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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART III**

**THE CURRICULUM**

*Miscellaneous and supplementary*

**Complaints**

**33.**—(1) Every board shall, in accordance with regulations under paragraph (3), appoint a tribunal (in this Article referred to as a complaints tribunal) to hear and determine any complaint made on or after the coming into operation of this Article which is to the effect that the board or the Board of Governors of a relevant school—

- (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—
  - (i) this Part;
  - (ii) Articles 147 to 149 (in the case of a board only); or
  - (iii) any other statutory provision relating to the curriculum for grant-aided schools; or
- (b) has failed to discharge any such duty.

(2) Paragraph (1) does not apply to a complaint of a kind mentioned in Article 23(2) of the principal Order.

(3) 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 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.

(4) 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”).

(5) 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 (4) 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.

(6) Where it appears to a complaints tribunal that a respondent has not, within the time specified in a notice under paragraph (4), taken the steps so specified or otherwise remedied the matter mentioned in paragraph (5)(b), it may refer that matter to the Department together with a copy of the notice under paragraph (4).

(7) Where any matter is referred to the Department under paragraph (6) 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 principal Order as appear to the Department to be expedient for the purpose of remedying the matter.

(8) The Department shall not entertain under Article 101(4) of the principal 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.

(9) A complaints tribunal shall not be regarded as a committee of the board.

(10) Article 79(1) of the principal Order shall apply to members of a complaints tribunal in like manner as it applies to members of a board.

(11) In this Article “relevant school” in relation to a board means—

- (a) a controlled school managed by the board;
- (b) a maintained school maintained by the board;
- (c) any other voluntary or grant-maintained integrated school situated in the area of the board.