

Guidance for Application Form for s14 Register

The functions and services of the National Educational Welfare Board transferred to the Child and Family Agency on 1 January 2014 under the *Child and Family Agency Act 2013*. On April 1st 2016, Section 14 of the *Education (Welfare) Act 2000* transferred to the Children's Services Regulation of the Quality Assurance Directive. Under the *Education (Welfare) Act, 2000* every child being educated in a place other than a recognised school must be registered with Tusla - Child and Family Agency (the Agency). The process of registration involves assessment by the Agency of the education that is being provided to the child.

Who should use this form?

You should complete this form if you are the parent(s)/guardian(s) or foster parent(s) of a child *and*

- you are educating your child at home, or you intend to educate your child at home; **or**
- you are having him/her educated in an independent school, or you intend to have your child educated in an independent school.

This application form does not relate to families who wish to avail of the **Home Tuition Scheme** provided through the Department of Education and Skills. The Home Tuition Scheme relates specifically to a compensatory educational service for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme also provides a compensatory educational service for children with special educational needs seeking an education placement. For further information, please contact the Department of Education and Skills.

What age must my child be to be registered?

You **must** apply for registration if your child comes under one of the categories below, is resident in the state and;

1. your child has reached the age of 6 and is not older than 16 **or**
2. your child is aged 16, has not completed 3 years of post-primary education & has not yet reached the age of 18.

If your child or young person is between 16 and 18 years of age and is being home educated you **may** apply for registration.

Children, whose names are on the Section 14 Register, are automatically removed from the register when they reach the age of 18 years.

While it is not a legal requirement, the parent(s)/guardian(s) of a child that is between the age of 16-18 years who has completed three years post primary education, may submit an application for their child's name to be added to the section 14 Register. Under Section 17 of the Education (Welfare) Act, 2000, children who are registered on the Section 14 Register are afforded the same status as children attending a recognised (Department of Education and Skills) school. It is therefore the expectation that, if following an assessment, a child between 16-18 years is placed on the Section 14 Register, they will be considered for entitlements in line with children between the age 16-18 years in fulltime education.

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Where should I send the completed application form?

You should send the completed form directly to the Alternative Education Assessment and Registration Service (AEARS) via post or email:

Email: home.education@tusla.ie for applications relating to home education, or

Email: independent.schools@tusla.ie for applications relating to an Independent school

Registration Section

Alternative Education Assessment and Registration Service

Child and Family Agency

Floor 2, Brunel Building

Heuston South Quarter

Dublin 8

Telephone: (01) 771 8638 or (01) 771 8500

What must accompany the completed application form?

The completed application form must be submitted with a certified copy of the child's birth certificate. Please do not send in the original copy of your child's birth certificate. The return of the birth certificate may take several weeks. If a birth certificate is not available, a certified copy of the child's passport will also be accepted.

A certified document is a photocopy of an original document that has been viewed, validated and marked as original sighted by one of the following:

- A practising Solicitor or Commissioner of Oaths
- A member of An Garda Síochána
- A Notary Public
- Peace Commissioner

What will happen next?

You will receive communication from The Alternative Education Assessment and Registration Service (AEARS) to confirm that a completed application form has been received for the child identified on the application. When you receive the communication to confirm receipt of the completed application form, the child is able to commence attendance at the Independent School or is able to commence their home education journey. There is no need to wait any further to commence the provision.

When a completed application form is received by the AEARS, communication will be sent to the Educational Welfare Service (EWS), and the child's previous school (if they attended a Department of Education and Skills 'recognised school'), to inform them that an application form has been received.

The school will not remove the child's name from their register until such a time that, following an assessment, the child's name is placed on the Section 14 Register; as required by Section 14(17) of the Education (Welfare) Act 2000, and in accordance with the procedure as set out in Department of Education and Skills Circular 0028/2013 and Circular 0033/2015. However, in line with DES policy, while the application is in process the school must strike a pupil's name from the roll book for a record of attendance (DES Circular 0028/2013).

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As part of the registration process, Tusla - Child and Family Agency will arrange for an Authorised Person to carry out an assessment of the education that is in place or proposed for your child. Further details are available in the *Guidelines on the Assessment of Education in Places Other Than Recognised Schools* prepared and issued by the Department of Education and Skills. You will receive communication from the AEARS to inform you about the assessment of the education provision in due course.

In order for the Application Form to be processed the signatures of all legal guardians must be provided in the declaration section. Application forms can be signed and scanned through to the email address provided, or alternatively a scanned signature can also be used. Electronically generated signatures will not be accepted.

PART A

1) Details of child:

Please provide all details for the child who is the subject of the application.

2) Details of parent(s)/legal guardians:

Please provide all details for both **guardians** of the child. All communication between AEARS and guardians will occur primarily via email, so please ensure you have provided a current, accessible email address on the application form. All correspondence will be sent to both guardians.

Guardianship information to consider

The parents and guardians of a child have a right to make decisions about their child's education and general welfare. Married parents of a child, or that child's joint guardians, have equal rights in relation to decisions regarding the child's welfare. **The written consent of all legal guardians must be provided in order for applications to be processed.**

Guardianship describes the legal responsibility of parents to make decisions and perform duties in relation to their child's upbringing, for example, deciding on the child's religion, education, and medical treatment. The rights of parents in relation to guardianship are set down in the *Guardianship of Infants Act 1964*. Married parents are automatically joint guardians of their children. **Neither separation nor divorce changes this.**

The *Constitution of Ireland* recognises and declares that people living in Ireland have certain fundamental personal rights. These rights are natural human rights and are confirmed and protected by the Constitution. There is a constitutional principle that married parents have equal rights to and are joint guardians of their children.

The Constitution is also part of a wider human rights framework in Ireland. This refers to all legal and other human rights commitments made by Ireland, including treaties under the *United Nations*, the *European Convention of Human Rights*, and the *Charter of Fundamental Rights of the European Union*.

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All legal guardians MUST sign the application form or provide a Court Order dispensing with the second parent's consent for the purposes of the home education/home schooling application.

3) Details of additional guardian(s)/foster parents(s) (if appropriate)

Please provide all details for guardians/foster parents (if relevant and appropriate). All communication between AEARS and guardians/foster parents will occur primarily via email, so please ensure you have provided a current, accessible email address on the application form.

4) Additional information:

Please tick the relevant box for each question. This information will assist the AEARS when processing the application form.

5) Previous Education history:

Under the Education (Welfare) Act 2000, a child must either be attending a recognised school and their name registered as attending that school or be registered in the register of children receiving an education in places other than recognised schools.

If the child has previously attended a recognised school, their name cannot be removed from the recognised school's register until they receive confirmation that the child is attending another recognised school, or the child has been entered onto the Section 14 register of children receiving an education in places other than a recognised school.

If the child who is the subject of this application form, has attended any school(s) please provide details of the *last* school they attended. This information will ensure that if they are registered as being in receipt of a certain minimum education in a place other than a recognised school, their name can be removed from the Department of Education and Skills, 'recognised school' register (if applicable).

6) Additional Learning and Support Needs:

Please indicate if the child who is the subject of this application form has any additional learning or support needs. If the child has received a formal diagnosis, please include this information, along with information relating to any support services, agencies or professionals engaged with the child.

7) Location where the education will be provided:

If the application relates to an Independent School, please provide all information requested under section i).

If the application relates to home education/schooling, please provide the full address of the location at which the child will be receiving their education provision.

Please provide the name of the person(s) responsible for providing, or who will be responsible for providing, most of the child's education provision. If a person other than the parent is named, please provide the full

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name of the person and their relationship to the child (e.g. adult brother/sister, grandparent, tutor employed by parent etc.)

There is no requirement for parents or others responsible for the education of a child in a home or other setting outside of a recognised school to have any special qualifications. However, it is reasonable to expect that they would demonstrate a commitment and capacity to providing an education suited to the needs of the child concerned.

PART B – Home Education applications only

Following the prompts and information under each subject heading, parents are invited to provide the AEARS with information relation to:

- 8) The time devoted to the education of the child;
- 9) The equipment and materials that will be used in the education;
- 10) The educational activities; and
- 11) How/if the education provision will be monitored or assessed.

12) Declaration

As described under Section 14 of the Education (Welfare) Act 2000, the education provision must be assessed to determine if the child is being provided with a certain minimum education. Assessment(s) are part of the registration process in order for children to enter, and/or remain on the Section 14 Register as being in receipt of a certain minimum education.

All assessments will be conducted in accordance with the guidelines issued by the Minister for Education and Skills and the Child and Family Agency.

As part of the registration process, section 14 of the act provides for an assessment of the education that is being provided or planned for the child. The act provides that, initially, the AEARS will cause an authorised person to carry out, in consultation with the parent who made the application, an assessment of –

- a) The education that is being provided, or that is proposed to be provided, to the child,
- b) The materials used, or that it is proposed will be used, in the provision of such education, and
- c) The time spent, or that is proposed will be spent, in the provision of such education.

The purpose of this assessment is to determine whether the child is receiving, or will receive, a certain minimum education. The Authorised Person must complete a report following the assessment for the AEARS.

If, on receipt of the assessment report, the Board is unable to determine that a certain minimum education is being provided or likely to be provided, the Board may proceed to the second stage of the assessment and may cause the Authorised Person to-

- i) Enter the place at which the child is being educated and observe the child receiving the education that is being provided to him or here,
- ii) Inspect such premises, equipment and materials as are used in the provision of education to the child, and
- iii) Carry out an assessment of the child, in the said place or such other place as the Board considers appropriate, as to his or her intellectual, emotional and physical development, which shall include an assessment of his or her knowledge and understanding of such subjects, and proficiency in such exercises and disciplines, as the authorised person considers appropriate.

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Under section 14(7) of the Education (Welfare) Act 2000, AEARS may also have an authorised person carry out assessment of the educational provision made for a registered child from time to time. In these circumstances, a modified assessment process is permitted.

It is important to note, that Section 14 (13) of the Education (Welfare) Act, 2000 states that, *Where the parent of a child fails or refuses (a) to give his or her consent to carrying out, within such a period as may be specified by the Board, of an assessment in accordance with subsection (5) or (7), or (b) to give an authorised person such assistance as he or she may require for the purpose of carrying out an assessment, the Board shall – (i) in the case of an application to have that child registered in the register, refuse to so register the child, or (ii) in the case of a registered child, remove his or her name from the register maintained under this section.*

In the case of married parents, or un-married parents where both are a legal guardian, all legal guardians must sign the application form in order for the form to be processed. Alternatively, a Court Order dispensing with the second legal guardian's consent for the purposes of the home education/home schooling application must be provided.