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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART III**

**THE CURRICULUM**

*Miscellaneous and supplementary*

**Curriculum advice and support by boards**

**29.**—(1) Within such time after the coming into operation of this Article as the Department may direct, each board shall prepare and submit to the Department a scheme for the provision to—

- (a) all controlled schools under its management;
- (b) all maintained schools maintained by it;
- (c) all other voluntary or grant-maintained integrated schools situated in its area,

of advisory and support services in relation to the curricula and staff of such schools.

(2) A scheme under paragraph (1) shall be in such form as the Department may direct and, without prejudice to the generality of paragraph (1), shall contain provision—

- (a) requiring the board, in accordance with a programme approved under Article 149, to secure the provision of further training for teachers (whether or not employed on the staff of a particular school);
- (b) empowering the board to pay to persons undergoing the training referred to in sub-paragraph (a) travelling and other allowances at such rate or of such amount and subject to such conditions as the board may determine;
- (c) enabling the board to provide teaching and training materials for use in schools or by persons undergoing the training referred to in sub-paragraph (a);
- (d) enabling services, training and materials mentioned in the scheme to be provided by the board itself or through the agency of another board, person or body;
- (e) requiring such services, training and materials to be provided free of charge;
- (f) requiring the board to secure the agreement of the Board of Governors of a school to the entry into that school for the purposes of the scheme of any persons employed by the board.

(3) Before preparing a scheme under paragraph (1), a board shall consult—

- (a) the Board of Governors of every school mentioned in that paragraph; and
- (b) such other persons as the board considers appropriate.

(4) The Department may request a board to furnish such information in connection with any scheme submitted to the Department under this Article as the Department may require, including information as to the results of consultations under paragraph (3).

(5) The Department may, after making such modifications, if any, in the scheme as after consultation with the board it considers necessary or expedient, approve any scheme submitted to it under this Article.

(6) It shall be the duty of a board to give effect to the provisions of any scheme which has been approved by the Department under this Article.

(7) Where—

(a) a board fails to submit a scheme to the Department under this Article by the date, or in the form, directed by the Department; or

(b) the Department refuses to approve a scheme submitted to it under this Article,

the Department may, after consultation with the board and such other persons as the Department thinks fit, make a scheme which shall be treated for the purposes of paragraphs (6) and (8) as if it had been made by the board and approved by the Department under this Article.

(8) A board may at any time, and shall if the Department so directs, prepare and submit to the Department a revised scheme or an amendment to an existing scheme and paragraphs (3) to (6) shall apply in relation to any such revised scheme or amendment as they apply in relation to the scheme.

### **Duties of inspectors**

**30.** Article 102 of the principal Order shall be renumbered as paragraph (1) of that Article and after that paragraph there shall be added—

“(2) It shall be the duty of inspectors to promote the highest standards of education and of professional practice among teachers in the schools, colleges, institutions and establishments mentioned in paragraph (1) by—

(a) monitoring, inspecting and reporting on the standard of education being provided by those bodies and the standard of professional practice among teachers on the staff of those bodies; and

(b) advising the Department on any aspect of the curriculum of any of those bodies which the Department may refer to them or on which they think advice is appropriate.

(3) It shall be the duty of inspectors to monitor, inspect and report on the nature, scope and effect of advisory and support services provided by boards under Article 29 of the 1989 Order in relation to the curricula and staff of grant-aided schools.

(4) The Department may direct a board, the Council for Catholic Maintained Schools, the Board of Governors or principal of a grant-aided school or the governing body or principal of an institution of further education to take such action as the Department thinks necessary to remedy any matter referred to by a report under this Article.

(5) It shall be the duty of a person or body to whom or to which a direction is given under paragraph (4) to comply with that direction.

(6) Before giving a direction under paragraph (4) to a person or body the Department shall consult with that person or body and such other persons or bodies as it thinks fit.

(7) The functions conferred by this Article on inspectors and other officers of the Department shall not be exercisable in relation to any provision for religious education included in the curriculum of a school under Article 5(1)(a) of the 1989 Order except with the agreement of the Board of Governors of the school.”.

### **Provision of information**

**31.**—(1) The Department may make regulations requiring each board to make available, either generally or to prescribed persons, such information relevant for the purposes of this Part as may be prescribed.

(2) The Department may make regulations requiring the Board of Governors or the principal of each grant-aided school to make available either generally or to prescribed persons—

- (a) such information relating to—
  - (i) the curriculum of the school;
  - (ii) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils; and
  - (iii) the educational achievements of pupils at the school (including the results of any assessments of those pupils for the purpose of ascertaining those achievements); and
  - (iv) any other matter relevant for the purposes of this Part,as may be prescribed;
- (b) such copies of—
  - (i) any written statement made by the Board of Governors under Article 10(1)(b); and
  - (ii) any report prepared by the Board of Governors under Article 125,as may be prescribed.

(3) Regulations under paragraph (1) or (2) may—

- (a) provide for information and documents to be made available in pursuance of the regulations in such form and manner and at such times as may be prescribed;
- (b) authorise boards, Boards of Governors and principals to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.

(4) Before making any regulations under paragraph (1) or (2) the Department shall consult the boards, the Council for Catholic Maintained Schools, the Boards of Governors and principals of all grant-aided schools and any other person with whom consultation appears to it to be desirable.

(5) Regulations under this Article shall not require information as to the results of an individual pupil's assessment to be made available to any persons or bodies other than—

- (a) the pupil concerned and his parents;
- (b) the Board of Governors of the school attended by the pupil concerned;
- (c) the Board of Governors of any other school to which that pupil applies for admission; or
- (d) a body or person prescribed by the regulations,

and shall not require such information to be made available to any body or person mentioned in subparagraphs (b) to (d) except—

- (i) in the case of information to which paragraph (6) applies, where the Department so directs;
- (ii) in any other case, where necessary for the purposes of the performance by that body or person of any functions under the Education Orders.

(6) This paragraph applies to information as to the results of—

- (a) any assessment of a pupil at a special school; or
- (b) any assessment of a pupil in any subject at or near the end of a key stage, if at any time during that key stage any provision has been made under Article 14, 15, 16 or 17 in relation to that pupil excluding or modifying the application of Article 5 or 6 in relation to that subject.

(7) References in this Article to an assessment of a pupil are references to an assessment whether made under this Part or otherwise.

### **Keeping, disclosure and transfer of educational records**

**32.** In Article 17A of the principal Order—

(a) in paragraph (2) after sub-paragraph (f) there shall be added—

“(g) with respect to the keeping, disclosure and transfer of educational records about pupils at such schools and the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.”;

(b) after paragraph (2) there shall be inserted—

“(2A) Regulations made under paragraph (1) by virtue of paragraph (2)(g) may authorise persons who in pursuance of the regulations supply copies of any such records as are there mentioned to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.”.

### **Complaints**

**33.**—(1) Every board shall, in accordance with regulations under paragraph (3), appoint a tribunal (in this Article referred to as a complaints tribunal) to hear and determine any complaint made on or after the coming into operation of this Article which is to the effect that the board or the Board of Governors of a relevant school—

(a) has acted or is proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed on it by or under—

(i) this Part;

(ii) Articles 147 to 149 (in the case of a board only); or

(iii) any other statutory provision relating to the curriculum for grant-aided schools; or

(b) has failed to discharge any such duty.

(2) Paragraph (1) does not apply to a complaint of a kind mentioned in Article 23(2) of the principal Order.

(3) The Department shall by regulations provide for the constitution and procedure of a complaints tribunal and, without prejudice to the generality of the foregoing, such regulations—

(a) shall provide for the membership of the tribunal and may provide for disqualifying prescribed persons or descriptions of person for membership of the tribunal;

(b) may provide that all matters relating to the procedure on the hearing or determination of any complaint which are not specifically regulated by the regulations shall be determined by the board.

(4) On determining any complaint made to it under this Article a complaints tribunal shall send notice of its determination and of the reasons for that determination to—

(a) the person by whom or body by which the complaint was made (“the complainant”);

(b) the board or Board of Governors in respect of which the complaint was made (“the respondent”).

(5) Where—

(a) a complaints tribunal upholds a complaint in whole or in part; and

(b) it appears to the complaints tribunal that any matter which was the subject of the complaint (so far as upheld) should be remedied,

the tribunal may include in a notice given under paragraph (4) a requirement for the respondent to take such steps as may be specified in the notice within such time as may be so specified for the purpose of remedying that matter.

(6) Where it appears to a complaints tribunal that a respondent has not, within the time specified in a notice under paragraph (4), taken the steps so specified or otherwise remedied the matter mentioned in paragraph (5)(b), it may refer that matter to the Department together with a copy of the notice under paragraph (4).

(7) Where any matter is referred to the Department under paragraph (6) it shall—

- (a) consider the matter after consulting the complaints tribunal, the complainant and the respondent; and
- (b) where it considers it appropriate, give such directions under Article 101 of the principal Order as appear to the Department to be expedient for the purpose of remedying the matter.

(8) The Department shall not entertain under Article 101(4) of the principal Order any complaint falling within paragraph (1) unless a complaint concerning the same matter has been made to, and heard and determined by, a complaints tribunal under this Article.

(9) A complaints tribunal shall not be regarded as a committee of the board.

(10) Article 79(1) of the principal Order shall apply to members of a complaints tribunal in like manner as it applies to members of a board.

(11) In this Article “relevant school” in relation to a board means—

- (a) a controlled school managed by the board;
- (b) a maintained school maintained by the board;
- (c) any other voluntary or grant-maintained integrated school situated in the area of the board.

### **Extension of Articles 9 and 11(1)(d) to senior pupils**

**34.—**(1) The Department may by order direct that the provisions of Articles 9 and 11(1)(d) shall have effect as if—

- (a) any reference to pupils of compulsory school age included a reference to—
  - (i) senior pupils who are of or over that age; and
  - (ii) persons in full-time further education who are over that age but have not attained the age of nineteen;
- (b) any reference to a grant-aided school included a reference to an institution of further education;
- (c) any reference to the Board of Governors of such a school included a reference to the governing body of such an institution; and
- (d) any reference to a school year included a reference to an academic year.

(2) An order under paragraph (1) may make such consequential modifications of Articles 21 and 22 as appear to the Department to be necessary or expedient.

(3) The Department may make regulations requiring, in relation to every institution of further education, the board, the governing body or the principal to make available either generally or to prescribed persons, in such form and at such times as may be prescribed, such information relating to—

- (a) the qualifications authenticated by outside persons (within the meaning of Article 9) for which courses of study are to be provided by or on behalf of the institution concerned for relevant students;
- (b) the courses of study leading to such qualifications which are to be so provided;

- (c) the syllabuses which have been provided or determined for the purposes of those courses; and
- (d) the results of the assessments of such students for the purposes of those qualifications, as may be prescribed.

(4) In paragraph (3) “relevant students” means persons mentioned in paragraph (1)(a)(ii) in relation to whom Articles 9 and 11(1)(d) have effect by virtue of an order under paragraph (1).

(5) Regulations under paragraph (3) shall not require information as to the results of an individual student’s assessment for the purposes of any qualification to be made available to any persons or bodies other than—

- (a) the student concerned and his parents;
- (b) the governing body of the institution attended by the student concerned; or
- (c) a body or person prescribed by the regulations,

and shall not require such information to be made available to any body or person mentioned in subparagraphs (b) and (c) except where necessary for the purposes of the performance by that body or person of any functions under the Education Orders.

(6) Regulations under paragraph (3) may authorise boards, governing bodies and principals to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.

(7) Before making any order under paragraph (1) or regulations under paragraph (3) the Department shall consult with—

- (a) the boards and the governing bodies and principals of all institutions of further education; and
- (b) any other persons with whom consultation appears to it to be desirable.

### **Interpretation of Part III**

**35.—(1)** In this Part—

“assess” includes examine and test;

“assessment arrangements”, “attainment targets” and “programmes of study” have the meanings given by Article 7(3);

“key stages” has the meaning given by Article 5(6);

“school year” means a year ending on 31st July.

(2) For the purposes of this Part a school is an Irish speaking school if more than one half of the following subjects, namely—

- (a) religious education; and
- (b) the subjects, other than English and Irish, which are compulsory contributory subjects in relation to pupils at the school,

are taught (wholly or partly) in Irish, and “school” includes part of a school.

(3) In this Part any reference to the Board of Governors of a school includes, in relation to a voluntary school referred to in Article 11(8) of the principal Order, a reference to the person approved in relation to that school by the Department under the said Article 11(8).

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

- (a) references to the Board of Governors of a school included references to the governing body of the institution;

(b) references to the scheme of management for a school included references to the articles of government of the institution;

(c) references to the principal of a school included references to the principal of the institution.

(5) In this Part references to the contributory subjects or listed contributory subjects within an area of study shall be construed in accordance with Article 5(3) and references to compulsory contributory subjects shall be construed in accordance with Article 6(1) and (2).

(6) Nothing in this Part, except Articles 30 and 32, shall apply in relation to a nursery school or a nursery class in a primary school.

(7) Directions given by the Department under this Part shall be given in writing.