
STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART VIII

ADMINISTRATION AND FINANCE

Administration

Appointment of non-teaching staff for controlled and maintained schools

88.—(1) Where it is necessary to appoint staff^[F1] to which this paragraph applies for] a controlled school or a maintained school, ^{[F2]the Authority}^{F3}... shall furnish to the Board of Governors of the school the names of all applicants for appointment whom ^{[F2]the Authority} considers to be qualified and the Board of Governors may select from the names so furnished to it the person or, where more than one person is to be appointed, the requisite number of persons whom it recommends for appointment and shall inform ^{[F2]the Authority} of the name or names of the person or persons so selected.

^[F1](1A) Paragraph (1) applies to all staff required^[F4] by ^{[F2]the Authority}] in or about a controlled or maintained school, except—

- (a) teachers;
- (b) in the case of a school to which paragraph (1B) applies, persons employed in connection with the provision of a schools meals service.

(1B) This paragraph applies to a school which—

- (a) does not have a delegated budget under^[F5]Part VII of the Education (Northern Ireland) Order 1998]; or
- (b) has such a budget, but no allowance is made for expenditure on or in connection with the provision of a school meals service in determining the school's budget share under that Part.]

(2) Where a Board of Governors informs ^{[F2]the Authority} of the name of the person or, as the case may be, the names of the requisite number of persons whom it has selected under paragraph (1), ^{[F2]the Authority} shall appoint that person or those persons.

(3) Where a Board of Governors to whom names of applicants are furnished under paragraph (1) fails within a reasonable time to inform ^{[F2]the Authority} of the name of the person or, as the case may be, the names of the requisite number of persons whom it recommends for appointment, ^{[F2]the Authority} may either—

- (a) seek further applications and comply again with paragraph (1); or
- (b) with the approval of the Department, appoint one or, as the case may be, the requisite number of persons from the qualified applicants.

Changes to legislation: *The Education and Libraries (Northern Ireland) Order 1986, Section 88 is up to date with all changes known to be in force on or before 01 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) This Article shall not apply where, after consultation with the Board of Governors, [^{F2}the Authority] is of opinion that a service or services for the internal or external maintenance of the premises of the school can best be provided—

- (a) by a person or group of persons employed by [^{F2}the Authority] to perform that service or those services in a number of schools which are not all under the management of the same Board of Governors;
- (b) by the placing by [^{F2}the Authority] of a contract, in accordance with its regular procedure for placing contracts, for the doing of anything relating to its functions in relation to a controlled school or a maintained school which is of a nature ordinarily done by employing a contractor.

(5) A Board of Governors aggrieved by any action of [^{F2}the Authority] under paragraph (4) may refer the matter to the Department for determination.

(6) The functions of a Board of Governors under this Article shall [^{F1} be carried out on behalf of, and in the name of, [^{F2}the Authority]] .

F1 1989 NI 20

F2 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

F3 Words in art. 88(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

F4 1997 NI 5

F5 Words in art. 88(1B)(a) substituted (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(g), 91(1), Sch. 5 Pt. II; S.R. 2009/183, **art. 3(d)**

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)