
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VII

FURTHER AND HIGHER EDUCATION

Management of institutions of further education

Management of institutions of further education

102.—(1) Each institution of further education shall be under the management of the board for the area in which the institution is situated and the board shall make provision by means of a governing body for the management of each such institution in its area.

(2) A governing body for an institution of further education shall also have under its management any technical secondary school conducted in association with the institution.

(3) For every institution of further education there shall be—

- (a) an instrument providing for the constitution of a governing body of the institution (to be known as the instrument of government); and
- (b) an instrument in accordance with which the institution is to be conducted (to be known as the articles of government).

(4) Subject to paragraph (6), the instrument of government and articles of government shall be made by order of the board with the approval of the Department (which may be given subject to such conditions as the Department thinks fit).

(5) The Department may direct a board to amend the instrument or articles of government of any institution of further education under its management in such manner, or for such purpose, as may be specified in the direction; and any amendment made in pursuance of such a direction shall be made by order under paragraph (4).

(6) The Department may by order amend the instrument or articles of government of any institution of further education.

(7) An order made under paragraph (6) may relate to all such institutions, to any category of such institutions specified in the order, or to any institution so specified.

(8) Before giving any direction under paragraph (5) or making any order under paragraph (6) the Department shall consult such persons as it thinks fit.

(9) The articles of government of an institution of further education—

- (a) shall provide for the functions of the governing body under the articles in relation to the appointment of teachers and other staff to be carried out on behalf of, and in the name of, the board;
- (b) may provide for the carrying out by the governing body in relation to the institution of other specified functions on behalf of, and in the name of, the board.

(10) In this Article, Article 103 and Article 104 references to the board in relation to an institution of further education are references to the board for the area in which the institution is situated.

Provisions required in instrument of government

103.—(1) The instrument of government of an institution of further education shall provide for the governing body to consist of not more than twenty-five members, of whom—

- (a) not less than one-half shall be persons selected from among persons appearing to the person or persons selecting them to be, or to have been, engaged or employed in business, industry or any profession;
- (b) not more than one-fifth shall be persons selected and appointed by the board, of whom not more than one-half shall be members of district councils;
- (c) not more than one-tenth shall be elected by teachers at that institution from amongst such teachers;
- (d) at least one shall be co-opted by the other members of the governing body.

(2) The members of the governing body other than those mentioned in paragraph (1)(b), (c) or (d) shall be selected and appointed in accordance with the instrument of government.

(3) The instrument of government shall make provision regulating the election of teachers to the governing body under paragraph (1)(c) and shall provide that a teacher elected as a member of the governing body shall, on ceasing to be a teacher at the institution of further education, cease to hold office as a member of the governing body.

(4) The instrument of government shall provide that persons who are—

- (a) members of, or of any committee or sub-committee of, any board or district council; or
- (b) employed by any board or district council,

are disqualified for being members of the governing body of the category mentioned in paragraph (1)(a).

(5) The provision made by the instrument of government by virtue of paragraph (4)(a) shall not be such as to disqualify a member of the governing body for being such a member by reason only of the fact that he becomes, by virtue of that office, a member of a committee or sub-committee of a board or district council.

(6) Notwithstanding any provision made by the instrument of government by virtue of any of the preceding provisions of this Article, the board shall appoint all the members of the governing body of an institution of further education as first constituted in accordance with this Article.

(7) In making those appointments, the board—

- (a) shall first appoint all members other than members of the category mentioned in paragraph (1)(d); and
- (b) shall appoint as the members of that category persons nominated in accordance with the instrument of government by the members already appointed.

(8) In the case of the initial members within the category mentioned in paragraph (1)(a), the board shall appoint persons nominated by bodies determined by the board in accordance with paragraph (9).

(9) In determining the bodies who are to be entitled to nominate such persons for appointment, the board shall consult—

- (a) the management committee constituted for the institution under Article 28 of the principal Order;
- (b) such bodies representing business or industrial interests, the professions or trade unions as the board considers appropriate.

(10) In determining the provision to be included in any instrument of government for an institution of further education, a board shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in any such instrument.

Provisions required in articles of government

- 104.**—(1) The articles of government of an institution of further education—
- (a) shall determine the functions to be exercised respectively, in relation to the institution, by the board, the governing body, the principal, and the academic board; and
 - (b) shall regulate the constitution and functions of committees of the governing body and of the academic board of the institution, and of sub-committees of such committees, and may provide for the delegation of functions of the governing body and the academic board to such committees, to the principal or to such other persons as may be specified by or determined in accordance with the articles.
- (2) The articles of government of an institution of further education in association with which a technical secondary school is conducted shall—
- (a) provide for the conduct of the school;
 - (b) determine the functions to be exercised respectively, in relation to the school, by the board, the governing body and the principal.
- (3) The articles of government of an institution of further education shall provide for it to be the duty of the governing body—
- (a) to determine, and keep under review, its policy in relation to the courses of study to be provided by or on behalf of the institution and, when so doing, to take account of the plan drawn up under Article 105 by the board and of the scheme made under Article 106 by the board;
 - (b) to make, and keep up to date, a written statement of that policy.
- (4) In determining the provision to be included in any articles of government for an institution of further education, a board shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in any such articles.

Planning of, and publication of information with respect to, educational provision in institutions of further education

- 105.**—(1) Each board shall draw up and may from time to time amend a plan for the educational provision to be made by institutions of further education situated in its area.
- (2) In drawing up or amending a plan under this Article, a board shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in any such plan.
- (3) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.
- (4) Before drawing up or amending such a plan a board shall consult the governing body of every institution of further education situated in the area of the board.
- (5) A plan under this Article shall be published in such manner as may be directed by the Department—
- (a) when first drawn up by the board; and
 - (b) on such subsequent occasions as may be so directed.
- (6) The Department may make regulations requiring every board to publish, in relation to each institution of further education under its management—

- (a) such information as may be prescribed with respect to—
 - (i) the educational provision made by the institution for students at the institution; and
 - (ii) the educational achievements of students at the institution (including the results of examinations, tests and other assessments of those students); and
 - (b) such copies of any written statement made by the governing body under Article 104(3)
 - (b) as may be prescribed.
- (7) The information shall be published in such form and manner and at such times as may be prescribed; and the regulations may provide for a board to make arrangements with the governing body of any institution of further education for the publication by that governing body of the information required to be published in accordance with the regulations in the case of that institution.