EDUCATION

The Temporary Modification of Education Duties (No.2) Notice (Northern Ireland) 2020

Made	*02 April 2020*
Coming into operation	*02 April 2020*

The Department of Education[1] makes the following Notice in exercise of the powers conferred on it by section 38(3)(c) and paragraph 17(1), (2)(b) and (d) and (7) of Schedule 17 to the Coronavirus Act 2020[2].

The Department considers that the making of this Notice is an appropriate and proportionate action in all the circumstances because the current outbreak of coronavirus in Northern Ireland has hindered compliance with the statutory duties set out in paragraph 17(2)(b) and (d) of Schedule 17 to that Act.

1. Citation, commencement and interpretation

(1).This Notice may be cited as the Temporary Modification of Education Duties (No. 2) Notice (Northern Ireland) 2020 and shall come into operation on xx April 2020.

(2).In this Notice -

"cancellation notice" has the meaning set out in paragraph 17(8) of Schedule 17 to the Coronavirus Act 2020;

"the Department" means the Department of Education in Northern Ireland;

"the Health and Social Care Authority" means:-

(a) the Regional Health and Social Care Board3; or

(b) a health and social care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 19914;

"the specified period" shall be construed in accordance with paragraph 3.

2. Modification

The provisions referred to in sub-paragraph (1) are-

Articles 6 to 21B of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) (duties in relation to special educational needs); and

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[1] 2016 c.5 (N.I.) (See s.1(11) and the Schedule)
[2] Coronavirus Act 2020 c.7
[3] 2009 c.1 (N.I.) (See s.7 and Schedule 1)
[4] S.I. 1991/194 (N.I.1)

(b) Regulations 5 to 22 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 384) (duties in relation to assessments and statements).

(3) Any duty (the original duty) on any of the bodies listed in heads (a) to (e) is replaced with a best endeavours duty (a best endeavours duty) but only where an inability to comply with that original duty is attributable to the temporary closure of schools in Northern Ireland or the reallocation of Education Authority or health and social care resources to meet other essential services required as a result of the current outbreak of coronavirus in Northern Ireland.

(a) Education Authority5;

(b) schools in Northern Ireland;

(c) boards of governors of schools;

(d) Health and Social Services Authority or

(e) parents.

3. Specified Period

(1) 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 duty or duties.

Sealed with the Official Seal of the Department of Education on 02 April 2020

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Derek Baker
A senior officer of the
Department of Education

Notes

[5] Section 1(1) of the Education Act (NI) 2014 c.12 (N.I.)

1. Schedule 17 to the Coronavirus Act requires the Department to publish a Notice under this paragraph and to take such other steps as the Department considers reasonable to bring the Notice to the attention of those likely to be affected by it.

2. Where the Notice relates to a person specified by name the Department is required to give a copy of the Notice to that person, and the published version of the notice must not identify any individual without their consent.

3. This is the second Notice made in accordance with Schedule 17. See the Department of Education website for previous Notices (https://www.education-ni.gov.uk/department-education-releases-covid-19-coronavirus).