6 October 2015

Dear Mr Allamby

Thank you for your letter of 15 September to Minister O’Dowd, requesting an update on the transfer of responsibility for the education of children in custody from the Youth Justice Agency (YJA) to the Department of Education (DE). In view of the joint Departmental work ongoing in this matter, we considered it appropriate to issue a joint response.

DE does not make any direct educational provision, using the Education Authority (EA) to deliver education through our grant-aided schools. Legal advice to DE also confirmed that while Woodlands could not be recognised within existing legislation as either a school or special school, it could be recognised under Article 86 of the Education (NI) Order 1998 as part of the EA’s responsibility for “Education Otherwise Than At School” (EOTAS).

Accordingly, it has been agreed that responsibility for the provision of education at Woodlands Juvenile Justice Centre (JJC) will transfer from the Department of Justice (DOJ) to the EA who will deliver education within the centre as a directly operated EOTAS centre. This will ensure that young people within the JJC receive educational provision to the same standards, under the same legal basis, as any other young person being taught outside of a mainstream school. The operational details underpinning this will be set out in a Memorandum of Understanding (MoU) which will be jointly developed between DOJ, DE and the EA.

This transfer of function has been included within plans to restructure the current NI Departments. This work must be completed before the next Assembly election and this is the delivery timescale our officials are now pursuing in respect of Woodlands. This will be challenging and there are still several complex issues to be resolved, particularly around engagement with staff and Trade Unions over such a major employment change. Officials believe, however, that the transfer can be successfully concluded within this timeframe.
In the interim, you may wish to note that two operational problems impacting on existing teaching arrangements within Woodlands have already been addressed. Woodlands has now received access to the Classroom 2000 (C2k) network and the teaching resources it provides; and it is now able to access the NI Substitute Teachers Register (NISTR) to maintain teaching provision when its own teaching staff are unavailable through leave or illness.

I trust this provides clarification of the significant progress to date, our intended route forward and our joint commitment to ensure that the education of young people in detention is both of the highest standard; and wholly compliant with our obligations under the UN Convention on the Rights of the Child.

JOHN O’DOWD MLA  
Minister for Education

DAVID FORD MLA  
Minister of Justice