
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform (Northern Ireland) Order 1989

PART IX

THE COUNCIL FOR CATHOLIC MAINTAINED SCHOOLS

The Council for Catholic Maintained Schools

141.—(1) There shall be established a body to be known as the Council for Catholic Maintained Schools (in this Part referred to as “the Council”).

(2) The provisions of Schedule 8 shall apply in relation to the Council.

(3) For the purposes of this Order a Catholic maintained school is a maintained school which is for the time being designated in a scheme under paragraph (4).

(4) The Department, after consultation with the Council, shall make a scheme designating those maintained schools which are to be Catholic maintained schools for the purposes of this Order.

(5) The Department—

- (a) shall make such amendments to the scheme under paragraph (4) as are required by Article 14(9C) of^{F1} . . . the principal Order;
- (b) may make such other amendments to that scheme as appear to it to be necessary or desirable.

(6) For the purposes of this Part a school becomes a Catholic maintained school on the date on which it is first included in the scheme under paragraph (4).

F1 1993 NI 12

Functions of the Council

142.—(1) The Council shall—

- (a) advise the Department or a board on such matters relating to Catholic maintained schools as the Department or board may refer to the Council or as the Council may see fit;
- (b) promote and co#ordinate, in consultation with the trustees of Catholic maintained schools, the planning of the e#ective provision of Catholic maintained schools;
- (c) promote the e#ective management and control of Catholic maintained schools by the Boards of Governors of such schools;
- (d) with the approval of the Department, provide or secure the provision of such advice and information to the trustees, Boards of Governors, principals and sta# of Catholic maintained schools as appears to the Council to be appropriate in connection with the Council's duty under sub#paragraph (c);
- (e) exercise such other functions as are conferred on it by the Education Orders.

Status: Point in time view as at 27/10/2008.

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(2) The Council may advise any body (other than the Department or a board) on such matters relating to Catholic maintained schools as that body may refer to the Council or as the Council may see fit.

(3) The Council shall consult with the trustees, Boards of Governors and principals of Catholic maintained schools about the exercise by the Council of its functions.

(4) The Council may require the managers of a Catholic maintained school to make such reports and returns, and give such information, to the Council as the Council may reasonably require for the purposes of its functions, being reports or returns or information which cannot (for whatever reason) be obtained by the Council from the Department or a board.

[^{F2}Employment of teachers by the Council

143.—(1) The Council may employ all such teachers as are required on the staff of Catholic maintained schools.

(2) The Council shall prepare, and may from time to time revise, a scheme providing for the procedures to be followed by—

- (a) the Council;
- (b) the diocesan education committee established under paragraph 3 of Schedule 8; and
- (c) the Boards of Governors of Catholic maintained schools,

in relation to the appointment of teachers under paragraph (1).

(3) Before preparing a scheme under paragraph (2), the Council shall consult the Board of Governors of every Catholic maintained school.

(4) A scheme under paragraph (2) shall—

- (a) require the Council to appoint a panel of assessors in relation to each diocesan education committee; and
- (b) make provision for members of that panel to give advice and assistance to the diocesan education committee or the Board of Governors of a Catholic maintained school in relation to any functions of that committee or Board under the scheme.

(5) It shall be the duty of the bodies mentioned in paragraph (2) to give effect to a scheme for the time being in force under that paragraph.]

F2 1998 NI 13

Transfer of teachers to employment of Council

144.—(1) Subject to paragraph (2), this Article applies to any teacher employed by the Board of Governors of a school immediately before the date on which that school becomes a Catholic maintained school (in this Article referred to as “the transfer date”).

(2) This Article does not apply to a teacher whose contract of employment terminates on the day immediately preceding the transfer date.

(3) References below in this Article to the former employer in relation to a teacher are references to the Board of Governors by which that teacher was employed immediately before the transfer date.

(4) The contract of employment between a teacher to whom this Article applies and the former employer shall have effect from the transfer date as if originally made between him and the Council.

(5) Without prejudice to paragraph (4)—

- (a) all the former employer's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of this Article be transferred to the Council on the transfer date; and
- (b) anything done before that date by or in relation to the former employer in respect of that contract or the teacher shall be deemed from that date to have been done by or in relation to the Council.

(6) Paragraphs (4) and (5) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this Article.

Functions of the Council in relation to development proposals

145.—(1) In Article 14 of the principal Order in paragraph (2) for the words from “that person” to the end there shall be substituted the words—

“then—

- (i) where the school is, or is proposed to be established or recognised as, a Catholic maintained school, the person making the proposal shall submit it to the Council for Catholic Maintained Schools which, after making such modifications (if any) as may be agreed with the person making the proposal, shall submit the proposal to the board for the area in which the school is, or is to be, situated together with the Council's views thereon;
- (ii) in any other case, the person making the proposal shall submit the proposal to the board for the area in which the school is, or is to be, situated,

and that board shall submit the proposal to the Department together with its views thereon and, in a case to which head (i) applies, the Council's views thereon.”

(2) In Article 14(7) of the principal Order after the words “making the proposal” there shall be inserted the words “ and, in a case to which paragraph (2)(i) applies, the Council for Catholic Maintained Schools ”.

(3) In Article 14 of the principal Order after paragraph (9B) there shall be inserted the following paragraph—

“(9C) Where the Department approves under paragraph (9) a proposal submitted to a board under paragraph (2)(i) by the Council for Catholic Maintained Schools, it shall be the duty of the Department to make such amendments (if any) to the scheme under Article 14(4) of the 1989 Order as appear to the Department to be necessary or expedient in connection with the implementation of that proposal.”

Miscellaneous functions of the Council under the principal Order

146.—(1) The principal Order shall have effect subject to the amendments specified in the following provisions of this Article, being amendments to confer on the Council certain functions under that Order or amendments otherwise consequential on the establishment of the Council.

Para. (2) rep. by 1996 NI 1

Para. (3) rep. by 1993 NI 12

(4) For Article 100 there shall be substituted the following Article—

“Determination of disputes

100. Any dispute arising between—

- (a) a board and the trustees or managers of a voluntary school;
- (b) a board and the Board of Governors of a grant-maintained integrated school;

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- (c) a board and the Council for Catholic Maintained Schools; or
- (d) the Council for Catholic Maintained Schools and the trustees or managers of a Catholic maintained school,

with respect to the exercise of any power conferred or the performance of any duty imposed by or under the Education Orders may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent on the opinion of one of the parties to the dispute, be referred by either party to the dispute to the Department and any dispute so referred shall be determined by the Department whose determination shall be final.”.

Paras. (5), (6) rep. by 1993 NI 12

(7) A scheme of management in force in relation to a school immediately before it becomes a Catholic maintained school shall continue in force until replaced by a scheme prepared under Article 9B(3) of^{F3} the principal Order].

F3 1993 NI 12

Status:

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