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STATUTORY INSTRUMENTS

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**2006 No. 1915**

**The Education (Northern Ireland) Order 2006**

**PART II**

**THE CURRICULUM**

*Miscellaneous and supplementary*

**Curriculum advice and support by boards**

**23.**—(1) Each board shall prepare and submit to the Department a scheme for the provision to all grant-aided schools in its area of advisory and support services in relation to the curricula and staff of such schools.

(2) A scheme under paragraph (1) shall be in such form as the Department may direct and shall in particular contain provision—

- (a) requiring the board, in accordance with a programme prepared under Article 149 of the 1989 Order, to secure the provision of further training for teachers (whether or not employed on the staff of a particular school);
  - (b) empowering the board to pay to persons undergoing the training referred to in sub-paragraph (a) travelling and other allowances at such rate or of such amount and subject to such conditions as the board may determine;
  - (c) enabling the board to provide teaching and training materials for use in schools or by persons undergoing the training referred to in sub-paragraph (a);
  - (d) enabling services, training and materials mentioned in the scheme to be provided by the board itself or through the agency of another board, person or body;
  - (e) requiring such services, training and materials to be provided free of charge;
  - (f) requiring the board to secure the agreement of the Board of Governors of a school to the entry into that school for the purposes of the scheme of any persons employed by the board.
- (3) Before preparing a scheme under paragraph (1), a board shall consult—
- (a) the Board of Governors of every school in its area; and
  - (b) such other persons as the board considers appropriate.

(4) The Department may request a board to furnish such information in connection with any scheme submitted to the Department under this Article as the Department may require, including information as to the results of consultations under paragraph (3).

(5) The Department may, after making such modifications, if any, in the scheme as after consultation with the board it considers necessary or expedient, approve any scheme submitted to it under this Article.

(6) It shall be the duty of a board to give effect to the provisions of any scheme which has been approved by the Department under this Article.

(7) Where—

- (a) a board fails to submit a scheme to the Department in accordance with this Article; or
- (b) the Department refuses to approve a scheme submitted to it under this Article,

the Department may, after consultation with the board and such other persons as the Department thinks fit, make a scheme which shall be treated for the purposes of paragraphs (6) and (8) as if it had been made by the board and approved by the Department under this Article.

(8) A board may at any time, and shall if the Department so directs, prepare and submit to the Department a revised scheme or an amendment to an existing scheme and paragraphs (3) to (7) shall apply in relation to any such revised scheme or amendment as they apply in relation to the scheme.

### **Provision of information**

**24.**—(1) The Department may make regulations requiring each board to make available, either generally or to prescribed persons, such information relevant for the purposes of this Part as may be prescribed.

(2) The Department may make regulations requiring the Board of Governors or the principal of each grant-aided school to make available either generally or to prescribed persons—

- (a) such information relating to—
  - (i) the curriculum of the school;
  - (ii) the educational provision made by the school for pupils at the school and the courses of study which are provided by or on behalf of the school; and
  - (iii) the educational achievements of pupils at the school (including the results of any assessments of those pupils for the purpose of ascertaining those achievements); and
  - (iv) any other matter relevant for the purposes of this Part,
 as may be prescribed;
- (b) such copies of—
  - (i) any written statement made by the Board of Governors under Article 12(1)(b); and
  - (ii) any report prepared by the Board of Governors under Article 125 of the 1989 Order as may be prescribed.

(3) Regulations under paragraph (1) or (2) may—

- (a) provide for information and documents to be made available in pursuance of the regulations in such form and manner and at such times as may be prescribed;
- (b) authorise boards, Boards of Governors and principals to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.

(4) Before making any regulations under paragraph (1) or (2) the Department shall consult—

- (a) the boards;
- (b) the Council for Catholic Maintained Schools;
- (c) the Boards of Governors and principals of a number of grant-aided schools selected by the Department as being a representative sample of all such schools affected by the regulations; and
- (d) any other person with whom consultation appears to it to be desirable.

(5) Regulations under this Article shall not require information as to the results of an individual pupil's assessment to be made available to any persons or bodies other than—

- (a) the pupil concerned and his parents;

- (b) the Board of Governors of any school attended by the pupil concerned;
  - (c) the Board of Governors of any other school if—
    - (i) the pupil has been admitted to that school; or
    - (ii) the parent of the pupil requests that the information be made available to that Board; or
  - (d) a body or person prescribed by the regulations,
- and shall not require such information to be made available to any body or person mentioned in subparagraphs (b) to (d) except—
- (i) in the case of information to which paragraph (6) applies, where the Department so directs;
  - (ii) in any other case, where necessary for the purposes of the performance by that body or person of any functions under the Education Orders.
- (6) This paragraph applies to information as to the results of—
- (a) any assessment of a pupil at a special school; or
  - (b) any assessment of a pupil in any area of learning or skill in a school year if at any time during that school year any provision has been made under Article 14, 15, 16 or 17 in relation to that pupil excluding or modifying the application of any of Articles 5 to 9 in relation to that area of learning or skill.
- (7) References in this Article to an assessment of a pupil are references to an assessment whether made under this Part or otherwise.

## **Complaints**

**25.**—(1) Every board 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 the board or the Board of Governors of a grant-aided school in its area—

- (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 a board 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), a board 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 a board) 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 the board.
- (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) the board 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 the board.
- (11) Article 79(1) of the 1986 Order shall apply to members of a complaints tribunal as it applies to members of a board.

### **Application of this Part**

- 26.**—(1) Nothing in this Part, except—
- (a) Article 23;
  - (b) Article 24(1) to (4) with the omission of the words in brackets in Article 24(2)(a)(iii) and of Article 24(2)(b)(i); and
  - (c) Article 25, in so far as it applies for the purposes of those provisions,
- shall apply in relation to a nursery school or a nursery class in a primary school.
- (2) Nothing in this Part, except—
- (a) Article 23; and

(b) Article 25, in so far as it applies for the purposes of that Article, shall apply in relation to a school established in a hospital.