
STATUTORY INSTRUMENTS

2006 No. 1915

The Education (Northern Ireland) Order 2006

PART II

THE CURRICULUM

Miscellaneous and supplementary

Complaints

25.—(1) [^{F1}the Authority] shall, in accordance with regulations under paragraph (4), appoint a tribunal (in this Article referred to as a complaints tribunal) to hear and determine any complaint which is to the effect that [^{F1}the Authority] or the Board of Governors of a grant-aided school ^{F2}...—

- (a) has acted or is proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed on it by or under a relevant provision; or
- (b) has failed to discharge any such duty.

(2) In paragraph (1) “relevant provision” means—

- (a) any of the preceding provisions of this Part;
- (b) Articles 148 and 149 (in the case of [^{F1}the Authority] only) of the 1989 Order;
- (c) any other statutory provision relating to the curriculum for grant-aided schools;
- (d) any statutory provision relating to collective worship in grant-aided schools; or
- (e) Article 46A of the 1986 Order.

(3) For the purposes of any complaint made by virtue of paragraph (2)(e), [^{F1}the Authority] or Board of Governors shall not be taken to have acted or to be proposing to act unreasonably if it has complied, or is proposing to comply, with the guidance issued under Article 46A(6) (in the case of a Board of Governors) or (7) (in the case of [^{F1}the Authority]) of the 1986 Order.

(4) The Department shall by regulations provide for the constitution and procedure of a complaints tribunal and, without prejudice to the generality of the foregoing, such regulations—

- (a) shall provide for the membership of the tribunal and may provide for disqualifying prescribed persons or descriptions of person for membership of the tribunal;
- (b) may contain provision requiring the tribunal to hear and determine the appeal within such period as may be specified in, or determined in accordance with, the regulations;
- (c) may provide for the tribunal in considering a complaint to have regard in particular to any matters specified in the regulations;
- (d) may provide for the tribunal to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;

- (e) may provide that all matters relating to the procedure on the hearing or determination of any complaint which are not specifically regulated by the regulations shall be determined by ^{F1}the Authority] .

(5) On determining any complaint made to it under this Article a complaints tribunal shall send notice of its determination and of the reasons for that determination to—

- (a) the person by whom or body by which the complaint was made (“the complainant”);
 (b) ^{F1}the Authority] or Board of Governors in respect of which the complaint was made (“the respondent”).

(6) Where—

- (a) a complaints tribunal upholds a complaint in whole or in part; and
 (b) it appears to the complaints tribunal that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the tribunal may include in a notice given under paragraph (5) a requirement for the respondent to take such steps as may be specified in the notice within such time as may be so specified for the purpose of remedying that matter.

(7) Where it appears to a complaints tribunal that a respondent has not, within the time specified in a notice under paragraph (5), taken the steps so specified or otherwise remedied the matter mentioned in paragraph (6)(b), it may refer that matter to the Department together with a copy of the notice under paragraph (5).

(8) Where any matter is referred to the Department under paragraph (7) it shall—

- (a) consider the matter after consulting the complaints tribunal, the complainant and the respondent; and
 (b) where it considers it appropriate, give such directions under Article 101 of the 1986 Order as appear to the Department to be expedient for the purpose of remedying the matter.

(9) The Department shall not entertain under Article 101(4) of the 1986 Order any complaint falling within paragraph (1) unless a complaint concerning the same matter has been made to, and heard and determined by, a complaints tribunal under this Article.

(10) A complaints tribunal shall not be regarded as a committee of ^{F1}the Authority] .

(11) Article 79(1) of the 1986 Order shall apply to members of a complaints tribunal ^{F3}....

Textual Amendments

- F1** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
F2 Words in art. 25(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F3 Words in art. 25(11) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
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Commencement Information

- I1** Art. 25 in force for certain purposes at 27.7.2006 and otherwise at 1.8.2006, see art. 1(2)(3)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Northern Ireland) Order 2006, Section 25.