

# EDUCATION

## TEMPORARY CONTINUITY DIRECTION GIVEN UNDER PARAGRAPH 14(1) OF SCHEDULE 17 OF THE CORONAVIRUS ACT 2020

### CORONAVIRUS ACT 2020 EDUCATIONAL CONTINUITY DIRECTION NO. 5

*Made*  
*Coming into operation*

*19<sup>th</sup> March 2021*  
*22<sup>nd</sup> March 2021*

1. The Department of Education in Northern Ireland, in exercise of the power conferred on it by section 38(3) and paragraph 14(1) of Schedule 17 of the Coronavirus Act 2020 (“the 2020 Act”) gives this **Educational Continuity Direction**.
2. Before giving this direction, the Department has had regard to 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 this direction is a necessary and proportionate action for or in connection with the continued provision of education.

#### **The Department directs as follows:**

4. This direction applies, for the specified period, to all schools in Northern Ireland and to the Education Authority, and therefore school managers and, as the case may be, the Authority, must ensure compliance with this direction in connection with the matters for which they are responsible which are affected by this direction.

#### **Closure of schools and exceptions**

5. All schools and pre-school education settings are required to restrict access to their premises for the duration of the specified period, except in so far as access is required for or in connection with any of the following:
  - (a) the activities listed in paragraph 6;
  - (b) in-person attendance in accordance with paragraph 7;
  - (c) the provision of education by way of remote learning in accordance with paragraph 8;
  - (d) delivery, planning and preparation for the provision mentioned in sub-paragraphs (a) to (c)
  - (e) the maintenance of buildings and facilities, 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 schools and pre-school education settings are required to open throughout the specified period to accommodate –
  - (i) children of key workers; and
  - (ii) vulnerable children and young people.

7. (1) Schools, pre-school education settings, and Education Other Than At School Centres are required to open to provide in-person education to their pupils as follows –
- (a) special schools shall provide in-person education to all pupils throughout the specified period;
  - (b) Education Other Than At School Centres shall provide in-person education to all pupils throughout the specified period;
  - (c) pre-school education settings shall provide in-person education to all pupils throughout the specified period;
  - (d) primary schools shall provide in-person education to pupils in years 1 to 7 throughout the specified period;
  - (e) post-primary schools shall provide in-person education to all pupils in years 12 to 14 until the end of their Spring term.
- (2) Post-primary schools may open from 22<sup>nd</sup> March until the end of their Spring term to provide in-person education –
- (a) in GCSE Mathematics, to Year 11 pupils entered to complete that qualification in 2021;
  - (b) in GCSE Irish, to any pupil entered to complete that qualification in 2021.
8. (1) Subject to sub-paragraph (2) below, each school and pre-school education setting is required to provide education to its pupils by way of remote learning throughout the specified period.
- (2) The requirement in sub-paragraph (1) does not apply in relation to a pupil who is able to receive in-person education in accordance with sub-paragraph 7(1) during the periods specified in that sub-paragraph, whether or not that pupil actually attends in person at their school or pre-school education setting.
9. The requirements in paragraphs 6 to 8 do not apply outside term-time or during any period of holiday closure, including public holidays and Easter holidays.

#### **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, each school and the Authority 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, each school and the Authority must have regard to relevant guidance issued by the Department of Education.

#### **Compliance with regulations**

12. In accordance with paragraph 14(10) of Schedule 17 to the 2020 Act, where this direction applies to a school, there is no breach of regulations 14 and 15 of the Primary Schools Regulations and regulations 11 and 12 of the Secondary Schools Regulations (terms and days of operation of school and dates of school holidays, etc) to the extent that a breach is attributable to the direction.

#### **Citation, commencement, and interpretation**

13. This direction may be cited as the **Coronavirus Act 2020 Educational Continuity Direction No. 5** and shall come into operation on the **22<sup>nd</sup> March 2021**.
14. The specified period is the period running from the commencement date until 23:59 on 9<sup>th</sup> April 2021.

15. In this direction –

‘the Authority’ means the Education Authority established by section 1 of the Education Act (Northern Ireland) 2014;

‘commencement date’ is the date mentioned in paragraph 13;

‘the Department’ means the Department of Education in Northern Ireland;

‘pre-school education settings’ includes nursery schools and nursery units attached to primary schools;

‘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 2021/01 - Further Guidance on Remote Learning);

‘school’, ‘pupil’ and ‘managers’ have the meanings given by Article 2 of the Education and Libraries (Northern Ireland) Order 1986;

‘the specified period’ shall be construed in accordance with paragraph 14.

16. The Interpretation Act (Northern Ireland) 1954 shall apply to this direction as it applies to an Act of the Assembly.

17. This direction has effect until the earlier of –

(a) the end of the specified period, or

(b) the revocation of this direction by a further direction given by the Department under paragraph 14 of Schedule 17 of the Act.

18. The Coronavirus Act 2020 Educational Continuity Direction No. 4 is hereby revoked with effect from the commencement of this direction.

19. This direction is published in accordance with paragraph 14(5) of Schedule 17 to the 2020 Act.

Sealed with the Official Seal of the Department of Education on 19 March 2021



**Karen McCullough**  
A Senior Officer of the Department of Education

### **Explanatory note**

This Direction is a Temporary Continuity Direction given under paragraph 14(1) of Schedule 17 to the Coronavirus Act 2020.

This Direction succeeds the Coronavirus Act 2020 Educational Continuity Direction Notice No. 04.