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STATUTORY INSTRUMENTS

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**2006 No. 1915**

**The Education (Northern Ireland) Order 2006**

**PART III**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Admissions*

**Admission to grammar schools**

**27.**—(1) Article 14 of the 1997 Order (admission to grammar schools) shall cease to have effect.

(2) In Article 13 of that Order (admission to primary or secondary school, other than grammar school) in the heading and in paragraph (1) omit “(other than a grammar school)”.

(3) In Article 15 omit—

- (a) in paragraph (1) the words “or 14”;
- (b) in paragraph (2)(a) the words “or 14(7)(b)”;
- (c) paragraph (2)(b) and (c).

**Admission criteria**

**28.**—(1) For Article 16 of the 1997 Order substitute—

**“Admission criteria**

**16.**—(1) Subject to the following provisions of this Article, the Board of Governors of each grant-aided school shall draw up, and may from time to time amend, the criteria to be applied in selecting children for admission to the school under Article 13.

(2) When drawing up or amending criteria under this Article—

- (a) the Board of Governors of a controlled school shall consider any representations made to it by the board responsible for the management of the school;
- (b) the Board of Governors of a Catholic maintained school shall consider any representations made to it by the Council for Catholic Maintained Schools.

(3) Where the criteria to be applied in respect of any school year have been published under Article 17(2), the Board of Governors shall not amend those criteria in respect of that school year without the approval of the Department.

(4) The criteria drawn up by the Board of Governors of a school under paragraph (1)—

- (a) shall be such as to ensure that the Board of Governors by applying those criteria can comply with Article 13 before the criteria are exhausted;

- (b) shall provide for all children resident in Northern Ireland at the time of their proposed admission to the school to be selected for admission to the school before any child not so resident may be selected for admission;
- (c) shall in all other respects comply—
  - (i) in the case of a secondary school, with regulations under paragraph (5); and
  - (ii) in the case of a primary school, with regulations under paragraph (9).
- (5) Regulations may make provision in relation to the drawing up of criteria under paragraph (1) by the Board of Governors of a secondary school; and in particular such regulations may—
  - (a) require the Board of Governors to include only such criteria, or criteria of such description, as are specified (“permitted criteria”);
  - (b) require the Board of Governors to include a specified number (or minimum number) of permitted criteria;
  - (c) require the Board of Governors to include—
    - (i) any specified permitted criteria;
    - (ii) any specified combination of permitted criteria;
    - (iii) a specified combination of permitted criteria selected in a specified manner;
  - (d) require the Board of Governors to include provision as to the sequence in which different criteria are to be applied in making any selection using the criteria.
- (6) In paragraph (5) “specified” means specified in the regulations under that paragraph.
- (7) Regulations may—
  - (a) confer on the Department power to direct the Board of Governors of a secondary school to reconsider any criteria drawn up by that Board under paragraph (1) (but not yet published under Article 17(2)) in the light of concerns of the Department as to the likely effect of the application of those criteria on admissions to the school; and
  - (b) provide that where such a direction has been given, the criteria drawn up by the Board of Governors under paragraph (1) may not be published under Article 17(2) without the consent of the Department.
- (8) Before making any regulations under paragraph (5) or (7) the Department shall consult—
  - (a) the Boards of Governors of secondary schools; and
  - (b) such other bodies or persons as appear to the Department to be appropriate.
- (9) Regulations may provide, in relation to any primary school—
  - (a) that the criteria drawn up under paragraph (1) shall include such matters, or matters of such description, as are specified in the regulations;
  - (b) that those criteria shall not include such matters, or matters of such description, as may be so specified.”.
- (2) In Article 16 of the 1997 Order (as substituted by paragraph (1))—
  - (a) in paragraph (4)(c)(i) after “with” insert “paragraph (4A) and”; and
  - (b) after paragraph (4) insert—
    - “(4A) The criteria drawn up by the Board of Governors of a secondary school under paragraph (1) shall not include the academic ability or aptitude of the child (whether assessed by reference to his performance in any test or examination or by any other means whatsoever).”.

## **Admission to secondary school: exceptional circumstances**

**29.**—(1) After Article 16 of the 1997 Order insert—

### **“Admission to secondary school: exceptional circumstances**

**16A.**—(1) The parent of a child of compulsory school age may apply to the body established by regulations under paragraph (6) (“the body”) for a direction that on the grounds of exceptional circumstances specified in the application the child is to be admitted to a grant-aided secondary school so specified (“the specified school”).

(2) On the hearing of an application under this Article—

- (a) if the body is satisfied that exceptional circumstances exist which require the admission of the child to the specified school, the body shall direct the Board of Governors of that school to admit the child to the school;
- (b) in any other case, the body shall dismiss the application.

(3) It shall be the duty of the Board of Governors of the specified school to comply with any direction given under paragraph (2)(a).

(4) The Department shall make regulations as to the meaning of “exceptional circumstances” for the purposes of this Article.

(5) Such regulations may—

- (a) specify matters to be taken into account, or not to be taken into account, in determining whether, in relation to a particular pupil, there are exceptional circumstances which require his admission to a particular school;
- (b) give examples of—
  - (i) circumstances which may be regarded for the purposes of this Article as exceptional circumstances requiring the admission of a child to a particular school;
  - (ii) circumstances which may not be so regarded.

(6) The Department shall by regulations provide for the constitution and procedure of a body to determine applications under this Article; and, in particular, such regulations—

- (a) shall provide for the membership of the body and may provide for disqualifying prescribed persons or descriptions of person for membership of the body;
- (b) may contain provision requiring the body to hear and determine an application within such period as may be specified in, or determined in accordance with, the regulations;
- (c) may provide for the body to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;
- (d) may provide that all matters relating to the procedure on an application which are not specifically regulated by the regulations shall be determined by the Department.

(7) The Department may make payments by way of travelling and subsistence allowances to members of the body.

(8) Payments under paragraph (7) shall be made at such rates and on such conditions as may be determined by the Department.”.

(2) In Article 10(3) of the 1997 Order (calculation of number of children admitted in relevant age group) after sub-paragraph (a) insert —

“(aa) a direction of the body constituted by regulations under Article 16A(6);”.

(3) In Article 10(4) of the 1997 Order (calculation of number of registered pupils at a school) after sub-paragraph (a) insert—

“(aa) a direction of the body constituted by regulations under Article 16A(6);”.

**Guidance as to admissions**

**30.** After Article 16A of the 1997 Order insert—

**“Guidance as to admissions**

**16B.**—(1) The Department may issue, and from time to time revise, such guidance as it thinks appropriate in respect of the arrangements for the admission of pupils to grant-aided schools and the discharge by—

- (a) boards;
- (b) the Boards of Governors of grant-aided schools;
- (c) appeal tribunals constituted in accordance with regulations under Article 15(8);  
and
- (d) the body established by regulations under Article 16A(6),

of their respective functions under this Part.

(2) The guidance may in particular set out aims, objectives and other matters in relation to the discharge of those functions.

(3) It shall be the duty of—

- (a) each of the bodies mentioned in paragraph (1); and
- (b) any other person exercising any function for the purposes of the discharge by such a body of functions under this Part,

to have regard to any relevant guidance for the time being in force under this Article.” .