the costs of any significant developments or other capital costs incurred at maintained faith schools.

9. Do you agree with this proposal?

- Yes
- No

If the answer is no please say why in the text box below.

Curriculum

It is proposed in the Bill that the curriculum will consist of compulsory elements for pupils including:

Related Information

- a. education in religion, ethics and values, avoiding proselytising for any particular religion or religious approach*
- b. education in Manx culture (including history and language)*
- c. age-appropriate education about sex and relationships, health and lifestyle, and economic and other wellbeing*
- d. opportunities for physical education (including games and sports)*

10. Do you agree with these areas being compulsory?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

Behaviour

There are sections which deal with school standards of behaviour - sections 30 through to section 41. These include some new areas of consideration including confiscation of psychoactive substances which are deemed inappropriate for school and likely to cause harm; recovering costs for damage which has been caused by a pupil at a school (section 35); behaviour outside of school (section 37); disorderly conduct (section 39) and inappropriate use of social media (section 41).

For damage in schools, it is proposed that the Department or governing body of a school may recover the costs of repairing damage or expenses from pupils or their parents

Social media has also become a feature of modern society and is widely used. It can be misused and so the Department would seek to try and address some issues that arise

Behaviour and Social Media

Behaviour and Social Media

For behaviour outside of school it is proposed in section 37 of the Education Bill that:

Behaviour outside school premises

- 1. A power under section 33, 34 or 36 may be exercised by a teacher at a school at any time when the teacher is responsible for the welfare or behaviour of the pupil in accordance with written rules of the school.*
- 2. The articles of government of each maintained school must include provision about discipline in respect of behaviour taking place outside the school premises at any time when the teacher is responsible for the welfare or behaviour of the pupil in accordance with written rules of the school.*
- 3. In this section and sections [...] a reference to a teacher at a school includes a reference to another member of staff at a school.*

Inappropriate use of social media

- 4. This section applies where the head teacher of a maintained or contracted school becomes aware that,*
 - (a) a pupil at the school is using social media in a way that causes, or appears intended to cause, distress or offence to another pupil at the school or to a teacher or other member of staff at the school, or*
 - (b) a relative, or present or former associate, of a pupil at the school is using social media in a way that causes, or appears intended to cause, distress or offence to a pupil at the school or to a teacher or other member of staff at the school.*
- 5. The head teacher must take all reasonable steps to prevent the use specified in subsection (1); and those steps may include, -*
 - (a) applying school rules to ensure that the use of social media does not take place during school hours, on school premises or through the use of school equipment;*
 - (b) providing education and guidance to pupils about the use of social media and the potential for it to cause distress, offence and other damage;*
 - (c) drawing the use of social media to the attention of a police officer and inviting the officer to consider whether an offence has been committed;*

- *(d) issuing guidance to the person using social media as specified in subsection (1), or to anyone who appears to the head teacher to be a victim or potential victim of that use, as to the law of harassment, and the civil and criminal remedies available under it.*

11. Is it right for the Department to seek to recover the cost of damages caused deliberately by pupils?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

12. Do you agree that section 37 addresses the issue of children behaving inappropriately while under the authority of a member of the school's staff?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

13. Do you agree that the measures suggested will allow schools to address the issue of inappropriate use of social media in schools?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

Catchment areas

Having catchment areas for pupils allows the Department to manage resources effectively and efficiently. The catchment area section of the new bill has changed from that in the 2001 Act with the emphasis now being on children attending their catchment area school except in very specific circumstances.

Section 42 contains the following:

1. the Department must make arrangements for each maintained school to have—

- a. a catchment area for the acceptance of pupils, and*
- b. arrangements for the application of rules in relation to the catchment area.*

2. the Department may make regulations about—

- a. the extent or operation of catchment areas*
- b. rules in relation to catchment areas*
- c. exceptions to the catchment area rules*

Laying only - approval required

3. the regulations may make provision for dealing with the application of the catchment area rules in cases where a child lives in more than one catchment area.

14. There are a number of exceptions as to why a pupil should go to a school in a different catchment area. These are some of the exceptions that have been suggested:

- a. on the grounds of a child's additional educational needs
- b. specific curriculum issues
- c. specific circumstances relating to the child

Are there other aspects that should be considered?

- Yes
- No

If yes please could you expand on your views in the box below.

Inspections

Schools currently undertake a process of self-review and evaluation which is externally verified and validated. It is proposed that the following is included to enable this to continue but also to be broad enough to cover other models and possible further developments.

It is the responsibility of the Headteacher to oversee self-review of the school and the governors hold the Headteacher to account, with externally validated assessments of schools every three years.

Inspections

45. Inspections

- 1. The Department must make arrangements for the inspection of maintained schools.*
- 2. The Department must make regulations about the inspection of maintained schools. Tynwald procedure - approval required.*

46. Inspection arrangements

- 1. The arrangements under section [Inspections] must include a requirement for each maintained school to carry out a self- assessment at least once in each school year.*
- 2. Regulations under section [Inspections] may, in particular, make provision about-*
 - 1. the matters to be addressed in an inspection;*
 - 2. criteria to be applied in the course of an inspection;*
 - 3. records to be kept of an inspection;*
 - 4. information to be supplied to the Department;*
 - 5. information to be published;*
 - 6. timings of an inspection; and*
 - 7. actions to be taken for the purpose of remedying deficiencies identified in the course of inspections or self- assessments.*

47. Interim and additional inspections

- 1. The Department must make arrangements for interim or additional inspections of maintained schools where the Department think it appropriate -*

48. Inspections: supplementary

- 1. Inspections may be carried out-*
 - 1. by officials of the Department, or*
 - 2. by or on behalf of a person selected by the department.*
- 2. The department may make regulations about inspections; and the regulations may, in particular-*
 - 1. authorise persons to enter a school;*
 - 2. authorise the inspection of premises;*
 - 3. authorise the inspection and seizure of records.*
- 3. Tynwald procedure - approval required.*

A person who intentionally obstructs the performance of a function under this section commits an

offence.

Maximum penalty (summary) 6 months' custody or a level 5 fine.

49. Enforcement

1. Where the Department is not satisfied with the progress being made in remedying any deficiencies identified it may, –

- 1. vary requirements for action imposed in accordance with regulations under section 46;*
- 2. assign teaching or other staff to the school;*
- 3. assign staff to the school with management responsibilities.*

2. A person who intentionally obstructs the performance of a function under this section commits an offence.

Maximum penalty (summary) 6 months' custody or a level 5 fine.

3. An assignment under subsection (1)(c) may modify the contractual responsibilities (but not other terms) of the head teacher or another member of staff at the school with management responsibilities.

4. Subsection is without prejudice to the right of the department to dismiss a head teacher or other member of school staff on grounds of performance failure.

15. Do you agree that actions required in respect of remedying any identified deficiencies should be the responsibility of the Head teacher and will improve the education provision within a school?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

Independent schools

As a regulator, the Department has a responsibility to consider what happens at Independent Schools, from registering the school as such, through to having information about the school and also considering complaints. In particular, the Department may consider:

- a. the suitability of the school premises or facilities
- b. the quality or suitability of the education being provided at the school
- c. the quality or suitability of the proprietor, a teacher or other member of staff at the school
- d. the welfare of pupils at the school.

16. Do these cover those specific areas which the Department should regulate?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

Compulsory school age (Section 61)

It is proposed that the Department will adopt a more flexible approach to the start of compulsory education. This will be by introducing regulations.

Compulsory School Age

61. Compulsory school age

1. This section defines "compulsory school age" for the purposes of this Act and (subject to any indication to the contrary) for the purposes of any other enactment.

2. A child-

- 1. becomes a child of compulsory school age on becoming 5 years old (subject to regulations under subsections (3) and (4)), and*
- 2. stops being a child of compulsory school age on becoming 16 years old (subject to subsection (5)).*

3. The Department may make regulations modifying the effect of subsection (2) in relation to children of a specified description or in specified circumstances.

Tynwald procedure - approval required

4. The Department may make regulations about school starting dates for children born at different times of the year; and the regulations may, in particular, -

- 5. 1. make different provision for different schools;*
2. provide for a child not to be treated as being of compulsory school age between the moment when the child becomes 5 years old and the next starting date (or the next starting date that applies to the child).
Tynwald procedure - approval required.

6. *A person who is a registered pupil at a school, or has been within the previous 12 months, and who reaches the age of 16 during a school year, remains of compulsory school age until the end of that school year.*

7. *The Department may by regulations modify or disapply the effect of subsection (5) in relation to children of a specified description or in specified circumstances.
Tynwald procedure - approval required.*

17. Regulations will be made to adapt 'compulsory school age' in specified circumstances. One instance will be for summer born children. Is it appropriate to have this flexibility about when children start or finish compulsory schooling?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

18. Are there any circumstances that you may wish to see covered by the regulations?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

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School Attendance

A new section in the Bill proposes to introduce regulations about holidays during school terms.

If there are difficulties for a parent in getting their children to regularly attend school it is being suggested that as an alternative to a fine, that a guidance course requiring parents to attend could be an alternative approach.

Respondents to the principles consultation commented that an alternative to a fine should be considered for parents who struggle to get their children to attend school regularly. Section 68 is the Department's response to this.

19. Do you think that this approach will be a constructive alternative to a fine, helping parents to develop strategies?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

Home education

The Department is seeking to establish that all children have access to suitable education, including those who are home educated. It is, therefore, being proposed that the following provisions are introduced in sections 77 and 78.

Parents will still have the right to Home Educate. It will be necessary, as at present, to notify the Department of an intention to educate otherwise. There will be periodic assessments and this may include considering a child's work or by carrying out interviews. How assessments are carried out will be regulated.

Related Information

Definition: "home education"

In this Act "home education" means education provided to a child in accordance with a decision by the child's parent to arrange for the child to be educated otherwise than at a school or college.

Departmental assessment

- 1. The Department must assess the educational development of children in the Island receiving home education.*
- 2. The Department may provide advice and information on request to a parent of a child receiving home education.*
- 3. The Department must make arrangements to allow children receiving home education to have access to school or college facilities to the extent the Department thinks appropriate.*
- 4. The Department must maintain a register of children in respect of whom the Department is notified under section 64 that the child is being home educated.*
- 5. The Department must carry out assessments from time to time of the educational development of each child receiving home education.*
- 6. The assessment may include, -*
 - 1. Assessing the child's work;*
 - 2. Interviewing the child;*
 - 3. Interviewing the child's parent.*
- 7. The assessment may take place, -*
 - 1. In the child's home with the consent of the child's parent; or*
 - 2. at any other place agreed between the Department and the child's parent.*
- 8. A parent of a child receiving home education must comply with any request by the Department to provide information for the purposes of the assessment.*
- 9. The Department must make regulations about the methodology of assessments under this section.*
Tynwald procedure - approval required

20. Should the Department make arrangements for children receiving home education to have access to school or college facilities, for example, to be able to access laboratory facilities?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

21. Are the assessment proposals sufficient for the Department to ensure that a suitable education is being provided to Home Educated children?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

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Additional educational needs (Section 79)

The Department is taking the opportunity to move away from the dated phrase of children with special educational needs, to a position where it considers young people with Additional Educational Needs, broadening the approach to those who need additional support.

To support young people and children with additional educational needs the Department is seeking to introduce an Additional Education Needs Code. This will lay down what people can expect and will cover areas such as guidance to be issued about the educational provision, support plans, assessments and reports.

The Department is also seeking to extend the age for access to education provision beyond the age of 18 for those with additional education needs by three years to age 21.

22. Do you agree that the Department should have an upper age of 21 to consider educational provision for those with additional educational needs?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

23. Is the definition of an individual with a learning difficulty or disability sufficiently clear or broad?

An individual has a learning difficulty or disability if they-

- 1. have significantly greater difficulty in learning than the majority of others of the same age*
- 2. have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream institutions*

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

AEN principles

There are a number of principles which underlie additional educational needs provision. These are found in section 80.

- a. the educational system should include and integrate children and young persons who present challenging behaviour or who have special needs as a result of their mental or physical conditions
- b. each child and young person has a right to have their needs assessed by people with appropriate expertise
- c. each child and young person has a right to have their needs addressed by the commitment of appropriate resources (including staff and technology) subject to overall considerations of efficiency and fairness
- d. parents, children and young persons have a right to expect a consistent allocation of resources across the Island
- e. parents, children and young persons have a right to have their views taken into account
- f. parents, children and young persons should be involved in the decision-making process
- g. parents, children and young persons have a right to be given full and prompt information at all stages of the process of assessing, reporting on and providing for additional educational needs
- h. parents, children and young persons have a right to expect decisions to be taken in a coherent way, with public authorities and other relevant agencies cooperating and communicating wherever possible

24. In some of the principles, there is the reference to assessment and the allocation of resources for those with additional educational needs; do you agree that these are appropriate?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

25. Other principles deal with parent and young person involvement in decision making; having full information and for co-operation and communication around decisions. Is there anything else which should be considered?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

26. It is proposed that additional educational needs assessments can be requested by the Department and by parents of children in maintained schools and the Department may assess other children such as those in Independent Schools or who are Home Educated. Is this appropriate?

- Yes
- No

If yes, are there any conditions which should be attached?

Please briefly explain why you have given this answer in the text box below.

27. If a parent does want an assessment or alternatively does not want an assessment carrying out when proposed, then an appeal to a Tribunal is being suggested. Do you believe that this gives a parent sufficient remedy to challenge a decision being taken about their child, whether this is to have an assessment or not?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

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Educational institutions

It is being proposed that a register maintained by the Department of educational institutions on the Island other than schools, individuals, early years providers or where CPD is provided by an organization. This register will contain information about:

- a. safeguarding arrangements for children's welfare
- b. the nature of courses being provided
- c. the nature of qualifications being awarded
- d. the amount of fees being charged

To ensure that institutions are operating as described, periodic inspections will be undertaken. Complaints about educational institutions will also be acted upon within a certain time frame. There will also be an appeal mechanism.

28. Are there any other criteria which should also be included?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

29. Do you believe that this will help to ensure that rogue educational institutions will be identified and if necessary closed down?

- Yes
- No

If your answer is no, then please explain why below.

Private tutors

Private tutors often work one to one with young people. From the perspective of considering safeguarding issues, the Department intends to bring in a register of private tutors with annual confirmation of details. This does not mean that the Department confirms the accuracy of the information supplied or is an endorsement of the quality of services being provided by the tutor.

It will simply confirm that a current enhanced DBS certificate has been seen by the Department, information about the subjects the tutor intends to offer and information about the age range being taught.

30. Do you consider that this registration is sufficient for parents to get some basic information about tutors available on the Island?

- Yes
- No

Please briefly explain why you have given this answer in the text box below.

31. A copy of the Education Bill is attached. The Department is interested to hear your views on any issue that has not been covered in the consultation questions. If there are any topics that you wish to raise and discuss please raise these in the space below.

Almost Done...

You are about to submit your response. By clicking 'Submit Response' you 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.

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