

## STATUTORY INSTRUMENTS

# 1989 No. 2406

## The Education Reform (Northern Ireland) Order 1989

### PART VI

#### INTEGRATED EDUCATION

##### CHAPTER II

##### GRANT#MAINTAINED INTEGRATED SCHOOLS

###### *Procedure for acquisition of grant#maintained integrated status*

#### **Schools eligible for grant#maintained integrated status**

**68.**—(1) Subject to paragraphs (2) to (4), any controlled, voluntary or independent school is for the purposes of this Chapter eligible for grant#maintained integrated status.

(2) The following are not eligible for grant#maintained integrated status, namely—  
*Sub-para. (a) rep. by 1998 NI 13*

(b) a special school;

*Sub-para. (c) rep. by 1993 NI 12*

[<sup>F1</sup>(d) a school established in a hospital.]

(3) A controlled or voluntary school is not eligible for grant#maintained integrated status if a proposal to discontinue the school has been approved by the Department under Article 14(7) of the principal Order.

(4) A voluntary school is not eligible for grant#maintained integrated status if notice of the trustees' intention to discontinue the school has been given under Article 16(1) of the principal Order and has not been withdrawn.

**F1** 1993 NI 12

#### **Initiation of procedure for acquisition of grant#maintained integrated status by existing school**

**69.**—(1) Subject to paragraph (5), in the case of any controlled or voluntary school which is eligible for grant#maintained integrated status, a ballot of parents on the question of whether grant#maintained integrated status should be sought for the school shall be held in accordance with Article 70 if either—

[<sup>F2</sup>(a) the Board of Governors decides by a resolution passed at a meeting of that Board to hold such a ballot; or]

(b) the Board of Governors receives a written request to hold such a ballot which meets the requirements of paragraph (2).

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(2) Those requirements are that the request must be signed, or otherwise endorsed in such manner as the Department may approve, by a number of parents of registered pupils at the school equal to at least twenty per cent. of the number of registered pupils at the school on the date on which the request is received.

*Para. (3) rep. by 1996 NI 1*

(4) Subject to paragraph (5), on the passing of<sup>F2</sup> a resolution under] paragraph (1)(a) or (as the case may be) on receipt of any such request as is mentioned in paragraph (1)(b) it shall be the duty of the Board of Governors—

- (a) to secure that a ballot is held in accordance with Article 70 not earlier than twenty#eight days and not later than<sup>F3</sup> three months] or such longer period as the Department may approve after the date on which the<sup>F4</sup> . . . resolution was passed or the request was received; and
- (b) to give notice in writing that such a ballot is to be held<sup>F2</sup> to—
  - (i) the <sup>F5</sup>Authority] ;
  - (ii) if the school is a voluntary school, the trustees of the school;
  - (iii) if the school is a Catholic maintained school, the Council for Catholic Maintained Schools.]

(5) Paragraphs (1) and (4) shall not apply if in the case of the school in question a ballot has been held in accordance with Article 70 earlier in the same school year as that in which<sup>F2</sup> the resolution under paragraph (1)(a)] is passed or (as the case may be) the request is received, unless the Department gives consent in writing for a new ballot to be held.

(6) A request such as is mentioned in paragraph (1)(b) shall be taken as having been received by a Board of Governors if given or sent to the chairman or secretary of the Board.

(7) Subject to paragraph (8), it shall be the duty of the Board of Governors of any controlled or voluntary school which is eligible for grant#maintained integrated status, at the request of any parent of a registered pupil at the school, to make available to the parent for inspection (at all reasonable times and free of charge) at the school, and to supply the parent with a copy of, a list containing the name and address of every person who is known to the Board of Governors to be such a parent if the request is made—

- (a) in connection with any proposal that a ballot should be held in accordance with Article 70; or
- (b) where the Board of Governors is under a duty by virtue of this Article or Article 70(8) to secure that such a ballot is held, in connection with the holding of the ballot.

(8) A Board of Governors shall not disclose to a parent under paragraph (7) the name and address of any person unless that person has consented in writing to the disclosure of that information; and accordingly the name and address of any person who has not so consented shall be excluded from the list mentioned in that paragraph.

(9) A Board of Governors which in pursuance of paragraph (7) supplies copies of the list there mentioned may charge such fee as it thinks fit (not exceeding the cost of supply) in respect of each copy so supplied.

(10) For the purposes of this Article, it shall be for the Board of Governors to determine any question whether a person is a parent of a registered pupil at the school.

<b>F2</b>	1996 NI 1
<b>F3</b>	1993 NI 12
<b>F4</b>	1996 NI 1

**F5** Word in art. 69(4)(b)(i) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 11\(1\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

## Ballot of parents

**70.**—(1) Where the Board of Governors of any school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article, it shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed ( “the prescribed body”).

(2) The arrangements shall provide for a secret postal ballot.

(3) It shall be the duty of the Board of Governors to secure that the prescribed body takes such steps as are reasonably practicable to secure that every person who is eligible to vote in the ballot is—

- (a) given such information about the procedure for and consequences of acquisition of grant#maintained integrated status for a school as may reasonably be expected to enable him to form a proper judgment as to whether or not such status should be sought for the school, including, in particular, the information mentioned in paragraph (4);
- (b) informed that he is entitled to vote in the ballot; and
- (c) given an opportunity to do so.

(4) The information referred to in paragraph (3)(a) is—

- (a) a general explanation of the provisions of this Part relating to—
  - (i) the procedure for acquisition of grant#maintained integrated status for a school;
  - (ii) the constitution and powers of the Board of Governors of such a school; and
  - (iii) the conduct and funding of such a school;
- (b) the date that will be included in any proposal for acquisition of grant#maintained integrated status submitted in respect of the school under Article 71(1) if the result of the ballot is in favour of seeking grant#maintained integrated status as the proposed date of implementation of the proposal;
- (c) such other information as the Department may direct.

(5) Where the Board of Governors of any school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article, it shall make available to every person employed to work at the school for inspection (at all reasonable times and free of charge) at the school a document containing the information required by paragraphs (3)(a) and (4) to be given to persons eligible to vote in the ballot.

(6) In determining the arrangements it requires to be made by the prescribed body for the purposes of the ballot the Board of Governors shall take into account any guidance given by the Department as to the arrangements it considers appropriate for ballots held in accordance with this Article.

(7) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

(8) Where in the case of any ballot held in respect of a school in accordance with this Article other than one held by virtue of this paragraph ( “the first ballot”) the total number of votes cast in the ballot (disregarding spoiled votes) by persons eligible to vote in the ballot is less than fifty per cent. of the number of persons so eligible, it shall be the duty of the Board of Governors to secure that another ballot ( “the second ballot”) is held before the end of the period of fourteen days beginning with the day on which the total number of votes cast in the first ballot is determined.

(9) In any case to which paragraph (8) applies—

- (a) the first ballot shall be disregarded for the purposes of Article 71(1); and

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(b) subject to paragraph (10), the provisions of this Article shall apply as they apply in a case where the Board of Governors of a school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article.

(10) In any such case—

- (a) those provisions shall apply with the omission of paragraphs (3)(a) and (4); and
- (b) paragraph (5) shall be read as if the information there referred to were the information given for the purposes of the first ballot.

(11) If it appears to the Department—

- (a) that any requirements of this Article have been contravened in the case of any ballot held in purported compliance with this Article;
- (b) that the arrangements for any ballot so held did not accord with any guidance given by it for the purposes of this Article; or
- (c) that the Board of Governors of any school has acted unreasonably in the discharge of its duties under this Article,

it may by notice in writing given to the Board of Governors declare the ballot void and require that a fresh ballot be held in accordance with this Article before such date as it may specify in the notice.

(12) Where a ballot is held in respect of a school in accordance with this Article, the Department may pay, or reimburse the Board of Governors of the school in respect of, the whole or any part of the expenses incurred by the Board of Governors in respect of the ballot.

(13) The making of any payments under paragraph (12) shall be subject to such conditions as the Department thinks fit.

(14) For the purposes of this Article, a person is eligible to vote in any ballot held in respect of a school in accordance with this Article if he is—

- (a) known to the Board of Governors to be a parent of a registered pupil at the school; and
- (b) named as a parent of such a pupil in the register kept in accordance with Article 48 of the principal Order in the case of the school, as that register has effect on the date immediately following the end of the period of fourteen days beginning with the date on which the relevant resolution or request was passed or received by the Board of Governors.

(15) For the purposes of sub#paragraph (a) of paragraph (14) it shall be for the Board of Governors to determine any question whether a person is a parent of a registered pupil at the school; and in sub#paragraph (b) of that paragraph the reference to the relevant resolution or request is a reference to the resolution or request (mentioned in Article 69(4)) by reference to which the ballot is required to be held or, where the ballot is a second ballot under paragraph (8), by reference to which the first ballot was required to be held.

### **Proposals for acquisition of grant#maintained integrated status**

71.—(1) Where in the case of any controlled or voluntary school which is eligible for grant#maintained integrated status the result of a ballot held in accordance with Article 70 shows a simple majority of votes cast in the ballot by persons eligible to vote in the ballot (within the meaning of that Article) in favour of seeking grant#maintained integrated status for the school, it shall be the duty of the Board of Governors of the school to submit a proposal for the acquisition of grant#maintained integrated status for the school to the [F6Authority] .

(2) Where—

- (a) a person proposes to establish a new grant#maintained integrated school; or
- (b) the proprietor of an independent school proposes to seek grant#maintained integrated status for the school,

he shall submit the proposal to the [F6 Authority] .

(3) A proposal under paragraph (1) or (2) shall be in such form and contain such particulars (including the proposed date of implementation) as may be required by the Department[F7 and shall be submitted to the [F6 Authority] —

- (a) in the case of a proposal under paragraph (1), within such period as may be so required; and
- (b) in the case of a proposal under paragraph (2), not later than the beginning of such period immediately before the proposed date of implementation as the Department may specify.]

*Para. (4) rep. by 1996 NI 1*

(5) A proposal submitted to [F8 the Authority] under paragraph (1) or (2) may not be withdrawn except with the consent of the Department and subject to such conditions as it may impose (which may, in particular, require a further proposal to be submitted under this Article within such period as it may specify).

[F7(6) The [F6 Authority] shall, within 21 days of receiving a proposal under paragraph (1) or (2)—

- (a) submit the proposal to the Department; and then
- (b) publish, by advertisement in one or more newspapers circulating in the area affected by the proposal, a notice stating—
  - (i) such particulars of the nature of the proposal as may be required by the Department;
  - (ii) that the proposal has been submitted to the Department;
  - (iii) that a copy of the proposal can be inspected at a specified place; and
  - (iv) that objections to the proposal can be made to the Department within two months of the date specified in the advertisement being the date on which the advertisement first appears.

(6A) The [F6 Authority] shall furnish a copy of the proposal to any person, on application and payment of such reasonable sum as [F8 the Authority] may determine.

(6B) The [F6 Authority] may, before the expiry of the period specified in the notice under paragraph (6)(b)(iv), submit its views on the proposal to the Department.

(7) Subject to paragraphs (8), (9) and (10), the Department after—

- (a) considering any objections to a proposal made to it within the period specified in the notice under paragraph (6)(b)(iv);
- (b) considering any views of the [F6 Authority] submitted to it under paragraph (6B); and
- (c) making such modifications, if any, in the proposal as, after consultation with the Board of Governors or person making the proposal, it considers necessary or expedient,

may approve the proposal and inform that Board of Governors or person accordingly.]

(8) The Department shall not approve a proposal under this Article in relation to a school unless it appears to the Department that, if the school were to become, or be established as, a grant#maintained integrated school, the school would be likely to [F9 provide integrated education].

(9) The Department shall not approve a proposal under paragraph (1) in relation to a school unless the school was eligible for grant#maintained integrated status on the date on which the proposal was submitted under that paragraph.

(10) The approval of the Department to a proposal made under paragraph (2) may be granted subject to such conditions as the Department may think fit.

(11) Where the Department rejects any proposal under paragraph (1) in relation to a school, it may require the Board of Governors of the school to submit a further proposal to the [F6 Authority] under that paragraph within such period as it may direct.

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(12) If a proposal under paragraph (1) or (2)(b) in respect of any school is approved by the Department, Schedule 6 shall have effect in relation to the transition of the school to grant#maintained integrated status.

(13) If a proposal under paragraph (2)(a) is approved by the Department, the Department may by order made at any time on or after the date on which it approves the proposal and before the incorporation date in relation to the school make such provision as it considers appropriate in connection with the establishment of the school as a grant#maintained integrated school and the constitution of a Board of Governors for the school in accordance with Schedule 5.

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|-----------|---|
| <b>F6</b> | Word in art. 71 substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 11(2)</a> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                                      |
| <b>F7</b> | 1996 NI 1   |
| <b>F8</b> | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a)</a> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b) |
| <b>F9</b> | Words in art. 71(8) substituted (26.10.2022) by <a href="#">Integrated Education Act (Northern Ireland) 2022 (c. 15), ss. 13(3), 15</a>   |

### **Incorporation of Board of Governors**

72. If a proposal under paragraph (1) or (2) of Article 71 in respect of any school is approved by the Department, the Board of Governors of the school constituted in accordance with Schedule 5 shall on the proposed date of implementation of the proposal become a body corporate.

### **Effect of pending procedure for acquisition of grant#maintained integrated status**

73.—(1) This Article applies to a controlled or voluntary school during any period when the procedure under this Chapter for acquisition of grant#maintained integrated status is pending in relation to the school.

(2) For the purposes of this Article that procedure is pending in relation to a school when it has been initiated in relation to the school on any occasion and not terminated (as initiated on that occasion).

(3) For those purposes that procedure is to be regarded as initiated in relation to any school on any occasion<sup>F10</sup> on receipt by the <sup>F11</sup>Authority], in the case of a controlled school, or the trustees of the school, in the case of a voluntary school, of notice under Article 69(4)(b)].

<sup>F10</sup>(4) For those purposes, that procedure, as initiated on any occasion, is to be regarded as terminated if—

- (i) the result of the ballot to which the notice under Article 69(4)(b) relates] does not show a majority in favour of seeking grant#maintained integrated status for the school;
- (ii) a proposal for acquisition of such status for the school which is required to be submitted under Article 71 by reference to the result of that ballot, or any proposal required in substitution for that proposal, is rejected by the Department or withdrawn; or
- (iii) a Board of Governors is incorporated for the school under Article 72.

(5) Where Article 70(8) applies in the case of any such ballot, the references in<sup>F10</sup> paragraph (4)] to the result of that ballot shall be read as references to the result of the second ballot required by that paragraph.

(6) The reference in paragraph (4) to a proposal required in substitution for any proposal for acquisition of grant#maintained integrated status for any school which is required to be submitted under Article 71 by reference to the result of a ballot held in accordance with Article 70 (“the original

proposal”) is a reference to any proposal required to be submitted under paragraph (5) or (11) of Article 71 on withdrawal or (as the case may be) rejection of—

- (a) the original proposal; or
- (b) any further proposal required to be submitted under either of those paragraphs with respect to the school without a further ballot;

and a proposal under that Article with respect to a school shall not be treated for the purposes of paragraph (4) as rejected in any case where the Department imposes a requirement under paragraph (11) of that Article or as withdrawn in any case where it imposes a requirement under paragraph (5) of that Article.

(7) Except with the consent of the Department, the trustees of a voluntary school to which this Article for the time being applies shall not—

- (a) dispose of any property used wholly or partly for the purposes of the school; or
- (b) enter into a contract to dispose of any such property.

(8) Paragraph (7) does not apply in relation to a disposal which is made in pursuance of a contract entered into, or an option granted, before the procedure mentioned in paragraph (1) was initiated in relation to the school.

(9) A disposal or contract shall not be invalid or void by reason only that it has been made or entered into in contravention of this Article and a person acquiring property, or entering into a contract to acquire property, from the trustees of a voluntary school shall not be concerned to enquire whether any consent required by this Article has been given.

(10) During any period when this Article applies to a school—

- (a) no resolution shall be passed by the Board of Governors under Article 69(1)(a) (as applied by Article 91);
- (b) no request shall be made to the Board of Governors under Article 69(1)(b) (as so applied).

**F10** 1996 NI 1

**F11** Word in art. 73(3) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 11\(3\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

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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):

- [art. 13\(3\)\(b\) words repealed by S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)