

*These notes refer to the Education Act (Northern Ireland) 2014
(c.12) which received Royal Assent on 11 December 2014*

Education Act (Northern Ireland) 2014

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Education Act (Northern Ireland) 2014, which received Royal Assent on 11 December 2014. They have been prepared by the Department of Education in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The Notes need to be read in conjunction with the Act. They do not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Act has two purposes. Firstly, it provides for the establishment of the Education Authority. The prompt for this is local government reform. From 1 April 2015, the 26 district councils will be replaced by 11 councils. However, the Education and Libraries (NI) Order 1986 provides for the territorial responsibilities and governance arrangements of the five Education and Library Boards (ELBs) in terms related to the 26 district council areas. Legislative change was therefore required, to ensure education administration is compatible with local government reform.
4. The Education Authority replaces the five ELBs and their Staff Commission. It will have the responsibilities of an ELB as already set out in the Education Orders, including an ELB's employer responsibilities. The Act also places duties on the Authority to encourage, facilitate and promote both shared education and the community use of school premises; and to establish standing committees for the exercise of these functions.
5. The second purpose of the Act is to enable the Department to fund the establishment and operations of a new body that will provide representation and advocacy for schools in the controlled sector.

OVERVIEW

6. The Act has 7 sections and 4 schedules. A commentary on each of the sections and schedules follows below. However, where a section or part of a section or schedule does not seem to require an explanation or comment, none is given.

COMMENTARY ON SECTIONS

Section 1 (The Education Authority) establishes the Education Authority and applies Schedule 1, which puts in place arrangements for membership of the Authority and also provides for the financing of the Authority and the governance and accountability arrangements.

Section 2 (Functions of the Authority) provides that the functions of the Authority are those that would have been carried out by the ELBs under the terms of the Education Orders prior to this legislation. It places additional duties on the Authority to encourage, facilitate and promote shared education and the community use of school premises.

Section 3 (Dissolution of education and library boards and Staff Commission) formally dissolves the ELBs and their Staff Commission and (in conjunction with Schedule 2) provides for the transfer to the new Education Authority of all their assets, liabilities and staff.

Section 4 (Funding of sectoral bodies) allows the Department to pay grants to a body which it recognises as representing the interests of controlled schools, or grant-aided schools of any other particular description.

Section 5 (Amendments, repeals and other consequential provision) introduces schedules 3 and 4, which contain minor and consequential amendments and repeals, respectively. It also provides for the Department by order to make such supplementary, incidental, consequential or transitional provision as may be required in connection with the purposes of the Act.

Section 6 (Interpretation) contains definitions of terms used in the Act.

Section 7 (Short title and commencement) contains the short title of the Act and provisions for its commencement.

Schedule 1 (The Education Authority) contains provisions in relation to the status, membership, tenure of office of members, remuneration and allowances of members and employees and proceedings of the Education Authority. The schedule also makes provision in relation to finance, accounts and reporting and returns.

Schedule 2 (Transfer of assets, liabilities and staff of dissolved bodies) makes provision for the transfer of assets, liabilities and staff of ELBs and the Staff Commission. Staff will be afforded protection of their terms and conditions of employment under the Transfer of Undertakings (Protection of Employment) Regulations 2006, and protection of their rights to accrue pension benefits.

Schedule 3 (Minor and consequential amendments) makes provision for minor and consequential amendments.

Schedule 4 (Repeals) makes provision for various repeals.

HANSARD REPORTS

7. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

<i>STAGE</i>	<i>DATE</i>
First Stage	6 October 2014
Accelerated Passage debate	14 October 2014
Second Stage	14 October 2014
Consideration Stage	21 October 2014
Further Consideration Stage	11 November 2014
Final Stage	17 November 2014
Royal Assent	11 December 2014