
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART III

THE CURRICULUM

Preliminary

Duties with respect to the curriculum

4.—(1) It shall be the duty of the Board of Governors and principal of every grant-aided school to exercise their functions as respects that school (including, in particular, the functions conferred on them by this Part) with a view to securing that the curriculum for the school satisfies the requirements of this Article.

(2) The curriculum for a grant-aided school satisfies the requirements of this Article if it is a balanced and broadly based curriculum which—

- (a) promotes the spiritual, moral, cultural, intellectual and physical development of pupils at the school and thereby of society; and
- (b) prepares such pupils for the opportunities, responsibilities and experiences of adult life.

Principal provisions

The curriculum

5.—(1) The curriculum for every grant-aided school shall—

- (a) include provision for religious education for all registered pupils at the school; and
- (b) in so far as it relates to registered pupils at the school of compulsory school age, meet the requirements of this Article and Article 6.

(2) The curriculum for a grant-aided school shall include the following areas of study—

- (a) English;
- (b) Mathematics;
- (c) Science and Technology;
- (d) the Environment and Society;
- (e) Creative and Expressive Studies;
- (f) Language Studies, in relation to—
 - (i) schools which are Irish speaking; and
 - (ii) the third and fourth key stages in other schools.

(3) For the purposes of this Part the subjects which fall within each area of study listed in column 1 of Schedule 1 are—

- (a) the subjects listed against that area of study in column 2 of that Schedule; and
 - (b) any other cognate subjects which appropriately fall to be taught within that area of study,
- and the subjects falling within any area of study by virtue of sub-paragraph (a) or (b) are referred to in this Part as the contributory subjects within that area of study and the subjects falling within any area of study by virtue of sub-paragraph (a) are referred to in this Part as the listed contributory subjects within that area of study.
- (4) The curriculum for every grant-aided school shall, in relation to each listed contributory subject which is taught to pupils at the school,—
- (a) include such attainment targets and programmes of study as are specified in relation to that subject and those pupils under Article 7(1)(a); and
 - (b) require that the content of the teaching of that subject is consistent with those programmes of study and with the attainment by those pupils of those attainment targets.
- (5) The curriculum for every grant-aided secondary school shall afford to all pupils in the third and fourth key stages the opportunity to be taught, within the area of study called Language Studies, one of the following listed contributory subjects, namely French, German, Italian or Spanish.
- (6) For the purposes of this Part the key stages in relation to a pupil are as follows—
- (a) the period beginning with his becoming of compulsory school age and ending at the same time as the fourth school year thereafter;
 - (b) the period beginning at the same time as the next school year after the end of the first key stage and ending at the same time as the third school year thereafter;
 - (c) the period beginning at the same time as the next school year after the end of the second key stage and ending at the same time as the third school year thereafter;
 - (d) the period beginning at the same time as the next school year after the end of the third key stage and ending at the same time as he ceases to be of compulsory school age.
- (7) The Department may by order amend paragraphs (5) and (6) and Schedule 1.
- (8) Nothing in paragraph (2)(f) shall be taken to preclude the inclusion of Language Studies as an area of study in the curriculum of a grant-aided school in relation to the first and second key stages.
- (9) In paragraphs (2) to (6) and Article 6—
- (a) references to the curriculum for a grant-aided school are references to that curriculum so far as it relates to registered pupils at the school of compulsory school age; and
 - (b) references to pupils at such a school are references to registered pupils at the school of compulsory school age.

Compulsory contributory subjects and compulsory assessment

6.—(1) The curriculum for every grant-aided school shall require each pupil at the school to be taught within each area of study the contributory subjects which in accordance with paragraph (2) are compulsory contributory subjects in relation to that pupil.

(2) The compulsory contributory subjects within each area of study specified in column 1 of Schedule 2—

- (a) in relation to pupils in key stages 1 and 2, are those specified in column 2 of that Schedule;
- (b) in relation to pupils in key stage 3, are those specified in column 3 of that Schedule;
- (c) in relation to pupils in key stage 4, are those specified in column 4 of that Schedule.

(3) Subject to paragraph (4), the curriculum for every grant-aided school shall require each pupil at the school to be assessed in each of his compulsory contributory subjects in accordance with such

assessment arrangements as are specified in relation to that subject and that pupil under Article 7(1)(b).

(4) Paragraph (3) does not apply to any compulsory contributory subjects which are within the area of study called Creative and Expressive Studies.

(5) For ease of reference, in Schedule 2 an “(A)” is placed after each entry relating to a compulsory contributory subject in which pupils are required under paragraph (3) to be assessed.

(6) The Department may by order amend Schedule 2.

Attainment targets, programmes of study and assessment arrangements

7.—(1) The Department may by order specify—

(a) in relation to a listed contributory subject—

(i) such attainment targets; and

(ii) such programmes of study,

as it considers appropriate for that subject; and

(b) in relation to a compulsory contributory subject in which pupils are required under Article 6(3) to be assessed, such assessment arrangements as it considers appropriate for that subject.

(2) It shall be the duty of the Department so to exercise the powers conferred by paragraph (1) as—

(a) to set in place as soon as is practicable—

(i) attainment targets and programmes of study in relation to all the compulsory contributory subjects;

(ii) assessment arrangements in relation to all the compulsory contributory subjects in which pupils are required under Article 6(3) to be assessed;

(b) to revise any existing attainment targets, programmes of study or assessment arrangements whenever it considers it necessary or appropriate to do so.

(3) In this Part—

(a) “attainment targets” means the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of each key stage;

(b) “programmes of study” means the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during each key stage;

(c) “assessment arrangements” means the arrangements for assessing pupils at or near the end of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage.

(4) An order made under paragraph (1) may not require—

(a) that any particular period or periods of time should be allocated during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it; or

(b) that provision of any particular kind should be made in school timetables for the periods to be allocated to such teaching during any such stage.

(5) An order under paragraph (1) may, instead of containing the provisions to be made, refer to provisions in a document published by Her Majesty’s Stationery Office and direct that those provisions shall have effect or, as the case may be, have effect as amended by the order.

(6) An order under paragraph (1)(b) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order as appear to the Department

to be expedient; and any provisions made under such an order shall, on being published by Her Majesty's Stationery Office, have effect for the purposes of this Part as if made by the order.

Educational themes

8.—(1) The curriculum for a grant-aided school shall not, in so far as it relates to pupils of compulsory school age, be taken to satisfy the requirements of Article 4(2) unless it promotes, wholly or mainly through the teaching of the contributory subjects and religious education, the attainment of the objectives of the following educational themes, namely—

- (a) Information Technology;
- (b) Education for Mutual Understanding;
- (c) Cultural Heritage;
- (d) Health Education;
- (e) in relation to the third and fourth key stages, Economic Awareness;
- (f) in relation to the third and fourth key stages, Careers Education.

(2) The Department may by order specify in relation to each educational theme mentioned in paragraph (1) such objectives as it considers appropriate for that educational theme.

(3) It shall be the duty of the Department so to exercise the powers conferred by paragraph (2) as—

- (a) to set objectives in place as soon as is practicable in relation to each of the educational themes mentioned in paragraph (1); and
- (b) to revise any existing objectives whenever it considers it necessary or expedient to do so.

(4) Paragraphs (4) and (5) of Article 7 shall apply to an order under paragraph (2) as they apply to an order under paragraph (1) of that Article.

(5) The Department may by order amend the list of educational themes in paragraph (1).

Courses leading to external qualifications

9.—(1) No course of study leading to a qualification authenticated by an outside person shall be provided for pupils of compulsory school age by or on behalf of any grant-aided school unless the qualification is for the time being approved by the Department and either—

- (a) a syllabus provided by the outside person for the purposes of the course is for the time being approved by the Department; or
- (b) criteria so provided for determining a syllabus for those purposes are for the time being so approved.

(2) An approval under this Article may be given either generally or in relation to particular cases.

(3) In this Article “outside person”, in relation to a school, means a person other than a member of staff of the school.

Determination of curriculum policy and of curriculum

10.—(1) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors—

- (a) to determine, and keep under review, its policy in relation to the curriculum for the school; and
- (b) to make, and keep up to date, a written statement of that policy.

(2) The policy determined by a Board of Governors under paragraph (1)(a) in relation to the curriculum for a school shall be compatible with—

- (a) any programme of study specified under Article 7(1)(a) which forms part of that curriculum;
- (b) any syllabus for a course which forms part of that curriculum and leads to an examination for a qualification approved under Article 9(1); and
- (c) the statutory provisions relating to education (including, in particular, those relating to children with special educational needs).

(3) In discharging its duty under paragraph (1), a Board of Governors shall consider, in particular—

- (a) the range of the curriculum; and
- (b) the balance between, and coherence of, its different components.

(4) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors—

- (a) when determining or reviewing its policy in relation to the curriculum for the school—
 - (i) to take account of the findings of any inspection of the school under Article 102 of the principal Order;
 - (ii) to consider any representations made to it regarding the curriculum by the relevant board, the Council for Catholic Maintained Schools (where the school is a Catholic maintained school) and any other body or person connected with the community served by the school;
- (b) to consult the principal of the school before making or varying any statement under paragraph (1)(b).

(5) The scheme of management for every grant-aided school shall provide for the principal to be allocated such functions as will, subject to the resources available, enable him to determine and organise the curriculum and secure that it is followed within the school.

(6) In discharging his duties in relation to the curriculum for a school the principal shall ensure that the curriculum is compatible with the policy of the Board of Governors as expressed in its statement under paragraph (1)(b).

(7) In carrying out its functions under the Education Orders or any other statutory provision in relation to a school under its management, a Board of Governors shall have regard to its policy in relation to the curriculum for the school, as expressed in its statement under paragraph (1)(b).

(8) The Board of Governors of a grant-aided school shall furnish the relevant board and, if the school is a Catholic maintained school, the Council for Catholic Maintained Schools with a copy of every statement made by it under paragraph (1)(b).

(9) In paragraph (8) “relevant board” in relation to a school means—

- (a) in the case of a controlled school, the board responsible for the management of the school;
- (b) in the case of a maintained school, the board by which the school is maintained;
- (c) in the case of any other grant-aided school, the board for the area in which the school is situated.

Duties with respect to requirements of this Part

11.—(1) In relation to any grant-aided school and any school year, it shall be the duty of the Board of Governors to exercise its functions with a view to securing and the duty of the principal to secure—

- (a) that religious education is given in accordance with the provision for such education included in the school's curriculum by virtue of Article 5(1)(a);
- (b) that the listed contributory subjects within each area of study are taught as required by the school's curriculum as subsisting at the beginning of that year;
- (c) that the compulsory contributory subjects within each area of study are assessed as required by Article 6(3);
- (d) that Article 9 is not contravened; and
- (e) where the school is a secondary school, that Article 5(5) is not contravened.

(2) In relation to any grant-aided school and any time before the coming into operation as respects any pupils at the school of an order under Article 7(1)(a) specifying attainment targets and programmes of study in relation to a particular compulsory contributory subject and those pupils, it shall be the duty of the Board of Governors to exercise its functions with a view to securing and the duty of the principal to secure that that subject is taught to those pupils for a reasonable time.

(3) It shall be the duty of—

- (a) the Department and the boards in relation to all grant-aided schools;
- (b) the Council for Catholic Maintained Schools in relation to Catholic maintained schools,

to exercise their functions with a view to ensuring that the Boards of Governors and principals of grant-aided schools are in a position to fulfil their duties under this Part.

Religious education

Religious education

12.—(1) The religious education for which provision is required by Article 5(1)(a) to be included in the curriculum for—

- (a) a special school, shall be religious education provided in accordance with regulations under Article 34 of the principal Order;
- (b) any other grant-aided school, shall be religious education of the kind required by Article 21 of the principal Order.

(2) In Articles 21 and 22 of the principal Order for the word “instruction” wherever it occurs there shall be substituted the word “education”.

Core syllabus for religious education

13.—(1) Subject to paragraph (4), the Department may by order specify a core syllabus for the teaching of religious education in grant-aided schools, that is to say a syllabus which—

- (a) sets out certain core matters, skills and processes which are to be included in the teaching of religious education to pupils in such schools, but does not prevent or restrict the inclusion of any other matter, skill or process in that teaching; and
- (b) is such that the teaching in a controlled school (other than a controlled integrated school) of any of the matters, skills or processes set out in that syllabus would not contravene Article 21(2) of the principal Order.

(2) In Article 21 of the principal Order after paragraph (3) there shall be inserted—

“(3A) In a grant-aided school the religious education required by paragraph (1) shall include religious education in accordance with any core syllabus specified under Article 13(1) of the 1989 Order.”.

(3) In Article 34 of the principal Order for paragraph (2) there shall be substituted—

“(2) Regulations under paragraph (1) shall secure that every pupil attending a special school—

- (a) shall, so far as is practicable, attend collective religious worship or be withdrawn from attendance at such worship in accordance with the wishes of his parent;
- (b) shall receive religious education in accordance with any core syllabus specified under Article 13(1) of the 1989 Order, or be withdrawn from receiving such education in accordance with the wishes of his parent.”.

(4) The Department shall not specify a core syllabus under paragraph (1) unless a draft of that syllabus—

- (a) was prepared by a group of persons (“the drafting group”) appearing to the Department to be persons having an interest in the teaching of religious education in grant-aided schools;
- (b) was published, in accordance with directions given by the Department, together with a notice inviting representations to be made before a specified date not being less than four weeks from the date of publication;
- (c) was revised, if necessary, by the drafting group, after considering all representations made in accordance with the notice mentioned in sub-paragraph (b); and
- (d) was submitted to the Department by the drafting group together with—
 - (i) a report by that group on the nature of representations made in accordance with the notice mentioned in sub-paragraph (b) and on the extent to which, and the manner in which, account has been taken of those representations in the draft submitted to the Department; and
 - (ii) any other information which the Department may request.

(5) Paragraphs (1) and (4) apply with appropriate modifications to amendments to, or a revision of, an existing core syllabus.

(6) Paragraph (5) of Article 7 shall apply to an order under paragraph (1) as it applies to an order under paragraph (1) of Article 7.

Special cases

Development work and experiments

14.—(1) For the purpose of enabling development work or experiments to be carried out, the Department may direct as respects a particular grant-aided school that, for such period as may be specified in the direction, Articles 5, 6 and 8—

- (a) shall apply with such modifications as may be so specified; or
- (b) shall not apply.

(2) A direction under paragraph (1) may apply either generally or in such cases as may be specified in the direction.

(3) A direction shall not be given under paragraph (1) in relation to a school except on the application of—

- (a) the Board of Governors of the school;
- (b) the Northern Ireland Curriculum Council, with the agreement of the Board of Governors of the school; or
- (c) the relevant board, with the agreement of the Board of Governors of the school.

(4) Before giving a direction under paragraph (1) on an application mentioned in paragraph (3) (a) or (b), the Department shall consult the relevant board.

(5) In paragraphs (3) and (4) “relevant board” has the meaning assigned to it by Article 10(9).

(6) The Department may make it a condition of a direction under paragraph (1) that any body by which or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Department on any matters specified by the Department.

Exceptions by regulations

15. The Department may by regulations provide that Articles 5, 6 and 8—

- (a) shall apply with such modifications as may be specified in the regulations; or
- (b) shall not apply;

in such cases or circumstances as may be so specified.

Pupils with statements of special educational needs

16. The special educational provision for any pupil specified in a statement under Article 31 of the principal Order of his special educational needs may include provision—

- (a) applying Articles 5, 6 and 8 with such modifications as may be specified in the statement; or
- (b) excluding the application of those Articles.

Temporary exceptions for individual pupils

17.—(1) The Department may make regulations enabling the principal of any grant-aided school, in such cases or circumstances and subject to such conditions as may be prescribed—

- (a) to direct as respects a registered pupil at the school that, for such period as may be specified in the direction (the “operative period” of the direction), Articles 5, 6 and 8—
 - (i) shall apply with such modifications as may be so specified; or
 - (ii) shall not apply; and
- (b) to revoke any direction given by him under the regulations and to vary any such direction except so as to extend its operative period.

(2) The conditions prescribed by the regulations shall, in particular, limit the period that may be specified in any direction given under the regulations to a maximum period specified in the regulations; and any maximum period specified in the regulations in relation to directions given under the regulations or in relation to directions so given in any circumstances so specified—

- (a) shall be either—
 - (i) a fixed period not exceeding six months; or
 - (ii) a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning; and
- (b) may differ according to whether or not the direction in question is given in respect of a period beginning immediately after the end of the operative period of a previous direction or within such period after the end of the operative period of a previous direction as may be specified in the regulations.

(3) Where a principal gives a direction under regulations made under this Article in the case of any pupil or varies any direction so given, he shall give the information mentioned in paragraph (4), in such manner as may be prescribed, to the Board of Governors and shall take such steps as may be prescribed to give that information also to a parent of the pupil.

(4) That information is the following—

- (a) the fact that he has taken the action in question, its effect and his reasons for taking it;
- (b) the provision that is being or is to be made for the pupil's education during the operative period of the direction; and
- (c) either—
 - (i) a description of the manner in which he proposes to secure the full application in relation to the pupil after the end of that period of Articles 5, 6 and 8; or
 - (ii) an indication of his opinion that the pupil has or probably has special educational needs by virtue of which the board would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs the board is for the time being required under Article 31 of the principal Order to maintain).

(5) Where the principal of a grant-aided school includes such an indication of opinion as is mentioned in paragraph (4)(c)(ii) in information given to the Board of Governors under paragraph (3), he shall also give that information, in such manner as may be prescribed, to the board.

(6) It shall be the duty of a board on receiving information given to the board under paragraph (5) by the principal of any grant-aided school which includes such an indication of opinion with respect to a pupil, to consider whether any action on its part is required in the case of that pupil under Article 29 of the principal Order (assessment of special educational needs).

(7) Where the principal of a grant-aided school—

- (a) gives, revokes or varies any direction with respect to a pupil under regulations made under this Article;
- (b) refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed, by the parent of a registered pupil at the school; or
- (c) fails within such period as may be prescribed following the making of such a request to give, revoke or vary such a direction in accordance with the request,

the parent of the pupil concerned may appeal to the Board of Governors.

(8) On any such appeal the Board of Governors may—

- (a) confirm the principal's action; or
- (b) direct the principal to take such action authorised by the regulations as it considers appropriate in the circumstances;

and it shall be the duty of the principal to comply with any directions of the Board of Governors under sub-paragraph (b).

(9) The Board of Governors shall notify the appellant and the principal in writing of its decision on any such appeal.

(10) Before making any regulations under this Article the Department shall consult with any persons with whom consultation appears to be desirable.

*The Northern Ireland Curriculum Council and the Northern
Ireland Schools Examinations and Assessment Council*

The Northern Ireland Curriculum Council

18.—(1) There shall be established a body to be known as the Northern Ireland Curriculum Council (in this Article and Article 19 referred to as “the Council”) which shall perform the functions conferred on it by Article 19.

(2) Schedule 3 shall have effect with respect to the Council.

Functions of the Northern Ireland Curriculum Council

19.—(1) The Northern Ireland Curriculum Council shall—

- (a) keep all aspects of the curriculum for grant-aided schools under review;
- (b) advise the Department on such matters concerned with the curriculum for grant-aided schools as the Department may refer to it or as it may see fit;
- (c) publish and distribute, or secure or assist the publication and distribution by another body or person of, information relating to the curriculum for grant-aided schools;
- (d) carry out such other activities as the Department may direct, being activities which the Department considers to be appropriate for the Council to carry out for the purpose of, or in connection with, the exercise of any of its other functions under this Article.

(2) Where the Department proposes to exercise the power conferred by Article 7(1) to set in place or revise any programme of study or attainment target for any listed contributory subject or the power conferred by Article 8(2) to set in place or revise objectives for any educational theme, the Department may refer the proposal to the Council.

(3) Where a proposal is referred to the Council under paragraph (2) the Council shall, before such date as the Department may direct,—

- (a) consult, with regard to the proposal, with such bodies or persons as appear to the Council to be concerned; and
- (b) make a report to the Department containing—
 - (i) a summary of the views expressed during the consultations;
 - (ii) the Council’s recommendations as to the proposal; and
 - (iii) such other advice relating to the proposal as the Council thinks fit.

(4) The Council may, in connection with the exercise of any of its functions, and shall if the Department so directs, carry out, or commission, or assist in any way, the carrying out by another body or person of, any programme of research and development for purposes connected with the curriculum for grant-aided schools.

(5) The Department may by order provide that paragraphs (1) and (4) shall have effect as if references to the curriculum for grant-aided schools included references to courses of further education in institutions of further education.

The Northern Ireland Schools Examinations and Assessment Council

20.—(1) There shall be established a body to be known as the Northern Ireland Schools Examinations and Assessment Council (in this Article and Articles 21 and 22 referred to as “the Council”) which shall perform the functions conferred on it by Articles 21 and 22.

(2) Schedule 3 shall have effect with respect to the Council.

Duty to conduct examinations and assessments

21.—(1) The Northern Ireland Schools Examinations and Assessment Council shall, subject to the following provisions of this Article,—

- (a) conduct, and award the appropriate certificates for, the relevant examinations, in accordance with such rules as the Council may determine;
- (b) conduct the relevant assessments, in accordance with such assessment arrangements as are specified under Article 7(1)(b);

- (c) conduct the moderation of relevant examinations and relevant assessments;
 - (d) seek to ensure that the standards of the relevant examinations and of the relevant assessments are recognised as equivalent to the standards of examinations and assessments conducted by other bodies or authorities exercising similar functions elsewhere in the United Kingdom.
- (2) Arrangements made by the Council for the conduct of the relevant examinations may include provision—
- (a) for the conduct of external examinations on syllabuses specified by the Council and approved by the Department under Article 9;
 - (b) for the conduct of external examinations on syllabuses prepared by individual schools or groups of schools or by individual institutions of further education or groups of such institutions or groups of schools and such institutions and approved by the Department under Article 9;
 - (c) for external assessment of examinations conducted internally by individual schools or groups of schools or by individual institutions of further education or groups of such institutions or groups of schools and such institutions and approved by the Department under Article 9.
- (3) The Council may enter into arrangements to perform functions or provide services to or on behalf of any other examining body or authority and such arrangements may provide for the payment by the said body or authority of the whole or part of any expenditure incurred by the Council in carrying out the arrangements.
- (4) The Council may—
- (a) arrange for the relevant examinations, or part thereof, to be conducted on its behalf by any other examining body or authority;
 - (b) with the approval of the Department, arrange for the relevant assessments, or part thereof, to be conducted on its behalf by any other body, authority or person;
 - (c) make payments to any such body, authority or person in respect of the expenditure incurred in carrying out the arrangements.
- (5) The Council may appoint such examiners, assessors, moderators and other persons as it considers necessary for the performance of its functions and shall pay them such salaries, fees or other allowances as the Council may determine.
- (6) The Council may publish rules and syllabuses for the relevant examinations and may publish specimen examination papers and such other material as it considers desirable.
- (7) The Council may charge such fees in connection with relevant examinations as may be approved by the Department.
- (8) Every certificate awarded by the Council shall be signed on behalf of the Council.
- (9) The Council shall make arrangements for the consideration by the Council of appeals against any decision or complaints against any action of the Council.
- (10) The Council may enter into arrangements with a board for the board to assist the Council in the exercise of any of its functions under this Article and such arrangements may provide for the payment by the Council to the board of the whole or part of any expenditure incurred by the board in carrying out the arrangements.
- (11) A board shall have power to enter into and carry out any arrangements under paragraph (10).
- (12) In this Article—
- “relevant assessments” means assessments of pupils required by Article 6(3);
 - “relevant examinations” means—

- (a) examinations for the Northern Ireland General Certificate of Secondary Education;
- (b) examinations for the Northern Ireland General Certificate of Education at Advanced (including Advanced Supplementary) Level;
- (c) such other examinations as the Department, after consultation with the Council, may determine.

Other functions of the Northern Ireland Schools Examinations and Assessment Council

22.—(1) The Northern Ireland Schools Examinations and Assessment Council shall—

- (a) keep all aspects of examinations and assessment under review;
- (b) advise the Department on such matters concerned with examinations and assessment as the Department may refer to it or as it may see fit;
- (c) publish and disseminate, or assist in the publication and dissemination of, information relating to examinations and assessment;
- (d) advise the Department on the exercise of its powers under Article 9(1);
- (e) carry out such other activities as the Department may direct, being activities which the Department considers to be appropriate for the Council to carry out for the purpose of, or in connection with, the exercise of any of its functions under Article 21 or this Article.

(2) The Council may, in connection with the exercise of any of its functions, and shall if the Department so directs, carry out, or commission, or assist in any way, the carrying out by another body or person of, any programme of research and development for purposes connected with examinations and assessments.

(3) The Council shall make such reports and returns, and give such information, to the Department as the Department may reasonably require.

Application of Articles 24 to 27 to both Councils

23. References in Articles 24 to 27 to “the Council” are references to each of the following bodies—

- (a) the Northern Ireland Curriculum Council; and
- (b) the Northern Ireland Schools Examinations and Assessment Council;

and references in Article 24 to “the other Council” shall be construed accordingly.

Work programmes

24.—(1) The Council shall, at such time, in such form and in respect of such period as the Department may direct, prepare and submit to the Department a programme of its proposed activities in exercise of its functions (referred to in this Article as “a work programme”).

(2) A work programme submitted to the Department under this Article shall include—

- (a) in respect of each activity mentioned in the programme, an estimate of the Council’s expenditure and receipts;
- (b) such other matters as the Department may direct.

(3) Before submitting a work programme under this Article, the Council shall consult—

- (a) the other Council;
- (b) the boards; and
- (c) such other bodies or persons as it thinks fit.

(4) The Council shall seek to secure that a work programme submitted under this Article in respect of any period is compatible with any work programme submitted under this Article by the other Council in respect of that period.

(5) The Department may request the Council to furnish such information in connection with any work programme submitted to the Department as the Department may require, including information as to the results of consultations under paragraph (3).

(6) The Department may, after making such modifications, if any, in the work programme as, after consultation with the Council, it considers necessary, approve any work programme submitted under this Article.

(7) The Council may at any time, and shall if the Department so directs, prepare and submit to the Department a revised work programme or an amendment to an existing work programme and paragraphs (2) to (6) shall apply in relation to any such revised work programme or amendment as they apply in relation to the original work programme.

(8) It shall be the duty of the Council—

- (a) to carry out the activities in a work programme approved under this Article in accordance with that programme;
- (b) not to carry out any activities or incur any expenditure in any period except in accordance with the work programme approved under this Article in respect of that period.

Grants to the Council

25.—(1) The Department may pay to the Council grants equal to—

- (a) approved expenditure incurred by the Council for the provision or alteration of premises for the use of the Council;
- (b) approved expenditure incurred by the Council for the provision of equipment;
- (c) other approved expenditure incurred by the Council in carrying out a work programme approved under Article 24.

(2) Grants under this Article shall be made on such conditions (including conditions as to repayment) and at such times as the Department may determine.

Accounts and audit

26.—(1) The Council shall keep, in such form as the Department may direct, accounts of all moneys received and all moneys paid out by it.

(2) In respect of each financial year—

- (a) the Council shall prepare and submit to the Comptroller and Auditor General for Northern Ireland a statement of accounts before such date, in such form and containing such information as the Department, with the approval of the Department of Finance and Personnel, may direct and shall before that date send a copy thereof to the Department;
- (b) the Comptroller and Auditor General for Northern Ireland shall examine and certify the statement of accounts submitted to him by the Council; and
- (c) the Department shall lay before the Assembly a copy of the certified statement of accounts of the Council together with a copy of any report thereon of the Comptroller and Auditor General for Northern Ireland.

(3) The Comptroller and Auditor General for Northern Ireland in the discharge of his functions under this Article shall have right of access to the books, accounts and records of the Council and may require from any member or officer or former member or officer of the Council such information

relating to the affairs of the Council as he may think necessary for the proper performance of those functions.

Transfer of property and staff to the Council

27.—(1) The Department may by order provide for the transfer to the Council of—

- (a) such of the property of an existing body;
- (b) such of the rights and liabilities of such a body (other than rights and liabilities arising under contracts of employment),

as, in its opinion, require to be so transferred for the purpose of enabling the Council properly to perform its functions.

(2) Paragraph (3) applies to any person who—

- (a) immediately before the establishment of the Council is employed by an existing body; and
- (b) is as respects the Council designated by order of the Department.

(3) The contract of employment between a person to whom this paragraph applies and the existing body shall have effect from the date on which the order under paragraph (2) comes into operation as if originally made between him and the Council.

(4) Without prejudice to paragraph (3)—

- (a) all the existing body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Council on the date on which the order under paragraph (2) comes into operation; and
- (b) anything done before that date by or in relation to the existing body in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Council.

(5) Paragraphs (3) and (4) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by paragraph (3).

(6) An order under paragraph (2) may designate a person either individually or as a member of a class or description of employees.

(7) No order under this Article shall be made more than six months after the date on which the Council is established.

(8) In this Article “existing body” means—

- (a) the Northern Ireland Schools Examinations Council;
- (b) the Department; or
- (c) the managers of a college of education maintained in pursuance of arrangements made by the Department under Article 66(1) of the principal Order.

Abolition of Northern Ireland Schools Examinations Council

28.—(1) The Northern Ireland Schools Examinations Council is hereby abolished.

(2) Part IX of, and Schedule 17 to, the principal Order are hereby repealed.

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 sub-paragraphs (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.