
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VIII

SCHOOLS—GENERAL PROVISIONS

CHAPTER I

MANAGEMENT OF GRANT-AIDED SCHOOLS

Appointment of parent governors

121. In Article 13 of the principal Order after paragraph (3) there shall be inserted—

“(3A) Where, at any grant-aided school,—

- (a) one or more vacancies for parent members are required to be filled by election; and
- (b) the number of parents standing for election as parent members is less than the number of vacancies,

the required number of parent members shall be made up by persons appointed by the voting members of the Board of Governors of the school.

(3B) Where it is reasonably practicable to do so, it shall be the duty of the voting members of the Board of Governors in appointing any person under paragraph (3A) to appoint a person who is the parent of a registered pupil at the school.

(3C) In paragraph (3A) “parent member” means a member of the Board of Governors of a grant-aided school who but for that paragraph would be required to be elected by parents of pupils attending the school from amongst the parents of such pupils.

(3D) A person appointed under paragraph (3A) shall for all purposes of the Education Orders except Schedule 8 to the 1989 Order be treated as if he had been duly elected as a member of the Board of Governors by parents of pupils attending the school.

(3E) In paragraphs (3A) and (3B) “voting members” has the meaning assigned to it by Article 122(3) of the 1989 Order.”.

Co-option of persons to Board of Governors of grant-aided school

122.—(1) The voting members of the Board of Governors of a grant-aided school may co-opt not more than three persons to be members of the Board of Governors of the school.

(2) It shall be the duty of the voting members in co-opting any person to be a member of the Board of Governors to co-opt a person who appears to them to be a member of the local business community if it appears to the voting members—

- (a) that no member of the Board of Governors is a member of the local business community; or
- (b) that it is desirable to increase the number of members of the Board of Governors who are members of that community.

- (3) In this Article “voting members”—
- (a) in relation to the Board of Governors of a grant-maintained integrated school, has the same meaning as in Schedule 5;
 - (b) in relation to the Board of Governors of a school to which Schedule 7 to the principal Order applies, means the members of the Board of Governors referred to in paragraph 2(1) (a), (b) and (c) of that Schedule;
 - (c) in relation to the Board of Governors of any other grant-aided school, has the meaning assigned to it for the purposes of whichever of Schedules 4, 5, 6 or 8 to the principal Order applies in relation to the membership of that Board of Governors.

Schemes of management

123. After Article 9 of the principal Order and after the cross-heading “School management” there shall be inserted the following Articles—

“Schemes of management

9A.—(1) For every grant-aided school (other than a technical secondary school) there shall be a scheme (to be known as a “scheme of management”) providing for—

- (a) the membership and procedure of the Board of Governors of the school;
- (b) the management of the school, and in particular the functions to be exercised in relation to the school by the Board of Governors, the principal and any other person or body specified in the scheme;
- (c) such other matters as are required or authorised by the Education Orders to be included in or regulated by the scheme of management.

(2) The scheme of management for a grant-aided school may provide for the establishment by the Board of Governors of the school of committees (whether or not including persons who are not members of the Board of Governors) and for—

- (a) the membership and procedure of such committees;
- (b) the delegation to such committees of such functions of the Board of Governors of the school as may be specified in or determined in accordance with the scheme.

(3) The scheme of management for a grant-aided school may provide for the delegation to the principal of the school of such functions of the Board of Governors as may be specified in or determined in accordance with the scheme.

(4) The scheme of management for a grant-aided school shall—

- (a) contain no provision which is inconsistent with any provision of the Education Orders or any other statutory provision;
- (b) except in so far as any provision of the Education Orders requires or authorises, comply with any instrument of government of the school.

(5) The scheme of management for—

- (a) a controlled integrated school, shall be a scheme applying only to that school;
- (b) any other controlled school, may be either a scheme applying only to that school or a scheme applying to that school and to other controlled schools, all being schools specified, or of a description specified, in the scheme.

(6) The scheme of management for a Catholic maintained school may be a scheme applying only to that school or a scheme applying to that school and to other Catholic maintained schools, all being schools specified, or of a description specified, in the scheme.

(7) In its application to a voluntary school referred to in Article 11(8), this Article shall have effect with the omission of paragraphs (1)(a) and (2) and the substitution for the references in paragraphs (1)(b) and (3) to the Board of Governors of references to the person approved in relation to that school by the Department under the said Article 11(8).

Preparation of schemes of management

9B.—(1) It shall be the duty of a board to prepare a scheme or schemes of management for controlled schools under the management of the board; but before preparing a scheme of management applying to any school the board shall consult the Board of Governors of that school.

(2) It shall be the duty of a board, after consultation with the managers or trustees of a maintained school (other than a Catholic maintained school) maintained by it, to prepare a scheme of management for the school.

(3) It shall be the duty of the Council for Catholic Maintained Schools to prepare a scheme or schemes of management for Catholic maintained schools; but before preparing a scheme of management applying to any school the Council shall consult the trustees or managers of the school and the board by which the school is maintained.

(4) It shall be the duty—

- (a) in the case of a voluntary school referred to in Article 11(8), of the person approved in relation to that school by the Department under the said Article 11(8),
- (b) in the case of any other voluntary school (not being a maintained school), of the Board of Governors of the school,

to prepare a scheme of management for the school.

(5) It shall be the duty of the Board of Governors of a grant-maintained integrated school to prepare a scheme of management for the school.

(6) In preparing a scheme of management under this Article a body or person shall take into account any guidance given by the Department as to the provisions it regards as suitable for inclusion in that scheme.

(7) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

Approval or imposition of scheme of management by Department

9C.—(1) Every body or person required by Article 9B to prepare a scheme of management shall, on or before such date as the Department may direct, submit the scheme to the Department for its approval, and in this Article and Article 9D “the submitting authority”, in relation to a scheme, means the body by which or person by whom the scheme is required to be prepared.

(2) In the case of a scheme prepared under paragraph (1) or (3) of Article 9B the submitting authority shall also submit to the Department such information as to the results of consultations under that paragraph as the Department may require.

(3) A scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.

(4) Where—

- (a) a submitting authority fails to submit a scheme to the Department as required by paragraph (1); or
 - (b) it appears to the Department that a scheme submitted by a submitting authority as required by that paragraph does not accord with any guidance given by it for the purposes of Article 9B and cannot be made to do so merely by modifying it,
- the Department may impose a scheme of management making such provision of a description required or authorised to be made by a scheme of management as it considers appropriate.
- (5) A scheme of management imposed by the Department by virtue of paragraph (4)—
 - (a) shall be treated for all purposes as if it had been prepared by the submitting authority and approved by the Department under this Article; and
 - (b) shall come into operation on such date as may be specified therein.
 - (6) Before imposing a scheme under paragraph (4) the Department shall consult the submitting authority and—
 - (a) in the case of a scheme of management applying to a controlled school or controlled schools, the Board of Governors of the school or schools to which the scheme applies;
 - (b) in the case of a scheme of management applying to a maintained school (other than a Catholic maintained school) the managers or trustees of the school; and
 - (c) in the case of a scheme of management applying to a Catholic maintained school or schools, the managers or trustees of the school or schools to which the scheme applies and the board or boards by which any such school is maintained.
 - (7) The Council for Catholic Maintained Schools shall provide each board with a copy of the scheme or schemes of management approved under this Article and applying to the Catholic maintained schools maintained by that board.

Revision of schemes of management

- 9D.**—(1) A submitting authority may at any time, and shall if the Department so directs, prepare a revised scheme of management and submit it to the Department for its approval.
- (2) Article 9B(6) and (7) shall apply in relation to the preparation of a revised scheme of management as it applies in relation to the preparation of the initial scheme.
- (3) A revised scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.”.

Discipline in grant-aided schools

- 124.**—(1) The scheme of management for every grant-aided school shall provide—
- (a) for it to be the duty of the principal to determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to—
 - (i) promoting, among pupils, self-discipline and proper regard for authority;
 - (ii) encouraging good behaviour on the part of pupils;
 - (iii) securing that the standard of behaviour of pupils is acceptable; and
 - (iv) otherwise regulating the conduct of pupils;

- (b) for it to be the duty of the principal, in determining any such measures—
 - (i) to act in accordance with any written statement of general principles provided for him by the Board of Governors; and
 - (ii) to have regard to any guidance that the Board of Governors may offer in relation to particular matters;
 - (c) for it to be the duty of the principal to prepare a written statement of such measures and to secure that—
 - (i) a copy of that statement is given (free of charge) to the parents of all registered pupils at the school; and
 - (ii) copies of that statement are available for inspection (at all reasonable times and free of charge) at the school;
 - (d) for the standard of behaviour which is to be regarded as acceptable at the school to be determined by the principal so far as it is not determined by the Board of Governors.
- (2) In its application to a voluntary school referred to in Article 11(8) of the principal Order paragraph (1) shall have effect with the substitution for references to the Board of Governors of references to the person approved in relation to that school by the Department under the said Article 11(8).
- (3) In its application to a technical secondary school conducted in association with an institution of further education, paragraph (1) shall have effect as if—
- (a) any reference to the scheme of management for a school included a reference to the articles of government of the institution;
 - (b) any reference to the principal of a school included a reference to the principal of the institution; and
 - (c) any reference to the Board of Governors of a school included reference to the governing body of the institution.

Annual report of Board of Governors

- 125.**—(1) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors to prepare, once in every school year, a report containing—
- (a) a summary of the steps taken by the Board of Governors in the discharge of its functions during the period since its last report; and
 - (b) such other information as the scheme of management may require.
- (2) The scheme of management for every such school shall, in particular, require that report—
- (a) to be as brief as is reasonably consistent with the requirements as to its contents;
 - (b) to give details of the date, time and place for the next annual parents' meeting and its agenda and to indicate the purpose of that meeting as described in Article 126(2);
 - (c) to give the name of each member of the Board of Governors and indicate into which of the following categories he falls, namely—
 - (i) members nominated by transferors and superseded managers;
 - (ii) members elected by parents;
 - (iii) members elected by assistant teachers;
 - (iv) members chosen, nominated or appointed by a board;
 - (v) members nominated by the Boards of Governors of contributory schools;
 - (vi) members nominated or appointed by the Head of the Department;

- (vii) members nominated by trustees or nominating trustees;
 - (viii) foundation members;
 - (ix) co-opted members;
 - (x) the principal;
 - (xi) members not falling under any preceding category;
- (d) to give, in relation to each member (other than the principal) the date on which his term of office comes to an end;
- (e) to name the chairman of the Board of Governors and its secretary;
- (f) to give such information as is available to the Board of Governors about arrangements for the next election of parents to the Board of Governors;
- (g) to contain a financial statement—
- (i) reproducing or summarising any financial statement of which a copy has been furnished to the Board of Governors by the board under Article 54 or 57 or by the Department under Article 61 or 78 since the last report was prepared;
 - (ii) indicating, in general terms, how any grants made to the Board of Governors under the Education Orders in the period covered by the report were used and how any sum made available to the Board of Governors by the board in respect of the school's budget share (within the meaning of Part V) or in accordance with Article 51 in that period was used;
 - (iii) giving details of the application of any gifts or bequests made to the school in that period;
- (h) to describe what steps have been taken by the Board of Governors to develop or strengthen the school's links with the community and, in particular, to promote the attainment of the objectives of the educational theme called Education for Mutual Understanding; and
- (i) to give such information as is required to be made available in accordance with regulations under Article 31(2)(a).
- (3) The scheme of management for every such school shall enable the Board of Governors to produce its report in such language or languages (in addition to English) as it considers appropriate.
- (4) The scheme of management for every such school shall provide for it to be the duty of the Board of Governors to take such steps as are reasonably practicable to secure that—
- (a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of its report;
 - (b) copies of that report are available for inspection (at all reasonable times and free of charge) at the school; and
 - (c) copies of any such report to be considered at a parents' annual meeting are given to parents not less than two weeks before that meeting.
- (5) In their application to a voluntary school referred to in Article 11(8) of the principal Order, paragraphs (1) to (4) shall have effect—
- (a) with the modification mentioned in Article 124(2);
 - (b) with the omission of paragraph (2)(d) to (g); and
 - (c) with the substitution for paragraph (2)(c) of the following—
 - “(c) to give the name of the principal and of the person approved by the Department in relation to the school under Article 11(8) of the principal Order;”.

(6) In their application to a technical secondary school conducted in association with an institution of further education, paragraphs (1) to (4) shall have effect—

- (a) with the modifications mentioned in Article 124(3);
- (b) as if the reference in paragraph (1)(a) to functions were a reference to functions in relation to the technical secondary school;
- (c) with the omission in paragraph (2)(c) of the words from “and indicate” to the end; and
- (d) with the omission of paragraph (2)(f) and (g).

Annual parents' meeting

126.—(1) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors to hold a meeting once in every school year (“the annual parents' meeting”) which is open to—

- (a) all parents of registered pupils at the school; and
- (b) such other persons (including assistant teachers at the school) as the Board of Governors may invite.

(2) The purpose of the meeting shall be to provide an opportunity for discussion of—

- (a) the report of the Board of Governors under Article 125;
- (b) the discharge by the Board of Governors, the principal, the board, the Council for Catholic Maintained Schools (in the case of a Catholic maintained school) and the Department of their functions in relation to the school.

(3) Arrangements made under a relevant provision for the election by parents of parents to be members of the Board of Governors of a grant-aided school may provide for the election to be conducted at the annual parents' meeting.

(4) In paragraph (3) “a relevant provision” means any of the following—

- (a) paragraph 6(4) of Schedule 4 to the principal Order;
- (b) paragraph 2(6) of Schedule 5 to that Order;
- (c) paragraph 3(7) of Schedule 6 to that Order;
- (d) paragraph 2(5) of Schedule 7 to that Order;
- (e) paragraph 2(5) of Schedule 8 to that Order;
- (f) paragraph 4 of Schedule 5 to this Order.

(5) The scheme of management for every grant-aided school shall include provision regulating the procedure to be followed at any annual parents' meeting.

(6) In its application to a voluntary school referred to in Article 11(8) of the principal Order, this Article shall have effect—

- (a) with the modification mentioned in Article 124(2);
- (b) with the omission of paragraphs (3) and (4).

(7) In its application to a technical secondary school conducted in association with an institution of further education, this Article shall have effect—

- (a) with the modifications mentioned in Article 124(3);
- (b) with the omission of paragraphs (3) and (4).