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STATUTORY INSTRUMENTS

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**1989 No. 2406**

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

**PART V**

**FINANCING SCHOOLS**

*Financing of controlled and maintained schools*

**Duty on board to make a sum of money available to Board of Governors of special school not covered by a scheme**

**56.**—(1) Subject to paragraphs (4) and (10), in respect of any period during which any special school is not covered by a scheme, it shall be the duty of the board to make available a sum of money which the Board of Governors of the school is to be entitled to spend at its discretion during that period (but subject to paragraph (2)) on such heads of expenditure as the board may specify or as the Department may direct.

(2) A Board of Governors to which any sum is made available under this Article—

- (a) shall comply in spending that sum with such reasonable conditions as the board thinks fit to impose; and
- (b) may delegate to the principal, to such extent as it may specify, its powers in relation to that sum.

(3) The members of the Board of Governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of any power under paragraph (2).

(4) Where a new special school is established and is not covered by a scheme, paragraph (1) shall not apply in relation to the school until such date as the Department may direct.

(5) Before specifying any heads of expenditure under paragraph (1), the board shall consult the Board of Governors of every special school appearing to it to be concerned and the Council for Catholic Maintained Schools and before giving any directions under paragraph (1), the Department shall consult all the boards, the Council for Catholic Maintained Schools and any other person with whom consultation appears to it to be desirable.

(6) Where it appears to a board that a Board of Governors to which any sum is made available under this Article—

- (a) has been guilty of a substantial or persistent failure to comply with any conditions imposed on it under paragraph (2)(a); or
- (b) is not managing the appropriation or expenditure of the sum in a satisfactory manner,

the board may suspend the Board of Governors' right under paragraph (1) to have a sum of money made available to it by giving the Board of Governors (subject to paragraph (8)) not less than one month's notice of suspension.

(7) Any such notice shall specify the grounds for the proposed suspension, giving particulars of any failure alleged on the part of the Board of Governors to comply with any conditions imposed on it under paragraph (2)(a) or of any alleged mismanagement on its part; and a copy of the notice shall be given to the principal of the school, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools, at the same time as the notice is given to the Board of Governors.

(8) A board may suspend the right mentioned in paragraph (6) of any Board of Governors to which it has given notice under paragraph (6) before the expiry of the period of notice if it appears to the board to be necessary to do so by reason of gross incompetence or mismanagement on the part of that Board of Governors or other emergency; but in such a case the board shall immediately give to the Board of Governors, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools written notification of its action and the reasons for it.

(9) A board may withdraw a notice given under paragraph (6) at any time before the expiry of the period of notice; but in such a case the board shall immediately give notice of the withdrawal to the Board of Governors and principal of the school concerned, to the Department and, where the school concerned is a Catholic maintained school, to the Council for Catholic Maintained Schools.

(10) During any period when a Board of Governors' right mentioned in paragraph (6) is suspended under this Article, the duty of the board concerned under paragraph (1) shall not apply in relation to that Board of Governors.

(11) It shall be the duty of the board concerned—

- (a) to review before the beginning of every financial year any suspension under this Article which is for the time being in force;
- (b) for the purposes of that review to afford—
  - (i) the Board of Governors of the school concerned;
  - (ii) the principal of the school concerned; and
  - (iii) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,an opportunity of making representations with respect to the suspension and to have regard to any representations made by the Board of Governors, the principal or that Council;
- (c) to revoke any such suspension where the board considers it appropriate to do so.

(12) The board shall give the Board of Governors concerned, the principal of the school concerned, the Department and, where that school is a Catholic maintained school, the Council for Catholic Maintained Schools written notice of the board's decision on any such review.

(13) The revocation of any such suspension shall take effect as from the beginning of the next following financial year.

(14) A Board of Governors shall be entitled to appeal to the Department against—

- (a) the imposition of any suspension under this Article; and
- (b) any refusal of a board to revoke any such suspension on any review required under this Article.

(15) On any such appeal the Department—

- (a) may allow or reject the appeal; and
- (b) shall have regard, in making its determination, to the gravity of the default on the part of the Board of Governors and the likelihood of its continuance or recurrence.